

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 28 of the Official Land Use Map to rezone land in the Northgate Urban Center; amending Sections 23.30.010, 23.48.002, 23.48.040, 23.48.055, 23.48.085, 23.58B.040, 23.58B.050, 23.58C.040, 23.58C.050, 23.71.004, 23.84A.025, 23.84A.038, and 23.84A.048 of the Seattle Municipal; and adding a new Subchapter VII to Chapter 23.48 of the Seattle Municipal Code, consisting of Sections 23.48.802, 23.48.805, 23.48.820, 23.48.825, 23.48.835, 23.48.840, 23.48.841, 23.48.845, 23.48.846, 23.48.847, 23.48.850, 23.48.852, 23.48.880, and 23.48.885.

..body

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee be jointly convened by the Council and the Mayor to evaluate potential housing strategies; and

WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and City Council on July 13, 2015; and

WHEREAS, the HALA Advisory Committee recommended upzoning of residential and commercial zones and, in connection with such upzones, implementation of a mandatory inclusionary housing requirement for new residential development and commercial linkage fees for new commercial development; and

WHEREAS, the HALA Advisory Committee recommended that the mandatory inclusionary housing requirement offer developers the option of building affordable housing or making a cash contribution to fund preservation and production of affordable housing, and that the requirement be implemented upon approval of extensive upzoning of residential and commercial zones including the Northgate urban center; and

1 WHEREAS, RCW 36.70A.540 authorizes and encourages cities to enact or expand affordable  
2 housing incentive programs providing for the development of low-income housing units  
3 through development regulations or conditions on rezoning or permit decisions, or both;  
4 and

5 WHEREAS, according to RCW 36.70A.540, jurisdictions may establish a minimum amount of  
6 affordable housing that must be provided by all residential developments in areas where  
7 increased residential development capacity has been provided; and

8 WHEREAS, a mandatory housing affordability requirement for residential development is one of  
9 many actions the City intends to undertake to implement the Comprehensive Plan's goals  
10 and policies for housing affordability; and

11 WHEREAS, the Countywide Planning Policies provide that jurisdictions may consider a full  
12 range of programs, from optional to mandatory, that will assist in meeting the  
13 jurisdiction's share of the countywide need for affordable housing; and

14 WHEREAS, one of the City's planning goals under the Growth Management Act, chapter  
15 36.70A RCW, is to make adequate provision for the housing needs of all economic  
16 segments of the City; and

17 WHEREAS, this ordinance would increase development capacity and implement Mandatory  
18 Housing Affordability requirements in the Northgate urban center; and

19 WHEREAS, residential development capacity being increased in the Northgate urban center by  
20 this ordinance will assist in achieving local growth management and housing policies;  
21 and

22 WHEREAS, the Northgate area is designated as an Urban Center in the Seattle 2035  
23 Comprehensive Plan and the plan calls for a variety of uses and the highest densities of

1           both housing and employment in Seattle’s urban centers, consistent with their role in the  
2           regional growth strategy; and

3 WHEREAS, the rezone area meets criteria for a Seattle Mixed zone in the Land Use Code  
4           Section 23.34.128 regarding the area’s function, transportation and infrastructure  
5           capacity, relationship to surrounding activity, and mix of use; and

6 WHEREAS, The City of Seattle has determined that the increased residential development  
7           capacity can be achieved within the identified area, subject to consideration of other  
8           regulatory controls on development; and

9 WHEREAS, this ordinance was informed by public engagement on Mandatory Housing  
10          Affordability in the Northgate area and is also consistent with the Northgate Transit  
11          Oriented Development Urban Design Study that was based on community input and  
12          released in March of 2012; and

13 WHEREAS, construction by Sound Transit of the Northgate Light Rail Station began in 2014  
14          and light rail is expected to begin operating at Northgate in 2021; and

15 WHEREAS, In December of 2016, the City of Seattle and King County agreed to contribute \$10  
16          million each to construct at least 200 affordable units in the first phase of a transit-  
17          oriented development project at the King County-owned Transit Center site in Northgate;  
18          and

19 WHEREAS, In November of 2017 King County issued a Request For Proposals (RFP) for  
20          developers to submit proposals for mixed-use projects at its Northgate Transit Center that  
21          would include a mix of affordable and market rate housing; and

1 WHEREAS, Land that would be rezoned according to this ordinance would facilitate mixed use  
2 transit-oriented development at the Northgate Transit Center site consistent with  
3 development described in the November 2017 RFP; NOW, THEREFORE,

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

5 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is  
6 amended to rezone properties identified on page 28 of the Official Land Use Map as shown on  
7 Attachment 1 attached to this ordinance.

8 Section 2. Section 23.30.010 of the Seattle Municipal Code, last amended by Ordinance  
9 125432, is amended as follows:

10 **23.30.010 Classifications for the purpose of this Subtitle III**

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

<b>Zones</b>	<b>Abbreviated</b>
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Master Planned Community - Yesler Terrace	MPC-YT
Seattle Mixed-South Lake Union	SMU-SLU
Seattle Mixed-Dravus	SM-D
Seattle Mixed-North Rainier	SM-NR

<b>Zones</b>	<b>Abbreviated</b>
Seattle Mixed-University District	SM-U
Seattle Mixed-Uptown	SM-UP
<u>Seattle Mixed-Northgate</u>	<u>SM-NG</u>
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
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

\* \* \*

Section 3. Section 23.48.002 of the Seattle Municipal Code, last amended by Ordinance 125432, is amended as follows:

**23.48.002 Scope of provisions**

A. This Chapter 23.48 identifies uses that are or may be permitted in all Seattle Mixed zones and establishes development standards. The Seattle Mixed zone boundaries are shown on the Official Land Use Map. Seattle Mixed zone designations for specific geographic areas are identified in Table A for 23.48.002. The SM-SLU designation with a height limit suffix may be applied to SM-SLU zoned land in the South Lake Union Urban Center. The SM-D designation with a height limit range may be applied to SM-D zoned land in the West Dravus area. The SM-NR designation with a height limit suffix may be applied to SM-NR zoned land in the North Rainier area. The SM-U designation with a height limit suffix may be applied to SM-U zoned

1 land in the University Community Urban Center. The SM-UP designation with a height limit  
2 suffix may be applied to SM-UP zoned land in the Uptown Urban Center. The SM-NG  
3 designation with a height limit suffix may be applied to SM-NG zoned land in the Northgate  
4 Urban Center.

<b>Zone designation</b>	<b>Geographic area</b>
SM-SLU	South Lake Union Urban Center
SM-D	West Dravus area
SM-NR	North Rainier area
SM-U	University Community Urban Center
SM-UP	Uptown Urban Center
<u>SM-NG</u>	<u>Northgate Urban Center</u>

5  
6 \* \* \*

7 Section 4. Section 23.48.040 of the Seattle Municipal Code, last amended by Ordinance  
8 125432, is amended as follows:

9 **23.48.040 Street-level development standards**

10 A. Street-facing facade requirements. The following street-facing facade requirements  
11 apply to facades facing ~~((a Class 1, Class 2, or Class 3 Pedestrian Street, Neighborhood Green~~  
12 ~~Streets, and all other))~~ on streets((;)) as shown on Map A for 23.48.240, Map A for 23.48.440,  
13 ~~((or))~~ Map A for 23.48.740, or Map A for 23.48.840:

14 1. Primary pedestrian entrance. In the SM-SLU, SM-NR, ~~((and))~~ SM-UP, and  
15 SM-NG zones, each new structure facing a Class 1 Pedestrian Street is required to provide a  
16 primary building entrance for pedestrians from the street or a street-oriented courtyard that is no  
17 more than 3 feet above or below the sidewalk grade.

1                   2. Minimum facade height. In the SM-SLU, ~~((and))~~ SM-NR, and SM-NG zones, a  
2 minimum facade height is required for the street-facing facades of new structures, unless all  
3 portions of the structure are lower than the required minimum facade height listed below.

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

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

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

10                  B. Transparency and blank facade requirements. In the SM-SLU, SM-NR, SM-U, ~~((and~~  
11 ~~the))~~ SM-UP, and SM-NG zones, the provisions of this subsection 23.48.040.B apply to the area  
12 of a street-facing facade between 2 feet and 8 feet above a sidewalk, but do not apply to portions  
13 of a structure in residential use or, within the SM-U ~~((district))~~ and SM-NG districts, to portions  
14 of a structure in use as a light rail station.

15                   1. Transparency requirements

16                   a. In the SM-SLU, SM-NR, SM-U, ~~((and))~~ SM-UP, and SM-NG zones, on  
17 Class 1, Class 2, and Class 3 Pedestrian Streets and Neighborhood Green Streets, a minimum of  
18 60 percent of the street-facing facade must be transparent, except that if the slope of the street  
19 frontage abutting the lot exceeds 7.5 percent, the required amount of transparency is 45 percent  
20 of the street-facing facade.

21                   b. In the SM-SLU, SM-D, SM-NR, SM-U, ~~((and))~~ SM-UP, and SM-NG  
22 zones, for all other streets not specified in subsection 23.48.040.B.1.a, a minimum of 30 percent  
23 of the street-facing facade must be transparent, except that if the slope of the street frontage

1 abutting the lot exceeds 7.5 percent, the minimum amount of transparency (~~required~~) is 22  
2 percent of the street-facing facade.

3 c. Only clear or lightly tinted glass in windows, doors, and display  
4 windows is considered transparent. Transparent areas shall be designed and maintained to  
5 provide views into and out of the structure. Except for institutional uses, no permanent signage,  
6 window tinting or treatments, shelving, other furnishings, fixtures, equipment, or stored items  
7 shall completely block views into and out of the structure between 4 feet and 7 feet above  
8 adjacent grade. The installation of temporary signs or displays that completely block views may  
9 be allowed if such temporary installations comply with subsection 23.55.012.B.

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

12 a. In the SM-SLU, SM-NR, SM-U, (~~and~~) SM-UP, and SM-NG zones,  
13 for Class 1, Class 2, and Class 3 Pedestrian Streets and Neighborhood Green Streets, the  
14 following apply:

15 1) Blank facades are limited to segments 15 feet wide. Blank  
16 facade width may be increased to 30 feet if the Director determines as a Type I decision that the  
17 facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that  
18 have visual interest.

