

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending sections 23.40.080, 23.47A.009, 23.49.008, 23.49.011, 23.49 Downtown Overlay Maps, 23.49.036, 23.49.058, 23.49.158, adding new section 23.40.090, and amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in the University District, the Madison/Miller neighborhood and the Rainier Beach neighborhood.

..body

WHEREAS, Seattle continues to face a housing affordability challenge and an increase to housing supply is one of many strategies that can combat the high cost of housing in our region; and

WHEREAS, The City is currently in the process of engaging community and reviewing for adoption, the One Seattle Comprehensive Plan update and subarea plans for the Regional Centers designated within it; and

WHEREAS, The One Seattle Plan and the Regional Centers subarea plans will inform a series of broad citywide zoning changes that will support increased housing supply including allowing middle housing in Neighborhood Residential zones and establishing mixed use and multifamily zoning to support new Neighborhood Centers and transit corridors; and

WHEREAS, robust processes to update the Comprehensive Plan and Regional Centers plans are ongoing, and concurrently it is also important to expand housing supply in opportunity areas to support abundant housing construction in the short term; and

WHEREAS, Mayor Harrell’s Downtown Activation Plan includes a strong focus on facilitating an increased amount of housing in downtown; and

1 WHEREAS, effective strategies to increase housing supply include removing code barriers to
2 sustainable mass timber, modular and passive house design, and conversion of existing
3 underused commercial structures to housing; and

4 WHEREAS, a promising strategy to increase housing supply is promoting upper-level housing
5 above non-profit owned community facilities when it is time for them to undergo major
6 renovation or reconstruction; and

7 WHEREAS, the proposed legislation includes zoning code amendments and rezones of land to
8 support increased housing production in downtown neighborhoods as well as the Stone
9 Way corridor of Fremont near major employers; and

10 WHEREAS, the proposed legislation includes zoning amendments to facilitate new affordable
11 housing construction in upper stories above community-oriented facilities; and

12 WHEREAS, the proposed legislation removes code barriers to mass timber, passive house, and
13 modular construction methods; and

14 WHEREAS, the proposed legislation is focused on opportunity areas for infill development and
15 is tailored to avoid development pressure on historic landmarks, sites with character
16 structures and displacement risk areas; and

17 WHEREAS, all of the proposed rezones include application of the City’s Mandatory Housing
18 Affordability (MHA) requiring residential development in new structures to provide or
19 make an in-lieu payment for affordable housing. NOW, THEREFORE,

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

21 Section 1. Section 23.40.080 of the Seattle Municipal Code, which section was last
22 amended by ordinance 127054, is amended as follows:

23 **23.40.080 – Conversion to residential use in an existing structure**

1 A. For the purposes of this Section 23.40.080, "conversion to residential use in an
2 existing structure" means a development that meets all the following criteria:

3 1. It does not expand a structure horizontally beyond the boundaries of the
4 existing or approved exterior walls except for addition of incidental features that are necessary to
5 accommodate residential use such as: ramps for ADA access, replacement windows or sheathing,
6 addition of material enabling increased insulation, structural features to increase safety, additions
7 for the purpose of complying with construction and energy codes and building performance
8 standards for the conversion to residential use, circulation features for fire and life safety,
9 mechanical equipment, plumbing and duct work, or awnings and bays. The horizontal expansion
10 for incidental features shall not increase the floor area of the structure by more than 5 percent.

11 2. It does not expand the structure vertically beyond the existing or approved roof
12 elevation, except by up to 15 feet to accommodate configuration or expansion of top floor
13 residential use or rooftop features in residential use. Stair and elevator penthouses, mechanical
14 equipment, and rooftop features allowances otherwise provided by the underlying zone may be
15 placed on top of the 15-foot accommodation for configuration of top floor residential use without
16 disqualifying the development from meeting this criterion.

17 3. The building in which the conversion would occur received either a temporary
18 or permanent certificate of occupancy prior to March 1, 2024, or if no temporary or permanent
19 certificate of occupancy is available is determined by the Director to have been legally occupied
20 or is in a building approved for future development for which an unexpired Master Use Permit
21 was issued, prior to March 1, 2024.

22 4. It is a conversion of floor area from nonresidential uses to residential uses that
23 increases the number of dwelling units or congregate residence sleeping rooms in the structure.

1 5. It does not increase the square footage of nonresidential uses in the structure.

2 6. It is located in a commercial zone, a Downtown zone, a Seattle Mixed (SM)
3 zone, the Highrise (HR) zone, ~~((or the))~~ Midrise (MR) zones, Lowrise (LR) zones, the
4 Residential Small Lot zone, or any Neighborhood Residential (NR) zone.

5 B. The determination of whether a proposed development qualifies as a conversion to
6 residential use in an existing structure pursuant to subsection 23.40.080.A, and any related land
7 use approvals concerning how the standards of this Section 23.40.080 apply shall be Type I
8 decisions.

9 C. A conversion to residential use in an existing structure meeting the criteria of
10 subsection 23.40.080.A shall be exempt from all development standards and land use regulations
11 of Chapter 23.44 (Neighborhood Residential), Chapter 23.45 (Multifamily), Chapter
12 23.47A (Commercial), Chapter 23.48 (Seattle Mixed), Chapter 23.49 (Downtown
13 Zoning), Chapter 23.52 (Transportation Concurrency, and Transportation Impact
14 Mitigation), Chapter 23.53 (Requirements for Streets, Alleys, and Easements), Chapter
15 23.54 (Quantity and Design Standards for Access, Off-Street Parking, and Solid Waste Storage),
16 and Chapter 23.58A (Incentive Provisions), except that the following categories of development
17 standards and regulations within any of those chapters shall continue to apply:

- 18 1. Permitted and prohibited use regulations pertaining to nonresidential uses;
- 19 2. Administrative conditional use regulations;
- 20 3. Light and glare standards;
- 21 4. Noise standards;
- 22 5. Institutions;
- 23 6. Home occupations;

1 Section 2. A new section 23.40.090 is added as follows:

2 **23.40.090 – Exception from façade modulation and upper-level setback**

3 **requirements for certain types of residential projects.**

4 A. For the purposes of this Section 23.40.090, the following terms are defined as follows:

5 1. “Affordable housing” means low-income housing as defined in Section
6 23.84A.016.

7 2. “Passive house requirements” means the criteria for certification as a passive
8 house by Phius or the international passive house institute.

9 3. “Modular construction” means a multistory residential building constructed of
10 standardized components produced off-site, which are transported and assembled at a final
11 location.

12 4. “Mass timber construction” means a building with structural components
13 primarily made of mass timber products as defined in RCW 19.27.570.

14 B. Development of a residential or mixed-use project including at least 50% of its floor
15 area in residential use that is either affordable housing, or new construction or a retrofit meeting
16 passive house requirements, or modular construction, or mass timber construction, shall be
17 exempt from any façade modulation or upper-level setback requirement in this Title 23 including
18 upper-level width and depth limits, tower separation, and tower spacing requirements.

19 * * *

20 Section 3. Subsection 23.47A.009, which section was last amended by ordinance 123046
21 is further amended as follows.

22 * * *

1 E. Lake City. The following provisions apply to development proposed on lots that are
2 40,000 square feet in size or greater and located in NC zones as shown on Map C for
3 23.47A.009.

4 1. Maximum lot coverage

5 a. The maximum lot coverage permitted for principal and accessory
6 structures is 80 percent of the lot area.

7 b. Lot coverage exceptions. The following structures or portions of
8 structures are not counted in the lot coverage calculation:

9 1) Portions of a structure that are below grade or that do not extend
10 more than 4 feet above the finished grade.

11 2) The first 18 inches of overhead horizontal building projections
12 of an architectural or decorative character, such as cornices, eaves, sills, and gutters.

13 3) Ramps or other devices that provide access for the disabled and
14 elderly and that meet the standards of the Seattle Building Code.

