

CITY OF SEATTLE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone land located on pages xx of the Official Land Use Map, all as shown on Exhibit A1 attached to this ordinance.

Section 2. Section 23.30.010 of the Seattle Municipal Code, last amended by Ordinance 125267, 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
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	SM
Seattle Mixed-South Lake Union	SM-SLU
Seattle Mixed-Dravus	SM-D
Seattle Mixed-North Rainier	SM-NR
Seattle Mixed-University District	SM-U
Seattle Mixed-Uptown	SM-UP

Zones	Abbreviated
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

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Section 3. Section 23.48.002 of the Seattle Municipal Code, last amended by Ordinance 125267, is amended as follows:

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 identified in Table A for 23.48.002. The SM-SLU designation with a height limit suffix may be applied to SM zoned land in the South Lake Union Urban Center. The SM-D designation with a height limit range may be applied to SM zoned land in the West Dravus area. The SM-NR designation with a height limit suffix may be applied to SM zoned land in the North Rainier area. The SM-U designation with a height limit suffix may be applied to SM-U zoned land in the University Community Urban

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

Table A for 23.48.002 SM zone designations for geographic areas	
Zone designation	Geographic area
SM-SLU	South Lake Union Urban Center
SM-D	West Dravus area
SM-NR	North Rainier area
SM-U	University Community Urban Center
<u>SM-UP</u>	<u>Uptown Urban Center</u>

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4 * * *
5 Section 4. Subsection 23.48.005.D of the Seattle Municipal Code, which section was last
6 amended by Ordinance 125267, is amended as follows:

7 **23.48.005 Uses**

8 * * *
9 D. Required street-level uses
10 1. One or more of the following uses listed in this subsection 23.48.005.D.1 are
11 required at street level along the street-facing facade abutting streets designated as Class 1
12 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C,
13 ~~((and))~~ at street-level along the street-facing facades abutting streets shown on Map A for
14 23.48.640, and at street-level along the street-facing facades abutting streets designated as Class
15 1 or Class 2 streets shown on Map A for 23.48.740:

- 16 a. General sales and service uses;
- 17 b. Eating and drinking establishments;
- 18 c. Entertainment uses;

- 1 d. Public libraries;
- 2 e. Public parks;
- 3 f. Arts facilities;
- 4 g. Religious facilities;
- 5 h. Human services uses;
- 6 i. Child care facilities; and
- 7 j. Light rail transit stations.

8 * * *

9 Section X. Section 23.48.020 of the Seattle Municipal Code, enacted by Ordinance
10 125267, is amended as follows:

11 **23.48.020 Floor area ratio (FAR)**

12 * * *

13 B. FAR limits. The FAR limits for SM zones, excluding SM zones in specific geographic
14 areas as set forth in the applicable subchapter of this Chapter 23.48, are shown in Table A for
15 23.48.020.

Table A for 23.48.020 SM FAR limits		
Zone	FAR limits for all uses	
	Base	Maximum¹
SM 40	3	3.5
SM 65	3.5	5
SM 85 ⁽²⁾	4.5	6
SM 125	5	8
SM 160	5	9

**Table A for 23.48.020
 SM FAR limits**

Zone	FAR limits for all uses	
	Base	Maximum ¹
SM 240	6	13

Footnotes to Table A for 23.48.020

¹See subsection 23.48.020.C for requirements for achieving maximum FAR.

~~((²In the SM 85 zone within the area shown on Map A for 23.48.020, residential uses are exempt from FAR calculations.))~~

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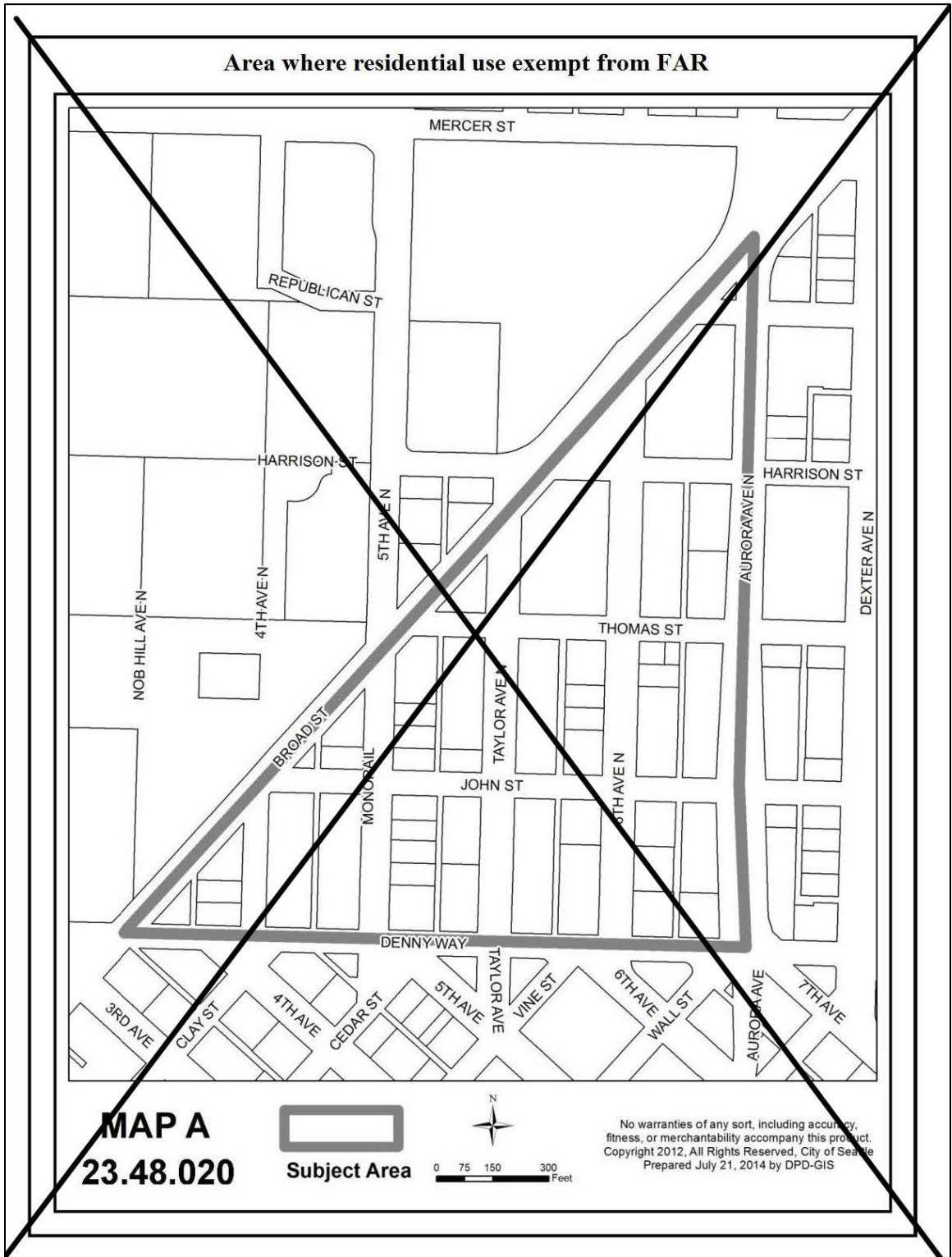
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((Map A for 23.48.020

Area where residential use exempt from FAR))



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1 E. Minimum FAR

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 or on a lot abutting a Class 1₂ (~~(or)~~) Class 2, or Class 3 Pedestrian Street or
5 a Neighborhood Green Street, as shown on Map A for 23.48.240 for SM-SLU zones, Map A for
6 23.48.440 for SM-NR zones, (~~and~~) Map A for 23.48.640 for SM-U zones(~~(-)~~), and Map A for
7 23.48.740 for SM-UP zones.

Table B for 23.48.020				
Minimum FAR				
Height limit (in feet)	40	65, 75, 85, or 95	125 or 160	240 or greater
Minimum FAR	1.5	2	2.5	3

8
9 2. The minimum FAR requirement provided in subsection 23.48.020.E.1 does not
10 apply if:

- 11 a. Additional floor area is added to an existing structure on a lot that is
- 12 nonconforming with respect to the minimum FAR shown in Table B for 23.48.020;
- 13 b. The lot is larger than five acres;
- 14 c. All existing gross floor area is demolished to create a vacant lot; or
- 15 d. Parks and open space is the principal use of the lot.

16 3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or
17 as a buffer to one of these areas, as defined in Chapter 25.09, are not included when calculating
18 lot size for the purpose of determining the minimum FAR requirement provided in subsection
19 23.48.020.E.1.