19 2) The total width of all blank facade segments, shall not exceed  
20 40 percent of the width of the street-facing facade of the structure on each street frontage, or 55  
21 percent of the width of the street-facing facade if the slope of the street frontage abutting that lot  
22 exceeds 7.5 percent.



1                                   b. All other streets not specified in subsection 23.48.040.B.2.a are subject  
2 to the following:

3                                   1) Blank facades are limited to segments 30 feet wide. Blank  
4 facade width may be increased to 60 feet if the Director determines as a Type I decision that the  
5 facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that  
6 have visual interest.

7                                   2) The total width of all blank facade segments shall not exceed 70  
8 percent of the width of the street-facing facade of the structure on each street frontage abutting  
9 that lot exceeds 7.5 percent.

10                                  c. Any blank segment of a street-facing facade shall be separated by  
11 transparent areas that are at least 2 feet wide.

12                                  C. Development standards for required street-level uses. Street-level uses that are  
13 required by ~~((subsection))~~ subsections 23.48.005.D, ~~((or))~~ 23.48.605.C, or 23.48.805.B, and  
14 street-level uses exempt from FAR calculations under the provisions of ~~((subsection))~~  
15 subsections 23.48.220.B.2, 23.48.620.B.2, ~~((or))~~ 23.48.720.B.2, or 23.48.820.B, whether  
16 required or not, shall meet the following development standards~~((:))~~. In the SM-NG zone, where  
17 street-level use requirements apply to a mid-block corridor, these standards shall be applied as if  
18 the mid-block corridor were a street.

19                                  1. Where street-level uses are required, a minimum of 75 percent of the applicable  
20 street-level, street-facing facade, shall be occupied by uses listed in subsection 23.48.005.D.1.  
21 The remaining street-facing facade may contain other permitted uses or pedestrian or vehicular  
22 entrances.

1                   2. There is no minimum frontage requirement for street-level uses provided at  
2 locations where they are not required but are exempt from FAR calculations under the provisions  
3 of ~~((subsection))~~ subsections 23.48.220.B.2, ~~((or))~~ 23.48.620.B.2, or 23.48.820.B.

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

6                   4. If the minimum requirements of subsection 23.48.040.C.1 and the depth  
7 requirements of subsection 23.48.040.C.2 would require more than 50 percent of the structure's  
8 footprint to be occupied by required uses in subsection 23.48.005.D, the Director may modify the  
9 street-facing facade or depth requirements, or both, so that no more than 50 percent of the  
10 structure's footprint is required to be occupied by the uses required by subsection 23.48.005.D.

11                  5. Street-level uses shall be located within 10 feet of the street lot line, except for  
12 the following:

13                   a. Required street-level uses may be located more than 10 feet from the  
14 applicable street lot line if they abut an outdoor amenity area provided to meet the requirements  
15 of Section 23.48.045, or other required or bonused amenity area or open space provided for in  
16 this Chapter 23.48 that separates the portion of the street-facing facade including the required  
17 street-level uses from the street lot line;

18                   b. If a street-level setback is required from the street lot line by the  
19 provisions of this Chapter 23.48 or Chapter 23.53, the 10-foot distance shall be measured from  
20 the line established by the required setback; and

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



1 a. On Class 1 and Class 2 Pedestrian Streets and Neighborhood Green  
2 Streets shown on Map A for 23.48.240, ~~((and))~~ Map A for 23.48.440, and Map A for 23.48.840,  
3 and on all streets in SM-U and SM-UP zones, parking is not permitted at street level unless  
4 separated from the street by other uses, provided that garage doors need not be separated. The  
5 facade of the separating uses shall be subject to the transparency and blank facade standards in  
6 Section 23.48.040.

7 b. On all other streets in SM zones shown on Map A for 23.48.240, ~~((and))~~  
8 Map A for 23.48.440, and Map A for 23.48.840, parking is permitted at street level if at least 30  
9 percent of the street frontage of the parking area, excluding that portion of the frontage occupied  
10 by garage doors, is separated from the street by other uses. The facade of the separating uses  
11 shall be subject to the transparency and blank facade standards in Section 23.48.040. The  
12 remaining parking shall be screened from view at street level and the ~~((street))~~ street-facing  
13 facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual  
14 interest features.

15 c. The perimeter of each floor of parking above street level shall have an  
16 opaque screen at least 3.5 feet high, except in the SM-SLU, SM-U, ~~((and))~~ SM-UP , and SM-NG  
17 zones, where specific requirements for the location and screening of parking located on stories  
18 above the street level apply.

19 4. Fences or free-standing walls associated with utility services uses may obstruct  
20 or allow views to the interior of a site. Where site dimensions and site conditions allow,  
21 applicants are encouraged to provide both a landscaped setback between the fence or wall and  
22 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,  
23 through the height, design, or construction of the fence or wall, including the use of materials,

1 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any  
2 fence or free-standing wall for a utility service shall provide either:

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

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

7 \* \* \*

8 Section 6. Section 23.48.085 of the Seattle Municipal Code, last amended by Ordinance  
9 125432, is amended as follows:

10 **23.48.085 Parking and loading location, access, and curb cuts**

11 \* \* \*

12 C. Accessory surface parking is permitted under the following conditions, except as  
13 provided by Sections 23.48.285, 23.48.685, ~~((and))~~ 23.48.785, and 23.48.885:

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

16 2. The amount of lot area allocated to accessory surface parking shall be limited  
17 to 30 percent of the total lot area, and in the SM-NG zone shall not exceed 24,000 square feet.

18 For parking that is accessory to a use on another site, this requirement is applied to the lot on  
19 which the parking is located.

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

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

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

- 15                   a. An undesignated street;
- 16                   b. Class 2 Pedestrian Street;
- 17                   c. Class 1 Pedestrian Street;
- 18                   d. Neighborhood Green Street.

19                   3. The Director may allow or require access from a right-of-way other than one  
20 indicated as the preferred category in this subsection 23.48.085.D if, after consulting with the  
21 Director of Transportation, the Director finds that an exception to the access requirement is  
22 warranted. The Director shall base the decision on granting an exception on any of the following:  
23 whether and to what extent alternative locations of access would enhance pedestrian safety and

1 comfort, facilitate transit operations, facilitate the movement of vehicles, minimize the on-street  
2 queuing of vehicles, enhance vehicular safety, or minimize hazards. Curb cut controls on  
3 designated Neighborhood Green Streets shall be evaluated on a case-by-case basis, but generally  
4 access from Neighborhood Green Streets is not allowed if access from any other right-of-way is  
5 possible.

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

9 \* \* \*

10 Section 7. A new Subchapter VII, which includes new Sections 23.48.802, 23.48.805,  
11 23.48.820, 23.48.825, 23.48.835, 23.48.840, 23.48.841, 23.48.845, 23.48.846, 23.48.847,  
12 23.48.850, 23.48.852, 23.48.880, and 23.48.885, is added to Chapter 23.48 of the Seattle  
13 Municipal Code as follows:

14 **Subchapter VII Northgate**

15 **23.48.802 Scope of provisions for SM-NG zones**

16 The provisions in this Subchapter VII of Chapter 23.48 establish regulations for SM-NG  
17 zones. The SM-NG zone designation refers to all zones in the SM category in the Northgate  
18 Urban Center. The provisions in this Subchapter VII of Chapter 23.48 supplement the provisions  
19 of Subchapter I of Chapter 23.48. In cases of conflicts between the provisions in Subchapter I of  
20 Chapter 23.48 and this Subchapter VII of Chapter 23.48, the provisions in this Subchapter VII of  
21 Chapter 23.48 apply.

22 **23.48.805 Uses in SM-NG zones**

23 A. Prohibited uses

- 1                   1. Sales and services, automotive;
- 2                   2. Sales and services, heavy;
- 3                   3. Sales and services, marine;
- 4                   4. Drive-in business;
- 5                   5. Dry boat storage;
- 6                   6. Warehouse;
- 7                   7. Mini-warehouse;
- 8                   8. Towing services;
- 9                   9. Salvage yard;
- 10                  10. Principal use parking except for park and ride lots per subsection 23.48.805.B;

11 and

- 12                  11. Any single general sales and service use greater than 50,000 gross square feet.

13                  B. Exceptions to prohibited uses

14                    1. Park and ride facilities may be provided as a permitted use within a parking  
15 garage that contains accessory parking for other uses if the park-and-ride facility is subject to a  
16 joint use parking agreement with a transit agency.

17                    2. Park-and-ride facilities may be provided as an administrative conditional use in  
18 a stand-alone parking garage.

19                  C. Required street-level uses

20                    1. One or more of the following uses are required at street level along the street-  
21 facing facades and facades facing the mid-block corridor that are shown on Map A for  
22 23.48.805:

23                    a. General sales and service uses;



- 1                                    b. Eating and drinking establishments;
- 2                                    c. Entertainment uses;
- 3                                    d. Public libraries;
- 4                                    e. Public parks;
- 5                                    f. Arts facilities;
- 6                                    g. Religious facilities;
- 7                                    h. Human services uses;
- 8                                    i. Child care facilities;
- 9                                    j. Light rail transit stations; and
- 10                                   h. Residential uses provided each unit on the facade abutting the street or
- 11 mid-block crossing has an individual entry.