15 4) The first 4 feet of unenclosed porches or steps for residential
16 units.

17 c. In the portion of the lot that is not covered by structures, owners are
18 encouraged to provide improvements at-grade that enhance the usability and livability of the lot
19 for occupants and visitors, such as pedestrian circulation areas, landscaping, lighting, weather
20 protection, art, or other similar improvements.

21 2. Facade modulation

1 a. Facade modulation requirements apply to all portions of a structure up
2 to a height of 35 feet and located within 10 feet of a street lot line on streets designated by Map
3 C for 23.47A.009.

4 b. The maximum width of any unmodulated facade is 100 feet. Facades
5 longer than 100 feet shall be modulated by stepping back the facade from the street lot line for a
6 minimum depth of 10 feet and a minimum width of 15 feet.

7 c. Facade modulation requirements do not apply to portions of a structure
8 that are below grade or that do not extend more than 2 feet above the finished grade at the lot
9 line.

10 3. Maximum structure width

11 a. On streets designated by Map C for 23.47A.009, the maximum allowed
12 structure width is 250 feet.

13 b. Structure width limits do not apply to portions of a structure that are
14 below grade or that do not extend more than 2 feet above the finished grade at the lot line.

15 4. Upper-level setbacks

16 a. On streets designated by Map C for 23.47A.009, a setback with an
17 average depth of 10 feet from abutting street lot lines is required for portions of a structure above
18 a height of 35 feet. The maximum depth of a setback that can be used to calculate the average
19 setback is 20 feet.

20 b. A setback with an average depth of 15 feet from abutting street lot lines
21 is required for portions of a structure above a height of 65 feet. The maximum depth of a setback
22 that can be used to calculate the average setback is 25 feet.

1 5. Structures permitted in required setbacks are subject to subsection
2 23.47A.014.G.

3 6. In addition to the provisions of subsections 23.47A.009.E.1 – 23.47A.009.E.5
4 the following provisions apply to developments on lots that are 100,000 square feet in size or
5 larger and located in the NC-55 zone within the areas shown on Map C for 23.47A.009.

6 a. The height limit is increased by 30 feet and floor area in residential use
7 is exempt from the chargeable FAR limit for development containing all the following
8 characteristics:

9 i. 50,000 sq. ft. or more floor area is dedicated for any combination
10 of grocery store, pharmacy, child care center, or elementary or secondary school uses. To
11 qualify, the property owner must make a voluntary commitment to maintain the dedicated space
12 for such use for a minimum time period of 25 years. The dedication shall be established by a
13 recorded covenant, running with the land, and enforceable by the City, signed by the owner of
14 the lot.

15 ii. At least 200 residential dwelling units are included in the
16 development and at least 20 percent of the total number of dwelling units are moderate income
17 units meeting the definition under SMC 23.84A.040.

18 iii. At least 5,000 sq. ft. of useable open space meeting the
19 definition under SMC 23.84A.028 is provided in the development.

20 d. Development projects that contain all the characteristics described
21 under SMC 23.47A.009.E.6.a.i – iii shall be exempt from requirements under Chapter 23.58B
22 (Affordable Housing Impact Mitigation Program for Commercial Development) and Chapter
23 23.58C (Mandatory Housing Affordability for Residential Development).

1 Section 4. Subsection 23.49.008 of the Seattle Municipal Code, which section was last
2 amended by ordinance 126600, is amended as follows:

3 **23.49.008 - Structure height**

4 The following provisions regulating structure height apply to all property in Downtown
5 zones except the DH1 zone. Structure height for PSM, IDM, and IDR zones is regulated by
6 this Section 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

7 A. Base and maximum height limits

8 1. Except as otherwise provided in this Section 23.49.008, maximum structure
9 heights for Downtown zones are as designated on the Official Land Use Map. In certain zones,
10 as specified in this Section 23.49.008, the maximum structure height may be allowed only for
11 particular uses or only on specified conditions, or both. If height limits are specified for portions
12 of a structure that contain specified types of uses, the applicable height limit for the structure is
13 the highest applicable height limit for the types of uses in the structure, unless otherwise
14 specified.

15 2. Except in the PMM zone, the base height limit for a structure is the lowest of
16 the maximum structure height or the lowest other height limit, if any, that applies pursuant to
17 this Title 23 based upon the uses in the structure, before giving effect to any bonus for which the
18 structure qualifies under this Chapter 23.49 and to any special exceptions or departures
19 authorized under this Chapter 23.49. In the PMM zone the base height limit is the maximum
20 height permitted pursuant to urban renewal covenants.

21 3. In zones listed below in this subsection 23.49.008.A.3, the applicable height
22 limit for portions of a structure that contain non-residential and live-work uses is shown as the
23 first figure after the zone designation (except that there is no such limit in DOC1), and the base

1 height limit for portions of a structure in residential use is shown as the first figure following the
2 "/". The third figure shown is the maximum residential height limit. Except as stated in
3 subsection 23.49.008.D, the base residential height limit is the applicable height limit for
4 portions of a structure in residential use if the structure does not use the bonus available
5 under Section 23.49.015, and the maximum residential height limit is the height limit for
6 portions of a structure in residential use if the structure uses the bonus available
7 under Section 23.49.015:

8 DOC1 Unlimited/450-unlimited

9 DOC2 500/300-550

10 DMC 340/290-440

11 DMC 240/290-440.

12 4. A structure in a DMC 340/290-440 zone on a lot comprising a full block that
13 abuts a DOC1 zone along at least one street frontage may gain additional structure height of 30
14 percent above the maximum residential height limit if the structure uses the bonus available
15 under Section 23.49.015, or 35 percent above 340 feet if that bonus is not used, in either case
16 under the following conditions:

17 a. Only one tower is permitted on the lot;

18 b. Any additional floor area above the maximum height limit for non-
19 residential or live-work use, as increased under this subsection 23.49.008.A.4, is occupied by
20 residential use;

21 c. The average residential gross floor area and maximum residential floor
22 area of any story in the portion of the tower permitted above the base residential height limit do
23 not exceed the limits prescribed in subsection 23.49.058.C.1;

1 subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent
2 seating that is not reserved for any commercial use, exterior stairs and mechanical assists that
3 provide access to public areas and are available for public use, and any similar features approved
4 by the Director.

5 f. Open space used to satisfy the condition to allowing additional height in
6 this Section 23.49.008 is not eligible for a bonus under Section 23.49.013.

7 g. Open space used to satisfy the condition to allowing additional height in
8 this Section 23.49.008 may qualify as common recreation area to the extent permitted by
9 subsection 23.49.011.B and may be used to satisfy open space requirements in
10 subsection 23.49.016.C.1 if it satisfies the standards of subsection 23.49.016.C.1.

11 h. No increase in height shall be granted to any proposed development that
12 would result in significant alteration to any designated feature of a Landmark structure, unless a
13 certificate of approval for the alteration is granted by the Landmarks Preservation Board.

14 5. In a DRC zone, the base height limit is 85 feet, except that, subject to the
15 conditions in subsection 23.49.008.A.6:

16 a. The base height limit is 170 feet if any of the following conditions is
17 satisfied:

18 1) All portions of a structure above 85 feet contain only residential
19 use; or

20 2) At least 25 percent of the gross floor area of all structures on a
21 lot is in residential use; or

22 3) A minimum of 1.5 FAR of eating and drinking establishments,
23 retail sales, and service or entertainment uses, or any combination thereof, is provided on the lot.

1 b. For residential floor area created by infill of a light well on a Landmark
2 structure, the base height limit is the lesser of 170 feet or the highest level at which the light well
3 is enclosed by the full length of walls of the structure on at least three sides. For the purpose of
4 this subsection 23.49.008.A.5.b, a light well is defined as an inward modulation on a non-street-
5 facing facade that is enclosed on at least three sides by walls of the same structure, and infill is
6 defined as an addition to that structure within the light well.

