

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to land use, zoning and environmental protection; amending Sections 3.58.070, 3.58.090, 23.22.024, 23.24.020, 23.28.030, 23.34.009, 23.41.004, 23.41.008, 23.41.010, 23.41.012, 23.42.038, 23.44.014, 23.44.041, 23.44.051, 23.45.504, 23.45.508, 23.45.510, 23.45.512, 23.45.514, 23.45.518, 23.45.526, 23.45.529, 23.45.532, 23.45.536, 23.45.570, 23.46.002, 23.47A.004, 23.47A.012, 23.47A.013, 23.47A.014, 23.47A.016, 23.47A.032, 23.47A.039, 23.48.010, 23.49.008, 23.49.010, 23.49.013, 23.49.178, 23.49.242, Map II in Chapter 23.49, 23.50.020, 23.53.006, 23.53.015, 23.54.015, 23.54.025, 23.54.030, 23.58A.044, 23.66.020, 23.67.060, 23.76.006, 23.76.012, 23.76.026, 23.76.032, 23.84A.002, 23.84A.008, 23.84A.012, 23.84A.032, 23.84A.038, 23.86.006, 23.86.010, 23.86.012, 23.86.016, 23.86.028, 23.88.020, 25.05.164, 25.05.508, 25.05.510, 25.05.610, 25.05.756, 25.05.800, 25.05.920, 25.05.960, 25.06.030, 25.06.050, 25.08.425, 25.08.590, 25.08.655 and repealing Section 23.40.050 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments; and amending the Wallingford Design Guidelines to change the title page and to correct the map of the Wallingford Planning Area Boundary.

WHEREAS the Council finds that street vacation decisions are regulated pursuant to Chapter 15.62 and not by the City’s Land Use Code, Title 23; and

WHEREAS RCW 36.70B.140 authorizes the City to exempt street vacations from the consolidated permit review process prescribed by Chapter 23.76; and

WHEREAS the Council wishes to ratify the existing regulatory structure for street vacation decisions as a special circumstance authorized by RCW 36.70B.140;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.58.070 of the Seattle Municipal Code, enacted by Ordinance 96897, is amended as follows:

3.58.070 Purpose of Commission((=))

1 The Commission shall serve in an advisory capacity. Its function ~~((shall be))~~is to advise
2 and assist the City in the development and execution of capital improvement projects. Its role
3 ~~((shall be))~~is that of recommending such aesthetic, environmental and design principles, and
4 policies that it considers appropriate and advantageous in guiding the development of such
5 projects. No City capital improvement project shall be designed, placed under contract for design
6 or constructed without first being referred to the Commission for its review and
7 recommendation. Minor interior remodeling projects and private structures shall not be reviewed
8 by the Commission unless such structures are specifically referred to the Commission by the
9 City. The Commission shall either make its recommendations on any matter submitted to it
10 within ~~((thirty (30)))~~30(~~(30)~~) days after submission or provide a statement within 30 days after
11 submission indicating the date by which it intends to make the recommendation~~((unless an~~
12 ~~extension is authorized by the City))~~. If it fails to do so, it shall be considered to have
13 recommended approval.

14 Section 2. Section 3.58.090 of the Seattle Municipal Code, last amended by Ordinance
15 123361, is amended as follows:

16 **3.58.090 Fees and charges for Design Commission review(~~(:)~~)**

17 A. The Commission is authorized to charge ~~((the following-))~~fees ~~((to applicants for~~
18 ~~review of capital improvement projects other than City departments' capital improvement~~
19 ~~projects))~~pursuant to Section 22.900D.170(~~(:)~~

20 1. ~~When review is by the entire Commission, \$700 per hour;~~

21 2. ~~When review is by a committee or subcommittee of the Commission, \$100 per~~
22 ~~Commission member participating in the review per hour))~~.

23 B. The Commission in its discretion, with the concurrence of the City Budget Director,
24 may waive its fee under subsection 3.58.090.A(~~(of this section)~~), in whole or in part, in the
25 following circumstances:

1 1. Whenever Commission fees, if charged, would be disproportionate to the sums
2 available and could cause abandonment for the following types of projects: artworks, projects
3 funded by grants and donations, neighborhood self-help projects undertaken by volunteers and
4 nonprofit organizations, and for small capital improvements.

5 2. For Low-income and Special Needs Housing Projects Subject to Design
6 Commission Review. The Commission may require a deposit of its fee before reviewing a
7 project or giving its advice.

8 C. The Commission shall charge fees for its review of City departments' capital
9 improvement projects as set forth in ~~((subsections A through D of))~~ Section 22.900D.170.

10 Section 3. Section 23.22.024 of the Seattle Municipal Code, last amended by Ordinance
11 124167, is amended as follows:

12 **23.22.024 Distribution of preliminary plans~~((:))~~**

13 If the Director determines that the subdivider has met all the application requirements for
14 the preliminary plat and that the preliminary plat contains sufficient elements and data to furnish
15 a basis for its approval or disapproval, the Director shall affix a file number and date of receipt to
16 the application and promptly forward three ~~((3))~~ copies of the plat and the subdivider's
17 preliminary plans for streets and other improvements to the Director of Transportation. The
18 Director shall also forward a copy of the preliminary plat to each of the following:

- 19 A. Director of Public Health;
- 20 B. General Manager and Chief Executive Officer of City Light;
- 21 C. Director of Housing;
- 22 D. Superintendent of Parks and Recreation;
- 23 E. Director of Seattle Public Utilities;
- 24 F. Chief, Fire Department;
- 25 G. ~~((Metropolitan Services Department))~~ King County Metro Transit Division;

1 H. Sound Transit;

2 I. King County Wastewater Treatment Division;

3 Who shall review the preliminary plat and, within (~~(thirty-)~~30(~~(+)~~) days, furnish the
4 Director with a report as to the effect of the proposed subdivision upon the public health, safety
5 and general welfare, and containing their recommendations for approval or disapproval of the
6 preliminary plat. The reports of the Director of Transportation and the Director of Seattle Public
7 Utilities shall also include a recommendation as to the extent and type of improvements to be
8 provided in dedicated areas and a preliminary estimate of the cost of these improvements.

9 Section 4. Section 23.24.020 of the Seattle Municipal Code, last amended by Ordinance
10 124378, is amended as follows:

11 **23.24.020 Content of application**

12 Applications for approval of a short subdivision shall include the following:

13 A. A plat of the proposed short subdivision containing standard survey data;

14 (~~(B.) A vicinity map on which shall be indicated the property to be subdivided;)~~)

15 (~~(C.)~~)B. A plot plan, as appropriate, showing the location and dimensions of existing
16 buildings in relation to the proposed short subdivision;

17 (~~(D.)~~)C. Legal descriptions of the property to be subdivided and of all proposed lots or
18 divisions;

19 (~~(E.)~~)D. Name and address of owner(s) of the tract;

20 (~~(F.)~~)E. Location of existing roadways, sidewalks and/or pedestrian walkways, sanitary
21 sewer, storm drain and water mains, if any, together with proposed street improvements; and

22 (~~(G.)~~)F. Specific location and description of all trees at least 6 inches in diameter
23 measured 4.5 feet above the ground, with complete scientific and common names of species
24 indicated.

1 Section 5. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance
2 124378, is amended as follows:

3 **23.28.030 Criteria for approval**

4 A. The Director shall approve an application for a lot boundary adjustment if it is
5 determined that:

6 1. No additional lot, tract, parcel, site, or division is created by the proposed
7 adjustment;

8 2. No lot contains insufficient area and dimensions to meet the minimum
9 requirements for development as calculated under the development standards of the zone in
10 which the lots affected are situated, except as provided in Section 23.44.010, and under any
11 applicable regulations for siting development on parcels with riparian corridors, shoreline
12 habitat, shoreline habitat buffers, wetlands, wetland buffers, or steep slopes in Chapter 25.09.
13 Adjusted lots shall continue to be regarded as existing lots for purposes of Chapter 25.09. Any
14 required nondisturbance area shall be legibly shown and described on the site plan, and a
15 covenant shall be required as set out in Section 25.09.335;

16 3. Every proposed adjusted lot shall conform to the following standards for lot
17 configuration, unless a modification is authorized under subsection 23.28.030.A.4:

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

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

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

25 d. If a ~~((#))~~ lot to be adjusted ~~((lot is adjacent to))~~ abuts upon an alley, and
26

1 ~~((the adjacent))~~that alley is either improved or required to be improved according to the
2 standards of Section 23.53.030, then no adjusted lot shall be proposed that does not provide alley
3 access, except that access from a street to an existing use or structure is not required to be
4 changed to alley access. Either the proposed adjusted lots shall have sufficient frontage on the
5 alley to meet access standards for the zone in which the property is located or ~~((provide-))~~an
6 access easement from the adjusted lot or lots shall be provided to the alley that meets access
7 standards for the zone in which the property is located.

8 * * *

9 Section 6. Section 23.34.009 of the Seattle Municipal Code, last amended by Ordinance
10 121476, is amended as follows:

11 **23.34.009 Height limits of the proposed rezone((-))**

12 ~~((Where))~~If a decision to designate height limits in commercial or industrial zones is
13 independent of the designation of a specific zone, in addition to the general rezone criteria of
14 Section 23.34.008, the following shall apply:

15 A. Function of the ~~((Z))~~zone. Height limits shall be consistent with the type and scale of
16 development intended for each zone classification. The demand for permitted goods and services
17 and the potential for displacement of preferred uses shall be considered.

18 B. Topography of the ~~((A))~~area and its ~~((S))~~surroundings. Height limits shall reinforce
19 the natural topography of the area and its surroundings, and the likelihood of view blockage shall
20 be considered.

21 C. Height and ~~((S))~~scale of the ~~((A))~~area((-))

22 1. The height limits established by current zoning in the area shall be given
23 consideration.

1 2. In general, permitted height limits shall be compatible with the predominant
2 height and scale of existing development, particularly where existing ~~((development))~~development
3 is a good measure of the area's overall development potential.

4 D. Compatibility with ~~((S))~~surrounding ~~((A))~~area~~((:))~~

5 1. Height limits for an area shall be compatible with actual and zoned heights in
6 surrounding areas excluding buildings developed under Major Institution height limits; height
7 limits permitted by the underlying zone, rather than heights permitted by the Major Institution
8 designation, shall be used for the rezone analysis.

9 2. A gradual transition in height and scale and level of activity between zones
10 shall be provided unless major physical buffers, as described in ~~((S))~~subsection
11 23.34.008~~((D))~~E.2, are present.

12 E. Neighborhood ~~((P))~~plans~~((:))~~

13 1. Particular attention shall be given to height recommendations in business
14 district plans or neighborhood plans adopted by the City Council subsequent to the adoption of
15 the 1985 Land Use Map.

16 2. Neighborhood plans adopted or amended by the City Council after January 1,
17 1995, may require height limits different than those that would otherwise be established pursuant
18 to the provisions of this ~~((S))~~Section 23.34.009 and Section 23.34.008.

19 Section 7. Section 23.40.050 of the Seattle Municipal Code, enacted by Ordinance
20 123566 and that currently reads as follows, is repealed:

21 ~~**((23.40.050 – Pilot program for vacant and underused lots**~~

22 ~~A. Purpose. The purpose of the Vacant and Underused Lot Pilot Program is to provide~~
23 ~~for the location of uses on vacant and underused lots that encourage pedestrian activity and to~~
24 ~~allow parking on an interim basis on lots that incorporate uses that encourage pedestrian activity.~~
25 ~~The Director shall determine qualifying uses and appropriate standards, and shall report to the~~

1 ~~City Council at the close of the pilot program whether the pilot program should be made~~
2 ~~effective for a longer time period, or provisions for active use of vacant and underused lots~~
3 ~~should be made permanent additions to the Land Use Code.~~

4 ~~B. Program qualification.~~

5 ~~1. Eligible projects. Uses of vacant and underused lots that meet the standards of~~
6 ~~Section 23.42.038 qualify for the Vacant and Underused Lot Pilot Program.~~

7 ~~2. Enrollment. Enrollment in the Vacant and Underused Lot Pilot Program is~~
8 ~~required prior to filing an application for a use permit pursuant to Section 23.42.038. The~~
9 ~~enrollment period is limited to two years from the effective date of this ordinance or when 20~~
10 ~~projects have successfully qualified, whichever comes first.~~

11 ~~3. Application requirements. In order to qualify for the Vacant and Underused~~
12 ~~Lot Pilot Program, applicants must submit an application for a Type I Master Use Permit~~
13 ~~demonstrating compliance with Section 23.42.038 as determined by the Director.~~

14 ~~4. Qualification process. A project is eligible for the Vacant and Underused Lot~~
15 ~~Pilot Program upon determination by the Director that a complete project application has been~~
16 ~~submitted pursuant to Section 23.76.010 and is in compliance with the application requirements~~
17 ~~in Section 23.40.050.B.3.))~~

18 Section 8. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance
19 124608, is amended as follows:

20 **23.41.004 Applicability**

21 A. Design review required

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

**Table A for 23.41.004
 Thresholds for Design Review**

	Zone	Threshold
a.	Lowrise 3_(LR3)	8 dwelling units <u>or 4,000 square feet of non-residential gross floor area</u>
b.	Midrise (MR)	20 dwelling units <u>or 4,000 square feet of non-residential gross floor area</u>
c.	Highrise (HR)	20 dwelling units <u>or 4,000 square feet of non-residential gross floor area</u>
d.	Neighborhood Commercial (NC1, NC2, NC3)	4 dwelling units or 4,000 square feet of non-residential gross floor area
e.	Commercial (C1, C2)	4 dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban village ¹ , or on a lot that abuts or is across a street or alley from a lot zoned single family, or on a lot located in the area bounded by: NE 95 th St., NE 145 th St., 15 th Ave. NE, and Lake Washington
f.	Seattle Mixed (SM)	20 dwelling units or 12,000 square feet of non-residential gross floor area
g.	Industrial Commercial (IC) zone within all designated urban villages and <u>urban</u> centers	12,000 square feet of non-residential gross floor area
h.	Master Planned Community (MPC) ²	20 dwelling units or 12,000 square feet of non-residential gross floor area
i.	All zones – congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units ³	<p>Developments containing at least 5,000 but less than 12,000 square feet of gross floor area are subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018.</p> <p>Developments containing at least 12,000 but less than 20,000 square feet of gross floor area are subject to Administrative Design Review (ADR) pursuant to Section 23.41.016.</p> <p>Developments containing 20,000 square feet or more of gross floor area are subject to Design Review pursuant to Chapter 23.41.</p>

**Table A for 23.41.004
 Thresholds for Design Review**

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

2. Design review is required for all new Major Institution development proposals that exceed any applicable threshold listed in this subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Design review is required for all new development proposals located in the ~~((following))~~ Downtown zones listed in Table B for 23.41.004 that exceed any of the following thresholds in Table B for 23.41.004:

Table B for 23.41.004	
Thresholds for Downtown Design Review	
DOC 1, DOC 2, or DMC zones	
Use	Threshold
Non-residential	50,000 square feet of gross floor area
Residential	20 dwelling units
DRC, DMR, DH1 or DH2 zones, or PMM zone outside the Pike Place Market Historical District	
Use	Threshold
Non-residential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as

1 shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet
2 of non-residential gross floor area and electing to add extra floor area above the base FAR that
3 are located in an IC 85-160 zone.

4 5. Streamlined administrative design review (SDR) to protect trees. As provided
5 in Sections 25.11.070 and 25.11.080, streamlined administrative design review pursuant to
6 Section 23.41.018 is required for any new development proposals in LR, MR, and commercial
7 zones if an exceptional tree, as defined in Section 25.11.020, is located on the lot and is not
8 proposed to be preserved, if design review would not otherwise be required by this subsection
9 23.41.004.A.

10 ~~((6. New multifamily or commercial development proposals in the zones listed in
11 this subsection 23.41.004.A, that are subject to SEPA solely as a result of the provisions of
12 Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set
13 forth in subsection 23.41.004.A.5.))~~

14 ~~((7))~~6. Design review pursuant to Section 23.41.014 is required for projects that
15 are eligible for design review under any provision of this Section 23.41.004 and that are
16 participating in the Living Building Pilot Program authorized by Section 23.40.060.

17 ~~((8))~~7. SDR pursuant to Section 23.41.018 is required for all new developments
18 that include at least three townhouse units, if design review is not otherwise required by this
19 subsection 23.41.004.A.

20 * * *

21 Section 9. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance
22 124389, is amended as follows:

23 **23.41.008 Design Review Board**

24 A. Role of the Design Review Board. The Design Review Board shall be convened for
25 the purpose of reviewing all development subject to design review, except development subject
26

1 to administrative or streamlined design review pursuant to this Chapter 23.41, Design Review.

2 To accomplish this purpose, the Design Review Board shall:

3 1. Synthesize community input on design concerns and provide early design
4 guidance to the development team and community; and

5 2. Recommend to the Director specific conditions of approval which are
6 consistent with the design guidelines applicable to the development; and

7 3. Ensure fair and consistent application of Citywide or neighborhood-specific
8 design guidelines.

9 B. Design Review Board ~~((M))~~membership ~~((C))~~criteria~~((:))~~

10 1. Members shall reside in Seattle; and

11 2. Members should possess experience in neighborhood land use issues and
12 demonstrate, by their experience, sensitivity in understanding the effect of design decisions on
13 neighborhoods and the development process; and

14 3. Members should possess a familiarity with land use processes and standards as
15 applied in Seattle; and

16 4. Consistent with the City's Code of Ethics, ~~((SMC))~~Section 4.16.070, no
17 member of the Design Review Board shall have a financial or other private interest, direct or
18 indirect, personally or through a member of his or her immediate family, in a project under
19 review by the Design Review Board on which that member sits.

20 C. Design Review Board ~~((C))~~composition~~((:))~~

21 1. The Design Review Board shall be composed as follows:

22 ~~**((Design Review Board Composition))**~~

**Table A for 23.41.008
 Design Review Board Composition**

Representation	Development ((I))interests	Design ((P))professio ns	General ((C))communit y ((I))interests	Local ((R))residential ((I))interests	Local ((B))busines s ((I))interests
Number	7	7	7	7 (1/district)	7 (1/district)
Selection ((P))process	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council, 1 pursuant to ((SMC))Chapter 3.51 ¹	Nominated by community and business organizations, respectively; jointly appointed by Mayor and Council	
Confirmation ((P))process	Confirmed by Council	Confirmed by Council	Confirmed by Council	Confirmed by Council	

Footnotes to Table A for 23.41.008

¹ One (~~((H-))~~)designated young adult position is added to the Design Review Board pursuant to the Get Engaged Program, (~~(SMC-))~~Chapter 3.51. The selection process and term of service related to this young adult position are set forth in (~~(SMC-))~~Chapter 3.51.

2. Term. Upon appointment to the Design Review Board, a member shall serve for a period of two years. A member may be re-appointed to subsequent terms pursuant to the selection and confirmation process in subsection 23.41.008.C.1(~~(-of this Section))~~. The Director may extend the existing term of a serving member by up to one year in order to avoid more than two vacancies at any time.

* * *

Section 10. Section 23.41.010 of the Seattle Municipal Code, last amended by Ordinance 124389, is amended as follows:

23.41.010 Design review guidelines

* * *

B. The following neighborhood design guidelines are approved. These (~~(N))~~neighborhood design guidelines apply in the areas shown on the map included in the guidelines.

1. "Admiral Design Guidelines, 2013;"

2. "Ballard Municipal Center Master Plan Area Design Guidelines, 2013;"
3. "Belltown Urban Center Village Design Guidelines, 2004;"
4. "Capitol Hill Design Guidelines, 2013;"
5. "Green Lake Design Guidelines, 2013;"
6. "Greenwood/Phinney Design Guidelines, 2013;"
7. "Morgan Junction Design Guidelines, 2013;"
8. "North Beacon Hill Design Guidelines, 2013;"
9. "North District/Lake City Guidelines, 2013;"
10. "Northgate Design Guidelines, 2013;"
11. "Othello Design Guidelines, 2013;"
12. "Pike/Pine Design Guidelines, 2013;"
13. "Roosevelt Design Guidelines, 2013;"
14. "South Lake Union Design Guidelines, 2013;"
15. "University Design Guidelines, 2013;"
16. "Upper Queen Anne Design Guidelines, 2013;"
17. "Uptown Design Guidelines, 2013;"
18. "Wallingford Design Guidelines, ((2013))2014;" and
19. "West Seattle Junction Design Guidelines, 2013."

* * *

Section 11. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance 124535, is amended as follows:

23.41.012 Development standard departures

A. Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and Major Institution development as part of a design review process. Departures

1 may be allowed if an applicant demonstrates that departures from Land Use Code requirements
2 would result in a development that better meets the intent of adopted design guidelines.

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

5 * * *

6 24. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements,
7 except that departures may be granted from the access easement standards in Section 23.53.025(
8 ~~and the provisions for structural building overhangs in Section 23.53.035~~));

9 * * *

10 31. Standards for structural building overhangs in Section 23.53.035 and
11 structural encroachments permitted in setbacks provided in lieu of dedication of right of way
12 under subsection 23.53.015.D.1.b; and

13 * * *

14 Section 12. Section 23.42.038 of the Seattle Municipal Code, enacted by Ordinance
15 123566, is amended as follows:

16 **23.42.038 Uses allowed on vacant and underused lots in certain zones**

17 A. Permitted uses. On any lot in a Downtown, Seattle Mixed, Highrise, Industrial or
18 Commercial zone, except for lots in landmark and special review districts, ((A))a Type I Master
19 Use Permit may be issued for the following uses, pursuant to the provisions of subsections
20 23.42.038.B through 23.42.038.E((-

21 1. On any lot in a Downtown, Seattle Mixed, Highrise, Industrial or Commercial
22 zone, except for lots in landmark and special review districts, the following uses may be located
23 on a lot as a Type I Master Use Permit))):

24 ((a))1. General retail sales and services in a kiosk or similar temporary structure;

25 ((b))2. Mobile food or other vendors using a cart, trailer, van, or similar vehicle;

1 ((e))3. Displays or installations of art;

2 ~~((d. Demonstration projects for modular structures or other structures designed to
3 be moveable or disassembled;))~~

4 ((e))4. Entertainment uses that are outdoors;

5 ((f))5. Horticulture use; or

6 ((g))6. Any similar use or activity that is determined by the Director to have the
7 likelihood of attracting and increasing pedestrian activity in the area.

8 ~~((2. Principal use short term parking is allowed as a Type I Master Use Permit in
9 Downtown, Seattle Mixed, Highrise, Industrial, and in all Commercial zones except NC1 zones,
10 and except for lots in landmark and special review districts, if the site is eligible under at least
11 one of the following circumstances:~~

12 ~~a. There is existing, legally established accessory parking on the site, and
13 the use to which the parking was accessory has been discontinued, provided that no existing
14 principal structures may be demolished to facilitate establishment of any interim use; or~~

15 ~~b. The site has been cleared or otherwise prepared for construction as of
16 June 1, 2010, pursuant to an active permit authorizing construction and commencement of a new
17 use on the property; or~~

18 ~~c. There is an active application as of June 1, 2010, for a Master Use
19 Permit to develop or redevelop the site.~~

20 ~~3. The uses described in subsections 23.42.038.A.1 and 23.42.038.A.2 are
21 permitted subject to the requirements of the Vacant and Underused Lot Pilot Program in Section
22 23.40.050.))~~

23 B. Requirements((-))

1 1. A permit for the uses permitted by subsection 23.42.038.A.1 shall be
2 authorized for a period of three years and may be renewed for ~~((one))~~ additional three-year terms
3 at the discretion of the Director.

4 2. ~~((A permit for short term principal use parking pursuant to subsection
5 23.42.038.A.2 may be issued for a period not to exceed three years. The permit for short term
6 principal use parking pursuant to subsection 23.42.038.A.2 may not be renewed or extended and
7 a new permit to reauthorize the permit for short term principal use parking shall not be issued.~~

8 3.)) Permits under Section 23.42.038 may not be issued for property that is
9 located within a riparian corridor, a shoreline habitat, a shoreline habitat buffer, a wetland, a
10 wetland buffer, a steep slope, or a steep slope buffer pursuant to the provisions of Chapter 25.09,
11 Regulations for Environmentally Critical Areas.

12 C. Waiver of development ~~((S))~~ standards. The Director may waive development
13 standards for the uses allowed pursuant to subsection 23.42.038.A, except ~~((as follows:~~

14 1. ~~M))~~ measures shall be incorporated to shield vehicle lights to minimize glare
15 on nearby uses ~~((;~~

16 2. ~~The uses permitted in subsection 23.42.038.A.1 shall be provided adjacent to
17 60 percent of the length of all street lot lines of a principal use short term parking lot permitted
18 pursuant to subsection 23.42.038.A.2, subject to adjustment by the Director as determined
19 necessary, and shall occupy a minimum depth from street lot lines as determined necessary by
20 the Director.~~

21 3. ~~Principal use short term parking lots shall meet the following standards in
22 addition to the standards of subsections 23.42.038.C.1 and 23.42.038.C.2:~~

23 a. ~~The site shall, at a minimum, be improved with a crushed rock surface;~~

24 b. ~~If a barrier free parking space is required pursuant to the Washington
25 State Building Code, Chapter 11 or other applicable law, then the barrier free stall shall be~~

1 ~~located adjacent to a paved sidewalk and an area of the site sufficient to accommodate the barrier~~
2 ~~free space shall be paved;~~

3 ~~c. In order to meet the landscaping requirements of the respective zone in~~
4 ~~which the parking use is to be located, temporary landscaping provided in planter boxes or~~
5 ~~similar containers may be substituted for required landscaping on site, as determined by the~~
6 ~~Director;~~

7 ~~d. Lighting shall be provided by light poles or an equivalent substitute for~~
8 ~~light poles that are between 10 feet and 30 feet in height from finished grade, but no higher than~~
9 ~~the height limit of the zone in which the site is located, and placed at intervals sufficient to light~~
10 ~~the entire parking lot with uniformity, provided that the lighting is shielded and directed away~~
11 ~~from adjacent uses)).~~

12 D. The uses permitted by Section 23.42.038 do not interrupt any legally established
13 permanent use of a property or create, expand, or extend any nonconformity to development
14 standards by an existing use.

15 E. For all uses authorized by Section 23.42.038, appropriate measures shall be taken to
16 control queuing on or other blocking of an adjacent sidewalk or right-of-way.

17 Section 13. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance
18 124378, is amended as follows:

19 **23.44.014 Yards**

20 * * *

21 C. Side yards. The side yard shall be 5 feet except as follows:

22 1. in the case of a reversed corner lot, the key lot of which is in a single-family
23 zone, the width of the side yard on the street side of the reversed corner lot shall be not less than
24 10 feet; or

25 2. If any side street lot line is a continuation of the front lot line of an abutting
26

1 single-family zoned lot, whether or not separated by an alley, the width of the street side yard
2 shall be not less than 10 feet.

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

5 * * *

6 5. Uncovered ~~((P))~~porches or ~~((S))~~steps. Uncovered, unenclosed porches or steps
7 may project into any required yard, if they are no higher than 4 feet ~~((on average))~~above existing
8 grade, no closer than 3 feet to any side lot line, no wider than 6 feet and project no more than 6
9 feet into required front or rear yards. The ~~((height))~~width of porches and steps are to be
10 calculated separately.