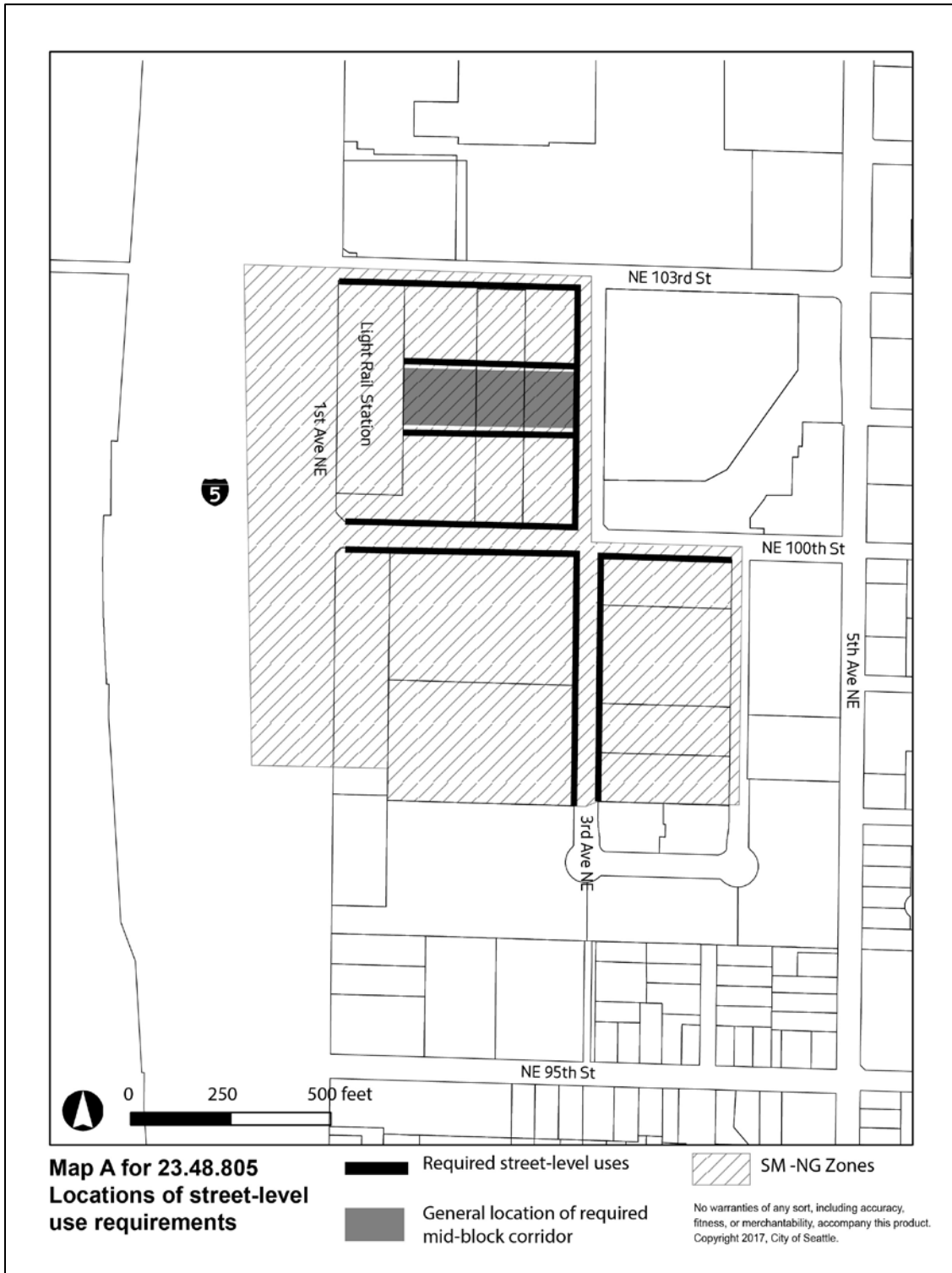
12                                    2. Standards for required street-level uses. Required street-level uses shall meet

13 the development standards in subsection 23.48.040.C.

14

1 **Map A for 23.48.805**

2 **Locations of street-level use requirements**



3

1 **23.48.820 Floor area ratio in SM-NG zones**

2 A. Floor area ratio (FAR) limits. The FAR limit is 7 in SM-NG 240 and SM-NG 145  
3 zones.

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

6 1. Light rail transit station and related passenger amenities

7 2. School, elementary or secondary

8 3. School, vocational or fine arts

9 4. Human service use

10 5. Up to 25,000 square feet of a community club or center that is open to the  
11 public for a minimum of six hours a day, five days a week, and 42 weeks per year;

12 6. Floor area used for a performing arts theater, lecture and meeting hall, or arts  
13 facility, any of which for the purposes of this Section 23.48.820 may be operated either by for-  
14 profit or not-for-profit organizations.

15 7. On a lot containing a peat settlement-prone environmentally critical area,  
16 above-grade parking within or covered by a structure or portion of a structure if the Director  
17 finds that locating a story of parking below grade is infeasible due to physical site conditions  
18 such as a high-water table, if either:

19 a. The above-grade parking extends no more than 6 feet above existing or  
20 finished grade and no more than 3 feet above the highest existing or finished grade along the  
21 structure footprint, whichever is lower, as measured to the finished floor level or roof above,  
22 pursuant to subsection 23.48.815.C; or

23 b. All of the following conditions are met:

- 1 1) No above-grade parking is exempted by subsection  
2 23.48.820.D.7.a;  
3 2) The parking is accessory to a residential use on the lot;  
4 3) The amount of gross floor area exempted by this subsection  
5 23.48.820.D.7 does not exceed 50 percent of the area of the lot.

6 C. Minimum FAR. The minimum FAR provisions of subsection 23.48.020.E do not  
7 apply in SM-NG zones.

8 **23.48.825 Structure height in SM-NG zones**

9 A. Height limits

10 1. The height limits in SM-NG zones are as designated on the Official Land Use  
11 Map, Chapter 23.32, shown as the number following the zone designation.

12 2. A minimum lot size of 15,000 square feet is required for a structure to exceed  
13 85 feet in height except for stair or elevator penthouses and enclosed mechanical equipment.

14 B. Provisions for rooftop features allowed above the height limit are in subsection  
15 23.48.025.C.

16 **23.48.827 Combined lot development in SM-NG zones**

17 A. Lots located on the same block in the SM-NG 240 zone may be combined, whether  
18 contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable  
19 floor area on one or more such lots under this Chapter 23.48 to be used on one or more other lots,  
20 according to the provisions of this Section 23.48.827.

21 B. Within the combined lot, the permitted chargeable floor area from one lot, referred to  
22 in this Section 23.48.827 as the "reduced lot," may be allowed on one or more other lots on the  
23 same block, referred to in this Section 23.48.827 as the "increased lot(s)".

1                   1. The maximum total floor area within the combined lot(s) is calculated by  
2 multiplying the allowed FAR limit by the total area of all lots in the combined lot.

3                   2. Total chargeable floor area developed within the combined lot on the reduced  
4 lot(s) and increased lots(s) together, shall not exceed the total allowed floor area of the combined  
5 lot.

6                   C. The fee owners of each lot within the combined lot shall execute an agreement or  
7 instrument, which shall include the legal descriptions of each lot and shall be recorded in the  
8 King County Recorder's Office. In the agreement or instrument, the owners shall acknowledge  
9 the extent to which development capacity on the reduced lot shall be reduced by the use of  
10 chargeable floor area on the increased lot. The agreement or instrument shall also provide that  
11 such standards and conditions in this Section 23.48.827 shall covenant and run with the land and  
12 shall be specifically enforceable by the parties and by The City of Seattle.

13                   D. Development on any lot in a combined lot development shall not exceed or deviate  
14 from any other development standard as applied to the individual lots.

15 **23.48.835 Maximum width and depth limits in SM-NG zones**

16                   A. The maximum width and depth of a structure or portion of a structure for which a  
17 separate calculation is required under subsection 23.48.835.B is 250 feet, except as  
18 otherwise provided in subsection 23.48.835.B.

19                   B. For purposes of this Section 23.48.835, the width and depth limits shall be  
20 calculated separately for a portion of a structure if:

21                   1. There are no connections allowing direct access, such as hallways, bridges,  
22 or elevated stairways, between that portion of a structure and other portions of a structure; or

1                   2. The only connections between that portion of a structure and other portions  
2 of a structure are in stories, or portions of a stories, that are underground or extend no more  
3 than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the  
4 floor above the partially below-grade story, excluding access.

5 **23.48.840 Setbacks and street-level development standards in SM-NG zones**

6                   A. Required setbacks in SM-NG zones. In all SM-NG zones, a setback is required from  
7 specified street lot lines as shown on Table A for 23.48.840, subject to the following:

8                   1. Any setback area further than 15 feet from the street lot line shall not be  
9 included in the averaging calculation.

10                   2. The setback area shall either be part of open space, sidewalk area, or  
11 landscaped according to standards in subsection 23.48.055.A.3.

12                   3. Underground structures are permitted in all required setback areas.

13                   4. Bay windows, canopies, horizontal projection of decks, balconies with open  
14 railings, eaves, cornices, gutters, and other similar architectural features that are at least 13 feet  
15 above the sidewalk elevation are permitted to extend up to 4 feet into the required setback.

<b>Table A for 23.48.840 Required minimum setbacks in SM-NG zones</b>	
<b>Street requiring setback from abutting street lot line:</b>	<b>Required setback measured from street lot line:</b>
NE 100 <sup>th</sup> Street	5 feet minimum, 7 feet average
3 <sup>rd</sup> Avenue NE, north of NE 100th St.	3 feet minimum, 5 feet average
4 <sup>th</sup> Avenue NE	3 feet minimum, 5 feet average
NE 103 <sup>rd</sup>	3 feet minimum, 5 feet average

16  
17                   B. Facade requirements for street-level residential units and live-work units. In addition  
18 to the requirements of subsection 23.48.840.A, the street-facing facades of street-level residential  
19 uses and live-work units are subject to the following requirements in all SM-NG zones:

1 1. Minimum setback of 5 feet from the street lot line.

2 2. One or more of the following shall be located in the required setback area:

3 a. Landscaped area;

4 b. Private or common open space or amenity area; and

5 c. Unenclosed stoops, steps, decks, or porches related to the abutting  
6 residential or live-work units.

7 3. If residential units or live-work units have individual unit entries, the floor level  
8 of individual unit entries must be between 18 inches and 48 inches above finished grade.

9 4. Bay windows, canopies, horizontal projection of decks, balconies with open  
10 railings, eaves, cornices, gutters, and other similar architectural features are permitted to extend  
11 up to 3 feet into the required setback.