7 6. Restrictions on demolition and alteration of existing structures

8 a. Any structure in a DRC zone that would exceed the 85-foot base height
9 limit shall incorporate the existing exterior street-front facade(s) of each of the structures listed
10 below, if any, located on the lot of that project. The City Council finds that these structures are
11 significant to the architecture, history, and character of downtown. The Director may permit
12 changes to the exterior facade(s) to the extent that significant features are preserved and the
13 visual integrity of the design is maintained. The degree of exterior preservation required will
14 vary, depending upon the nature of the project and the characteristics of the affected structure(s).

15 b. The Director shall evaluate whether the manner in which the facade is
16 proposed to be preserved meets the intent to preserve the architecture, character, and history of
17 the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks
18 Preservation Board for any proposed modifications to controlled features is required prior to a
19 decision by the Director to allow or condition additional height for the project. The Landmarks
20 Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a
21 structure on the list below is solely for the purpose of conditioning additional height under this
22 subsection 23.49.008.A.6.b, and shall not be interpreted in any way to prejudge the structure's
23 merit as a Landmark:

1

Shafer Building / Sixth and Pine Building	515 Pine Street
Decatur Building	1521 6 th Avenue
Coliseum Theater Building	5th Avenue and Pike Street (northeast corner)
Northern Bank and Trust / Seaboard Building	1506 Westlake Avenue
Liggett/Fourth and Pike Building	1424 4th Avenue
Great Northern Building	1404 4th Avenue
Joshua Green Building	1425 4th Avenue
Holland Building/MiKen Building	1417 4th Avenue
Bon Marche (Macy's)	300 Pine Street

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((adv=6;e)). The restrictions in this subsection 23.49.008.A.6 are in addition to, and not

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in substitution for, the requirements of Chapter 25.12.

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7. The applicable height limit for a structure is the base height limit plus any

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height allowed as a bonus under this Chapter 23.49 according to Chapter 23.58A, and any

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additional height allowed by special exception or departure, or by subsection 23.49.008.A.4. The

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height of a structure shall not exceed the applicable height limit, except as provided in

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subsections 23.49.008.B, 23.49.008.C, and 23.49.008.D.

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8. The height of rooftop features, as provided in subsection 23.49.008.D, is

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allowed to exceed the applicable height limit.

11

9. On lots in the DMC 85/75-170 zone:

1 a. A height limit of 85 feet applies to the portions of a structure that
2 contain non-residential or live-work uses.

3 b. A base height limit of 75 feet applies to the portions of a structure that
4 contain residential uses.

5 c. The applicable height limit for portions of a structure that contain
6 residential uses is 85 feet if extra floor area is achieved according to
7 Section 23.49.023 and Chapter 23.58A, and the structure has no non-residential or live-work use
8 above 85 feet, and the structure does not qualify for a higher limit for residential uses under
9 subsection 23.49.008.A.9.d.

10 d. The applicable height limit is 170 feet if extra floor area is achieved
11 according to Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or live-
12 work use above 85 feet, the lot is at least 40,000 square feet in size and includes all or part of a
13 mid-block corridor that satisfies the conditions of Section 23.58A.040, except to the extent the
14 Director grants a waiver of such conditions, and the standards of Section 23.49.060 are satisfied.

15 10. On lots in a DMC-75 zone in areas eligible for residential height limit
16 increase indicated on Map 1L the height limit is increased to 125 for development applications
17 submitted before January 1, 2029 provided only those portions of structures that contain only
18 residential uses may exceed 75 feet.

19 B. Structures located in DMC 240/290-440, DMC 340/290-440, or DOC2 500/300-550
20 zones may exceed the maximum height limit for residential use, or if applicable the maximum
21 height limit for residential use as increased under subsection 23.49.008.A.4 as follows:

22 1. The limit may be exceeded by ten percent as increased under subsection
23 23.49.008.A.4 if:

1 a. The facades of the portion of the structure above the limit do not
2 enclose an area greater than 9,000 square feet, and

3 b. The enclosed space is occupied only by those uses or features otherwise
4 permitted in this Section 23.49.008 as an exception above the height limit.

5 2. The limit may be exceeded by ten percent as increased under subsection
6 23.49.008.A.4 if applicable if an elementary or secondary school is contained anywhere within
7 the same structure.

8 The exceptions in this subsection 23.49.008.B shall not be combined with any
9 other height exception for screening or rooftop features to gain additional height. The exception
10 under subsection 23.49.008.B.2 is allowed in addition to the exception under subsection
11 23.49.008.B.1.

12 C. Height in Downtown Mixed Residential (DMR) zones is regulated as follows:

13 1. A structure that contains only non-residential or live-work uses may not exceed
14 the lowest height limit established on the Official Land Use Map, except for rooftop features
15 permitted by subsection 23.49.008.D.

16 2. In DMR zones for which only two height limits are established, only those
17 portions of structures that contain only residential uses may exceed the lower height limit, and they
18 may extend to the higher height limit established on the Official Land Use Map, except that:

19 a. In eligible DMR zones as indicated on Map 1L for which the higher
20 height limit established on the Official Land Use Map is 95 feet, the higher height limit is increased
21 to 145 feet, and within the infill housing focus areas the higher height limit is further increased to
22 245 feet, for development applications submitted before January 1, 2029 provided only those
23 portions of structures that contain only residential uses may exceed the lower height limit; and

1 b. In eligible DMR zones as indicated on Map 1L for which the higher
2 height limit established on the Official Land Use Map is 145 feet, the higher height limit is
3 increased to 245 feet for development applications submitted before January 1, 2029 provided
4 only those portions of structures that contain only residential uses may exceed the lower height
5 limit.

6 3. On lots in the DMR/C 75/75-170 zone, the base height limit is 75 feet, and it is
7 the applicable height limit for all structures, except that:

8 a. The applicable height limit is 85 feet if the applicant qualifies for extra
9 floor area under Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or
10 live-work use above 75 feet, and the structure does not qualify for a higher height limit under this
11 subsection 23.49.008.C.3.

12 b. The applicable height limit is 170 feet if the applicant qualifies for extra
13 floor area under Section 23.49.023 and Chapter 23.58A; the structure has no non-residential or
14 live-work use above 75 feet; the lot includes all or part of a mid-block corridor that satisfies the
15 conditions of Section 23.58A.040, except to the extent any waiver of such conditions is granted
16 by the Director; and the standards of subsection 23.49.156.B and Section 23.49.163 are satisfied.

17 4. On lots in the DMR/C 75/75-95 zone, the base height limit is 75 feet, and it is
18 the applicable height limit for all structures, except that the applicable height limit is 95 feet if
19 the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A and the
20 structure has no non-residential or live-work use above 75 feet.

21 5. On lots in the DMR/R 95/65 zone:

22 a. A height limit of 95 feet applies to the portions of a structure that
23 contain residential or lodging uses.

1 b. A height limit of 65 feet applies to the portions of a structure that
2 contain non-residential uses (excluding lodging uses).

3
4 Section 5. Section 23.49 Downtown Overlay Maps is amended to add Map 1L Eligible
5 Areas For Residential Height Limit Increase, as shown on Attachment 1 attached to this
6 ordinance.

7
8 Section 6. Section 23.49.036 of the Seattle Municipal Code, which section was last
9 amended by ordinance 126188, is amended as follows:

10 **23.49.036 - Planned community developments (PCDs)**

11 A. Planned community developments (PCDs) may be permitted by the Director as a Type
12 II Land Use Decision pursuant to Chapter 23.76, Procedures for Master Use Permits and Council
13 Land Use Decisions.