11 * * *

12 Section 14. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
13 124378, is amended as follows:

14 **23.44.041 Accessory dwelling units**

15 A. Accessory dwelling units, general provisions. The Director may authorize an
16 accessory dwelling unit, and that dwelling unit may be used as a residence, only under the
17 following conditions:

18 1. A lot with or proposed for a single-family dwelling may have no more than
19 one accessory dwelling unit.

20 2. The owner(s) of the lot shall comply with the owner occupancy requirements
21 of subsection 23.44.041.C.

22 3. Any number of related persons may occupy each unit in a single-family
23 dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either
24 unit, the total number of persons occupying both units may not altogether exceed eight.

25 4. All accessory dwelling units are required to meet the development standards in
26

1 Table A for 23.44.041, unless modified in subsection 23.44.041.B:

Table A for 23.44.041	
Development standards for all accessory dwelling units	
a. Maximum gross floor area	Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area. ¹ Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007.
b. Entrances	Only one entrance to the structure may be located on each street-facing facade of the dwelling unit. ²
Footnotes to Table A for 23.44.041: ¹ The gross floor area of an attached accessory dwelling unit may exceed 1,000 square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one level, <u>except that a garage for the accessory dwelling unit may be located on a different level.</u> ² More than one entrance may be allowed if: a) two entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening, or another design solution is effective in de-emphasizing the presence of a second entrance.	

14 5. Except on lots located within areas that are defined as either an urban center or
 15 urban village in the City's Comprehensive Plan, one off-street parking space is required for the
 16 accessory dwelling unit and may be provided as tandem parking with the parking space provided
 17 for the principal dwelling unit. An existing required parking space may not be eliminated to
 18 accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot. Except for
 19 lots located in either Map A for 23.54.015, University District Parking Overlay Area or Map B
 20 for 23.54.015, Alki Area Parking Overlay Area, the Director may waive the off-street parking
 21 space requirement for an accessory dwelling unit if:

22 a. The topography or location of existing principal or accessory structures
 23 on the lot makes provision of an off-street parking space physically infeasible; or

24 b. The lot is located in a restricted parking zone (RPZ) and a current
 25 parking study is submitted showing a utilization rate of less than 75 percent for on-street parking
 26

1 within 400 feet of all property lines of the site.

2 B. Accessory dwelling units, detached, additional provisions. A detached accessory
3 dwelling unit is also known as a backyard cottage. The Director may authorize a detached
4 accessory dwelling unit, and that unit may be used as a residence, only under the conditions set
5 forth in subsection 23.44.041.A and the following additional conditions:

6 * * *

7 3. Conversion of accessory structures. An existing accessory structure that is not
8 located in a required front yard, or that is located in a front yard where Section 23.40.030 or
9 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure
10 complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the
11 Housing and Building Maintenance Code and with the Seattle Residential Code, if work
12 requiring a permit is performed on the structure or has previously been performed without a
13 permit. The Director may allow an exception to one or more of the development standards for
14 accessory dwelling units contained in subsection 23.44.041.A.4 and standards a through f, h, i,
15 and j listed in Table B for 23.44.041, provided the conversion does not increase the structure's
16 nonconformity with the standard and the applicant can demonstrate that the accessory structure
17 was constructed prior to June 1, 1999, as an accessory structure. If an accessory structure
18 constructed prior to June 1, 1999, was replaced to the same configuration in accordance with the
19 standards of Section 23.42.112, then the replacement structure also qualifies for conversion
20 under this subsection 23.44.041.B.3. For purposes of this subsection 23.44.041.B.3, the term
21 “conversion” means either keeping the accessory structure intact or removing and rebuilding the
22 accessory structure, provided that any expansion or relocation of the accessory structure
23 complies with the development standards for detached accessory dwelling units.

24 * * *

1 Section 15. Section 23.44.051 of the Seattle Municipal Code, last amended by Ordinance
2 123361, is amended as follows:

3 **23.44.051 Bed and breakfasts**

4 A bed and breakfast use is permitted if it meets the following standards:

5 A. General ~~((P))~~provisions~~((:))~~

6 1. The bed and breakfast use ~~((must))~~shall have a business license issued by the
7 Department of Finance and Administrative Services;

8 2. The bed and breakfast use ~~((must))~~shall be operated by an owner who owns at
9 least a 50 percent interest in the dwelling in which the bed and breakfast is located;

10 3. An owner who owns at least a 50 percent interest in the dwelling ~~((must))~~shall
11 reside in the structure in which the bed and breakfast use is located during any period in which
12 rooms are rented to guests;

13 4. No more than two people who reside outside the dwelling unit ~~((may))~~shall be
14 employed, with or without compensation, in the operation of the bed and breakfast use;

15 5. The bed and breakfast use ~~((is))~~shall be operated within the principal structure,
16 ~~((and a bed and breakfast use may not locate in a principal structure that is less than))~~which shall
17 be at least five years old;

18 6. There ~~((is))~~shall be no evidence of the bed and breakfast use from the exterior
19 of the structure except for a sign permitted by subsection 23.55.020.D.1;

20 7. The bed and breakfast use ~~((has))~~shall have no more than five guest rooms,
21 provided that this limitation does not apply to bed and breakfasts that were established on or
22 before and have been continuously operated as a bed and breakfast since April 1, 1987; and

23 8. Parking ~~((is))~~shall be provided as required in Chapter 23.54.

24 * * *

Section 16. Section 23.45.504 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.45.504 Permitted and prohibited uses

* * *

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

Table A for 23.45.504((?)) Permitted and Prohibited Uses		
Uses	Permitted and prohibited uses by zone	
	LR1, LR2, and LR3	MR and HR
A. Residential use except as listed below.	P	P
A.1. Congregate residence	X/P ¹	P/X ²
B. Institutions	P/CU ³	P/CU ³
C. Uses in existing or former public schools		
C.1. Child care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly, and similar uses in existing or former public schools.	P	P
C.2. Other non-school uses in existing or former public schools	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
D. Park and pool and park and ride lots	X/CU ⁴	X/CU ⁴
E. Parks and playgrounds including customary uses	P	P

**Table A for 23.45.504((§))
 Permitted and Prohibited Uses**

Uses	Permitted and prohibited uses by zone	
	LR1, LR2, and LR3	MR and HR
F. Ground floor commercial uses	RC	RC/P ⁽⁴⁾ 5
G. Medical service uses other than permitted ground floor commercial uses	P/X ⁶	P/CU/X ⁶
H. Uses not otherwise permitted in landmark structures	CU	CU
I. Cemeteries	P/X ⁷	P/X ⁷
J. Community gardens	P	P
K. All other uses	X	X

Footnotes to Table A for 23.45.504

¹ Congregate residences that are owned by a college or university; or are a sorority or fraternity; or are owned by a not for profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities; are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services or similar.

² Congregate ((R))residences that are owned by a college or university; or are a sorority or fraternity; or are owned by a not for profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities; are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, heal services or similar.

³ Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69

⁴ Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.

⁵ Subject to subsection 23.45.504.E except in zones that include an RC designation.

⁶ Subject to subsection 23.45.504.G and 23.45.506.F.

⁷ Subject to subsection 23.45.504.F.

P = Permitted outright

CU = Permitted as an Administrative Conditional Use

RC = Permitted in areas zoned Residential Commercial (RC), and subject to the provisions of the RC zone, Chapter 23.46

X = Prohibited

* * *

1 Section 17. Section 23.45.508 of the Seattle Municipal Code, last amended by Ordinance
2 124608, is amended as follows:

3 **23.45.508 General provisions**

4 * * *

5 E. Assisted living facilities, congregate residences, ~~((and-))~~nursing homes, and structures
6 containing ground floor commercial uses as allowed by Chapter 23.46 in RC zones shall meet
7 the development standards for apartments unless otherwise specified. Congregate residences are
8 subject to additional requirements as specified in Section 23.42.049.

9 * * *

10 L. The development standards of each zone shall be applied in that zone, and may not be
11 used in any other zone, unless otherwise specified. If a lot or development site includes more
12 than one zoning designation and a development standard is based on lot area, the lot area used in
13 applying the development standard shall be the portion of the contiguous area with the
14 corresponding zoning designation.

15 Section 18. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance
16 124378, is amended as follows:

17 **23.45.510 Floor area ratio (FAR) limits**

18 A. General provisions

19 1. All gross floor area not exempt under subsection 23.45.510.E, including the
20 area of stair penthouses with enclosed floor space, counts toward the maximum gross floor area
21 allowed under the FAR limits.

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

24 3. If a lot is in more than one zone, the FAR limit for each zone applies to the
25 portion of the lot located in that zone, and the floor area on the portion of the lot with the lower
26

FAR limit may not exceed the amount that would be permitted if it were a separate lot.

B. FAR limits in LR zones. FAR limits apply in LR zones as shown in Table A for 23.45.510, provided that if the LR zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.

Table A for 23.45.510 Floor Area Ratios in LR zones					
Zone	Location	Category of residential use ⁽¹⁾			
		Cottage housing developments and single-family dwelling units	Rowhouse developments ⁽²⁾	Townhouse developments ⁽²⁾	Apartments ⁽²⁾
LR1	Either outside or inside	1.1	1.0 or 1.2	0.9 or 1.1	1.0
LR2	Either outside or inside	1.1	1.1 or 1.3	1.0 or 1.2	1.1 or 1.3
LR3	Outside	1.1	1.2 or 1.4	1.1 or 1.3	1.3 or 1.5 ⁽³⁾
	Inside	1.1	1.2 or 1.4	1.2 or 1.4	1.5 or 2.0

Footnotes to Table A for 23.45.510:

⁽¹⁾ If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot.

⁽²⁾ The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C.

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

C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for

1 23.45.510, the following standards shall be met:

2 1. Green building performance standards

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

12 b. ~~((On sites developed with existing structures, the higher FAR limit is
13 applicable to the site if new buildings and additions to existing buildings meet green building
14 performance standards. Existing buildings built prior to January 1, 2013 are not required to be
15 upgraded to current green building performance standards for the higher FAR to apply to the
16 site.))~~If a site contains existing structures that were developed under the Land Use Code in place
17 prior to April 19, 2011, the existing structures and any additions to those structures are not
18 required to be upgraded to current green building performance standards for the higher FAR
19 limits to apply to those structures. Any entirely new structure proposed to be built on the lot shall
20 meet current green building performance standards to gain the higher FAR limit. If a structure is
21 developed under the Land Use Code in place as of or after April 19, 2011, and was not built to
22 the higher FAR, then in order for the structure or addition to gain the higher FAR, the structure
23 shall be updated to current green building performance standards.

24 * * *

25 3. Parking location if parking is provided

1 a. For rowhouse and townhouse developments, parking shall be totally
2 enclosed within the same structure as the residential use, located in a structure or portion of a
3 structure that meets the requirements of subsection 23.45.510.E.5, or located in a parking area or
4 structure at the rear of the lot. A parking area not within a structure that is located at the rear of
5 the lot shall be located behind all structures except as follows:

6 1) ~~(;)~~ if accessed from an alley, the parking area may be located
7 no closer to the front lot line than 50 percent of the lot depth

8 2) in the case of a corner lot, the parking shall be located at the
9 rear of the lot but no closer than 7 feet to the side street side lot line.

10 b. For apartments, parking may either:

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

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

17 4. Access to parking if parking is provided

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

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

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

25 1) ~~(\u2295)~~ On corner lots, the driveway shall abut and run parallel to
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1 the rear lot line of the lot or a side lot line that is not a street lot line, except that the Director may
2 allow a driveway in another location to preserve an existing single-family residence on the lot, to
3 protect a tree 6 inches in diameter or greater, measured 4.5 feet above the ground, to avoid
4 conflicts with other features in the street right-of-way such as utility poles and fire hydrants, or if
5 the presence of Environmentally Critical Areas on the side or rear of the lot would prevent
6 development of a driveway in those locations, or if the lot is less than 30 feet wide.

7 2) ((~~o~~))On a non-corner lot, there is no more than one driveway
8 per 160 feet of street frontage.

9 d. If access to parking does not meet one of the standards in this
10 subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an
11 alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for
12 23.45.510 applies.

13 * * *

14 Section 19. Section 23.45.512 of the Seattle Municipal Code, last amended by Ordinance
15 123495, is amended as follows:

16 **23.45.512 Density limits—((~~Lowrise~~))LR zones**

17 A. There shall be a minimum lot area per dwelling unit in LR zones for cottage housing
18 developments, townhouse developments, and apartments, as shown on Table A for 23.45.512,
19 except as provided in subsections 23.45.512.B, 23.45.512.C, 23.45.512.D, 23.45.512.E, and
20 23.45.512.G((~~of this Section 23.45.512~~)).

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

**Table A for 23.45.512
 Density Limits in LR Zones**

Zone	Units allowed per square foot of lot area by category of residential use			
	Cottage ((H)) housing ((D)) development ((1)) and ((S)) single-family ((D)) dwelling ((U)) unit ²	Rowhouse ((D)) development	Townhouse ((D)) development ((2)) ³	Apartment ((3)) ⁴
LR1	1/1,600	No limit	1/2,200 or 1/1,600	1/2,000 Duplexes and Triplexes only
LR2	1/1,600	No limit	1/1,600 or No limit	1/1,200 or No limit
LR3	1/1,600	No limit	1/1,600 or No limit	1/800 or No limit

Footnotes to Table A for 23.45.512

- ¹ See Section 23.45.531 for specific regulations about cottage housing developments.
² One single-family residence meeting the standards of subsection 23.45.510.C and Section 23.45.526 may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.
³ For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.
⁴ For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

~~((Footnotes for Table A for 23.45.512~~

- ~~(¹) See Section 23.45.531 for specific regulations about cottage housing developments.
²) For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.
³) For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.))~~

* * *

Section 20. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.514 Structure height

* * *

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

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

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

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

15 4. ~~The ((average height of the exterior facades of the portion of the story that is~~
16 ~~partially below grade does not exceed 4 feet, measured from existing or finished grade,~~
17 ~~whichever is less))~~height of the floor level of the floor above the partially below-grade story is
18 on average no more than 4 feet above existing or finished grade, whichever is less.

19 * * *

20 J. Rooftop features

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

25 2. Open railings, planters, skylights, clerestories, greenhouses not dedicated to
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1 food production, parapets, and firewalls on the roofs of principal structures may extend 4 feet
2 above the maximum height limit set in subsections 23.45.514.A, 23.45.514.B, 23.45.514.E, and
3 23.45.514.F~~((of this Section 23.45.514))~~.

4 * * *

5 12. Insulation material or soil for landscaping located above the structural roof
6 surface may exceed the maximum height limit by two feet or the height allowed for a parapet,
7 whichever is greater, if enclosed by parapets or walls that comply with subsection 23.45.514.J.2.

8 Section 21. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance
9 124378, is amended as follows:

10 **23.45.518 Setbacks and separations**

11 A. LR zones. Required setbacks for the LR zones are shown in Table A for 23.45.518.
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**Table A for 23.45.518
 Required Setbacks in LR Zones Measured in Feet**

All LR zones	Category of residential use			
	Cottage housing developments and single-family dwelling units	Rowhouse developments	Townhouse developments	Apartments
Front	7 average; 5 minimum	5 minimum	7 average; 5 minimum	5 minimum
Rear	0 with alley; 7 if no alley	0 with alley; With no alley: 7 average; 5 minimum	7 average; 5 minimum	10 minimum with alley; 15 minimum if no alley
Side setback for facades 40 feet or less in length ⁽⁺⁾	5	0, except that on side lot lines that abut a single-family zone, the setback is 5	5	5
Side setback for facades greater than 40 feet in length ²	5 minimum	0, except that on side lot lines that abut a single-family zone, the setback is 7 average; 5 minimum	7 average; 5 minimum	7 average; 5 minimum

Footnote to Table A for 23.45.518:

¹ Additions to existing nonconforming structures shall be set back a sufficient distance so that the entire structure complies with average setback standards, but only the addition is required to meet both minimum and average setback standards. Changes of use within an existing structure do not require structural alterations to meet setbacks if nonconformity to development standards is not increased.

⁽⁺⁾ ² Portions of structures that qualify for the FAR exemption in subsection 23.45.510.E.5 are not considered part of the facade length for the purposes of determining the side setback requirement.

* * *

1 Section 22. Section 23.45.526 of the Seattle Municipal Code, last amended by Ordinance
2 124378, is amended as follows:

3 **23.45.526 LEED, Built Green, and Evergreen Sustainable Development standards**

4 A. Applicants for all new development gaining extra residential floor area, pursuant to
5 this Chapter 23.45, or seeking to qualify for the higher FAR limit in Table A for 23.45.510 shall
6 make a commitment that the structure will meet green building performance standards by
7 earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green
8 4-star rating of the Master Builders Association of King and Snohomish Counties, except:

9 1. This commitment is not required for building additions and alterations to
10 structures existing or approved prior to April 19, 2011; and

11 2. An applicant who is applying for funding from the Washington State Housing
12 Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, as defined in
13 subsection 23.45.526.D, may elect to meet green building performance standards by meeting the
14 Washington Evergreen Sustainable Development Standards (ESDS).

15 * * *

16 Section 23. Section 23.45.529 of the Seattle Municipal Code, last amended by Ordinance
17 124378, is amended as follows:

18 **23.45.529 Design standards**

19 A. Intent. The intent of the design standards in this Section 23.45.529 is to:

20 1. Enhance street-facing facades to provide visual interest, promote new
21 development that contributes to an attractive streetscape, and avoid the appearance of blank walls
22 along a street;

23 2. Foster a sense of community by integrating new pedestrian-oriented
24 multifamily development with the neighborhood street environment and promoting designs that
25 allow easy surveillance of the street by area residents;

1 1. Facade openings

2 a. At least 20 percent of the area of each street-facing facade shall consist
3 of windows and/or doors, except as provided in subsection 23.45.529.C.1.b. If a front and side
4 facade are street-facing, the two facades may be averaged to meet the 20 percent standard of this
5 subsection 23.45.529.C.1.a.

6 b. For any rowhouse or townhouse dwelling unit that has a both a front
7 and a side facade that are street-facing, the percent area of each street facing facade that shall
8 consist of windows and/or doors is reduced to 10 percent for that dwelling unit, and the two
9 facades may be averaged to meet the 10 percent standard of this subsection 23.45.529.C.1.b. The
10 reduction to 10 percent is not allowed in combination with the exception to this requirement
11 pursuant to 23.45.529.C.3.

12 c. Only transparent windows count toward the requirement for facade
13 openings in this subsection 23.45.529.C.1. Windows composed of glass blocks or opaque glass,
14 garage doors, and doors to utility and service areas, do not count.

15 2. Facade articulation

16 a. If a street-facing facade or portion of a street-facing facade is not
17 vertical, the Director shall determine whether the facade is substantially vertical and required to
18 comply with this subsection 23.45.529.C.

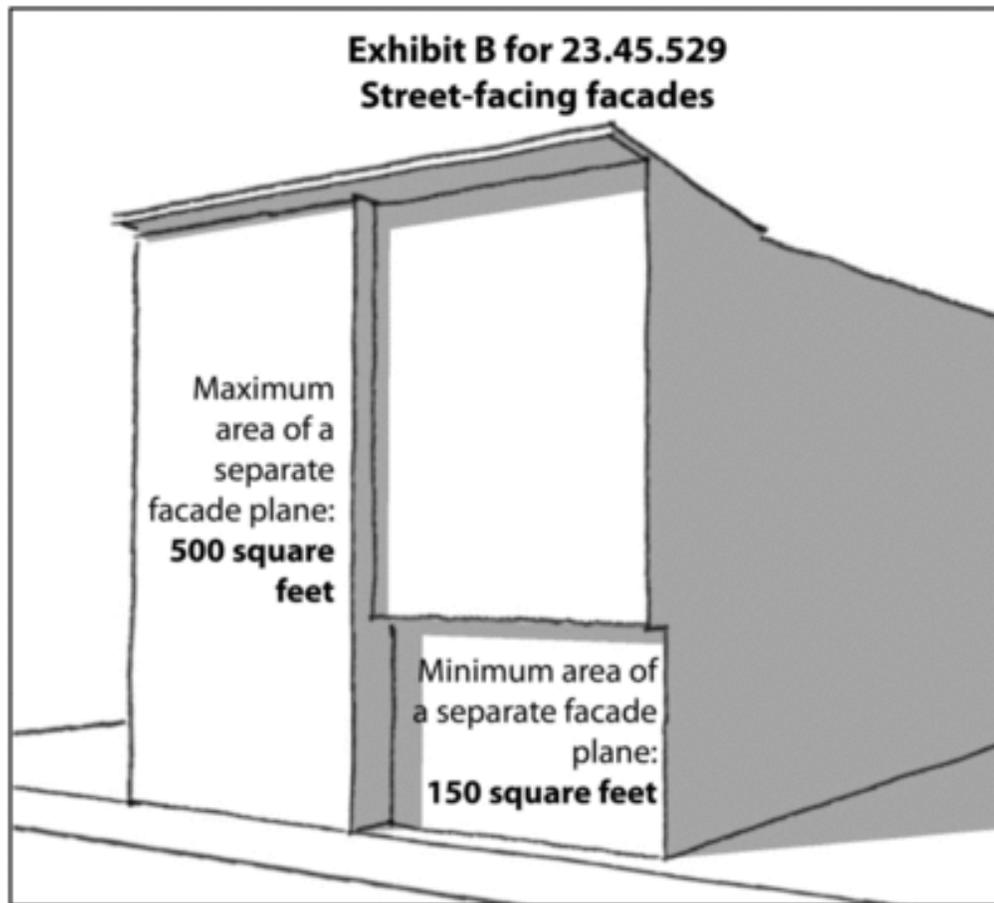
19 b. If the street-facing facade of a structure exceeds 750 square feet in area,
20 division of the facade into separate facade planes is required (see Exhibit B for 23.45.529).

21 c. In order to be considered a separate facade plane for the purposes of
22 this subsection 23.45.529.C.2, a portion of the street-facing facade shall have a minimum area of
23 150 square feet and a maximum area of 500 square feet, and shall project or be recessed from
24 abutting facade planes by a minimum depth of 18 inches.

1 d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is
2 required to mark roof lines, porches, windows and doors on all street-facing facades.

3 **Exhibit B for 23.45.529**

4 **Street-facing facades**



23 ((e-))3. The Director may allow exceptions to the facade openings requirements
24 in subsection 23.45.529.C.1 and the facade articulation requirements in ((this)) subsection
25 23.45.529.C.2, if the Director determines that the street-facing facade will meet the intent of
26 subsection 23.45.529.A.1, and the intent of subsections 23.45.529.D.2, 23.45.529.E.3, and
27 23.45.529.F.4 for cottage housing developments, rowhouse developments, and townhouse

1 Section 26. Section 23.45.570 of the Seattle Municipal Code, last amended by Ordinance
2 124378, is amended as follows:

3 **23.45.570 Institutions**

4 * * *

5 F. Setback ~~((R))~~requirements in ~~((Lowrise))~~LR zones~~((:))~~

6 1. Front ~~((S))~~setback. The minimum depth of the required front setback is
7 determined by the average of the setbacks of structures on adjoining lots, but is not required to
8 exceed 20 feet. The setback shall not be reduced below an average of 10 feet, and no portion of
9 the structure may be closer than 5 feet to a front lot line.

10 2. Rear ~~((S))~~setback. The minimum rear setback is 10 feet.

11 3. Side ~~((S))~~setback~~((:))~~

12 a. The minimum side setback is 10 feet from a side lot line that abuts any
13 other residentially zoned lot. A 5-foot setback ~~((are))~~is required in all other cases, except that the
14 minimum side street_{side} setback is 10 feet.

15 b. ~~((When))~~If the depth of a structure exceeds 65 feet, an additional
16 setback is required for that portion of the structure in excess of 65 feet, according to Table B for
17 23.45.570. ~~((This additional setback may be averaged along the entire length of the wall))~~For
18 averaging purposes, the setback of existing portions of the structure may be disregarded but shall
19 be included in determining the structure depth. ~~((The side setback requirement for portions of~~
20 walls subject to this provision shall be provided as shown in Table C for 23.45.570.))

21 ~~((Table C for 23.45.570: Side Setback Requirements for Institutional Structures Greater~~
22 ~~than 65 Feet in Depth in Lowrise zones))~~

Table B for 23.45.570
Side Setback Requirements for Institutional Structures Greater than 65 Feet in Depth in LR Zones

Structure ((D))depth in feet	Side ((S))setback ((R))requirement in feet				
	Up to 20 in height	Greater than 20 up to 40 in height	Greater than 40 up to 60 in height	Greater than 60 up to 80 in height	Greater than 80 in height
Up to 70	12	14	16	18	-
Greater than 70, up to 80	13	15	17	19	21
Greater than 80, up to 90	14	16	18	20	22
Greater than 90, up to 100	15	17	19	21	23
Greater than 100	16	18	20	22	24

* * *

Section 27. Section 23.46.002 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.46.002 Scope of provisions

A. This ((e))Chapter 23.46 details those authorized commercial uses which are or may be permitted in Residential-Commercial (RC) zones.

B. All RC zones are assigned a residential zone classification on the Official Land Use Map. The development standards of the designated residential zone for apartments apply to all ((uses))principal structures in the RC zone((~~except commercial uses~~)). The development standards of the designated residential zone shall apply to all structures in the RC zone, except as otherwise specified for commercial uses in this Chapter 23.46, and except that parking quantity is required as provided in Chapter 23.54. ((~~Commercial uses are subject to the FAR limits for apartments in Section 23.45.510.~~))

C.((~~The development standards of the RC zone shall apply to all commercial uses.~~))

**Table A for 23.47A.004
 Uses in Commercial zones**

PERMITTED AND PROHIBITED USES BY ZONE(1)					
USES	NC1	NC2	NC3	C1	C2
<p>KEY A = Permitted as an accessory use only CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010) CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010) P = Permitted S = Permitted in shoreline areas only X = Prohibited 10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010 20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010 25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010 35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010 40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010 50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010 ((FOOTNOTES))Footnotes to Table for 23.47A.004 * * * (((17) Permitted pursuant to subsection 23.47A.004.D.7)) * * *</p>					
<p>(19) For commercial uses with drive-in lanes, see Section 23.47A.028. (20) Permitted pursuant to subsection 23.47A.004.D.7.</p>					

* * *

Section 29. Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance 123776, is amended as follows:

23.47A.012 Structure height

A. The height limit for structures in NC zones or C zones is 30 feet, 40 feet, 65 feet, 85 feet, 125 feet, or 160 feet, as designated on the Official Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit, except as otherwise provided in this Section 23.47A.012. Within the South Lake Union Urban Center, any modifications or exceptions to maximum structure height are allowed solely according to the provisions of the Seattle Mixed Zone, subsections 23.48.010.B.1, 23.48.010.B.2, 23.48.010.B.3, 23.48.010.E, and 23.48.010.F,

1 and not according to the provisions of this Section 23.47A.012. An overlay district may increase
2 or reduce the maximum structure height.