20 4. The Director, in consultation with the Director of the Department of
21 Neighborhoods, may waive the minimum FAR requirement in subsection 23.48.020.E.1 for lots

1 that contain a designated Landmark, or for lots within a Landmark District pursuant to Title 25
2 or within a Special Review District pursuant to Chapter 23.66, if the Director determines a
3 waiver is necessary to preserve the integrity of a Landmark or meet adopted District design and
4 development guidelines.

5 5. All gross floor area is counted toward the minimum FAR requirement provided
6 in subsection 23.48.020.E.1, except the following:

7 a. Gross floor area below grade, including all underground stories or
8 portions of stories; and

9 b. Gross floor area containing parking.

10 Section X. Section 23.48.040 of the Seattle Municipal Code, last amended by Ordinance
11 125267, is amended as follows:

12 **23.48.040 Street-level development standards**

13 A. Street-facing facade requirements. For SM zones in the SM-SLU, ~~((and))~~ SM-NR, and
14 SM-UP geographic areas, the following street-facing facade requirements apply to Class 1
15 ~~((and))~~, Class 2, and Class 3 Pedestrian Streets, Neighborhood Green Streets, and all other
16 streets, as shown on Map A for 23.48.240, ~~((and))~~ Map A for 23.48.440, and Map A 23.48.740 :

17 1. Primary pedestrian entrance. Each new structure facing a Class 1 Pedestrian
18 Street and in the Uptown Urban Center a Class 2 Pedestrian Street is required to provide a
19 primary building entrance for pedestrians from the street or a street-oriented courtyard that is no
20 more than 3 feet above or below the sidewalk grade.

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

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

3 b. On Class 2 and Class 3 Pedestrian Streets and Neighborhood Green
4 Streets the minimum height for street-facing facades is 25 feet.

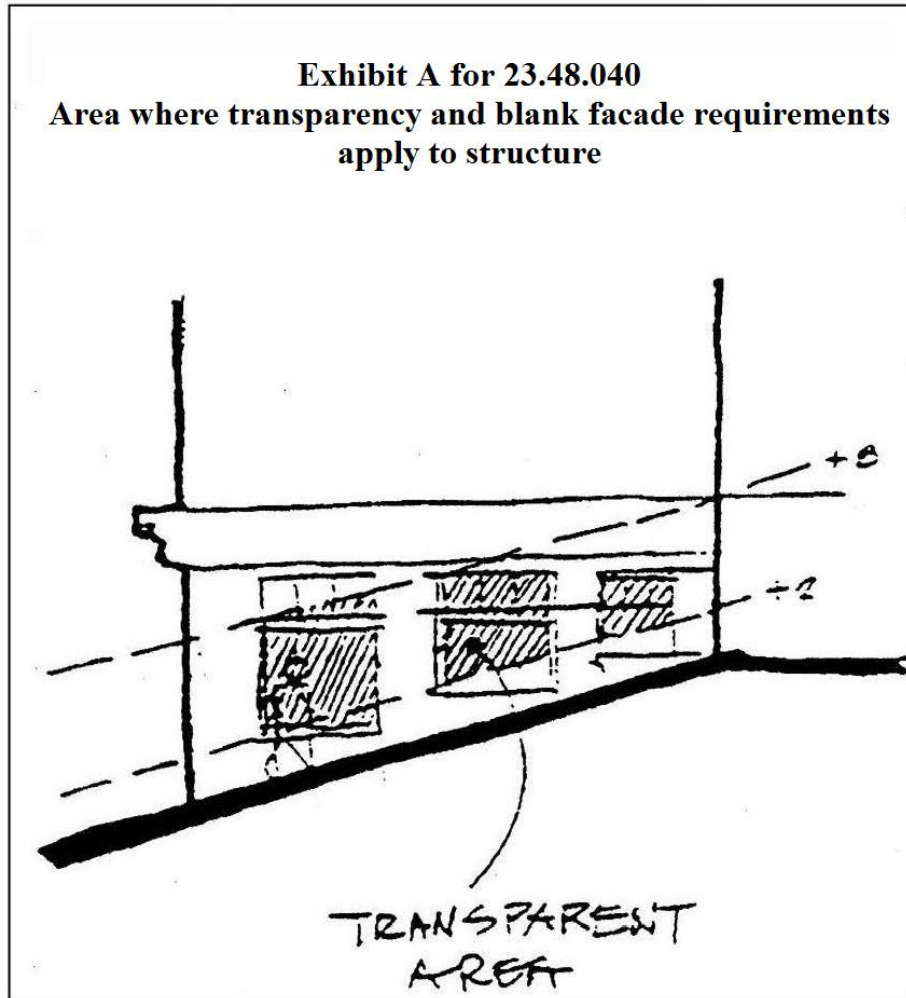
5 c. On all other streets, the minimum height for street-facing facades is 15
6 feet.

7 B. Transparency and blank facade requirements. For SM zones in the SM-SLU, SM-NR,
8 ~~((and))~~ SM-U, and the SM-UP geographic areas, the provisions of this subsection 23.48.040.B
9 apply to the area of a street-facing facade between 2 feet and 8 feet above a sidewalk, as shown
10 on Exhibit A for 23.48.040 , but do not apply to portions of a structure in residential use.

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Exhibit A for 23.48.040

Area where transparency and blank facade requirements apply to structure



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1. Transparency requirements

a. In SM zones in the SM-SLU, SM-NR, ((and)) SM-U, and SM-UP

geographic areas, on Class 1, ((and)) Class 2, and Class 3 Pedestrian Streets and Neighborhood Green Streets, a minimum of 60 percent of the street-facing facade must be transparent, except that 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.

1 b. In all SM zones either within or outside specific geographic areas, for
2 all other streets not specified in subsection 23.48.040.B.1.a, a minimum of 30 percent of the
3 street-facing facade must be transparent, except that if the slope of the street frontage of the
4 facade exceeds 7.5 percent, the minimum amount of transparency required shall be reduced to 22
5 percent of the street-facing facade.

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

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

15 a. In SM zones in the SM-SLU, SM-NR, ~~((and))~~ SM-U, and SM-UP
16 geographic areas, for Class 1 ~~((and))~~, Class 2, and Class 3 Pedestrian Streets and Neighborhood
17 Green Streets, the following apply:

18 1) Blank facades are limited to segments 15 feet wide, except
19 segments with garage doors, which may exceed a width of 15 feet and may be as wide as the
20 driveway plus 5 feet. Blank facade width may be increased to 30 feet if the Director determines
21 that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar
22 features that have visual interest.

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

5 b. In all SM zones either within or outside specific geographic areas, all
6 other streets not specified in subsection 23.48.040.B.2.a are subject to the following:

7 1) Blank facades are limited to segments 30 feet wide, except for
8 garage doors, which may be exceed a width of 30 feet and may be as wide as the driveway plus 5
9 feet. Blank facade width may be increased to 60 feet if the Director determines as a Type I
10 decision that the facade is enhanced by architectural detailing, artwork, landscaping, or other
11 similar features that have visual interest.

12 2) The total width of all blank facade segments, including garage
13 doors, shall not exceed 70 percent of the width of the street-facing facade of the structure on each
14 street frontage; or 78 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

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

17 C. Development standards for required street-level uses. Street-level uses that are
18 required by subsection 23.48.005.D, and street-level uses exempt from FAR calculations under
19 the provisions of subsection 23.48.220.B.2, ~~((€))~~ 23.48.620.B.2, or 23.48.720.B.2, whether
20 required or not, shall meet the following development standards:

21 1. Where street-level uses are required, a minimum of 75 percent of the street-
22 facing facade of each street frontage requiring street-level uses shall be occupied by uses listed in

1 subsection 23.48.005.D.1. The remaining street-facing facade may contain other permitted uses
2 or pedestrian or vehicular entrances.