14 B. Public benefit priorities. The Director shall determine public benefit priorities for the
15 PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall
16 include priorities for public benefits listed in subsection 23.49.036.F and priorities for
17 implementing the goals of the Comprehensive Plan, including adopted neighborhood plans for
18 the area affected by the PCD, and a determination of whether the proposed PCD may use public
19 right-of-way area to meet the minimum site size set forth in subsection 23.49.036.E. Before the
20 priorities are prepared, the Director shall cause a public meeting to be held to identify concerns
21 about the site and to receive public input into priorities for public benefits identified in adopted
22 neighborhood plans and subsection 23.49.036.F. Notice for the meeting shall be provided
23 pursuant to Section 23.76.011. The Director shall prepare priorities for the PCD taking into

1 account comments made at the public meeting or in writing to the Director, and the criteria in
2 this Section 23.49.036. The Director shall distribute a copy of the priorities to all those who
3 provided addresses for this purpose at the public meeting, to those who sent in comments or
4 otherwise requested notification, and to the project proponent. No public benefit priorities shall
5 be required if the applicant is a nonprofit 501 (c)(3) organization engaged in providing services
6 to those in need, including human services, housing including affordable housing, education, job
7 training and/or medical assistance, and the development proposed under the Planned Community
8 Development will provide direct or indirect support for this mission.

9 C. A PCD shall not be permitted if the Director determines it would be likely to result in
10 a net loss of housing units or if it would result in significant alteration to any designated feature
11 of a landmark structure, unless a Certificate of Approval for the alteration is granted by the
12 Landmarks Preservation Board.

13 D. Location

14 1. PCDs may be permitted in all downtown zones except the PMM zone and the
15 DH1 zone.

16 2. A portion of a PCD may extend into any non-downtown zone(s) within the
17 Downtown Urban Center and adjacent to a downtown zone subject to the following conditions:

18 a. The provisions of this title applicable in the non-downtown zone(s)
19 regulate the density of non-residential use by floor area ratio; and

20 b. The portion of a PCD project located in non-downtown zone(s) must
21 not exceed 20 percent of the total area of the PCD.

22 E. Minimum size. A PCD shall include a minimum site size of 100,000 square feet within
23 one or more of the Downtown zones where PCDs are permitted according to subsection

1 23.49.036.D.1. The total area of a PCD shall be contiguous. Public right-of-way shall not be
2 considered a break in contiguity. At the Director's discretion, public right-of-way area may be
3 included in the minimum area calculations if actions related to the PCD will result in significant
4 enhancements to the streetscape of the public right-of-way, improved transit access and
5 expanded transit facilities in the area, and/or significant improvement to local circulation,
6 especially for transit and pedestrians.

7 F. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public
8 benefits provided if required, possible impacts of the project, and consistency with the standards
9 contained in this subsection 23.49.036.F.

10 1. Public benefits. A proposed PCD shall address the priorities for public benefits
11 identified through the process outlined in subsection 23.49.036.B, unless otherwise exempted.

12 The PCD shall include at least three of the following elements:

- 13 a. low-income housing,
- 14 b. townhouse development,
- 15 c. historic preservation,
- 16 d. public open space,
- 17 e. implementation of adopted neighborhood plans,
- 18 f. improvements in pedestrian circulation,
- 19 g. improvements in urban form,
- 20 h. improvements in transit facilities,
- 21 i. green stormwater infrastructure beyond the requirements of the

22 Stormwater Code (Chapters 22.800 through 22.808), or

1 j. other elements that further an adopted City policy and provide a
2 demonstrable public benefit.

3 2. Potential impacts. The Director shall evaluate the potential impacts of a
4 proposed PCD including, but not necessarily limited to, the impacts on housing, particularly low-
5 income housing, transportation systems, parking, energy, and public services, as well as
6 environmental factors such as noise, air, light, glare, public views, and water quality.

7 3. The Director may place conditions on the proposed PCD in order to make it
8 compatible with areas adjacent to Downtown that could be affected by the PCD.

9 4. When the proposed PCD is located in the Pioneer Square Preservation District
10 or International District Special Review District, the Board of the District(s) in which the PCD is
11 located shall review the proposal and make a recommendation to the Department of
12 Neighborhoods Director who shall make a recommendation to the Director prior to the Director's
13 decision on the PCD.

14 G. Bonus Development in PCDs. All increases in floor area above the base FAR shall be
15 consistent with provisions in Section 23.49.011, Floor area ratio, and the PCD process shall not
16 result in any increase in the amount of chargeable floor area allowed without use of bonuses or
17 TDR, considering all of the lots within the PCD boundaries as a single lot.

18 H. Exceptions to Standards.

19 1. Portions of a project may exceed the floor area ratio permitted in the zone or
20 zones in which the PCD is located, but the maximum chargeable floor area allowed for the PCD
21 as a whole shall meet the requirements of the zone or zones in which it is located.

1 2. Except as provided in subsection H3 of this section, any requirements of this
2 chapter may be varied through the PCD process in order to provide public benefits identified in
3 subsection F.

4 3. Exceptions to the following provisions are not permitted through the PCD
5 process:

6 a. The following provisions of Subchapter I, General Standards:

7 (1) Applicable height limits,

8 (2) Light and glare standards,

9 (3) Noise standards,

10 (4) Odor standards,

11 (5) Minimum sidewalk widths,

12 (6) View corridor requirements,

13 (7) Nonconforming uses,

14 (8) Nonconforming structures, when the nonconformity is to one

15 (1) of the standards listed in this subsection;

16 b. Use provisions except for provisions for principal and accessory
17 parking;

18 c. Transfer of development rights regulations;

19 d. Bonus ratios and amounts assigned to public benefit features;

20 e. Development standards of adjacent zones outside the Downtown Urban
21 Center in which a PCD may be partially located according to subsection D2 of this section.

22 f. Provisions for allowing increases in floor area above the base FAR and
23 for allowing residential floor area above the base height limit.

1 I. Term. Expiration or renewal of a permit for the first phase of a Planned Community
2 Development is subject to the provisions of Chapter 23.76, Master Use Permits and Council
3 Land Use Decisions. The Director shall determine the expiration date of a permit for subsequent
4 phases of the Planned Community Development based on a phasing plan submitted by the
5 applicant; such expiration shall be no later than fifteen (15) years from the date of issuance.

6 J. Change to an approved Planned Community Development.

7 1. When an amendment to a Master Use Permit with a Planned Community
8 Development component is requested, the Director shall determine whether the amendment is
9 minor or not.

10 a. A minor amendment is one that meets the following criteria:

11 (1) Substantial compliance with the approved site plan and
12 conditions imposed in the existing Master Use Permit with the Planned Community
13 Development component with no substantial change in the mix of uses and no major increase in
14 the bulk and scale of structures originally proposed; and

15 (2) Compliance with applicable requirements of this title in effect
16 at the time of the original Master Use Permit approval; and

17 (3) No significantly greater impact would occur.

18 2. If the Director determines that the amendment is minor, the Director may
19 approve a revised site plan as a Type I decision. The Master Use Permit expiration date of the
20 original approval shall be retained.

21 3. If the Director determines that the amendment is not minor, the applicant may
22 either continue under the existing PCD approval or may submit a revised PCD application. The
23 revised application shall be the subject of a Type II decision. Only the portion of the site

1 affected by the revision shall be subject to regulations in effect on the date of the revised PCD
 2 application, notwithstanding any provision of Chapter 23.76. The decision may retain or extend
 3 the existing expiration date on the portion of the site affected by the revision.

4
 5 Section 7. Section 23.49.011 of the Seattle Municipal Code, which section was last
 6 amended by ordinance 127198, is amended as follows:

7 **23.49.011 - Floor area ratio**

8 A. General standards

9 1. The base and maximum floor area ratio (FAR) for each zone is provided in
 10 Table A for 23.49.011.