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

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

6 1) Either

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

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

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

17 * * *

18 C. Rooftop ((F))features((-))

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

22 2. Open railings, planters, skylights, clerestories, greenhouses, solariums,
23 parapets, and firewalls may extend as high as the highest ridge of a pitched roof permitted by
24 subsection 23.47A.012.B or up to 4 feet above the otherwise applicable height limit, whichever
25 is higher. Insulation material or soil for landscaping located above the structural roof surface
26

1 may exceed the maximum height limit by two feet or the height allowed for a parapet, whichever
2 is greater, if enclosed by parapets or walls that comply with subsection 23.47A.012.C.2.

3 * * *

4 4. Except as provided below, the following rooftop features may extend up to 15
5 feet above the applicable height limit, as long as the combined total coverage of all features
6 gaining additional height listed in this subsection 23.47A.012.C.4, including weather protection
7 such as eaves or canopies extending from rooftop features, does not exceed 20 percent of the
8 roof area, or 25 percent of the roof area if the total includes stair or elevator penthouses or
9 screened mechanical equipment:

- 10 a. Solar collectors;
- 11 b. Mechanical equipment;
- 12 c. Play equipment and open-mesh fencing that encloses it, as long as the
13 fencing is at least 15 feet from the roof edge;
- 14 d. Wind-driven power generators;
- 15 e. Minor communication utilities and accessory communication devices,
16 except that height is regulated according to the provisions of Section 23.57.012; and
- 17 f. Stair and elevator penthouses may extend above the applicable height
18 limit up to 16 feet. When additional height is needed to accommodate energy-efficient elevators
19 in zones with height limits of 125 feet or greater, elevator penthouses may extend the minimum
20 amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable
21 height limit. Energy-efficient elevators shall be defined by Director's Rule. When additional
22 height is allowed for an energy-efficient elevator, stair penthouses may be granted the same
23 additional height if they are co-located with the elevator penthouse.

24 * * *

1 Section 30. Section 23.47A.013 of the Seattle Municipal Code, last amended by
2 Ordinance 124566, is amended as follows:

3 **23.47A.013 Floor area ratio**

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

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

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

11 3. Except as provided in subsection 23.47A.013.D.7, parking that is within or
12 covered by a structure or portion of a structure and that is within a story that is not underground
13 ~~((must))~~ shall be included in gross floor area calculations.

14 4. If a lot is in more than one zone, the FAR limit for each zone applies to the
15 portion of the lot located in that zone, and the floor area on the portion of the lot with the lower
16 FAR limit may not exceed the amount that would be permitted if it were a separate lot. If a lot is
17 in both a multifamily zone and a commercial zone, the floor area on the commercial portion of
18 the lot may not exceed the maximum that would be allowed if the commercial portion of the lot
19 were a separate lot.

20 * * *

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

- 22 1. All ~~((gross floor area-))~~ underground stories or portions of stories;
23 2. All portions of a story that extend no more than 4 feet above existing or
24 finished grade, whichever is lower, excluding access;

25 * * *

1 7. On a lot containing a peat settlement-prone environmentally critical area,
2 above-grade parking within or covered by a structure or portion of a structure (~~where~~)if the
3 Director finds that locating a story of parking below grade is infeasible due to physical site
4 conditions such as a high water table, if either:

5 a. the above-grade parking extends no more than 6 feet above existing or
6 finished grade and no more than 3 feet above the highest existing or finished grade along the
7 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
8 pursuant to subsection 23.47A.012.A.5; or
9

10 b. all of the following conditions are met:

- 11 1) no above-grade parking is exempted by subsection
12 23.47A.013.D.7.a;
13 2) the parking is accessory to a residential use on the lot;
14 3) total parking on the lot does not exceed one space for each
15 residential dwelling unit plus the number of spaces required for non-residential uses; and
16 4) the amount of gross floor area exempted by this subsection
17 23.47A.013.D.7.b does not exceed 25 percent of the area of the lot in zones with a height limit
18 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
19 greater.
20
21

22 * * *

23 Section 31. Section 23.47A.014 of the Seattle Municipal Code, last amended by
24 Ordinance 124378, is amended as follows:
25
26
27

1 **23.47A.014 Setback requirements**

2 * * *

3 B. Setback requirements for lots abutting or across the alley from residential zones((-))

4 * * *

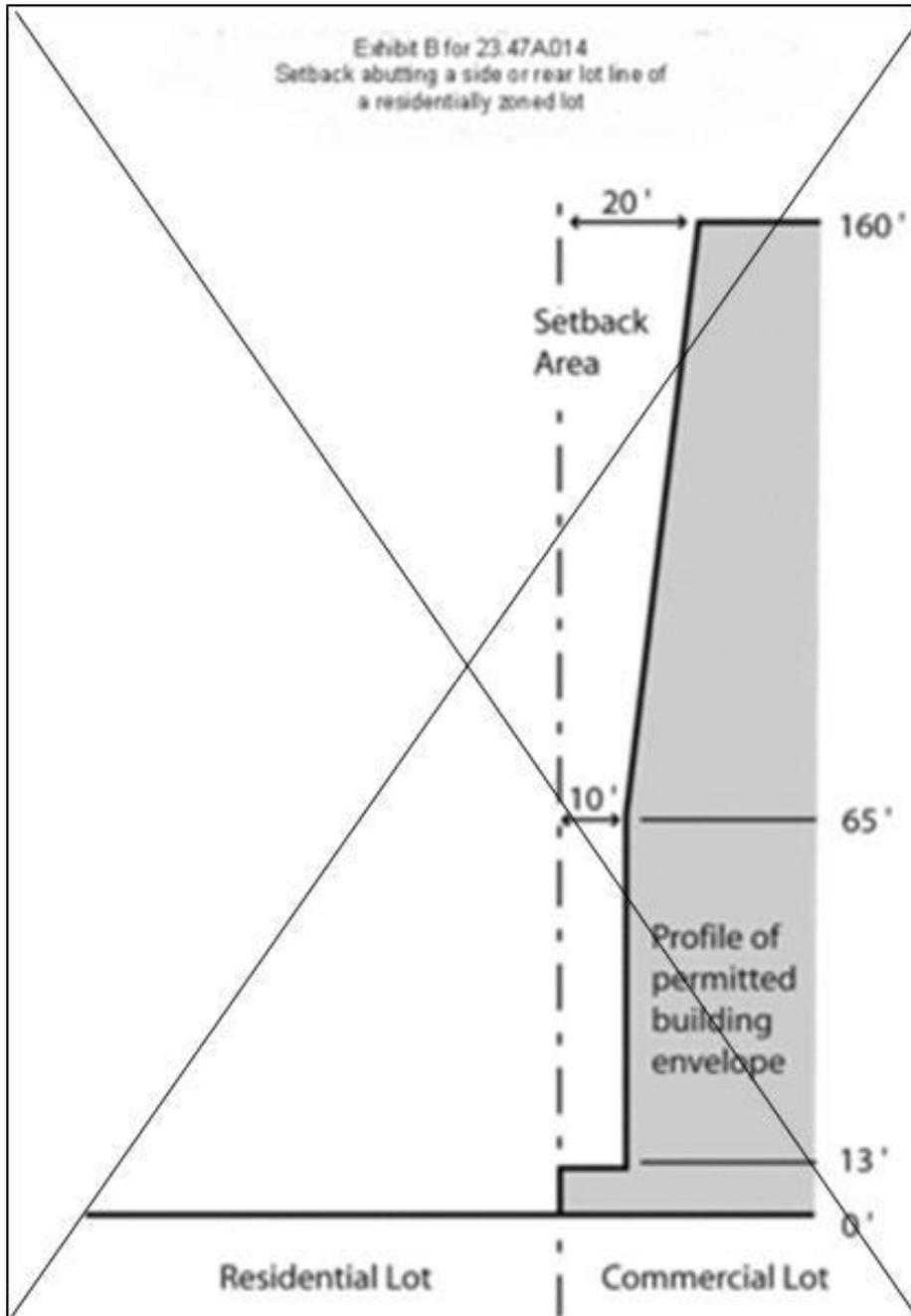
5 2. A setback is required along any rear or side lot line that abuts a lot in a
6 residential zone or that abuts a lot that is zoned both commercial and residential if the
7 commercial zoned portion of the lot is less than 25 percent of the width or depth of the lot, as
8 follows:

9 a. Ten feet for portions of structures above 13 feet in height to a
10 maximum of 65 feet; and

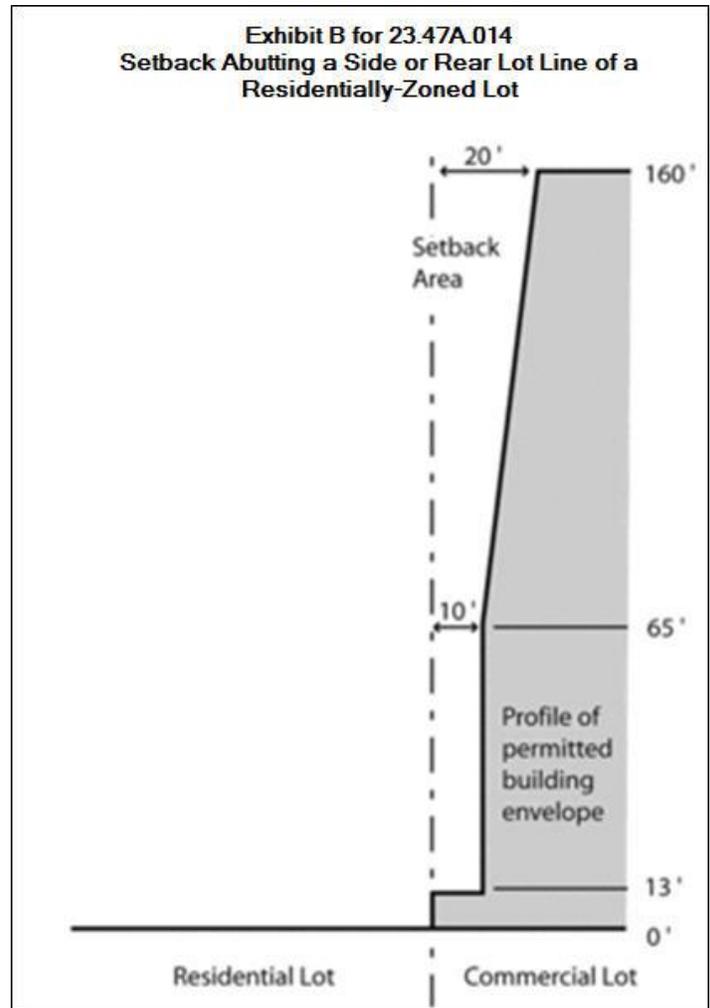
11 b. For each portion of a structure above 65 feet in height, additional
12 setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion
13 exceeds 65 feet (Exhibit B for 23.47A.014).

Exhibit B for 23.47A.014

Setback Abutting a Side or Rear Lot Line of a Residentially Zoned Lot



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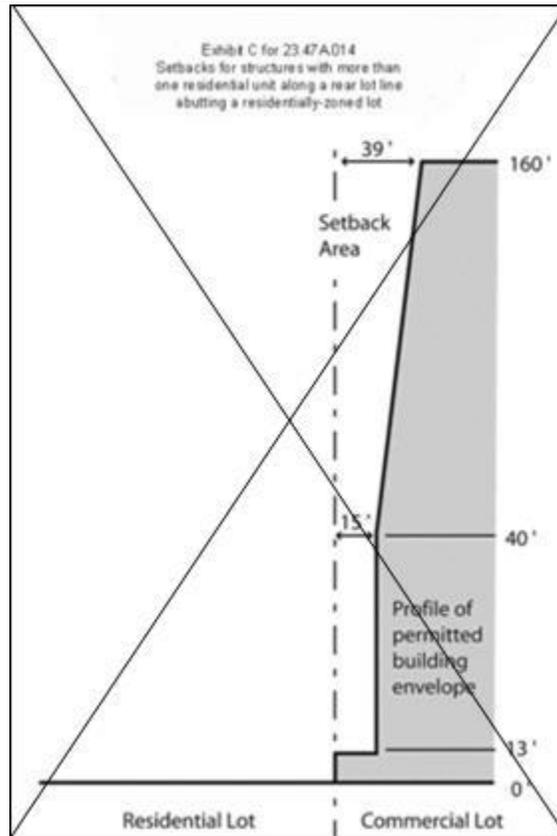
3. For a structure containing a residential use, a setback is required along any side or rear lot line that abuts a lot in a residential zone or that is across an alley from a lot in a residential zone, or that abuts a lot that is zoned both commercial and residential if the commercial zoned portion of the lot is less than 25 percent of the width or depth of the lot, as follows:

- a. Fifteen feet for portions of structures above 13 feet in height to a maximum of 40 feet; and

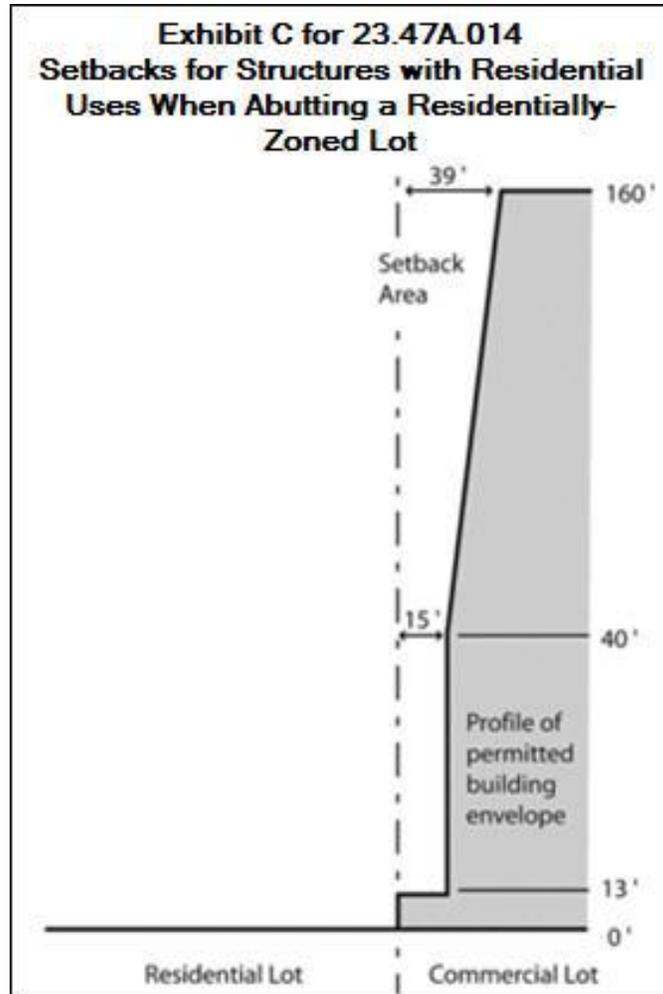
1 b. For each portion of a structure above 40 feet in height, additional
2 setback at the rate of 2 feet of setback for every 10 feet by which the height of such portion
3 exceeds 40 feet (Exhibit C for 23.47A.014).

4 **Exhibit C for 23.47A.014**

5 **Setbacks for Structures with Residential Uses When Abutting a Residentially-Zoned Lot**



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Section 32. Section 23.47A.016 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.47A.016 Landscaping and screening standards

* * *

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

* * *

* * *

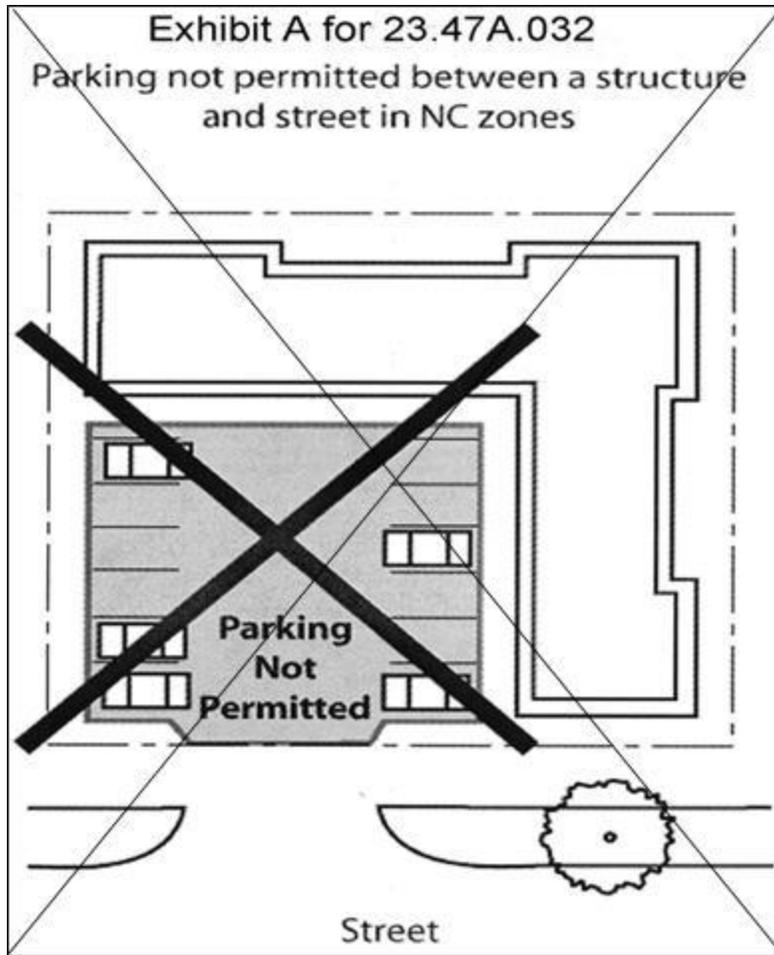
B. Location of parking

1. The following rules apply in NC zones, except as provided in subsection 23.47A.032.D.

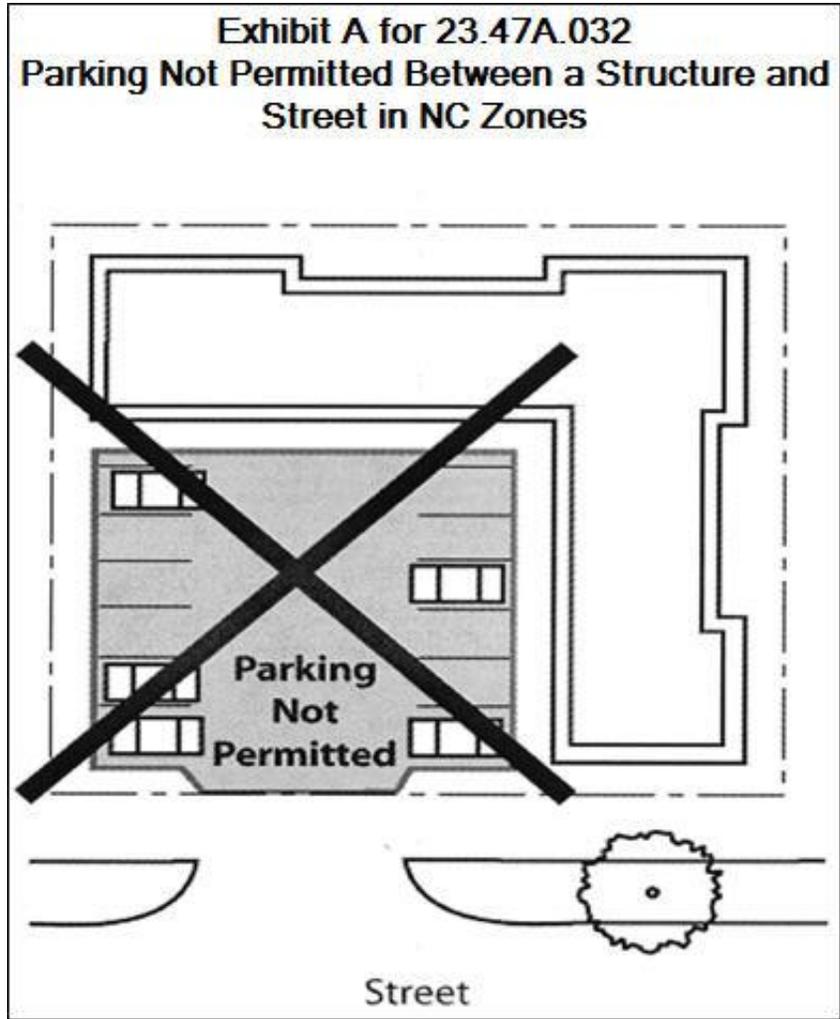
a. Parking shall not be located between a structure and a street lot line (Exhibit A for 23.47A.032).

Exhibit A for 23.47A.032

Parking ~~((n))~~Not ~~((p))~~Permitted ~~((b))~~Between a ~~((s))~~Structure and ~~((s))~~Street in NC ~~((z))~~Zones



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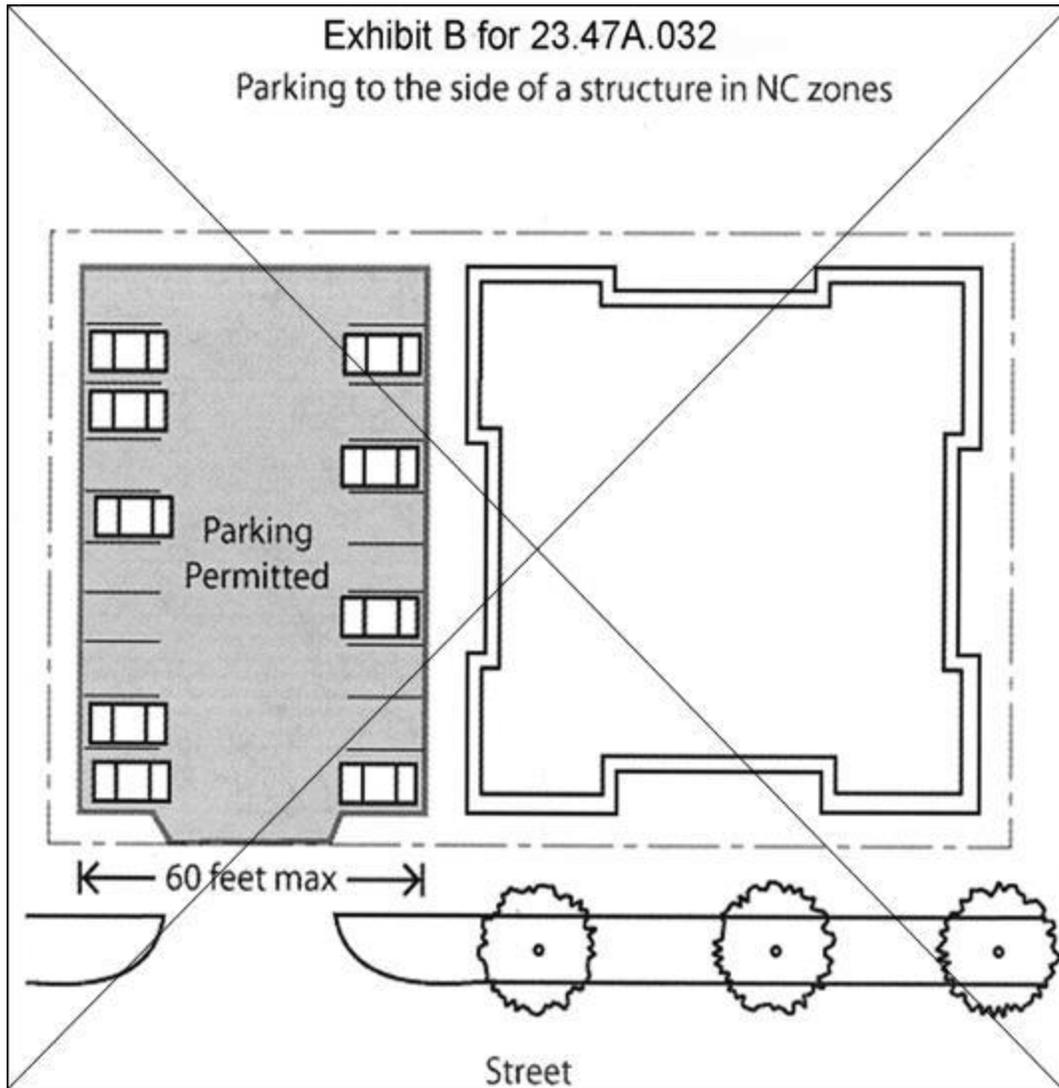


b. Within a structure, street-level parking shall be separated from street-level, street-facing facades by another permitted use. This requirement does not apply to access to parking meeting the standards of subsection 23.47A.032.A.

c. Parking to the side of a structure shall not exceed 60 feet of street frontage (Exhibit B for 23.47A.032).

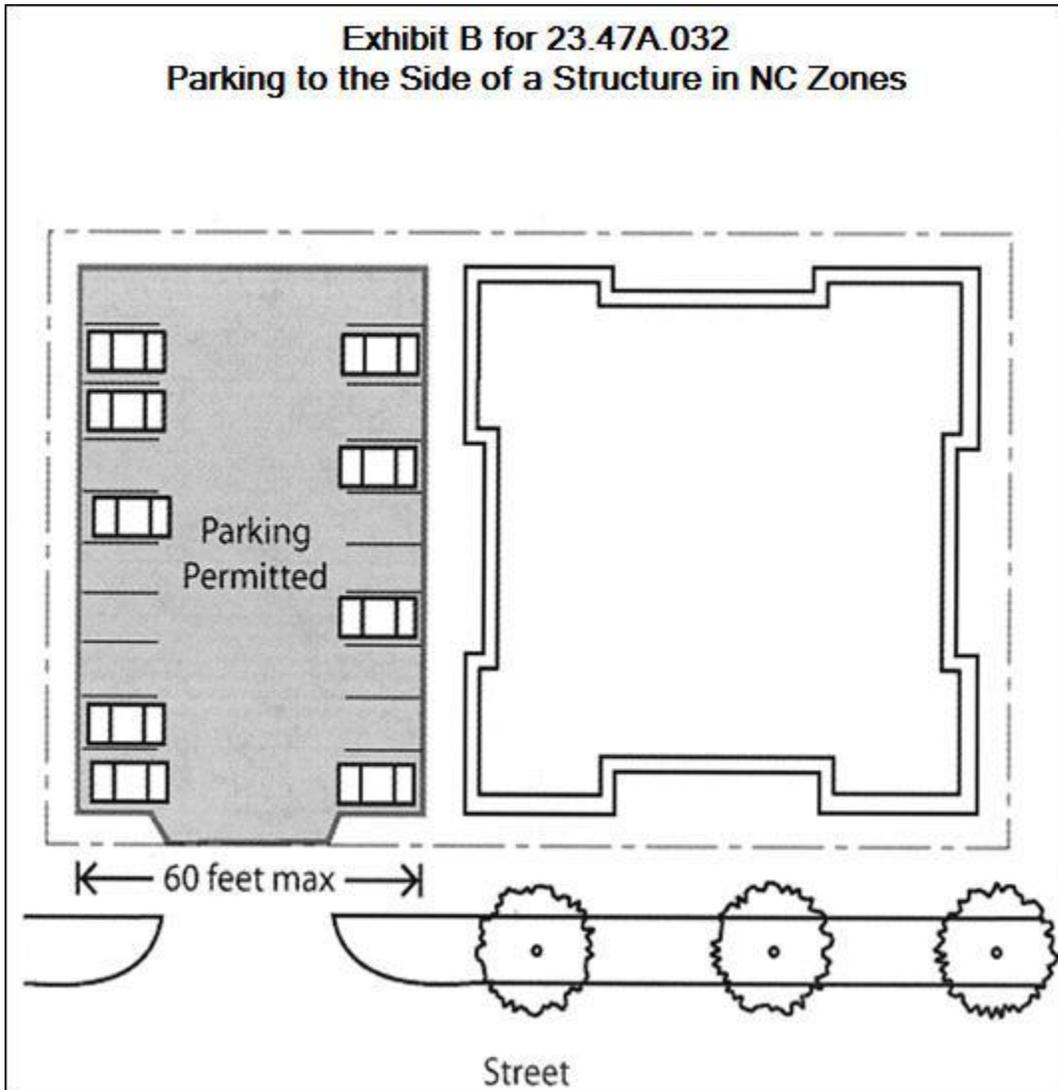
Exhibit B for 23.47A.032

Parking to the ((s))Side of a ((s))Structure in NC((z))Zones



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~~((d. Required parking shall be located no farther than 800 feet from the lot with the use to which it is accessory, and shall comply with the provisions of Section 23.54.025, Off-site parking.))~~

2. In pedestrian designated zones, surface parking is prohibited abutting the street lot line along a principal pedestrian street.