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

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

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

13 ~~((3))~~ 5. Street-level uses shall be located within 10 feet of the street lot line,
14 except for the following:

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

20 b. If a street-level setback is required from the street lot line by the
21 provisions of this Chapter 23.48 or Chapter 23.53, the 10-foot distance that the street-level use is
22 allowed to set back from the street lot line shall be measured from the line established by the
23 required setback; and

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

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

9 Section X. Section 23.48.055 of the Seattle Municipal Code, last amended by Ordinance
10 125267, is amended as follows:

11 **23.48.055 Landscaping and screening standards**

12 * * *

13 C. Screening for specific uses

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

16 2. Surface parking areas

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

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

1 3. Parking in structures. Except as provided for by subsection 23.48.085.B,
2 parking located at or above street level in a garage shall be screened as follows:

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

8 b. On all other streets, 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 facade shall be
13 enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

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

18 4. Fences or free-standing walls associated with utility services uses may obstruct
19 or allow views to the interior of a site. Where site dimensions and site conditions allow,
20 applicants are encouraged to provide both a landscaped setback between the fence or wall and
21 the right-of-way, and a fence or wall that provides visual interest facing the street lot line,
22 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 use 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 X. Section 23.48.085 of the Seattle Municipal Code, last amended by Ordinance
9 125267, is amended as follows:

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

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

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

19 D. Parking and loading access. If a lot abuts more than one right-of-way, the location of
20 access for parking and loading shall be determined by the Director, depending on the
21 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. For SM zone designations in the SM-SLU, SM-NR, ~~((and))~~ SM-U,
9 and SM-UP geographic areas with pedestrian street classifications, 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 * * *

7 Section X. A new Subchapter VI, is added to Chapter 23.48 of the Seattle Municipal
8 Code as follows:

9 **Subchapter VI Uptown**

10 **23.48.702 Scope of provisions for SM-UP zones**

11 The provisions in this Subchapter V of Chapter 23.48 establish regulations for SM-UP
12 zones. The SM-UP zone designation refers to all zones in the SM category in the Uptown Urban
13 Center. The provisions in this Subchapter VI of Chapter 23.48 supplement the provisions of
14 Subchapter I of Chapter 23.48. In cases of conflicts between the provisions in Subchapter I of
15 Chapter 23.48 and this Subchapter VI of Chapter 23.48, the provisions in this Subchapter VI
16 shall govern.

17 **23.48.705 Uses in SM-UP zones street**

18 A. Prohibited uses. Principal use parking.

19 **23.48.720 Floor area ratio (FAR) in Uptown Urban Center**

20 Except as otherwise specified in this subsection 23.48.720.A, FAR limits for
21 specified SM zones within the Uptown Urban Center are as shown in Table A for 23.48.720.

Table A for 23.48.720 FAR limits for specified zones in the Uptown Urban Center			
Zone	Base FAR limit for all uses	FAR limits for non-residential uses	Maximum FAR for structures that include residential use
SM-UP 65	4.5	4.5	4.5
SM-UP 85	5	5	5
SM-UP 125	5	7	7
SM-UP 160 ¹	5	2	7

Footnotes to Table A for 23.48.720
¹ In the SM-UP 160 zone structures that do not exceed 125 feet in height are permitted the same FAR limits as are structures in the SM-UP 125 zone.

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23.48.721 Mandatory housing affordability (MHA) in SM-UP zones

SM-UP zones located in the Uptown Urban Center are subject to the provisions of chapters 23.58.B and 23.48.C

23.48.722 Extra floor area in SM-UP zones

A. Means to achieve extra floor area above the base FAR, or above the additional increment of chargeable floor area allowed above the base FAR by subsection 23.48.720.B

1. General. The applicant shall:

a. Achieve 65 percent of the extra floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014 or bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024; and

b. Achieve 35 percent of the extra floor area through the use of one or more of the following options:

1 1) Acquiring open space, Landmark, or vulnerable masonry TDR
2 or TDP according to Sections 23.48.723 and 23.58A.042; or

3 2) Providing open space amenities according to Sections 23.48.724
4 and 23.58A.040.

5 2. Extra floor area in mixed-use projects. In a project that exceeds the base FAR,
6 or exceeds the increment of additional chargeable floor area allowed above the base FAR under
7 subsection 23.48.720.B, and that includes both residential and non-residential uses, the amount
8 of extra residential floor area and extra non-residential floor area to be obtained shall be
9 calculated as follows:

10 a. Relative to the total chargeable gross floor area of all uses in the project,
11 determine the percentage that is in residential use and the percentage that is in non-residential
12 use.

13 b. Determine the total amount of extra floor area in the project above the
14 base FAR, or above the increment of additional chargeable floor area allowed above the base
15 FAR under subsection 23.48.720.B, and, using the percentages derived in subsection
16 23.48.722.B.1, divide this total amount to determine the share of extra floor area that is to be
17 obtained as extra residential floor area and the share that is to be obtained as extra non-residential
18 floor area according to the applicable provisions of the zone.

19 B. LEED requirement. Development containing any extra floor area in SM-UP zones
20 shall earn a LEED Gold rating or meet a substantially equivalent standard, and shall
21 demonstrate compliance with that commitment, in accordance with the provisions of
22 subsection 23.48.021.D.2.

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

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

19 b. Prior to issuance of a building permit, the applicant shall submit a
20 written certification by the operator to the Director that the operator's specifications have been
21 met;

22 3. Floor area used for theaters or arts facilities, which for the purposes of this
23 Section 23.48.720 may be operated either by for-profit or not-for-profit organizations;

1 4. Floor area in a vulnerable masonry structure included on a list of structures that
2 meet specified criteria in a rule promulgated by the Director under Section 23.48.727, provided
3 that the structure is retained for a minimum of 50 years according to the provisions that apply to
4 a qualifying “vulnerable masonry structure” TDR or TDP sending site in subsection
5 23.58A.042.F.3;

6 5. All gross floor area of a light rail transit station and related passenger
7 amenities;

8 6. All gross floor area of a human service use;

9 **23.48.723 Transfer of development rights (TDR) and potential (TDP) in SM-UP zones**

10 A. General standards

11 1. For the purposes of this Section 23.48.723, the transfer of development rights
12 to gain extra non-residential floor area in a project on a receiving site is TDR and the transfer of
13 development potential to gain extra residential floor area in a project on a receiving site is TDP.

14 2. The following types of TDR and TDP may be transferred within the Uptown
15 Urban Center, subject to the limits and conditions of this Chapter 23.48 and the standards for the
16 use of TDR and TDP in Section 23.58A.042:

17 a. Landmark TDR and TDP;

18 b. Open space TDR and TDP; and

19 c. Vulnerable masonry structure TDR and TDP.

20 B. Sending sites. Only sites within the Uptown Urban Center are eligible sending sending
21 sites and shall meet the definition of an open space, vulnerable masonry structure, or Landmark
22 TDR or TDP sending site in Chapter 23.84A and comply with all applicable standards in this
23 Chapter 23.48 and Section 23.58A.042.

1 C. Receiving sites. Only sites within the Uptown Urban Center in the SM-UP 125 and
2 SM-UP 160 zones are eligible receiving.

3 D. Except as provided in subsection 23.47A.009.E.2.b, the maximum amount of TDR
4 and TDP that can be transferred from an eligible sending site shall not exceed an amount of floor
5 area equivalent to the numerical value of the base FAR of the zone in which the sending site is
6 located, as shown on Table A, Table B, and Table C for 23.48.720, multiplied by the lot area of
7 the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and
8 TDP previously transferred.

9 **23.48.724 Bonus floor area for open space amenities in SM-UP zones**

10 A. In SM-UP zones, extra floor area may be gained above the base FAR specified for the
11 zone in Section 23.48.720 in projects that provide open space amenities in accordance with
12 Section 23.58A.040 and subject to the limits and conditions of Section 23.48.722 and this
13 Section 23.48.724.

14 B. The following open space amenities are eligible for a floor area bonus to gain an
15 amount of extra floor area specified in Section 23.48.722:

16 1. Green street improvements on designated Neighborhood Green Streets shown
17 on Map A for 23.48.740;

18 2. Green street setback on lots abutting a designated Neighborhood Green Street
19 shown on Map A for 23.48.740; and

20 3. Mid-block corridor.

21 C. To be eligible for a floor area bonus, open space amenities shall comply with the
22 applicable development standards and conditions specified in Section 23.58A.040, except that

1 for a mid-block corridor, in addition to the conditions of Section 23.58A.040, the provisions of
2 subsection 23.48.740.E apply.

3 **23.48.730 Adoption of vulnerable masonry structures rules**

4 A. The Director shall promulgate a rule listing the structures that meet the following
5 eligibility criteria as a “vulnerable masonry structure” (VMS) TDR or TDP sending site under
6 subsection 23.58A.042.F and that, as a vulnerable masonry structure, are exempt from the
7 calculations for chargeable FAR under subsection 23.48.720.C.4:

8 1. The structure has unreinforced masonry bearing walls and is included in the list
9 of unreinforced masonry structures (URMs) identified by the Department in April 2016, with a
10 classification of Critical Risk (C), High Risk (H), or Medium Risk (M).

11 B. The Director shall periodically update the list to respond to changed conditions and
12 remove or add structures to the list to maintain consistency with the criteria specified in
13 subsection 23.48.730.A.

14 **23.48.732 Maximum width and depth limits in SM-UP zones**

15 A. The maximum width and depth limit of a structure is 250 feet, except as otherwise
16 provided in this Section 23.48.732. The width and depth limits do not apply to below-grade or
17 partially below-grade stories with street-facing facades that do not extend more than 4 feet above
18 the sidewalk, measured at any point above the sidewalk elevation to the floor above the partially
19 below-grade story, excluding access.