Table A for 23.49.011 Base and maximum floor area ratios (FARs)		
Zone designation	Base FAR	Maximum FAR
Downtown Office Core 1 (DOC1)	6	21
Downtown Office Core 2 (DOC2)	5	15
Downtown Retail Core (DRC)	3	6
Downtown Mixed Commercial (DMC)	4 in DMC 75 4.5 in DMC 95 5 in DMC 145, DMC 170, DMC 240/290-440, and DMC 340/290-440 3 in DMC 85/75-170	5 in DMC 75 5.5 in DMC 95 6 in DMC 170, except 9 for hotels 8 in DMC 145 and DMC 240/290-440 11 in DMC 340/290-440 6 in DMC 85/75-170
Downtown Mixed Residential/Residential (DMR/R)	1 in DMR/R 95/65 1 in DMR/R 145/65 1 in DMR/R 280/65	1.5 in DMR/R 95/65 2.5 in DMR/R 145/65 2.5 in DMR/R 280/65
Downtown Mixed Residential/Commercial (DMR/C)	1 in DMR/C 95/75 1 in DMR/C 145/75 2 in DMR/C 280/125 2.5 in DMR/C 75/75-95 2.5 in DMR/C 75/75-170	4.5 in DMR/C 95/75 4.5 in DMR/C 145/75 5.5 in DMR/C 280/125 4.5 in DMR/C 75/75-95 4.5 in DMR/C 75/75-170
Pioneer Square Mixed (PSM)	NA ⁽¹⁾	NA ⁽¹⁾
International District Mixed (IDM)	3, except 6 for hotels ⁽²⁾ , in IDM 75-85 4, except 7 for hotels ⁽³⁾ , in IDM	3, except 6 for hotels ⁽²⁾ , in IDM 75-85 4, except 7 for hotels ⁽³⁾ , in IDM

	85/85-170 3 in IDM 165/85-170	85/85-170 7 in IDM 165/85-170
International District Residential (IDR)	1.5	1.5, except 2 if 50 percent or more of the total gross floor area on the lot is in residential use
International District Residential/Commercial (IDR/C)	4, except 7 for hotels ⁽³⁾	4, except 7 for hotels ⁽³⁾
International District Residential/Commercial (IDR/C)	4, except 7 for hotels ⁽³⁾	4, except 7 for hotels ⁽³⁾
Downtown Harborfront 1 (DH1)	NA	NA
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7
Footnotes to Table A for 23.49.011		
⁽¹⁾ NA = Not Applicable, except in subsection 23.49.180.E.		
⁽²⁾ In the IDM 75-85 zone, hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR.		
⁽³⁾ In the IDM 85/85-170 and the IDR/C zones, hotel use may be combined with other chargeable floor area, provided that the total chargeable floor area of uses other than hotel use does not exceed 4 FAR, and the total chargeable floor area of all uses does not exceed 7 FAR.		

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2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to this Chapter 23.49.

a. In DOC1, DOC2, and DMC zones that are located outside of South Downtown, if chargeable floor area above the base FAR is allowed on a lot for development that includes a new structure and the project is located within the Local Infrastructure Project Area for Downtown and South Lake Union as shown on Map A for 23.58A.044, the first increment of chargeable floor area above the base FAR, shown for each zone in Table B for 23.49.011, shall be gained by acquiring regional development credits pursuant to Section 23.58A.044.

Table B for 23.49.011	
First increment of FAR above the base FAR achieved through acquisition of regional development credits	
Zone	FAR
All DOC1 zones	1.0
All DOC2 zones	0.75
DMC 340/290-440	0.50
DMC 145, DMC 170, and DMC 240/290-440	0.25

10

1 b. In DOC1, DOC2, DH2, and DMC zones outside of South Downtown,
2 additional chargeable floor area above the first increment of FAR that exceeds the base FAR
3 may be obtained only by qualifying for floor area bonuses pursuant to Section 23.49.012 or
4 Section 23.49.013, or by the transfer of TDR pursuant to Section 23.49.014, or both, except as
5 otherwise expressly provided in this subsection 23.49.011.A.2. If the requirements of subsection
6 23.49.011.A.2.a do not apply, the first increment of floor area that exceeds the base FAR shall be
7 zero.

8 c. In no event shall the use of bonuses, TDR, or regional development
9 credits, or any combination of them, be allowed to result in chargeable floor area in excess of the
10 maximum as set forth in Table A for 23.49.011, except that a structure on a lot in a planned
11 community development pursuant to Section 23.49.036 or a combined lot development pursuant
12 to Section 23.49.041 may exceed the FAR otherwise permitted on that lot, provided the
13 chargeable floor area on all lots included in the planned community development or combined
14 lot development as a whole does not exceed the combined total permitted chargeable floor area.

15 d. Except as otherwise provided in this subsection 23.49.011.A.2.d or
16 subsections 23.49.011.A.2.f or 23.49.011.A.2.h, and except in South Downtown, not less than
17 five percent of all floor area above the base FAR to be gained on any lot, excluding any floor
18 area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.j, 23.49.011.A.2.k, and
19 23.49.011.A.2.n, shall be gained through the transfer of Landmark TDR, to the extent that
20 Landmark TDR are available. Landmark TDR shall be considered "available" only to the extent
21 that, at the time of the Master Use Permit application to gain the additional floor area, The City
22 of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total
23 bonus contribution under Section 23.49.012 for a project using the cash option for both housing

1 and child care facilities. An applicant may satisfy the minimum Landmark TDR requirement in
2 this Section 23.49.011 by purchases from private parties, by transfer from an eligible sending lot
3 owned by the applicant, by purchase from the City, or by any combination of the foregoing. This
4 subsection 23.49.011.A.2.d does not apply to any lot in a DMR zone.

5 e. Except as otherwise permitted under subsections 23.49.011.A.2.g,
6 23.49.011.A.2.h, or 23.49.011.A.2.l, on any lot outside of South Downtown except a lot in a
7 DMR zone, the total amount of chargeable floor area gained through bonuses under
8 Section 23.49.012, together with any housing TDR and Landmark housing TDR used for the
9 same project, shall equal 75 percent of the amount, if any, by which the total chargeable floor
10 area to be permitted on the lot exceeds the sum of

11 1) The base FAR, as determined under this Section 23.49.011 and
12 Section 23.49.032 if applicable, plus

13 2) Any chargeable floor area gained on the lot pursuant to
14 subsections 23.49.011.A.2.a, 23.49.011.A.2.g, 23.49.011.A.2.h, 23.49.011.A.2.j, and
15 23.49.011.A.2.k, or obtained pursuant to subsection 23.49.011.A.2.n. Except in South
16 Downtown, at least half of the remaining 25 percent shall be gained by using TDR from a
17 sending lot with a major performing arts facility, to the extent available, and the balance of the
18 25 percent shall be gained through bonuses under Section 23.49.013 or through TDR other than
19 housing TDR, or both, consistent with this Chapter 23.49. TDR from a sending lot with a major
20 performing arts facility shall be considered "available" only to the extent that, at the time of the
21 Master Use Permit application to gain the additional floor area, The City of Seattle is offering
22 such TDR for sale, at a price per square foot not exceeding the prevailing market price for TDR
23 other than housing TDR, as determined by the Director.

1 23.49.011.A.2.a, on a lot that includes one or more qualifying Landmarks, subject to the
2 following conditions:

3 1) The structure is rehabilitated to the extent necessary so that all
4 features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 or
5 Ordinance 102229 are in good condition and consistent with the applicable ordinances and with
6 any certificates of approval issued by the Landmarks Preservation Board, all as determined by
7 the Director of Neighborhoods; and

8 2) A notice shall be recorded with the King County Recorder's
9 Office, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof
10 under the terms of this Chapter 23.49. For purposes of this Section 23.49.011, a "qualifying
11 Landmark" is a structure that

12 a) Has a gross floor area above grade of at least 5,000
13 square feet;

14 b) Is separate from the principal structure or structures
15 existing or to be developed on the lot, except that it may abut and connect with one such
16 structure along one exterior wall;

17 c) Is subject, in whole or in part, to a designating ordinance
18 pursuant to Chapter 25.12, or was designated pursuant to Ordinance 102229; and

19 d) Is on a lot on which no improvement, object, feature, or
20 characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any
21 designating ordinance. A qualifying Landmark for which a bonus is allowed under this
22 subsection 23.49.011.A.2.j shall be considered a public benefit feature, but shall not be
23 considered an amenity for purposes of Section 23.49.013. For so long as any of the chargeable

1 floor area allowed under this subsection 23.49.011.A.2.j remains on the lot, each qualifying
2 Landmark for which such bonus was granted shall remain designated as a Landmark
3 under Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying
4 Landmark in good condition and repair and in a manner that preserves the features and
5 characteristics that are subject to designation or controls by ordinance, and that maintains
6 compliance with all applicable requirements of federal, state and local laws, ordinances,
7 regulations, and restrictions.