3. Off-street parking may be located anywhere on a lot in C1 and C2 zones, except that structures with residential uses in C zones and structures in C zones across the street

1 from residential zones shall meet the requirements for parking location for NC zones as provided
2 in subsection 23.47A.032.B.1, except that if a lot in a C zone is bordered by streets on all sides,
3 then parking may be provided between a street and a structure, but only on sides facing other
4 commercially-zoned lots.

5 4. Required parking shall be located no farther than 800 feet from the lot with the
6 use to which it is accessory, and shall comply with the provisions of Section 23.54.025, Off-site
7 parking.

8 * * *

9 Section 34. Section 23.47A.039 of the Seattle Municipal Code, enacted by Ordinance
10 122311, is amended as follows:

11 **23.47A.039 Provisions for pet daycare centers and boarding of animals by pet grooming**
12 **centers((:))**

13 In addition to the development standards of the zone, pet daycare centers are subject to
14 the following:

15 A. Operating business establishments that have been providing pet daycare services as of
16 July 31, 2006, may continue not((-))withstanding nonconformities to applicable development
17 standards, provided the provisions of this ((s))Section 23.47A.039 are met.

18 B. The pet daycare center ((~~must~~))shall be permitted by Public Health- Seattle & King
19 County, as required by ((SMC))Section 10.72.020.

20 C. Facilities for the boarding of animals may occupy no more than ((~~thirty~~-))30((+))
21 percent of the gross floor area of the pet daycare center. A pet grooming service may provide
22 facilities for the boarding of animals subject to the regulations for pet daycare centers in this
23 Section 23.47A.039.

24 * * *

25 Section 35. Section 23.48.010 of the Seattle Municipal Code, last amended by Ordinance
26
27

1 124172, is amended as follows:

2 **23.48.010 Structure height**

3 * * *

4 H. Rooftop features((-))

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

8 2. Open railings, planters, skylights, clerestories, greenhouses, parapets, and
9 firewalls may extend up to 4 feet above the maximum height limit with unlimited rooftop
10 coverage. Insulation material or soil for landscaping located above the structural roof surface
11 may exceed the maximum height limit by two feet or the height allowed for a parapet, whichever
12 is greater, if enclosed by parapets or walls that comply with subsection 23.48.010.H.2.

13 * * *

14 Section 36. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance
15 124172, is amended as follows:

16 **23.49.008 Structure height**

17 * * *

18 D. Rooftop ((F))features((-))

19 1. The following rooftop features are permitted with unlimited rooftop coverage
20 and may not exceed the height limits as indicated:

21 a. Open railings, planters, clerestories, skylights, play equipment,
22 parapets, and firewalls up to 4 feet above the applicable height limit;

23 b. Insulation material or soil for landscaping located above the structural
24 roof surface may exceed the maximum height limit by two feet or the height allowed for a
25 parapet, whichever is greater, if enclosed by parapets or walls that comply with subsection

1 23.49.008.D.1.a;

2 c. Solar collectors up to 7 feet above the applicable height limit; and

3 ~~((e))~~d. The rooftop features listed below shall be located a minimum of 10
4 feet from all lot lines and may extend up to 50 feet above the roof of the structure on which they
5 are located or 50 feet above the applicable height limit, whichever is less, except as regulated by
6 Chapter 23.64, Airport Height Overlay District:

- 7 1) Religious symbols for religious institutions,
- 8 2) Smokestacks, and
- 9 3) Flagpoles.

10 * * *

11 Section 37. Section 23.49.010 of the Seattle Municipal Code, last amended by Ordinance
12 124172, is amended as follows:

13 **23.49.010 General requirements for residential uses**

14 A. Reserved(~~(:)~~)

15 B. Common ~~((R))~~recreation ~~((A))~~area. Common recreation area is required for all new
16 development with more than ~~((twenty-))~~20~~((+))~~ dwelling units. Required common recreation
17 area shall meet the following standards:

18 1. An area equivalent to ~~((five-))~~5~~((+))~~ percent of the total gross floor area in
19 residential use, excluding any floor area in residential use gained in a project through a voluntary
20 agreement for housing under ~~((SMC-))~~Section 23.49.015, shall be provided as common
21 recreation area. ~~((In no instance shall-))~~The amount of required common recreation area shall
22 not exceed the area of the lot. The common recreation area shall be available to all residents and
23 may be provided at or above ground level.

24 2. A maximum of ~~((fifty-))~~50~~((+))~~ percent of the common recreation area may be
25 enclosed.

1 3. The minimum horizontal dimension for required common recreation areas
2 shall be ~~((fifteen-))15((+))~~ feet, except for open space provided as landscaped setback area at
3 street level, which shall have a minimum horizontal dimension of ~~((ten-))10((+))~~ feet. No
4 required common recreation area shall be less than ~~((two hundred twenty five-))225((+))~~ square
5 feet.

6 4. Common recreation area that is provided as open space at street level shall be
7 counted as twice the actual area in determining the amount provided to meet the common
8 recreation area requirement.

9 5. In mixed use projects, the Director may permit a bonused public open space to
10 satisfy a portion of the common recreation area requirement, provided that the space meets the
11 standards of this ~~((s))~~Section 23.49.010, and the Director finds that its design, location, access,
12 and hours of operation meet the needs of building residents.

13 6. Parking areas, driveways and pedestrian access, except for pedestrian access
14 meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be
15 counted as common recreation area.

16 7. In PSM zones, the Director of the Department of Neighborhoods, on
17 recommendation of the Pioneer Square Preservation Board, may waive the requirement for
18 common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common
19 recreation area requirements.

20 8. In IDM and IDR zones, the Director of the Department of Neighborhoods, on
21 recommendation of the International District Special Review District Board, may waive the
22 requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of
23 common recreation area requirements.

24 9. For lots abutting designated green streets, up to ~~((fifty-))50((+))~~ percent of the
25 common recreation area requirement may be met by contributing to the development of a green
26

1 street. The Director may waive the requirement that the green street abut the lot and allow the
2 improvement to be made to a green street located in the general vicinity of the project if such an
3 improvement is determined to be beneficial to the residents of the project.

4 C. Assisted living facilities

5 1. ~~((In addition to the requirements of subsection 23.49.010.B, a))~~ Assisted living
6 facilities are subject to the development standards of the zone where they are located, except that
7 common recreation area requirements do not apply to assisted living facilities.

8 2. Other requirements

9 a. Minimum unit size. Assisted living units shall be designed to meet the
10 minimum square footage required by WAC 388-110-140.

11 b. Facility kitchen. An on-site kitchen that serves the entire assisted living
12 facility is required.

13 c. Communal area. Communal areas that are either interior or exterior
14 spaces, such as solariums, decks and porches, recreation rooms, dining rooms, living rooms,
15 foyers and lobbies, and gardens or other outdoor landscaped areas shall be provided as follows:

16 1) The total amount of communal area shall equal at least 20
17 percent of the total floor area in assisted living units. In calculating the total floor area in assisted
18 living units, all of the area of each unit, excluding the bathroom, shall be counted, including
19 counters, closets and built-ins;

20 2) Service areas, including, but not limited to, the facility kitchen,
21 laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas
22 and offices, and rooms used only for counseling or medical services, shall not be counted as
23 required communal area; ~~((and))~~

1 adapted to serve as a hillclimb assist, museum, shopping corridor, or public atrium amenity.

2 * * *

3 Section 39. Section 23.49.178 of the Seattle Municipal Code, last amended by Ordinance
4 124305, is amended as follows:

5 **23.49.178 Pioneer Square Mixed, structure height**

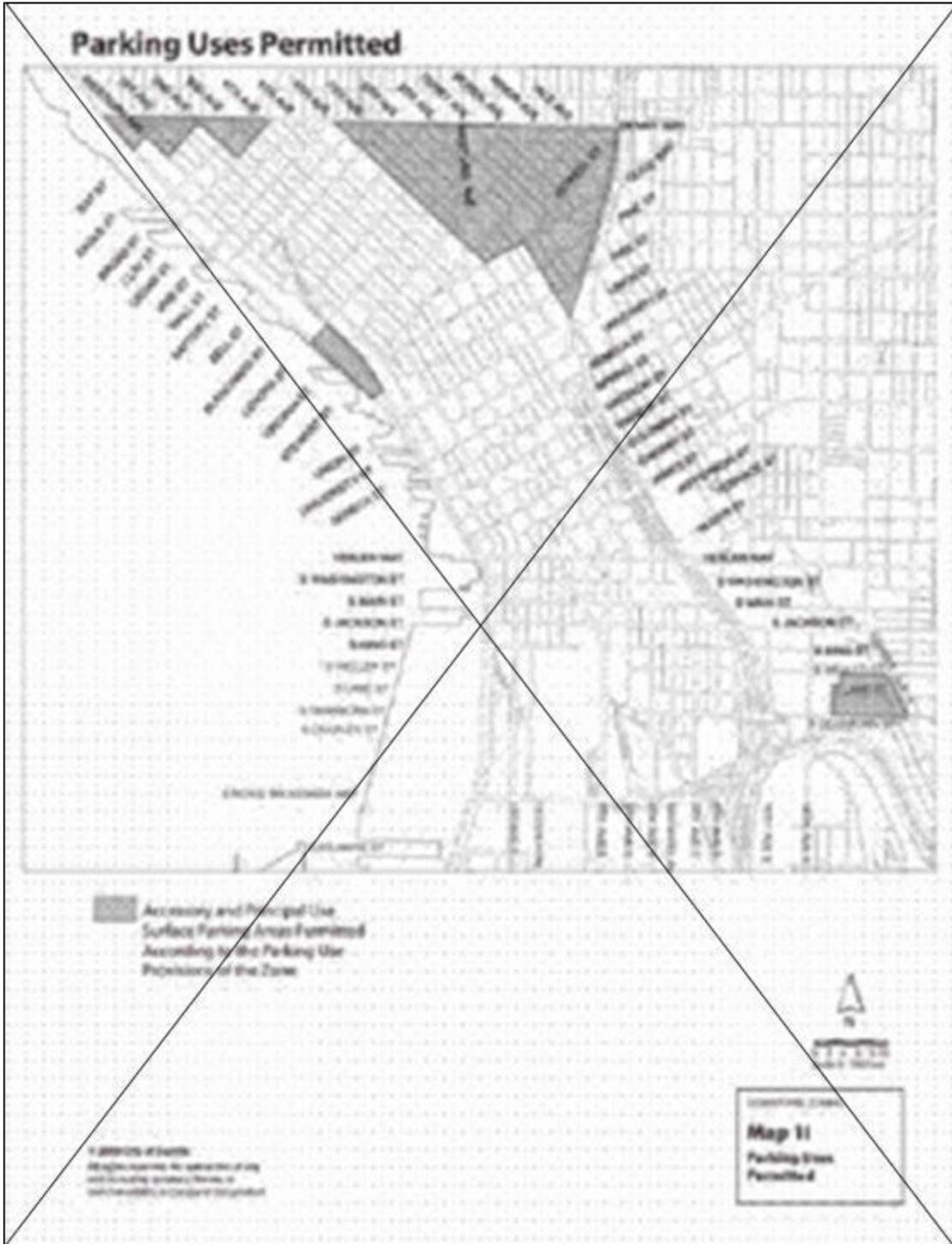
6 * * *

7 D. In the PSM 100/100-120, PSM 100/100-130, and PSM 100/120-150 zones, except as
8 provided in subsection 23.49.178.C, the applicable height limit is determined as set forth in this
9 subsection 23.49.178.D. The base height limit for non-residential or live-work uses is the first
10 figure after the "PSM" designation, and is the height limit for all portions of a structure that
11 contain those uses unless all of the conditions of subsections 23.49.178.D.1(~~(-5)~~) through
12 23.49.178.D.6 are satisfied. The base height limit for residential use, shown as the first figure
13 following the "/", is the applicable height limit for a structure that contains residential uses and
14 does not satisfy the conditions to exceed the base height limit under this subsection 23.49.178.D.
15 Subject to any limit imposed under Section 23.66.140, the third figure shown is the applicable
16 height limit for a structure if all of the conditions to exceeding base height limits under this
17 subsection 23.49.178.D are satisfied. A structure may exceed the base height limits only if:

18 1. Construction does not involve the demolition or removal of any building or
19 structure except as approved pursuant to Section 23.66.115;

20 2. No building or structure has been demolished or removed from the lot within
21 the ten years immediately preceding application for a building permit for the structure or addition
22 that would exceed an applicable base height limit unless the Director of Neighborhoods
23 determines that the demolished or removed building or structure did not contribute to the
24 architectural or historic character of the Pioneer Square Preservation District;

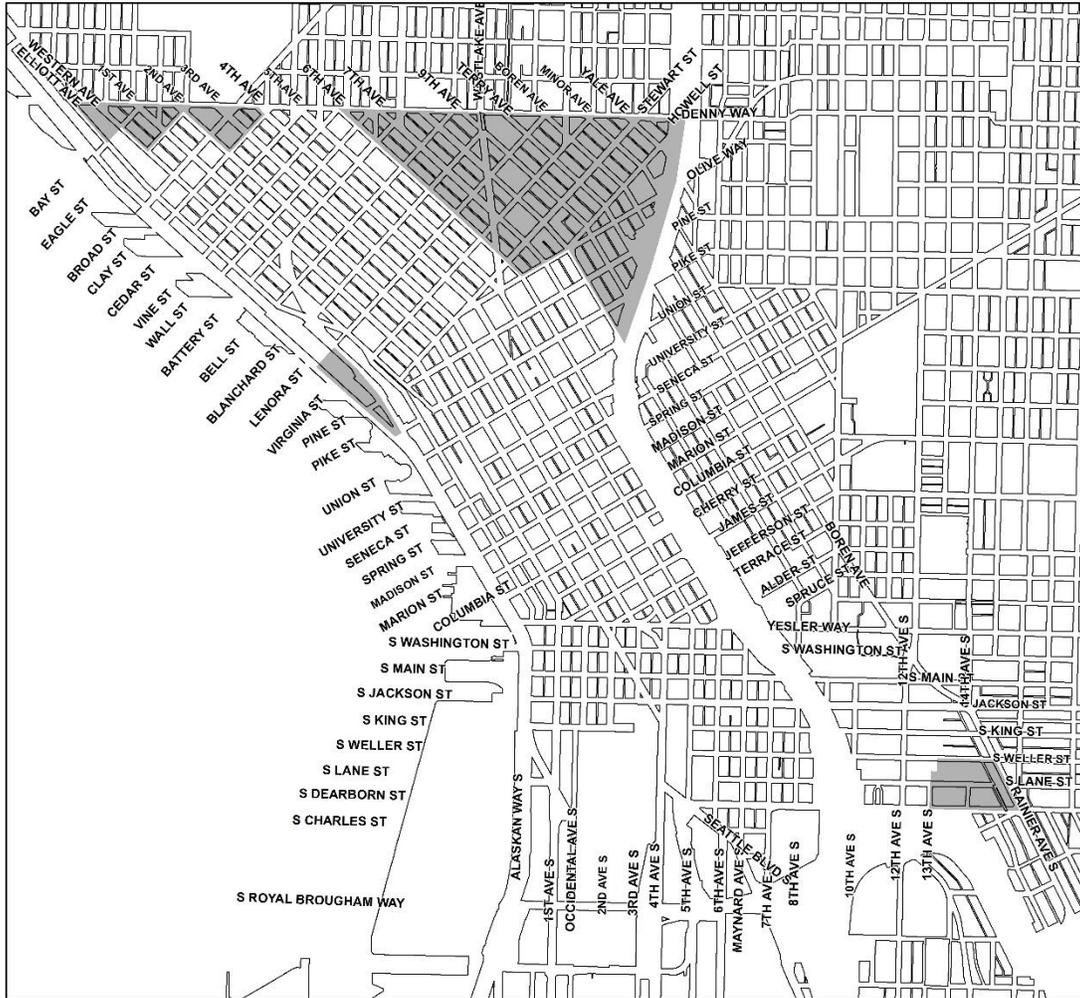
Map 1I
Parking Uses Permitted



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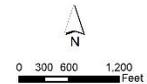
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Parking Uses Permitted




 Accessory and Principal Use
 Surface Parking Areas Permitted
 According to the Parking Use
 Provisions of the Zone

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Downtown zoning
Map 11
 Parking Uses Permitted

1 Section 42. Section 23.50.020 of the Seattle Municipal Code, last amended by Ordinance
2 123589, is amended as follows:

3 **23.50.020 Structure height exceptions and additional restrictions**

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

7 1. In all industrial zones, smokestacks, chimneys and flagpoles, and religious
8 symbols for religious institutions are exempt from height limits, except as regulated in Chapter
9 23.64, Airport Height Overlay District, provided they are a minimum of 10 feet from any side or
10 rear lot line.

11 2. In all industrial zones, open railings, planters, skylights, clerestories,
12 greenhouses, solariums, parapets, and firewalls may extend 4 feet above the applicable height
13 limit with unlimited rooftop coverage. Insulation material or soil for landscaping located above
14 the structural roof surface may exceed the maximum height limit by two feet or the height
15 allowed for a parapet, whichever is greater, if enclosed by parapets or walls that comply with this
16 subsection 23.50.020.A.2.

17 * * *

18 Section 43. Section 23.53.006 of the Seattle Municipal Code, last amended by Ordinance
19 124378, is amended as follows:

20 **23.53.006 Pedestrian access and circulation**

21 A. General requirements. Pedestrian access and circulation are required on all streets in
22 all zones as set forth in this Section 23.53.006. Pedestrian access and circulation improvements
23 shall meet the standards in the Right-of-Way Improvements Manual for sidewalks and pedestrian
24 walkways. The regulations in this Section 23.53.006 are not intended to preclude the use of
25 Chapter 25.05, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

1 * * *

2 C. Within Urban Centers and Urban Villages. Within Urban Centers and Urban Villages,
3 sidewalks are required whenever new lots are created through the platting process, including full
4 and short subdivisions and unit lot subdivisions, ~~((and))~~ or whenever development is proposed
5 that abuts any existing street without a sidewalk, in any zone, except as specified in subsection
6 23.53.006.F.

7 * * *

8 Section 44. Section 23.53.015 of the Seattle Municipal Code, last amended by Ordinance
9 123649, is amended as follows:

10 **23.53.015 Improvement requirements for existing streets in residential and commercial**
11 **zones**

12 A. General requirements((-))

13 1. If new lots are proposed to be created, or if any type of development is
14 proposed in residential or commercial zones, existing streets abutting the lot(s) are required to be
15 improved in accordance with this Section 23.53.015 and Section 23.53.006, Pedestrian access
16 and circulation. A setback from the lot line, or dedication of right-of-way, may be required to
17 accommodate the improvements. One or more of the following types of improvements may be
18 required under this Section 23.53.015:

- 19 a. Pavement;
 - 20 b. Curb installation;
 - 21 c. Drainage;
 - 22 d. Grading to future right-of-way grade;
 - 23 e. Design of structures to accommodate future right-of-way grade;
 - 24 f. No-protest agreements; and
 - 25 g. Planting of street trees and other landscaping.
- 26
27
28

1 the use when located outside of an enclosed structure, or as otherwise specified.

2 1. After the first ~~((fifty-))50((+))~~ spaces for bicycles are provided, additional
3 spaces are required at ~~((one-half-)) 1/2((+))~~ the ratio shown in Table E for 23.54.015, except for
4 rail transit facilities; passenger terminals; and park and ride lots. Spaces within dwelling units or
5 on balconies do not count toward the bicycle parking requirement.

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

14 3. Long-term parking for bicycles shall be for bicycles parked four ~~((4-))~~hours
15 or more. Short-term parking for bicycles shall be for bicycles parked less than four ~~((4-))~~hours.

16 4. Bicycle parking required for residential uses ~~((must))~~shall be located on-site.

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

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

24 7. Bicycle parking facilities required for non-residential uses shall be located on
25 the lot or in a shared bicycle parking facility within ~~((one-hundred-))100((+))~~ feet of the lot,

1 Section 48. Section 23.58A.044 of the Seattle Municipal Code, last amended by
2 Ordinance 124287, is amended as follows:

3 **23.58A.044 Regional Development Credits Program**

4 A. Scope and applicability. This Section 23.58A.044 contains standards for acquiring
5 regional development credits when use of the credits is authorized by other Title 23 provisions.

6 B. Process. To achieve extra floor area by acquiring regional development credits,
7 applicants shall acquire and extinguish certified regional development credits that originate from
8 property located in King, Pierce, or Snohomish counties according to the standards of this
9 Section 23.58A.044.

10 * * *

11 H. Proceeds from sale

12 1. In order to demonstrate the entire proceeds from the sale of credits will be used
13 to purchase new agricultural credits under subsection 23.58A.044.C or 23.58A.044.D, the
14 applicant shall demonstrate that the Forest or Rural credits were purchased from a county or non-
15 profit entity that provides documentation to the Director that the entire proceeds from the sale of
16 the Forest or Rural credits have been:

17 a. Expended for the purchase of new Agricultural credits that meet the
18 requirement of subsection 23.58A.044.E and that were purchased from property owners owning
19 agricultural property located in the same county where the Forest or Rural credits originated
20 from; or

21 b. Placed in a segregated account subject to the restriction that the funds
22 in the account shall only be used for purchasing new Agricultural credits from property owners
23 owning agricultural property located in the same county where the Forest or Rural credits
24 originated from.

1 community newspapers. The Council shall establish terms of service for members of a special
2 review board in the ordinance creating the district. No person shall serve more than two ~~((2))~~
3 consecutive terms on a special review board.

4 * * *

5 Section 50. Section 23.67.060 of the Seattle Municipal Code, enacted by Ordinance
6 116145, is amended as follows:

7 **23.67.060 Public notice requirements for rezone applications~~((~~2~~))~~**

8 ~~((In addition to))~~ Public notice shall be provided in accordance with the notice
9 requirements for Type IV rezones contained in Chapter 23.76~~((, public notice shall also be~~
10 ~~provided by publishing the notice of application in at least one (1) community newspaper in the~~
11 ~~area affected by the proposal))~~.

12 * * *

13 Section 51. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance
14 123963, is amended as follows:

15 **23.76.006 Master Use Permits required**

16 * * *

17 F. Pursuant to RCW 36.70B.140, street vacation decisions are exempt from the
18 consolidated review process prescribed by RCW 36.70B.060 through 36.70B.090 and
19 36.70B.100 through 36.70B.130. Accordingly, street vacation decisions are not subject to the
20 requirements for a Master Use Permit in Section 23.76.006.

21 Section 52. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance
22 124378, is amended as follows:

23 **23.76.012 Notice of application**

24 * * *

25 B. Types of notice required

1 * * *

2 4. The Director shall provide mailed notice of:

3 a. applications for variances, administrative conditional uses, special
4 exceptions, temporary uses for more than four weeks, shoreline variances, shoreline conditional
5 uses, short plats, early design guidance process for administrative design review and streamlined
6 administrative design review, subdivisions, Type IV Council land use decisions, amendments to
7 property use and development agreements, Major Institution designations and revocation of
8 Major Institution designations, concept approvals for the location or expansion of City facilities
9 requiring Council land use approval, and waivers or modification of development standards for
10 City facilities; and

11 b. the first early design guidance meeting for a project subject to design
12 review pursuant to Section 23.76.014.

13 * * *

14 F. The mailing list used for the Land Use Information Bulletin shall be updated annually
15 in consultation with the Director of the Department of Neighborhoods.

16 Section 53. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance
17 124378, is amended as follows:

18 **23.76.026 Vesting**

19 * * *

20 C. Design review component of master use permits((-))

21 1. If a complete application for a Master Use Permit is filed prior to the date
22 design review becomes required for that type of project, design review is not required.

23 2. A complete application for a Master Use Permit that includes a design review
24 component other than an application described in subsection 23.76.026.C.3 shall be considered
25 under the Land Use Code and other land use control ordinances in effect on the date a complete
26

1 application for the early design guidance process or streamlined design review guidance process
2 is submitted to the Director, provided that such Master Use Permit application is filed within 90
3 days of the date of the early design guidance public meeting if an early design guidance public
4 meeting is required, or within 90 days of the date the Director provided guidance if no early
5 design guidance public meeting is required. If more than one early design guidance public
6 meeting is held, then a complete application for a Master Use Permit that includes a design
7 review component shall be considered under the Land Use Code and other land use control
8 ordinances in effect (~~(at the time of the first meeting)~~) on the date a complete application for the
9 early design guidance process is submitted to the Director, provided that such Master Use Permit
10 application is filed within 150 days of the first meeting. If a complete application for a Master
11 Use Permit that includes a design review component is filed more than 150 days after the first
12 early design guidance public meeting, then such Master Use Permit application shall be
13 considered under the Land Use Code and other land use control ordinances in effect at the time
14 of the early design guidance public meeting that occurred most recently before the date on which
15 a complete Master Use Permit application was filed, provided that such Master Use Permit
16 application is filed within 90 days of the most recent meeting.

17 * * *

18 Section 54. Section 23.76.032 of the Seattle Municipal Code, last amended by Ordinance
19 124378, is amended as follows:

20 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

21 A. Type I and Type II Master Use Permit expiration

22 1. An issued Type I or II Master Use Permit expires three years from the date a
23 permit is approved for issuance as described in Section 23.76.028, except as follows:

24 a. A Master Use Permit with a shoreline component expires pursuant to
25 WAC 173-27-090.

1 b. A variance component of a Master Use Permit expires as follows:

2 1) Variances for access, yards, setback, open space, or lot area
3 minimums granted as part of a short plat or lot boundary adjustment run with the land in
4 perpetuity as recorded with the King County Recorder.

5 2) Variances granted as separate Master Use Permits pursuant to
6 subsection 23.76.004.G expire three years from the date the permit is approved for issuance as
7 described in Section 23.76.028 or on the effective date of any text amendment making more
8 stringent the development standard from which the variance was granted, whichever is sooner. If
9 a Master Use Permit to establish the use is issued prior to the earlier of the dates specified in the
10 preceding sentence, the variance expires on the expiration date of the Master Use Permit.

11 c. The time during which pending litigation related to the Master Use
12 Permit or the property subject to the permit made it reasonable not to submit an application for a
13 building permit, or to establish a use if a building permit is not required, is not included in
14 determining the expiration date of the Master Use Permit.

