

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning, amending Sections 23.30.010, 23.41.012, 23.45.502, 23.45.510, 23.45.512, 23.45.514, 23.45.517, 23.47A.002, 23.47A.009, 23.47A.012, 23.47A.013, 23.48.002, 23.48.005, 23.48.020, 23.48.021, 23.48.025, 23.48.040, 23.48.045, 23.48.055, 23.48.080, 23.48.085, 23.48.220, 23.48.250, 23.58A.040, 23.58A.042, 23.58B.040, 23.58B.050, 23.58C.040, 23.58C.050, 23.61.014, 23.84A.004, 23.84A.038, 23.84A.048, adding new sections 23.47A.017, 23.48.600, 23.48.605, 23.48.620, 23.48.621, 23.48.622, 23.48.623, 23.48.624, 23.48.625, 23.48.626, 23.48.627, 23.48.630, 23.48.635, 23.48.640, 23.48.645, 23.48.646, 23.48.648, 23.48.650, 23.48.680, 23.48.685, and 23.48.690, and amending the Official Land Use Map at pages 60, 61, 78, and 79 to rezone areas and remove the University District Station Area Overlay District.

...

WHEREAS, ...; and

WHEREAS, ...; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.30.010 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.30.010 Classifications for the purpose of this Subtitle III

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

Zones	Abbreviated
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1	Residential, Single-family 9,600	SF9600
2	Residential, Single-family 7,200	SF 7200
3	Residential, Single-family 5,000	SF 5000
4	Residential Small Lot	RSL
5	Residential, Multifamily, Lowrise 1	LR1
6	Residential, Multifamily, Lowrise 2	LR2
7	Residential, Multifamily, Lowrise 3	LR3
8	Residential, Multifamily, Midrise	MR
9	Residential, Multifamily, Highrise	HR
10	Residential-Commercial	RC
11	Neighborhood Commercial 1	NC1
12	Neighborhood Commercial 2	NC2
13	Neighborhood Commercial 3	NC3
14	Master Planned Community - Yesler Terrace	MPC-YT
15	Seattle Mixed	SM
16	Seattle Mixed-South Lake Union	SM-SLU
17	Seattle Mixed-Dravus	SM-D
18	Seattle Mixed-North Rainier	SM-NR
19	Seattle Mixed-University District	SM-U
20	Commercial 1	C1
21	Commercial 2	C2
22	Downtown Office Core 1	DOC1
23	Downtown Office Core 2	DOC2
24	Downtown Retail Core	DRC
25	Downtown Mixed Commercial	DMC
26	Downtown Mixed Residential	DMR
27	Pioneer Square Mixed	PSM
28	International District Mixed	IDM
	International District Residential	IDR
	Downtown Harborfront 1	DH1
	Downtown Harborfront 2	DH2
	Pike Market Mixed	PMM
	General Industrial 1	IG1
	General Industrial 2	IG2
	Industrial Buffer	IB
	Industrial Commercial	IC

Editor's note - These classifications can also be found at the beginning of the zoning maps in Volume IV of the Code.

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

3 * * *

4 11. In SM-SLU zones in the South Lake Union Urban Center, floor area limits
5 for all uses provided in subsections 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and
6 23.48.245.B.3, except that departures of up to a 5 percent increase in floor area limit for each
7 story may be granted for structures with non-residential uses meeting the requirements of
8 subsections 23.48.245.B.1.d.1 and 23.48.245.B.1.d.2;

9 12. In SM, SM-D, SM-SLU, ~~((and))~~SM-NR, and SM-U zones, provisions for
10 gaining extra floor area ~~((provided for))~~in Sections 23.48.021, 23.48.221, and 23.48.621 and
11 Chapter 23.58A, except that departures may be granted from the requirements of subsections
12 23.48.021.C.1.b.2, 23.48.021.C.1.b.3a, 23.48.021.C.1.b.4 and 23.48.021.C.1.b.5, if the applicant
13 demonstrates that the amenity better achieves the intent of the Downtown Amenity Standards for
14 that amenity feature~~((-))~~;

15 13. In SM-SLU zones~~((in the South Lake Union Urban Center))~~, provisions
16 limiting the number of towers permitted per block provided for in Section 23.48.245;

17 14. In the SM-SLU zones~~((in the South Lake Union Urban Center))~~, provisions
18 for upper-level setbacks provided for in Section 23.48.245;

19 * * *

20 Section 3. Section 23.45.502 of the Seattle Municipal Code, last amended by Ordinance
21 124378, is amended as follows:

22 **23.45.502 Scope of provisions**

1 A. This Chapter 23.45 establishes regulations for the following zones:

2 Lowrise 1 (LR1);

3 Lowrise 2 (LR2);

4 Lowrise 3 (LR3);

5 Midrise (MR) (references to MR zones include the Midrise/85 (MR/85) zone
6 unless otherwise noted); and

7 Highrise (HR).

8
9 B. Multifamily zones listed in subsection 23.45.502.A and having an incentive zoning
10 suffix are subject to this Chapter 23.45 and Chapter 23.58A, Incentive provisions.

11 ~~((C. Areas in multifamily zones described in subsection 23.76.026.D are vested according
12 to the provisions of subsection 23.76.026.D.))~~

13
14 C. Multifamily zones listed in subsection 23.45.502.A that include a mandatory housing
15 affordability (MHA) suffix are subject to this Chapter 23.45, as supplemented by the provisions
16 in 23.45.550, and to the provisions of Chapter 23.58C.

17 D. Areas in multifamily zones described in subsection 23.76.026.D are vested according
18 to the provisions of subsection 23.76.026.D.

19
20
21 Section 4. Section 23.45.510 of the Seattle Municipal Code last amended Ord. 124843
22 **23.45.510 Floor area ratio (FAR) limits**

23 A. General provisions
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1 1. All gross floor area not exempt under subsection 23.45.510.E, including the
2 area of stair penthouses with enclosed floor space, counts toward the maximum gross floor area
3 allowed under the FAR limits.

4 2. The applicable FAR limit applies to the total non-exempt gross floor area of all
5 structures on the lot.

6 3. If a lot is in more than one zone, the FAR limit for each zone applies to the
7 portion of the lot located in that zone, and the floor area on the portion of the lot with the lower
8 FAR limit may not exceed the amount that would be permitted if it were a separate lot.

9
10 B. FAR limits in LR zones. FAR limits apply in LR zones as shown in Table A for
11 23.45.510, provided that if the LR zone designation includes an incentive zoning suffix, then the
12 applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor area
13 exceeding that allowed by the FAR shown in the suffix designation. In LR zones the following
14 standards apply to the calculation of gross floor area for application of FAR limits:
15

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

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

21 3. Common walls separating individual rowhouse and townhouse dwelling
22 units are considered to be exterior walls.
23

24 **Table A for 23.45.510(⊕)**
25 **FAR in LR zones**

Zone	Location	Category of residential use ¹			
		Cottage housing developments and single-family dwelling units	Rowhouse developments ²	Townhouse developments ²	Apartments ²
LR1 ³	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)) ⁴
	Inside	1.1	1.2 or 1.4	1.2 or 1.4	1.5 or 2.0

Footnotes to 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.

³FAR limits for LR1 zones with a mandatory housing affordability (MHA) suffix are shown in subsection 23.45.517.A.

((³))⁴ On lots that abut a street with frequent transit service, the higher FAR limit is 1.6.

* * *

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 HR zone designations include 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.

**Table B for 23.45.510
 Floor Area Ratios in MR and HR zones¹**

	MR	HR
Base FAR	3.2	8 on lots 15,000 square feet or less in size; 7 on lots larger than 15,000 square feet
Maximum FAR, allowed pursuant to Chapter 23.58A and Section 23.45.516	4.25	13 for structures 240 feet or less in height; 14 for structures over 240 feet

Footnotes for Table B for 23.45.510

¹The maximum FAR limit for MR zones with a mandatory housing affordability (MHA) suffix is shown in subsection 23.48.517.A.2.

* * *

Section 5. Section 23.45.512 of the Seattle Municipal Code last amended by Ord. 124843

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⁽⁶⁾¹(7)			
	Cottage housing development⁽⁶⁾²(7) and single-family dwelling unit⁽⁶⁾³	Rowhouse development	Townhouse development⁽⁶⁾⁴(7)	Apartment⁽⁶⁾⁵(7)

1	LR1 ⁶	1/1,600	1/1,600 or no limit ^{((³))⁷}	1/2,200 or 1/1,600	1/2,000 duplexes and triplexes only
2					
3	LR2	1/1,600	no limit	1/1,600 or no limit	1/1,200 or no limit
4	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

5 ((⁶))¹((⁷)) 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.

6 ((⁶))²((⁷)) See Section 23.45.531 for specific regulations about cottage housing developments.

7 ((⁶))³((⁷)) ~~The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size~~ 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.

8
9
10 ((⁶))⁴((⁷)) 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.

11 ((⁶))⁵((⁷)) For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

12
13 ⁶Density limits for LR1 zones with a mandatory housing affordability (MHA) suffix are in subsection 23.45.517.B.

14 ((⁶))⁷ ~~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~~ The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.

17
18 B. Density exception for certain types of low-income multifamily residential uses.

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20 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, 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.

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

6 C. Carriage houses, nursing homes, congregate housing, assisted living facilities, and
7 accessory dwelling units that meet the standards of Section 23.45.545, are exempt from the
8 density limit set in Table A for 23.45.512.

9 D. In LR1 zones no apartment shall contain more than three dwelling units, except as
10 permitted in subsections 23.45.512.E and G.

11 E. Dwelling unit(s) located in structures built prior to January 1, 1982, as single-family
12 dwelling units that will remain in residential use are exempt from density limits and the
13 provisions of subsection 23.45.512.D.

14 F. If dedication of right-of-way is required, permitted density shall be calculated before
15 the dedication is made.

16 G. Adding ~~((Units))~~units to ~~((Existing Structures.))~~existing structures

17 1. One additional dwelling unit may be added to an existing residential use
18 regardless of the density restrictions in subsections 23.45.512.A, 23.45.512.B, 23.45.512.C, and
19 23.45.512.D above. An additional unit is allowed only if the proposed additional unit is to be
20 located entirely within an existing structure, and no additional floor area is proposed to be added
21 to the existing structure.

2. For the purposes of this subsection 23.45.512.G "existing residential uses" 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 6. Section 23.45.514 of the Seattle Municipal Code last amended Ord. 124803

23.45.514 Structure height

A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514, the height limits for principal structures permitted in LR zones are as shown on Table A for 23.45.514.

Table A for 23.45.514(=)
Structure height for Lowrise zones (in feet)

Housing type	LR1	LR2	LR3 outside Urban Centers, Urban Villages, and Station Area Overlay Districts	LR3 in Urban Centers, Urban Villages, and Station Area Overlay Districts
Cottage housing developments	18	18	18	18
Rowhouse and townhouse developments	30	30	30	30
Apartments	30	30	30	40 ¹

Footnotes for Table A for 23.45.514:

¹ The height limit is 30 feet on the portions of lots that are within 50 feet of a single-family zoned lot, unless the lot in the LR zone is separated from a single-family zoned lot by a street.

B. The base and maximum height limits for principal structures permitted in MR and HR zones are as shown in Table B for 23.45.514, subject to the additions and exceptions allowed as set forth in this Section 23.45.514.

**Table B for 23.45.514((=))
 Structure height for MR and HR zones (in feet)**

	MR ¹	MR/85	HR
Base height limit	60	85	160
Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516	75	85	240 or 300

¹Height limits for MR zones with a mandatory housing affordability (MHA) suffix are in subsection 23.45.550.C.

* * *

Section 7. A new Section 23.45.517 of the Seattle Municipal Code is added as follows:

23.45.517 Provisions for multifamily zones with a mandatory housing affordability (MHA) suffix

The following standards apply to multifamily zones with a mandatory housing affordability (MHA) suffix:

A. Floor area ratio (FAR)

1. FAR limits apply in LR (MHA) zones as shown in Table A for 23.45.517.

**Table A for 23.45.517
 FAR limits for LR (MHA) zones**

Zone	Location	Category of residential use ¹			
		Cottage housing developments and single-family dwelling units	Rowhouse developments	Townhouse developments	Apartments
LR1	Either outside	1.1	1.2	1.1	1.1

**Table A for 23.45.517
 FAR limits for LR (MHA) zones**

Zone	Location	Category of residential use ¹			
(MHA)	or inside				

Footnotes to Table A for 23.45.517:

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 in this Table A for 23.45.517.

2. The maximum FAR limit for MR (MHA) zones is 4.25.

B. Density limit. The minimum lot area per dwelling unit in LR (MHA) zones for cottage housing developments, townhouse developments, and apartments, is shown on Table B for 23.45.550, except for the following:

**Table B for 23.45.517
 Density limits in Lowrise zones with a mandatory affordable housing (MHA) suffix**

Zone	Units allowed per square foot of lot area by category of residential use ¹			
	Cottage housing development ² and single-family dwelling unit ³	Rowhouse development	Townhouse development	Apartment
LR1 (MHA)	1/1,600	no limit	1/1,600	no limit

Footnotes for Table B for 23.45.517

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.

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

³ 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.

1 1. Carriage houses, nursing homes, congregate housing, assisted living facilities,
2 and accessory dwelling units that meet the standards of Section 23.45.545, are exempt from the
3 density limit set in Table B for 23.45.517.

4 2. Dwelling unit(s) located in structures built as single-family dwelling units prior
5 to January 1, 1982 and that will remain in residential use are exempt from density limits.

6 3. If dedication of right-of-way is required, permitted density shall be calculated
7 before the dedication is made.
8

9 4. Adding units to existing structures

10 a. One additional dwelling unit may be added to an existing residential use
11 regardless of the density restrictions in subsections 23.45.517.B. An additional unit is allowed
12 only if the proposed additional unit is to be located entirely within an existing structure, and no
13 additional floor area is proposed to be added to the existing structure.
14

15 b. For the purposes of this subsection 23.45.517.B.4, "existing residential
16 uses" are those that were established under permit as of October 31, 2001, or for which a permit
17 has been granted and the permit has not expired on October 31, 2001.

18 C. Structure height. The maximum height limit for principal structures permitted in
19 MR (MHA) zones is 75 feet, subject to the additions and exceptions allowed as set forth in this
20 Section 23.45.514.
21

22 D. Green Building Performance. Development in Lowrise zones shall meet the
23 standards for green building performance pursuant to 23.45.510.C.1.
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1 Section 8. Section 23.47A.002 of the Seattle Municipal Code last amended by ordinance
2 124969

3 **23.47A.002 Scope of provisions**

4 A. This Chapter 23.47A describes the authorized uses and development standards for the
5 following zones:

6 Neighborhood Commercial 1 (NC1);

7 Neighborhood Commercial 2 (NC2);

8 Neighborhood Commercial 3 (NC3);

9 Commercial 1 (C1); and

10 Commercial 2 (C2).

11
12 B. Commercial zones listed in subsection 23.47A.002.A and having an incentive zoning
13 suffix are subject to this Chapter 23.47A and Chapter 23.58A, Incentive
14 ~~((Provisions))~~provisions.

15
16 C. Commercial zones listed in subsection 23.47A.002.A that have a mandatory housing
17 affordability (MHA) suffix are subject to this Chapter 23.47A and to the provisions of Chapter
18 23.58B and Chapter 23.58C. Specific provisions that apply to zones with an MHA suffix are in
19 Section 23.47A.040.

20
21 ~~((€))~~D. Some land in C zones and NC zones may be regulated by Subtitle III, Division 3,
22 Overlay Districts, of this Title 23.

23 ~~((Ð))~~E. Other regulations, including but not limited to major marijuana activity (Section
24 23.42.058); requirements for streets, alleys and easements (Chapter 23.53); standards for parking
25 quantity, access and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54);
26

1 signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may apply to
2 development proposals. Communication utilities and accessory communication devices, except
3 as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.47A and
4 additional regulations in Chapter 23.57, Communications Regulations.

5
6 Section 9. Section 23.47A.009 of the Seattle Municipal Code, last amended by
7 Ordinance 124378, is amended as follows:

8
9 **23.47A.009 Standards applicable to specific areas**

10 A. Resolution of standards conflicts. To the extent there is a conflict between this Section
11 23.47A.009 and other sections of Title 23, the provisions of this Section 23.47A.009 apply.

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

14
15 1. Lot (~~Coverage Limit~~)coverage limit. The maximum lot coverage permitted
16 for principal and accessory structures shall not exceed 80 percent on lots 40,000 square feet in
17 size or greater.

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

19
20 3. Maximum (~~Width of Structures~~)width of structures. The maximum width of
21 all portions of a structure measured parallel to a north-south street lot line is 275 feet.

22 4. Setback and (~~Separation Requirements~~)separation requirements

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

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

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

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

9 a) Decks with open railings may project up to 5 feet into
10 the required setback or separation area if they are no lower than 20 feet above existing or
11 finished grade. Decks may cover no more than 20 percent of the total setback or separation area.
12

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

15 c) Ramps or other devices necessary for access for the
16 disabled and elderly that meet Seattle Building Code, Chapter 11, are permitted.
17

18 d) Stairs or ramps to accommodate changes in grade are
19 permitted.
20

21 e) Underground structures are permitted.

22 f) Within the setback area identified in subsection
23 23.47A.009.((~~A~~))B.4.b, unenclosed porches or steps for residential units no higher than 4 feet
24 above the grade at the street lot line closest to the porch are permitted.
25
26
27
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1 b. A setback of at least ~~((ten))~~10 feet from the street lot line is required
2 along non-arterial north-south avenues for at least 25 percent of the lot frontage or 100 feet of the
3 lot frontage, whichever is less.

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

8 d. Upper-~~((Level Setback Requirements))~~level setback requirements along
9 SW Alaska Street~~((-))~~

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

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

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

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

20 C. ~~((Reserved.))~~University Community Urban Center. The following provisions apply to
21 NC zones within the portion of the University Community Urban Center west of 16th Avenue
22 NE.

1 1. Maximum width and depth limits. The following standards apply to NC zones
2 with a mapped height limit exceeding 40 feet:

3 a. The maximum width and depth of a structure is 250 feet, except as
4 otherwise provided in this subsection 23.47A.009.C.1. The width and depth limits do not apply
5 to below-grade or partially below-grade stories that do not extend more than 4 feet above the
6 sidewalk, measured at any point above the sidewalk elevation to the floor above the partially
7 below-grade story, excluding access.

8 b. For the stories of a structure subject to width and depth limits, all
9 portions of the same story that are horizontally contiguous, including any portions connected by
10 doorways, ramps, bridges, elevated stairways, and other such features, shall be included in the
11 measurement of width and depth. The width and depth limit of stories in separate structures or
12 structures on the same lot that abut but are not internally connected shall be measured separately.
13 Designated Landmark structures and vulnerable masonry structures included on a list
14 promulgated by the Director that are retained on the lot are excluded from the width and depth
15 measurement, whether or not internally or externally connected to a new structure.

16 c. Width and depth limits do not apply to stories of a structure with more
17 than 50 percent of the total gross floor area occupied by any of the following uses:

- 18 1) community clubs or community centers;
- 19 2) religious facilities;
- 20 3) arts facilities;
- 21 4) preschool, elementary, or secondary schools; and
- 22 5) performing arts theaters.

23 2. Provisions for the transfer of development rights (TDR) and transfer of
24 development potential (TDP)

* * *

1
2 1. In zones with a 30 foot or 40 foot mapped height limit:

3 a. The height of a structure may exceed the otherwise applicable limit by
4 up to 4 feet, subject to subsection 23.47A.012.A.1.c, provided the following conditions are met:

5 1) Either

6 a) A floor-to-floor height of 13 feet or more is provided for
7 non-residential uses at street level; or

8 b) A residential use is located on a street-level, street-facing
9 facade, provided that the average height of the exterior facades of any portion of a story that is
10 partially below-grade does not exceed 4 feet, measured from existing or finished grade,
11 whichever is less, and the first floor of the structure at or above grade is at least 4 feet above
12 sidewalk grade; and

13 2) The additional height allowed for the structure will not allow an
14 additional story beyond the number that could be built under the otherwise applicable height
15 limit.

16 b. The height of a structure may exceed the otherwise applicable limit by
17 up to 7 feet, subject to subsection 23.47A.012.A.1.c, provided all of the following conditions are
18 met:

19 1) Residential and multipurpose retail sales uses are located in the
20 same structure;

21 2) The total gross floor area of at least one multi-purpose retail
22 sales use exceeds 12,000 square feet;

1 3) A floor-to-floor height of 16 feet or more is provided for the
2 multi-purpose retail sales use at street level;

3 4) The additional height allowed for the structure will not allow an
4 additional story beyond the number that could be built under the otherwise applicable height
5 limit if a floor-to-floor height of 16 feet were not provided at street level; and

6 5) The structure is not allowed additional height under subsection
7 23.47A.012.A.1.a.
8

9 c. The Director shall reduce or deny the additional structure height
10 allowed by this subsection 23.47A.012.A.1 if the additional height would significantly block
11 views from neighboring residential structures of any of the following: Mount Rainier, the
12 Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake
13 Washington, Lake Union, or the Ship Canal.
14

15 2. For any lot within the designated areas shown on Map A for 23.47A.012, the
16 height limit in NC zones or C zones designated with a 40-foot height limit on the Official Land
17 Use Map may be increased to 65 feet and may contain floor area as permitted for a 65 foot zone,
18 according to Section 23.47A.013, provided that all portions of the structure above 40 feet contain
19 only residential uses, and provided that no additional height is allowed under subsection
20 23.47A.012.A.1.
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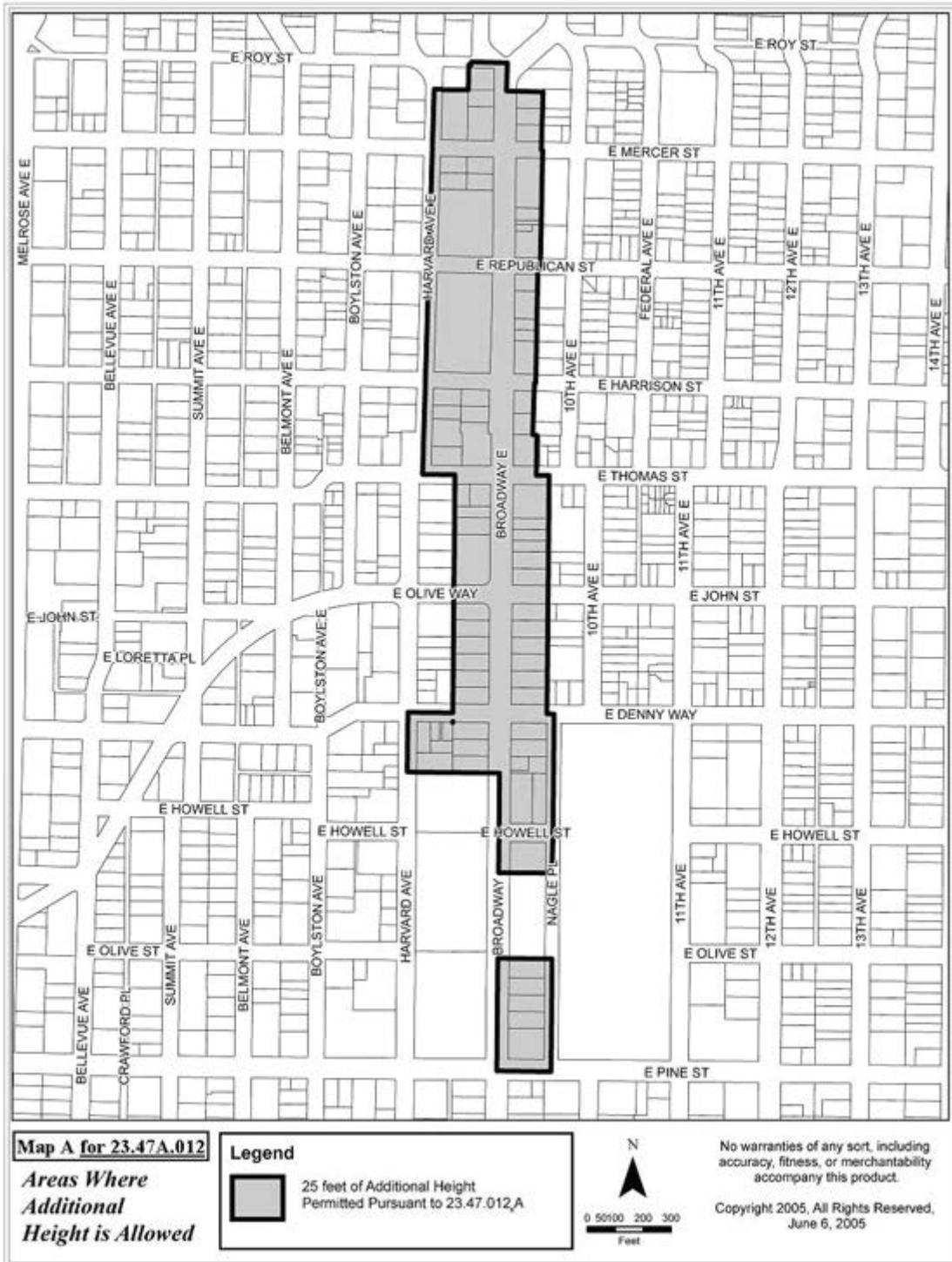
Map A for 23.47A.012((:))