8 k. On a lot entirely in a DOC1 zone, as an incentive to maintain diversity
9 in the scale of downtown development, additional floor area equal to 0.5 FAR may be granted
10 above the increment achieved through a commitment as prescribed in subsection
11 23.49.011.A.2.a, or above the base FAR after expiration of subsection 23.49.011.A.2.a, on a lot
12 that includes one or more qualifying small structures, subject to the conditions in this subsection
13 23.49.011.A.2.k.

14 1) A "qualifying small structure" is one that satisfies all of the
15 following standards:

16 a) The gross floor area of the structure above grade is a
17 minimum of 5,000 square feet and does not exceed 50,000 square feet;

18 b) The height of the structure is 125 feet or less, not
19 including rooftop features as specified in subsection 23.49.008.D;

20 c) The structure was not constructed or substantially
21 structurally modified since July 13, 1982; and

22 d) The structure is not occupied by parking above the
23 ground floor.

1 would be consistent with this Section 23.49.011 and any other conditions of the permit, including
2 Design Review if applicable.

3 B. Exemptions and deductions from FAR calculations

4 1. The following are not included in chargeable floor area, except as specified
5 below in this Section 23.49.011:

6 a. Uses listed in subsection 23.49.009.A in a DRC zone and in the Major
7 Retail Store and Shopping Atrium FAR Exemption Area identified on Map 1J of Chapter 23.49,
8 up to a maximum FAR exemption of 2 for all such uses combined; and other uses provided
9 according to Section 23.42.041 in the FAR Exemption Area identified on Map 1J for those uses
10 (excluding the Pike Place Market Historical District), up to a maximum FAR exemption of 2;
11 provided that for uses in the FAR Exemption Areas that are not in the DRC zone the uses are
12 located no higher than the story above street level;

13 b. Street-level uses meeting the requirements of Section 23.49.009, Street-
14 level use requirements, whether or not street-level use is required pursuant to Map 1G of Chapter
15 23.49, if the uses and structure also satisfy the following standards:

16 1) The street level of the structure containing the exempt space has
17 a minimum floor-to-floor height of 13 feet, except that in the DMC 170 zone the street level of
18 the structure containing the exempt space has a minimum floor-to-floor height of 18 feet;

19 2) The exempt space extends a minimum depth of 15 feet from the
20 street-level, street-facing facade, except as allowed by interim street activation provisions in
21 Section 23.42.041;

22 3) For the purposes of subsection 23.49.011.B.1, for floor area
23 above street level, changes from residential use to commercial uses provided for interim street

1 activation purposes are subject to mandatory housing affordability pursuant to subsection
2 23.58B.020.B;

3 4) Overhead weather protection is provided satisfying
4 Section 23.49.018; and

5 5) A mezzanine within a street-level use is not included in
6 chargeable floor area, if the mezzanine does not interrupt the floor-to-floor heights for the
7 minimum depth stated in subsection 23.49.011.B.1.b.2, except as allowed by interim street
8 activation provisions in Section 23.42.041. Stairs leading to the mezzanine are similarly not
9 included in chargeable floor area;

10 c. Shopping atria in the DRC zone and adjacent areas shown on Map 1J,
11 provided that:

12 1) The minimum area of the shopping atria is 4,000 square feet;

13 2) The eligibility conditions of the Downtown Amenity Standards
14 are met; and

15 3) The maximum area eligible for a floor area exemption is 20,000
16 square feet;

17 d. Child care centers;

18 e. Human service use;

19 f. Residential use, except in the PMM zone, and provided that allowable

20 residential floor area is limited on lots from which TDP is transferred in accordance with Chapter
21 23.58A;

22 g. Live-work units, except in the PMM zone;

1 h. Museums, provided that the eligibility conditions of the Downtown
2 Amenity Standards are met;

3 i. The floor area identified as expansion space for a museum, if such
4 expansion space satisfies the following:

5 1) The floor area to contain the museum expansion space is owned
6 by the museum or a museum development authority; and

7 2) The museum expansion space will be occupied by a museum,
8 existing as of October 31, 2002, on a Downtown zoned lot; and

9 3) The museum expansion space is physically designed in
10 conformance with the Seattle Building Code standards for museum use either at the time of
11 original configuration or at such time as museum expansion is proposed;

12 j. Performing arts theaters;

13 k. Floor area below grade;

14 l. Floor area that is used only for:

15 1) Short-term parking or parking accessory to residential uses, or
16 both, subject to a limit on floor area used wholly or in part as parking accessory to residential
17 uses of one parking space for each dwelling unit on the lot with the residential use served by the
18 parking; or

19 2) Parking accessory to hotel use in the DMC 170 zone, subject to
20 a limit of one parking space for every four hotel rooms on the lot, and provided that the exempt
21 parking floor area is on the same lot as the hotel use served by the parking;

22 m. Floor area of a public benefit feature that would be eligible for a bonus
23 on the lot where the feature is located, other than a Landmark structure eligible pursuant to

1 subsection 23.49.011.A.2.j or a small structure eligible pursuant to subsection 23.49.011.A.2.k.

2 The exemption applies regardless of whether a floor area bonus is obtained, and regardless of
3 limits on the maximum area eligible for a bonus;

4 n. Public restrooms;

5 o. Major retail stores in the DRC zone and adjacent areas shown on Map

6 1J, provided that:

7 1) The minimum lot area for a major retail store development is
8 20,000 square feet;

9 2) The minimum area of the major retail store is 80,000 square
10 feet;

11 3) The eligibility conditions of the Downtown Amenity Standards
12 are met;

13 4) The maximum area eligible for a floor area exemption is
14 200,000 square feet; and

15 5) The floor area exemption applies to storage areas, store offices,
16 and other support spaces necessary for the store's operation;

17 p. Shower facilities for bicycle commuters;

18 q. Floor area, excluding floor area otherwise exempt, up to a maximum of
19 25,000 square feet on any lot, within one or more Landmark structures for which a floor area
20 bonus has been granted pursuant to subsection 23.49.011.A.2.j, or within one or more small
21 structures for which a floor area bonus has been granted pursuant to subsection 23.49.011.A.2.k,
22 or within any combination of such Landmark structures and such small structures, in each case
23 only to the extent that the floor area satisfies the following criteria as determined by the Director:

1 Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt
2 from FAR limits.

3 z. In ~~((the))~~ DMR(~~(R-95/65))~~ zones, lodging uses. This exemption from
4 FAR limits does not apply to lodging uses created by converting residential uses to lodging uses
5 in existing structures.