20 B. For the stories of a structure subject to width and depth limits, all portions of the same
21 story that are horizontally contiguous, including any portions connected by doorways, ramps,
22 bridges, elevated stairways, and other such devices, shall be included in the measurement of
23 width and depth. The width and depth limit of stories in separate structures or structures on the

1 same lot that abut but are not internally connected shall be measured separately, except that
2 designated Landmark structures and structures that qualify as vulnerable masonry buildings
3 according to Section 23.48.730 that are retained on the lot are excluded from the width and depth
4 measurement, whether internally connected to a new structure or not.

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

- 7 1. Community clubs or community centers;
- 8 2. Religious facilities;
- 9 3. Arts facilities;
- 10 4. Preschool, elementary, or secondary schools; or
- 11 5. Performing arts theaters.

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

14 **23.48.735 Upper-level setback requirements in the Uptown Urban Center**

15 A. The following requirements for upper-level setbacks in this subsection 23.48.735.A
16 apply to structures on lots abutting a street shown on Map A for 23.48.735.

17 1. In all zones any portion of a structure greater than 45 feet in height is required
18 to set back from a lot line abutting a street shown on Map A for 23.48.735.

19 2. A setback of 1 foot for every 2 additional feet of height is required for any
20 portion of a structure exceeding the maximum height permitted without a setback according to
21 subsection 23.48.735.A.1, up to a maximum setback of 15 feet measured from the street lot line,
22 as shown in Exhibit A for 23.48.735.

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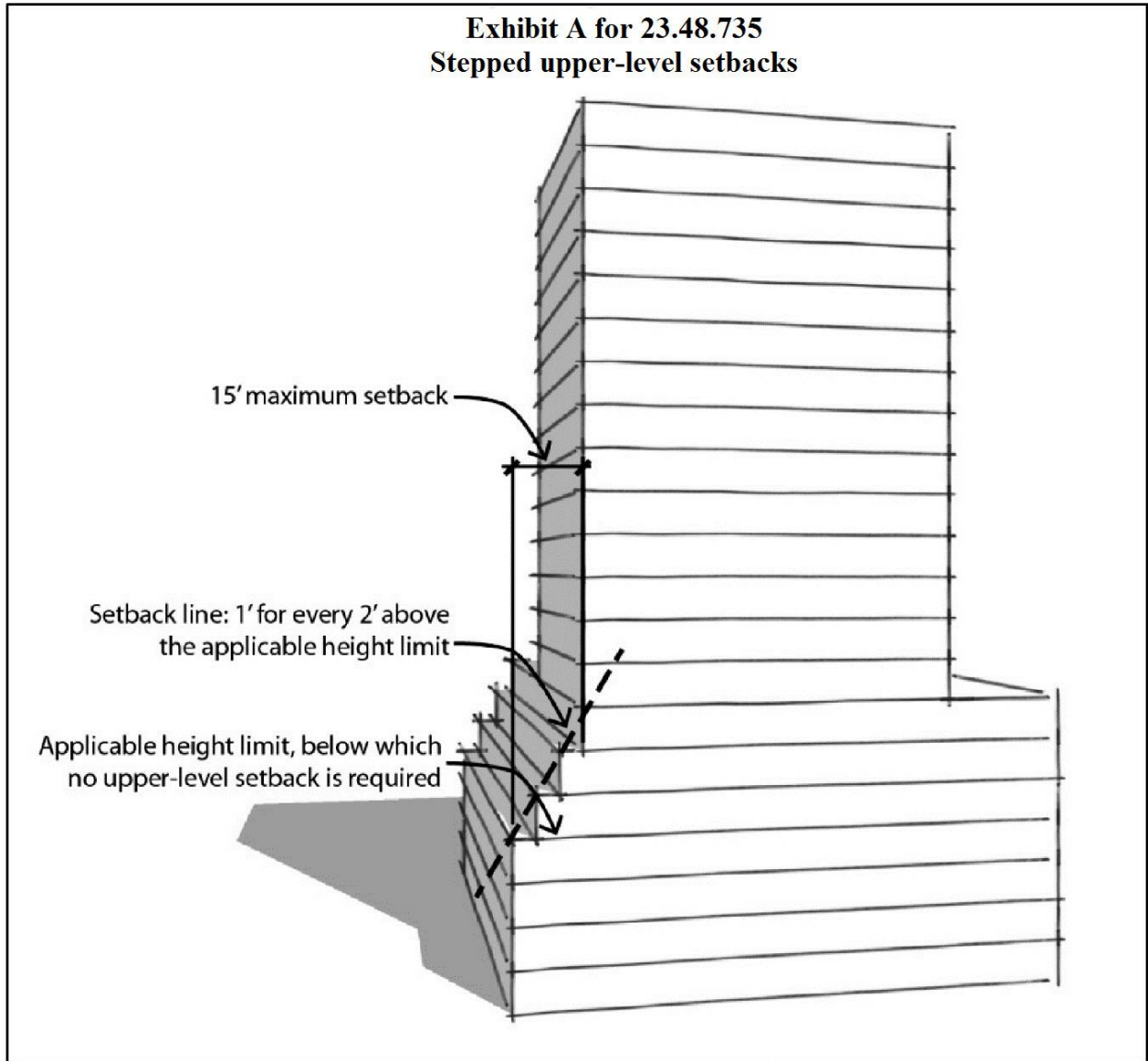
Map A for 23.48.735

Upper-level setbacks

* * *

Exhibit A for 23.48.735

Stepped upper-level setbacks

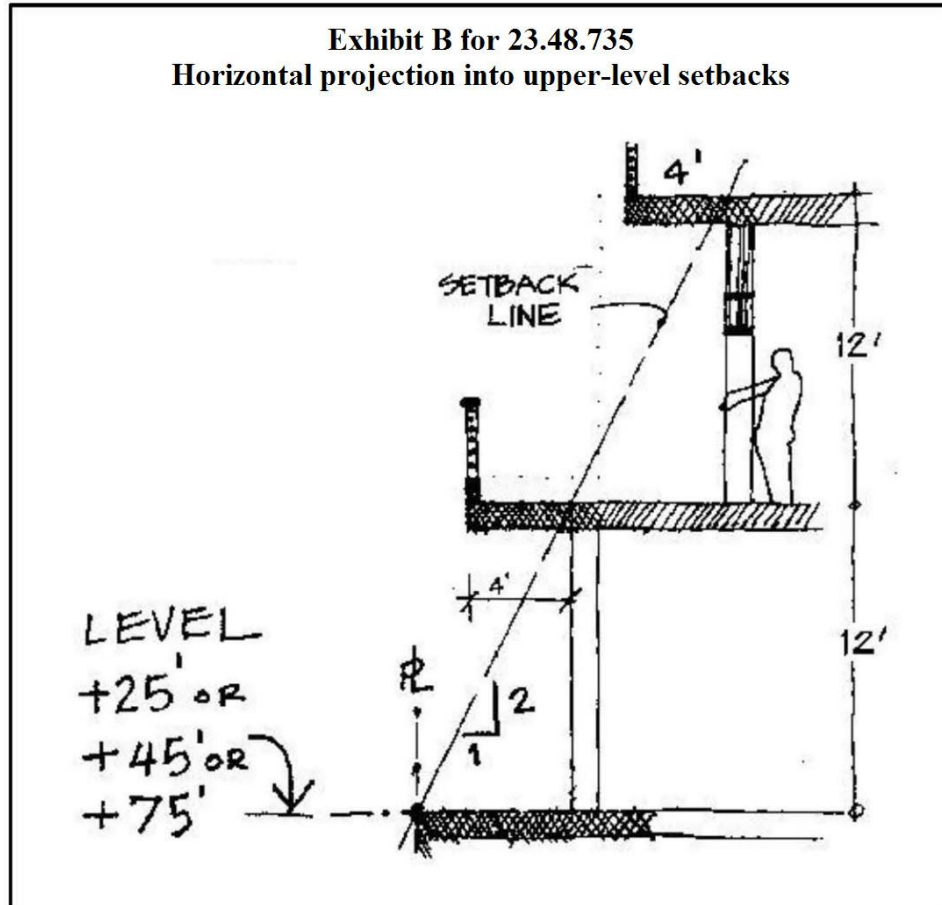


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1 B. Projections permitted in required upper-level setbacks. Horizontal projections,
2 including decks, balconies with open railings, eaves, cornices, and gutters are permitted to
3 extend a maximum of 4 feet in required setbacks as shown in Exhibit C for 23.48.735.