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Areas where additional height is allowed



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1 ~~((3. Within the Station Area Overlay District within the University District~~

2 Northwest Urban Center Village, maximum structure height may be increased to 125 feet when
3 all of the following are met:

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

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

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

10 d. ~~The development shall provide street level amenities for pedestrians
11 and shall be designed to promote pedestrian interest, safety, and comfort through features such as
12 landscaping, lighting and transparent facades, as determined by the Director; and
13~~

14 e. ~~This subsection 23.47A.012.A.3 can be used only once for each
15 development that is functionally related.)~~

16 ((4))3. On a lot containing a peat settlement-prone environmentally critical area,
17 the height of a structure may exceed the otherwise applicable height limit and the other height
18 allowances provided by this Section 23.47A.012 by up to 3 feet. In addition, 3 more feet of
19 height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill
20 sides of the structure, the maximum elevation of the structure height shall be no greater than the
21 height allowed by the first sentence of this subsection ((23.47A.012.A.4))23.47A.012.A.3. The
22 Director may apply the allowances in this subsection ((23.47A.012.A.4))23.47A.012.A.3 only if
23 the following conditions are met:
24
25
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1 a. The Director finds that locating a story of parking underground is
2 infeasible due to physical site conditions such as a high water table;

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

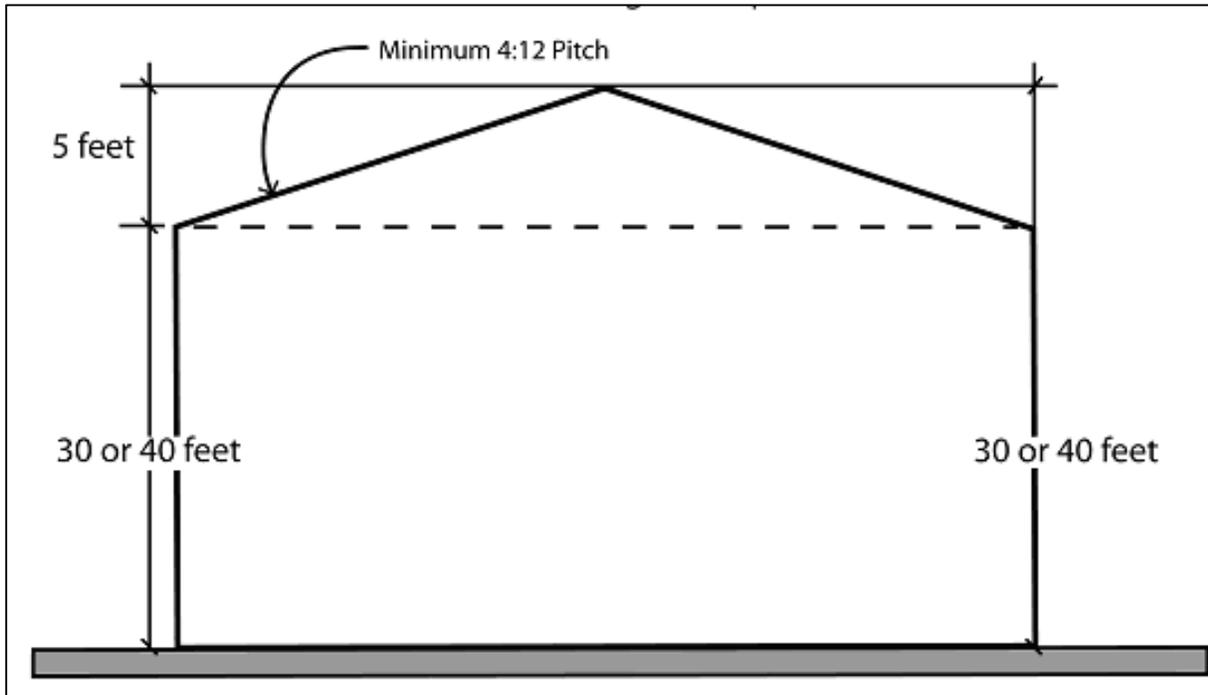
8 c. Other than the additional story of parking allowed according to this
9 subsection (~~(23.47A.012.A.4)~~) 23.47A.012.A.3, the additional height (~~(allowed for the structure~~
10 ~~by subsection 23.47A.012.A.4,)~~) shall not allow an additional story beyond the number of stories
11 that could be built under the otherwise applicable height limit.
12

13 ~~((5))~~4. In zones that are located within the Pike/Pine Conservation Overlay
14 District with a mapped height limit of 65 feet, or with a mapped height limit of 40 feet with
15 provisions allowing for additional height up to 65 feet according to subsection 23.47A.012.A.2,
16 the provisions of Section 23.73.014 apply.
17

18 B. The ridge of a pitched roof, other than a shed roof or butterfly roof, may extend up to 5
19 feet above the otherwise applicable height limit in zones with height limits of 30 or 40 feet, if all
20 parts of the roof above the otherwise applicable height limit are pitched at a rate of not less than
21 4:12 (Exhibit A for 23.47A.012).
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Exhibit A for 23.47A.012((+))

Pitched roof height exception



C. Rooftop features

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

2. Open railings, planters, skylights, clerestories, greenhouses, solariums, parapets, and firewalls may extend as high as the highest ridge of a pitched roof permitted by subsection 23.47A.012.B or up to 4 feet above the otherwise applicable height limit, whichever is higher. Insulation material, rooftop decks and other similar features, or soil for landscaping located above the structural roof surface, may exceed the maximum height limit by up to two feet if enclosed by parapets or walls that comply with this subsection 23.47A.012.C.2.

3. Solar Collectors.

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

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

4. Except as provided below, the following rooftop features may extend up to 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.47A.012.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. Mechanical equipment;

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

d. Wind-driven power generators;

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

f. Stair and elevator penthouses may extend above the applicable height limit up to 16 feet. When additional height is needed to accommodate energy-efficient elevators in zones with height limits of 125 feet or greater, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable

1 height limit. Energy-efficient elevators shall be defined by Director's Rule. When additional
2 height is allowed for an energy-efficient elevator, stair penthouses may be granted the same
3 additional height if they are co-located with the elevator penthouse.

4 ~~((5. Within the South Lake Union Urban Center, the combined total coverage of~~
5 ~~all features listed in subsection 23.47A.012.C.4 may be increased to 65 percent of the roof area,~~
6 ~~provided that the following are satisfied:~~

7
8 a. ~~The additional rooftop coverage allowed by this subsection~~
9 ~~23.47A.012.C.5 is used to accommodate mechanical equipment that is accessory to a research~~
10 ~~and development laboratory; and~~

11 b. ~~All mechanical equipment is screened; and~~

12 c. ~~No rooftop features other than wind driven power generators are located~~
13 ~~closer than 10 feet from the roof edge.--))~~

14
15 ~~((6))5. Greenhouses that are dedicated to food production are permitted to extend~~
16 ~~15 feet above the applicable height limit if the combined total coverage of all features gaining~~
17 ~~additional height listed in this subsection 23.47A.012.C does not exceed 50 percent of the roof~~
18 ~~area, and the greenhouse adheres to the setback requirements in subsection 23.47A.012.C.((7))6.~~

19
20 ~~((7))6. The rooftop features listed in this subsection 23.47A.012.C.((7))6 shall be~~
21 ~~located at least 10 feet from the north edge of the roof unless a shadow diagram is provided that~~
22 ~~demonstrates that locating such features within 10 feet of the north edge of the roof would not~~
23 ~~shade property to the north on January 21st at noon more than would a structure built to~~
24 ~~maximum permitted height and FAR:~~

25 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.

((8))7. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to 15 feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47A.018.

((9))8. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

* * *

Section 11. Section 23.47A.013 of the Seattle Municipal Code, last amended Ordinance 124843, is amended as follows:

23.47A.013 Floor area ratio

A. Floor area ratio (FAR) limits apply to all structures and lots in all NC zones and C zones.

1. All gross floor area not exempt under subsection 23.47A.013.D is counted against the maximum gross floor area allowed by the permitted FAR.

1 2. If there are multiple structures on a lot, the highest FAR limit applicable to any
2 structure on the lot applies to the combined non-exempt gross floor area of all structures on the
3 lot, subject to subsection 23.47A.013.A.4.

4 3. Except as provided in subsection 23.47A.013.D.7, parking that is within or
5 covered by a structure or portion of a structure and that is within a story that is not underground
6 shall be included in gross floor area calculations.

7
8 4. If a lot is in more than one zone, the FAR limit for each zone applies to the
9 portion of the lot located in that zone, and the floor area on the portion of the lot with the lower
10 FAR limit may not exceed the amount that would be permitted if it were a separate lot. If a lot is
11 in both a multifamily zone and a commercial zone, the floor area on the commercial portion of
12 the lot may not exceed the maximum that would be allowed if the commercial portion of the lot
13 were a separate lot.

14
15 B. Except as provided in subsections 23.47A.013.C, 23.47A.013.D, 23.47A.013.E, and
16 23.47A.013.F, ~~((and 23.47A.013.G,))~~ maximum FAR allowed in C zones and NC zones is
17 shown in Table A for 23.47A.013, provided that if the commercial zone designation includes an
18 incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive
19 Provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix
20 designation.
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**Table A for 23.47A.013
 Maximum floor area ratio (FAR) outside of the station area overlay district¹**

	Height Limit (in feet)					
	30	40	65	85	125	160
	Maximum FAR					
1. Total FAR permitted on a lot that is solely occupied by residential use or non-residential use.	2.25	3	4.25	4.5	5	5
2. Total permitted for any single use within a mixed-use structure.	n/a	n/a	4.25	4.5	5	5
3. Total FAR permitted for all uses on a lot that is occupied by a mix of uses, provided that the FAR limit for either all residential uses or the FAR limit for all non-residential uses shall not exceed the FAR limit established in Row 1.	2.5	3.25	4.75	6	6	7

Footnotes for Table A for 23.47A.013
¹Maximum FAR limits for zones with a mandatory housing affordability (MHA) suffix are shown on Table A for 23.47A.040.

C. Maximum FAR allowed in NC zones or C zones within the Station Area Overlay District is shown in Table B for 23.47A.013 provided that if the commercial zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor exceeding that allowed by the FAR shown in the suffix designation.

**Table B for 23.47A.013
 Maximum floor area ratio (FAR) in the station area overlay district¹**

	Height Limit					
	30 feet	40 feet	65 feet	85 feet	125 feet	160 feet
Maximum FAR	3	4	5.75	6	6	7

Footnotes for Table B for 23.47A.013
¹ Maximum FAR limits for zones with a mandatory housing affordability (MHA) suffix are

Table B for 23.47A.013
Maximum floor area ratio (FAR) in the station area overlay district¹

shown on Table A for 23.47A.040.

D. The following gross floor area is not counted toward maximum FAR:

1. All underground stories or portions of stories;
2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access;
3. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;

~~((4. Within the South Lake Union Urban Center, gross floor area occupied by mechanical equipment located on the roof of a structure;~~

~~5. Within the South Lake Union Urban Center, mechanical equipment that is accessory to a research and development laboratory, up to 15 percent of the gross floor area of a structure. The allowance is calculated on the gross floor area of the structure after all space exempt under this subsection 23.47A.013.D is deducted; and))~~

~~((6)4. Within the First Hill Urban Center Village, on lots zoned NC3, with a 160 foot height limit, all gross floor area occupied by a residential use.~~

~~((7)5. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure if the Director~~

1 finds that locating a story of parking below grade is infeasible due to physical site conditions
2 such as a high water table, if either:

3 a. the above-grade parking extends no more than 6 feet above existing or
4 finished grade and no more than 3 feet above the highest existing or finished grade along the
5 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
6 pursuant to subsection 23.47A.012.A.5; or
7

8 b. all of the following conditions are met:

- 9 1) no above-grade parking is exempted by subsection
10 23.47A.013.D.7.a;
11 2) the parking is accessory to a residential use on the lot;
12 3) total parking on the lot does not exceed one space for each
13 residential dwelling unit plus the number of spaces required for non-residential uses; and
14 4) the amount of gross floor area exempted by this subsection
15 23.47A.013.D.7.b does not exceed 25 percent of the area of the lot in zones with a height limit
16 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
17 greater.
18

19 ~~((8))~~6. Rooftop greenhouse areas meeting the standards of subsection
20 23.47A.012.C.6 and 23.47A.012.C.7.
21

22 ~~((E. Within the Station Area Overlay District within the University District Northwest
23 Urban Center Village, for office structures permitted prior to 1971, the area of the lot for
24 purposes of calculating permitted FAR is the tax parcel created prior to the adoption of
25 Ordinance 121846 on which the existing structure is located, provided the office structure is to
26~~

1 ~~be part of a functionally related development occupied by a single entity with over 500,000~~
 2 ~~square feet of area in office use. The floor area of above grade pedestrian access is exempt from~~
 3 ~~the FAR calculations of this subsection, and the maximum permitted FAR is 8.)~~)

4 ((F))E. Within the West Seattle Junction Hub Urban Village, on lots zoned NC3 85(4.75),
 5 the total permitted FAR for all uses within a mixed use structure containing residential and non-
 6 residential uses is 5.5.

7
 8 ((G))F. Within the portion of the Greenwood Residential Urban Village on lots zoned
 9 NC2 40 that are located abutting NW 85th Street between 1st Avenue NW and 3rd Avenue NW,
 10 the total permitted FAR within a mixed use structure containing residential and non-residential
 11 uses is 4.

12 ((H))G. Minimum FAR

13
 14 1. A minimum FAR shown in Table C for 23.47A.013 is required whenever more
 15 than 1,000 square feet of gross floor area is added to or removed from a lot:

16 a. located in a pedestrian-designated zone in an Urban Center, Urban
 17 Village, or Station Area Overlay District; or

18 b. located in the Northgate Overlay District and abutting a Major
 19 Pedestrian Street as shown on Map A for ((subsection)) 23.71.004.
 20

21 **Table C for 23.47A.013((:))**

22 **Minimum floor area ratio (FAR)¹**

Height Limit	30 feet	40 feet	65 feet	85 feet	125 feet	160 feet
Minimum FAR	1.5	1.5	2	2	2.5	2.5

24 Footnotes for Table C for 23.47A.013

25 ¹Minimum floor area ratios for zones with a mandatory affordable housing (MHA) suffix are
 26 shown on Table B for 23.47A.040.

1
2 2. The minimum FAR requirement provided in subsection 23.47A.013.~~(H)~~G.1
3 does not apply if:

- 4 a. additional floor area is added to an existing structure on a lot that is
5 nonconforming with respect to the minimum FAR shown in Table C for 23.47A.013;
6 b. the lot is larger than five acres;
7 c. all existing gross floor area is demolished to create a vacant lot; or
8 d. parks and open space is the principal use of the lot.
9

10 3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or
11 as a buffer to one of these areas, as defined in Chapter 25.09, shall not be included when
12 calculating lot size for the purpose of determining the minimum FAR requirement provided in
13 subsection 23.47A.013.~~(H)~~G.1.
14

15 4. The Director, in consultation with the Director of the Department of
16 Neighborhoods, may waive the minimum FAR requirement provided in subsection
17 23.47A.013.~~(H)~~G.1 for lots that contain a designated landmark, or for lots within a Landmark
18 District pursuant to Title 25 or within a Special Review District pursuant to Chapter 23.66, if the
19 Director determines a waiver is necessary to preserve the integrity of a landmark or meet adopted
20 District design and development guidelines.
21

22 5. The Director may waive the minimum FAR requirement provided in subsection
23 23.47A.013.~~(H)~~G.1 for lots within the Pike/Pine Conservation Overlay District pursuant to
24 Chapter 23.32, if the Director determines that the proposed development promotes neighborhood
25 conservation objectives.
26

1 6. The following gross floor area is not counted toward the minimum FAR
2 requirement provided in subsection 23.47A.013.~~(H)~~G.1:

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

5 7. In zones with an incentive zoning suffix, the minimum FAR requirement is the
6 FAR indicated by the incentive zoning suffix if that FAR is less than the FAR required by
7 subsection 23.47A.013.~~(H)~~G.1.

8
9 Section 12. A new Section 23.47A.017 of the Seattle Municipal Code is added as
10 follows:

11
12 **23.47A.017 Provisions for commercial zones with a mandatory housing affordability**
13 **(MHA) suffix**

14 The following standards apply to Commercial zones with a mandatory housing affordability
15 (MHA) suffix:

16 A. Floor area ratio (FAR). The maximum FAR allowed in C zones and NC zones with a
17 mandatory housing affordability (MHA) suffix is shown on Table A for 23.47A.017.

18
19

Table A for 23.47A.017			
Maximum floor area ratio (FAR) for commercial zones with a mandatory housing affordability (MHA) suffix			
	Height Limit (in feet)		
	40 (MHA)	55 (MHA)	75 (MHA)
	Maximum FAR		

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**Table A for 23.47A.017
 Maximum floor area ratio (FAR) for commercial zones with a mandatory housing affordability (MHA) suffix**

	Height Limit (in feet)		
	40 (MHA)	55 (MHA)	75 (MHA)
	Maximum FAR		
Total FAR permitted for all uses on a lot.	3	3.75	5.5

B. Minimum FAR. The minimum FAR required in C zones and NC zones with a mandatory housing affordability (MHA) suffix is shown on Table A for 23.47A.017.

Table C for 23.47A.017 Minimum floor area ratio (FAR)			
Height Limit	40 feet	55 feet	75 feet
Minimum FAR	1.5	1.5	2

Section 13. Section 23.48.002 of the Seattle Municipal Code, last amended by Ordinance 124883 is amended as follows:

Subchapter I General Provisions

23.48.002 Scope of provisions

A. This Chapter 23.48 identifies uses that are or may be permitted in Seattle Mixed (SM) zones and establishes development standards. The SM zone boundaries are shown on the Official Land Use Map. SM zone designations for specific geographic areas are~~((As))~~ identified in Table A for 23.48.002~~((;))~~. ~~((the))~~The SM-SLU designation with a height limit suffix may be applied to

1 SM zoned land in the South Lake Union Urban Center~~((area))~~. The SM-D designation with a
2 height limit range may be applied to SM zoned land in the West Dravus area. The SM-NR
3 designation with a height limit suffix may be applied to SM zoned land in the North Rainier area.
4 The SM-U designation with a height limit suffix may be applied to SM-U zoned land in the
5 University Community Urban Center.

6

7 **Table A for 23.48.002**
SM Zone Designations for Geographic Areas

8 Zone designation	8 Geographic ((location))<u>area</u>
9 SM-SLU	9 South Lake Union <u>Urban Center</u>
10 SM-D	10 West Dravus <u>area</u>
11 SM-NR	11 North Rainier <u>area</u>
12 SM-U	12 University Community <u>Urban Center</u>

13 B. The provisions of Subchapter I for 23.48 are applicable to~~((apply in))~~ all SM zones
14 located both within and outside the geographic areas shown on Table A for 23.48.002.
15 Supplemental~~((and supplemental))~~ regulations for ~~((designated))~~ SM zones in specific
16 geographic areas are provided for in the subsequent subchapters of Chapter 23.48. To the extent
17 provisions in a supplemental subchapter conflict with provisions in Subchapter I, the provisions
18 of the supplemental subchapter apply.

19 * * *

20
21 Section 14. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance
22 124883, is amended as follows:

23 **23.48.005 Uses**

24 A. Permitted uses

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

4 2. Adult cabarets shall comply with the requirements of subsection
5 23.47A.004.H.

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

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

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

C. Conditional uses

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

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

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

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

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

D. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.005.D.1 are required at street level where specified in the applicable subchapter of Chapter 23.48~~((on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C. The following uses qualify as required street level uses))~~:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;~~((and))~~
- f. Arts facilities;
- g. Religious facilities;
- h. Human services uses and child care facilities; and
- i. Light rail transit stations.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C, and any additional standards for specific SM zone designations in the applicable subchapter of Chapter 23.48.

Section 15. Section 23.48.020 of the Seattle Municipal Code, last amended 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~~). The FAR limits for SM zones outside of a specific SM zone designation area (~~FAR limits in SM zones, excluding SM zones within South Lake Union Urban Center, Dravus, ((and))North Rainier Urban Village,~~) 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⁾ ¹	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 use is exempt from FAR calculations. To achieve maximum FAR, see subsection 23.48.020.C for requirements.~~

⁽²⁾¹In the SM 85 zone within the area shown on Map A for 23.48.020, residential uses are exempt from FAR calculations (~~and therefore not subject to the base FAR limit~~).

C. In the zones shown on Table A for 23.48.020, all (~~all~~) non-exempt (~~non-residential~~) floor area above the base FAR is considered extra floor area. Extra floor area may be obtained,

1 up to the maximum FAR, only through the provision of public benefits according to~~((amenities~~
2 ~~meeting the standards of))~~ Section 23.48.021 and Chapter 23.58A.

3 D. Floor area exempt from FAR calculations

4 1. The following floor area is exempt from ~~((maximum))~~FAR calculations:

5 a. All underground stories or portions of stories.

6 b. Portions of a story that extend no more than 4 feet above existing or
7 finished grade, whichever is lower, excluding access.

8 c. As an allowance for mechanical equipment, in any structure 65 feet in
9 height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from
10 FAR calculations. Calculation of the allowance includes the remaining gross floor area after all
11 exempt space allowed in this subsection 23.48.020.D has been deducted. Mechanical equipment
12 located on the roof of a structure, whether enclosed or not, is not included as part of the
13 calculation of total gross floor area.

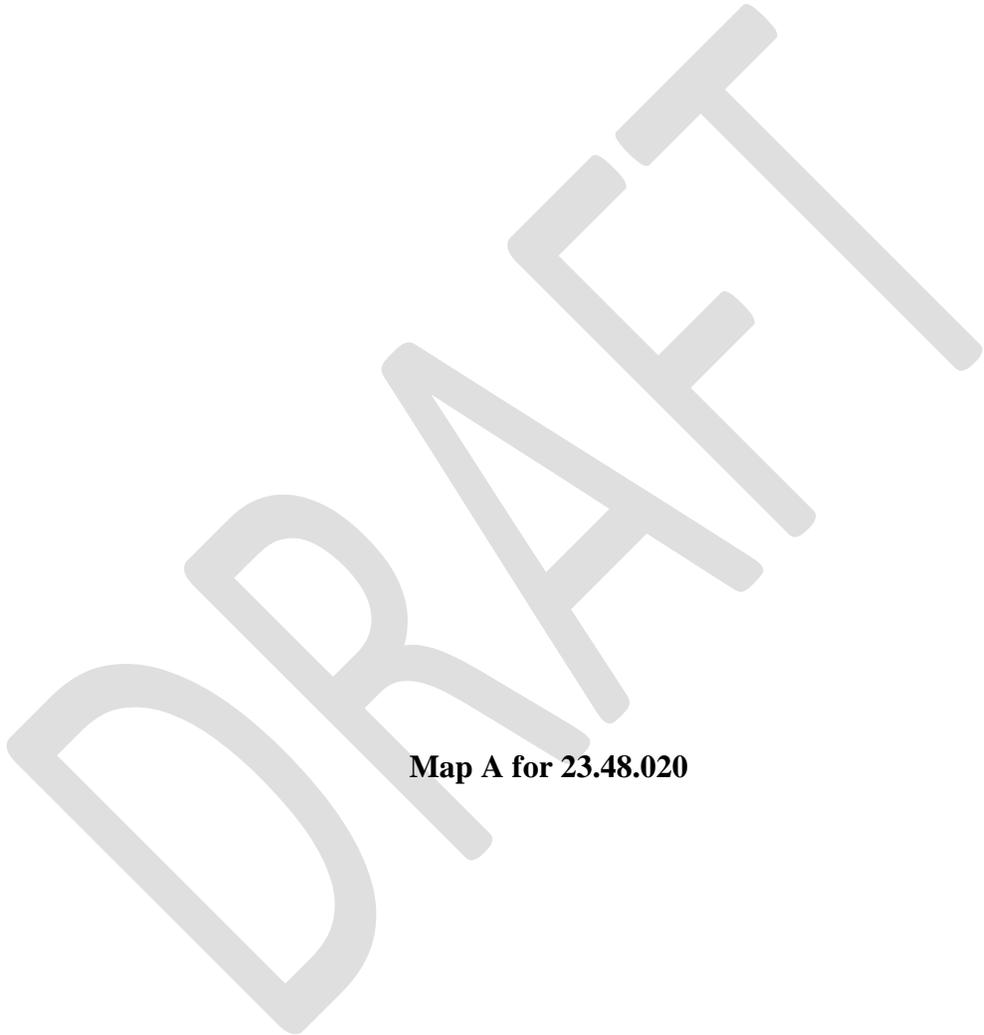
14 d. All gross floor area for solar collectors and wind-driven power
15 generators.

16 e. All gross floor area occupied by a residential use in the SM 85 zone
17 within the area shown on Map A for 23.48.020.

18 ~~((2. In the SM 85 zone shown on Map A for 23.48.020, all gross floor area~~
19 ~~occupied by a residential use is exempt from FAR calculations.))~~

20 ~~((3))~~2. ~~((Additional))~~Any additional floor area that is exempt from FAR
21 calculations in specific SM ~~((designations))~~zone designation areas is identified in the applicable
22 subchapter of Chapter 23.48.