12 C. Overhead weather protection

13 1. Continuous overhead weather protection, provided by such features as  
14 canopies, awnings, marquees, and arcades, is required along at least 60 percent of the street  
15 frontage of a structure, and along at least 75 percent of a structure fronting onto the required mid-  
16 block corridor identified in Section 23.48.841, except that any portions of the frontage occupied  
17 by residential dwelling units with individual entries shall not be subject to this requirement.

18 2. The covered area shall extend a minimum of 6 feet from the structure, unless  
19 otherwise provided in this subsection 23.48.840.C, and unless there is a conflict with existing or  
20 proposed street trees or utility poles, in which case the Director may adjust the width to  
21 accommodate such features as provided for in subsection 23.48.840.C.6.

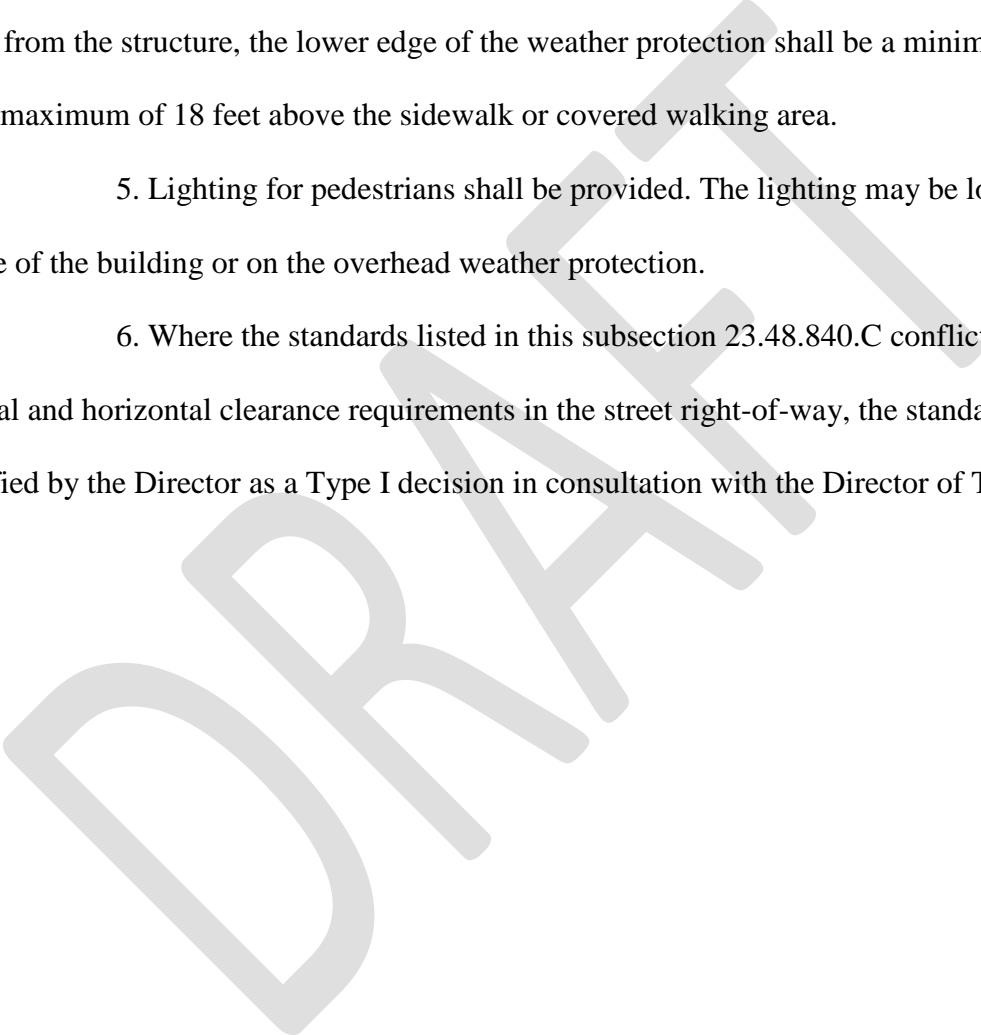
22 3. The overhead weather protection must be provided over the sidewalk, or over a  
23 walking area within 10 feet immediately adjacent to the sidewalk. When provided adjacent to the

1 sidewalk, the covered walking area must be within 18 inches of sidewalk grade and meet  
2 Washington State requirements for barrier-free access.

3           4. For overhead weather protection extending 6 feet or less from the structure, the  
4 lower edge of the overhead weather protection shall be a minimum of 8 feet and a maximum of  
5 13 feet above the sidewalk or covered walking area. For weather protection extending more than  
6 6 feet from the structure, the lower edge of the weather protection shall be a minimum of 10 feet  
7 and a maximum of 18 feet above the sidewalk or covered walking area.

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

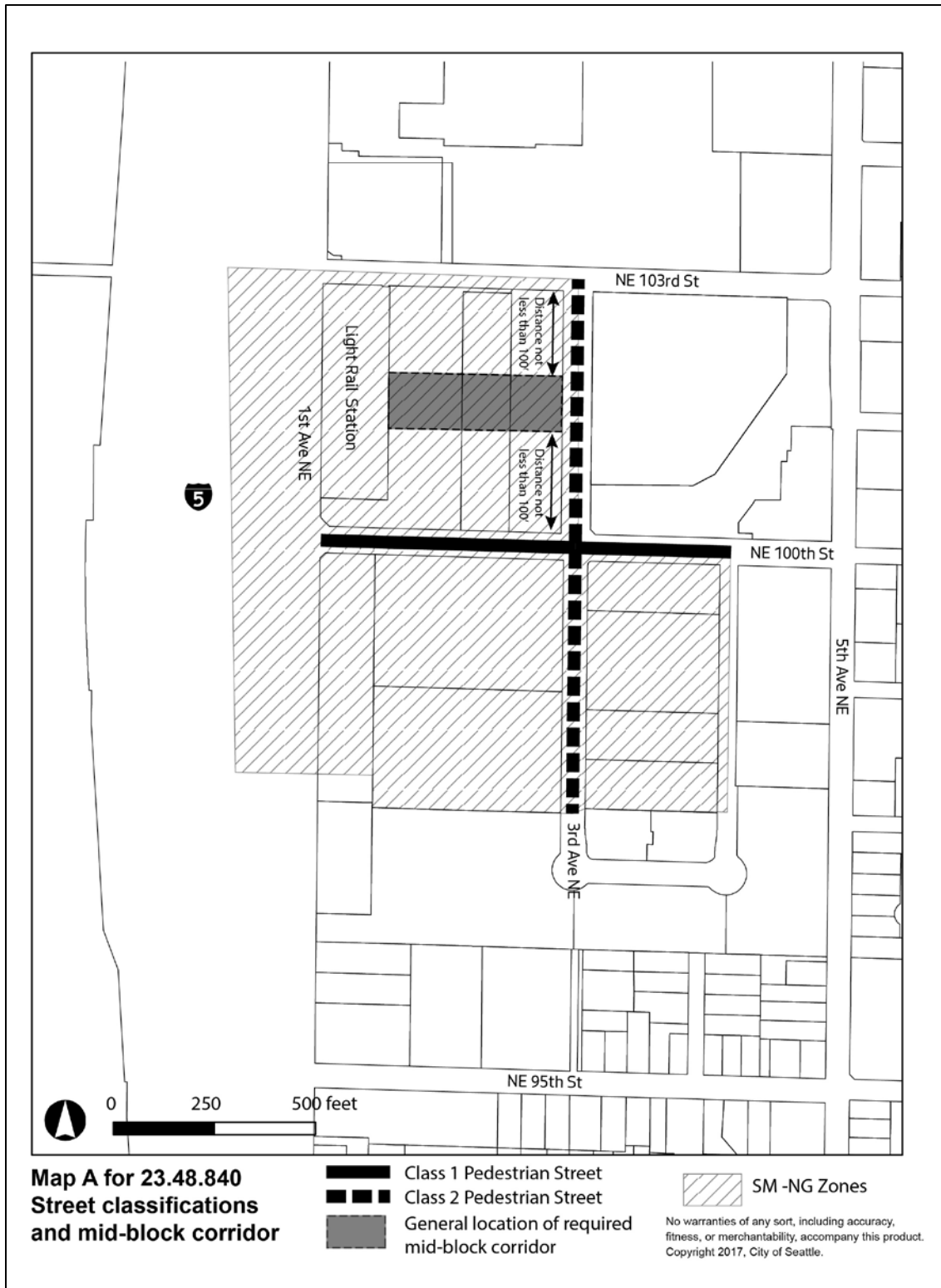
10           6. Where the standards listed in this subsection 23.48.840.C conflict with the  
11 vertical and horizontal clearance requirements in the street right-of-way, the standards may be  
12 modified by the Director as a Type I decision in consultation with the Director of Transportation.  
13





1 **Map A for 23.48.840**

2 **Street Classifications and Mid-Block Corridor**



3

1 **23.48.841 Required mid-block corridor**

2 A. A mid-block corridor meeting the standards of this Section 23.48.841 shall be  
3 provided as a part of any development including one or more structures containing more than a  
4 total of 10,000 square feet of gross floor area on any lot in the SM-NG 240 zone that is more  
5 than 100 feet to the south of the NE 103<sup>rd</sup> Street right-of-way and more than 100 feet north of the  
6 NE 100<sup>th</sup> Street right-of-way, as indicated on Map A for 23.48.840.

7 B. The alignment of the mid-block corridor shall be no closer than 100 feet to Northeast  
8 103<sup>rd</sup> Street or Northeast 100<sup>th</sup> Street.

9 C. Prior to any development or modification of lot boundaries in the area that is more  
10 than 100 feet to the south of the NE 103<sup>rd</sup> Street right-of-way and more than 100 feet to the north  
11 of the NE 100<sup>th</sup> Street right-of-way, the area for the mid-block corridor shall be identified in an  
12 agreement recorded by the King County Recorder's Office and the applicant for the development  
13 or modification shall demonstrate that the development or modification would not preclude  
14 completion of a continuous mid-block corridor.