4 **Exhibit B for 23.48.735**

5 **Horizontal projection into upper-level setbacks**



1 **23.48.740 Street-level development standards in the Uptown Urban Center**

2 A. Street-level development standards in Section 23.48.040 apply to all streets in SM-UP
3 zones designated as Class 1 Pedestrian Streets, Class 2 Pedestrian Streets, Class 3 Pedestrian
4 Streets, or Neighborhood Green Streets as shown on Map A for 23.48.740.

5 B. General facade requirements

6 Permitted setbacks from street lot lines. Street-facing facades of a structure are permitted
7 to set back from the street lot line as follows:

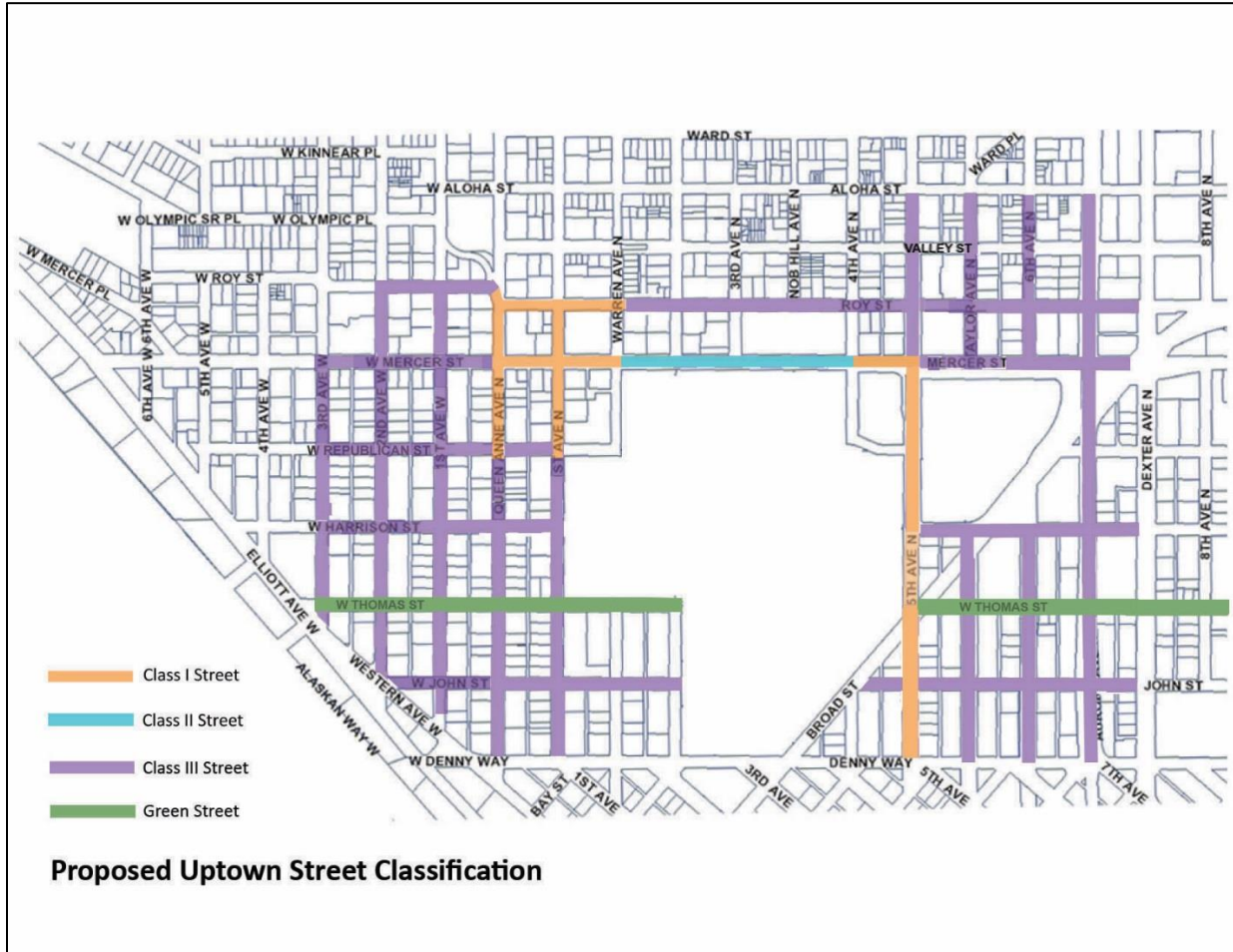
8 a. The street-facing facades of structures abutting Class 1 Pedestrian
9 Streets, as shown on Map A for 23.48.740, shall be built to the street lot line for a minimum of
10 70 percent of the facade length, provided that the street frontage of any required outdoor amenity
11 area, or other required open space, or usable open space provided in accordance with subsections
12 23.48.740.E, 23.48.740.F, or 23.48.745.B.4.c is excluded from the total amount of frontage
13 required to be built to the street lot line .

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Map A for 23.48.740

Pedestrian street classifications in Uptown

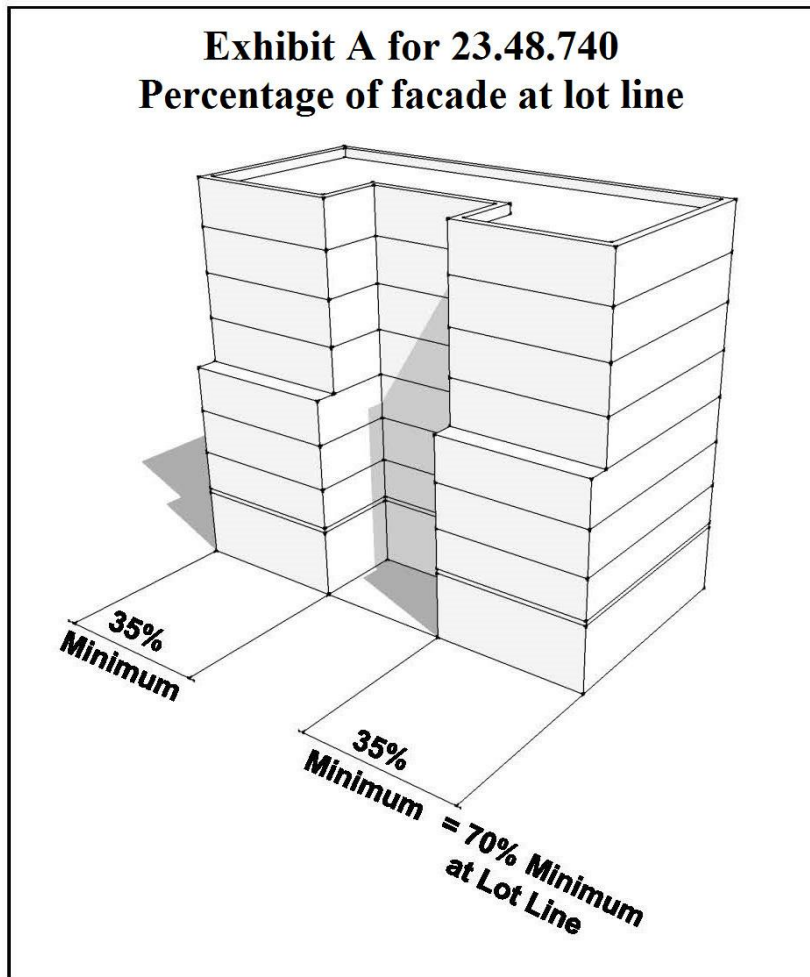


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Exhibit A for 23.48.740

Percentage of facade at lot line



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b. Except on Class 1 Pedestrian Streets, as shown on Map A for 23.48.740, and as specified in subsection 23.48.740.B.1, the street-facing facade of a structure may be set back up to 12 feet from the street lot line subject to the following (Exhibit B for 23.48.740):