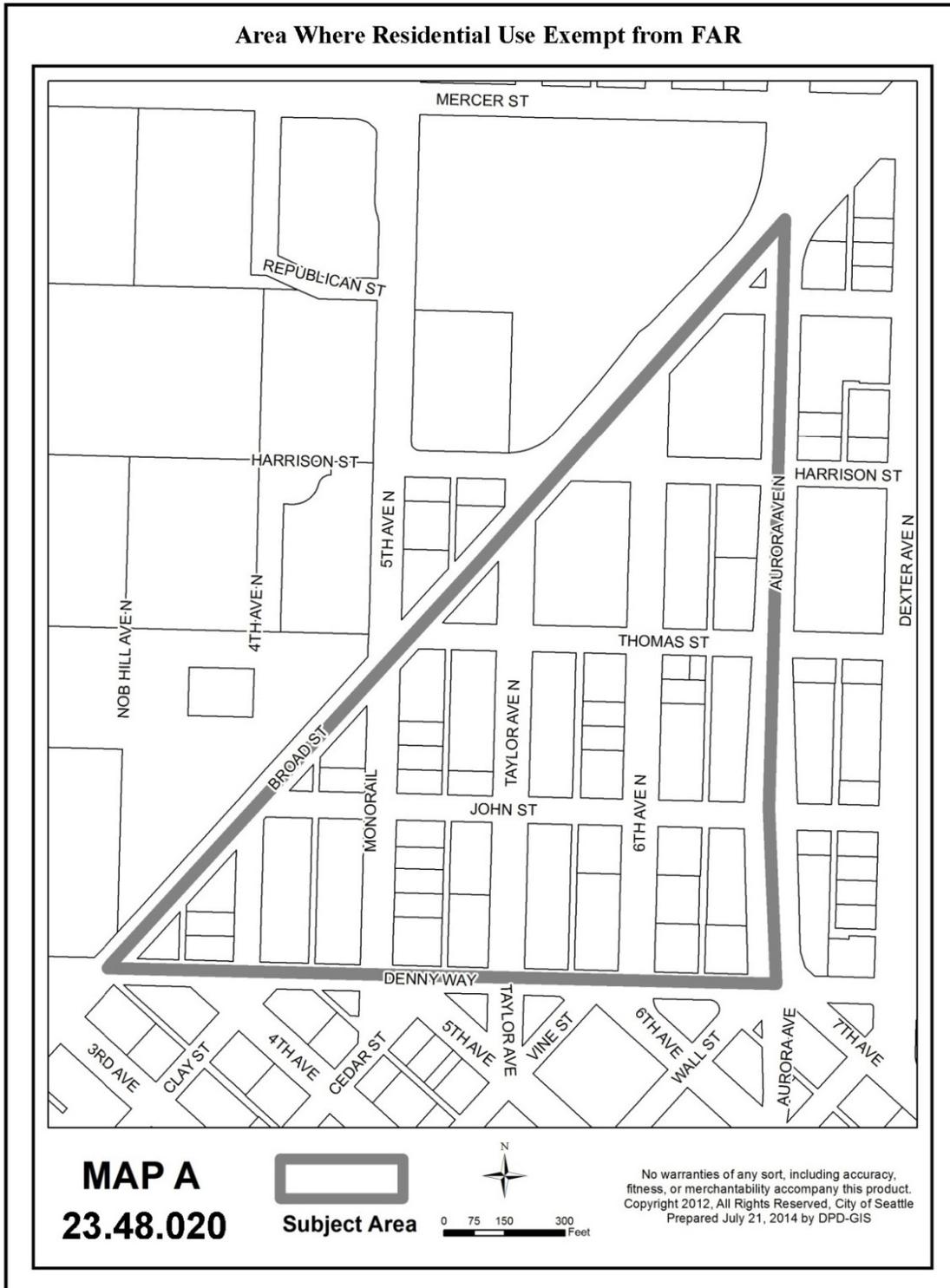
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Map A for 23.48.020

Area Where Residential Use Is Exempt from FAR

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E. Minimum FAR

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

5 **Table B for 23.48.020**

6 **Minimum FAR**

Height Limit	40 feet	65 feet	85 feet	125 feet	160 feet	240 feet <u>and</u> <u>greater</u>
Minimum FAR	1.5	2	2	2.5	2.5	3

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12

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

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

20
21 3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or
22 as a buffer to one of these areas, as defined in Chapter 25.09, are not included when calculating
23 lot size for the purpose of determining the minimum FAR requirement provided in subsection
24 23.48.020.E.1.
25

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

7
8 5. ~~((The following))~~All gross floor area is ((not-))counted toward the minimum
9 FAR requirement provided in subsection 23.48.020.E.1, except the following:

- 10 a. Gross floor area below grade, including all underground stories or
11 portions of stories; and
12 b. Gross floor area containing parking.

13
14
15 Section 16. Section 23.48.021 of the Seattle Municipal Code, last amended by Ordinance
16 124883, is amended as follows:

17 **23.48.021 Extra floor area**

18 A. General

19
20 1. ~~((Except pursuant to Sections 23.48.221 and Section 23.48.421))~~Except as
21 otherwise provided for in the applicable subchapter of Chapter 23.48 for specific SM zone
22 designation areas, development containing extra floor area obtained under Section 23.48.020 or
23 Section 23.48.025 shall provide public ~~((amenities))~~benefits according to the standards of this
24 Section 23.48.021 and Chapter 23.58A. If the development is not located within an adopted
25 Local Infrastructure Project Area as per Map A for 23.58A.044, extra floor area shall be
26

1 achieved through the requirements of subsection 23.48.021.B. If the development is located
2 within an adopted Local Infrastructure Project Area, extra floor area shall be achieved through
3 the requirements of subsection 23.48.021.C.

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

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

7 1. Means to achieve extra residential floor area. Excluding in SM-U designated
8 areas, if((H)) the maximum height limit for residential use is 85 feet or lower or the lot is located
9 outside of the South Lake Union Urban Center and the Mount Baker Station Area Overlay
10 District, the applicant shall use bonus residential floor area for affordable housing pursuant to
11 Section 23.58A.014 to achieve all extra residential floor area on the lot.

12 2. Means to achieve extra non-residential floor area. Excluding SM-U designated
13 areas, if((H)) the maximum height limit for non-residential use is 85 feet or lower or the lot is
14 located outside of the South Lake Union Urban Center and the Mount Baker Station Area
15 Overlay District, the applicant shall use bonus non-residential floor area for affordable housing
16 and child care pursuant to Section 23.58A.024 to achieve all extra non-residential floor area on
17 the lot.

18 * * *

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

21 1. Leadership in Energy and Environmental Design (LEED) requirement. Except
22 as described in subsection 23.48.221.C.1.b and 23.48.621.A.1, the applicant will earn a LEED
23

1 Silver rating or meet a substantially equivalent standard, and shall demonstrate compliance with
2 that commitment, in accordance with the provisions of subsection 23.48.021.D.2.

3 2. Demonstration of LEED rating

4 a. Applicability. (~~This subsection 23.48.021.D.2 applies if a commitment~~
5 ~~to earn a LEED rating or substantially equivalent standard is a condition of a permit.~~)

6 Applicants for all new development, except additions and alterations, gaining extra residential
7 floor area pursuant to Section 23.48.021, or seeking to qualify for the higher FAR limit in the
8 applicable Table A for 23.48.020, (~~or~~) Table A for 23.48.220, or Table A for 23.48.620 and
9 Table B for 23.48.620, shall make a commitment that the structure will meet LEED rating,
10 except that an applicant who is applying for funding from the Washington State Housing Trust
11 Fund and/or the Seattle Office of Housing to develop new affordable housing, as defined in
12 Section 23.58A.180 may elect to meet green building performance standards by meeting the
13 Washington Evergreen Sustainable Development Standards (ESDS).
14

15
16 b. The Director is authorized to determine, as a Type I decision, whether
17 the applicant has demonstrated that a new structure has earned a LEED rating or met a
18 substantially equivalent standard. The Director may establish by rule procedures for determining
19 whether an applicant has demonstrated that a new structure has earned a LEED rating or met any
20 such substantially equivalent standard, provided that no rule shall assign authority for making a
21 final determination to any person other than an officer of the Department of (~~Planning and~~
22 ~~Development~~) Construction and Inspections or another City agency with regulatory authority
23 and expertise in green building practices.
24

25 * * *

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

7
8 a. For purposes of measuring the percent of trips to and from the
9 development made using SOVs in the TMP, the number of SOV trips shall be calculated for the
10 p.m. peak hour in which an applicant expects the largest number of vehicle trips to be made by
11 employees at the site (the p.m. peak hour of the generator).

12
13 b. Compliance with this subsection 23.48.021.D.3 does not affect the
14 responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR)
15 Ordinance.

16
17 Section 17. Section 23.48.025 of the Seattle Municipal Code, last amended by Ordinance
18 124883, is amended as follows:

19 **23.48.025 Structure height**

20
21 A. ~~((Base and maximum height))~~ **Height limits.** ~~((+))~~ The height limits for structures in
22 the SM zones and SM zones in geographic areas shown on Table A for 23.48.002 are 40 feet, 55
23 feet, 65 feet, 75 feet, 85 feet, 125 feet, 160 feet, 240 feet, 320, or 400 feet as shown on the
24 Official Land Use Map, Chapter 23.32, except as otherwise provided in this Section 23.48.025
25 and as supplemented in the provisions of the applicable subchapter for SM zones in geographic
26

1 areas. ~~((In certain zones, as specified in this Section 23.48.025, the maximum structure height is~~
2 ~~allowed only for particular uses or only under specified conditions, or both. Where height limits~~
3 ~~are established for portions of a structure that contain specified types of uses, the applicable~~
4 ~~height limit for the structure is the highest applicable height limit for the types of uses in the~~
5 ~~structure, unless otherwise specified.))~~

6 ~~((2. In the SM-SLU, SM-D, and SM-NR zones the applicable height limit for~~
7 ~~portions of a structure that contain nonresidential and live-work uses is shown as the first figure~~
8 ~~after the zone designation, and the base height limit for portions of a structure in residential use~~
9 ~~is shown as the first figure following the "/". The third figure shown is the maximum residential~~
10 ~~height limit. Within zones that have an incentive zoning suffix, the number in the suffix is the~~
11 ~~base FAR.))~~

12
13
14 B. Pitched roofs. In SM zones and SM zones in designated areas with a height limit of 85
15 feet or less, excluding SM-U 85 zones, the following standards apply for pitched roofs:

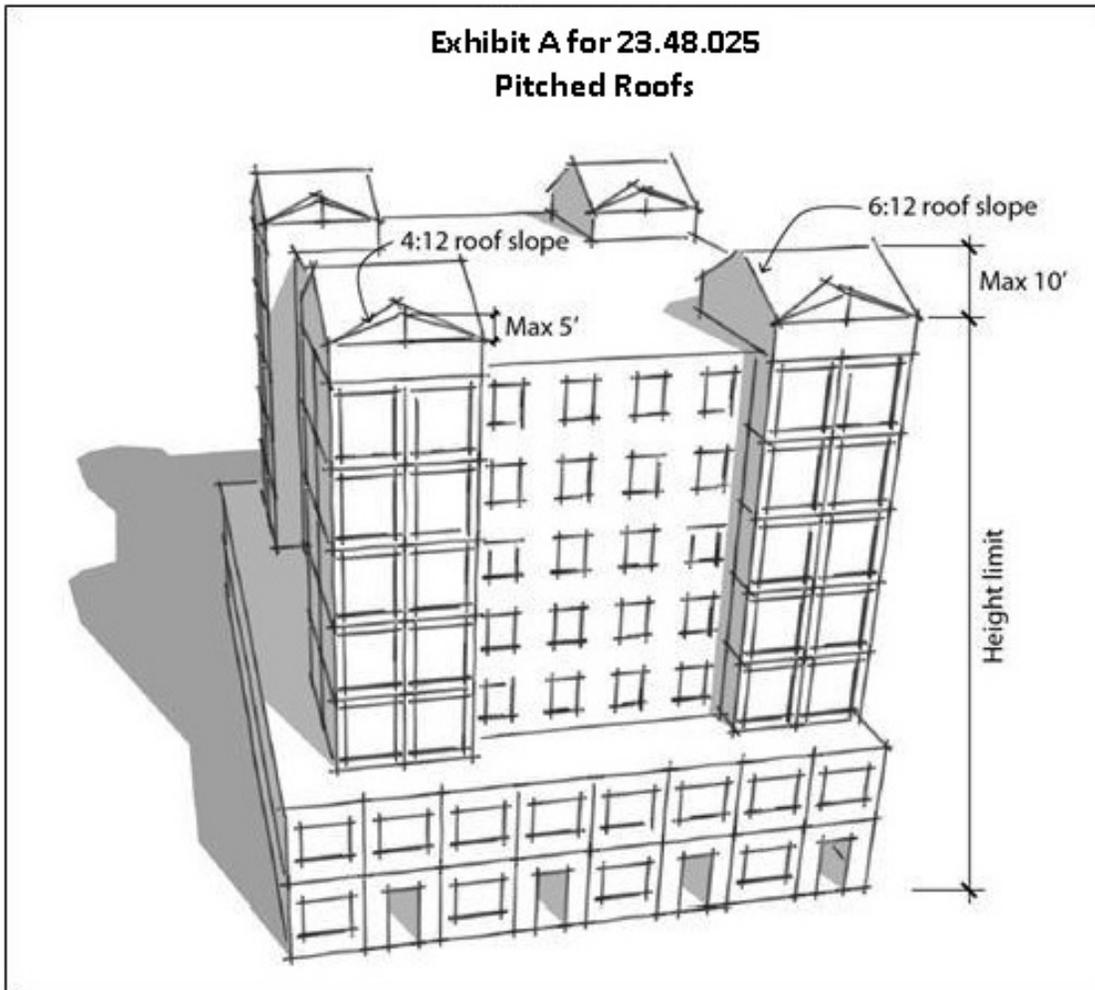
16 1. ~~The~~~~((the))~~ ridge of a pitched roof with a minimum slope of 6 to 12 may extend
17 10 feet above the height limit.

18 2. The ridge of a pitched roof with a minimum slope of 4 to 12 may extend 5 feet
19 above the height limit (Exhibit A for 23.48.025).

20 3. No portion of a shed roof shall be permitted to extend beyond the height limit
21 under this provision, 23.48.025.

22
23 **Exhibit A for 23.48.025**

Pitched Roofs



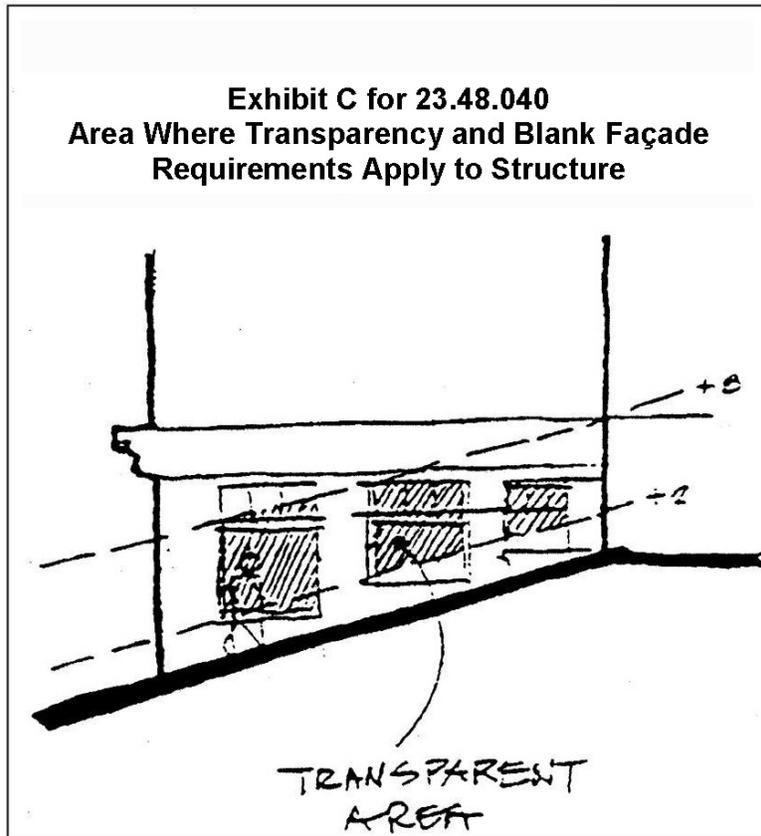
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Section 18. Section 23.48.040 of the Seattle Municipal Code, last amended by Ordinance 124883, is amended as follows:

23.48.040 Street-level development standards

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

Requirements Apply to Structure(s)



(1. Transparency requirements apply to all street facing, street level facades, except for portions of structures in residential use as follows:

a. For Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, shown on Map A for 23.48.240 and Map A for 23.48.440, a minimum of 60 percent of the street-facing facade must be transparent.

b. For all other streets, a minimum of 30 percent of the street-facing facade must be transparent.

c. If the slope of the street frontage of the facade exceeds 7.5 percent, the required amount of transparency shall be reduced to 45 percent of the street facing facade on

1 ~~Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets and 22 percent of the~~
2 ~~street facing facade on all other streets.~~

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

6 ~~2. Blank facade limits. Any portion of the facade that is not transparent is~~
7 ~~considered to be a blank facade.~~

8 ~~a. Blank facade limits for Class 1 and Class 2 Pedestrian Streets and~~
9 ~~Neighborhood Green Streets.~~

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

15 ~~2) Any blank segments of the facade shall be separated by~~
16 ~~transparent areas at least 2 feet wide.~~

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

20 ~~b. Blank facade limits for all other streets not specified in subsection~~
21 ~~23.48.240.B.2.a or Section 23.48.440.~~

1 c. Only clear or lightly tinted glass in windows, doors, and display
2 windows are considered transparent. Transparent areas shall allow views into the structure or
3 into display windows from the outside.

4 2. Blank facade limits. Any portion of the street facing facade that is not
5 transparent is considered to be a blank facade and is subject to the following:

6 a. For Class 1 and Class 2 Pedestrian Streets and Neighborhood Green
7 Streets, the following apply:

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

13 2) The total width of all blank facade segments, including garage
14 doors, shall not exceed 40 percent of the street facing facade of the structure on each street
15 frontage, or 55 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

16 b. All other streets not specified in subsection 23.48.240.B.2.a are subject
17 to the following, unless otherwise specified in the applicable subchapter of Chapter 23.48:

18 1) Blank facades are limited to segments 30 feet wide, except for
19 garage doors which may be wider than 30 feet. Blank facade width may be increased to 60 feet
20 if the Director determines as a Type I decision that the facade is enhanced by architectural
21 detailing, artwork, landscaping, or other similar features that have visual interest. The width of
22 garage doors shall be limited to the width of the driveway plus 5 feet.

1 street-facing facade or depth requirements, or both, so that no more than 50 percent of the
2 structure's footprint is required to be occupied by the required uses in subsection 23.48.005.D.

3 ~~((3))~~4. Street-level uses shall be located within 10 feet of the street lot line
4 except for the following: ((that if outdoor amenity area required in subsection 23.48.045.B, or
5 other required open space, abuts the applicable street lot line and separates the street-facing
6 facade from the street, the required street level use may abut the amenity area or open space.))

7
8 a. Required street-level uses may be located more than 10 feet from the
9 applicable street lot line if they abut an outdoor amenity area provided to meet the requirements
10 of Section 23.48.045, or other required or bonused open space provided for in this Chapter that
11 separates the portion of the street-facing facade including the required street-level uses from the
12 street lot line;

13
14 b. If a street-level setback is required from the street lot line by the
15 provisions of this Chapter 23.48 or Chapter 23.53, the 10 foot distance that the street-level use is
16 allowed to set back from the street lot line shall be measured from the line established by the
17 required setback;

18
19 c. If development standards in this Chapter 23.48 require modulation of
20 the street-facing facade at street level, the required street-level uses may abut the street-level
21 setback area provided to comply with the modulation standards.

22
23 ~~((4))~~5. Pedestrian access to street-level uses shall be provided directly from the
24 street, or from permitted outdoor common amenity area, or ((abutting))required or bonused open
25 space abutting the street. Pedestrian entrances shall be located no more than 3 feet above or
26

1 below sidewalk grade or at the same elevation as the abutting permitted outdoor common
2 amenity area or required or bonused open space.

3
4 Section 19. Section 23.48.045 of the Seattle Municipal Code, last amended by Ordinance
5 124883, is amended as follows:

6 **23.48.045 Amenity area for residential uses**

7
8 A. Amenity area is required for all development with more than 20 (~~new~~)dwelling
9 units.

10 B. Quantity of amenity area. An area equivalent to 5 percent of the total gross floor area
11 in residential use shall be provided as amenity area, except that(~~;~~) in no instance shall the
12 amount of required amenity area exceed the area of the lot. In determining the quantity of
13 amenity area required, accessory parking areas and areas used for mechanical equipment are
14 excluded from the calculation of gross floor area in residential use.

15
16 C. Standards for amenity area. Required amenity area shall meet the following standards:

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

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

20 3. The minimum horizontal dimension for required amenity areas is 15 feet,
21 except that for amenity area that is provided as landscaped open space located at street level and
22 accessible from the street, the minimum horizontal dimension is 10 feet(~~for amenity areas~~
23 ~~provided as landscaped open space accessible from the street at street level)).~~

24
25 4. The minimum size of a required amenity area is 225 square feet.

1 ((4))5. Amenity area ~~((that is))~~ provided as landscaped open space located at
2 street level and~~((, street level open space that is))~~ accessible from the street shall be counted as
3 twice the actual area in determining the amount provided to meet the amenity area requirement.

4 ((5))6. ~~((In mixed-use projects, any public))~~ Public open space provided on a lot
5 ~~((for non-residential))~~ to meet open space requirements for non-residential uses or to allow for
6 extra non-residential floor area through a floor area bonus for open space amenities according to
7 the provisions of this Chapter 23.48 and subsection 23.58A.040 ~~((development that meets the~~
8 ~~standards of this Section 23.48.045-))~~ may be used as area satisfying~~((satisfies))~~ the residential
9 amenity area requirement if the open space provided meets the standards of this Section
10 23.48.045.

11 ((6))7. Parking areas, driveways, and pedestrian access, except for pedestrian
12 access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be
13 counted as amenity area except that a woonerf may provide a maximum of 50 percent of the
14 amenity area if the design of the woonerf is approved through a design review process pursuant
15 to Chapter 23.41.

16 ((7))8. For a development that maintains a designated Seattle Landmark on the
17 lot, the Director may, as Type I decision and in consultation with the Director of Neighborhoods,
18 waive or modify the amenity area requirements if it is determined that maintaining the Landmark
19 structure significantly limits the ability to accommodate the required amenity area on the site.

20 ((8))9. For lots abutting a designated Neighborhood Green Street, up to 50
21 percent of the amenity area requirement may be met by improving ~~((contributing to the~~
22 ~~development of))~~ the abutting Neighborhood Green Street according to the standards for green
23

1 street improvements in Section 23.58A.040. The Director may waive the requirement that the
2 Neighborhood Green Street abut the lot and allow the improvement to be made to a
3 Neighborhood Green Street located in the general vicinity of the project if the Director
4 determines that the improvement~~((Neighborhood Green Street))~~ will benefit residents of the
5 project.

6
7
8 Section 20. Section 23.48.055 of the Seattle Municipal Code, last amended by Ordinance
9 124883, is amended as follows:

10 **23.48.055 ~~((Screening and landscaping))~~Landscaping and screening standards**

11 A. Landscaping requirements

12 1. All landscaping provided to meet the requirements of this Section 23.48.055
13 shall comply with the Director's rules adopted to foster the long-term health, viability, and
14 coverage of plantings. The Director's rules shall address, at a minimum, the type and size of
15 plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants.
16

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

- 19 a. Development containing more than four new dwelling units; or
20 b. Development, either a new structure or an addition to an existing
21 structure, containing more than 4,000 square feet of non-residential uses; or
22 c. Any parking lot ~~containing~~ more than 20 new parking spaces for
23 automobiles.
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1 3. Landscaping for required setback areas and berms. If development standards
2 require landscaping in setback areas or berms, each required setback area or berm shall be
3 planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian
4 access meeting the Washington State Rules and Regulations for Barrier-Free Design, decorative
5 pavers, street furnishings, sculptures, or fountains may cover a maximum of 30 percent of each
6 required landscaped area or berm. Landscaping shall be provided according to standards
7 promulgated by the Director. Landscaping designed to provide treatment for storm water runoff
8 qualifies as required landscaping.

9
10 B. ~~((Where))~~ If screening ~~((or landscaping))~~ is required for specific uses in subsection
11 23.48.055.C, ~~((or when landscaping is required in setbacks as specified by development~~
12 ~~standards,))~~ three foot high screening shall be provided on the lot lines specified in subsection
13 23.48.055.C. Except as specified for parking located above street-level in subsection
14 23.48.055.C.3.c, the required screening may be provided as either: ~~((the following types of~~
15 ~~screening and landscaping shall be provided:~~

16
17 1. ~~Three foot high screening on street lot lines. The required screening may be~~
18 ~~provided as either:))~~

19 ((a))1. A fence or wall at least 3 feet in height; or

20 ((b))2. A hedge or landscaped berm at least 3 feet in height.