15 d. Master Use Permits with a Major Phased Development or Planned
16 Community Development component under Sections 23.47A.007, 23.49.036, or 23.50.015
17 expire as follows:

18 1) For the first phase, the expiration date shall be three years from
19 the date the permit is approved for issuance;

20 2) For subsequent phases, the expiration date shall be determined
21 at the time of permit issuance for each phase, and the date shall be stated in the permit.

22 e. Permits for uses allowed under Section 23.42.038, and temporary,
23 interim, or intermittent use permits issued pursuant to Section 23.42.040, expire on the date
24 stated in the permit.

1 f. Except as otherwise provided in this subsection 23.76.032.A.1.f, Master
2 Use Permits for development pursuant to Sections 23.49.180 and 23.49.181 expire on the date set
3 by the Director in the Master Use Permit decision, which date may be a maximum of 15 years
4 from the date the Master Use Permit is approved for issuance. The Director shall consider the
5 complexity of the project, economic conditions of the area in which the project is located, and
6 the construction schedule proposed by the applicant in setting the expiration date. If no
7 expiration date is set in the Master Use Permit decision, the expiration date is three years from
8 the date a permit is approved for issuance.

9 1) In order for the Director to set the Master Use Permit expiration
10 date, the applicant shall:

- 11 a) Submit with the application a site plan showing a level
12 of detail sufficient to assess anticipated impacts of the completed project; and
13 b) Submit a proposed schedule for complying with the
14 conditions necessary to gain the amount of extra floor area and the extra height sought for the
15 project.

16 2) The expiration date of the Master Use Permit may be extended
17 past the expiration date set in the Master Use Permit decision or the date established in this
18 subsection 23.76.032.A.1.f if:

19 a) On the expiration date stated in the Master Use Permit
20 decision, a building permit for the entire development has been issued, in which case the Master
21 Use Permit is extended for the life of the building permit if the Master Use Permit would
22 otherwise expire earlier, or

23 b) A complete application for a building permit that either
24 is for the entire development proposed pursuant to Section 23.49.180, or is for construction to
25 complete the entire development proposed pursuant to Section 23.49.180 is:

1 i((g)). submitted before the expiration date of the
2 Master Use Permit; and

3 ii((g)). made sufficiently complete to constitute a
4 fully complete building permit application as defined in the Seattle Building Code ¹, or for a
5 highrise structure regulated under Section 403 of the Seattle Building Code, made to include the
6 complete structural frame of the building and schematic plans for the exterior shell of the
7 building, in either case before the expiration date of the Master Use Permit, in which case the
8 Master Use Permit is extended for the life of the building permit issued pursuant to the
9 application if the Master Use Permit would otherwise expire earlier.

10 ~~((g. For a Master Use Permit that is either issued or approved for issuance~~
11 ~~after June 1, 2006 and that is not subject to subsection 23.76.032.A.1.a, 23.76.032.A.1.c, or~~
12 ~~23.76.032.A.1.e, the applicant or permit holder may elect in writing to have the Master Use~~
13 ~~Permit expire pursuant to this subsection 23.76.032.A.1.g. A Master Use Permit subject to this~~
14 ~~subsection 23.76.032.A.1.g expires six years from the date a permit is or was approved for~~
15 ~~issuance as described in Section 23.76.028, except as follows:~~

16 1) ~~A variance component of a Master Use Permit expires as~~
17 ~~follows:~~

18 a) ~~Variances for access, yards, setback, open space, or lot~~
19 ~~area minimums granted as part of a short plat or a lot boundary adjustment run with the land in~~
20 ~~perpetuity as recorded with the King County Recorder.~~

21 b) ~~Variances granted as separate Master Use Permits~~
22 ~~pursuant to subsection 23.76.004.G expire six years from the date the permit is approved for~~
23 ~~issuance as described in Section 23.76.028 or on the effective date of any text amendment~~
24 ~~making more stringent the development standard from which the variance was granted,~~
25 ~~whichever is sooner. If a Master Use Permit to establish the use is issued prior to the earlier of~~

1 ~~the dates specified in the preceding sentence, the variance expires on the expiration date of the~~
2 ~~use approval.~~

3 ~~2) Master Use Permits with a Major Phased Development or~~
4 ~~Planned Community Development component under Sections 23.47A.007, 23.49.036, or~~
5 ~~23.50.015 expire as follows:~~

6 ~~a) For the first phase, the expiration date shall be six years~~
7 ~~from the date the permit is approved for issuance;~~

8 ~~b) For subsequent phases, the expiration date shall be~~
9 ~~determined at the time of permit issuance for each phase and stated in the permit.)~~

10 2. On the expiration date determined as provided in subsection 23.76.032.A.1, a
11 Master Use Permit expires unless one of the conditions in this subsection 23.76.032.A.2 exists:

12 a. A building permit is issued before the expiration date, in which case the
13 Master Use Permit shall be extended for the life of the building permit.

14 b. A valid and fully complete application for a building permit is
15 submitted prior to the Master Use Permit expiration date and a building permit is subsequently
16 issued. In such cases, the Master Use Permit shall be extended for the life of the building permit.

17 c. For projects that do not require a building permit, the use has been
18 established prior to the expiration date and is not terminated prior to that date by abandonment,
19 change of use, or otherwise. In such cases the Master Use Permit expires when the use permitted
20 by the Master Use Permit is terminated by abandonment, change of use, or otherwise.

21 d. The Master Use Permit is renewed pursuant to subsection 23.76.032.C.

22 e. A Major Phased Development or Planned Community Development
23 component is part of the Master Use Permit, in which case subsection 23.76.032.A.1.d applies.

24 f. The Master Use Permit is for development subject to Section 23.49.180,
25 in which case the provisions in subsection 23.76.032.A.1.f apply.

1 * * *

2 Section 55. Section 23.84A.002 of the Seattle Municipal Code, last amended by
3 Ordinance 124378, is amended as follows:

4 **23.84A.002 "A"**

5 * * *

6 "Animal shelters and kennels" means a use in which four ~~((4))~~ or more small animals
7 are boarded, impounded, cared for, or bred for sale as pets, except if permitted as part of a pet
8 daycare center or pet grooming service, and which may include on-site outdoor exercise space,
9 and disposing of lost, stray, unwanted, dead, or injured animals.

10 * * *

11 Section 56. Section 23.84A.008 of the Seattle Municipal Code, last amended by
12 Ordinance 124608, is amended as follows:

13 **23.84A.008 "D"**

14 "Deck" means a platform extending more than ~~((eighteen-))~~ 18 ~~(())~~ inches from a
15 structure, or an unattached platform, including safety railings if required by the Building Code. A
16 deck may be cantilevered or connected to the ground by posts and may have steps or ramps to
17 the ground and a door to the structure. (See also "Porch.")

18 * * *

19 Section 57. Section 23.84A.012 of the Seattle Municipal Code, last amended by
20 Ordinance 124326, is amended as follows:

21 **23.84A.012 "F~~(())~~"**

22 * * *

23 "Facade, street-facing" means ~~((for any street lot line, all portions of the facade,~~
24 ~~measured from grade to the eaves of a sloping roof, or to the top of the parapet on a flat roof, that~~
25 ~~are:~~

1 a. at the midpoint, measured horizontally, of each exterior wall of the
2 structure, or

3 b. at the midpoint of each side of the smallest rectangle that can be drawn
4 to enclose the structure.

5 2. Option for calculating average grade level to measure height. The calculation
6 of structure height in subsection 23.86.006.A.1 may be modified, at the discretion of the
7 applicant, as follows to permit the structure to respond to the topography of the lot:

8 a. Draw the smallest rectangle that encloses the principal structure.

9 b. Divide one side of the rectangle, chosen by the applicant, into sections
10 at least 15 feet in length using lines that are perpendicular to the chosen side of the rectangle.

11 c. The sections delineated in subsection 23.86.006.A.2.b are considered to
12 extend vertically from the ground to the sky.

13 d. The maximum height for each section of the structure is measured from
14 the average grade level for that section of the structure, which is calculated as the average
15 elevation of existing lot grades at the midpoints of the two opposing exterior sides of the
16 rectangle for each section of the structure.

17 B. Within the South Lake Union Urban Center, at the applicant's option, structure height
18 shall be measured either as provided for in subsection 23.86.006.A, 23.86.006.E, or under
19 provisions of this subsection 23.86.006.B. Structure height shall be measured for all portions of
20 the structure. All measurements shall be taken vertically from existing or finished grade,
21 whichever is lower, to the highest point of the structure located directly above each point of
22 measurement. Existing or finished grade shall be established by drawing straight lines between
23 the corresponding elevations at the perimeter of the structure. The straight lines will be existing
24 or finished grade for the purpose of height measurement. When a contour line crosses a

1 ((~~façade~~))façade more than once, that contour line will be disregarded when establishing existing
2 or finished grade.

3 C. Height averaging for single-family zones. In a single-family zone, when expanding an
4 existing structure occupied by a nonconforming residential use per Section 23.42.106, the
5 following measurement shall be used to determine the average height of the closest principal
6 structures on either side:

7 1. Each structure used for averaging shall be on the same block front as the lot for
8 which a height limit is being established. The structures used shall be the nearest single-family
9 structure on each side of the lot, and shall be within 100 feet of the side lot lines of the lot.

10 2. The height limit for the lot shall be established by averaging the elevations of
11 the structures on either side in the following manner:

12 a. If the nearest structure on either side has a roof with at least a 4:12
13 pitch, the elevation to be used for averaging shall be the highest point of that structure's roof
14 minus 5 feet.

15 b. If the nearest structure on either side has a flat roof, or a roof with a
16 pitch of less than 4:12, the elevation of the highest point of the structure's roof shall be used for
17 averaging.

18 c. Rooftop features which are otherwise exempt from height limitations
19 according to subsection 23.44.012.C, shall not be included in elevation calculations.

20 d. The two elevations obtained from subsection 23.86.006.B.2.a and/or
21 subsection 23.86.006.B.2.b shall be averaged to derive the height limit for the lot. This height
22 limit shall be the difference in elevation between the midpoint of a line parallel to the front lot
23 line at the required front setback and the average elevation derived from subsection
24 23.86.006.B.2.a and/or subsection 23.86.006.B.2.b.

1 e. The height measurement technique used for the lot shall then be the
2 City's standard measurement technique, subsection 23.86.006.A.

3 3. If there is no single-family structure within 100 feet of a side lot line, or if the
4 nearest single-family structure within 100 feet of a side lot line is not on the same block front,
5 the elevation used for averaging on that side shall be 30 feet plus the elevation of the midpoint of
6 the front lot line of the abutting vacant lot.

7 4. If the lot is a corner lot, the height limit may be the highest elevation of the
8 nearest structure on the same block front, provided that the structure is within 100 feet of the side
9 lot line of the lot and that both front yards face the same street.

10 5. In no case shall the height limit established according to these height averaging
11 provisions be greater than 40 feet.

12 6. Lots using height averaging to establish a height limit shall be eligible for the
13 pitched roof provisions of subsection 23.44.012.B.

14 ~~((F))D. ((Reserved))~~ Stories or portions of stories of a structure that are underground are
15 not analyzed for purposes of structure height measurement.

16 * * *

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

20 Section 61. Section 23.86.010 of the Seattle Municipal Code, last amended by Ordinance
21 124475, is amended as follows:

22 **23.86.010 Yards**

23 * * *

1 C. Rear ~~((Y))~~yards. Rear yard requirements are presented in the standard development
2 requirements for each zone. In determining how to apply these requirements, the following
3 provisions shall apply:

4 1. The rear yard shall be measured horizontally from the rear lot line ~~((when))~~if
5 the lot has a rear lot line ~~((which))~~that is essentially parallel to the front lot line for its entire
6 length.

7 2. ~~((When))~~If the front lot line is essentially parallel to portions of the rear
8 property line, as with a stepped rear property line, each portion of the rear property line
9 ~~((which))~~that is opposite and essentially parallel to the front lot line ~~((shall be))~~is considered to
10 be a rear lot line for the purpose of establishing a rear yard.

11 3. On a lot with a rear property line, part of which is not essentially parallel to
12 any part of the front lot line, the rear yard ~~((shall be))~~is measured from a line or lines drawn from
13 side lot line(s) to side lot line(s), at least ~~((ten-))~~10~~((+))~~ feet in length, parallel to and at a
14 maximum distance from the front lot line. ~~((Where))~~If an alley abuts the rear of the property,
15 ~~((one-half-))~~1/2~~((+))~~ the width of the alley, between the side lot lines extended, ~~((shall be))~~is
16 considered to be part of the lot for drawing this line. For those portions of the rear lot line
17 ~~((which))~~that are essentially parallel to the front lot line, subsection 23.86.010.C.2 above shall
18 apply. The lot depth is then measured perpendicularly from this 10 foot long line extended as
19 needed to the point on the actual front lot line that is the furthest distance away. This establishes
20 lot depth, which then may be used to determine the required rear yard depth.

21 4. For a lot with a curved front lot line, the rear yard ~~((shall be))~~is measured from
22 a line at least ~~((ten-))~~10~~((+))~~ feet in length, parallel to and at a maximum distance from a line
23 drawn between the endpoints of the curve. The lot depth is then measured perpendicularly from
24 this ~~((ten-))~~10~~((+))~~ foot long line extended as needed to the point on the actual front lot line
25
26
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1 ~~((which))~~that is the furthest distance away. This establishes lot depth, which then may be used to
2 determine the required rear yard depth.

3 5. For a lot with an irregular shape or with an irregular front lot line not meeting
4 conditions of subsections 23.86.010.C.1 through 23.86.010.C.4~~((above))~~, the Director shall
5 determine the measurement of the rear yard.

6 * * *

7 Section 62. Section 23.86.012 of the Seattle Municipal Code, last amended by Ordinance
8 123495, is amended as follows:

9 **23.86.012 Multifamily zone setback measurement**

10 A. Setback ~~((A))~~averaging. In multifamily zones, certain required setbacks may be
11 averaged. In such cases the following provisions apply:

12 ~~((a))~~1. The average front and rear setbacks are calculated based on the entire
13 width of the structure;

14 ~~((b))~~2. The average side setbacks are calculated based on the entire depth of the
15 structure;

16 ~~((e))~~3. Setbacks are measured horizontally from the lot line to the facade of the
17 structure~~((, at the point that the structure meets the ground))~~. The facade(s) used in calculating
18 the average and minimum setback requirements shall be those facades that are nearest to that lot
19 line except that any features allowed to project into the setback are excluded.

20 * * *

21 Section 63. Section 23.86.016 of the Seattle Municipal Code, last amended by Ordinance
22 124378, is amended as follows:

23 **23.86.016 Structure and lot depth measurement**

24 * * *

25 D. Determining lot depth. ~~((In certain zones,))~~If development standards are based on lot
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1 depth,~~((which is))~~ lot depth is determined as follows:

2 1. If the lot is essentially rectangular and has a rear lot line within 15 degrees of
3 parallel to the front lot line, the lot depth is the horizontal distance between the midpoints of the
4 front and rear lot lines (Exhibit C for 23.86.016).

5 2. If the lot is triangular or wedge-shaped, lot depth shall be the horizontal
6 distance between the midpoint of the front lot line and the rear point of the lot. If the lot does not
7 actually come to a point, lot depth is measured from midpoint of the front lot line to the midpoint
8 of the rear lot line (~~((Exhibit C for 23.86.016))~~).

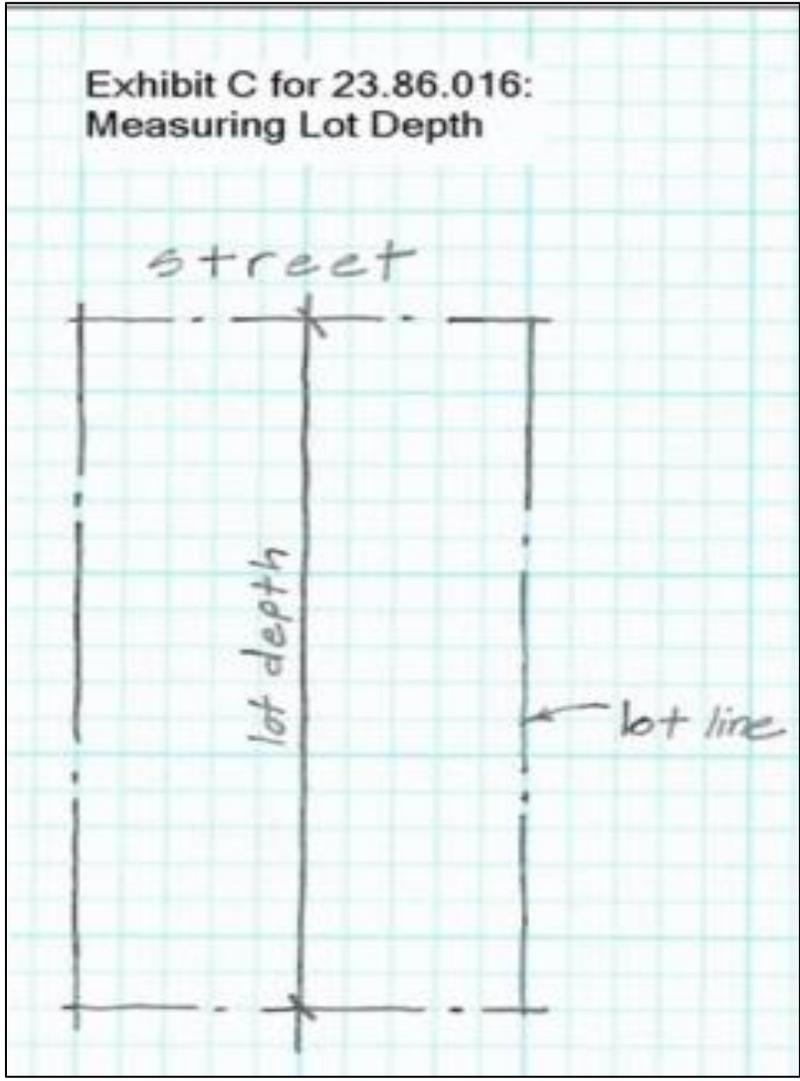
9 3. In the case of a through lot, lot depth is measured between the midpoint of
10 each front lot line.

11 4. When lot shape is so irregular that subsections 23.86.016.D.1, 23.86.016.D.2
12 or 23.86.016.D.3 cannot be used, lot depth is the distance equal to the result of lot area divided
13 by length of front lot line, provided that in no case is the depth permitted to be greater than the
14 distance from front lot line to the furthest point on the perimeter of the lot (~~((Exhibit D for~~
15 23.86.016)).

16 **Exhibit C for 23.86.016**

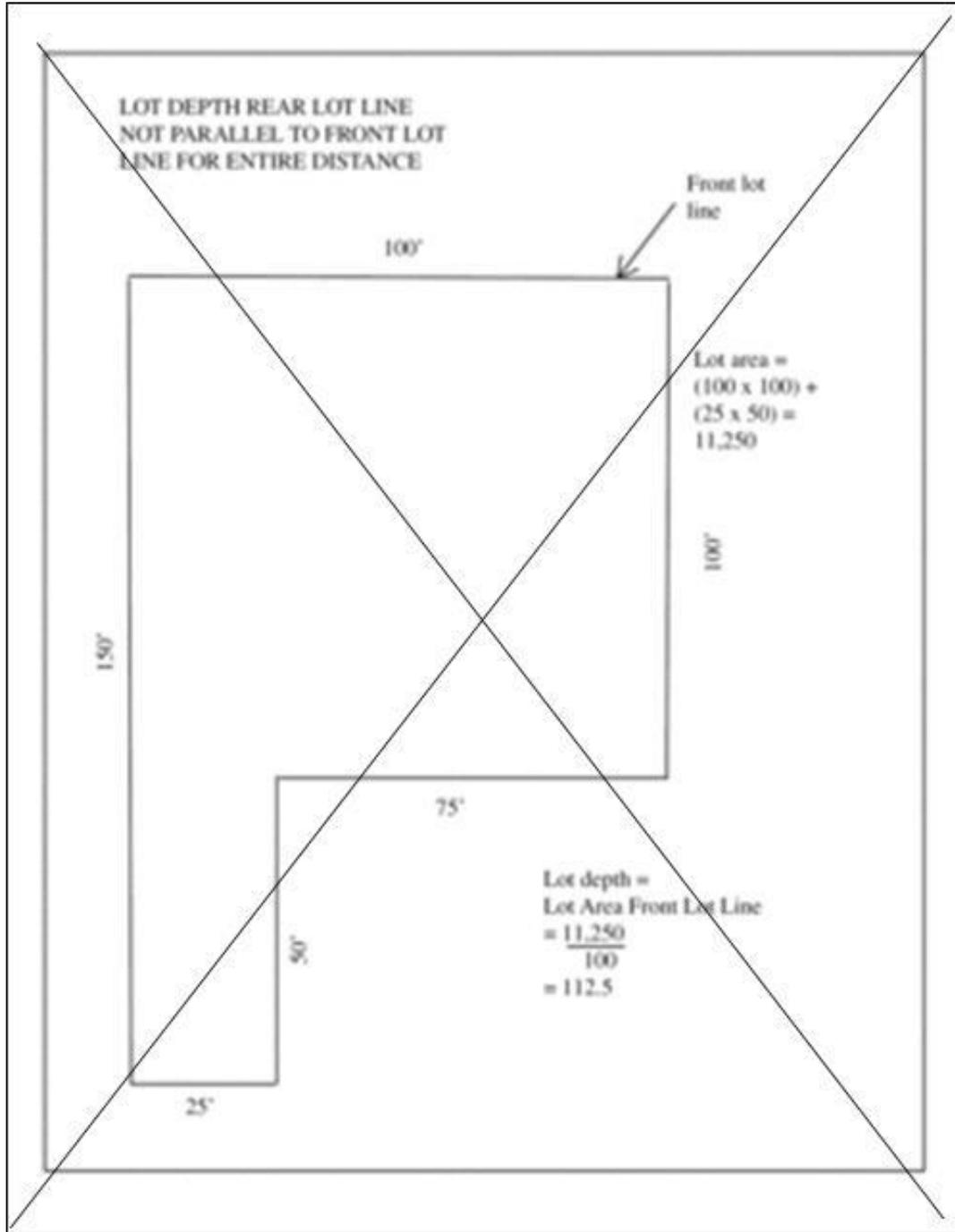
17 **Measuring Lot Depth**

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((Exhibit D for 23.86.016:

Rear Lot Line Exception))



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* * *

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

23.86.028 Blank facades

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

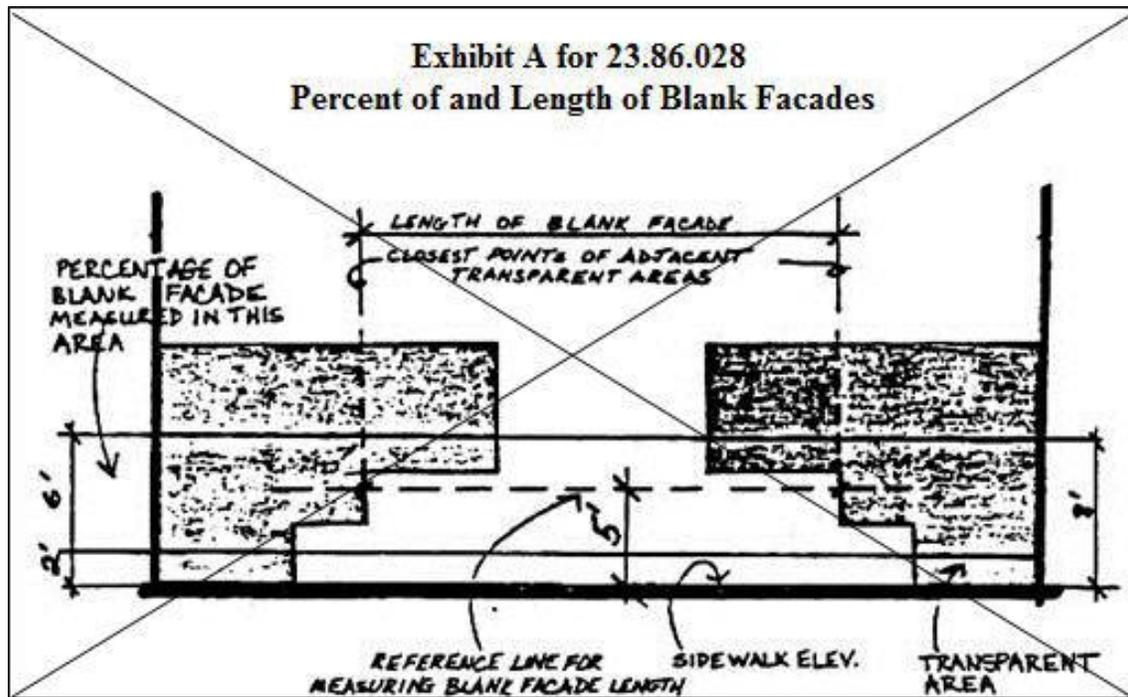
A. Percent of blank facades

1. Blank facades shall be measured in an area between 2 feet and 8 feet above the elevation of the lot line at the sidewalk as depicted in Exhibit A for 23.86.028. Areaways, stairways, and other excavations at the lot line shall not be considered in measuring the elevation of the street lot line. When sidewalk widening is required according to Section 23.49.022, the elevation of the line establishing the new sidewalk width shall be used rather than the street lot line.