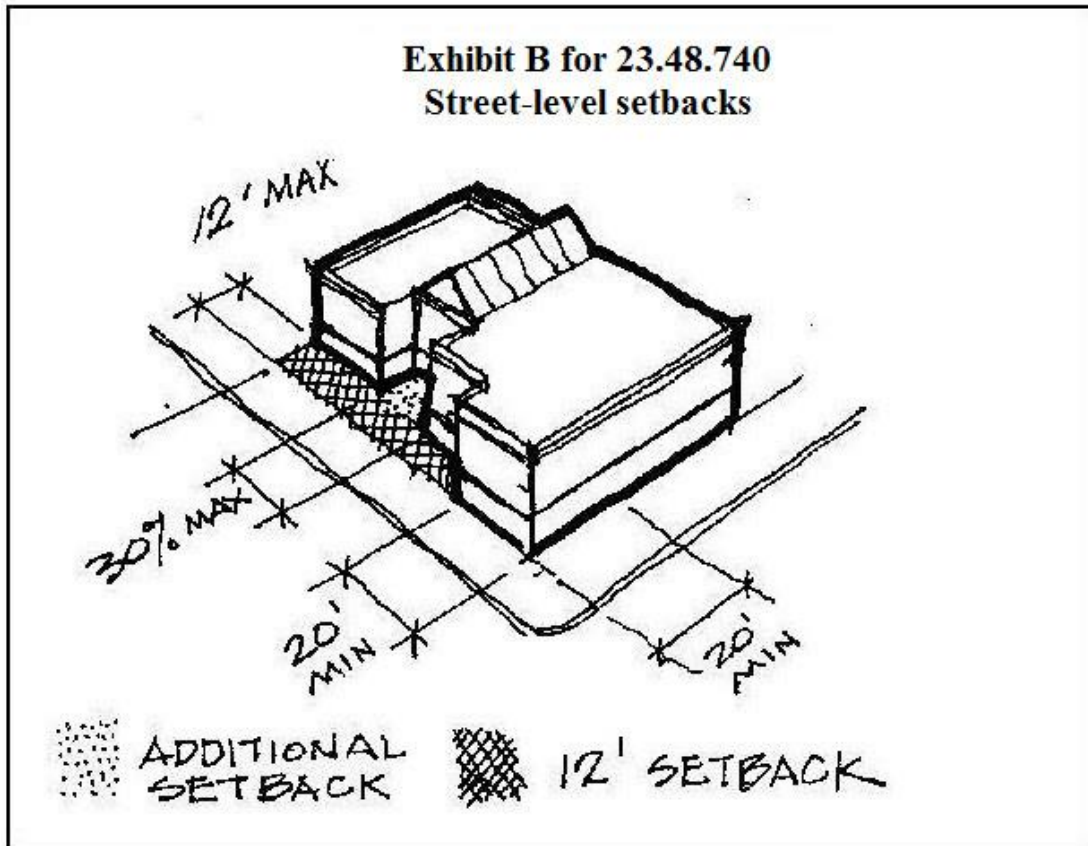
1) The setback area shall be landscaped according to the provisions of subsection 23.48.055.B.2;

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

3) Any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.48.740.E, or 23.48.745.B.4.c is not considered part of the setback area and may extend beyond the limit on setbacks from the street lot line that would otherwise apply under subsections 23.48.740.B.1.b or 23.48.740.B.1.b.2.

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Exhibit B for 23.48.740
Street-level setbacks



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C. Required usable open space in the SM-UP 65, SM-UP 85, and SM-UP 160 zones

1. In the SM-UP 65, SM-UP 85, SM-UP 125, SM-UP 160 zones, on lots exceeding 30,000 square feet in area, proposed development shall provide usable open space as follows:

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

b. The average horizontal dimension for any area qualifying as required usable open space is 20 feet, and the minimum horizontal dimension is 10 feet. , except that there

1 is no minimum horizontal dimension for additional pedestrian area abutting a sidewalk that is
2 provided according to subsection 23.48.740.C.1.c;

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

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

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

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

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

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

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

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

2 4) The space is accessible to the public during normal business
3 hours; and

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

10 2. Usable open space provided under this subsection 23.48.740.G is eligible to
11 qualify as either amenity area for residential uses under Section 23.48.045 or open space required
12 for office use under Section 23.48.750, or all three, provided the applicable standards of these
13 sections are met.

14 D. Through-block pedestrian connections for large lot developments

15 1. A through-block pedestrian connection meeting the standards of subsection
16 23.48.740.H.2 is required in the SM-UP 65, SM-UP 85, SM-UP 125, and SM-UP 160 zones for
17 development described as follows:

18 a. Within the block defined as the area enclosed by street rights-of-way,
19 the lot area of the development is a minimum of 40,000 square feet, except that the area of lots
20 separated only by an alley right-of-way may be combined for the purposes of calculating the
21 minimum required lot area;

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

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

3 a. A continuous pedestrian passageway shall extend across the
4 development lot to both abutting avenues. The alignment of the pedestrian connection and the
5 point at which it intersects each avenue shall be no closer than 100 feet to a street intersection,
6 and the connection of the passageway to abutting sidewalks shall be accessible at grade level.

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

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

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

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

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

1 **23.48.745 Upper-level development standards in Uptown Urban Center**

2 Lots in the SM-UP 160 zone are subject to upper-level development standards that may
3 include upper-level floor area limits, podium heights limits, upper-level setbacks, facade
4 modulation, maximum facade widths, a limit on the number of towers per block, and tower
5 separation requirements, as specified in this Section 23.48.745. For the purpose of this Section
6 23.48.745, a tower is a structure that exceeds a height of 125 feet.

7 A. Upper-level floor area limit. For towers, the average gross floor area of all stories
8 above the podium height shall not exceed 50 percent of the lot area.

9 B. Floor area limits. For structures that exceed 125 feet in height, the maximum floor
10 area is 12,500 square feet.

11 C. Podium standards. The standards for podiums apply only to structures or portions of
12 structures that include a tower that is subject to a floor area limit.

13 a. Height limit for podiums. Podium heights are limited to 45 feet.

14 b. Podium floor area limits. The average floor area coverage of required
15 lot area, pursuant to subsection 23.48.745.A, for all the stories below the podium height specified
16 in section 23.48.745.C.A shall not exceed 75 percent of the lot area, except that floor area is not
17 limited for each story if the total number of stories below the podium height is three or fewer
18 stories.

19 c. The floor area limit on podiums in subsection 23.48.745.B apply if a lot
20 includes one of the following:

21 1) Usable open space that meets the provisions of subsection
22 23.48.740.F; or

1 2) A structure that has been in existence prior to 1965 and the
2 following conditions are met;

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

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

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

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

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

18 c) If the structure is removed from the lot, then any use of
19 the portion of the lot previously occupied by the structure shall be limited to usable open space.

20 The portion of the lot previously occupied by the structure shall be defined by a rectangle
21 enclosing the exterior walls of the structure as they existed at the time it was included on the lot
22 with the project allowed to waive the podium area limit, with the rectangle extended to the
23 nearest street frontage.

1 D. Facade modulation. For all structures with non-residential uses exceeding 85 feet in
2 height, facade modulation is required for the street-facing portions of a structure located within
3 15 feet of a street lot line and exceeding the podium height specified for the lot in subsection
4 23.48.745 B. No modulation is required for portions of a facade set back 15 feet or more from a
5 street lot line.

6 1. The maximum length of a facade without modulation is prescribed in Table B
7 for 23.48.745, Facade Modulation. This maximum length shall be measured parallel to each
8 street lot line, and shall apply to any portion of a facade, including projections such as balconies,
9 that is located within 15 feet of street lot lines.

Table B for 23.48.745 Facade modulation	
Height of street-facing portion of structure	Maximum length of unmodulated facade within 15 feet of street lot line
For stories above the podium height of 45 feet specified on Map A for 23.48.745 up to 125 feet	150 feet
For stories above 125 feet	120 feet

10
11 2. If a portion of a facade that is within 15 feet of the street lot line is the
12 maximum length permitted for an unmodulated facade, the length of the facade may be increased
13 only if additional portions of the facade are set back a minimum of 15 feet from the street lot line
14 for a minimum distance of 40 feet. If the required setback is provided, additional portions of the
15 facade may be located within 15 feet of the street lot line.

16 F. Limit on tower structures per block

17 1. Only one structure exceeding 85 feet in height, is permitted on a single block.

18 2. For purposes of this subsection 23.48.745.F an existing tower is either:

1 a. A tower that is physically present, except as provided below in
2 subsection 23.48.745.F.2.b; or

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

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

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

11 **23.48.750 Open space requirement for office uses in the Uptown 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 2. Additional major office projects in the Uptown Urban Center will result in
17 increased use of public open space. If additional major office projects in the Uptown Urban
18 Center do not provide open space to offset the additional demands on public open space caused
19 by such projects, the result will be overcrowding of public open space, adversely affecting the
20 public health, safety, and welfare.

21 3. Recent and projected office development in the Uptown Urban Center is
22 generally comparable to office development in the abutting Downtown Urban Center in terms of
23 tenant characteristics, density, and open space need. Therefore, the findings that support the

1 current open space requirement in major downtown office projects are applicable to conditions in
2 the Uptown 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 the Uptown Urban Center
6 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 B. Quantity of open space. Open space in the amount of 20 square feet for each 1,000
12 square feet of gross office floor area is required for the following projects:

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

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

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

17 1. On-site open space

18 a. Open space on site or on an adjacent lot directly accessible from the
19 project site shall satisfy the requirement of this Section 23.48.750 if it meets the standards of
20 subsection 23.48.740.C and the open space is accessible to all occupants of the building.