15 D. Development on any site abutting the mid-block corridor shall provide improvements  
16 to create the mid-block corridor that meet the following standards, for the extent of the east to  
17 west dimension of the development site:

18 1. The mid-block corridor shall provide for a continuous corridor that extends  
19 from 3<sup>rd</sup> Avenue Northeast to the Northgate Light Rail Station and all segments of the corridor  
20 shall be physically and visually connected.

21 2. The minimum width of the mid-block corridor is 40 feet.

1                   3. The mid-block corridor shall contain a continuous, unobstructed pedestrian  
2 pathway that is a minimum of 10 feet wide and provides access for persons with disabilities  
3 throughout the entire corridor.

4                   4. If development is proposed on a site adjacent to a completed portion of the  
5 mid-block corridor, the development shall configure and align its portion of the mid-block  
6 corridor to form a contiguous corridor and pedestrian pathway.

7                   5. The end of the mid-block corridor at 3<sup>rd</sup> Avenue Northeast shall be accessible  
8 to pedestrians at grade level from the sidewalk.

9                   6. The mid-block corridor shall be open to the sky, except that overhead weather  
10 protection may be allowed on up to 40 percent of the area of the mid-block corridor including  
11 required overhead weather protection.

12                   7. If the mid-block corridor crosses an alley or a public or private street, the alley  
13 or public or private street right-of-way shall be improved to provide pedestrian safety and  
14 reinforce the connection between portions of the mid-block corridor on either side of the alley or  
15 public or private street.

16                   8. The mid-block corridor must be improved with a surface and necessary  
17 drainage so as to be suitable for pedestrian use in all seasons.

18                   9. The mid-block corridor shall include lighting for pedestrian safety during  
19 nighttime hours when the corridor is available for public access pursuant to subsection  
20 23.48.841.E.

21                   10. Design of the mid-block corridor shall include various features such as  
22 seating, landscaping, and artistic elements that will enhance public use of the corridor and

1 increase activity and user comfort. The design of the corridor shall maintain the overall open  
2 character of a public outdoor space while being well integrated with the surrounding structures.

3 E. Public access

4 1. The required mid-block corridor shall be open to the public during all hours  
5 that light rail transit is operating at the Northgate light rail station.

6 2. For any property within the corridor, property owners, tenants and their agents  
7 shall allow individuals to engage in activities allowed in public places of a similar nature. Free  
8 speech activities such as hand billing, signature gathering and holding signs, all without  
9 obstructing access to the corridor, or adjacent buildings or features, and without unreasonably  
10 interfering with the enjoyment of the space by others, shall be allowed.

11 3. Plaque requirement. A plaque indicating the nature of the corridor and its  
12 availability for general public access must be placed in a visible location at the entrances to the  
13 corridor.

14 4. The mid-block corridor must be subject to a recorded document acceptable to  
15 the Director that ensures general public access and the preservation and maintenance of the  
16 corridor.

17 F. The Director may allow modifications from the standards for the mid-block corridor in  
18 subsection 23.48.841.D as a Type I decision if the applicant demonstrates that alternative  
19 treatments will better serve the public by enhancing pedestrian comfort, integrating the feature as  
20 part of the surrounding pedestrian network, and/or promoting greater use of the connection.

21 G. The mid-block corridor provided under this Section 23.48.841 is eligible to qualify as  
22 amenity area for residential uses under Section 23.48.045, and required usable open space under

1 Section 23.48.852, provided the applicable standards of Section 23.48.045 and Section 23.48.852  
2 are met.

3 **23.48.845 Upper-level development standards for tower structures in SM-NG zones**

4 The following standards apply to structures in which any portion of the structure exceeds a  
5 height of 85 feet, not including stair or elevator penthouses and enclosed mechanical  
6 equipment.

7 A. Podiums. The height limit for podiums is 45 feet as measured from the elevation at  
8 the street lot line.

9 B. Towers. A tower is any portion of the structure that exceeds the podium height limit  
10 and extends vertically to exceed a height of 85 feet not including stair or elevator penthouses  
11 and enclosed mechanical equipment. Portions of the structure that exceed the podium height  
12 limit and are not attached to a portion of the structure that extends vertically above a height of 85  
13 feet are not towers. More than one tower may be located on a single podium in the same  
14 structure provided separation requirements and tower floor area limits are met.

15 C. Tower floor area limits. In SM-NG zones towers are subject to the floor area limits  
16 shown in Table A for 23.48.845. The floor area limit applies to contiguous floors within each  
17 tower above the podium height limit, excluding stair and elevator penthouses and enclosed  
18 mechanical equipment.

**Table A for 23.48.845  
Tower floor area limits in SM-NG zones**

<b>Height of tower<sup>1</sup></b>	<b>Average gross floor area for stories within a tower above the podium<sup>2</sup></b>	<b>Maximum gross floor area of any single story within a tower above the podium<sup>2</sup></b>
160 feet or less	20,000 square feet for stories in non-residential use; or 12,000 square feet for stories in residential use <sup>2</sup>	24,000 square feet for stories in non-residential use; or 13,000 square feet for stories in residential use <sup>2</sup>

**Table A for 23.48.845  
Tower floor area limits in SM-NG zones**

<b>Height of tower<sup>1</sup></b>	<b>Average gross floor area for stories within a tower above the podium<sup>2</sup></b>	<b>Maximum gross floor area of any single story within a tower above the podium<sup>2</sup></b>
Greater than 160 feet	10,500 square feet	11,500 square feet

Footnotes to Table A for 23.48.845

<sup>1</sup> Height of the tower does not include stair or elevator penthouses and enclosed mechanical equipment.

<sup>2</sup> 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  
2 D. Upper-level setbacks. The following upper-level setbacks are required.

3 1. An upper-level setback of 15 feet is required for towers above the podium  
4 height limit from all street lot lines and a required mid-block corridor.

5 2. An average upper-level setback of 10 feet is required from all street lot lines for  
6 any portion of a structure that exceeds 65 feet in height. The maximum depth of a setback that  
7 can be used for calculating the average is 15 feet.

8 3. An average upper-level setback of 10 feet is required from a required mid-block  
9 corridor for any portion of a structure that exceeds 45 feet in height. The maximum depth of a  
10 setback that can be used for calculating the average is 20 feet.

11 E. Separation. Separation between structures or portions of the same structure is required  
12 as follows:

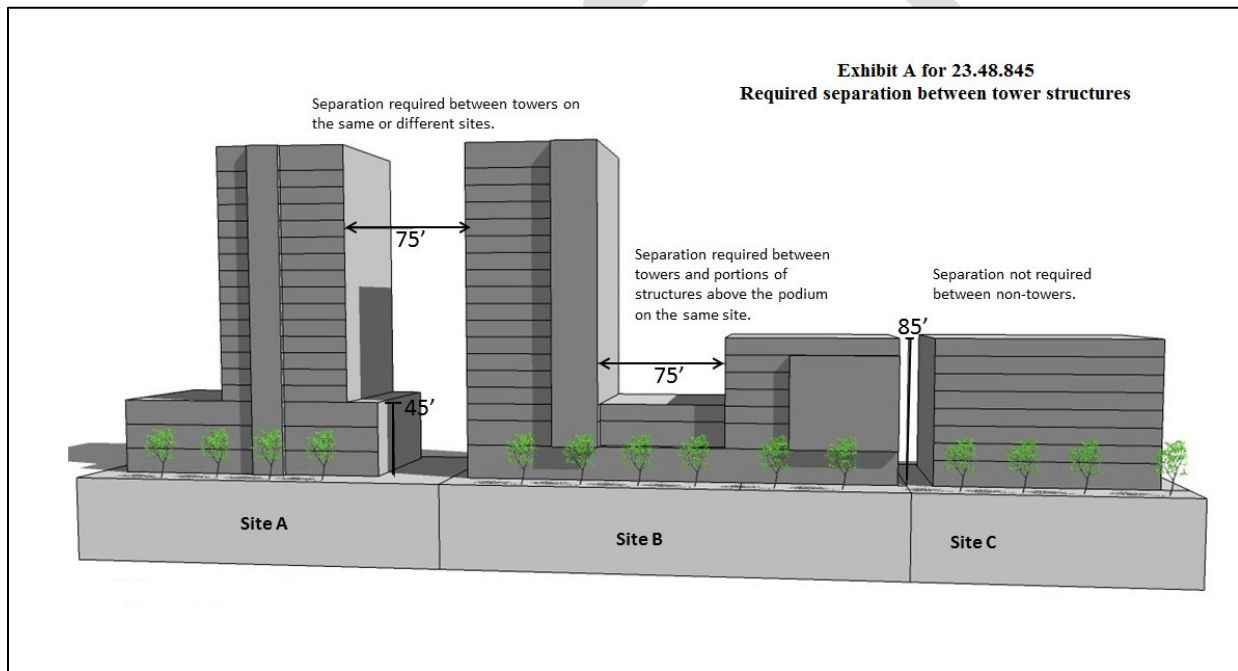
13 1. A minimum horizontal separation of 75 feet is required between proposed  
14 towers or between proposed and existing towers, regardless of whether they are on the same lot  
15 or on separate lots, as shown on Exhibit A for 23.48.845. For these purposes, a proposed tower

1 is any tower in a development proposal for which an Early Design Guidance (EDG) meeting has  
2 been completed, and an existing tower is any tower in any development for which a certificate of  
3 occupancy has been issued; and

4           2. Within a lot. A minimum horizontal separation of 75 feet is required between  
5 towers and all other portions of the same structure or portions of other structures on the same lot  
6 that exceed 45 feet in height, as shown on Exhibit A for 23.48.845.

7 **Exhibit A for 23.48.845**

8 **Required separation between tower structures**



9  
10 F. Projections. The first 4 feet of horizontal projection of decks, balconies with open  
11 railings, eaves, cornices, gutters, and similar architectural features are permitted in the upper-  
12 level setbacks required in subsections 23.48.845.D, and in the separation area required in  
13 subsection 23.48.845.E.