Exhibit A for 23.86.028

Percent of and Length of Blank Facades

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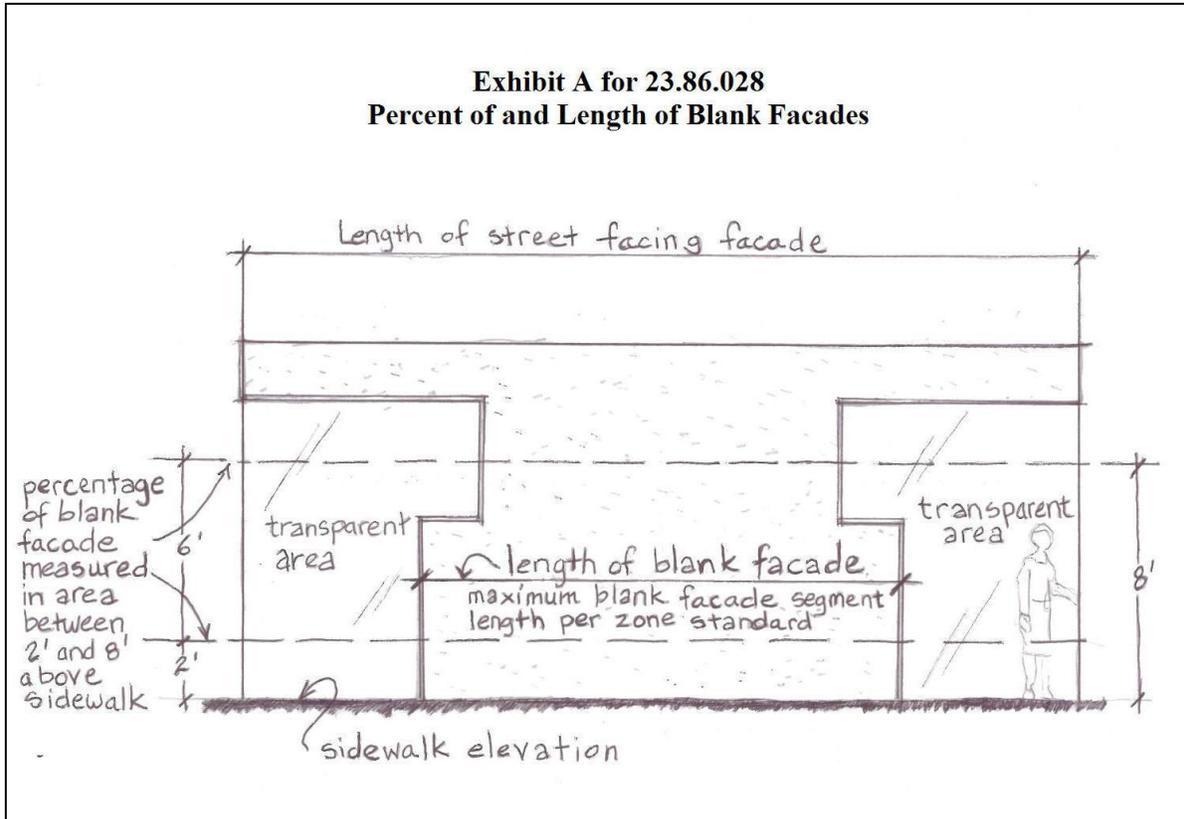
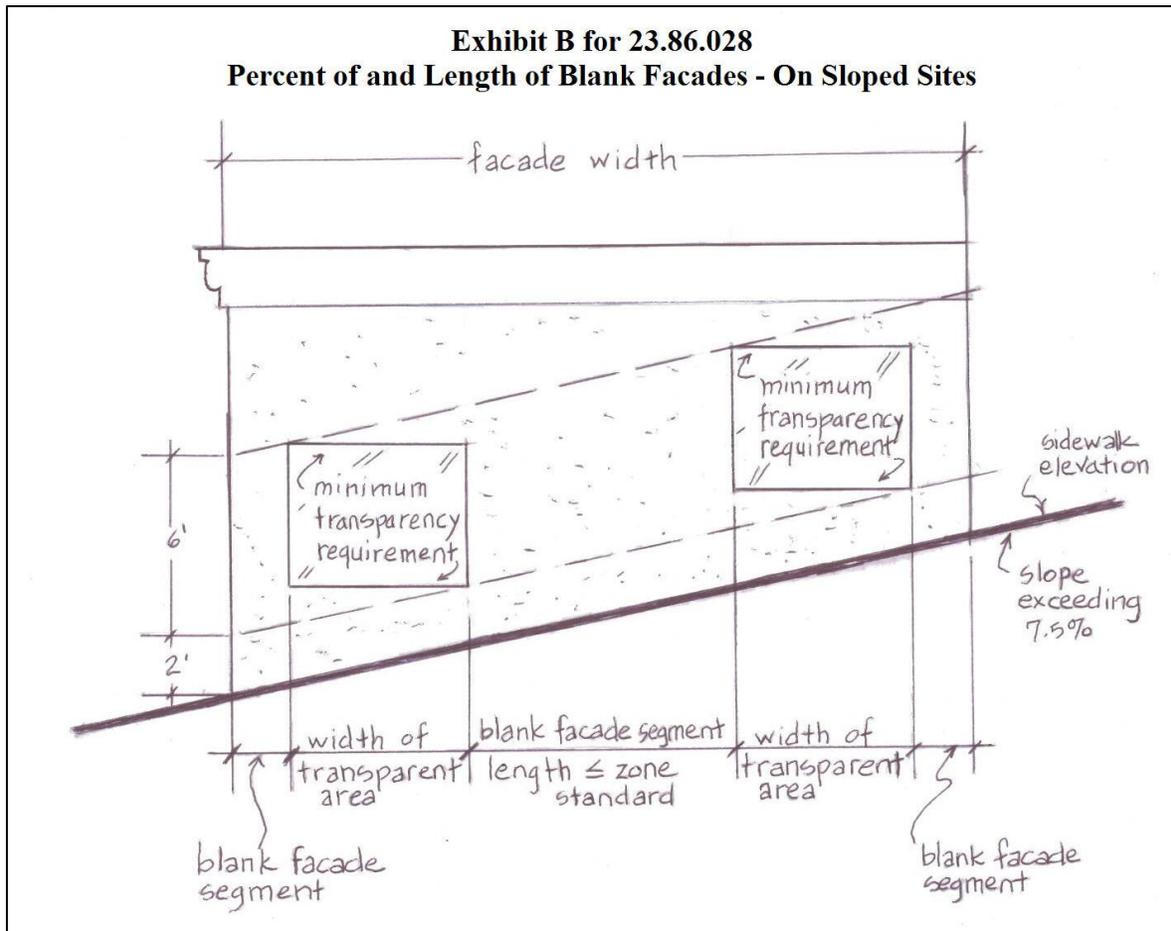


Exhibit B for 23.86.028

Percent of and Length of Blank Facades – On Sloped Sites



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

B. Length of blank facades. The length of a blank facade located within the area established in subsection 23.8(~~(3)~~)6.028.A shall be measured between the closest points of adjacent transparent areas (~~(, at 5 feet)~~) within the vertical area between 2 feet above and 8 feet above the elevation of the lot line at the sidewalk.

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

1 request for interpretation (~~((must))~~)shall be received by the Department in order for the
2 interpretation to be applied to the pending permit application:

3 a. Any person may request an interpretation prior to the end of the public
4 comment period, including any extension, for the project application.

5 b. The project applicant may request an interpretation after the end of the
6 public comment period and prior to publication of a land use decision or recommendation, if he
7 or she agrees in writing that the time limits required by (~~((SMC))~~)Section 23.76.005 shall be
8 calculated from the day the interpretation is requested.

9 c. Notwithstanding the above deadlines, an appeal of a Type II decision to
10 the Hearing Examiner or a request for further consideration of a Type III recommendation may
11 include a request that the Director issue in writing his or her interpretation of specified code
12 sections, combined with an appeal of such interpretation, provided that an interpretation
13 regarding whether a use proposed under the related project application has been correctly
14 classified may not be requested pursuant to this subsection (~~((e))~~)23.88.020.C.3.c. A request for
15 interpretation made pursuant to this subsection (~~((e))~~)23.88.020.C.3.c shall state with specificity:

16 (~~((f))~~)1) How the Director's construction or application of the
17 specified code sections is in error; and

18 (~~((f))~~)2) How the requester believes those sections should be
19 construed or applied.

20 The provisions of subsections 23.88.020.D, 23.88.020.E and 23.88.020.F(~~((of this~~
21 ~~section))~~) shall not apply to interpretations requested pursuant to this subsection
22 (~~((e))~~)23.88.020.C.3.c. The Director shall respond to the request by issuing an interpretation in
23 the form of a memorandum to be filed with the Hearing Examiner at least five (~~((5))~~)calendar
24 days before the hearing.

1 D. Notice of ~~(R)~~request for ~~(I)~~interpretation. If an interpretation relates to a project
2 application under consideration, and is requested by a person other than the applicant for that
3 project, notice of the request for interpretation shall be provided to the permit applicant. If an
4 interpretation relates to the provisions of Chapter 23.60 (Seattle Shoreline Master Program),
5 notice of the request shall be provided to the Washington State Department of Ecology. If an
6 interpretation is requested by a Major Institution as to whether a proposal constitutes a major or
7 minor amendment to an adopted Major Institution Master Plan, notice of the request shall be
8 provided to all members of the Citizens' Advisory Committee for that Major Institution.

9 E. Notice of ~~(I)~~interpretation. Notice of an interpretation shall be provided to the
10 person requesting the interpretation, and to the applicant(s) for the specific project or projects to
11 which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60
12 (Seattle Shoreline Master Program), notice shall be provided to the Washington State
13 Department of Ecology. If the interpretation is related to a project requiring public notice, the
14 interpretation shall be published concurrently with other land use decisions relating to that
15 project. Notice of any interpretation subject to appeal before the Hearing Examiner ~~((or the
16 Shoreline Hearings Board))~~ shall be provided by Land Use Information Bulletin.

17 F. Availability and ~~(V)~~venue of ~~(A)~~appeals~~(-)~~

18 1. An interpretation that is unrelated to any specific project application, or is
19 related to a Type III or IV decision, may be appealed by any person to the Hearing Examiner.
20 Such an appeal shall be filed with the Hearing Examiner by ~~((five p.m. (5:00 p.m.)))~~ 5 p.m. on the
21 ~~((fourteenth))~~ 14th calendar day following publication of the notice of the interpretation.
22 ~~((When))~~ If the last day of the appeal period so computed is a Saturday, Sunday or federal or City
23 holiday, the period shall run until ~~((five p.m. (5:00 p.m.)))~~ 5 p.m. on the next business day. The
24 appeal hearing on an interpretation related to a Type III Master Use Permit shall be consolidated
25 with the open record hearing on the project application and the appeal hearing for any related
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- 1 D. Are located within an urban growth area, as defined in RCW 36.70A.030;
2 E. Are not essential public facilities, as defined in RCW 36.70A.200; and
3 F. Are consistent with the Seattle Comprehensive Plan adopted under ~~((€))~~chapter
4 36.70A RCW.

5 Section 67. Section 25.05.508 of the Seattle Municipal Code, last amended by Ordinance
6 119096, is amended as follows:

7 **25.05.508 State SEPA Register~~((τ))~~**

8 A. The Department of Ecology (DOE) shall prepare a SEPA Register ~~((at least~~
9 ~~weekly))~~that is web-based and updated daily, giving notice of all environmental documents
10 required to be sent to the DOE under these rules, specifically:

- 11 1. DNS's under ~~((§))~~subsection 25.05.340.B;
12 2. DS's (scoping notices) under Section 25.05.408;
13 3. EIS's under Sections 25.05.455, 25.05.460, 25.05.620, and 25.05.630;
14 4. Notices of Action under RCW 43.21C.080 and 43.21C.087; and
15 5. Notices of the early review DNS process under ~~((§))~~subsection 25.05.355.B
16 and 25.05.355.E.

17 B. All agencies shall submit the environmental documents listed in subsection
18 25.05.508.A~~((of this section))~~ to DOE promptly and in accordance with procedures established
19 by the DOE.

20 C. Agencies are encouraged to refer to the SEPA Register for notice of SEPA documents
21 ~~((which))~~that may affect them.

22 D. DOE is authorized by WAC 197-11-508:

- 23 1. To establish the method for distributing the SEPA Register, which may include
24 listing on Internet, publishing and mailing to interested persons, or any other method deemed
25 appropriate by DOE;

1 2. To establish a reasonable format for the SEPA Register;

2 3. To charge a reasonable fee for the SEPA Register as allowed by law, in at least
3 the amount allowed by ~~((€))~~chapter 42.17 RCW, from agencies, members of the public, and
4 interested organizations.

5 E. Members of the public, citizen and community groups, and educational institutions
6 are encouraged by WAC 197-11-508 to refer to the SEPA Register for notice of SEPA actions
7 ~~((which))~~that may affect them.

8 Section 68. Section 25.05.510 of the Seattle Municipal Code, last amended by Ordinance
9 114057, is amended as follows:

10 **25.05.510 Public notice((-))**

11 A. Notice for Master Use Permits and Council Land Use Decisions. For proposals
12 requiring a Master Use Permit (MUP) or Council Land Use Decision under Chapter 23.76, a
13 notice of availability of environmental documents, administrative SEPA appeals and SEPA
14 public hearings shall be given pursuant to Chapter 23.76. These notice procedures ~~((shall be))~~are
15 in lieu of the requirements of subsections 25.05.510.C and 25.05.510.D~~((of this section))~~. The
16 ~~((general mailed releases (GMRs)))~~Land Use Information Bulletin (LUIB) constitutes the City
17 SEPA Register for these actions, as required by subsection 25.05.510.B.3~~((of this section))~~, but
18 do not satisfy publication in the State SEPA Register as required by subsection 25.05.510.E~~((of~~
19 ~~this section))~~.

20 B. SEPA Public Information Center((-))

21 1. The Department of ~~((Construction and Land Use))~~Planning and Development
22 ~~((shall be))~~is responsible for establishing and maintaining the City's SEPA Public Information
23 Center at a location readily accessible to the public, and for making the existence and location of
24 the Center known to the general public and City employees, and for satisfying the public
25 information requirements of WAC 197-11-510.

1 2. The following documents shall be maintained at the SEPA Public Information
2 Center:

3 a. Copies of all ~~((declarations))~~determinations of significance and
4 ~~((declarations))~~determinations of nonsignificance filed by the City, for a period of one ~~((1))~~
5 ~~((1))~~year;

6 b. Copies of all EIS's prepared by or on behalf of the City, for a period of
7 three ~~((3))~~years;

8 c. Copies of all decisions in administrative appeals wherein SEPA issues
9 were raised;

10 d. Copies of all adoption notices and addenda issued under Subchapter VI
11 of these rules;

12 e. Copies of all ~~((general mailed releases))~~ notices of ~~((m))~~Master
13 ~~((u))~~Use ~~((p))~~Permit applications) relating to master use permit applications requiring SEPA
14 compliance that are published in the LUIB;

15 f. For City of Seattle-sponsored projects, any programmatic EIS's adopted
16 by the City.

17 3. In addition, the Department of ~~((Construction and Land Use))~~Planning and
18 Development shall maintain the following registers at the SEPA Public Information Center, each
19 register including for each proposal its location, a brief (one ~~((1))~~)sentence or phrase)
20 description of the nature of the proposal, the date first listed on the register, and the contact
21 person or office from which further information may be obtained:

22 a. A "Declaration of Nonsignificance Register" which shall contain a
23 listing of all declarations of nonsignificance made by the City during the previous year;

1 b. An "EIS in Preparation Register" which shall contain a listing of all
2 proposals for which the City is currently preparing an EIS, and the date by which the EIS is
3 expected to be available to the public;

4 c. An "EIS Available Register" which shall contain a listing of all draft
5 and final EIS's prepared by or on behalf of the City during the previous six ~~((6-))~~months,
6 including ~~((thereon))~~on the listing the date by which comments ~~((must))~~shall be received on draft
7 EIS's, and the date for any public hearing scheduled for the proposal.

8 4. Each of the registers shall be kept current and maintained at the SEPA Public
9 Information Center for public inspection. In addition, the registers, or updates ~~((thereof))~~to the
10 registers containing new entries added since the last mailing, shall be ~~((mailed))~~transmitted by
11 mail or electronic mail once every week to those organizations and individuals who make written
12 request unless no new entries are made on the register, in which event a copy of the register or
13 update shall be ~~((mailed))~~transmitted by mail or electronic mail when a new entry is added. The
14 Department of ~~((Construction and Land Use))~~Planning and Development may charge a periodic
15 fee for the service of mailing the registers or updates, which shall be reasonably related to the
16 costs of reproduction and mailing.

17 5. The documents required to be maintained at the SEPA Public Information
18 Center shall be available for public inspection and copies ~~((thereof))~~of the documents shall be
19 provided upon written request. The City shall charge a fee for copies in the manner provided by
20 ordinance, and for the cost of mailing.

21 6. Copies of all documents filed and registers maintained at the SEPA Public
22 Information Center shall be maintained at the main branch of the Seattle Public Library.

23 C. Notice of Declarations of Nonsignificance. Notice of Declarations of Nonsignificance
24 shall be provided as follows:

1 1. The SEPA Public Information Center shall maintain a "Declaration of
2 Nonsignificance Register" which shall contain a listing of all DNS's. The register shall be
3 maintained and used in accordance with the provisions of subsection 25.05.510.D.

4 2. The information in the register or its update, along with notice of the right to
5 appeal a DNS in accordance with Section 25.05.680 shall be published by the Department of
6 Planning and Development once every week in the City official newspaper and in the Land Use
7 Information Bulletin. In addition, notice of publication of a DNS and notice of the right to appeal
8 a DNS in accordance with Section 25.05.680, ~~((shall be submitted in a timely manner to at least~~
9 ~~one (1) community newspaper with distribution in the area impacted by the proposal for which~~
10 ~~the DNS was adopted, and))~~ shall be posted in a conspicuous place in the Department of
11 ~~((Construction and Land Use))~~Planning and Development.

12 D. Notice of ~~((S))~~scoping, Declarations of Significance (DS), ~~((D))~~draft and ~~((F))~~final
13 ~~((Eis's))~~EIS~~((:))~~

14 1. Upon publication, notice of scoping, DS (excluding those for MUPs), and the
15 draft and the final EIS shall be filed by the responsible official with the City's SEPA Public
16 Information Center.

17 2. Notice of a draft EIS shall be published in the official newspaper and in the
18 Land Use Information Bulletin. Notice of a final EIS and the procedures for appeal pursuant to
19 Section 25.05.680 shall be similarly published. ~~((In addition, such notices shall be submitted in a~~
20 ~~timely manner to at least one (1) community newspaper with distribution in the area impacted by~~
21 ~~the proposal for which the EIS was prepared.))~~Notice shall be ~~((mailed))~~transmitted by mail or
22 electronic mail to those organizations and individuals who make written request thereof, and
23 shall be posted in a conspicuous place in the Department of ~~((Construction and Land~~
24 ~~Use))~~Planning and Development.

1 E. Publication in the State SEPA Register. Documents (~~(which)~~)that are required to be
2 sent to the Department of Ecology under these rules will be published in the State SEPA
3 Register, which will also constitute a form of public notice. However, publication in the State
4 SEPA Register shall not, in itself, be considered compliance with this ~~((s))~~Section 25.05.510.

5 Section 69. Section 25.05.610 of the Seattle Municipal Code, last amended by Ordinance
6 114057, is amended as follows:

7 **25.05.610 Use of NEPA documents~~((s))~~**

8 A. An agency may adopt any environmental analysis prepared under the National
9 Environmental Policy Act (NEPA) by following Section 25.05.600 (when to use existing
10 environmental documents) and Section 25.05.630 (adoption procedures).

11 B. A NEPA environmental assessment (EA) or documented categorical exclusion may
12 be adopted to ~~((satisfy requirements for))~~support a determination of nonsignificance ~~((or~~
13 EIS~~))~~instead of preparing an environmental checklist, if the requirements of Sections 25.05.340,
14 25.05.600, and 25.05.630 (and Sections 25.05.350 and 25.05.355 as applicable), are met and
15 elements of the environment in Section 25.05.444 are adequately addressed.

16 C. An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if:

17 1. The requirements of Sections 25.05.360, 25.05.600, and 25.05.630 are met (in
18 which case the procedures in Subchapters III(~~(through))~~, IV, and V of these rules for preparing
19 an EIS shall not apply); and

20 2. The federal EA or EIS is not found inadequate:

21 ~~((a))~~(a). By a court;

22 ~~((b))~~(b). by the Council on Environmental Quality (CEQ) (or is at issue
23 in a predecision referral to CEQ) under the NEPA regulations; or

24 ~~((c))~~(c). by the administrator of the United States Environmental
25 Protection Agency under Section 309 of the Clean Air Act, 42 U.S.C. 1857.

1 D. Subsequent use by another agency of a federal EIS, adopted under subsection
2 25.05.610.C~~((of this section))~~, for the same (or substantially the same) proposal does not require
3 adoption, unless the criteria in ~~((S))~~subsection 25.05.600.D are met.

4 E. If the lead agency has not held a public hearing within its jurisdiction to obtain
5 comments on the adequacy of adopting a federal environmental document as a substitute for
6 preparing a SEPA EIS, a public hearing for such comments shall be held if, within ~~((thirty~~
7 ~~))~~30~~((~~)) days of circulating its statement of adoption, a written request is received from at least
8 ~~((fifty~~50~~((~~))) persons who reside within the agency's jurisdiction or are adversely affected by
9 the environmental impact of the proposal. The agency shall reconsider its adoption of the federal
10 document in light of public hearing comments.

11 Section 70. Section 25.05.756 of the Seattle Municipal Code, last amended by Ordinance
12 114057, is amended as follows:

13 **25.05.756 Lands covered by water**~~((=))~~

14 A. "Lands covered by water" means lands underlying the water areas of the state below
15 the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water
16 courses, lakes, ponds, artificially impounded waters, ~~((marshes, and swamps))~~and wetlands.

17 ~~((C))~~As specified in Subchapter IX certain categorical exemptions do not apply ~~((to))~~when a
18 portion or all of a project or proposal is undertaken on lands covered by water~~((, as specified in~~
19 ~~Subchapter IX))~~.

20 B. Wetlands. Wetlands are defined as areas that are inundated or saturated by surface
21 water or groundwater at a frequency and duration sufficient to support, and that under normal
22 circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil
23 conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands
24 include those artificial wetlands intentionally created from nonwetland areas created to mitigate
25 conversion of wetlands. Wetlands do not include those artificial wetlands intentionally created

1 from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined
2 swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape
3 amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a
4 result of the construction of a road, street, or highway.

5 C. "Lands covered by water" does not include adjacent lands and designated buffers
6 above the ordinary high water mark.

7 Section 71. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance
8 123963, is amended as follows:

9 **25.05.800 Categorical exemptions((-))**

10 The proposed actions contained in this ((§))Subchapter IX are categorically exempt from
11 threshold determination and EIS requirements, subject to the rules and limitations on categorical
12 exemptions contained in Section 25.05.305.

13 **A. Minor new construction—flexible thresholds((-))**

14 1. The exemptions in this subsection 25.05.800.A apply to all licenses required to
15 undertake the construction in question(~~(, except when a rezone or any license governing~~
16 ~~emissions to the air or discharges to water is required)~~). To be exempt under this Section
17 25.05.800, the project shall be equal to or smaller than the exempt level. For a specific proposal,
18 the exempt level in subsection 25.05.800.A.2 shall control. If the proposal is located in more than
19 one city or county, the lower of the agencies' adopted levels shall control, regardless of which
20 agency is the lead agency. The exemptions in this subsection 25.05.800.A apply except when the
21 project:

22 a. Is undertaken wholly or partly on lands covered by water;

23 b. Requires a license governing discharges to water that is not exempt
24 under RCW 43.21C.0383;

1 c. Requires a license governing emissions to air that is not exempt under
 2 RCW 43.21C.0381 or WAC 197-11-800 (7) or 197-11-800 (8); or

3 d. Requires a land use decision that is not exempt under subsection
 4 25.05.800.F.

5 2. The following types of construction are exempt, except when undertaken
 6 wholly or partly on lands covered by water or unless undertaken in environmentally critical areas
 7 listed in ~~((S))~~ subsection 25.05.908.A~~((+))~~:

8 a. The construction or location of residential or mixed-use development
 9 containing no more than the number of dwelling units identified in Table A for 25.05.800;

Table A for 25.05.800((+))			
Exemptions for Residential Uses			
Zone	Residential ((U)) uses		
	((Number of Exempt Dwelling Units)) <u>Number of exempt dwelling units</u>		
	((Outside of Urban Centers and Urban Villages Containing SAODs)) <u>Outside of urban centers and urban villages containing SAODs</u>	((Within Urban Centers or Urban Villages Containing SAODs)) <u>Within urban centers or urban villages containing SAODs</u>	((Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded)) <u>Within urban centers or urban villages containing SAODs if growth targets have been exceeded</u>
SF, RSL	4	4	4
LR1	4	200 ((+)) 1 ((+))	20
LR2	6	200 ((+)) 1 ((+))	20
LR3	8	200 ((+)) 1 ((+))	20
NC1, NC2, NC3, C1, C2	4	200 ((+)) 1 ((+))	20
MR, HR, SM	20	200 ((+)) 1 ((+))	20
MPC-YT	NA	30 ((+)) 1 ((+))	20

**Table A for 25.05.800((=))
 Exemptions for Residential Uses**

Zone	Residential ((U))uses		
	<u>((Number of Exempt Dwelling Units))Number of exempt dwelling units</u>		
	<u>((Outside of Urban Centers and Urban Villages Containing SAODs))Outside of urban centers and urban villages containing SAODs</u>	<u>((Within Urban Centers or Urban Villages Containing SAODs))Within urban centers or urban villages containing SAODs</u>	<u>((Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded))Within urban centers or urban villages containing SAODs if growth targets have been exceeded</u>
Downtown zones	NA	250 ⁽⁽⁼⁾⁾¹⁽⁽⁼⁾⁾	20
Industrial zones	4	4	4

((Notes))Footnotes ((for))to Table A for 25.05.800

NA = Not Applicable

SAOD = Station Area Overlay District.

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

¹ Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development, not exceeding the number of units shown, located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that residential growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service, or storage buildings, containing no more than the gross floor area listed in Table B for 25.05.800 below:

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**Table B for 25.05.800((☺))
 Exemptions for Non-Residential Uses**

Zone	Non-((R))residential ((U))uses		
	<i>((Exempt Area of Use (square feet of gross floor area))</i>		
	<i>((Outside of Urban Centers and Urban Villages Containing SAODs))</i> <u>Outside of urban centers and urban villages containing SAODs</u>	<i>((Within Urban Centers or Urban Villages Containing SAODs))</i> <u>Within urban centers or urban villages containing SAODs</u>	<i>((Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded))</i> <u>Within urban centers or urban villages containing SAODs if growth targets have been exceeded</u>
SF, RSL, LR1	4,000	4,000	4,000
LR2, LR3	4,000	12,000 ^{((☺))1((☺))} or 30,000	12,000
MR, HR, NC1, NC2, NC3	4,000	12,000 ^{((☺))1((☺))} or 30,000	12,000
C1, C2, SM zones	12,000	12,000 ^{((☺))1((☺))} or 30,000	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	((Not Applicable)) NA	12,000	12,000
Downtown zones	((Not Applicable)) NA	12,000 ^{((☺))1((☺))} or 30,000	12,000

**Table B for 25.05.800((☺))
 Exemptions for Non-Residential Uses**

Zone	Non-((R))residential ((U))uses		
	((Exempt Area of Use (square feet of gross floor area))) Exempt area of use (square feet of gross floor area)		
((Outside of Urban Centers and Urban Villages Containing SAODs)) Outside of urban centers and urban villages containing SAODs	((Within Urban Centers or Urban Villages Containing SAODs)) Within urban centers or urban villages containing SAODs	((Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded)) Within urban centers or urban villages containing SAODs if growth targets have been exceeded	

((Notes))Footnotes ((☹))to Table B for 25.05.800

NA = Not Applicable

SAOD = Station Area Overlay District.

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

((1))¹ New non-residential development that is not part of a mixed-use development and that does not exceed 12,000 square feet is categorically exempt from SEPA. Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.

d. The construction of a parking lot designed for 40 or fewer automobiles, as well as the addition of spaces to existing lots up to a total of 40 spaces;

e. Any ((landfill))fill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; ~~((and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder;))~~and any excavation, fill or grading necessary for an exempt project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or 25.05.800.A.2.d shall be exempt.

1 f. Mixed-use construction, including but not limited to projects combining
2 residential and commercial uses, is exempt if each use, if considered separately, is exempt under
3 the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the uses in
4 combination may have a probable significant adverse environmental impact in the judgment of
5 an agency with jurisdiction (see subsection 25.05.305.A.2.b);

6 g. In zones not specifically identified in this subsection 25.05.800.A, the
7 standards for the most similar zone addressed by this subsection 25.05.800.A apply.