21 b. Open space provided on-site under this requirement is eligible for
22 amenity feature bonuses, where allowed in Section 23.48.021 or 23.48.721 when the following
23 standards are met:

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

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

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

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

9 2. Off-site public open space

10 a. Open space satisfying the requirement of this Section 23.48.750 may be
11 on a site other than the project site, provided that it is within an SM-UP zone and within one-
12 quarter mile of the project site, open to the public without charge, and at least 3,000 square feet
13 in contiguous area. The minimum size of off-site open space and maximum distance from the
14 project may be increased or decreased for a project if the Director determines that such
15 adjustments are reasonably necessary to provide for open space that will meet the additional need
16 for open space caused by the project and enhance public access.

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

20 3. Easement for off-site open space. The owner of any lot on which off-site open
21 space is provided to meet the requirements of this Section 23.48.750 shall execute and record an
22 easement in a form acceptable to the Director assuring compliance with the requirements of this

1 Section 23.48.750. The Director is authorized to accept such an easement, provided that the
2 terms do not impose any costs or obligations on the City.

3 4. Open space provided under this Section 23.48.750 shall qualify as the open
4 space required under subsections 23.48.740.C, and Section 23.48.750 if within one-quarter mile
5 of the sending site.

6 D. Payment in lieu. In lieu of providing open space required under this Section
7 23.48.750, an owner may make a payment to the City if the Director determines that the payment
8 will contribute to the improvement of a designated Neighborhood Green Street or to other public
9 open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop
10 improvements that will meet the additional need for open space caused by the project, and that
11 completion of the improvement within a reasonable time is feasible. Any such payment shall be
12 placed in a dedicated fund or account and used within five years of receipt for the development
13 of such improvements, unless the property owner and the City agree upon a different
14 improvement involving the acquisition or development of public open space that will mitigate
15 the impact of the project. A bonus may be allowed for a payment in lieu of providing the
16 improvement made wholly or in part to satisfy the requirements of this Section 23.48.750,
17 pursuant to Section 23.49.013.

18 E. Limitations. Open space satisfying the requirement of this Section 23.48.750 for any
19 project shall not be used to satisfy the open space requirement for any other project, nor shall any
20 bonus be granted to any project for open space meeting the requirement of this Section 23.48.750
21 for any other project. When a transmitting antenna is sited or proposed to be sited on a rooftop
22 where required open space is located, see Section 23.57.013. Open space on the site of any
23 building for which a Master Use Permit decision was issued or a complete building permit

1 application was filed prior to the effective date of this ordinance, that was not required under the
2 Land Use Code in effect when such permit decision was issued or such application filed, but that
3 would have been required for the same building by this Section 23.48.750, shall not be used to
4 satisfy the open space requirement or to gain an FAR bonus for any other project.

5 **23.48.755 Screening and landscaping standards in South Lake Union Urban Center**

6 Landscaping requirements. Parking in structures. Except as provided for by subsection
7 23.48.085.B, parking located at or above street level in a garage shall be screened on Class 1,
8 Class 2, and Class 3 Streets, shown on Map A for 23.48.740, parking is not permitted at street
9 level unless separated from the street by other uses, provided that garage doors need not be
10 separated.

11 **23.48.780 Required parking in Uptown Urban Center**

12 A. Off-street parking spaces and bicycle parking are required according to Section
13 23.54.015, Required parking.

14 B. Parking at street level within structures. Parking is permitted in a story that is partially
15 above street level and partially below street level in a structure permitted in a setback area under
16 the provisions of subsection 23.48.740.C.2.b.

17 **23.48.785 Parking location, access and curb cuts in the Uptown Urban Center**

18 A. Parking location within structures

19 1. Parking above the street level of a structure. The following provisions apply to
20 development in the SM-UP 65, SM-UP 85, SM-UP 125, and SM-UP 160 zones within the
21 Uptown Urban Center:

1 a. Except as provided in subsection 23.48.785.B for parking partially
2 above street level and partially below street level, parking within structures is permitted above
3 the street level under the following conditions:

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

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

12 3) The parking area on a story above the first story of the structure
13 that is not separated from the street by another use shall be enclosed by facades along all street
14 frontages. Facades shall be designed to minimize the impacts of glare from vehicle headlights
15 and interior garage lighting on pedestrian views from the street.

16 b. The Director may permit more than two stories of parking above the
17 first story of the structure, or may permit other exceptions to subsection 23.48.785.A.1, as a Type
18 I decision, if the Director finds that locating parking below grade is infeasible due to physical
19 site conditions such as a high water table or proximity to a tunnel. In such cases, the Director
20 shall determine the maximum feasible amount of parking that can be provided below grade, if
21 any, and the amount of additional parking to be permitted above street level. Site size is not a
22 basis for granting an exception under this subsection 23.48.785.A.1.b.

1 B. In the SM-UP 65, SM-UP 85, SM-UP 126 and the SM-UP 160 zones in the South
2 Lake Union Urban Center, accessory surface parking is prohibited unless separated from all
3 street lot lines by another use within a structure.

4 Section X. Section 23.58A.042 of the Seattle Municipal Code, enacted by Ordinance
5 125267, is amended as follows:

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

7 * * *

8 G. Standards for TDP sending lots in South Downtown. This subsection 23.58A.042.G
9 applies to TDP sending lots in South Downtown, in addition to the general provisions in this
10 Section 23.58A.042.

11 1. Limit on open space TDP. The maximum amount of open space TDP that may
12 be transferred from a sending lot is the amount by which three times the lot area exceeds the total
13 gross floor area of all uses on the lot.

14 2. South Downtown Historic TDP

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

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

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

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

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

6 H. Standards for vulnerable masonry structure TDR or TDP sending lots within the
7 Uptown Urban Center. Within the Uptown Urban Center TDR and TDP may be transferred from
8 lots that comply with the following conditions:

9 1. The sending lot is located in an SM-UP zone or LR, LR,2 or MR zone;

10 2. The lot includes a structure that contributes to the historic architectural context
11 of the neighborhood, as indicated by being included in the Department of Neighborhood's
12 (DON) Historic Resource Survey, and is structurally at risk, as indicated by being included on a
13 list of structures meeting specific criteria in a rule promulgated by the Director according to
14 Section 23.48.727; and

15 3. The qualifying structure on the sending lot shall be retained as follows for a
16 minimum of 50 years:

17 a. The structure shall be rehabilitated and maintained to comply with all
18 applicable codes;

19 b. All exterior facades shall be retained; except that portions of a new
20 structure may abut facades that are not street-facing facades or that set back a minimum of 30
21 feet from a street lot line that is generally parallel to the facade, and connections between the
22 new structure and the facades of the retained structure are allowed; and

1 c. Additions or alterations to the structure that extend the useful physical
2 life or economic viability of the structure are permitted, provided that:

3 1) The additions do not significantly alter the original structural
4 system or result in significant alterations to any historic or architectural characteristics of the
5 exterior appearance of the structure, except as may be required to comply with applicable codes;
6 and

7 2) The total floor area of any additions to the original structure,
8 excluding floor area added to reclaim floor area that may have been removed from the original
9 structure over time, does not exceed one story in height and the equivalent of 0.5 FAR, as
10 calculated on the lot on which the structure was originally permitted.

11 4. If development rights from a lot certified by the Department as a vulnerable
12 masonry structure sending site have not been sold within three years of certification, the lot must
13 be recertified by the Director to determine that the structure continues to qualify as an eligible
14 sending site; and

15 5. The owner of the sending site must notify the Director when the initial sale of
16 development rights has occurred, and the rehabilitation work necessary to satisfy this subsection
17 23.58A.042.F must be completed within five years after this initial transaction. If the work is not
18 completed within the five-year period, the Director may allow one extension with the
19 requirement that a security be deposited with the City in an amount determined by the Director to
20 ensure that the work is completed within a specified time.

21 6. For transfers of vulnerable masonry structure TDR and TDP, the owner of the
22 sending lot shall execute and record an agreement, with the written consent of all holders of
23 encumbrances on the sending lot, unless such consent is waived by the Director for good cause,

1 to provide for the maintenance of the required structure on the sending lot a minimum of 50
2 years. Such agreement shall commit to limits on additions and modifications to the structure
3 consistent with the provisions of this subsection 23.58A.042.F and acceptable to the Director.

4 ((H)) I. TDP or TDR required before construction. No permit after the first building
5 permit, no permit for any construction activity other than excavation and shoring, and no permit
6 for occupancy of existing floor area by any use based upon TDP or TDR will be issued for
7 development that includes TDP or TDR until the applicant's possession of TDP or TDR is
8 demonstrated to the satisfaction of the Director.