6
7 Section 8. Section 23.49.058 of the Seattle Municipal Code, which section was last
8 amended by ordinance 127099, is amended as follows:

9 **23.49.058 - Downtown Office Core 1, Downtown Office Core 2, and Downtown**
10 **Mixed Commercial upper-level development standards**

11 A. For purposes of this Section 23.49.058, except in zones with a mapped height limit of
12 170 feet or less, a "tower" is a portion of a structure, excluding rooftop features permitted above
13 the applicable height limit pursuant to Section 23.49.008, in which portion all gross floor area in
14 each story is horizontally contiguous, and which portion is above (i) a height of 85 feet in (a) a
15 structure that has any non-residential use above a height of 65 feet or does not have residential
16 use above a height of 160 feet or contains an elementary or secondary school; or (ii) in any
17 structure not described in clause (i) a height determined as follows:

18 1. For a structure on a lot that includes an entire block front or that is on a block
19 front with no other structures, 65 feet;

20 2. For a structure on a lot abutting 3rd Avenue between Union Street and Pike
21 Street that contains only residential uses above a height of 65 feet, 85 feet; or

22 3. For a structure on any other lot, the height of the facade closest to the street
23 property line of the existing structure on the same block front nearest to that lot, but if the nearest

1 existing structures are equidistant from that lot, then the height of the higher such facade; but in
2 no instance shall the height exceed 85 feet or be required to be less than 65 feet.

3 B. Facade modulation and upper-level width limit

4 1. The requirements of subsections 23.49.058.B.2 and 23.49.058.B.3 apply to:

5 a. All structures 160 feet in height or less, and all structures in the DMC
6 170 zone, in which any story above an elevation of 85 feet above the adjacent sidewalk exceeds
7 15,000 square feet. For structures with separate towers, the 15,000 square foot threshold applies
8 to each tower individually; and

9 b. Portions of structures in non-residential use above a height of 160 feet,
10 excluding structures in the DMC 170 zone, in which any story above an elevation of 85 feet
11 exceeds 15,000 square feet. For structures with separate towers, the 15,000 square foot threshold
12 applies to each tower individually.

13 2. The following facade modulation requirements apply to structures meeting
14 subsection 23.49.058.B.1:

15 a. In DOC1, DOC2, and DMC zones, except the DMC 170 zone, facade
16 modulation is required above a height of 85 feet above the sidewalk for any portion of a structure
17 located within 15 feet of a street lot line. No modulation is required for portions of a facade set
18 back 15 feet or more from a street lot line.

19 b. In the DMC 170 zone, facade modulation is required above a height of
20 60 feet above the sidewalk for any portion of a structure located within 15 feet of a street lot line.
21 No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

22 c. The maximum length of a facade without modulation is prescribed in
23 Table A for 23.49.058. This maximum length shall be measured parallel to each street lot line,

1 and shall apply to any portion of a facade, including projections such as balconies, that is located
2 within 15 feet of street lot lines.

Table A for 23.49.058 Modulation requirements for DOC1, DOC2, and DMC zones, except DMC 170 zone	
Elevation (in feet)	Maximum length of unmodulated façade within 15 feet of street lot line (in feet)
0 to 85	No limit
Greater than 85, up to 160	155
Greater than 160, up to 240	125
Greater than 240, up to 500	100
Above 500	80
Modulation requirements for DMC 170 zone	
0 to 60	No limit
Above 60	125

3
4 d. Any portion of a facade exceeding the maximum length of facade
5 prescribed on Table A for 23.49.058 shall be set back a minimum of 15 feet from the street lot
6 line for a minimum distance of 60 feet before any other portion may be within 15 feet of the
7 street lot line.

8 3. The following upper-level width limit requirements apply to structures meeting
9 subsection 23.49.058.B.1:

10 a. On lots where the width and depth of the lot each exceed 200 feet, the
11 maximum facade width for any portion of a structure above 280 feet shall be 145 feet along the
12 general north/south axis of a site (parallel to the Avenues), and this portion of the structure shall
13 be separated horizontally from any other portion of a structure on the lot above 280 feet by at
14 least 80 feet at all points.

1 b. In the DMC 170 zone, the maximum facade width of any portion of a
 2 structure above 60 feet in height shall be 180 feet along lots fronting on Alaskan Way or Western
 3 Avenue between University and Union Streets. This portion of the structure shall be separated
 4 horizontally from any other portion of a structure on the lot above 60 feet in height by at least 30
 5 feet at all points. If the separation between portions of a structure above 60 feet in height is less
 6 than 30 feet, the widths of the separated portions of the structure shall be combined to determine
 7 the structure's width.

8 C. Tower floor area limits and tower width limits for portions of structures in residential
 9 use. The requirements of this subsection 23.49.058.C apply only to structures that include
 10 portions in residential use above a height of 160 feet, and do not apply in the DMC 170 zone.

11 1. Maximum limits on average residential gross floor area per story and maximum
 12 residential floor area per story of towers are prescribed in Table B for 23.49.058.

Table B for 23.49.058			
Average residential gross floor area per story and maximum residential gross floor area per story of a tower ¹			
(1) Zone	(2) Average residential gross floor area limit per story of a tower if height does not exceed the base height limit for residential use	(3) Average residential gross floor area limit per story of a tower if height exceeds the base height limit for residential use	(4) Maximum residential floor area of any story in a tower
DMC 240/290-440 and DMC 340/290-440	((10,000)) 11,000 square feet	((10,700)) 11,800 square feet	((11,500)) 12,700 square feet
DOC2	15,000 square feet	12,700 square feet	16,500 square feet
DOC1	15,000 square feet	14,800 square feet	16,500 square feet

Footnote to Table B for 23.49.058

¹ For the height at which a "tower" begins, see the definition in subsection 23.49.058.A.

1
2 a. For structures that do not exceed the base height limit for residential
3 use, each tower is subject to the average floor area per story limits specified in column (2) on
4 Table B for 23.49.058.

5 b. For structures that exceed the base height limit for residential use
6 according to Chapter 23.58A, the average residential gross floor area per story of each tower is
7 subject to the applicable maximum limit specified in column (3) on Table B for 23.49.058.

8 c. In no instance shall the residential gross floor area of any story in a
9 tower exceed the applicable maximum limit specified in column (4) on Table B for 23.49.058.

10 d. Unoccupied space provided for architectural interest pursuant to
11 subsection 23.49.008.B shall not be included in the calculation of gross floor area.

12 2. Maximum tower width

13 a. In DMC zones, the maximum facade width for portions of a building
14 above 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 120
15 feet or 80 percent of the width of the lot measured on the Avenue, whichever is less, except that:

16 1) On a lot where the limiting factor is the 80 percent width limit,
17 the maximum facade width is 120 feet, if at all elevations above a height of 85 feet, no more than
18 50 percent of the area of the lot located within 15 feet of the street lot line(s) is occupied by the
19 structure; and

20 2) On lots smaller than 10,700 square feet that are bounded on all
21 sides by street right-of-way, the maximum facade width shall be 120 feet.

1 b. In DOC2 zones, the maximum facade width for portions of a building
2 above 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 145
3 feet.

4 c. In DOC1, the maximum facade width for portions of a building above
5 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 160 feet.

6 d. The projection of unenclosed decks and balconies, and architectural
7 features such as cornices, shall be disregarded in calculating the maximum width of a facade.