21 ~~((2. Landscaping for setback areas and berms. Each setback area or berm~~
22 ~~required shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such~~
23 ~~as pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free~~
24 ~~Design, decorative pavers, sculptures, or fountains may cover a maximum of 30 percent of each~~
25

1 ~~required landscaped area or berm. Landscaping shall be provided according to standards~~
2 ~~promulgated by the Director. Landscaping designed to provide treatment for storm water runoff~~
3 ~~qualifies as required landscaping.))~~

4 C. Screening for specific uses

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

7 2. Surface parking areas

8 a. Surface parking areas abutting streets. Surface parking areas shall
9 provide 3 foot high screening along the lot lines abutting all streets, except within required sight
10 triangles.
11

12 b. Surface parking areas abutting alleys. Surface parking areas shall
13 provide 3 foot high screening along the lot lines abutting an alley. The Director may reduce or
14 waive the screening requirement for part or all of the lot line abutting the alley when required
15 parking is provided at the rear lot line and the alley is necessary to provide aisle space.
16

17 3. Parking in structures. Except as provided for by subsection 23.48.085.B,
18 parking located at or above street level in a garage shall be screened according to the following
19 requirements((+)):

20 a. On Class 1 and Class 2 Pedestrian Streets((=)) and Neighborhood Green
21 Streets shown on Map A for 23.48.240 and Map A for 23.48.440, and on all streets in the SM-U
22 and SM/R-U zones, parking is not permitted at street level unless separated from the street by
23 other uses, provided that garage doors need not be separated. The facade of the separating uses
24 shall be subject to the transparency and blank facade standards in Section 23.48.040.
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1 b. On all other streets, parking is permitted at street level (~~when~~)if at
2 least 30 percent of the street frontage of the parking area, excluding that portion of the frontage
3 occupied by garage doors, is separated from the street by other uses. The facade of the separating
4 uses shall be subject to the transparency and blank facade standards in Section 23.48.040. The
5 remaining parking shall be screened from view at street level and the street facade shall be
6 enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.
7

8 c. The perimeter of each floor of parking above street level shall have an
9 opaque screen at least 3.5 feet high, except in the SM-SLU and SM-U zone designated
10 areas(~~zone~~), where specific requirements for the location and screening of parking located on
11 stories above the street level apply.
12

* * *

13
14 D. Street tree requirements

15 1. Street trees are required when any development is proposed, except as provided
16 in subsection 23.48.055.D.2 and Section 23.53.015. Existing street trees shall be retained unless
17 the Director of Transportation approves their removal. The Director, in consultation with the
18 Director of Transportation, will determine the number, type and placement of street trees to be
19 provided:
20

21 a. to improve public safety;

22 b. to promote compatibility with existing street trees;

23 c. to match trees to the available space in the planting strip;

24 d. to maintain and expand the urban forest canopy;

25 e. to encourage healthy growth through appropriate spacing;
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1 f. to protect utilities; and

2 g. to allow access to the street, buildings and lot.

3 2. Exceptions to street tree requirements

4 a. If a lot borders an unopened right-of-way, the Director may reduce or
5 waive the street tree requirement along that street if, after consultation with the Director of
6 Transportation, the Director determines that the street is unlikely to be opened or improved.

7 b. Street trees are not required for any of the following:

8 1) establishing, constructing, or modifying single-family dwelling
9 units; or

10 2) changing a use, or establishing a temporary use, or intermittent
11 use; or

12 3) expanding a structure by 1,000 square feet or less; or

13 4) expanding surface area parking by less than 10 percent in area
14 and less than 10 percent in number of spaces.

15 3. When an existing structure is proposed to be expanded by more than 1,000
16 square feet, one street tree is required for each 500 square feet over the first 1,000 square feet of
17 additional structure, up to the maximum number of trees that would be required for new
18 construction.

19 4. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot
20 setback shall be planted with street trees along the street property line or landscaping other than
21 trees shall be provided in the planting strip, subject to approval by the Director of Transportation.

22 If, according to the Director of Transportation, a 5-foot setback or landscaped planting strip is

1 not feasible, the Director of the Seattle Department of Construction and Inspections may reduce
2 or waive this requirement.

3 ~~((D. Street trees requirements~~

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

6 ~~2. Exceptions to street tree requirements~~

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

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

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

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

20
21
22
23
24 Section 21. Section 23.48.080 of the Seattle Municipal Code, last amended by Ordinance
25 124883, is amended as follows:
26

1 **23.48.080 Required parking and loading**

2 A. Off-street parking spaces and bicycle parking are required according to Section
3 23.54.015, Required parking.

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

6 C. Where access to a loading berth is from an alley, and truck loading is parallel to the
7 alley, a setback of 12 feet is required for the loading berth, measured from the centerline of the
8 alley, as shown in Exhibit D for 23.47A.014. This setback shall be maintained up to a height of
9 16 feet.
10

11
12 Section 22. Section 23.48.085 of the Seattle Municipal Code, last amended by Ordinance
13 124883, is amended as follows:
14

15 **23.48.085 Parking and loading location, access and curb cuts**

16 A. Parking accessory to non-residential uses may be provided on-site and/or within 800
17 feet of the lot to which it is accessory, according to the provisions of Section 23.54.025, Off-site
18 parking.
19

20 B. Parking at street level within structures

21 1. Parking located at street level in a structure is subject to the provisions of
22 subsection 23.48.055.C.3.b, except as provided for in subsections 23.48.085.B.2 and
23 23.48.085.B.3((, parking is not permitted at street level unless separated from the street by other
24 uses, provided that garage doors need not be separated)).
25
26
27

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

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

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

9 c. The street-facing facade is enhanced by architectural detailing, artwork,
10 landscaping, stoops, and porches providing access to residential uses, or similar visual interest
11 features.
12

13 3. Parking is permitted in a story that is partially above street-level and partially
14 below street-level in a structure permitted in a setback area under the provisions of subsection
15 23.48.240.C.2.b.
16

17 C. Accessory surface parking is permitted under the following conditions, except as
18 provided by Section 23.48.285:

19 1. All accessory surface parking shall be located at the rear or to the side of the
20 principal structure.
21

22 2. The amount of lot area allocated to accessory surface parking shall be limited
23 to 30 percent of the total lot area. For parking that is accessory to a use on another site, this
24 requirement is applied to the lot on which the parking is located.
25
26
27

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

4 1. Access to parking and loading shall be from the alley when the lot abuts an
5 alley improved to the standards of subsection 23.53.030.C and use of the alley for parking and
6 loading access would not create a significant safety hazard as determined by the Director.
7

8 2. If the lot does not abut an improved alley, or use of the alley for parking and
9 loading access would create a significant safety hazard as determined by the Director, parking
10 and loading access may be permitted from the street. If the lot abuts more than one street, the
11 location of access is determined by the Director, as a Type I decision, after consulting with the
12 Director of Transportation. For zones in the SM-SLU, SM-NR, and SM-U designated areas with
13 pedestrian street classifications, unless((Unless)) the Director otherwise determines under
14 subsection 23.48.085.D.3, access is allowed only from a right-of-way in the category preferred
15 among the categories of rights-of-way abutting the lot, according to the ranking set forth below,
16 from most to least preferred (a portion of a street that is included in more than one category is
17 considered as belonging only to the least preferred of the categories in which it is included)((-));
18

- 19 a. An undesignated street;
20
21 b. Class ((4))2 Pedestrian Street;
22
23 c. Class ((2))1 Pedestrian Street;
24
25 d. ((Designated)) Neighborhood Green Street.

26 3. The Director may allow or require access from a right-of-way other than one
27 indicated as the preferred category in this subsection 23.48.085.D if, after consulting with the
28

1 Director of Transportation, the Director finds that an exception to the access requirement is
2 warranted. The Director shall base the decision on granting an exception on whether and to what
3 extent alternative locations of access would enhance pedestrian safety and comfort, facilitate
4 transit operations, facilitate the movement of vehicles, minimize the on-street queuing of
5 vehicles, enhance vehicular safety, or minimize hazards. Curb cut controls on designated
6 Neighborhood Green Streets shall be evaluated on a case-by-case basis, but generally access
7 from Neighborhood Green Streets is not allowed if access from any other right-of-way is
8 possible.
9

10 E. Curb cut width and number

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

13 2. Curb cut width (~~and number of curb cuts~~) shall satisfy the provisions of
14 Section 23.54.030, except as modified in this Section 23.48.085.
15

16
17 Section 23. Section 23.48.220 of the Seattle Municipal Code, last amended by Ordinance
18 124883, is amended as follows:
19

20 **23.48.220 Floor area ratio (FAR) in South Lake Union Urban Center**

21 A. General provisions

22 1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for
23 specified SM zones within the South Lake Union Urban Center are as shown in Table A for
24 23.48.220 and Table B for 23.48.220.
25
26
27
28

**Table A for 23.48.220
 FAR Limits for Specified SM-SLU Zones ((in South Lake Union Urban Center))**

Zone	FAR limits for non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use ¹
	Base FAR	Maximum FAR	
((SM-SLU/R 55/85	NA	NA	4.5))
SM-SLU 85/65-125	4.5	6	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU 160/85-240	4.5 ²	7	6
SM-SLU 85-240	0.5/1.5 ³	NA	6
SM-SLU 240/125-400	5 ²	7	10

Footnotes to Table A for 23.48.220
 NA (not applicable) refers to zones where uses are not subject to an FAR limit.
¹ All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.
² In the SM-SLU 160/85-240(;) and SM-SLU 240/125-400 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting the requirements of subsection 23.48.220.A.(7)3.
³ The 1.5 FAR limit applies to religious facilities. For all other non-residential uses, the 0.5 FAR limit applies.

* * *

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

1. Floor area for all uses in the SM-SLU /R 55/85 zone.

1 ((1))2. The floor area contained in a Landmark structure subject to controls and
2 incentives imposed by a designating ordinance if the owner of the Landmark has executed and
3 recorded an agreement acceptable in form and content to the Landmarks Preservation Board
4 providing for the rehabilitation and maintenance of the historically significant features of the
5 structure including but not limited to a Certificate of Approval for the modification of the
6 Landmark. This exemption does not apply to a lot from which a Landmark TDP or TDR has
7 been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or
8 TDP available for transfer under Chapter 23.58A.
9

10 ((2))3. Street-level uses identified in subsection 23.48.005.D, whether required or
11 not, and that meet the development standards of Section 23.48.240; except that at locations
12 meeting the conditions of Section 23.48.230, only gross floor area at street level that is a general
13 sales and service, eating and drinking establishment, or entertainment use is exempt.
14

15 ((3))4. All residential use in a residential tower and podium within the required lot
16 area that includes the podium portion of the tower in the SM-SLU 85/65-125, SM-SLU 85/65-
17 160, SM-SLU 160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones, except
18 residential use in a mixed-use project under the provisions of subsection 23.48.220.A.2.b.
19

20 ((4))5. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,
21 Mercer Street, Westlake Avenue North, and Fairview Avenue North, all floor area in hotel use
22 pursuant to subsection 23.48.220.A.4.
23

24 ((5))6. Floor area in child care use and elementary and secondary schools.
25
26
27
28

1 Section 24. Section 23.48.221 of the Seattle Municipal Code, last amended by Ordinance
2 124883, is amended as follows:

3 **23.48.221 Extra floor area in South Lake Union Urban Center**

4 A. Extra floor area (~~((Calculation-))~~) outside of an adopted Local Infrastructure Project
5 Area

6 1. Means to achieve extra residential floor area. If the maximum height limit for
7 residential use is greater than 85 feet and the lot is located in an SM-SLU zone (~~((the South Lake
8 Union Urban Center))~~), the applicant shall:

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

11 b. achieve 40 percent of the extra residential floor area by using open
12 space TDP or Landmark TDP (~~((pursuant))~~) according to (~~((subsection 23.48.221.A and))~~) Section
13 23.58A.042.
14

15 2. Means to achieve extra non-residential floor area. (~~((If the maximum height
16 limit for non-residential use is greater than 85 feet and the lot is located in the South Lake Union
17 Urban Center))~~) For a lot located in an SM-SLU zone, the applicant shall:

18 a. achieve 75 percent of the extra non-residential floor area on the lot by
19 using bonus non-residential floor area for affordable housing and child care pursuant to Section
20 23.58A.024, or housing TDR (~~((pursuant))~~) according to (~~((subsection 23.48.221.B and))~~) Section
21 23.58A.042, or both.
22
23
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1 b. achieve 25 percent of the extra non-residential floor area by using open
2 space TDR pursuant to Chapter 23.84A or Landmark TDR pursuant to subsection 23.48.221.A
3 and Section 23.58A.042.

4 B. Extra floor area inside of an adopted Local Infrastructure Project Area. Means
5 to achieve extra residential floor area and extra non-residential floor area for lots located in SM-
6 SLU zones inside of an adopted Local Infrastructure Project Area are in subsection 23.48.021.C.
7

8
9 Section 25. Section 23.48.250 of the Seattle Municipal Code last amended by ordinance
10 124883

11 **23.48.250 Open space requirement for office uses in South Lake Union Urban Center**

12 A. Finding. The City Council finds that:

13 1. With the increase in office development and the Comprehensive Plan's
14 significant employment growth targets for the South Lake Union Urban Center, office workers
15 will increasingly become major users of open space in the area.
16

17 2. Additional major office projects in South Lake Union Urban Center will result
18 in increased use of public open space. If additional major office projects in South Lake Union
19 Urban Center do not provide open space to offset the additional demands on public open space
20 caused by such projects, the result will be overcrowding of public open space, adversely
21 affecting the public health, safety, and welfare.
22

23 3. Recent and projected office development in the South Lake Union Urban
24 Center is generally comparable to office development in the abutting Downtown Urban Center in
25 terms of tenant characteristics, density, and open space need. Therefore, the findings that support
26

1 the current open space requirement in major downtown office projects are applicable to
2 conditions in South Lake Union Urban Center.

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

5 5. As in Downtown, smaller office developments in South Lake Union Urban
6 Center may encounter design problems in incorporating open space, and the sizes of open spaces
7 provided for office projects under 85,000 square feet may make them less attractive and less
8 likely to be used. Therefore, and in order not to discourage small scale office development,
9 projects involving less than 85,000 square feet of new office space should be exempt from any
10 open space requirement.
11

12 B. Quantity of open space. Open space in the amount of 20 square feet for each 1,000
13 square feet of gross office floor area is required for the following projects:
14

15 1. The project is on a lot located in an SM-SLU zone that has a height limit for
16 non-residential uses that exceeds 85 feet; and

17 2. The project includes 85,000 or more square feet of gross ~~((office-))~~ floor area of
18 office use.

19 C. Standards for open space. Open space may be provided on-site or off-site, as follows:
20

21 1. On-site open space

22 a. Private open space. Private open space on the project site may satisfy
23 the requirement of this Section 23.48.250. Private open space shall be open to the sky and shall
24 be consistent with the general conditions related to landscaping, seating, and furnishings
25

1 contained in the Downtown Amenity Standards. Private open space satisfying this requirement
2 must be accessible to all tenants of the building and their employees

3 ((a))b. Open space on site (~~or on an adjacent lot directly accessible from~~
4 ~~the project site~~)) shall satisfy the requirement of this Section 23.48.250 if it meets the standards
5 of subsection 23.48.240.F or subsection 23.48.240.G and the open space is accessible to all
6 occupants of the building.

7
8 ((b. ~~Open space provided on site under this requirement is eligible for~~
9 ~~amenity feature bonuses, where allowed in Section 23.48.021 or 23.48.221 when the following~~
10 ~~standards are met:~~

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

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

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

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

19
20
21 2. Off-site public open space.

22 a. Open space satisfying the requirement of this Section 23.48.250 may be
23 on a site other than the project site, provided that it is within an SM-SLU zone and within one-
24 quarter mile of the project site, open to the public without charge, and at least 3,000 square feet
25 in contiguous area. The minimum size of off-site open space and maximum distance from the
26

1 project may be increased or decreased for a project if the Director determines that such
2 adjustments are reasonably necessary to provide for open space that will meet the additional need
3 for open space caused by the project and enhance public access.

4 ~~((b. Open space that is open to the public and provided on a site other than
5 the project site may qualify for a development bonus for the project if the open space meets the
6 standards of Section 23.49.013.))~~

7
8 b. Open space provided off-site shall satisfy the requirement of this
9 Section 23.48.250 if it meets the standards of this subsection 23.48.250.C.2 and subsection
10 23.48.240.F or subsection 23.48.240.G.

11 3. Easement for off-site open space. The owner of any lot on which off-site open
12 space is provided to meet the requirements of this Section 23.48.250 shall execute and record an
13 easement in a form acceptable to the Director assuring compliance with the requirements of this
14 Section 23.48.250. The Director is authorized to accept such an easement, provided that the
15 terms do not impose any costs or obligations on the City.

16
17 ~~((4. Open space provided under this Section 23.48.250 shall qualify as the open
18 space required under subsections 23.48.240.F and 23.48.240.G, and this Section 23.48.250 if
19 within one quarter mile of the sending site.))~~

20
21 D. Payment in lieu. In lieu of providing open space required under this Section
22 23.48.250, an owner may make a payment to the City if the Director determines that the payment
23 will contribute to the improvement of a designated Neighborhood Green Street or to other public
24 open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop
25 improvements that will meet the additional need for open space caused by the project, and that
26

1 completion of the improvement within a reasonable time is feasible. Any such payment shall be
2 placed in a dedicated fund or account and used within five years of receipt for the development
3 of such improvements, unless the property owner and the City agree upon a different
4 improvement involving the acquisition or development of public open space that will mitigate
5 the impact of the project. ~~((A bonus may be allowed for a payment in lieu of providing the
6 improvement made wholly or in part to satisfy the requirements of this Section 23.48.250,
7 pursuant to Section 23.49.013.))~~

8
9 E. Limitations. Open space satisfying the requirement of this Section 23.48.250 for any
10 project shall not be used to satisfy the open space requirement for any other project ~~((, nor shall
11 any bonus be granted to any project for open space meeting the requirement of this Section
12 23.48.250 for any other project))~~. When a transmitting antenna is sited or proposed to be sited on
13 a rooftop where required open space is located, see Section 23.57.013. Open space on the site of
14 any building for which a Master Use Permit decision was issued or a complete building permit
15 application was filed prior to the effective date of this ordinance, that was not required under the
16 Land Use Code in effect when such permit decision was issued or such application filed, but that
17 would have been required for the same building by this Section 23.48.250, shall not be used to
18 satisfy the open space requirement ~~((or to gain an FAR bonus))~~ for any other project.
19
20
21

22 A new Subchapter VII. _____ shall be added to the Seattle Municipal Code as follows:
23
24
25
26
27
28

23.48.615 Mandatory housing affordability (MHA) program in SM-U zones

SM-U zones located in the University Community Urban Center are subject to the requirements of Chapter 23.58B and Chapter 23.58C.

Section 29. A new Section 23.48.620 of the Seattle Municipal Code is added as follows:

23.48.620 Floor area ratio in SM-U zones

A. Floor area ratio limits

1. Except as otherwise specified in this Section 23.48.620, FAR limits for SM-U 85, SM-U 240 and SM-U 320 zones are as shown in Table A for 23.48.620.

Table A for 23.48.620 FAR Limits for SM-U 85, SM-U 240, and SM-U 320 Zones			
FAR limits for all uses in structures that are 85 feet in height or less, excluding rooftop features otherwise allowed above the height limit by subsection 23.48.025.C.			
Zone	Base FAR	Maximum FAR	
SM-U 85 SM-U 240 SM-U 320	4.75	6	
FAR limits for uses in structures that exceed 85 feet in height, excluding rooftop features otherwise allowed above the height limit by subsection 23.48.025.C.			
	Base FAR for all uses	Maximum FAR for non-residential uses	Maximum FAR for residential uses and for all uses in a mixed use development ¹
SM-U 240	4.75	7	10

SM-U 320	4.75	7	12
----------	------	---	----

¹For mixed use development, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses

2. Except as otherwise specified in this Section 23.48.620, FAR limits for SM-U/R 240 zones are as shown in Table B for 23.48.620.

Table B for 23.48.620 FAR Limits for SM-U/R 240 Zones		
FAR limit for nonresidential uses	Maximum FAR for residential uses and for all uses in a mixed use development ¹	
	Base FAR	Maximum FAR
0.5	4.75	12

¹For mixed sue development, the amount of non-residential floor area allowed shall not exceed the maximum FAR limit for non-residential uses.

3. For the zones included on Table A and Table B for this Section 23.48.620, an additional increment of up to 0.5 FAR is permitted above the base FAR of the zone if a lot includes one or more qualifying Landmark structures, subject to the following conditions:

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

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

4 c. For purposes of this Section 23.48.620, a "qualifying Landmark" is a
5 structure that:

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

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

11 d. A qualifying Landmark that allows for the additional increment of FAR
12 under this subsection 23.48.620.A.3 is not eligible as a Landmark TDR or Landmark TDP
13 sending site. For so long as any of the chargeable floor area of the increment allowed above the
14 base FAR of the zone under this subsection 23.48.620.A.3 remains on the lot, each Landmark for
15 which the increment was granted shall remain designated as a Landmark under Chapter 25.12
16 and the owner shall maintain the exterior and interior of each qualifying Landmark in good
17 condition and repair and in a manner that preserves the features and characteristics that are
18 subject to designation or controls by ordinance unless the Landmarks Preservation Board has
19 issued a Certificate of Approval for the modification or demolition of the Landmark.

20 e. The amount of the additional increment of FAR permitted above the
21 base FAR under this subsection 23.48.620.A.3 shall not exceed the square footage of floor area
22 in the Landmark structure(s).

23 f. In the SM-U/R 85-240 zone, the increased floor area allowed by the
24 additional increment of FAR shall be for residential use only.

1 B. Floor area exempt from FAR. In addition to the exempt floor area identified in
2 subsection 23.48.020.D, the following floor area is exempt from FAR limits:

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

11 2. Except in the SM-U/R 85-240 zone, uses identified in subsection 23.48.005.D,
12 whether required or not, that meet the development standards of subsection 23.48.040.C.

13 3. Except in the SM-U/R 85-240 zone, uses identified in subsection 23.48.005.D
14 that abut and have access onto a mid-block corridor meeting the standards of 23.48.623.D,

15 4. Floor area for a preschool, an elementary school, or a secondary school, which
16 may include minimum space requirements for associated uses including but not limited to
17 academic core functions, child care, administrative offices, a library, maintenance facilities, food
18 service, interior recreation, and specialty instruction space, provided that;

19 a. Prior to issuance of a Master Use Permit, the applicant shall submit a
20 letter to the Director from the operator of the school indicating that, based on the Master Use
21 Permit plans, the operator has determined that the development would meet the operator's
22 specifications; and

23 b. Prior to issuance of a building permit, the applicant shall submit a
24 written certification by the operator to the Director that the operator's specifications have been
25 met.

1 5. Floor area in residential use for dwelling units that comply with all of the
2 following development standards, provided that in no case shall the amount of exempt floor area
3 allowed under this subsection 23.48.020.B.5 exceed an amount of floor area equivalent to 1 FAR
4 on the lot:

5 a. Unit size. Dwelling units exempt from FAR calculations shall have a
6 minimum area of 900 gross square feet and include two or more bedrooms.

7 b. Each unit shall have direct access to a private amenity area, such as a
8 private patio or roof deck, that is located either at ground-level or on the roof of a story that is
9 not above 45 feet in height and that has a minimum area of 150 square feet and a minimum
10 horizontal dimension of 8 feet. Private amenity area that is provided to meet the conditions of
11 this subsection 23.48.620.B.5.b shall be allowed to count as residential amenity area required by
12 Section 23.48.045; and

13 c. All units exempt from FAR calculations shall have access to an outdoor
14 common amenity area that is located on the same story as the dwelling unit, is accessible only to
15 the residents of the building, and meets the following standards:

16 a) a minimum area of 800 square feet, or an area equal to
17 the total of 70 square feet of amenity area for each dwelling unit exempt from the calculation of
18 FAR, whichever is greater;

19 b) the common amenity area abuts dwelling units and is
20 visually or physically accessible to these units from windows or doors along the abutting facade,
21 or it abuts private amenity area along at least 50 percent of its perimeter; and

22 c) the common amenity area includes space for children's
23 play equipment.

24 6. Floor area used for theaters or arts facilities, which for the purposes of this
25 Section 23.48.620, may be operated either by for-profit or not-for-profit organizations.

1 7. Floor area in a vulnerable masonry structure included on a list of structures
2 that meet specified criteria in a rule promulgated by the Director.

3 8. All gross floor area of a light rail transit station and related passenger
4 amenities.

5 9. All gross floor area of a human service use.

6 10. Floor area in enclosed portions of a mid-block corridor or other enclosed open
7 space feature that would be eligible for a bonus according to Section 23.48.624 on the lot where
8 the feature is located. The exemption applies regardless of whether a floor area bonus is
9 obtained.