9 ((I)) J. Time of determination of TDP or TDR eligible for transfer. The eligibility of a
10 sending lot to transfer TDP or TDR, and the amount transferable from a sending lot, shall be
11 determined as of the date of transfer from the sending lot and shall not be affected by the date of
12 any application, permit decision, or other action for any development seeking to use the TDP or
13 TDR.

14 ((J)) K. Reservation in deed. Any TDP or TDR eligible for transfer may be reserved in
15 the conveyance of title to an eligible sending lot, by the express terms of the deed or other
16 instrument of conveyance reserving a specified amount of TDP or TDR, provided that an
17 instrument acceptable to the Director is recorded binding the lot to the terms and conditions for
18 eligibility to send TDP or TDR under this Section 23.58A.042. Any TDP or TDR so reserved
19 shall be considered transferred from that lot and later may be conveyed by deed without
20 participation of the owner of the lot.

21 ((K)) L. TDP or TDR deeds and agreements

22 1. The fee owners of the sending lot shall execute a deed and shall obtain the
23 release of the TDP or TDR from all liens of record and the written consent of all holders of

1 encumbrances on the sending lot other than easements and restrictions, unless the requirement
2 for a release or consent is waived by the Director for good cause. The deed shall be recorded in
3 the King County real property records. If TDP or TDR is conveyed to the owner of a receiving
4 lot described in the deed, the TDP or TDR shall pass with the receiving lot, whether or not a
5 structure using the TDP or TDR shall have been permitted or built prior to any conveyance of the
6 receiving lot, unless otherwise expressly stated in the deed or any subsequent instrument
7 conveying the lot or the TDP or TDR. Any subsequent conveyance of TDP or TDR previously
8 conveyed to a receiving lot shall require the written consent of all parties holding any interest in
9 or lien on the receiving lot from which the conveyance is made. If the TDP or TDR is transferred
10 other than directly from the sending lot to the receiving lot using the TDP or TDR, then after the
11 initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and
12 recorded, each referring by King County recording number to the prior deed.

13 2. Any person may purchase any TDP or TDR that is eligible for transfer by
14 complying with the applicable provisions of this Section 23.58A.042, whether or not the
15 purchaser is then an applicant for a permit to develop real property or is the owner of any
16 potential receiving lot. Any purchaser of the TDP or TDR (including any successor or assignee)
17 may use the TDP or TDR to obtain floor area above the applicable base height limit or base floor
18 area limit on a receiving lot to the extent that use of TDP or TDR is permitted under the Land
19 Use Code provisions applicable with respect to the issuance of permits for development of the
20 development intended to use the TDP or TDR. The Director may require, as a condition of
21 processing any permit application using TDP or TDR or for the release of any security posted in
22 lieu of a deed for TDP or TDR to the receiving lot, that the owner of the receiving lot
23 demonstrate that the TDP or TDR has been validly transferred of record to the receiving lot, and

1 that the owner has recorded in the real estate records a notice of the filing of such permit
2 application, stating that the TDP or TDR is not available for retransfer.

3 3. As a condition to the effective transfer of Landmark TDP or TDR or South
4 Downtown Historic TDP, except from a City-owned sending lot, the fee owner of the sending lot
5 shall execute and record an agreement running with the land, in form and content acceptable to,
6 and accepted in writing by, the Director of Neighborhoods, providing for the rehabilitation and
7 maintenance of the historically significant or other relevant features of the structure or structures
8 on the lot and acknowledging the restrictions on future development resulting from the transfer.
9 The Director may require evidence that each holder of a lien has effectively subordinated the lien
10 to the terms of the agreement, and that any holders of interests in the property have agreed to its
11 terms. To the extent that a Landmark structure on the sending lot, or a contributing structure on a
12 sending lot in a special review district requires restoration or rehabilitation for the long-term
13 preservation of the structure or its historically or architecturally significant features, the Director
14 of Neighborhoods may require, as a condition to acceptance of the necessary agreement, that the
15 owner of the sending site apply for and obtain a certificate of approval from the Landmarks
16 Preservation Board, or from the Director of Neighborhoods after review by the Pioneer Square
17 Preservation Board or International Special Review District Board, as applicable, for the
18 necessary work, or post security satisfactory to the Director of Neighborhoods for the completion
19 of the restoration or rehabilitation, or both.

20 Section x. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was
21 enacted by Ordinance 125267, is amended as follows:

22 **23.58C.040 Affordable housing –payment option**

23 A. Payment amount

1 1. An applicant complying with this Chapter 23.58C through the payment option
2 shall provide a cash contribution to the City, calculated by multiplying the payment calculation
3 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for
4 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor
5 area of parking located in stories or portions of stories that are underground, as follows:

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

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

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

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

18 e. Any combination of the above.

Table A for 23.58C.040
Payment calculation amounts:
In Downtown, SM-SLU, and SM-U 85 zones

Zone	Payment calculation amount per square foot
SM-U 85	\$13.25

19

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

Zone	Payment calculation amount per square foot ¹		
	Low	Medium	High
Zones with an (M) suffix	[RESERVED]	[RESERVED]	((RESERVED)) <u>\$20.75</u>
Zones with an (M1) suffix	[RESERVED]	\$20.00	((RESERVED)) <u>\$29.75</u>
Zones with an (M2) suffix	[RESERVED]	[RESERVED]	[RESERVED]

Footnotes to Table B for 23.58C.040
¹ Area within the Uptown Urban Center is high.

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2. Automatic adjustments to 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 (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

* * *

Section x. Section 23.58C.050 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.58C.050 Affordable housing –performance option

A. Performance amount

1. An applicant complying with this Chapter 23.58C through the performance option shall provide, as part of the units to be developed in each structure, a number of units that meet the requirements according to subsection 23.58C.050.C calculated by multiplying the

1 percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050,
2 as applicable, by the total number of units to be developed in each structure.

3 2. If the number of units that meet the requirements according to subsection
4 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals less than two, the
5 applicant shall:

6 a. Round up to two units; or

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

10 3. If the number of units that meet the requirements according to subsection
11 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals two or more and
12 includes a fraction of a unit, the applicant shall:

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

14 b. Round down to the nearest whole unit and pay a cash contribution for
15 the fraction of a unit not otherwise provided, calculated by multiplying the performance
16 calculation amount per square foot according to Table A or Table B for 23.58C.040 and Map A
17 for 23.58C.050, as applicable, by the total gross floor area to be developed as measured
18 according to subsection 23.58C.040.A.1, multiplying that product by the fraction of a unit not
19 provided, and dividing the resulting number by the total number of units required to be provided
20 based on the calculation according to subsection 23.58C.050.A.1. Use of cash contributions
21 according to this subsection 23.58C.050.A.3.b shall be governed according to subsection
22 23.58C.040.B.

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

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

- 8 1) Round up to two units; or
9 2) Provide one dwelling unit that meets the requirements according
10 to subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
11 Housing;

12 b. If the sum of the combined fractions of units calculated according to
13 this subsection 23.58C.050.A.4 equals two or more and includes a fraction of a unit, the
14 applicant shall:

- 15 1) Round up to the nearest whole unit; or
16 2) Round down to the nearest whole unit and pay a cash
17 contribution for the fraction of a unit not otherwise provided, calculated according to subsection
18 23.58C.050.A.3.b; and

19 c. The construction of the structure(s) containing the units that meet the
20 requirements according to subsection 23.58C.050.C shall be completed at the same time or at an
21 earlier time than completion of construction of other structures in the development containing
22 units.

Table A for 23.58C.050
Performance calculation amounts:
In Downtown, SM-SLU, and SM-U zones

Zone	Percentage set-aside per total number of units to be developed in each structure
SM-U 85	6.0%

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Table B for 23.58C.050
Performance calculation amounts
Outside Downtown, SM-SLU, and SM-U zones

Zone	Percentage set-aside per total number of units to be developed in each structure ¹		
	Low	Medium	High
Zones with an (M) suffix	[RESERVED]	[RESERVED]	(([RESERVED])) <u>7.0%</u>
Zones with an (M1) suffix	[RESERVED]	9.0%	(([RESERVED])) <u>10.0%</u>
Zones with an (M2) suffix	[RESERVED]	[RESERVED]	[RESERVED]

Footnotes to Table B for 23.58C.050

¹ Area within the Uptown Urban Center is high

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Map A for 23.58C.050
Payment and performance areas: high, medium, and low

* * *

1 Section X. 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 _____, 2017,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2017.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2017.

10 _____
11 Edward B. Murray, Mayor

12 Filed by me this _____ day of _____, 2017.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)