8 h. For the purposes of this subsection 25.05.800.A, "mixed-use
9 development" means development having two or more principal uses, one of which is a
10 residential use comprising ~~50((%))~~ percent or more of the gross floor area.

11 i. To implement the requirements of Tables A and B ~~for 25.08.800((of~~
12 ~~this section))~~, the Director shall establish exemption limits by rule for each urban center and each
13 urban village containing a SAOD to assure that proposed development that could cause growth
14 targets in Appendix A of the Comprehensive Plan's Urban Village Element to be exceeded is
15 subject to SEPA review. The exemption limits ~~((must))~~ shall contain a "cushion" to assure that
16 development does not exceed growth targets without SEPA review, provided that the cushion
17 shall be at least ~~10((%))~~ percent of the residential or employment growth targets established in
18 the Comprehensive Plan.

19 j. The Director shall monitor residential and employment growth and
20 publish quarterly a determination of growth for each urban center and urban village containing a
21 SAOD. Residential growth shall include, but need not be limited to, net new units that have been
22 built and net new units in projects that have received a building permit but have not received a
23 certificate of occupancy. If the Director determines that exemption limits have been reached for
24 an urban center or urban village containing a SAOD, subsequent development is not
25 categorically exempt from SEPA review pursuant to RCW 43.21C.229.

1 B. Other ~~((M))~~ minor ~~((N))~~ new ~~((C))~~ construction ~~((The following types of construction~~
2 ~~shall be exempt except where undertaken wholly or in part on lands covered by water (unless~~
3 ~~specifically exempted in this subsection); the exemptions provided by this section shall apply to~~
4 ~~all licenses required to undertake the construction in question, except where a rezone or any~~
5 ~~license governing emissions to the air or discharges to water is required:))~~

6 1. The exemptions in this subsection 25.05.800.B apply to all licenses required to
7 undertake the following types of proposals except when the project:

8 a. Is undertaken wholly or partly on lands covered by water;

9 b. Requires a license governing discharges to water that is not exempt
10 under RCW 43.21C.0383;

11 c. Requires a license governing emissions to air that is not exempt under
12 RCW 43.21C.0381 or subsection 25.05.800.H or subsection 25.05.800.I; or

13 d. Requires a land use decision that is not exempt under subsection
14 25.05.800.F.

15 ~~((1))~~2. The construction or designation of bus stops, loading zones, shelters,
16 access facilities and pull-out lanes for taxicabs, transit and school vehicles;

17 ~~((2))~~3. The construction and/or installation of commercial on-premises signs, and
18 public signs and signals;

19 ~~((3))~~4. The construction or installation of minor road and street improvements by
20 any agency or private party that include the following:

21 a. ~~((s))~~Safety structures and equipment: Such as pavement marking,
22 freeway surveillance and control systems, railroad protective devices (not including grade-
23 separated crossings), grooving, glare screen, safety barriers, energy attenuators~~((:))~~;

24 b. ~~((t))~~Transportation corridor landscaping (including the application of
25 state of Washington ~~((State Department of Agriculture))~~ approved herbicides by licensed

1 personnel for right-of-way weed control as long as this is not within watersheds controlled for
2 the purpose of drinking water quality in accordance with WAC 248-54-660~~((;))~~;

3 c. ~~((;))~~ Temporary traffic controls and detours~~((;))~~;

4 d. ~~((;))~~ Correction of substandard curves and intersections within existing
5 rights-of-way, widening of a highway by less than a single lane width where capacity is not
6 significantly increased and no new right-of-way is required~~((;))~~;

7 e. ~~((;))~~ Adding auxiliary lanes for localized purposes, (weaving, climbing,
8 speed change, etc), where capacity is not significantly increased and no new right-of-way is
9 required~~((;))~~;

10 f. ~~((;))~~ Channelization and elimination of sight restrictions at intersections,
11 street lighting, guard rails, and barricade installation~~((;))~~;

12 g. ~~((;))~~ Installation of catchbasins and culverts~~((, and))~~ for the purposes of
13 road and street improvements;

14 h. ~~((;))~~ Reconstruction of existing roadbed (existing curb-to-curb in urban
15 locations), including adding or widening of shoulders~~((;))~~ where capacity is not increased and no
16 new right of way is required;

17 i. ~~((;))~~ Addition of bicycle lanes, paths and facilities, and pedestrian walks
18 and paths, but not including additional automobile lanes;

19 ~~((4))~~ 5. Grading, excavating, filling, septic tank installations, and landscaping
20 necessary for any building or facility exempted by subsections 25.05.800.A and 25.05.800.B~~((of~~
21 ~~this section))~~, as well as fencing and the construction of small structures and minor accessory
22 facilities;

23 ~~((5))~~ 6. Additions or modifications to or replacement of any building or facility
24 exempted by subsections 25.05.800.A and 25.05.800.B~~((of this section))~~ when such addition,
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1 modification or replacement will not change the character of the building or facility in a way that
2 would remove it from an exempt class; (1)

3 ~~((6))~~7. The demolition of any structure or facility, the construction of which
4 would be exempted by subsections 25.05.800.A and 25.05.800.B~~((of this section))~~, except for
5 structures or facilities with recognized historical significance such as listing in a historic register;
6 (1)

7 ~~((7))~~8. The installation or removal of impervious underground or above-ground
8 tanks, having a total capacity of ~~((ten thousand (10,000)))~~10,000~~((9))~~ gallons or less except on
9 agricultural and industrial lands. On agricultural and industrial lands, the installation or removal
10 of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or
11 less;

12 ~~((8))~~9. The vacation of streets or roads;

13 ~~((9))~~10. The installation of hydrological measuring devices, regardless of whether
14 or not on lands covered by water;

15 ~~((10))~~11. The installation of any property, boundary or survey marker, other than
16 fences, regardless of whether or not on lands covered by water.

17 12. The installation of accessory solar energy generation equipment on or
18 attached to existing structures and facilities whereby the existing footprint and size of the
19 building is not increased.

20 (1) Footnote for subsection 25.05.800.B~~((5))~~6 and 25.05.800.B~~((6))~~7: Proposed actions
21 that involve structures that exceed the following thresholds and that appear to meet criteria set
22 forth in Chapter 25.12 for landmark designation are subject to referral to the Department of
23 Neighborhoods pursuant to ~~((SMC))~~Section 25.12.370:

~~((Table A for Footnote (1) for 25.05.800.B.5 and B.6))~~

Table A for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7

Zone	Residential ((U))uses ((P))permit ((A))applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:
SF, RSL, LR1, NC1, NC2, NC3, C1, C2, Industrial zones	4
LR2	6
LR3	8
MR, HR, SM, Downtown zones	20

~~((Table B for Footnote (1) for 25.05.800.B.5 and B.6))~~

Table B for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7

Zone	Non-residential ((U))uses ((P))permit ((A))applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:
C1, C2, ((SCM))SM, Industrial zones	12,000
All other zones	4,000

C. Repair, ((R))remodeling ((A))and ((M))maintenance ((A))activities. The following activities shall be categorically exempt: the repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or

1 maintenance of docks). The following maintenance activities shall not be considered exempt
2 under this ~~((subs))~~ Section 25.05.800:

- 3 1. Dredging of over 50 cubic yards of material;
- 4 2. Reconstruction~~((/))~~ or maintenance of groins and similar shoreline protection
5 structures;~~((-or))~~
- 6 3. Replacement of utility cables that must be buried under the surface of the
7 bedlands~~((-))~~; or
- 8 4. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be
9 considered exempt under this subsection 25.05.800.C.

10 D. ~~((R))~~ Water rights. The following appropriations of water shall be exempt, the
11 exemption covering not only the permit to appropriate water, but also any hydraulics permit,
12 shoreline permit or building permit required for a normal diversion or intake structure, well and
13 pumphouse reasonably necessary to accomplish the exempted appropriation, and including any
14 activities relating to construction of a distribution system solely for any exempted appropriation:

- 15 1. Appropriations of ~~((fifty-))~~ 50~~((-))~~ cubic feet per second or less of surface
16 water for irrigation purposes, when done without a government subsidy;
- 17 2. Appropriations of one ~~((1-))~~ cubic foot per second or less of surface water, or
18 of ~~((two thousand two hundred fifty-))~~ 2,250~~((-))~~ gallons per minute or less of ground water, for
19 any purpose.

20 E. Purchase or ~~((S))~~ sale of ~~((R))~~ real ~~((P))~~ property. The following real property
21 transactions by an agency shall be exempt:

- 22 1. The purchase or acquisition of any right to real property;
- 23 2. The sale, transfer or exchange of any publicly owned real property, but only if
24 the property is not subject to ~~((an))~~ a specifically designated and authorized public use established
25 by the public landowner and used by the public for that purpose;

1 3. ~~((The lease of real property when))~~ Leasing, granting an easement for, or
2 otherwise authorizing the use of ((the))real property ((for the term of the lease))when the
3 property use will remain essentially the same as the existing use for the term of the agreement, or
4 when the use under the lease, easement or other authorization is otherwise exempted by this
5 ~~((e))~~ Chapter 25.05.

6 F. ~~((Minor))~~ Land ((U))use ((D))decisions. The following land use decisions shall be
7 exempt:

8 1. Land use decisions for exempt projects, except that rezones shall comply with
9 subsection 25.05.800.F.3.

10 2. Other land use decisions not qualified for exemption under subsection
11 25.05.800.F.1 (such as a home occupation or change of use) are exempt provided:

12 a. The authorized activities will be conducted within an existing building
13 or facility qualifying for exemption under subsections 25.05.800.A and 25.05.800.B; and

14 b. The activities will not change the character of the building or facility in
15 a way that would remove it from an exempt class.

16 3. Where an exempt project requires a rezone, the rezone is exempt only if:

17 a. The project is in an urban growth area in a city or county planning
18 under RCW 36.70A.040;

19 b. The proposed rezone is consistent with and does not require an
20 amendment to the comprehensive plan; and

21 c. The applicable comprehensive plan was previously subjected to
22 environmental review and analysis through an EIS under the requirements of this Chapter 25.05
23 prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.

24 ~~((4))~~4. Except upon lands covered by water, the approval of short plats or short
25 subdivisions pursuant to the procedures required by RCW 58.17.060, ((but not including

1 ~~further~~)and short plats or short subdivisions ((or short platting within a plat or subdivision
2 ~~previously exempted under this subsection))~~within the original short subdivision boundaries
3 provided the cumulative divisions do not exceed the total lots allowed to be created under RCW
4 58.17.020. This exemption includes binding site plans authorized by RCW 58.17.035 up to the
5 same number of lots allowed by the jurisdiction as a short subdivision;

6 ~~((2. Granting of variances based on special circumstances, not including~~
7 ~~economic hardship, applicable to the subject property, such as size, shape, topography, location~~
8 ~~or surroundings and not resulting in any change in land use or density;~~

9 ~~3. Classifications of land for current use taxation under Chapter 84.34 RCW, and~~
10 ~~classification and grading of forest land under Chapter 84.33 RCW;))~~

11 ~~((4))~~5. Annexation of territory by a city or town;

12 6. Granting of variance based on special circumstances, not including economic
13 hardship, applicable to the subject property, such as size, shape, topography, location, or
14 surroundings and not resulting in any change in land use or density;

15 7. Alteration of property lines as authorized by RCW 58.17.040(6).

16 G. School ~~((C))~~closures. The adoption and implementation of a plan, program, or
17 decision for the closure of a school or schools shall be exempt. Demolition, physical
18 modification or change of a facility from a school use shall not be exempt under this
19 ~~((subs))~~Section 25.05.800.

20 H. Open ~~((B))~~burning. Open burning and the issuance of any license for open burning
21 shall be exempt. The adoption of plans, programs, objectives, or regulations by any agency
22 incorporating general standards respecting open burning shall not be exempt.

23 I. Clean Air Act. The following actions under the Clean Air Act shall be exempt:

24 1. The granting of variances under RCW 70.94.181 extending applicable air
25 pollution control requirements for one ~~((1))~~ year or less shall be exempt;

1 2. The issuance, renewal, reopening, or revision of an air operating permit under
2 RCW 70.94.161.

3 J. Water ~~((Q))~~quality ~~((E))~~certifications. The granting or denial of water quality
4 certifications under the federal Clean Water Act (Federal Water Pollution Control Act
5 Amendments of 1972, 33 USC 1341) shall be exempt.

6 K. Activities of the ~~((S))~~state ~~((L))~~legislature. All actions of the state legislature are
7 exempted.~~((This subsection does not exempt the proposing of legislation by an agency (Section
8 25.05.704).))~~

9 L. Judicial ~~((A))~~activity. The following shall be exempt:

- 10 1. All adjudicatory actions of the judicial branch;
- 11 2. Any quasi-judicial action of any agency if such action consists of the review of
12 a prior administrative or legislative decision. Decisions resulting from contested cases or other
13 hearing processes conducted prior to the first decision on a proposal or upon any application for
14 a rezone, conditional use permit or other similar permit not otherwise exempted by this
15 ~~((e))~~Chapter 25.05, are not exempted by this ~~((subs))~~Section 25.05.800.

16 M. Enforcement and ~~((I))~~inspections. The following enforcement and inspection
17 activities shall be exempt:

18 1. All actions, including administrative orders and penalties, undertaken to
19 enforce a statute, regulation, ordinance, resolution, or prior decision. No license shall be
20 considered exempt by virtue of this ~~((subs))~~Section 25.05.800; nor shall the adoption of any
21 ordinance, regulation or resolution be considered exempt by virtue of this ~~((subs))~~Section
22 25.05.800;

23 2. All inspections conducted by an agency of either private or public property for
24 any purpose;

1 3. All activities of fire departments and law enforcement agencies except
2 physical construction activity;

3 4. Any action undertaken by an agency to abate a nuisance or to abate, remove or
4 otherwise cure any hazard to public health or safety. The application of pesticides and chemicals
5 is not exempted by this ~~((subs))~~Section 25.05.800 but may be exempted elsewhere in these
6 guidelines. No license or adoption of any ordinance, regulation, or resolution shall be considered
7 exempt by virtue of this ~~((subs))~~Section 25.05.800;

8 5. Any suspension or revocation of a license for any purpose.

9 N. Business and ~~((Θ))~~other ~~((R))~~regulatory ~~((L))~~licenses. The following business and
10 other regulatory licenses are exempt:

11 1. All licenses to undertake an occupation, trade, or profession;

12 2. All licenses required under electrical, fire, plumbing, heating, mechanical, and
13 safety codes and regulations, but not including building permits;

14 3. All licenses to operate or engage in amusement devices and rides and
15 entertainment activities~~((;))~~ including, but not limited to, cabarets, carnivals, circuses and other
16 traveling shows, dances, music machines, golf courses, and theaters, including approval of the
17 use of public facilities for temporary civic celebrations, but not including licenses or permits
18 required for permanent construction of any of the above;

19 4. All licenses to operate or engage in charitable or retail sales and service
20 activities~~((;))~~ including, but not limited to, peddlers, solicitors, second hand shops, pawnbrokers,
21 vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks,
22 massage parlors, public garages and parking lots, and used automobile dealers;

23 5. All licenses for private security services~~((;))~~ including, but not limited to,
24 detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers,
25 guard dogs, locksmiths, and bail bond services;

1 6. All licenses for vehicles for-hire and other vehicle related activities, including
2 but not limited to taxicabs, ambulances, and tow trucks; provided, that regulation of common
3 carriers by the utilities and transportation commission shall not be considered exempt under this
4 ~~((subs))~~ Section 25.05.800;

5 7. All licenses for food or drink services, sales, and distribution~~((;))~~ including, but
6 not limited to, restaurants, liquor, and meat;

7 8. All animal control licenses~~((;))~~ including, but not limited to, pets, kennels, and
8 pet shops. Establishment or construction of such a facility shall not be considered exempt by this
9 ~~((subs))~~ Section 25.05.800;

10 9. The renewal or reissuance of a license regulating any present activity or
11 structure so long as no material changes are involved.

12 O. Activities of ~~((A))~~ agencies. The following administrative, fiscal and personnel
13 activities of agencies shall be exempt:

14 1. The procurement and distribution of general supplies, equipment, and services
15 authorized or necessitated by previously approved functions or programs;

16 2. The assessment and collection of taxes;

17 3. The adoption of all budgets and agency requests for appropriation; provided,
18 that if such adoption includes a final agency decision to undertake a major action, that portion of
19 the budget is not exempted by this ~~((subs))~~ Section 25.05.800;

20 4. The borrowing of funds, issuance of bonds, or applying for a grant and related
21 financing agreements and approvals;

22 5. The review and payment of vouchers and claims;

23 6. The establishment and collection of liens and service billings;

24 7. All personnel actions, including hiring, terminations, appointments,
25 promotions, allocations of positions, and expansions or reductions in force;

1 8. All agency organization, reorganization, internal operational planning or
2 coordination of plans or functions;

3 9. Adoptions or approvals of utility, transportation and solid waste disposal rates;

4 10. The activities of school districts pursuant to desegregation plans or programs;
5 however, construction of real property transactions or the adoption of any policy, plan, or
6 program for such construction of real property transaction shall not be considered exempt under
7 this subsection 25.05.800.O (see also ~~((S))~~subsection ~~((25.05.800-G))~~25.05.800.G).

8 11. Classification of land for current use taxation under chapter 84.34 RCW, and
9 classification and grading of forest land under chapter 84.33 RCW.

10 P. Financial ~~((A))~~assistance ~~((G))~~grants. The approval of grants or loans by one agency
11 to another shall be exempt, although an agency may at its option require compliance with SEPA
12 prior to making a grant or loan for design or construction of a project. This exemption includes
13 agencies taking nonproject actions that are necessary to apply for federal or other financial
14 assistance.

15 Q. Local ~~((F))~~improvement ~~((D))~~districts and special purpose districts. The formation of
16 local improvement districts and special purpose districts, unless such formation constitutes a
17 final agency decision to undertake construction of a structure or facility not exempted under
18 Sections 25.05.800 and 25.05.880. A special district or special purpose district is a local
19 government entity designated by the Revised Code of Washington (RCW) and is not a city,
20 town, township, or county.

21 R. Information ~~((E))~~collection and ~~((R))~~research. Basic data collection, research,
22 resource evaluation, request for proposals (RFPs), and the conceptual planning of proposals shall
23 be exempt. These may be strictly for information-gathering, or as part of a study leading to a
24 proposal that has not yet been approved, adopted, or funded; this exemption does not include any
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1 agency action that commits the agency to proceed with such a proposal. (Also see Section
2 25.05.070, ~~((1))~~Limitations on actions during SEPA process~~((3))~~).

3 S. Acceptance of ~~((F))~~filings. The acceptance by an agency of any document or thing
4 required or authorized by law to be filed with the agency and for which the agency has no
5 discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt
6 by virtue of this ~~((subs))~~Section 25.05.800.

7 T. Procedural ~~((A))~~actions. The proposal, amendment or adoption of legislation, rules,
8 regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

9 1. ~~((#))~~Relating solely to governmental procedures, and containing no substantive
10 standards respecting use or modification of the environment~~((shall be exempt))~~.

11 2. Text amendments resulting in no substantive changes respecting use or
12 modification of the environment.

13 3. Agency SEPA procedures~~((shall be exempt))~~.

14 U. ~~((Building Codes. The adoption by ordinance of all codes as required by the State~~
15 ~~Building Code Act (Chapter 19.27 RCW.))~~Reserved

16 V. Adoption of ~~((N))~~noise ~~((O))~~ordinances. The adoption by counties/cities of
17 resolutions, ordinances, rules or regulations concerned with the control of noise which do not
18 differ from regulations adopted by the Department of Ecology under ~~((E))~~chapter 70.107 RCW.
19 When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which
20 differs from the applicable state regulations~~((and thus requires approval of the Department of~~
21 ~~Ecology under RCW 70.107.060(4))~~), SEPA compliance may be limited to those items which
22 differ from state regulations.

23 W. Review and ~~((E))~~comment ~~((A))~~actions. Any activity where one agency reviews or
24 comments upon the actions of another agency or another department within an agency shall be
25 exempt.

1 X. Utilities. The utility-related actions listed below shall be exempt, except for
2 installation, construction, or alteration on lands covered by water. The exemption includes
3 installation and construction, relocation when required by other governmental bodies, repair,
4 replacement, maintenance, operation, or alteration that does not change the action from an
5 exempt class:

6 1. All communications lines, including cable TV, but not including
7 communication towers or relay stations;

8 2. All stormwater, water and sewer facilities, lines, equipment, hookups or
9 appurtenances including, utilizing or related to lines ~~((eight))~~ 12 inches ~~((8"))~~ or less in
10 diameter;

11 3. All electric facilities, lines, equipment or appurtenances, not including
12 substations, with an associated voltage of ~~((fifty five thousand ()))~~ 55,000 ~~((+))~~ volts or less; and
13 the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more
14 than 55,000 volts); and the undergrounding of all electrical facilities, lines, equipment, or
15 appurtenances;

16 4. All natural gas distribution (as opposed to transmission) lines and necessary
17 appurtenant facilities and hookups;

18 5. All developments within the confines of any existing electrical substation,
19 reservoir, pump station, vault, pipe, or well, ~~((; provided, that a))~~ Additional appropriations of
20 water are not exempted by this ~~((subs))~~ Section 25.05.800;

21 6. Periodic use of chemical or mechanical means to maintain a utility or
22 transportation right-of-way in its design condition; provided, ~~((that))~~ the chemicals used are
23 approved by ~~((the))~~ Washington State ~~((Department of Agriculture))~~ and applied by licensed
24 personnel. This exemption shall not apply to the use of chemicals within watersheds that are
25 controlled for the purpose of drinking water quality in accordance with WAC 248-54-660;

1 7. All grants of rights-of-way by agencies to utilities for use for distribution (as
2 opposed to transmission) purposes;

3 8. All grants of franchises by agencies to utilities;

4 9. All disposals of rights-of-way by utilities.

5 Y. Natural ~~((R))~~resources ~~((M))~~management. In addition to the other exemptions
6 contained in this ~~((subs))~~Section 25.05.800, the following natural resources management
7 activities shall be exempt:

8 1. All Class I, II, III forest practices as defined by RCW 76.09.050 or regulations
9 thereunder;

10 2. Issuance of new grazing leases covering a section of land or less, and issuance
11 of all grazing leases for land that has been subject to a grazing lease within the previous ten
12 ~~((10))~~years;

13 3. Licenses or approvals to remove firewood;

14 4. Issuance of agricultural leases covering ~~((one hundred sixty ()))~~160~~((+))~~
15 contiguous acres or less;

16 5. Issuance of leases for Christmas tree harvesting or brush picking;

17 6. Issuance of leases for school sites;

18 7. Issuance of leases for, and placement of, mooring buoys designed to serve
19 pleasure craft;

20 8. Development of recreational sites not specifically designed for all-terrain
21 vehicles and not including more than ~~((twelve ()))~~12~~((+))~~ campsites;

22 9. Periodic use of chemical or mechanical means to maintain public park and
23 recreational land; provided, that chemicals used are approved by the Washington State
24 Department of Agriculture and applied by licensed personnel. This exemption shall not apply to
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1 the use of chemicals within watersheds that are controlled for the purpose of drinking water
2 quality in accordance with WAC 248-54-660;

3 10. Issuance of rights-of-way, easements and use permits to use existing roads in
4 non-residential areas;

5 11. Establishment of natural area preserves to be used for scientific research and
6 education and for the protection of rare flora and fauna, under the procedures of ~~((€))~~chapter
7 79.70 RCW;

8 Z. Watershed ~~((R))~~restoration ~~((P))~~projects. Actions pertaining to watershed restoration
9 projects as defined in RCW 89.08.460(2) are exempt; provided, they implement a watershed
10 restoration plan which has been reviewed under SEPA (RCW 89.08.460(1)).

11 AA. ~~((Personal-))~~Wireless ~~((S))~~service ~~((F))~~facilities~~((,-))~~

12 1. The siting of ~~((personal-))~~wireless service facilities are exempt if~~((the~~
13 ~~facility))~~:

14 a. ~~((Is a microcell and is to be attached to an existing structure that is not a~~
15 ~~residence or school and does not contain a residence or a school;~~

16 b. ~~Includes personal wireless service antennas, other than a microcell, and~~
17 ~~is to be attached to an existing structure (that may be an existing tower) that is not a residence or~~
18 ~~school and does not contain a residence or school, and the existing structure to which it is to be~~
19 ~~attached is located in a commercial or industrial zone; or))~~The collocation of new equipment,
20 removal of equipment, or replacement of existing equipment on existing or replacement
21 structures that does not substantially change the physical dimensions of such structures; or

22 ~~((e))~~b. ~~((F))~~The siting project involves constructing a ~~((personal-))~~wireless
23 service tower less than ~~((sixty-))~~60~~((+))~~ feet in height that is located in a commercial or industrial
24 zone.

25 2. For the purposes of this subsection 25.05.800.AA:

1 a. "~~((Personal w))~~Wireless services" means wireless data and
2 telecommunications services, including commercial mobile services, commercial mobile data
3 services, unlicensed wireless services, and common carrier wireless exchange access services, as
4 defined by federal laws and regulations.

5 b. "~~((Personal w))~~Wireless service facilities" means facilities for the
6 provision of ~~((personal))~~wireless services.

7 c. ("~~Microcell~~" means a ~~wireless communication facility consisting of an~~
8 ~~antenna that is either:~~

9 i. ~~Four (4) feet in height and with an area of not more than five~~
10 ~~hundred eighty (580) square inches; or~~

11 ii. ~~If a tubular antenna, no more than four (4) inches in diameter~~
12 ~~and no more than six (6) feet in length))~~"Collocation" means the mounting or installation of
13 equipment on an existing tower, building, structure for the purposes of either transmitting or
14 receiving, or both, radio frequency signals for communication purposes.

15 d. "Existing structure" means any existing tower, pole, building, or other
16 structure capable of supporting wireless service facilities.

17 e. "Substantially change the physical dimensions" means:

18 1) The mounting of equipment on a structure that would increase
19 the height of the structure by more than 10 percent, or 20 feet, whichever is greater; or

20 2) The mounting of equipment that would involve adding an
21 appurtenance to the body of the structure that would protrude from the edge of the structure more
22 than 20 feet, or more than the width of the structure at the level of the appurtenance, whichever is
23 greater.

24 3. This exemption does not apply to projects within an environmentally critical
25 area designated under GMA (RCW 36.70A.060).

1 BB. The following Washington department of transportation projects and activities shall
2 be exempt: The repair, reconstruction, restoration, retrofitting, or replacement of any road,
3 highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including
4 ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in
5 operation, as long as the action:

6 1. Occurs within the existing right of way and in a manner that substantially
7 conforms to the preexisting design, function, and location as the original except to meet current
8 engineering standards or environmental permit requirements; and

9 2. The action does not result in addition of automobile lanes, a change in
10 capacity, or a change in functional use of the facility.

11 Section 72. Section 25.05.920 of the Seattle Municipal Code, last amended by Ordinance
12 114057, is amended as follows:

13 **25.05.920 Agencies with environmental expertise((~~o~~))**

14 The following agencies shall be regarded as possessing special expertise relating to those
15 categories of the environment under which they are listed:

16 A. Air ~~((Q))~~quality~~((~~o~~))~~

- 17 1. Department of Ecology.
18 2. Department of Natural Resources (only for burning in forest areas).
19 3. Department of ~~((Social and))~~Health~~((~~Services~~))~~.
20 4. Regional air pollution control authority or agency.