10
11 Section 30. A new Section 23.48.621 of the Seattle Municipal Code is added as follows:

12 **23.48.621 Extra floor area in SM-U zones**

13 A. General. Development that includes extra floor area above the base FAR indicated in
14 Sections 23.48.620 shall comply with the following:

15 1. Earn a LEED Gold rating or meet a substantially equivalent standard, and shall
16 demonstrate compliance with that commitment, in accordance with the provisions of subsection
17 23.48.021.D.2; and

18 2. Achieve 35 percent of any extra floor area above the base FAR on the lot
19 through the use of one or more of the following options:

20 a. acquiring open space, Landmark, or vulnerable masonry structures
21 transferable development rights TDR or transferable development potential TDP according to
22 Section 23.48.622 and Section 23.58A.042; or

23 b. providing amenities pursuant to Section 23.48.624 and Section
24 23.58A.040.

1 3. Achieve 65 percent of the extra non-residential floor area above the base FAR
2 on the lot by using bonus non-residential floor area for child care pursuant to Section
3 23.58A.024.

4 B. Extra floor area in mixed use projects. In a project that exceeds the base FAR and
5 includes both residential and non-residential uses, the amount of extra residential floor area and
6 extra non-residential floor area to be obtained shall be calculated as follows:

7 1. Relative to the total chargeable gross floor area of all uses in the project,
8 determine the percentage that is in residential use and the percentage that is in non-residential
9 use.

10 2. Determine the total amount of extra floor area above the base FAR in the
11 project, and, using the percentages derived in subsection 23.48.621.B.3.a, divide this total
12 amount to determine the share of extra floor area that is to be obtained as extra residential floor
13 area and the share that is to be obtained as extra nonresidential floor area according to the
14 applicable provisions of subsections 23.48.621.B.1 and 23.48.621.B.2.

15
16 Section 31. A new Section 23.48.622 of the Seattle Municipal Code is added as follows:

17 **23.48.622 Transferable of development rights (TDR) and potential (TDP) in SM-U zones**

18 A. For the purposes of this Section 23.48.622, the transfer of development rights to gain
19 extra nonresidential floor area in a project on a receiving site is TDR and the transfer of
20 development potential to gain extra residential floor area in a project on a receiving site is TDP.
21 Standards for the use of TDR and TDP shall be as provided for in subsection 23.58A.042.

22 B. Sending sites. Eligible TDR and TDP sending sites shall comply with the
23 development standards and conditions in Section 23.58A.042 and meet the following conditions:

1 1. The lot is located in an SM-U zone or NC3 or NC3P zone with a height limit
2 of 65 feet or more located within the University Community Urban Center west of 16th Avenue
3 NE; and

4 2. The lot meets the definition of an open space, vulnerable masonry structure, or
5 landmark TDR or TDP sending site in Chapter 23.84A and all applicable standards in this
6 Chapter 23.48 and subsection 23.58A.042.

7 C. Receiving sites. Only lots zoned SM-U within the University Community Urban
8 Center west of 16th Avenue NE are eligible receiving sites, and the amount of extra floor area that
9 can be gained through the use of TDR and TDP on an eligible receiving site is specified in
10 Section 23.48.621.

11 D. The maximum amount of TDR and TDP that can be transferred from an eligible
12 sending site shall not exceed an amount of floor area equivalent to the numerical value of the
13 base FAR of the zone in which the sending site is located, as shown on Table A and Table B for
14 23.48.620, times the lot area of the sending site and minus the sum of any chargeable floor area
15 on the lot plus any TDR and TDP previously transferred.

16
17 Section 32. A new Section 23.48.624 of the Seattle Municipal Code is added as follows:

18 **23.48.624 Bonus floor area for open space amenities in SM-U zones**

19 A. In SM-U zones, extra floor area may be gained above the base FAR specified for the
20 zone in Section 23.48.620 in projects that provide open space amenities in accordance with
21 Chapter 23.58A and subject to the limits and conditions of Section 23.48.621 and this Section
22 23.48.624.

23 B. The following open space amenities are eligible for a floor area bonus to gain an
24 amount of extra floor area specified in Section 23.48.621:

- 25 1. neighborhood open space;

1 2. green street improvements on designated neighborhood green streets shown on
2 Map A for 23.48.640;

3 3. green street setback on lots abutting a designated neighborhood green street
4 shown on Map A for 23.48.640; and

5 4. mid-block corridor.

6 C. To be eligible for a floor area bonus, open space amenities shall comply with the
7 applicable development standards and conditions specified in Section 23.58A.040, except that
8 for a mid-block corridor, in addition to the conditions of 23.58A.040, the provisions of
9 subsection 23.48.640.F apply.

10 Section 33. A new Section 23.48.625 of the Seattle Municipal Code is added as
11 follows:

12 **23.48.625 Structure height in SM-U zones**

13 A. Maximum height limits

14 1. The maximum structure height in SM-U zones is shown as the figure(s) after
15 the zone designation. For the SM-U 85-240, SM-U/R 85-240, and SM-U 85-320 zones, the first
16 figure of the height suffix is the lowest height limit that applies to structures that are subject to
17 specific standards if they do not exceed this height limit, and the second figure following the
18 dash is the maximum height limit for any structure in the zone.

19 2. In the SM-U 85-240 and SM-U 85-320 zones, a minimum lot size of 12,000
20 square feet is required for a structure exceeding 85 feet in height.

21 3. To meet the minimum lot size requirement of subsection 23.48.625.3, a lot may
22 be combined with one or more abutting lots, whether occupied by existing structures or not,
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1 provided that the total area of the combined lots meets the minimum lot size requirement and the
2 applicable development standards in this subchapter of 23.48 apply to the combined site.

3 B. Provisions for rooftop features allowed above the height limit are in subsections
4 23.48.025.C. For zones that include different development standards for structures based on
5 height, the provisions for allowing rooftop features above the height limit shall apply to the
6 height limit used to determine which standards apply.
7

8
9 Section 34. A new Section 23.48.626 of the Seattle Municipal Code is added as follows:

10 **23.48.626 Combined lot development in SM-U zones**

11 A. Lots located on the same block in the SM-U 85, SM-U 240 and SM-U 320 zones may
12 be combined, whether contiguous or not, solely for the purpose of allowing some or all of the
13 capacity for chargeable floor area on one or more such lots under this Chapter 23.48 to be used
14 on one or more other lots, according to the provisions of this subsection 23.48.624.
15

16 B. The applicable FAR for all lots in a combined lot development where all lots are
17 located in the same zone shall be based on the height of the tallest structure proposed in the
18 combined lot development. If lots are located in different zones, the FAR for any lot shall be the
19 applicable FAR of the zone.
20

21 C. In the SM-U 85-240 and SM-U 85-320 zones, any structure exceeding 85 feet in
22 height in a combined lot development must be located on a lot that meets the minimum size
23 requirements of Section 23.48.625.A.2.
24

25 D. Within the combined lot, the permitted chargeable floor area from one lot, referred to
26 in this section 23.48.624 as the "reduced lot", may be allowed on one or more other lots on the
27

1 same block, referred to in this section 23.48.624 as the “increased lot(s),” up to the maximum
2 FAR limit.

3 E. Gross floor area allowed on the increased lot shall be allowed in the following
4 order:

5 1. The first amount of gross floor area allowed on the increased lot shall be the
6 chargeable floor area allowed up to the base FAR calculated on the increased lot, and shall not
7 be considered extra floor area.
8

9 2. The second amount of gross floor area allowed on the increased lot shall be
10 all gross floor area allowed above the base FAR up to the maximum FAR calculated on the
11 increased lot and shall be considered extra floor area.
12

13 3. The third amount of gross floor area allowed on the increased lot shall be all
14 gross floor area allowed above the base FAR up to the maximum FAR calculated on the
15 reduced lot and shall be considered extra floor area.

16 4. The last amount of gross floor area allowed on the increased lot shall be all
17 gross floor area allowed below the base FAR calculated on the reduced lot and shall not be
18 considered extra floor area.
19

20 F. The fee owners of each lot within the combined lot shall execute an agreement or
21 instrument, which shall include the legal descriptions of each lot and shall be recorded in the
22 King County real property records. In the agreement or instrument, the owners shall
23 acknowledge the extent to which development capacity on the reduced lot shall be reduced by
24 the use of chargeable floor area on the increased lot. The agreement or instrument shall also
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1 provide that its covenants and conditions shall run with the land and shall be specifically
2 enforceable by the parties and by the City of Seattle.

3 G. Development on any lot in a combined lot development shall not exceed or deviate
4 from height limits or other development standards, except as specified in this Section
5 23.48.626.

6
7 Section 35. A new Section 23.48.627 of the Seattle Municipal Code is added as follows:

8 **23.48.627 Adoption of rules to implement SM-U zone regulations**

9 A. The Director shall promulgate a rule listing the structures that meet the following
10 criteria and that are exempt from floor area calculations and eligible as a “vulnerable masonry
11 structure” TDR or TDP sending site:

12 1. The structure is included in the Department of Neighborhoods Historic
13 Resource Survey and has an assigned status classification as either Yes-Inventory or Yes-Hold;
14 and

15 2. The structure has unreinforced masonry bearing walls.

16 3. At a minimum, the structure shall be retained according to the provisions of
17 subsection 23.58A.042.F.

18 B. The Director shall periodically update the list to reflect changed conditions and to
19 allow structures to be removed or added to the list to maintain consistency with the criteria
20 specified in this subsection 23.48.627.B.

21
22 Section 36. A new Section 23.48.635 of the Seattle Municipal Code is added as follows:

23 **23.48.635 Maximum width and depth limits in SM-U zones**

24 A. The maximum width and depth limit of a structure is 250 feet, except as otherwise
25 provided in this Section 23.48.635. The width and depth limits do not apply to below-grade or
26 partially below-grade stories that do not extend more than 4 feet above the sidewalk, measured at

1 any point above the sidewalk elevation to the floor above the partially below-grade story,
2 excluding access.

3 B. For the stories of a structure subject to width and depth limits, all portions of the
4 same story that are horizontally contiguous, including any portions connected by doorways,
5 ramps, bridges, elevated stairways, and other such devices, shall be included in the measurement
6 of width and depth. The width and depth limit of stories in separate structures or structures on
7 the same lot that abut but are not internally connected shall be measured separately, except that
8 designated Landmark structures and structures that qualify as vulnerable masonry buildings
9 according to Section 23.48.627 that are retained on the lot are excluded from the width and depth
10 measurement, whether internally connected to a new structure or not.

11 C. Width and depth limits shall not apply to stories of a structure with more than 50
12 percent of the total gross floor area occupied by any of the following uses:

- 13 1. community clubs or community centers;
- 14 2. religious facilities;
- 15 3. arts facilities;
- 16 4. preschool, elementary, or secondary schools; and
- 17 5. performing arts theaters.

18 D. Width and depth limits shall not apply to the portion of a structure that is 55 feet in
19 height or less on a lot that includes a light rail transit station.

20
21 Section 37. A new Section 23.48.640 of the Seattle Municipal Code is added as follows:

22 **23.48.640 Street-level development standards in SM-U zones**

23 A. Required street-level setbacks in the In the SM-U 85, SM-U 85-240, and SM-U 85-
24 320 zones.

1 d. Bay windows, canopies, horizontal projection of decks, balconies with
2 open railings, eaves, cornices, gutters, and other similar architectural features that are at least 8
3 feet above the sidewalk elevation are permitted to extend up to 4 feet into the required setback.

4 3. Area provided as a required street-level setback under this subsection
5 23.48.640.A.1 that abuts a designated neighborhood green street shown on Map A for 23.48.640
6 is eligible for a floor area bonus as a green street setback, provided that the setback area complies
7 with the development standards in Section 23.58A.040 for a green street setback.

8 B. Required street-level setbacks in the SM-U/R 85-240 zone

9 1. On all streets in the SM-U/R 85-240 zone, an average street-level setback of 5
10 feet is required from all street lot lines.

11 2. The setback area shall be landscaped according to standards in subsection
12 23.48.055.A.3, except that streets that are designated as neighborhood green streets shall be
13 landscaped as specified in the applicable green street concept plan established in accordance with
14 Director's Rule DR 11-2007, or a successor rule.

15 3. Area provided as a required street-level setback under this Section 23.48.640.B
16 that abuts a designated neighborhood green street shown on Map A for 23.48.640 is eligible for a
17 floor area bonus as a green street setback, provided that the setback area complies with the
18 development standards and conditions in Section 23.58A.040 for a green street setback.

19 C. Facade requirements for street-level residential units and live-work units. In the SM-
20 U 85, SM-U 85-240, and SM-U 85-320 zones, the street-facing facades of street-level residential
21 units and live-work units shall set back an average of 7 feet from the street lot line, subject to the
22 following:

23 1. Except as permitted by subsections 23.48.640.C.4, no setback shall be less
24 than 5 feet from the street lot line, and any setback area further than 15 feet from the street lot
25 line shall not be included in the averaging calculation.

1 2. The following is permitted in the required setback area:

- 2 a. landscaped area accessible to individual dwelling units or to the
3 principal entrance to the structure,
4 b. private or common useable open space or amenity area, and
5 c. unenclosed stoops, or steps, decks or porches related to the abutting
6 residential or live-work units.

7 3. Bay windows, canopies, horizontal projection of decks, balconies with open
8 railings, eaves, cornices, gutters, and other similar architectural features that are at least 8 feet
9 above the sidewalk elevation are permitted to extend up to 4 feet into the required setback.

10 4. Except for the setbacks required by subsection 23.48.640.A or 23.48.640.B, no
11 setback of the street-level street-facing façade of a residential or live-work unit is required if the
12 floor of the street-level unit is located at least 4 feet above sidewalk grade, and the floor area
13 below the unit is not occupied by a separate dwelling unit.

14 D. Transparency and blank facade standards. The transparency requirements and blank
15 facade limits in Section 23.48.040.B apply to all streets in the SM-U zones designated as Class 1,
16 Class 2, and Neighborhood Green Streets, as shown on Map A for 23.48.640.

17 E.. Required street-level uses. Street-level uses listed in subsection 23.48.005.D and
18 meeting the standards of subsection 23.48.040.C are required along the street frontages of the
19 streets shown on Map A for 23.48.640.

Map A for 23.48.640

Street-level Development Standards



1 F. Required mid-block corridor

2 1. In the area shown on Map B for 23.48.640, lots that meet the following criteria
3 are required to provide a mid-block corridor:

4 a. The lot exceeds 30,000 square feet in area and abuts two north/south
5 streets. Lots exceeding 30,000 square feet that are separated only by an alley and that are
6 developed as a combined lot development under section 23.48.626 are also required to provide a
7 mid-block corridor to connect the two abutting north/south streets; and

8 b. The lot has a street frontage that exceeds 250 feet on at least one of the
9 abutting north/south streets.

10 2. On lots meeting the criteria in subsection 23.48.640.F.1, the required mid-
11 block corridor shall meet the following standards:

12 a. The mid-block corridor shall provide a continuous pedestrian pathway
13 that extends across the lot and any separating alley to connect both of the abutting streets;

14 b. The alignment of the pedestrian corridor and the point at which it
15 intersects each street shall be no closer than 150 feet to an east/west street abutting the block;

16 c. Entrances to the corridor at the street shall be accessible at grade level
17 from the sidewalk, and the length of the corridor shall be at ground level, except that minor
18 changes in grade are permitted to accommodate conditions on sloping sites, provided that all
19 segments of the corridor are physically and visually connected and accessible to persons with
20 disabilities;

21 d. The average width of the corridor shall be 25 feet, with a minimum
22 width of 15 feet. Any segment of the pedestrian corridor that is covered from side to side shall
23 have a minimum width of 20 feet;

24 e. The corridor shall include at least one open space with a minimum area
25 of 1,500 square feet and a minimum horizontal dimension of 30 feet;

1 f. The corridor shall be open to the sky, except that up to 35 percent of the
2 length of the corridor may be covered and enclosed if located on private property, provided the
3 minimum height of covered portions is 13 feet; .

4 g. If the pedestrian corridor crosses an alley, the alley right-of-way shall
5 be improved for pedestrian safety and to reinforce the connection between portions of the
6 corridor on either side of the alley.

7 h. The corridor shall include lighting for pedestrian safety during all hours
8 that the corridor is available for public use.

9 3.. The Director may allow modifications from the standards for mid-block
10 corridors in this subsection 23.48.640.F as a Type I decision if the applicant demonstrates that
11 alternative treatments will better serve the development by enhancing pedestrian comfort, better
12 integrating the feature as part of the surrounding pedestrian network, and promoting greater use
13 of the connection.

14 4. A mid-block corridor that is located on a lot in the SM-U 85-240 zone or SM-
15 U 85-320 zone, whether within area shown of Map B for 23.48.640 or not, and that meets the
16 standards in this subsection 23.48.640.F and applicable standards in subsection 23.58A.040 is
17 eligible for a floor area bonus under the provisions of Section 23.48.621.

18 5. Portions of a mid-block corridor provided under this subsection 23.48.640.F,
19 whether required or not, are eligible to qualify as amenity area for residential uses under Section
20 23.48.045, or required usable open space under subsection 23.48.650.C, or both, provided the
21 applicable standards of these Sections are met.

22 6. The mid-block corridor requirement may be waived by the Director as a Type I
23 decision if it is determined that one or more of the following conditions apply:

24 a. A mid-block corridor already exists on the block and, given the
25 proximity to the proposed development site, an additional corridor would not significantly
26

1 enhance pedestrian circulation in the area and could detract from pedestrian activity on the street;

2 or

3 b. The location of existing buildings or amenities retained on the lot, such
4 as a landmark structure, make the inclusion of a mid-block corridor impractical or undesirable.

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Map B for 23.48.640 Area Requiring Mid-block Corridors



1 G. Overhead weather protection

2 1. Continuous overhead weather protection, provided by such features as
3 canopies, awnings, marquees, and arcades, is required along at least 60 percent of the street
4 frontage of a structure, except that any portions of the street frontage occupied by residential
5 dwelling units shall not be included as part of the street frontage subject to this requirement.

6 2. The covered area shall extend a minimum of 6 feet into the sidewalk width,
7 unless as otherwise provided in this subsection 23.48.640.G, and unless there is a conflict with
8 existing or proposed street trees or utility poles, in which case the width may adjusted to
9 accommodate such features as provided for in subsection 23.48.640.G.6.

10 3. The overhead weather protection must be provided over the sidewalk, or over a
11 walking area within 10 feet immediately adjacent to the sidewalk. When provided adjacent to
12 the sidewalk, the covered walking area must be within 18 inches of sidewalk grade and meet
13 Washington State requirements for barrier-free access.

14 4. For overhead weather protection extending up to 6 feet from the structure, the
15 lower edge of the overhead weather protection shall be a minimum of 8 feet and a maximum of
16 12 feet above the sidewalk. For weather protection extending more than 6 feet from the
17 structure, the lower edge of the weather protection shall be a minimum of 10 feet and a
18 maximum of 15 feet above the sidewalk.

19 5. Lighting for pedestrians shall be provided. The lighting may be located on the
20 facade of the building or on the overhead weather protection.

21 6. Where the standards listed in this subsection 23.48.640.G conflict with the
22 vertical and horizontal clearance requirements in the street right-of-way, the standards may be
23 modified by the Director in consultation with the Director of Transportation.

24
25 Section 38. A new Section 23.48.645 of the Seattle Municipal Code is added as follows:
26

23.48.645 Upper-level development standards in SM-U zones

A. Floor area limits in the SM-U/R 85-240, SM-U 85-240 and SM-U 85-320 zones. All structures that exceed 85 feet in height are subject to a limit on the floor area of stories above 45 feet in height.

1. The 45 foot height above which the floor area limits apply is measured from the existing or finished average grade elevation, whichever is less. Stories that do not exceed 45 feet in height and, on a lot that includes a light rail transit station, stories that do not exceed 55 feet in height are not subject to a floor area limit.

2. Floor area limits for stories or portions of stories that extend above the height specified in subsection 23.48.645.B.1 in height in the SM-U 85-240 and SM-U 85-320 zones are shown on Table A for 23.48.645.

**Table A for 23.48.645
 Floor Area Limits in the SM-U 85-240 and SM-U 85-320 Zones**

Height of structure	Average gross floor area for all stories above 45 feet	Maximum gross floor area of any single story above 45 feet
Greater than 85 feet but not exceeding 160 feet in height	20,000 square feet for stories in non-residential use, except as provided in subsection 23.48.645.A.5; or 12,000 square feet for stories in residential use ¹	24,000 square feet for stories in non-residential use; or 13,000 square feet for stories in residential use ¹
Greater than 160 feet but not exceeding 240 feet in height	10,500 square feet	11,500 square feet
Greater than 240 feet in height	9,500 square feet	10,500 square feet

¹ For stories that include a mix of non-residential and residential uses, the applicable floor area limit shall be the limit that applies to the use that accounts for more than 50 percent of the total floor area of the story, or the greater of the two floor area limits if the story includes equal amounts of residential and non-residential uses.

1 3. In the SM-U/R 85-240 zone, for structures on a lot that exceed 85 feet in
2 height, the gross floor area of stories of portions of stories that extend above 45 feet shall not
3 exceed 10,500 square feet.

4 4. In the SM-U 85-240 and SM-U 85-320 zones, the average and maximum gross
5 floor area limit is 24,000 square feet for stories between 45 feet and 160 feet in height if the
6 following apply:

7 a. For each story between 45 feet and 160 feet in height, a minimum of 50
8 percent of the floor area is in research and development laboratory uses; and

9 b. The minimum floor-to-floor height of each story between 45 feet and
10 160 feet in height is 14 feet.

11 B. Upper-level setbacks in SM-U 85, SM-U 85-240, and SM-U 85-320 zones

12 1. The following upper-level setbacks are required, and the height above which
13 the setback is required shall be measured from the existing or finished average grade, whichever
14 is less:

15 a. On lots where all structures are 85 feet in height or less, an average
16 setback of 10 feet is required from all abutting street lot lines for any portion of a structure that
17 exceeds 65 feet in height. The maximum depth of a setback that can be used for calculating the
18 average is 20 feet.

19 b. For a lot in the SM-U 85 zone that abuts University Way NE, portions
20 of a structure above 45 feet in height are required to set back an average of 15 feet from the street
21 lot line abutting University Way NE. The maximum depth of a setback that can be used for
22 calculating the average is 20 feet.

23 c. For a lot in an SM-U 85-240 or SM-U 85-320 zone that is across a
24 street from a lot in a Lowrise zone or a Midrise zone, portions of a structure above 65 feet in
25 height are required to set back an average of 15 feet from any portion of the street lot line that
26

1 abuts the separating street. . The maximum depth of a setback that can be used for calculating
 2 the average is 20 feet.

3 d. For a lot in the SM-U 85-320 zone that abuts a lot in a MR zone,
 4 portions of a structure above 65 feet in height are required to set back a minimum of 15 feet from
 5 the abutting lot line.

6 2. Projections permitted in required upper-level setbacks. The first 4 feet of
 7 horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters are
 8 permitted in required setbacks.

9 C. Upper-level setbacks in the SM-U/R 85-240 zone. The minimum required upper-
 10 level setbacks in the SM-U/R 85-240 zone are shown on Table B for 23.48.645.

Table B for 23.48.645	
Required Upper-Level Setbacks in SM-U/R 85-240 zones	
Lot line required setback is measured from:	Minimum setback required for specified portions of a structure
Rear lot line that abuts an alley	Portions of a structure 45 feet or less in height: None required; Portions of a structure greater than 45 feet in height: 10 foot minimum
Lot line that abuts neither a street nor an alley	For structures 85 feet in height or less: 7 foot average; 5 foot minimum ¹ For structures that exceed 85 feet in height, portions of a structure 45 feet or less in height: 7 foot average; 5 foot minimum ¹ and Portions of a structure greater than 45 feet in height: 15 foot minimum

Table B for 23.48.645

Required Upper-Level Setbacks in SM-U/R 85-240 zones

Footnotes for Table B for 23.48.645

¹No setback is required for portions abutting an existing structure built to the abutting lot line

D. Separation. On lots with structures that exceed 85 feet in height, separation between structures or portions of the same structure is required as follows:

1. A minimum separation of 75 feet is required between portions of structures that exceed 85 feet in height on the lot and any existing structures exceeding 85 feet in height that are located on a separate lot in the same block.

2. If more than one structure, or portions of the same structure, on a lot exceed 85 feet in height, a minimum separation of 75 feet is required between the portions of a structure that exceed 85 feet in height and all portions of structures on the lot that exceed 45 feet in height.

3. For the purposes of this Section 23.48.625.D, the separation requirements for lots separated by an alley that are combined under the provisions of subsection 23.48.626 shall be applied according to subsection 23.48.625.D.1, as if the lots were separate lots on the same block.

4. The projection of unenclosed decks and balconies, cornices, and other architectural features permitted in the upper-level setback shall be disregarded in calculating the required separation.

5. If the presence of an existing structure exceeding 85 feet in height would preclude the addition of another structure exceeding 85 feet in height on the same block but on a different block front, as a special exception, the Director may allow, as a Type I decision, up to a 20 percent reduction in the required separation of this subsection 23.48.645.D for structures that meet the following conditions:

1 a. The proposed structure exceeding 85 feet in height and the existing
2 structure exceeding 85 feet in height from which the reduction in required separation is being
3 sought are located on the same block but different block fronts; and

4 b. No portion of the existing structure exceeding 85 feet in height on the
5 opposite block front will encroach within the area defined by extending the two lines that run
6 parallel to the exterior facades defining the width of the proposed structure and extending from
7 the proposed structure across the opposite block front to the street.