1 **23.48.846 Upper-level setbacks for non-tower structures in SM-NG zones**

2 The following standards apply to structures in which all portions of the structure are 85 feet or  
3 less in height not including stair or elevator penthouses and enclosed mechanical equipment.

4 A. Upper-level setbacks. The following upper-level setbacks are required.

5 1. An average upper-level setback of 10 feet is required from all street lot lines for  
6 any portion of a structure that exceeds 65 feet in height. The maximum depth of a setback that  
7 can be used for calculating the average is 15 feet.

8 2. An average upper-level setback of 10 feet is required from a required mid-  
9 block corridor for any portion of a structure that exceeds 45 feet in height. The maximum depth  
10 of a setback that can be used for calculating the average is 20 feet.

11 B. Separation. Separation between structures is required as follows:

12 1. A minimum horizontal separation of 75 feet is required between portions of a  
13 structure over 45 feet in height not including stair or elevator penthouses or enclosed  
14 mechanical equipment and existing towers, regardless of whether they are on the same lot or  
15 on separate lots.

16 C. Projections. The first 4 feet of horizontal projection of decks, balconies with open  
17 railings, eaves, cornices, gutters, and similar architectural features are permitted in the upper-  
18 level setbacks required in subsection 23.48.846.A, and in the separation area required in  
19 subsection 23.48.846.B.

20 **23.48.847 Facade modulation in SM-NG zones**

21 A. For structures with a width of more than 250 feet, at least one portion of the structure  
22 30 feet or greater in width must be set back a minimum of 15 feet from the front property line.

23 For structures with a width of more than 500 feet, at least two portions of the structure 30 feet or



1 greater in width and separated by at least 100 feet must be set back a minimum of 15 feet from  
2 the front property line.

3 B. Modulation is not required for the following:

4 1. For portions of the street-facing facade of a story that is less than 4 feet above  
5 sidewalk grade, as measured to the top of the floor above the partially below-grade story;

6 2. For structures that do not exceed 45 feet in height;

7 3. For stories above street level that include parking that is separated from the  
8 street lot line by other uses along all street frontages.

9 C. The following projections are allowed within the setback specified in subsection  
10 23.48.846.A:

11 1. Roof eaves, including gutters and roof cornices and other similar architectural  
12 features, that may extend a maximum of 18 inches into the setback area; and

13 2. Overhead weather protection, whether required by subsection 23.48.840.H or  
14 not.

15 **23.48.850 Mandatory housing affordability (MHA) in SM-NG zones**

16 All SM-NG zones are subject to the provisions of Chapters 23.58B and 23.58C.

17 **23.48.852 Required usable open space in SM-NG zones**

18 A. Usable open space meeting the standards of this Section 23.48.852 is required in all  
19 SM-NG zones for development including one or more structures containing more than a total of  
20 10,000 square feet of gross floor area.

21 B. Usable open space required by subsection 23.48.852.A shall meet the following  
22 standards:

1                   1. The minimum amount of required usable open space shall be equal to 2 square  
2 feet for every 100 square feet of chargeable gross floor area.

3                   2. Area qualifying as required usable open space may include both unenclosed  
4 and enclosed areas as provided for in this subsection 23.48.852.B. No more than 25 percent of  
5 the required usable open space may be enclosed usable open space.

6                   3. The required usable open space shall be accessible from street level, with  
7 variations in elevation allowed to accommodate changes in topography or to provide for features  
8 such as ramps that improve access for persons with disabilities.

9                   4. The required usable open space may be provided in more than one location on  
10 the lot if the required amount exceeds 4,500 square feet, and provided that no separate required  
11 usable open space area is less than 2,000 square feet.

12                   5. If the lot abuts a required mid-block corridor pursuant to Section 23.48.841, at  
13 least 50 percent of the required usable open space shall be located adjacent to or within the mid-  
14 block corridor.

15                   6. Area qualifying as unenclosed usable open space shall meet the following  
16 requirements:

17                   a. The average horizontal dimension shall be at least 30 feet and not less  
18 than 15 feet at any point;

19                   b. It shall abut a public street frontage or required mid-block corridor; and

20                   c. It shall be open to the sky with the exception of required overhead  
21 weather protection.

22                   7. Enclosed open space such as an atrium or winter garden shall meet the  
23 following requirements:

1 a. The space shall have direct access for pedestrians, including persons  
2 with disabilities, from the street, an outdoor usable open space abutting the street, or a required  
3 mid-block corridor;

4 b. The space shall be provided as one continuous area that is a minimum  
5 of 2,000 square feet in size with an average horizontal dimension of 30 feet and a minimum  
6 horizontal dimension of 15 feet;

7 c. The minimum clearance from ground level to the ceiling, roof, or other  
8 enclosing structure is 15 feet; and

9 d. Lobby areas and corridors used solely to provide access between the  
10 structure's principal street entrance and elevators, does not qualify as enclosed interior open  
11 space for the purposes of this subsection 23.48.852.B.8.

12 8. Woonerfs consistent with the definition in Section 23.84A.044 can meet the  
13 requirement for usable open space.

14 9. All areas provided as usable open space under this Section 23.48.852 shall be  
15 accessible to persons with disabilities.

16 10. Features provided under this subsection 23.48.852.B are eligible to qualify as  
17 amenity area for residential uses required by Section 23.48.045, provided the standards of that  
18 Section 23.48.045 are met.

19 11. Space provided for a required mid-block corridor pursuant to Section  
20 23.48.841 may count towards the requirement for usable open space in this Section 23.48.852.

21 12. Design of usable open space shall include various features such as seating,  
22 landscaping, and artistic elements that will enhance public use of the usable open space and

1 increase activity and user comfort. The design of the usable open space shall be well integrated  
2 with the surrounding structures.

3 C. Public access

4 1. The required usable open space shall be open to the general public without  
5 charge for reasonable and predictable hours for a minimum of 10 hours each day of every week.

6 2. Within the usable open space, property owners, tenants and their agents shall  
7 allow individuals to engage in activities allowed in public places of a similar nature. Free speech  
8 activities such as hand billing, signature gathering and holding signs, all without obstructing  
9 access to the adjacent buildings or features, and without unreasonably interfering with the  
10 enjoyment of the space by others, shall be allowed.

11 D. Offsite open space

12 1. Usable open space required by Section 23.48.852 may be provided off site on  
13 another lot within a SM-NG zone with the same height limit.

14 2. The owner of any lot on which off-site open space is provided to meet the  
15 requirements of this Section 23.48.852 shall execute and record an easement in a form acceptable  
16 to the Director assuring compliance with the requirements of this Section 23.48.852.

17 3. Any executed and recorded easement shall be in place prior to issuance of  
18 building permit for any development in which open space required by this Section 23.48.852 is  
19 to be provided off-site.

20 4. Development on any lot on which there is an easement to provide off-site open  
21 space required by this Section 23.48.852 shall provide the off-site open space prior to issuance of  
22 certificate of occupancy.

1 **23.48.880 Parking quantity in SM-NG zones**

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

4 B. Maximum parking limit for non-residential uses

5 1. Accessory parking for non-residential uses is limited to one parking space per  
6 every 1,000 square feet of gross floor area in non-residential use excluding gross floor area  
7 dedicated to accessory parking.

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 in  
11 addition to one space per 1,000 square feet for non-residential uses on the subject lot.

12 3. Parking provided for transit system operations, such as off-street layover spaces  
13 for transit system maintenance and service vehicles, are not subject to the limits of subsection  
14 23.48.880.B.1.

15 4. Park-and-ride facilities. For any type of parking provided for park-and-ride  
16 purposes, there is no maximum parking limit.

17 C. Maximum parking limit for residential uses. Parking for residential uses is limited to a  
18 maximum of 0.75 parking spaces per dwelling unit, except parking spaces used exclusively by  
19 car-sharing services shall not be counted against the maximum.

20 D. Off-site parking is allowed according to Section 23.54.025.

21 **23.48.885 Parking location in SM-NG zones**

22 A. Parking location within structures

1                   1. Except as provided in subsection 23.48.885.A.2, no more than two stories of  
2 parking above the street-level story may be provided.

3                   2. The Director may permit more than two stories of parking above the street-  
4 level story of the structure, or waive the amount of parking required to be located below grade  
5 when parking is provided above the street-level story, or permit other exceptions to this  
6 subsection 23.48.885.A.2, as a Type I decision, if the Director finds that locating parking below  
7 grade is infeasible due to physical site conditions such as a high-water table, presence of peat soil  
8 hazards, or proximity to a tunnel or culvert. In such cases, the Director shall determine the  
9 maximum feasible amount of parking that can be provided below grade, if any, and the amount  
10 of additional parking to be permitted above street level based on an assessment of the conditions  
11 that restrict an applicant from providing the parking below grade, such as the depth and  
12 dimensions of underground impediments. The rationale that a site is too small to accommodate  
13 parking below grade is not a basis for granting an exception under this subsection 23.48.885.A.2.

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

16                   Section 8. Subsection 23.58B.040.A of the Seattle Municipal Code, which section was  
17 last amended by Ordinance 125371 amended as follows:

18 **23.58B.040 Mitigation of impacts - payment option**

19                   A. Amount of cash contributions

20                   1. An applicant complying with this Chapter 23.58B through the payment option  
21 shall provide a cash contribution to the City, calculated by multiplying the payment calculation  
22 amount per square foot according to Table A or Table B for 23.58B.040 and Map A for

1 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as  
 2 follows:

3 a. Including chargeable floor area in commercial use in the following:

- 4 1) A new structure;
- 5 2) An addition to a structure;
- 6 3) A change of use from residential use to commercial use; or
- 7 4) Any combination of the above; and

8 b. Excluding chargeable floor area in commercial use as follows:

- 9 1) The first 4,000 gross square feet of street-level commercial uses;
- 10 and
- 11 2) Street-level commercial uses along a designated principal

12 pedestrian street in a Pedestrian designated zone.