21 B. Water ~~((R))~~resources and ~~((W))~~water ~~((Q))~~quality~~((~~o~~))~~

- 22 1. Department of Fish and Wildlife.
23 2. Department of Ecology.
24 3. Department of Natural Resources (state-owned tidelands, shorelands, harbor
25 areas, or beds of navigable waters).

1 4. Department of ~~((Social and))~~Health ~~((Services))~~(public water supplies, sewer
2 systems, shellfish habitats).

3 5. ~~((Department of Fisheries.~~

4 6. ~~Municipality of Metropolitan Seattle (METRO))~~King County Department of
5 Natural Resources and Parks (DNRP).

6 C. Hazardous and ~~((F))~~toxic ~~((S))~~substances (including radiation)~~((;))~~

7 1. Department of Ecology.

8 2. Department of ~~((Social and))~~Health~~((Services))~~.

9 3. Department of Agriculture (foods or pesticides).

10 4. Department of ~~((Fisheries))~~Fish and Wildlife (introduction into waters).

11 ~~((5. Department of Wildlife (introduction into waters).))~~

12 D. Solid and ~~((H))~~hazardous ~~((W))~~waste~~((;))~~

13 1. Department of Ecology.

14 2. Department of ~~((Fisheries))~~Fish and Wildlife (dredge spoils).

15 3. Department of ~~((Social and))~~Health~~((Services))~~.

16 ~~((4. Department of Wildlife (dredge spoils).))~~

17 E. Fish and ~~((W))~~wildlife.~~((~~

18 1.)) Department of Fish and Wildlife.

19 ~~((2. Department of Fisheries.))~~

20 F. Natural ~~((R))~~resources ~~((D))~~development~~((;))~~

21 1. ~~((Department of Commerce and Economic Development.~~

22 2.)) Department of Ecology.

23 ~~((3))~~2. Department of Natural Resources.

24 ~~((4))~~3. Department of ~~((Fisheries))~~Fish and Wildlife.

25 ~~((5. Department of Wildlife.))~~

1 G. Energy (~~(P)~~)production, (~~(T)~~)transmission and (~~(E)~~)consumption(~~(r)~~)

- 2 1. Department of Ecology.
3 2. Department of Natural Resources (geothermal, coal, uranium).
4 3. (~~(State Energy Office)~~)Department of Commerce.
5 4. Energy Facility Site Evaluation Council.
6 5. Utilities and Transportation Commission.

7 H. Land (~~(U)~~)use and (~~(M)~~)management(~~(r)~~)

- 8 1. Department of Commerce(~~(-and Economic Development)~~).
9 2. Department of Ecology.
10 3. Department of (~~(Fisheries)~~)Fish and Wildlife (affecting surface or marine
11 waters).
12 4. Department of Natural Resources (tidelands, shorelands, or state-owned or
13 managed lands).
14 (~~(5. Planning and Community Affairs Agency.~~
15 ~~6. Department of Wildlife.)~~)

16 I. Noise(~~(r)~~)

- 17 1. Department of Ecology.
18 2. Department of (~~(Social and)~~)Health(~~(-Services)~~).

19 J. Recreation(~~(r)~~)

- 20 1. Department of Commerce(~~(-and Economic Development)~~).
21 2. Department of Fish and Wildlife.
22 3. (~~(Department of Fisheries.~~
23 4.)) Parks and Recreation Commission.
24 (~~(5)~~)4. Department of Natural Resources.

25 K. Archaeological/historical. ((
26
27
28

1. ~~Office~~) Department of Archaeology and Historic Preservation.

~~((2. Washington State University at Pullman (Washington Archaeological
Research Center);))~~

L. Transportation((;))

1. Department of Transportation.

2. Utilities and Transportation Commission.

3. ~~((Municipality of Metropolitan Seattle (METRO)))~~ King County Metro Transit.

Section 73. Section 25.05.960 of the Seattle Municipal Code, last amended by Ordinance
119096, is amended as follows:

Subchapter XI Forms

25.05.960 Environmental checklist((;))

City departments shall use an environmental checklist substantially in the form set forth
in WAC 197-11-960.

~~((ENVIRONMENTAL CHECKLIST~~

~~**Purpose of Checklist:**~~

~~The State Environmental Policy Action (SEPA), Chapter 43.21C RCW, requires all
governmental agencies to consider the environmental impacts of a proposal before making
decisions. An environmental impact statement (EIS) must be prepared for all proposals with
probable significant adverse impacts on the quality of the environment. The purpose of this
checklist is to provide information to help you and the agency identify impacts from your
proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the
agency decide whether an EIS is required.~~

1 **Instructions for Applicants:**

2
3 ~~This environmental checklist asks you to describe some basic information about your proposal.~~
4 ~~Governmental agencies use this checklist to determine whether the environmental impacts of~~
5 ~~your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with~~
6 ~~the most precise information known, or give the best description you can.~~

7
8 ~~You must answer each question accurately and carefully, to the best of your knowledge. In most~~
9 ~~cases, you should be able to answer the questions from your own observations or project plans~~
10 ~~without the need to hire experts. If you really do not know the answer, or if a question does not~~
11 ~~apply to your proposal, write “do not know” or “does not apply.” Complete answers to the~~
12 ~~questions now may avoid unnecessary delays later.~~

13
14 ~~Some questions ask about government regulations, such as zoning, shoreline, and landmark~~
15 ~~designations. Answer these questions if you can. If you have problems, the governmental~~
16 ~~agencies can assist you.~~

17
18 ~~The checklist questions apply to all parts of your proposal, even if you plan to do them over a~~
19 ~~period of time or on different parcels of land. Attach any additional information that will help~~
20 ~~describe your proposal or its environmental effects. The agency to which you submit this~~
21 ~~checklist may ask you to explain your answers or provide additional information reasonably~~
22 ~~related to determining if there may be significant adverse impact.~~

23
24 **Use of Checklist for Nonproject Proposals:**

1 ~~Complete this checklist for nonproject proposals, even though questions may be answered “does~~
2 ~~not apply.” In addition, complete the SUPPLEMENTAL SHEET FOR NONPROJECT~~
3 ~~ACTIONS (part D).~~

4
5 For nonproject actions, the references in the checklist to the words “project”, “applicant”, and
6 “property or site” should be read as “proposal,” “proposer,” and “affected geographic area,”
7 respectively.

8 **~~A. BACKGROUND~~**

9 ~~1. Name of proposed project, if applicable:~~

10
11 ~~2. Name of Applicant:~~

12 ~~3. Address and phone number of applicant and contact person:~~

13
14 ~~4. Date checklist prepared:~~

15 ~~5. Agency requesting checklist:~~

16 ~~6. Proposed timing or schedule (include phasing if applicable):~~

17
18 ~~7. Do you have any plans for future additions, expansions, or further activities related to or~~
19 ~~connected with this proposal? If yes, explain.~~

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~~8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.~~

~~9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.~~

~~10. List any governmental approvals or permits that will be needed for your proposal, if known.~~

~~11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)~~

~~12. Location of the Proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.~~

TO BE COMPLETED BY APPLICANT

**EVALUATION FOR
AGENCY USE ONLY**

1 **~~B. ENVIRONMENTAL ELEMENTS:~~**

2 **~~1. Earth~~**

3 ~~a. General description of the site: (circle one) Flat, rolling, hilly, steep slopes, mountainous,~~
4 ~~other _____.~~

5 ~~b. What is the steepest slope on the site (approximate percent slope)?~~

6
7 ~~c. What general types of soils are found on the site (for example, clay, sand, gravel, peat,~~
8 ~~muck)? If you know the classification of agricultural soils, specify them and note any prime~~
9 ~~farmland.~~

10
11 ~~d. Are there surface indications or history of unstable soils in the immediate vicinity?~~
12 ~~If so, describe.~~

13
14 ~~e. Describe the purpose, type, and approximate quantities of any filling or grading proposed.~~
15 ~~Indicate source of fill.~~

16
17 ~~f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.~~

18
19 ~~g. About what percent of the site will be covered with impervious surfaces after project~~
20 ~~construction (for example, asphalt or buildings)?~~

21
22 ~~h. Proposed measures to reduce or control erosion, other impacts to the earth, if any:~~

23
24 **~~2. Air~~**

25 ~~a. What types of emissions to the air would result from the proposal (i.e., dust, automobile,~~
26
27
28

1 ~~odors, industrial wood, smoke) during construction and when the project is completed? If any,~~
2 ~~generally describe and give approximate quantities if known.~~

3
4 ~~b. Are there any off site sources of emissions or odor that may affect your proposal? If so,~~
5 ~~generally describe.~~

6
7 ~~c. Proposed measures to reduce or control emissions or other impacts to air, if any:~~

8
9 ~~**3. Water**~~

10
11 ~~a. Surface:~~

12
13 ~~(1) Is there any surface water body on or in the immediate vicinity of the site (including~~
14 ~~year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type~~
15 ~~and provide names. If appropriate, state what stream or river it flows into.~~

16
17 ~~(2) Will the project require any work over, in, or adjacent to (within two hundred (200)~~
18 ~~feet) the described waters? If yes, please describe and attach available plans.~~

19
20 ~~(3) Estimate the amount of fill and dredge material that would be placed in or removed~~
21 ~~from surface water or wetlands and indicate the area of the site that would be affected.~~
22 ~~Indicate the source of fill material.~~

23
24 ~~(4) Will the proposal require surface water withdrawals or diversions? Give general~~
25 ~~description, purpose, and approximate quantities if known.~~

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~~(5) Does the proposal lie within a one hundred (100)-year floodplain? If so, note location on the site plan.~~

~~(6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.~~

~~b. Ground:~~

~~(1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.~~

~~(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example, domestic sewage, industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.~~

~~c. Water Runoff (including storm water):~~

~~(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.~~

~~(2) Could waste materials enter ground or surface waters? If so, generally describe.~~

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~~d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:~~

4. Plants

~~a. Check or circle types of vegetation found on the site:~~

~~deciduous tree: alder, maple, aspen, other~~

~~evergreen tree: fir, cedar, pine, other~~

~~shrubs~~

~~grass~~

~~pasture~~

~~crop or grain~~

~~wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other~~

~~water plants: water lily, eelgrass, milfoil, other~~

~~other types of vegetation~~

~~b. What kind and amount of vegetation will be removed or altered?~~

~~c. List threatened or endangered species known to be on or near the site.~~

~~d. Proposed landscaping, use of native plants, or other measures to preserve or enhance
vegetation on the site, if any:~~

5. Animals

~~a. Circle any birds and animals which have been observed on or near the site or are known to be~~

1 ~~on or near the site:~~

2
3 ~~birds: hawk, heron, eagle, songbirds, other:~~

4 ~~mammals: deer, bear, elk, beaver, other:~~

5 ~~fish: bass, salmon, trout, herring, shellfish, other:-~~

6 ~~b. List any threatened or endangered species known to be on or near the site.~~

7
8 ~~e. Is the site part of a migration route? If so, explain.~~

9
10 ~~d. Proposed measures to preserve or enhance wildlife, if any:~~

11
12 **6. Energy and Natural Resources**

13
14 ~~a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the~~
15 ~~completed project's energy needs? Describe whether it will be used for heating, manufacturing,~~
16 ~~etc.~~

17
18 ~~b. Would your project affect the potential use of solar energy by adjacent properties? If so,~~
19 ~~generally describe.~~

20
21 ~~c. What kinds of energy conservation features are included in the plans of this proposal? List~~
22 ~~other proposed measures to reduce or control energy impacts, if any:~~

23
24 **7. Environmental Health**

1 ~~a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of~~
2 ~~fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so,~~
3 ~~describe.~~

4
5 ~~(1) Describe special emergency services that might be required.~~

6
7 ~~(2) Proposed measures to reduce or control environmental health hazards, if any:~~

8
9 ~~b. Noise:~~

10
11 ~~(1) What types of noise exist in the area which may affect your project (for example:~~
12 ~~traffic, equipment, operation, other)?~~

13
14 ~~(2) What types and levels of noise would be created by or associated with the project on~~
15 ~~a short term or a long term basis (for example: traffic, construction, operation, other)?~~
16 ~~Indicate what hours noise would come from the site.~~

17
18 ~~(3) Proposed measures to reduce or control noise impacts, if any:~~

19
20 **8. Land Shoreline Use**

21
22 ~~a. What is the current use of the site and adjacent properties?~~

23
24 ~~b. Has the site been used for agriculture? If so, describe.~~

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- ~~e. Describe any structures on the site.~~
- ~~d. Will any structures be demolished? If so, what?~~
- e. What is the current zoning classification of the site?
- ~~f. What is the current comprehensive plan designation of the site?~~
- ~~g. If applicable, what is the current shoreline master program designation of the site?~~
- ~~h. Has any part of the site been classified as an “environmentally critical” area? If so, specify.~~
- ~~i. Approximately how many people would reside or work in the completed project?~~
- ~~j. Approximately how many people would the completed project displace?~~
- ~~k. Proposed measures to avoid or reduce displacement impacts, if any:~~
- ~~l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:~~

9. Housing

- ~~a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing.~~

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~~b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing.~~

~~c. Proposed measures to reduce or control housing impacts, if any:~~

10. Aesthetics

~~a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?~~

~~b. What views in the immediate vicinity would be altered or obstructed?~~

~~c. Proposed measures to reduce or control aesthetic impacts, if any:~~

11. Light and Glare

~~a. What type of light or glare will the proposal produce? What time of day would it mainly occur?~~

~~b. Could light or glare from the finished project be a safety hazard or interfere with views?~~

~~c. What existing off site sources of light or glare may affect your proposal?~~

~~d. Proposed measures to reduce or control light and glare impacts, if any:~~

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12. Recreation

- ~~a. What designated and informal recreational opportunities are in the immediate vicinity?~~
- ~~b. Would the proposed project displace any existing recreational uses? If so, describe.~~
- ~~c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:~~

13. Historic and Cultural Preservation

- ~~a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.~~
- ~~b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.~~
- ~~c. Proposed measures to reduce or control impacts, if any:~~

14. Transportation

- ~~a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.~~

1 ~~b. Is site currently served by public transit? If not, what is the approximate distance to the~~
2 ~~nearest transit stop?~~

3
4 ~~c. How many parking spaces would the completed project have? How many would the project~~
5 ~~eliminate?~~

6
7 ~~d. Will the proposal require any new roads or streets, or improvements to existing roads or~~
8 ~~streets, not including driveways? If so, generally describe (indicate whether public or private).~~

9
10 ~~e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If~~
11 ~~so, generally describe.~~

12
13 ~~f. How many vehicular trips per day would be generated by the completed project? If known,~~
14 ~~indicate when peak volumes would occur.~~

15
16 ~~g. Proposed measures to reduce or control transportation impacts, if any:~~

17
18 **~~15. Public Services~~**

19
20 ~~a. Would the project result in an increased need for public services (for example: fire protection,~~
21 ~~police protection, health care, schools, other)? If so, generally describe.~~

22
23 ~~b. Proposed measures to reduce or control direct impacts on public services, if any.~~

24
25 **~~16. Utilities~~**

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~~a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone sanitary sewer, septic system, other.~~

~~b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.~~

~~**C. SIGNATURE:**~~

~~The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.~~

~~Signature: _____~~

~~Date Submitted: _____~~

~~**TO BE COMPLETED BY APPLICANT** _____ **EVALUATION FOR AGENCY USE ONLY**~~

~~**D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS**~~

~~(do not use this sheet for project actions)~~

~~Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.~~

1 ~~When answering the questions, be aware of the extent of the proposal, or the types of activities~~
2 ~~likely to result from the proposal, would affect the item at a greater intensity or at a faster rate~~
3 ~~than if the proposal were not implemented. Respond briefly and in general terms.~~

4
5 ~~1. How would the proposal be likely to increase discharge to water; emissions to air; production,~~
6 ~~storage, or release of toxic or hazardous substances; or production of noise?~~

7
8 ~~Proposed measures to avoid or reduce such increases are:~~

9
10 ~~2. How would the proposal be likely to affect plants, animals, fish or marine life?~~

11
12 ~~Proposed measures to protect or conserve plants, animals, fish, or marine life are:~~

13
14 ~~3. How would the proposal be likely to deplete energy or natural resources?~~

15
16 ~~Proposed measures to protect or conserve energy and natural resources are:~~

17
18 ~~4. How would the proposal be likely to use or affect environmentally critical areas or areas~~
19 ~~designated (or eligible or under study) for governmental protection; such as parks, wilderness,~~
20 ~~wild and scenic rivers, threatened, or endangered species habitat, historic or cultural sites,~~
21 ~~wetlands, floodplains, or prime farmlands?~~

22
23 ~~Proposed measures to protect such resources or to avoid or reduce impacts are:~~

1 ~~5. How would the proposal be likely to affect land and shoreline use, including whether it would~~
2 ~~allow or encourage land or shoreline uses incompatible with existing plans?~~

3
4 ~~Proposed measures to avoid or reduce shoreline and land use impacts are:~~

5
6 ~~6. How would the proposal be likely to increase demands on transportation or public services~~
7 ~~and utilities?~~

8
9 ~~Proposed measures to reduce or respond to such demand(s) are:~~

10
11 ~~7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or~~
12 ~~requirements for the protection of the environment.)~~

13 Section 74. Section 25.06.030 of the Seattle Municipal Code, last amended by Ordinance
14 124447, is amended as follows:

15 **25.06.030 Definitions**

16 Unless specifically defined below, words or phrases used in this Chapter 25.06 shall be
17 interpreted to give them the meaning they have in common usage. For purposes of this Chapter
18 25.06, the following words or phrases are defined as set out below:

19 * * *

20 H. "Flood Insurance Rate Map (FIRM)" means the ~~((most current map provided by the~~
21 ~~Federal Emergency Management Agency (FEMA) for administration of the National Flood~~
22 ~~Insurance Program that))~~ Flood Insurance Study for King County, Washington and incorporated
23 areas, dated May 16, 1995, with accompanying Flood Insurance Rate Maps, that has delineated
24 both the areas of special flood hazards and the risk premium zones applicable to The City of
25 Seattle, or as otherwise required by the Department of Homeland Security.

* * *

Section 75. Section 25.06.050 of the Seattle Municipal Code, last amended by Ordinance 124447, is amended as follows:

25.06.050 Identification of areas of special flood hazard

Areas of special flood hazard in ~~((F))~~the City of Seattle are identified by the ~~((most current map provided by the Federal Emergency Management Agency (FEMA) for administration of the National Flood Insurance Program, which is))~~Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for King County, Washington and Incorporated Areas,” dated May 16, 1995, with an accompanying Flood Insurance Rate Map (FIRM), which are hereby adopted by reference and declared to be a part of this Chapter 25.06. The study and map shall be maintained on file at the Department of Planning and Development and the Seattle Public Utilities.

Section 76. Section 25.08.425 of the Seattle Municipal Code, last amended by Ordinance 122923, is amended as follows:

25.08.425 Sounds created by construction and maintenance equipment

A. The exterior sound level limits established by Sections 25.08.410 and 25.08.420, as measured from the property line of the real property of another person or at a distance of 50 feet from the construction or maintenance equipment making the sound, whichever is greater, may be exceeded during the following times by the sound levels specified in subsection 25.08.425.B for the types of equipment listed in that subsection 25.05.425.B.

1. Within Lowrise, Midrise, Highrise, Residential-Commercial, and Neighborhood Commercial zones, between 7 a.m. and 7 p.m. on weekdays and between 9 a.m. and 7 p.m. on weekends and legal holidays~~((, provided that if no property in residential use exists within 100 feet of the property generating the sound))~~, except that for parking lot maintenance or

1 A. No variance shall be granted until the Administrator has considered the relative
2 interests of the applicant, other owners or possessors of property likely to be affected by the
3 noise, and the general public.

4 B. A technical, economic, or major public project construction variance may be granted
5 only after notice and an opportunity for public comment. For technical or economic variances
6 proposed for more than two weeks and for major public project construction variances, a public
7 meeting is also required, in accordance with rules adopted by the Administrator.

8 C. The Administrator may grant a variance if the Administrator finds that:

9 1. The noise occurring or proposed to occur does not endanger public health or
10 safety; and

11 2. The applicant demonstrates that the criteria required for the variance are met;
12 and

13 3. For temporary variances, if the scale and duration of the requested relief is
14 more appropriate for a temporary variance than a technical, economic, or major public project
15 construction variance.

16 D. Noise Management and Mitigation Plan. As part of the application for a variance, an
17 applicant (~~must~~)shall submit a Noise Management and Mitigation Plan to be approved by the
18 Administrator. A Noise Management and Mitigation Plan (~~must~~)shall contain the following
19 components, except that the Administrator may modify the required components for a temporary
20 noise variance as the Administrator determines appropriate to fit the circumstances surrounding
21 the requested temporary variance:

22 1. A description of the exterior sound level limits of (~~the e~~)Chapter 25.08
23 expected to be exceeded, estimates of the amount(s) by which these levels are expected to be
24 exceeded and by what equipment, the exterior sound level limits that will be in effect during the
25 variance, the time periods during which the pre-variance exterior sound level limits may be
26

1 exceeded, and the expected sources of the sound during each of the time periods (e.g., types of
2 equipment or activity causing the exterior sound level limits to be exceeded);

3 2. Measures and provisions to be taken to avoid exceeding the exterior sound
4 level limits of this ((e))Chapter 25.08;

5 3. Provisions to mitigate sounds that exceed the exterior sound level limits and
6 that cannot otherwise be avoided.

7 4. A process for informing the public in the affected areas about the provisions of
8 the variance.

9 E. Variance conditions

10 1. The Administrator may impose conditions, including but not limited to
11 conditions relating to types of equipment, hours of use, and duration, to mitigate the adverse
12 impacts of granting the variance. The Administrator may also include conditions proposed by the
13 applicant as part of the variance application. Compliance with the Noise Management and
14 Mitigation Plan approved by the Administrator is a condition of every variance.

15 2. Failure to comply with the conditions of a noise variance or with any permit
16 conditions relating to noise may be subject to issuance of a citation under Section 25.08.900 and
17 to the penalties of Section 25.08.960, at the discretion of the Administrator, for a single
18 incidence of non-compliance. This remedy is an alternative to, but not in lieu of, the procedures
19 in Sections 25.08.720 and 25.08.730. The procedures of Sections 25.08.720 and 25.08.730 shall
20 apply to continuing failure to comply.

21 F. A temporary variance shall be effective on the effective date stated on the variance
22 form. Any other variance shall be effective 30 days following the mailing of the decision
23 granting the variance, unless it is appealed to the Hearing Examiner, in which case the effective
24 date is the date of the Hearing Examiner's written decision on the appeal.

1 Section 78. Section 25.08.655 of the Seattle Municipal Code, enacted by Ordinance
2 122923, is amended as follows:

3 **25.08.655 Major ~~(P)~~public ~~(P)~~project ~~(€)~~construction ~~(V)~~variance**

4 A. The Administrator may grant a major public project construction variance to provide
5 relief from the exterior sound level limits established by this ~~(e)~~Chapter 25.08 during the
6 construction periods of major public projects. A major public project construction variance shall
7 provide relief from the exterior sound level limits during the construction or reconstruction of a
8 major public project only to the extent the applicant demonstrates that compliance with the levels
9 would:

10 1. Be unreasonable in light of public or worker safety or cause the applicant to
11 violate other applicable regulations, including but not limited to regulations that reduce impacts
12 on transportation infrastructure or natural resources; or

13 2. Render the project economically or functionally unreasonable due to factors
14 such as the financial cost of compliance or the impact of complying for the duration of the
15 construction or reconstruction of the major public project.

16 B. A major public project construction variance shall set forth the period or periods
17 during which the variance is effective, which period or periods shall be the minimum reasonably
18 necessary in light of the standard set forth in subsection 25.08.655.A, and the exterior sound
19 level limits that will be in effect during the period of the variance. Different major public project
20 construction variances may be issued for distinct phases of a construction project, or one major
21 public project construction variance may be issued for the entire major public project. The period
22 or periods during which a major public project construction variance is effective may be stated in
23 terms of calendar dates or in terms of the duration of a construction project or a phase or phases
24 of a construction project.

1 C. The Administrator shall condition a major public project construction variance as
2 necessary to provide reasonable control or mitigation of the construction noise that may be
3 expected to occur pursuant to the variance.

4 D. One-year review and decision((-))

5 1. No later than one year after the start of construction to which a major public
6 project construction variance applies, the Administrator shall review(~~(, and provide opportunity~~
7 ~~for public comment on,)) the operation of the variance during the first year, including the
8 provisions of the Noise Management and Mitigation Plan, and the conditions of the variance. For
9 purposes of determining the date of the start of the project's construction work, site exploration
10 work is excluded.~~

11 2. (~~(After considering the public comments received, t))~~The Administrator may
12 modify the terms and conditions of the variance or the Noise Management and Mitigation
13 ~~((p))~~Plan as needed, or revoke the variance, if the Administrator determines that the current
14 variance, the conditions of the variance, or the Noise Management and Mitigation Plan are not
15 adequately protecting the public health and safety or reasonably controlling or mitigating the
16 construction noise, or that there are more reasonable methods of doing so.

17 3. The Administrator shall make a decision whether to modify or revoke a
18 variance pursuant to this review within (~~(one year))~~one year and 90 days after the start of
19 construction work as provided in subsection 25.08.655.D.1.

20 4. Appeal. Any person aggrieved by the decision of the Administrator whether to
21 modify a variance pursuant to this subsection 25.08.655.D may appeal such decision by filing an
22 appeal in writing with the Hearing Examiner by 5 p.m. of the tenth day following the date of the
23 issuance of the decision. When the last day of the appeal period is a Saturday, Sunday, or federal
24 or City holiday, the appeal may be filed until 5 p.m. on the next business day. The Hearing
25 Examiner appeal shall be conducted pursuant to ~~((s))~~Section 25.08.610.

1 5. Effective date. The decision of the Administrator whether to modify a variance
2 pursuant to this subsection 25.08.655.D is effective 30 days following the decision unless it is
3 appealed to the Hearing Examiner. If the Administrator's decision is appealed to the Hearing
4 Examiner, the Administrator's decision does not take effect and the original terms and conditions
5 of the variance remain in effect until the effective date of the Hearing Examiner decision. The
6 Hearing Examiner decision is a final decision of the City for purposes of ((~~RCW~~)chapter
7 36.70C RCW), and is effective 30 days from the date of the decision, unless otherwise ordered by
8 a court. If a court stays the effective date of the decision, the original unmodified variance shall
9 remain in effect during the stay.

10 Section 79. The Wallingford Design Guidelines, enacted by Ordinance 124389, are
11 amended to change the title page and to correct the map of the Wallingford Planning Area
12 Boundary on page vii, as shown on Exhibit A to this ordinance.

13 Section 80. This ordinance shall take effect and be in force 30 days after its approval by
14 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
15 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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Passed by the City Council the ____ day of _____, 2015, and
signed by me in open session in authentication of its passage this
____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

Attachment: Exhibit A: Wallingford Design Guidelines 2014