8 c. In determining the amount of reduction in separation allowed, the
9 Director shall consider the following factors:

10 1) The potential impact of the additional structure exceeding 85
11 feet in height on adjacent structures located within the same block and on adjacent blocks, in
12 terms of views, privacy, and shadows;

13 2) Potential public benefits included in the development that
14 offset the impact of the reduction in required separation between structures, such as the
15 provision of public open space, improvements to a designated green street, or other streetscape
16 improvements, or the preservation of a landmark structure;

17 3) The potential impact on the public environment, including
18 shadow and view impacts on nearby streets and public open spaces; and

19 4) Design characteristics of the additional structure in terms of
20 overall bulk and massing, orientation, facade treatments and transparency, visual interest, and
21 other features that may offset impacts related to the reduction in required separation between
22 structures.

23 6. For the purposes of this subsection 23.48.645.D, a structure exceeding 85 feet
24 in height is considered to be “existing” and must be taken into consideration when other
25 structures exceeding 85 feet in height are proposed if any of the following apply:

1 a. The structure exceeding 85 feet in height is physically present, except
2 that the structure is not considered “existing” if the owner of the lot where the structure is located
3 has applied to the Director for a permit to demolish the structure and that application is pending
4 or a permit issued for that demolition is in effect, but any permit decision or permit for any
5 structure that would not be permitted under this subsection 23.48.645.D.6 if such structure were
6 considered “existing” may be conditioned upon the actual demolition of such structure;

7 b. The structure exceeding 85 feet in height is a proposed structure for
8 which a building permit has been issued and has not expired without the structure having been
9 constructed;

10 c. The structure exceeding 85 feet in height is a proposed structure for
11 which a complete building permit application has been submitted, provided the application has
12 not been withdrawn or cancelled;

13 d. The structure exceeding 85 feet in height is a proposed structure for
14 which a Master Use Permit decision has been published, unless and until either:

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

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

21 e. The structure exceeding 85 feet in height is a proposed structure for
22 which a complete application for early design guidance has been filed, provided that the early
23 design guidance application will not qualify the proposed structure as an existing structure if a
24 Master Use Permit application is not submitted within 90 days of the date of the early design
25 guidance public meeting if one is required, or within 90 days of the date the Director provides
26

1 guidance if no early design meeting is required, or within 150 days of the first early design
 2 guidance public meeting if more than one early design guidance public meeting is held.

3
 4 Section 39. A new Section 23.48.646 of the Seattle Municipal Code is added as follows:

5 **23.48.646. Facade modulation in SM-U zones**

6 **A.** In all SM-U zones, for all structures on lots exceeding 12,000 square feet, facade
 7 modulation is required for the street-facing facade within 10 feet of a street lot line. For the
 8 purposes of this Section 23.48.646, modulation is not required for portions of the street-facing
 9 facade of a story that is less than 4 feet above sidewalk grade, measured to the top of the floor
 10 above the partially below-grade story.

11 **B.** The maximum length of an unmodulated facade is prescribed in Table A for
 12 23.48.646: Facade Modulation. This maximum length shall be measured parallel to each street
 13 lot line, and shall apply to any portion of a facade, including projections such as balconies, that is
 14 located within 10 feet of street lot lines, except as provided in subsections 23.48.646.D.

15 **Table A for 23.48.646: Facade Modulation**

16 **Lots with structures that are 85 feet in height or less**

Height of street-facing portion of structure	Maximum length of unmodulated facade within 15 feet of street lot line
For stories up to 45 feet in height	120 feet, except as provided in subsections 23.48.646.D
For stories above 45 feet in height, up to 85 feet in height	80 feet

25 **Lots with structures that exceed 85 feet in height**

1 For stories up to 45 feet in 2 height	160 feet, except as provided in subsections 23.48.646.D
3 For stories above 45 feet 4 in height, up to 85 feet in 5 height	120 feet
6 For stories above 85 feet 7 in height	80 feet, except that no modulation is required if the total length of the street-facing facade for all portions of the structure above 85 feet in height does not exceed 100 feet.

10 C. If a portion of a street-facing facade within 10 feet of the street lot line extends to the
 11 maximum length permitted for an unmodulated facade, any further increase in the length of the
 12 facade is allowed only if the additional portions of the facade set back a minimum of 10 feet
 13 from the street lot line for a minimum length of 20 feet. If the required setback is provided,
 14 additional portions of the facade may be located within 10 feet of the street lot line. All required
 15 setback areas shall be open to the sky, and no facade projections shall be allowed into the setback
 16 area except for the following:

- 17 1. Roof eaves, including gutters and roof cornices and other similar architectural
 18 features, which may extend a maximum of 18 inches into the setback area; and
- 19 2. Overhead weather protection, whether required by section 23.48.640.H or not.

20 D. Modulation is not required for stories above street-level that include parking that is
 21 separated from the street lot line by other uses along all street frontages.

22
 23 Section 40. A new Section 23.48.650 of the Seattle Municipal Code is added as follows:
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23.48.650 Required open space for large lot developments in SM-U zones

A. Open space meeting the standards of this Section 23.48.650 is required in all SM-U zones for development on a lot exceeding 30,000 square feet.

B. Open space required by subsection 23.48.650.A shall meet the following standards:

1. The minimum amount of required open space shall be equal to 15 percent of the lot area.

2. Area qualifying as required open space may include both unenclosed usable open space and limited amounts of enclosed areas, as provided for in this subsection 23.48.650.B and as specified on Table A for 23.48.650;

Table A for 23.48.650

Limits on open space allowed as enclosed and unenclosed areas

Type of Open Space	Minimum amount required	Maximum amount allowed
Usable open space open to the sky subject to subsection 23.48.650.B.5	60 percent	No limit
Open space covered overhead by the structure, such as an arcade or building cantilever, and subject to subsection 23.48.650.B.6	None required	20 percent
Enclosed open space providing amenity features such as a public atrium, a shopping atrium, wintergarden, or covered portion of a mid-block pedestrian corridor and subject to subsection 23.48.650.B.7	None required	35 percent

3. Minimum area. The required open space shall generally be provided as one connected area that is accessible at street level, with variations in elevation allowed to accommodate changes in topography or to provide for features such as ramps that improve access for persons with disabilities. If the required amount of open space exceeds 5,000 square

1 feet, open space areas may be separated, provided that no separate area is less than 2,500 square
2 feet.

3 4. The average horizontal dimension for an area qualifying as the required
4 unenclosed usable open space is 20 feet, and the minimum horizontal dimension is 10 feet.

5 5. Area provided as usable open space shall be open to the sky and directly
6 accessible from an abutting street, with no structures containing floor area separating this portion
7 of the required open space area from the street frontage, in order to allow both visual and
8 physical access to the space for pedestrians from the street.

9 6. Open space provided as unenclosed space covered overhead by the structure
10 for weather protection shall abut a street lot line and be open and accessible to pedestrians along
11 the sidewalk. The area shall have an average horizontal dimension of 10 feet and a minimum
12 horizontal dimension of 5 feet, and the minimum vertical clearance of the covered space shall be
13 20 feet.

14 7. Open space provided as enclosed interior space, such as a public atrium, a
15 shopping atrium, wintergarden, or covered portion of a mid-block pedestrian corridor, shall meet
16 all of the following requirements:

17 a. The space shall have direct access for pedestrians, including persons
18 with disabilities, from the street, or from an outdoor, usable public open space abutting the street,
19 and shall be accessible to the public during normal business hours;

20 b. The space shall be provided as one continuous area that is a minimum
21 of 2,000 square feet in size, with an average horizontal dimension of 20 feet and a minimum
22 horizontal dimension of 10 feet. Enclosed area that abuts and is accessible to exterior open space
23 is not considered a separate area for the purposes of determining the minimum area requirements
24 of subsection 23.48.650.B.3.

25 c. The minimum floor-to-ceiling height of any enclosed area is 15 feet;

1 d. Space, such as lobby area, that is used solely to provide access between
2 the structure's principal street entrance and elevators, does not qualify as enclosed interior open
3 space for the purposes of this subsection 23.48.650.B.7.

4 8. All areas provided as open space under this Section 23.48.650 shall be
5 accessible to persons with disabilities.

6 9. Features provided under this subsection 23.48.650.B are eligible to qualify as
7 amenity area for residential uses required by Section 23.48.045, provided the standards of that
8 section are met.

9 10. Features provided under this subsection 23.48.650.B that satisfy the
10 requirements for open space amenities in Section 23.48.624 and Section 23.58A.040 are eligible
11 for a floor area bonus to gain extra floor area under the provisions of Section 23.48.621.

12 11. Usable open space satisfying the requirements of this subsection 23.48.650.B
13 may be provided on a site other than the project site, provided that the following conditions are
14 met:

15 a. The alternate open space site is located within an SM-U zone and within
16 500 feet of the project site;

17 b. The minimum area of the usable open space at the alternate site is 4,500
18 square feet; and

19 c. The owner of any lot on which off-site open space is provided to meet
20 the requirements of this Section 23.48.650.B shall execute and record an easement in a form
21 acceptable to the Director assuring compliance with the requirements of this Section 23.48.650.
22 The Director is authorized to accept such an easement, provided that the terms do not impose any
23 costs or obligations on the City.

24
25 Section 41. A new Section 23.48.680 of the Seattle Municipal Code is added as follows:
26

1 **23.48.680 Required parking in SM-U zones**

2 A. Off street parking spaces and bicycle parking are required according to subsection
3 23.54.015.

4 B. Maximum parking limit for non-residential uses

5 1. Except as provided in subsections 23.48.680.B.2, parking for non-residential
6 uses is limited to one parking space per every 1,000 square feet of gross floor area in non-
7 residential use.

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

12
13 Section 42. A new Section 23.48.685 of the Seattle Municipal Code is added as follows:

14 **23.48.685 Parking location in SM-U zones**

15 A. Parking location within structures

16 1. Except as provided in subsection 23.48.685.A.2, parking within structures,
17 excluding driveway access, shall be located below the street-level story or separated from the
18 street along all street frontages by another use. There is no limit on the number of stories of
19 parking above the street-level story if the parking is separated along all street frontages of the
20 structure by another use.

21 2. On lots that are less than 24,000 square feet in size, or that are 103 feet in
22 depth or less as measured from the lot line with the greatest street frontage, parking is permitted
23 within structures above the street-level story as follows:

24 a. One story of parking is permitted above the street-level story for every
25 two stories of parking located below grade that, in combination, provide at least twice the
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1 capacity of the above grade story, up to a maximum of two stories of parking above the street-
2 level story.

3 b. Parking located on stories above the street-level story of a structure
4 shall be separated by other uses and screened as follows:

5 1) A minimum of 30 percent of the length of the parking area
6 measured along each street frontage shall be separated from the street by another use. For
7 structures located at street intersections, the separation by another use shall be provided at the
8 corner portion(s) of the structure.

9 2) Any parking area that is not separated from the street by
10 another use shall be enclosed by facades along all street frontages. Facades shall be designed to
11 minimize the impacts of glare from vehicle headlights and interior garage lighting on pedestrian
12 views from the street.

13 3) The Director may permit more than two stories of parking
14 above the street-level story of the structure, waive the requirement for parking located below
15 grade if parking is provided above the street level story, or permit other exceptions to this
16 subsection 23.48.685.A.2, as a Type I decision, if the Director finds that locating parking below
17 grade is infeasible due to physical site conditions such as a high water table or proximity to a
18 tunnel. In such cases, the Director shall determine the maximum feasible amount of parking that
19 can be provided below grade, if any, and the amount of additional parking to be permitted above
20 street level based on an assessment of the conditions that restrict providing the parking below
21 grade, such as the depth and dimensions of an underground tunnel. The rationale that a site is
22 too small to accommodate parking below grade is not a basis for granting an exception under this
23 subsection 23.48.685.A.2.b.3.

24 B. Accessory surface parking shall be separated from all street lot lines by another use
25 within a structure, except that driveway access need not be separated.

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Section 43. A new Section 23.48.690 of the Seattle Municipal Code is added as follows:

23.48.690 Development agreements in SM-U zones

A. The Director may recommend that the Council approve a development agreement pursuant to Chapter 36.70B RCW for real property zoned SM-U within the University Community Urban Center west of 16th Avenue NE.

B. The Director's recommendation shall be informed by an urban design framework that the Director has developed through a community involvement process.

C. The proposed development agreement shall be for the development of real property that achieves one of more of the following key design and development objectives of the urban design framework:

1. The addition of significant public open space in the neighborhood core near the proposed transit station;

2. Better integration of new development with light rail transit facilities;

3. Enhanced pedestrian circulation;

4. Retention of key elements defining neighborhood character, including designated Landmark structures and other historic resources;

5. Strengthening of neighborhood commercial activity and revitalization of the historic pedestrian-oriented business district;

6. Green storm water infrastructure exceeding storm water code requirements;

7. District heating and cooling;

8. Improved urban form; and

9. Increased diversity in building types, mix of activities, and the range of employment activities and household types accommodated in the area.

1 D. The proposed development agreement may set forth development standards that vary
2 from otherwise applicable development regulations, subject to the following limitations:

3 1. Uses prohibited in the underlying zone shall not be permitted;

4 2. FAR requirements may be varied for an individual lot; however, the total
5 FAR as calculated for all lots under the proposed development agreement shall not exceed the
6 limits on chargeable floor area under Section 23.48.620 computed for all lots participating in
7 the development agreement;

8 3. Variations of Green Factor requirements for an individual lot shall not result
9 in a Green Factor ratio for the aggregated lots that is less than the ratio that would result from
10 imposition of otherwise applicable Green Factor requirements to all individual lots;

11 4. No increases in height limits for structures and for rooftop features in
12 Section 23.48.625 shall be allowed;

13 5. No changes are allowed to the provisions of Chapter 23.58B and Chapter
14 23.58C;

15 6. No changes are allowed to the provisions for gaining extra floor area
16 according to Section 23.48.621, except that requirements may be varied for individual lots,
17 provided that in any redistribution of allowed chargeable floor area among the lots
18 participating in the development agreement, all extra floor area must be used before base floor
19 area can be transferred between participating lots; and

20 7. The provisions of Chapter 23.41 shall apply to development proposals within
21 the scope of the development agreement, except that the recommendation of the Design
22 Review Board shall be consistent with the development agreement, and if there is a conflict
23 between a Design Review Board recommendation and the terms of the development
24 agreement, the latter shall prevail.

1 E. The Director shall prepare a written report on a proposed development agreement.
2 The Director shall submit the report and proposed development agreement to the Council after
3 any applicable SEPA appeal period has lapsed without an appeal being initiated or, if a SEPA
4 appeal is timely initiated, after the Hearing Examiner issues a decision affirming the Director's
5 compliance with SEPA. The report shall include:

- 6 1. An evaluation of the proposed development agreement's consistency with
7 the applicable urban design framework that the Director has developed through a community
8 involvement process and any applicable Comprehensive Plan goals and policies;
- 9 2. Proposed development standards for the site; and
- 10 3. The Director's recommendation.

11 F. The Council shall hold a public hearing on the proposed development agreement.
12 Notice of the hearing shall be provided at least 30 days prior to the hearing by inclusion in the
13 Land Use Information Bulletin.

14 G. If the Council determines to approve a proposed development agreement, the
15 Council may:

- 16 1. Set forth development standards that vary from otherwise applicable
17 development regulations, subject to any applicable limitations in subsection 23.48.6XX.X; and
- 18 2. Set forth other provisions, unrelated to development standards, that the
19 Council deems appropriate.

20 H. After its approval by the Council and after all parties to the development agreement
21 approve and execute it, the City Clerk shall record the development agreement in the real
22 property records of King County.

23 I. Nothing in this Section 23.48.690 limits the Council's authority to enter into a
24 development agreement authorized by Chapter 36.70B RCW in situations other than those
25 described in subsection 23.48.690.C.

1
2 Section 44. Section 23.58A.040 of the Seattle Municipal Code, last amended by
3 Ordinance 124513, is amended as follows:

4 **23.58A.040 Bonus floor area for open space amenities**

5 A. Findings. The City Council finds that:

6 1. Amenities, including public open space, are an important aspect of livability in
7 areas targeted in the Comprehensive Plan for concentrated housing and employment growth. To
8 address this need, the Comprehensive Plan establishes goals for the amount and distribution of
9 open space. These goals are consistent with national standards developed to assist communities
10 with planning to provide adequate open space serving specified population needs.

11 2. Developments that add density will increase demand for public open space. If
12 additional public open space is voluntarily provided to offset additional demand, the impacts on
13 available open space resources will be mitigated.

14 3. Within Highrise zones, the average amount of public open space, including
15 breathing room open space, needed to accommodate residential development is at least 0.14
16 square feet of open space per gross square foot of residential floor area in a development.

17 B. Voluntary agreements for amenities. Where expressly permitted by the provisions of
18 the zone, an applicant may achieve bonus floor area in part through a voluntary agreement for
19 provision of amenities to mitigate impacts of the development, subject to the limits in this
20 Chapter 23.58A.

21 1. Except where limited in the provisions of the zone, amenities that may be
22 provided for bonus floor area include:

- 23 a. neighborhood open space;
24 b. green street setbacks on lots abutting designated green streets;
25 c. green street improvements;

1 d. mid-block corridor; and

2 e. hillside terrace.

3 2. The amenities listed in subsection 23.58A.040.B.1 are referred to as "open
4 space amenities" in this Section 23.58A.040. Mitigation of impacts identified in subsection
5 23.58A.040.A may be achieved by providing the amenity on the same lot as the development
6 using the bonus floor area or, for green street improvements, in the right-of-way within ~~((two~~
7 ~~blocks))~~1/4 mile of the development using the bonus floor area (the performance option), by a
8 payment-in-lieu of providing the amenity on- or off-site (payment option), or both.

9 3. Amenities provided as part of street vacations may not be counted as amenities
10 for the purpose of achieving extra floor area.

11 C. Performance option

12 1. General provisions

13 a. An applicant electing to use the performance option shall provide the
14 amenity on the same lot as the development using the bonus floor area, except to the extent that
15 providing an amenity on another lot is allowed under a combined lot development or a Council
16 approved development agreement that is expressly permitted by the provisions of the zone and
17 except for green street improvements that shall be provided within ~~((two blocks))~~1/4 of a mile of
18 the lot. The maximum area of any amenity or combination of amenities provided on a lot eligible
19 for a bonus is established in this subsection 23.58A.040.C and may be further limited by Sections
20 23.58A.012, 23.58A.022, or the provisions of the zone. Open space amenities shall meet the
21 standards of this subsection 23.58A.040.C in order to qualify for bonus floor area, except as may
22 be authorized by the Director under subsection 23.58A.040.C.4. An open space amenity may also
23 qualify as a required residential amenity or other open space requirement to the extent permitted
24 by the provisions of the zone.

25 b. Amenities in Downtown zones in South Downtown

1 1) In Downtown zones in South Downtown, in order to qualify for
2 bonus residential floor area, amenity features shall satisfy the eligibility conditions of the
3 Downtown Amenity Standards, except as provided in subsection 23.58A.040.C.1.b.2, and shall
4 be consistent with the guidelines of the Downtown Amenity Standards.

5 2) The Director may allow (~~departures~~)modifications from the
6 eligibility conditions of the Downtown Amenity Standards, as a Type I decision, if the applicant
7 demonstrates that the amenity better achieves the intent of the Downtown Amenity Standards for
8 that amenity feature, and that the departure is consistent with any applicable criteria for allowing
9 the particular type of departure in the Downtown Amenity Standards.

10 3) The Director may condition the approval of an amenity as
11 provided in the Downtown Amenity Standards.

12 2. Bonus ratio. Unless otherwise specified in the provisions of the zone,
13 amenities may be used to gain bonus floor area according to the following ratios and subject to
14 the limits of this Section 23.58A.040

15 a. For a neighborhood open space, 7 square feet of bonus floor area per 1
16 square foot of qualifying neighborhood open space area (7:1).

17 b. For a green street setback, 5 square feet of bonus floor area per 1
18 square foot of qualifying green street setback area (5:1).

19 c. For a green street improvement, 5 square feet of bonus floor area per 1
20 square foot of qualifying green street improvement area (5:1).

21 d. For a mid-block corridor, 7 square feet of bonus floor area per 1 square
22 foot of qualifying mid-block corridor area (7:1).

23 e. For a residential or nonresidential hillside terrace, 5 square feet of
24 bonus floor area per 1 square foot of qualifying hillside terrace area (5:1).

1 3. Maximum open space amenity in Highrise zone. In the Highrise zone, the
2 amount of open space amenity for which bonus floor area may be allowed shall not exceed the
3 lesser of the amount required to mitigate the impact created by the total bonus residential floor
4 area in the development, or 15,000 square feet. For purposes of this Section 23.58A.040, the
5 amount of open space required to mitigate that impact in the Highrise zone is 0.14 square feet of
6 open space amenity per square foot of bonus residential floor area, unless the Director
7 determines, as a Type I decision, that a different ratio applies based on consideration of one or
8 both of the following:

9 a. the overall number or density of people anticipated to use or occupy the
10 structure in which bonus floor area will be located, in relation to the total floor area of the
11 structure, is different from the density level of approximately 1.32 persons per 1,000 residential
12 gross square feet, which was used to establish the ratio in subsection 23.58A.040.C, such that a
13 different amount of open space is needed to mitigate the impacts of development;

14 b. characteristics or features of the development mitigate the impacts that
15 the anticipated population using or occupying the structure in which bonus floor area will be
16 located would otherwise have on open space needs.

17 4. Standards for open space amenities. The following standards apply to open
18 space amenities, except as otherwise specifically stated in the provisions of the zone.

19 a. Public access

20 1) Public access for open space amenities in Downtown zones is
21 regulated pursuant to subsection 23.58A.040.C.1.b.

22 2) Except for green street improvements, open space amenities not
23 in Downtown zones shall be open to the public, without charge, each day of the year for a
24 minimum of ten hours each day for a neighborhood open space and 24 hours each day of the year
25 for a green street setback. The hours of public access identified above shall be during daylight

1 hours, unless there are insufficient daylight hours, in which case the open space shall also be
2 open during nighttime hours for the balance of the hours the open space is to remain open. Public
3 access may be limited temporarily during hours that are otherwise required to be open to the
4 public for necessary maintenance or for reasons of public safety.

5 3) Within the open space, property owners, tenants and their
6 agents shall allow members of the public to engage in activities allowed in the public sidewalk
7 environment, except that those activities that would require a street use permit if conducted on
8 the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature
9 gathering, and holding signs, all without obstructing access to the space, any building, or other
10 adjacent features, and without unreasonably interfering with the enjoyment of the space by
11 others, shall be allowed. While engaged in allowed activities, members of the public may not be
12 asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment
13 of the space by others unless the space is being closed to the general public consistent with this
14 subsection 23.58A.040.C. No parking, storage or other use may be established on or above the
15 surface of the open space except as provided in subsection 23.58A.040.C.4.b.2.f. Use by motor
16 vehicles of open space for which bonus floor area is granted is not permitted. The open space
17 shall be identified clearly with the City's public open space logo on a plaque placed at a visible
18 location at each street entrance providing access to the amenity. The plaque shall indicate, in
19 letters legible to passersby, the nature of the bonus amenity, its availability for general public
20 access, and additional directional information as needed.

21 b. Standards for neighborhood open space

22 1) Neighborhood open space in Downtown zones in South
23 Downtown ~~((are))~~is regulated pursuant to subsection 23.58A.040.C.1.b.

24 2) Neighborhood open space not in Downtown zones used to
25 qualify for bonus floor area shall meet the conditions in this subsection 23.58A.040.C.4.b.2,

1 unless ~~((an exception))~~ a modification is ~~((granted))~~ allowed by the Director as a Type I decision,
2 based on the Director's determination that, relative to the strict application of the standards, the
3 exception will result in improved public access and use of the space or a better integration of the
4 space with surrounding development.

5 a) The open space shall comply with the applicable
6 provisions of this Section 23.58A.040. The open space shall consist of one continuous area with
7 a minimum of 3,000 square feet and a minimum horizontal dimension of 10 feet.

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

10 c) Either permanent or movable seating in an amount
11 equivalent to 1 lineal foot for every 200 square feet of open space shall be available for public
12 use during hours of public access.

13 d) The open space shall be located and configured to
14 maximize solar exposure to the space, allow easy access from streets or other abutting public
15 spaces, including access for persons with disabilities, and allow convenient pedestrian circulation
16 through all portions of the open space. The open space shall have a minimum frontage of 30 feet
17 at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

18 e) The open space shall be provided at ground level, except
19 that in order to provide level open spaces on steep lots, some separation of multiple levels may
20 be allowed, provided they are physically and visually connected and accessible to persons with
21 disabilities.

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

9 c. Standards for green street setbacks

10 1) Green street setbacks in Downtown zones in South Downtown
11 are regulated pursuant to subsection 23.58A.040.C.1.b.

12 2) Green street setbacks in Downtown zones outside South
13 Downtown are regulated pursuant to Section 23.49.013.

14 3) Green street setbacks not in Downtown zones shall meet the
15 following standards:

16 a) Where permitted by the provisions of the zone, bonus
17 floor area may be gained for green street setbacks by development on lots abutting those street
18 segments that are listed or shown as green streets in the provisions of the zone.