**Table A for 23.58B.040**  
**Payment calculation amounts:**  
**In Downtown, SM-SLU, ((and)) SM-U, and SM-NG zones**

<b>Zone</b>	<b>Payment calculation amount per square foot</b>
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	\$15.00
DH2/85	Not applicable
DMC 75	\$8.25
DMC 95	\$8.00
DMC 85/75-170	\$8.00
DMC 145	\$10.00
DMC 170	\$8.00
DMC 240/290-440	\$10.00
DMC 340/290-440	\$12.50
DOC1 U/450-U	\$14.75
DOC2 500/300-550	\$14.25
DRC 85-170	\$13.50
DMR/C 75/75-95	\$8.00

**Table A for 23.58B.040**  
**Payment calculation amounts:**  
**In Downtown, SM-SLU, ((and)) SM-U, and SM-NG zones**

<b>Zone</b>	<b>Payment calculation amount per square foot</b>
DMR/C 75/75-170	\$8.00
DMR/C 95/75	\$17.50
DMR/C 145/75	\$17.50
DMR/C 280/125	\$14.25
DMR/R 95/65	\$14.00
DMR/R 145/65	\$16.00
DMR/R 280/65	\$16.00
IDM 65-150	Not applicable
IDM 75-85	Not applicable
IDM 85/85-170	\$8.00
IDM 165/85-170	\$20.75
IDR 45/125-270	\$8.00
IDR 170	\$8.00
IDR/C 125/150-270	\$25.70
PMM-85	Not applicable
All PSM zones	Not applicable
<u>SM-NG 145</u>	<u>\$13.25</u>
<u>SM-NG 240</u>	<u>\$20.00</u>
SM-SLU 100/65-145	\$8.00
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	\$8.00
SM-SLU 175/85-280	\$11.25
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$8.25
SM-SLU 100/95	\$8.00
SM-SLU 145	\$9.25
SM-U 85	\$7.00
SM-U/R 75-240	\$20.00
SM-U 75-240	\$20.00
SM-U 95-320	\$20.00



<b>Table B for 23.58B.040</b>			
<b>Payment calculation amounts:</b>			
<b>Outside Downtown, SM-SLU, ((and)) SM-U, and SM-NG zones</b>			
<b>Zone</b>	<b>Payment calculation amount per square foot</b>		
	<b>Low</b>	<b>Medium</b>	<b>High</b>
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC 85-175	\$10.00	\$10.00	\$10.00
Zones with an (M) suffix	\$5.00	\$7.00	\$8.00
Zones with an (M1) suffix	\$8.00	\$11.25	\$12.75
Zones with an (M2) suffix	\$9.00	\$12.50	\$14.50
Other zones where provisions refer to Chapter 23.58B	\$5.00	\$7.00	\$8.00

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2. Automatic adjustments to payment amounts. On March 1, 2016, and on the same day each year thereafter, the amounts for payment calculations according to Table A 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.

\* \* \*

1 Section 9. Section 23.58B.050 of the Seattle Municipal Code, which section was last  
2 amended by the Ordinance 125371 is amended as follows:

3 **23.58B.050 Mitigation of impacts – performance option**

4 A. Amount of MHA-C housing

5 1. An applicant complying with this Chapter 23.58B through the performance  
6 option shall provide total square feet of housing meeting the standards of subsection  
7 23.58B.050.B, measured as net unit area, calculated by multiplying the percentage calculation  
8 amount per square foot according to Table A or Table B for 23.58B.050 and Map A for  
9 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as  
10 follows:

11 a. Including chargeable floor area in commercial use in the following:

- 12 1) A new structure;
- 13 2) An addition to a structure;
- 14 3) A change of use from residential use to commercial use; or
- 15 4) Any combination of the above; and

16 b. Excluding chargeable floor area in commercial use as follows:

- 17 1) The first 4,000 gross square feet of street-level commercial uses;

18 and

19 2) Street-level commercial uses along a designated principal  
20 pedestrian street in a Pedestrian designated zone.

21 2. If the calculation according to subsection 23.58B.050.A.1 yields fewer than  
22 three units of housing required to meet the standards of subsection 23.58B.050.B, using a

- 1 conversion factor for unit size as determined by the Director, the applicant shall provide a cash
- 2 contribution using the payment option according to subsection 23.58B.040.A.

<b>Table A for 23.58B.050</b>	
<b>Performance calculation amounts:</b>	
<b>In Downtown, SM-SLU, ((and)) SM-U, and SM-NG zones</b>	
<b>Zone</b>	<b>Performance calculation amount per square foot</b>
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	9.1%
DH2/85	Not applicable
DMC 75	5.0%
DMC 95	5.0%
DMC 85/75-170	5.0%
DMC 145	6.1%
DMC 170	5.0%
DMC 240/290-440	6.1%
DMC 340/290-440	7.6%
DOC1 U/450-U	8.9%
DOC2 500/300-550	8.6%
DRC 85-170	8.2%
DMR/C 75/75-95	5.0%
DMR/C 75/75-170	5.0%
DMR/C 95/75	10.6%
DMR/C 145/75	10.6%
DMR/C 280/125	8.7%
DMR/R 95/65	8.5%
DMR/R 145/65	9.7%
DMR/R 280/65	9.7%
IDM 65-150	Not applicable
IDM 75-85	Not applicable
IDM 85/85-170	5.0%
IDM 165/85-170	7.0%
IDR 45/125-270	5.0%
IDR 170	5.0%
IDR/C 125/150-270	7.0%
PMM-85	Not applicable
All PSM zones	Not applicable
<u>SM-NG 145</u>	<u>6.0%</u>
<u>SM-NG 240</u>	<u>9.0%</u>
SM-SLU 100/65-145	5.0%
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	5.0%

**Table A for 23.58B.050**  
**Performance calculation amounts:**  
**In Downtown, SM-SLU, ((and)) SM-U, and SM-NG zones**

Zone	Performance calculation amount per square foot
SM-SLU 175/85-280	6.8%
SM-SLU 240/125-440	6.1%
SM-SLU/R 65/95	5.0%
SM-SLU 100/95	5.0%
SM-SLU 145	5.6%
SM-U 85	5.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

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**Table B for 23.58B.050**  
**Performance calculation amounts:**  
**Outside Downtown, SM-SLU, ((and)) SM-U, and SM-NG zones**

Zone	Performance calculation amount per square foot		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC 85-175	6.1%	6.1%	6.1%
Zones with an (M) suffix	5.0%	5.0%	5.0%
Zones with an (M1) suffix	8.0%	8.0%	8.0%
Zones with an (M2) suffix	9.0%	9.0%	9.0%
Other zones where provisions refer to Chapter 23.58B	5.0%	5.0%	5.0%

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\* \* \*

1 Section 10. Section 23.58C.040 of the Seattle Municipal Code, last amended by  
2 Ordinance 125371 is amended as follows:

3 **23.58C.040 Affordable housing—Payment option**

4 A. Payment amount

5 1. An applicant complying with this Chapter 23.58C through the payment option  
6 shall provide a cash contribution to the City, calculated by multiplying the payment calculation  
7 amount per square foot according to Table A or Table B for 23.58C.040 and Map A  
8 for 23.58C.050, as applicable, by the total gross floor area in the development, excluding the  
9 floor area of parking located in stories or portions of stories that are underground, as follows:

10 a. In the case of construction of a new structure, the gross floor area in  
11 residential use and the gross floor area of live-work units;

12 b. In the case of construction of an addition to an existing structure that  
13 results in an increase in the total number of units within the structure, the gross floor area in  
14 residential use and the gross floor area of live-work units in the addition;

15 c. In the case of alterations within an existing structure that result in an  
16 increase in the total number of units within the structure, the gross floor area calculated by  
17 dividing the total gross floor area in residential use and gross floor area of live-work units by  
18 the total number of units in the proposed development, and multiplying that quotient by the net  
19 increase in units in the structure;

20 d. In the case of change of use that results in an increase in the total  
21 number of units, the gross floor area that changed to residential use or live-work units; or

22 e. Any combination of the above.

<b>Table A for 23.58C.040</b>	
<b>Payment calculation amounts:</b>	
<b>In Downtown, SM-SLU, ((and)) SM-U 85 , and SM-NG zones</b>	
<b>Zone</b>	<b>Payment calculation amount per square foot</b>
DH1/45	Not ((Applicable)) applicable
DH2/55	Not ((Applicable)) applicable
DH2/75	\$12.75
DH2/85	Not ((Applicable)) applicable
DMC 75	\$12.75
DMC 85/75-170	\$20.75
DMC 95	\$12.75
DMC 145	\$13.00
DMC 170	\$5.50
DMC 240/290-440	\$8.25
DMC 340/290-440	\$8.25
DMR/C 75/75-95	\$20.75
DMR/C 75/75-170	\$20.75
DMR/C 95/75	\$12.75
DMR/C 145/75	\$11.75
DMR/C 280/125	\$13.00
DMR/R 95/65	\$12.75
DMR/R 145/65	\$11.75
DMR/R 280/65	\$13.00
DOC1 U/450-U	\$12.00
DOC2 500/300-550	\$10.25
DRC 85-170	\$10.00
IDM-65-150	Not ((Applicable)) applicable
IDM-75-85	Not ((Applicable)) applicable
IDM 85/85-170	\$20.75
IDM 165/85-170	\$20.75
All IDR and IDR/C zones	\$20.75
PMM-85	Not ((Applicable)) applicable
All PSM zones	Not ((Applicable)) applicable
SM-NG 145	\$13.25
SM-NG 240	\$20.00
SM-SLU 85/65-160	Not ((Applicable)) applicable
SM-SLU 85-280	\$10.00
SM-SLU 100/95	\$7.50
SM-SLU 100/65-145	\$7.75
SM-SLU 145	\$7.75
SM-SLU 175/85-280	\$10.00
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$12.75
SM-U 85	\$13.25

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**Table B for 23.58C.040**  
**Payment calculation amounts:**  
**Outside Downtown, SM-SLU, ((and)) SM-U 85, and SM-NG zones**

Zone	Payment calculation amount per square foot		
	Low	Medium	High
Zones with an (M) suffix	[RESERVED]	[RESERVED]	\$20.75
Zones with an (M1) suffix	[RESERVED]	\$20.00	\$29.75
Zones with an (M2) suffix	[RESERVED]	[RESERVED]	\$32.75

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Section 11. Section 23.58C.050 of the Seattle Municipal Code, enacted by Ordinance

5

125432, is amended as follows:

6

**23.58C.050 Affordable housing – performance option**

7

A. Performance amount

8

1. An applicant complying with this Chapter 23.58C through the performance

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option shall provide, as part of the units to be developed in each structure, a number of units that

10

meet the requirements according to subsection 23.58C.050.C calculated by multiplying the

11

percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050,

12

as applicable, by the total number of units to be developed in each structure.

13

2. If the number of units that meet the requirements according to subsection

14

23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals less than two, the

15

applicant shall:

16

a. Round up to two units; or

1                                   b. Provide one dwelling unit that meets the requirements according to  
2 subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of  
3 Housing.

4                                   3. If the number of units that meet the requirements according to subsection  
5 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals two or more and  
6 includes a fraction of a unit, the applicant shall:

7                                   a. Round up to the nearest whole unit; or

8                                   b. Round down to the nearest whole unit and pay a cash contribution for  
9 the fraction of a unit not otherwise provided, calculated by multiplying the payment calculation  
10 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for  
11 23.58C.050, as applicable, by the total gross floor area to be developed as measured according to  
12 subsection 23.58C.040.A.1, multiplying that product by the fraction of a unit not provided, and  
13 dividing the resulting number by the total number of units required to be provided based on the  
14 calculation according to subsection 23.58C.050.A.1. Use of cash contributions according to this  
15 subsection 23.58C.050.A.3.b shall be governed according to subsection 23.58C.040.B.

16                                   4. When the applicant elects to comply with this Chapter 23.58C through the  
17 performance option for a development that contains multiple structures and the calculation  
18 according to subsection 23.58C.050.A.1 results in fractions of units in more than one structure,  
19 the Director may, as a Type I decision in consultation with the Director of Housing, allow such  
20 fractions of units to be combined, provided:

21                                   a. If the sum of the combined fractions of units calculated according to this  
22 subsection 23.58C.050.A.4 equals fewer than two, the applicant shall:

23                                   1) Round up to two units; or





DMC 240/290-440	3.2%
DMC 340/290-440	3.2%
DMR/C 75/75-95	7.0%
DMR/C 75/75-170	7.0%
DMR/C 95/75	5.0%
DMR/C 145/75	4.6%
DMR/C 280/125	5.1%
DMR/R 95/65	5.0%
DMR/R 145/65	4.6%
DMR/R 280/65	5.1%
DOC1 U/450-U	4.7%
DOC2 500/300-550	4.0%
DRC 85-170	3.9%
IDM-65-150	Not (( <del>Applicable</del> )) <u>applicable</u>
IDM-75-85	Not (( <del>Applicable</del> )) <u>applicable</u>
IDM 85/85-170	7.0%
IDM 165/85-170	7.0%
All IDR and IDR/C zones	7.0%
PMM-85	Not (( <del>Applicable</del> )) <u>applicable</u>
All PSM zones	Not (( <del>Applicable</del> )) <u>applicable</u>
<u>SM-NG 145</u>	<u>6%</u>
<u>SM-NG 240</u>	<u>9%</u>
SM-SLU 85/65-160	Not (( <del>Applicable</del> )) <u>applicable</u>
SM-SLU 85-280	3.9%
SM-SLU 100/95	2.9%
SM-SLU 100/65-145	3.0%
SM-SLU 145	3.0%
SM-SLU 175/85-280	3.9%
SM-SLU 240/125-440	3.9%
SM-SLU/R 65/95	5.0%
SM-U 85	6.0%

<b>Table B for 23.58C.050</b>			
<b>Performance calculation amounts</b>			
<b>Outside Downtown, SM-SLU, ((and)) SM-U 85, and SM-NG zones</b>			
<b>Zone</b>	<b>Percentage set-aside per total number of units to be developed in each structure<sup>1</sup></b>		
	<b>Low</b>	<b>Medium</b>	<b>High</b>
Zones with an (M) suffix	[RESERVED]	[RESERVED]	7.0%
Zones with an (M1) suffix	[RESERVED]	9.0%	10.0%
Zones with an (M2) suffix	[RESERVED]	[RESERVED]	11.0%

\* \* \*

Section 12. Section 23.71.004 of the Seattle Municipal Code, last amended by Ordinance 121362, is amended as follows:

**23.71.004 Northgate Overlay District established((=))**

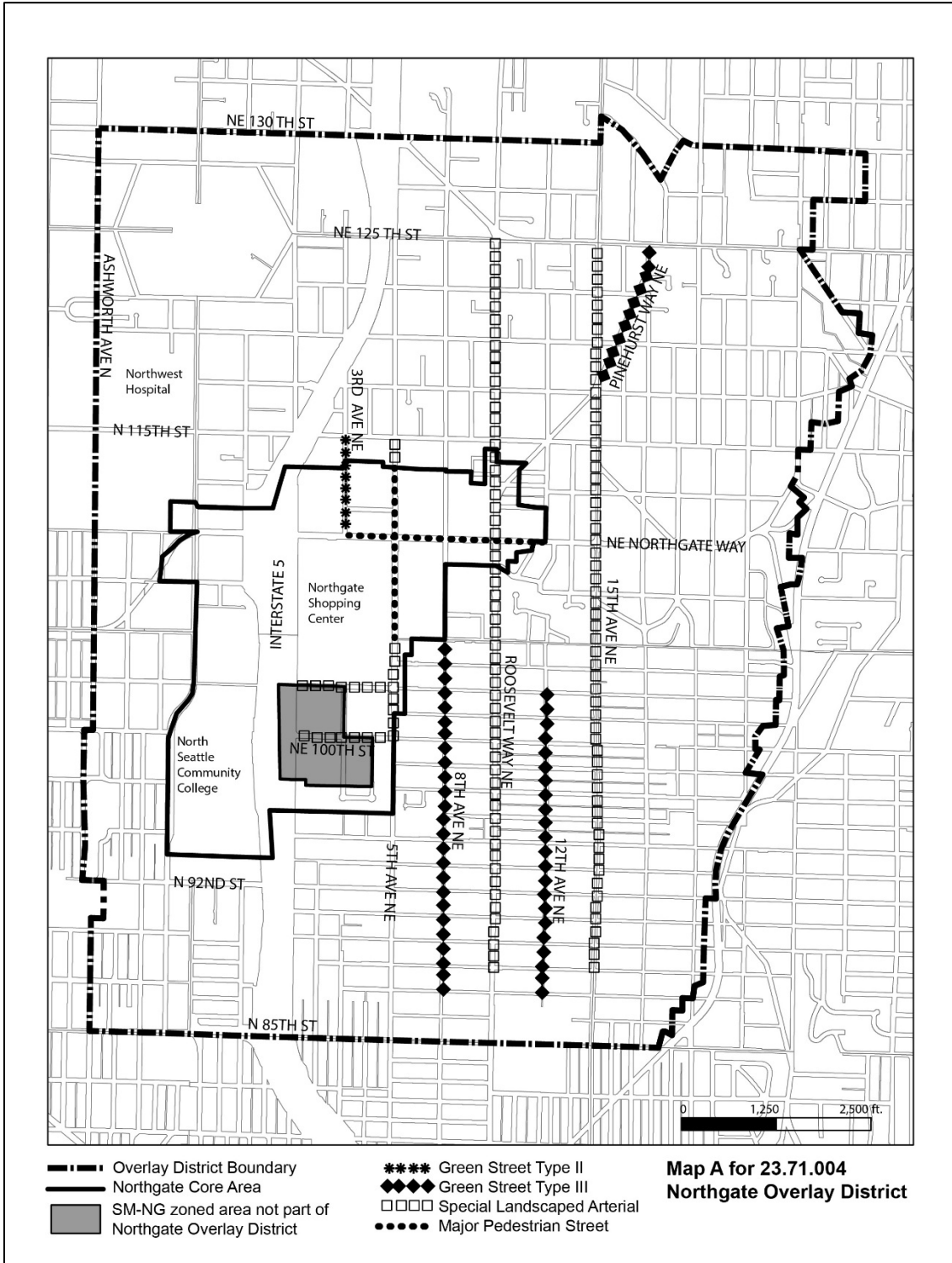
There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Northgate Overlay District, as shown on the City’s Official Land Use Map, Chapter 23.32 and Map A for 23.71.004.



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**Map A for 23.71.004**

**Northgate Overlay District**



3

1 Section 13. Section 23.84A.025 of the Seattle Municipal Code, last amended by  
2 Ordinance 125432, is amended as follows:

3 **23.84A.025 "M"**

4 \* \* \*

5 "Mid-block corridor" means an amenity feature that provides open space and publicly  
6 accessible connections across extremely long blocks to mitigate transportation impacts of new  
7 development by improving pedestrian circulation in high density areas, including but not limited  
8 to the South Lake Union Urban Center, the University Community Urban Center west of 15th  
9 Avenue NE, the Uptown Urban Center, the Northgate Urban Center, and the Downtown Urban  
10 Center east of Interstate 5.

11 \* \* \*

12 Section 14. Section 23.84A. of the Seattle Municipal Code, last amended by Ordinance  
13 125432, is amended as follows:

14 **23.84A.038 "T"**

15 \* \* \*

16 "Tower," in a Seattle Mixed (~~SM~~) zone, means the portion of a structure located  
17 above the designated podium height established for structures except as otherwise designated  
18 in the standards of the zone, but only for structures that exceed the height limit for a structure  
19 that is not a tower.

20 \* \* \*

21 Section 15. Section 23.84A.048 of the Seattle Municipal Code, last amended by  
22 Ordinance 125267, is amended as follows:

23 **23.84A.048 "Z"**

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\* \* \*

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

\* \* \*

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

4           Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2018.

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

9           Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
10 \_\_\_\_\_  
11 Jenny A. Durkan, Mayor

12           Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)  
16



1 Attachments:

- 2 Attachment 1: Seattle Mixed Northgate Rezone Map

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# DRAFT

## Attachment 1 – SM-NG Rezone Area