19 b) A green street setback shall be provided as a setback
20 from a lot line abutting a designated green street. The setback shall be continuous for the length
21 of the frontage of the lot abutting the green street, and a minimum of 50 percent of the setback
22 area (~~(eligible for a bonus)~~) shall be landscaped. The area of any driveways in the setback area is
23 not included in the bonusable area. For area eligible for a bonus, the average setback from the
24 abutting green street lot line shall not exceed 10 feet, with a maximum setback of 15 feet. The
25 design of the setback area shall allow for public access, such as access to street level uses in
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1 abutting structures or access to areas for seating. The Director may (~~grant an exception~~)
2 approve a modification to the standards in this subsection 23.58A.040.C.4.c.3.b as a Type I
3 decision, based on the Director's determination that the exception is consistent with a green street
4 concept plan, if one exists, established in accordance with Directors Report DR 11-2007, or a
5 successor rule.

6 d. Standards for green street improvement. Green street improvements
7 used to qualify for bonus floor area shall be located on a designated green street and shall meet
8 the standards of a city-approved streetscape concept plan or other design document approved by
9 the Director.

10 e. Standards for mid-block corridor((-))

11 1) Mid-block corridors used to qualify for bonus floor area in
12 Downtown zones in South Downtown are regulated pursuant to subsection 23.58A.040.C.1.b.

13 2) Mid-block corridors used to qualify for bonus floor area in the
14 Mount Baker Station Area must meet the requirements in the Downtown Amenity Standards.

15 3) Mid-block corridors used to qualify for bonus floor area in the
16 SM-U zones within the University Community Urban Center are regulated pursuant to
17 subsection 23.48.623.D.

18 f. Standards for hillside terrace. A hillside terrace used to qualify for
19 bonus floor area in South Lake Union or in Downtown zones in South Downtown are regulated
20 pursuant to subsection 23.58A.040.C.1.b.

21 g. Declaration. If open space is to be provided for purposes of obtaining
22 bonus floor area, the owners of the lot using the bonus floor area, and of the lot where the open
23 space is provided, if different, shall execute and record a declaration and voluntary agreement in
24 a form acceptable to the Director identifying the bonus amenities; acknowledging that the right
25 to develop and occupy a portion of the gross floor area on the lot using the bonus floor area is
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1 based upon the long-term provision and maintenance of the open space and that development is
2 restricted in the open space; and committing to provide and maintain the open space.

3 h. Identification

4 1) Open space amenities in Downtown zones in South Downtown
5 shall meet the identification conditions of the Downtown Amenity Standards.

6 2) Open space amenities not in Downtown zones shall be
7 identified clearly with the City's public open space logo on a plaque placed at a visible location
8 at each street entrance providing access to the amenity. The plaque shall indicate, in letters
9 legible to passersby, the nature of the bonus amenity, its availability for general public access,
10 and additional directional information as needed.

11 i. Duration; alteration. Except as provided for in this subsection
12 23.58A.040.C.4.i, the owners of the lot using the bonus floor area and of the lot where the open
13 space amenity is located, if different, including all successors, shall provide and maintain the
14 open space amenities for which bonus floor area is granted, in accordance with the applicable
15 provisions of this Section 23.58A.040, for as long as the bonus floor area gained by the open
16 space amenities exists. An open space amenity for which bonus floor area has been granted may
17 be altered or removed only to the extent that either or both of the following occur, and alteration
18 or removal may be further restricted by the provisions of the zone and by conditions of any
19 applicable permit:

20 1) The bonus floor area permitted in return for the specific open
21 space amenity is removed or converted to a use for which bonus floor area is not required under
22 the provisions of the zone; or

23 2) An amount of bonus floor area equal to that allowed for the
24 open space amenity that is to be altered or removed is provided through alternative means

1 consistent with the provisions of the zone and provisions for allowing bonus floor area in this
2 Chapter 23.58A

3 D. Payment option

4 1. There is no payment in lieu option for open space amenities other than
5 neighborhood open space.

6 2. Payment in lieu of providing neighborhood open space

7 a. In lieu of all or part of the performance option for neighborhood open
8 space, an applicant may pay to the City an amount determined pursuant to this subsection
9 23.58A.040.D if the Director determines that the payment will contribute to public open space
10 improvements abutting the lot or in the vicinity; that the improvements will meet the additional
11 need for open space caused by the development and are feasible within a reasonable time; and
12 that the applicant agrees to the specific improvements or to the general nature and location of the
13 improvements.

14 b. The amount of the payment is determined by multiplying the number of
15 square feet of land that would be provided as neighborhood open space, by the sum of an
16 estimated land value per square foot based on recent transactions in the area and an average
17 square foot cost for open space improvements. The dollar amount per square foot shall be
18 determined by the Director based on any relevant information submitted by the applicant, and
19 any other data related to land values and costs that the Director considers reliable.

20 c. Cash payments shall be made prior to issuance and as a condition to
21 issuance of any permit after the first building permit for a development and before any permit for
22 any construction activity other than excavation and shoring is issued.

23 d. Any payment in lieu of providing neighborhood open space shall be
24 deposited in a dedicated fund or account solely to support acquisition or development of public
25 open space within 0.25 mile of the lot using the bonus floor area, or within another area

1 prescribed by the provisions of the zone, or at another location where the applicant and the
2 Director agree that it will mitigate the direct impacts of the development, and the payment shall
3 be expended within five years of receipt for such purposes.

4 Section 45. Section 23.58A.042 of the Seattle Municipal Code, which was last amended
5 by Ordinance 124172, is amended as follows:

6 **23.58A.042 - Transferable development potential (TDP) and rights (TDR)**

7 **A. Scope and applicability**

8 1. This Section 23.58A.042 contains rules for TDP and TDR when their transfer
9 or use is authorized by other provisions of this Title 23 that specifically refer to provisions of this
10 Chapter 23.58A.
11

12 2. Whether a lot may be eligible as a TDP or TDR sending site is determined by
13 the provisions of the zone in which the lot is located. To be eligible as a sending lot for a specific
14 category of TDP or TDR defined in this Chapter 23.58A, the lot shall satisfy the applicable
15 conditions of this Section 23.58A.042 and definitions in Chapter 23.84A except to the extent
16 otherwise expressly stated in the provisions of the zone. Whether a lot is eligible as a TDP or
17 TDR receiving lot, whether the lot may receive TDP or TDR from another lot, and what
18 categories of TDP or TDR the lot may receive are determined by the provisions of the zone. The
19 transfer and use of TDP or TDR on any receiving lot are subject to the limits and conditions in
20 this Chapter 23.58A, the provisions of the zone, and all other applicable provisions of this Title
21 23.
22
23

24 **B. General standards for sending lots**
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1 1. TDP calculation. The maximum amount of TDP floor area that may be
2 transferred from a sending lot is the amount by which the residential floor area allowed under the
3 base floor area ratio, or floor area that could be allowed under the base residential height as
4 determined by the Director if no base residential floor area exists, exceeds the sum of:

- 5 a. any nonexempt floor area existing on the sending lot; plus
- 6 b. any TDP or TDR previously transferred from the sending lot.

7
8 2. TDR calculation. The maximum amount of TDR floor area that may be
9 transferred from a sending lot is the amount by which the nonresidential floor area allowed under
10 the base floor area ratio of the sending lot exceeds the sum of:

- 11 a. any nonexempt floor area existing on the sending lot; plus
- 12 b. any TDP or TDR previously transferred from the sending lot.

13
14 3. Floor area limit after transfer. After TDP or TDR is transferred from a sending
15 lot, the total amount of residential and nonresidential floor area that may then be established on
16 the sending lot, other than floor area exempt from limits on floor area under the provisions of the
17 zone, shall be as follows:

- 18 a. The amount of residential floor area that may be established shall be the
19 base residential floor area, or floor area that could be allowed under the base residential height as
20 determined by the Director if no base residential floor area exists, plus any net amount of TDP
21 previously transferred to that lot, minus the total of the existing nonexempt floor area on the lot
22 and the amount of TDP or TDR transferred from the lot; and

- 23
24 b. The amount of nonresidential floor area that may be established shall be
25 the base nonresidential floor area, plus any net amount of TDR previously transferred to that lot,
26

1 minus the total of the existing nonexempt floor area on the lot and the amount of TDP or TDR
2 transferred from the lot.

3 C. Standards for Landmark TDP or TDR sending lots. Landmark structures on sending
4 lots from which Landmark TDP or TDR is transferred shall be rehabilitated and maintained as
5 required by the Landmarks Preservation Board.

6 D. Standards for open space TDP or TDR sending sites. The following standards apply
7 unless provisions of the zone state otherwise:
8

9 1. General conditions. Open space TDP or TDR sites shall meet the following
10 conditions, unless an exception is granted by the Director through subsection 23.58A.042.D.2:

11 a. Each portion of the open space shall be accessible from each other
12 portion of the open space without leaving the open space.

13 b. The open space shall have a minimum area of 5,000 square feet.

14 c. The open space shall be directly accessible from the sidewalk or another
15 public open space, including access for persons with disabilities.
16

17 d. The open space shall be at ground level, except that in order to provide
18 level open spaces on steep lots, some separation of multiple levels may be allowed, provided
19 they are physically and visually connected.
20

21 e. No more than 20 percent of the open space may be occupied by any
22 above grade structures.

23 f. A minimum of 35 percent of the open space shall be landscaped with
24 grass, ground cover, bushes, and/or trees.
25

1 g. Either permanent or movable seating in an amount equivalent to 1 lineal
2 foot for every 200 square feet of open space shall be available for public use during hours of
3 public access.

4 h. The open space shall be located and configured to maximize solar
5 exposure to the space, allow easy access from streets or other abutting public spaces, including
6 access for persons with disabilities, and allow convenient pedestrian circulation through all
7 portions of the open space.
8

9 i. The lot shall be located a minimum of 0.25 mile from the closest lot
10 approved by the Director as a separate open space TDP or TDR site, unless the lot is abutting
11 another TDP or TDR site and is designed to be integrated with the other TDP or TDR site.
12

13 j. The open space shall be open to the public, without charge, each day of
14 the year for a minimum of ten hours each day during daylight hours, unless there are insufficient
15 daylight hours, in which case the open space shall also be open during nighttime hours for the
16 balance of the hours the open space is to remain open. Public access may be limited temporarily
17 during hours that are otherwise required to be open to the public for necessary maintenance or
18 for reasons of public safety.

19 k. Within the open space, property owners, tenants and their agents shall
20 allow members of the public to engage in activities allowed in the public sidewalk environment,
21 except that those activities that would require a street use permit if conducted on the sidewalk
22 may be excluded or restricted. Free speech activities such as hand billing, signature gathering,
23 and holding signs, all without obstructing access to the space, any building, or other adjacent
24 features, and without unreasonably interfering with the enjoyment of the space by others, shall be
25
26

1 allowed. While engaged in allowed activities, members of the public may not be asked to leave
2 for any reason other than conduct that unreasonably interferes with the enjoyment of the space
3 by others unless the space is being closed to the general public consistent with subsection
4 23.58A.042.D.1.j.

5 i. The open space shall be identified clearly with the City's public open
6 space logo on a plaque placed at a visible location at each street entrance providing access to the
7 amenity. The plaque shall indicate, in letters legible to passersby, the nature of the bonus
8 amenity, its availability for general public access, and additional directional information as
9 needed.
10

11 m. Unless the open space will be in public ownership, the applicant shall
12 make adequate provision to ensure the permanent maintenance of the open space.
13

14 2. Special exception for open space TDP or TDR sites. The Director may grant, or
15 grant with conditions, an exception to the standards for open space TDP or TDR sites in this
16 subsection 23.58A.042.D and any applicable Director's Rules, as a special exception pursuant to
17 Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions. In
18 determining whether to grant, grant with conditions, or deny a request for special exception
19 under this subsection 23.58A.042.D.2, the Director shall consider:
20

21 a. the extent to which the exception would result in an open space TDP or
22 TDR site that better meets the intent of the provisions of this subsection 23.58A.042.D; and
23

24 b. the extent to which the exception would allow the design of the open
25 space to take advantage of unusual site characteristics or conditions in the surrounding area, such
26 as views and relationship to surroundings.

1 3. After any TDP or TDR is transferred from an open space TDP or TDR site, lot
2 coverage by structures shall be permanently limited to 20 percent, or any greater amount that was
3 allowed as a special exception prior to the transfer, and no development shall be permitted that
4 would be inconsistent with the standards under which it was approved as an open space TDP or
5 TDR sending site.

6 E. Standards for Housing TDR sending lots

7 1. Housing on lots from which housing TDR is transferred shall be rehabilitated to
8 the extent required to provide decent, sanitary and habitable conditions, in compliance with
9 applicable codes, and so as to have an estimated minimum useful life of at least 50 years from
10 the time of the TDR transfer, as approved by the Director of Housing. If housing TDR is
11 proposed to be transferred prior to the completion of work necessary to satisfy this subsection
12 23.58A.042.E, the Director of Housing may require, as a condition to such transfer, that security
13 be deposited with the City to ensure the completion of such work.
14

15 2. The housing units on a lot from which housing TDR is transferred, and that are
16 committed to affordable housing as a condition to eligibility of the lot as a TDR sending site,
17 shall be generally comparable in their average size and quality of construction to other housing
18 units in the same structure, in the judgment of the Director of Housing, after completion of any
19 rehabilitation or construction undertaken in order to qualify as a TDR sending lot.
20

21 3. For transfers of housing TDR, the owner of the sending lot shall execute and
22 record an agreement, with the written consent of all holders of encumbrances on the sending lot,
23 unless such consent is waived by the Director of Housing for good cause, to provide for the
24 maintenance of the required housing on the sending lot for a minimum of 50 years. Such
25
26

1 agreement shall commit to limits on rent and occupancy consistent with the definition of housing
2 TDR site and acceptable to the Director of Housing.

3 F. Standards for vulnerable masonry structure TDR or TDP sending lots. Within the
4 University Community Urban Center west of 16th Avenue NE, TDR and TDP may be transferred
5 from lots that comply with the following conditions:

6 1. The lot is located in an SM-U zone or an NC3 or NC3P zone with a mapped
7 height limit of 65 feet or greater;

8 2. The lot includes a structure that contributes to the historic architectural context
9 of the neighborhood and that is structurally at risk, as indicated by being included on a list of
10 structures meeting specific criteria in a rule promulgated by the Director; and

11 3. The qualifying structure on the sending lot shall be retained as follows:

12 a. The structure shall be rehabilitated and maintained to comply with
13 applicable codes;

14 b. All exterior facades shall be retained; except that portions of a new
15 structure may abut facades that are not street-facing facades, and connections between the new
16 structure and the facades of the retained structure are allowed; and

17 c. The original floor area of the structure shall be maintained, except that
18 additions or alterations that extend the useful physical life or economic viability of the structure
19 are permitted, provided that:

20 1) The additions do not significantly damage or destroy the
21 original structural system of the structure or fundamentally alter historic characteristics of its
22 exterior appearance; and

1 a. Only lots in the Pioneer Square Preservation District or the International
2 Special Review District may qualify as sending lots for South Downtown Historic TDP.

3 b. In order to be eligible to send South Downtown Historic TDP, a lot
4 shall contain a structure that includes at least 5,000 gross square feet in above-grade floor area
5 and has been finally determined to be a contributing structure under Section 23.66.032 within no
6 more than three years prior to the recording of the deed conveying the TDP from the sending lot.
7

8 c. Contributing structures on a sending lot from which South Downtown
9 Historic TDP is transferred shall be rehabilitated and maintained in accordance with an
10 agreement pursuant to subsection 23.58A.042.J.3.

11 d. South Downtown Historic TDP shall not be transferred from a lot from
12 which South Downtown Historic TDR has been transferred or from a lot on which any bonus
13 floor area has been established based on the presence of a contributing structure.
14

15 3. Limit on combined TDR and TDP. A cumulative combination of TDR and
16 TDP exceeding a total of six times the lot area may not be transferred from any lot.

17 ~~((G))~~H. TDP or TDR required before construction. No permit after the first building
18 permit, no permit for any construction activity other than excavation and shoring, and no permit
19 for occupancy of existing floor area by any use based upon TDP or TDR will be issued for
20 development that includes TDP or TDR until the applicant's possession of TDP or TDR is
21 demonstrated to the satisfaction of the Director.
22

23 ~~((H))~~I. Time of determination of TDP or TDR eligible for transfer. The eligibility of a
24 sending lot to transfer TDP or TDR, and the amount transferable from a sending lot, shall be
25 determined as of the date of transfer from the sending lot and shall not be affected by the date of
26

1 any application, permit decision or other action for any development seeking to use the TDP or
2 TDR.

3 ((F))J. Reservation in deed. Any TDP or TDR eligible for transfer may be reserved in the
4 conveyance of title to an eligible sending lot, by the express terms of the deed or other
5 instrument of conveyance reserving a specified amount of TDP or TDR, provided that an
6 instrument acceptable to the Director is recorded binding the lot to the terms and conditions for
7 eligibility to send TDP or TDR under this Section 23.58A.042. Any TDP or TDR so reserved
8 shall be considered transferred from that lot and later may be conveyed by deed without
9 participation of the owner of the lot.
10

11 ((F))K. TDP or TDR deeds and agreements

12 1. The fee owners of the sending lot shall execute a deed and shall obtain the
13 release of the TDP or TDR from all liens of record and the written consent of all holders of
14 encumbrances on the sending lot other than easements and restrictions, unless the requirement
15 for a release or consent is waived by the Director for good cause. The deed shall be recorded in
16 the King County real property records. If TDP or TDR is conveyed to the owner of a receiving
17 lot described in the deed, the TDP or TDR shall pass with the receiving lot, whether or not a
18 structure using the TDP or TDR shall have been permitted or built prior to any conveyance of the
19 receiving lot, unless otherwise expressly stated in the deed or any subsequent instrument
20 conveying the lot or the TDP or TDR. Any subsequent conveyance of TDP or TDR previously
21 conveyed to a receiving lot shall require the written consent of all parties holding any interest in
22 or lien on the receiving lot from which the conveyance is made. If the TDP or TDR is transferred
23 other than directly from the sending lot to the receiving lot using the TDP or TDR, then after the
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1 initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and
2 recorded, each referring by King County recording number to the prior deed.

3 2. Any person may purchase any TDP or TDR that is eligible for transfer by
4 complying with the applicable provisions of this Section 23.58A.042, whether or not the
5 purchaser is then an applicant for a permit to develop real property or is the owner of any
6 potential receiving lot. Any purchaser of the TDP or TDR (including any successor or assignee)
7 may use the TDP or TDR to obtain floor area above the applicable base height limit or base floor
8 area limit on a receiving lot to the extent that use of TDP or TDR is permitted under the Land
9 Use Code provisions applicable with respect to the issuance of permits for development of the
10 development intended to use the TDP or TDR. The Director may require, as a condition of
11 processing any permit application using TDP or TDR or for the release of any security posted in
12 lieu of a deed for TDP or TDR to the receiving lot, that the owner of the receiving lot
13 demonstrate that the TDP or TDR has been validly transferred of record to the receiving lot, and
14 that the owner has recorded in the real estate records a notice of the filing of such permit
15 application, stating that the TDP or TDR is not available for retransfer.
16

17 3. As a condition to the effective transfer of Landmark TDP or TDR or South
18 Downtown Historic TDP, except from a City-owned sending lot, the fee owner of the sending lot
19 shall execute and record an agreement running with the land, in form and content acceptable to,
20 and accepted in writing by, the Director of Neighborhoods, providing for the rehabilitation and
21 maintenance of the historically significant or other relevant features of the structure or structures
22 on the lot and acknowledging the restrictions on future development resulting from the transfer.
23 The Director may require evidence that each holder of a lien has effectively subordinated the lien
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1 to the terms of the agreement, and that any holders of interests in the property have agreed to its
2 terms. To the extent that a Landmark structure on the sending lot, or a contributing structure on a
3 sending lot in a special review district requires restoration or rehabilitation for the long-term
4 preservation of the structure or its historically or architecturally significant features, the Director
5 of Neighborhoods may require, as a condition to acceptance of the necessary agreement, that the
6 owner of the sending site apply for and obtain a certificate of approval from the Landmarks
7 Preservation Board, or from the Director of Neighborhoods after review by the Pioneer Square
8 Preservation Board or International Special Review District Board, as applicable, for the
9 necessary work, or post security satisfactory to the Director of Neighborhoods for the completion
10 of the restoration or rehabilitation, or both.
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12

13
14 Section 46. Section 23.58B.040 of the Seattle Municipal Code, enacted by Ordinance
15 124895, is amended as follows

16 **23.58B.040 - Affordable housing impact mitigation - payment option**

17 A. Amount of cash contributions

18 1. Initial payment amounts inside the Downtown and South Lake Union Urban
19 Centers. Inside the Downtown or South Lake Union Urban Centers, an applicant using the
20 payment option shall provide a cash contribution to the City, calculated by multiplying the per-
21 square-foot amount shown in Table A for 23.58B.040 by the total square footage of new
22 chargeable floor area devoted to the uses set forth in subsection 23.58B.020.B.
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Table A for 23.58B.040

**Cash contribution to be provided for affordable housing (payment requirement):
 inside Downtown and South Lake Union Urban Centers, and SM-U zones**

Zone	Dollars per square foot of new chargeable floor area according to subsection 23.58B.020.B
All DH1 zones	\$0.00
DH2/55	\$14.25
DH2/65	\$15.00
DH2/85	\$15.25
DMC-65	\$8.25
DMC-85	\$8.00
DMC 85/65-150	\$11.75
DMC-125	\$10.00
DMC-160	\$8.00
DMC 240/290- 400	\$10.00
DMC 340/290- 400	\$12.50
DOC1 U/450/U	\$14.75
DOC2 500/300- 500	\$14.25

Table A for 23.58B.040

**Cash contribution to be provided for affordable housing (payment requirement):
 inside Downtown and South Lake Union Urban Centers, and SM-U zones**

Zone	Dollars per square foot of new chargeable floor area according to subsection 23.58B.020.B
DRC 85-150	\$13.50
DMR/C 65/65-85	\$9.75
DMR/C 65/65-150	\$9.75
DMR/C 85/65	\$17.50
DMR/C 125/65	\$17.50
DMR/C 240/125	\$14.25
DMR/R 85/65	\$14.00
DMR/R 125/65	\$16.00
DMR/R 240/65	\$16.00
All IDM zones	\$8.00
IDR 45/125-240	\$10.00
IDR 150	\$10.00
IDR/C 125/150-240	\$8.00
PMM-85	\$0.00

Table A for 23.58B.040

**Cash contribution to be provided for affordable housing (payment requirement):
 inside Downtown and South Lake Union Urban Centers, and SM-U zones**

Zone	Dollars per square foot of new chargeable floor area according to subsection 23.58B.020.B
PSM 100/100-120	\$11.00
PSM 100/100-130	\$11.00
PSM 100/120-150	\$11.00
PSM-100	\$11.00
PSM-245	\$10.25
PSM-85-120	\$12.25
SM 85/65-125	\$8.00
SM 85/65-160	\$0.00
SM 85-240	\$0.00
SM 160/85-240	\$11.25
SM 240/125-400	\$10.00
SM/R 55/85	\$8.25
SM-85	\$8.00

Table A for 23.58B.040

**Cash contribution to be provided for affordable housing (payment requirement):
 inside Downtown and South Lake Union Urban Centers, and SM-U zones**

Zone	Dollars per square foot of new chargeable floor area according to subsection 23.58B.020.B
SM-125	\$8.00
IC-45	\$8.00
IC-65	\$8.00
C2-40	\$0.00
<u>SM-U 85</u>	[RESERVED]
<u>SM-U/R 85-240</u>	[RESERVED]
<u>SM-U 85-240</u>	[RESERVED]
<u>SM-U 85-320</u>	[RESERVED]

2. Initial payment amounts outside the Downtown and South Lake Union Urban Centers. Outside the Downtown or South Lake Union Urban Centers, an applicant using the payment option shall provide a cash contribution to the City, calculated by multiplying the per-square-foot amount shown in Table B for 23.58B.040, based on the location of the development as shown on Map A for 23.58B.050, by the total square footage of new chargeable floor area devoted to the uses set forth in subsection 23.58B.020.B.

Table B for 23.58B.040

**Cash contribution to be provided for affordable housing (payment requirement):
 outside Downtown and South Lake Union Urban Centers, and SM-U zones**

Zone	Dollars per square foot of new chargeable floor area according to subsection 23.58B.020.B		
	Low	Medium	High
IC 85-160	\$10.00	\$10.00	\$10.00
All other zones ⁽¹⁾	\$5.00	\$7.00	\$8.00

Footnotes to Table B for 23.58.B.040

⁽¹⁾ Except that the requirements of this Chapter 23.58B are not applicable in Lowrise Multifamily (LR), Midrise Multifamily (MR), Highrise Multifamily (HR), Residential Small Lot (RSL), Single-family (SF), Industrial Buffer (IB), Industrial General (IG), and Master Planned Community - Yesler Terrace (MPC-YT) zones.

3. Automatic adjustments to initial payment amounts. On March 1, 2016, and on the same day each year thereafter, the payment amounts in Table A for 23.58B.040 and Table B for 23.58B.040 shall automatically adjust in proportion to the annual change for the previous calendar year (January 1 through December 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics or successor index.

* * *

Section 47. Section 23.58B.050 of the Seattle Municipal Code, enacted by Ordinance 124895, is amended as follows:

23.58B.050 - Affordable housing impact mitigation - performance option

A. Amount of affordable housing

1. Inside Downtown and South Lake Union Urban Centers. Inside the Downtown or South Lake Union Urban Centers, an applicant using the performance option shall provide net rentable floor area of affordable housing meeting the standards of subsection 23.58B.050.B, calculated by multiplying the applicable percentage shown in Table A for 23.58B.050 by the square footage of new chargeable floor area devoted to the uses set forth in subsection 23.58B.020.B, unless such amount totals fewer than three dwelling units, using a conversion factor for unit size as determined by the Director, in which case the applicant shall make a cash contribution using the payment option in accordance with Section 23.58B.040.

Table A for 23.58B.050

Affordable housing to be provided (performance requirement):

inside Downtown and South Lake Union Urban Centers, and SM-U zones

Zone	Percentage of new chargeable floor area according to subsection 23.58B.020.B
All DH1 zones	0.0%
DH2/55	8.6%
DH2/65	9.1%
DH2/85	9.2%

Table A for 23.58B.050

Affordable housing to be provided (performance requirement):

inside Downtown and South Lake Union Urban Centers, and SM-U zones

Zone	Percentage of new chargeable floor area according to subsection 23.58B.020.B
DMC-65	5.0%
DMC-85	5.0%
DMC 85/65-150	7.1%
DMC-125	6.1%
DMC-160	5.0%
DMC 240/290-400	6.1%
DMC 340/290-400	7.6%
DOC1 U/450/U	8.9%
DOC2 500/300-500	8.6%
DRC 85-150	8.2%
DMR/C 65/65-85	5.9%
DMR/C 65/65-150	5.9%
DMR/C 85/65	10.6%
DMR/C 125/65	10.6%
DMR/C 240/125	8.6%

Table A for 23.58B.050

Affordable housing to be provided (performance requirement):

inside Downtown and South Lake Union Urban Centers, and SM-U zones

Zone	Percentage of new chargeable floor area according to subsection 23.58B.020.B
DMR/R 85/65	8.5%
DMR/R 125/65	9.7%
DMR/R 240/65	9.7%
All IDM zones	5.0%
IDR 45/125-240	6.1%
IDR 150	6.1%
IDR/C 125/150-240	5.0%
All PMM zones	0.0%
PSM 100/100-120	6.7%
PSM 100/100-130	6.7%
PSM 100/120-150	6.7%
PSM-100	6.7%
PSM-245	6.2%
PSM-85-120	7.4%
SM 85/65-125	5.0%

Table A for 23.58B.050

Affordable housing to be provided (performance requirement):

inside Downtown and South Lake Union Urban Centers, and SM-U zones

Zone	Percentage of new chargeable floor area according to subsection 23.58B.020.B
SM 85/65-160	0.0%
SM 85-240	0.0%
SM 160/85-240	6.8%
SM 240/125-400	6.1%
SM/R 55/85	5.0%
SM-85	5.0%
SM-125	5.0%
IC-45	5.0%
IC-65	5.0%
C2-40	0.0%
<u>SM-U 85</u>	[RESERVED]
<u>SM-U/R 85-240</u>	[RESERVED]
<u>SM-U 85-240</u>	[RESERVED]
<u>SM-U 85-320</u>	[RESERVED]

2. Outside the Downtown and South Lake Union Urban Centers. Outside the Downtown or South Lake Union Urban Centers, an applicant using the performance option shall provide net rentable floor area of affordable housing meeting the standards of subsection 23.58.B.050.B, calculated by multiplying the applicable percentage shown in Table B for 23.58B.050, based on the location of the development as shown on Map A for 23.58B.050, by the square footage of new chargeable floor area devoted to uses set forth in subsection 23.58B.020.B, unless such amount totals fewer than three dwelling units, using a conversion factor for unit size as determined by the Director, in which case the applicant shall make a cash contribution for affordable housing using the payment option in accordance with Section 23.58A.040.

Table B for 23.58B.050

**Affordable housing to be provided (performance requirement):
 outside Downtown and South Lake Union Urban Centers, and SM-U zones**

Zone	Percentage of new chargeable floor area according to subsection 23.58B.020.B
IC 85-160	6.1%
All other zones ⁽¹⁾	5.0%

Footnotes to Table B for 23.58.B.050

⁽¹⁾ Except that the requirements of this Chapter 23.58B are not applicable in Lowrise Multifamily (LR), Midrise Multifamily (MR), Highrise Multifamily (HR), Residential Small Lot (RSL), Single-family (SF), Industrial Buffer (IB), Industrial General (IG), Master Planned Community - Yesler Terrace (MPC-YT) zones.

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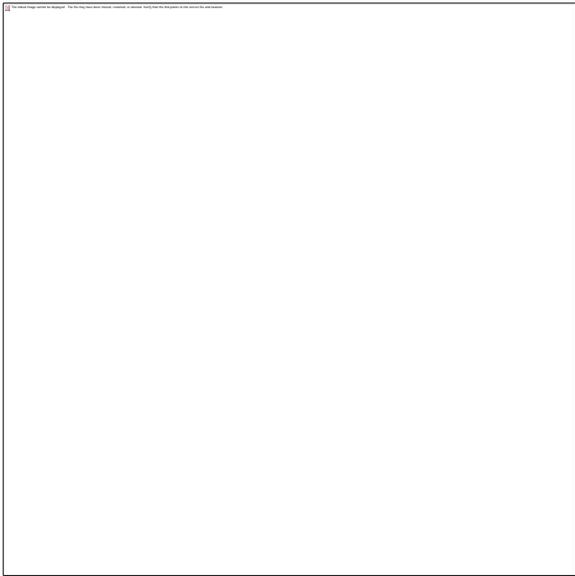
Map A for 23.58B.050

Payment and performance areas: high, medium, and low

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Section 48. Section 23.58C.040 of the Seattle Municipal Code, enacted by CB

23.58C.040 Affordable housing – Payment option

A. Payment amount

1. An applicant complying with this Chapter 23.58C through the payment option shall provide a cash contribution to the City, calculated by multiplying the payment amount per square foot according to Table A or Table B for 23.58C.040 and Map A for 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor area of parking located in stories or portions of stories that are underground, as follows:

a. In the case of construction of a new structure, the gross floor area in residential use and the gross floor area of live-work units;

b. In the case of construction of an addition to an existing structure that results in an increase in the total number of units within the structure, the gross floor area in residential use and the gross floor area of live-work units in the addition;

c. In the case of alterations within an existing structure that result in an increase in the total number of units within the structure, the gross floor area calculated by dividing the total gross floor area in residential use and gross floor area of live-work units by the total number of units in the proposed development, and multiplying that quotient by the net increase in units in the structure;

d. In the case of change of use that results in an increase in the total number of units, the gross floor area that changed to residential use or live-work units; or

e. Any combination of the above.

Table A for 23.58C.040

Payment calculation amounts:

inside Downtown, ~~((and-))SM-SLU zones, and SM-U zones~~

Zone category	Dollars per square foot of gross floor area according to subsection 23.58C.040.A.1
[RESERVED]	[RESERVED]

Table B for 23.58C.040

Payment calculation amounts:

outside Downtown, ~~((and-))SM-SLU zones, and SM-U zones~~

Zone category	Dollars per square foot of gross floor area according to subsection 23.58C.040.A.1		
	Low	Medium	High
[RESERVED]	[RESERVED]	[RESERVED]	[RESERVED]

The location of the zone, by low, medium, or high area, is as shown on Map A for 23.58C.050.

2. Automatic adjustments to initial payment amounts. On March 1, 2017, and on the same day each year thereafter, the amounts for payment calculations according to Table A and Table B for 23.58C.040 shall automatically adjust in proportion to the annual change for the previous calendar year (January 1 through December 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-1984 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics or successor index.

Section 49. Section 23.58C.050 of the Seattle Municipal Code, enacted by CB

23.58C.050 Affordable housing – Performance option

1 A. Performance amount

2 1. An applicant complying with this Chapter 23.58C through the performance
3 option shall provide, as part of the units to be developed in each structure, a number of units that
4 meet the requirements according to subsection 23.58C.050.C calculated by multiplying the
5 percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050,
6 as applicable, by the total number of units to be developed in each structure.

7
8 2. If the number of units that meet the requirements according to subsection
9 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals less than two, the
10 applicant shall:

11 a. Round up to two units; or

12 b. Provide one dwelling unit that meets the requirements according to
13 subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
14 Housing.
15

16 3. If the number of units that meet the requirements according to subsection
17 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals two or more and
18 includes a fraction of a unit, the applicant shall:

19 a. Round up to the nearest whole unit; or

20 b. Round down to the nearest whole unit and pay a cash contribution for
21 the fraction of a unit not otherwise provided, calculated by multiplying the amount per square
22 foot according to Table A or Table B for 23.58C.040 and Map A for 23.58C.050, as applicable,
23 by the total gross floor area to be developed as measured according to subsection
24 23.58C.040.A.1, multiplying that product by the fraction of a unit not provided, and dividing the
25
26

1 resulting number by the total number of units required to be provided based on the calculation
2 according to subsection 23.58C.050.A.1. Use of cash contributions according to this subsection
3 23.58C.050.A.3.b shall be governed according to subsection 23.58C.040.B.

4 4. When the applicant elects to comply with this Chapter 23.58C through the
5 performance option for a development that contains multiple structures and the calculation
6 according to subsection 23.58C.050.A.1 results in fractions of units in more than one structure,
7 the Director may, as a Type I decision in consultation with the Director of Housing, allow such
8 fractions of units to be combined, provided:

9
10 a. If the sum of the combined fractions of units calculated according to this
11 subsection 23.58C.050.A.4 equals fewer than two, the applicant shall:

12 1) Round up to two units; or
13 2) Provide one dwelling unit that meets the requirements according
14 to subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
15 Housing;
16

17 b. If the sum of the combined fractions of units calculated according to
18 this subsection 23.58C.050.A.4 equals two or more and includes a fraction of a unit, the
19 applicant shall:

20 1) Round up to the nearest whole unit; or
21 2) Round down to the nearest whole unit and pay a cash
22 contribution for the fraction of a unit not otherwise provided, calculated according to subsection
23 23.58C.050.A.3.b; and
24
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1 c. The construction of the structure(s) containing the units that meet the
 2 requirements according to subsection 23.58C.050.C shall be completed at the same time or at an
 3 earlier time than completion of construction of other structures in the development containing
 4 units.

5 **Table A for 23.58C.050**

6 **Affordable housing to be provided (performance option):**
 7 **inside Downtown, ~~((and))~~SM-SLU zones, and SM-U zones**

Zone category	Percentage of total units
[RESERVED]	[RESERVED]

11 **Table B for 23.58C.050**

12 **Affordable housing to be provided (performance option):**
 13 **outside Downtown, ~~((and))~~SM-SLU zones, and excluding SM-U zones inside**
 14 **University Community Urban Center**

Zone category	Percentage of total units		
	Low	Medium	High
[RESERVED]	[RESERVED]	[RESERVED]	[RESERVED]

18 *The location of the zone, by low, medium, or high area, is as shown on Map A for*
 19 *23.58C.050.*

Map A for 23.58C.050
Payment and performance areas: high, medium, and low

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* * *

Section 50. Section 23.61.014 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.61.014 ((-)) Nonconforming uses((+))

A. Expansion. Uses listed in this subsection 23.61.014 may be expanded or extended by an amount of gross floor area not to exceed ~~((twenty-))~~20~~((+))~~ percent of the existing gross floor area of the use provided that this exception may be applied only once to any individual business establishment.

1. The provisions of this subsection apply to the following station areas:

- a. Henderson;
- b. Othello;
- c. Edmunds; and
- d. McClellan.

2. The provisions of this subsection apply to the following nonconforming uses:

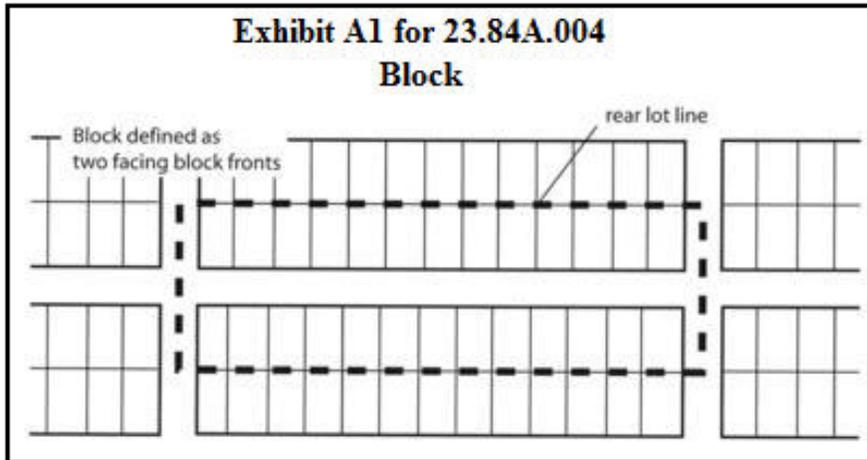
- a. Automotive retail sales and services;
- b. General manufacturing;
- c. Heavy commercial services; and
- d. Mini-warehouse and warehouse.

~~((B. Relocation. In the University District Station Area, banks with a drive-in facility may be moved to another location within the station area provided:~~

- ~~1. The use was in existence on May 5, 2006;~~
- ~~2. This exception may be applied only once to any individual business establishment;~~
- ~~3. The new location is not within a pedestrian-designated zone;~~

Exhibit A1 for 23.84A.004

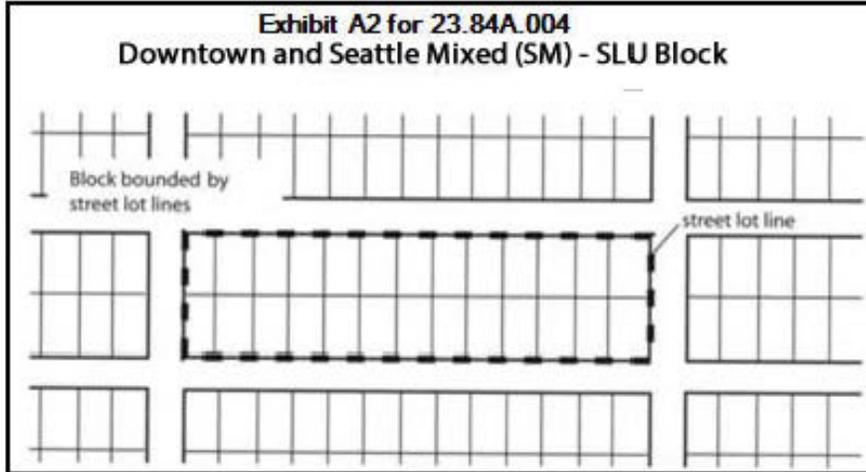
Block



In downtown and Seattle Mixed((~~South Lake Union (SM-SLU))~~)SM zones, a block consists of the area bounded by street lot lines, and may or may not be bisected by an alley, as depicted in Exhibit A2 for 23.84A.004.

Exhibit A2 for 23.84A.004

Downtown and Seattle Mixed((-South Lake Union (SM-SLU))SM) block



"Block front" means the land area along one side of a street bound on three sides by the centerline of platted streets and on the fourth side by an alley or rear lot lines (Exhibit B for 23.84A.004). For blocks in Downtown zones and all Seattle Mixed (SM) zones within and outside designated areas, if there is no alley or rear lot line, a line that approximates the centerline of the block shall be used to establish the line dividing the two block fronts of the block, taking into consideration the location of vacated alleys on the block, if any, and the location and orientation of alleys and rear lot lines on surrounding blocks.

Exhibit B for 23.84A.004

Block front



* * *

1 Section 52. Section 23.84A.038 of the Seattle Municipal Code, last amended by
2 Ordinance 124843, is amended as follows:

3
4 **23.84A.038 "T"**

5 "Tandem houses" means two unattached single-family dwelling units occupying the same
6 lot.

7 "Tandem parking" means one ((~~4~~)) car parked behind another where aisles are not
8 provided.

9 "TDP" or "transferable development potential" means base residential floor area,
10 measured in square feet of gross floor area, that may be transferred from one lot to another
11 according to provisions of ((~~this~~)) Title 23. These terms do not denote or imply that the owner of
12 TDP has a legal or vested right to construct or develop any development or to establish any use.
13

14 "TDP, Landmark" means TDP transferred from, or transferable from, a lot based on its
15 status as a Landmark TDP site.

16 "TDP, open space" means TDP transferred from, or transferable from, a lot based on its
17 status as an open space TDP site.

18 "TDP, South Downtown Historic" means TDP transferred from, or transferable from, a
19 lot based on its status as a South Downtown Historic TDP site.
20

21 "TDP, vulnerable masonry structure" means TDP transferred from, or transferable from,
22 a lot based on its status as a vulnerable masonry structure TDP site.
23

24 "TDP site, Landmark" means a lot, in an area where the applicable provisions of the zone
25 permit Landmark TDP to be transferred from a lot, that includes one or more structures
26

1 designated wholly or in part as a ((~~landmark~~)) Landmark under Chapter 25.12 or its predecessor
2 ordinance, if the owner of the ((~~landmark~~)) Landmark has executed and recorded an agreement
3 acceptable in form and content to the Landmarks Preservation Board, providing for the
4 restoration and maintenance of the historically significant features of the structure, and which lot
5 includes no other structure that is not accessory to one or more of such structures.

6 "TDP site, open space" means a lot, in an area where the provisions of the zone permit
7 open space TDP to be transferred from a lot, that satisfies the applicable standards for an open
8 space TDP site in Chapter 23.58A and the provisions of the zone to the extent that an exception
9 from those standards has not been granted.

10 "TDP site, South Downtown Historic" means a lot within the Pioneer Square
11 Preservation District or the International Special Review District that satisfies the conditions to
12 be a sending lot for South Downtown Historic TDP under Chapter 23.58A.

13 "TDP site, vulnerable masonry structure" means a lot, in an area where the applicable
14 provisions of the zone permit vulnerable masonry structure TDP to be transferred from a lot that
15 satisfies the applicable standards for a vulnerable structure TDP site in Chapter 23.58A and the
16 provisions of the zone to the extent that an exception from those standards has not been granted.

17 "TDR" or "Transferable development rights" means development potential, measured in
18 square feet of gross floor area, that may be transferred from a lot pursuant to provisions of
19 ((~~this~~)) Title 23. Such terms do not include regional development credits, nor do they include
20 development capacity transferable between lots pursuant to Planned Community Development
21 provisions. These terms do not denote or imply that the owner of TDR has a legal or vested right
22 to construction or develop any development or to establish any use.

1 "TDR, arts facility" means either TDR from a major performing arts facility that are
2 transferable pursuant to (~~Section 23.49.014 G~~) subsection 23.49.014.G; or TDR that are
3 eligible for transfer based on the status of the sending lot as an arts facility TDR site, and if they
4 are eligible for transfer on any other basis, are designated by the applicant seeking to use such
5 TDR on a receiving lot as arts facility TDR.

6 "TDR, DMC housing" means TDR that are eligible for transfer based on the status of the
7 sending lot as a DMC housing TDR site and, if they would be eligible for transfer on any other
8 basis, are designated by the applicant seeking to use such TDR on a receiving lot as DMC
9 housing TDR.

10 "TDR, housing" means TDR that are eligible for transfer based on the status of the
11 sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis,
12 are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

13 "TDR, Landmark" means TDR that are eligible for transfer based on the fact that the
14 sending lot or a structure on such lot is designated as a (~~landmark~~) Landmark or as part of a
15 (~~landmark~~) Landmark under Chapter 25.12 or its predecessor ordinance, except Landmark
16 housing TDR.

17 "TDR, Landmark housing" means TDR that are eligible for transfer based on the status of
18 the sending lot as a Landmark housing TDR site and, if they would be eligible for transfer on any
19 other basis, are designated by the applicant seeking to use such TDR on a receiving lot as
20 Landmark housing TDR.

21 "TDR, open space" means TDR that may be transferred from, or transferable from, a lot
22 based on its status as an open space TD(~~P~~)R site.

1 "TDR, South Downtown Historic" means TDR, except Landmark TDR, that are eligible
2 for transfer based on the status of a structure on the sending lot as contributing to the
3 architectural or historic character of the Pioneer Square Preservation District or the International
4 Special Review District pursuant to Section 23.66.032.

5 "TDR, vulnerable masonry structure" means TDR that are eligible for transfer based on
6 the status of the sending lot as a vulnerable structure TDR site and, if they would be eligible for
7 transfer on any other basis, are designated by the applicant seeking to use such TDR on a
8 receiving lot as vulnerable structure TDR.

9 "TDR site, arts facility" means a lot meeting the following requirements:

10 1. The lot is located in ~~((the South Lake Union Urban Center either in an IC zone~~
11 ~~or in))~~a zone with a height limit of 85 feet or more;

12 2. Each structure to be developed on the lot is a major performing arts facility; or
13 has or will have a minimum of one FAR or all of its chargeable floor area if there is less than one
14 FAR in the structure(s) committed for at least 50 years to occupancy by one or more not-for-
15 profit organizations dedicated to the creation, display, performance or screening of art by or for
16 members of the general public.

17 3. The arts facility commitments on the lot ~~((comply with Section 23.50.053 for~~
18 ~~structures in the South Lake Union Urban Center and))~~comply with the standards of the
19 applicable zone and are memorialized in a recorded agreement between the owner of such an arts
20 facility and the Director of the Seattle Office of Arts and Culture.

21 "TDR site, DMC housing" means a lot meeting the following requirements:

22 1. The lot is located in a Downtown Mixed Commercial (DMC) zone;

1 2. Each structure to be developed on the lot has or will have a minimum of ~~((fifty~~
2 ~~(~~50~~))~~) percent of total gross above-grade floor area committed to low-income housing for a
3 minimum of ~~((fifty~~~~(~~50~~))~~) years, unless such requirement is waived or modified by the
4 Director of the Office of Housing for good cause;

5 3. The lot will have above-grade gross floor area equivalent to at least ~~((one~~~~(~~1~~))~~)
6 ~~(~~1~~))~~ FAR committed to very low-income housing use for a minimum of ~~((fifty~~~~(~~50~~))~~) years;
7 and
8

9 4. The low-income housing and very low-income housing commitments on the lot
10 comply with the standards in ~~((Section 23.49.012 B1b))~~ subsection 23.49.012.B.1.b and are
11 memorialized in a recorded agreement between the owner of such low-income and very low-
12 income housing and the Director of the Office of Housing.
13

14 "TDR site, housing" means a lot meeting the following requirements:

15 1. The lot is located in any Downtown zone except PMM, DH-1, and DH-2 zones,
16 or is located in the South Lake Union Urban Center in any SM zone with a height limit of 85 feet
17 or higher;

18 2. Each structure on the lot has a minimum of 50 percent of total gross above-
19 grade floor area committed to low-income housing for a minimum of 50 years;
20

21 3. The lot has above-grade gross floor area equivalent to at least 1 FAR
22 committed to very low-income housing use for a minimum of 50 years;

23 4. The above-grade gross floor area on the lot committed to satisfy the conditions
24 in subsections 2 and 3 of this definition is contained in one or more structures existing as of July
25 27, 2001, and the area was in residential use as of that date; and
26

1 5. The low-income housing and very low-income housing commitments on the lot
2 comply with the standards in subsection 23.49.012.B.1.b and are memorialized in a recorded
3 agreement between the owner of the low-income and very low-income housing and the Director
4 of Housing.

5 "TDR site, Landmark housing" means a lot meeting the following requirements:

6 1. The lot is located in any Downtown zone except IDM, IDR, PSM, PMM, DH-
7 1₂ and DH-2 zones;

8 2. The lot contains a designated (~~landmark~~) Landmark under (~~(SMC)~~) Chapter
9 25.12 and such structure will be renovated to include a minimum of (~~(fifty-)~~)50(~~(+)~~) percent of
10 total gross above-grade floor area committed to low-income housing for a minimum of (~~(fifty~~
11 ~~(-)~~)50(~~(+)~~) years;

12 3. The lot has or will have above-grade gross floor area equivalent to at least (~~(one~~
13 ~~(-)~~)1(~~(+)~~) FAR committed to very low-income housing use for a minimum of (~~(fifty-)~~)50(~~(+)~~)
14 years;

15 4. The low-income housing and very low-income housing commitments on the lot
16 comply with the standards in (~~(Section 23.49.012 B1b)~~) subsection 23.49.012.B.1.b and are
17 memorialized in a recorded agreement between the owner of such low-income and very low-
18 income housing and the Director of the Office of Housing.

19 "TDR site, open space" means a lot that has been approved by the Director as a sending
20 lot for open space TDR, which approval is still in effect, and for which all the conditions to
21 transfer open space TDR have been satisfied.

1 SLU/R, and SM-U/R which classification also may include one or more suffixes, but not
2 including any zone with an RC designation.

3
4 Section 54. This ordinance shall take effect and be in force 30 days after its approval by
5 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
6 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

10
11 _____
12 President _____ of the City Council

13
14 Approved by me this ____ day of _____, 2016.

15
16 _____
17 Edward B. Murray, Mayor

18
19 Filed by me this ____ day of _____, 2016.

20
21 _____
22 Monica Martinez Simmons, City Clerk

23 (Seal)

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