8 D. Tower spacing in DMC zones

9 1. The requirements of this subsection 23.49.058.D apply to all structures over
10 160 feet in height in DMC zones, excluding DMC 170 zones, except that no separation is
11 required:

12 a. Between structures on different blocks, except as may be required by
13 view corridor or designated green street setbacks; or

14 b. From a structure on the same block that is not located in a DMC zone;
15 or

16 c. From a structure allowed pursuant to the Land Use Code in effect prior
17 to May 12, 2006; or

18 d. From a structure on the same block that is 160 feet in height or less,
19 excluding rooftop features permitted above the applicable height limit for the zone pursuant to
20 Section 23.49.008; or

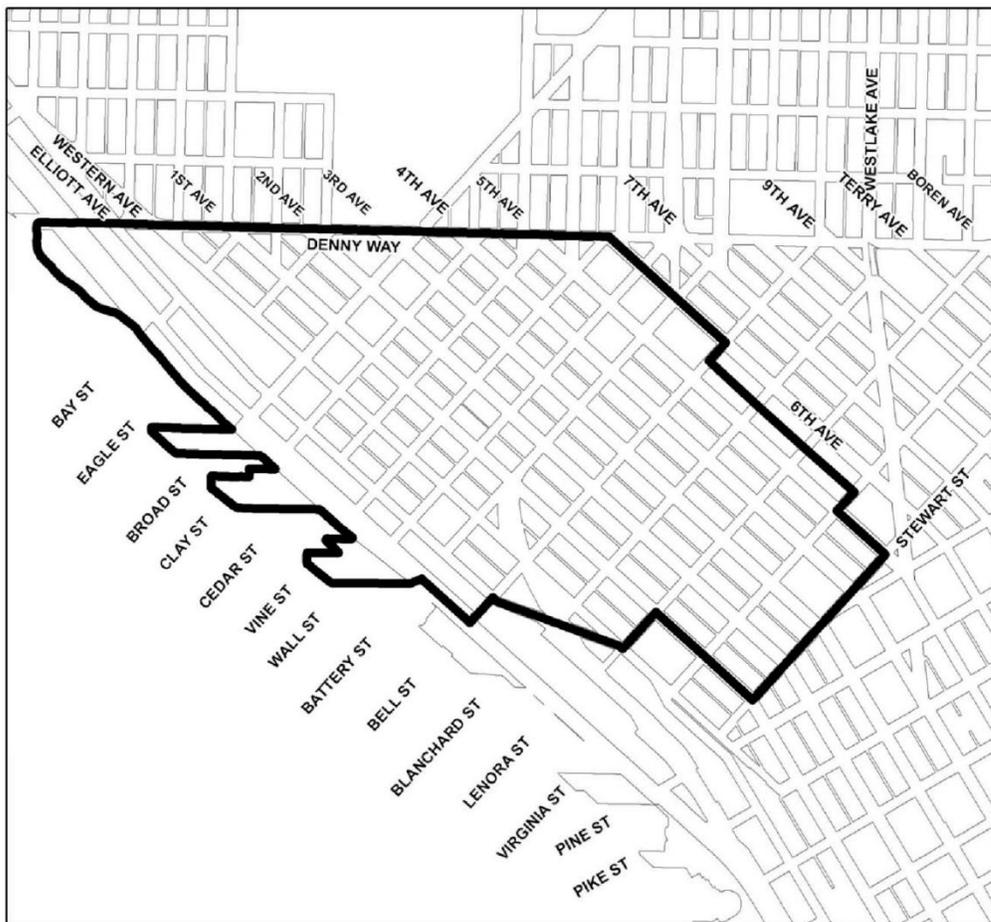
21 e. From a structure in a DMC 170.

22 2. Except as otherwise provided in this subsection 23.49.058.D, in the DMC
23 240/290-440 zone located between Stewart Street, Union Street, Third Avenue, and First

1 Avenue, if any part of a tower exceeds 160 feet in height, then all portions of the tower that are
2 above 125 feet in height shall be separated from any other existing tower that is above 160 feet in
3 height, and the minimum separation required between towers from all points above the height of
4 125 feet in each tower is 60 feet.

5 3. Except as otherwise provided in this subsection 23.49.058.D, in a DMC zone
6 with a mapped height limit of more than 170 feet located either in Belltown, as shown on Map A

Map A for 23.49.058 Belltown



— Belltown Boundary



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City of Seattle

1 for 23.49.058, or south of Union Street, if any part of a tower exceeds 160 feet in height, then all
2 portions of the tower that are above 125 feet in height must be separated from any other existing
3 tower that is above 160 feet in height, and the minimum separation required between towers
4 from all points above the height of 125 feet in each tower is ~~((80))~~ 60 feet.

5 4. Except as otherwise provided in this subsection 23.49.058.D, in a DMC zone
6 with a mapped height limit of more than 170 feet located in the Denny Triangle, as shown on
7 Map A for 23.49.056, if any part of a tower exceeds 160 feet in height, then all portions of the
8 tower that are above 125 feet in height must be separated from any other existing tower that is
9 above 160 feet in height, and the minimum separation required between towers from all points
10 above the height of 125 feet in each tower is 60 feet.

11 5. The projection of unenclosed decks and balconies, and architectural features
12 such as cornices, shall be disregarded in calculating tower separation.

13 6. If the presence of an existing tower would preclude the addition of another
14 tower proposed on the same block, as a special exception, the Director may waive or modify the
15 tower spacing requirements of this Section 23.49.058 to allow a maximum of two towers to be
16 located on the same block that are not separated by at least the minimum spacing required in
17 subsections 23.49.058.D.2, 23.49.058.D.3, and 23.49.058.D.4, other than towers described in
18 subsection 23.49.058.D.1. The Director shall determine that issues raised in the design review
19 process related to the presence of the additional tower have been adequately addressed before
20 granting any exceptions to tower spacing standards. The Director shall consider the following
21 factors in determining whether such an exception shall be granted:

1 a. Potential impact of the additional tower on adjacent residential
2 structures, located within the same block and on adjacent blocks, in terms of views, privacy, and
3 shadows;

4 b. Aspects of the proposal that offset the impact of the reduction in
5 required separation between towers, including the provision of public open space, designated
6 green street or other streetscape improvements, and preservation of Landmark structures;

7 c. Potential impact on the public environment, including shadow and view
8 impacts on nearby streets and public open spaces;

9 d. Design characteristics of the additional tower in terms of overall bulk
10 and massing, facade treatments and transparency, visual interest, and other features that may
11 offset impacts related to the reduction in required separation between towers;

12 e. The City's goal of encouraging residential development downtown; and

13 f. The feasibility of developing the site without an exception from the
14 tower spacing requirement.

15 7. For purposes of this Section 23.49.058 a tower is considered to be "existing"
16 and must be taken into consideration when other towers are proposed, under any of the following
17 circumstances:

18 a. The tower is physically present, except that a tower that is physically
19 present is not considered "existing" if the owner of the lot where the tower is located has applied
20 to the Director for a permit to demolish the tower and provided that the no building permit for
21 the proposed tower is issued until the demolition of the tower that is physically present has been
22 completed;

1 1. Except on lots located in DMR/R 95/65 zones, and except as provided in
2 subsection 23.49.158.C, portions of structures above 65 feet shall not exceed the coverage limits
3 in Table A for 23.49.158:

Table A for 23.49.158				
Percent coverage permitted by lot size				
Elevation of portion of structure (in feet)	0—19,000 square feet	19,001—25,000 square feet	25,001—38,000 square feet	Greater than 38,000 square feet
65 or less	100%	100%	100%	100%
Greater than 65 up to 85 ⁽¹⁾	75%	65%	55%	45%
Greater than 85 up to 145 ⁽¹⁾	65%	55%	50%	40%
Greater than 145 up to 280 ⁽¹⁾	Not applicable	45%	40%	35%

Footnotes:
(1) The coverage limit is increased to 5% more than the indicated percentage coverage limit for developments applications north of Lenora St. and west of 4th Ave. that are submitted before January 1, 2029.

4
5 2. In order to meet the coverage limits, a lot may be combined with one or more
6 abutting lots, whether occupied by existing structures or not, provided that:

- 7 a. The coverage of all structures on the lots does not exceed any of the
8 applicable limits set in this subsection 23.49.158.A; and
9 b. The fee owners of the abutting lot(s) execute a deed or other agreement,
10 recorded with the King County Recorder's Office as an encumbrance on the lots, that restricts
11 future development so that in combination with the other lots, the coverage limits will not be
12 exceeded.

13 B. Story size. Each story in portions of structures above 145 feet in height shall have a
14 maximum gross floor area of 8,800 square feet.

15 C. In South Downtown, the following coverage limits apply:

1 1. For structures up to 95 feet in height, coverage limits are shown in Table B for
2 23.49.158:

3

Table A for 23.49.158				
Percent coverage permitted by lot size				
Elevation of portion of structure (in feet)	0—19,000 square feet	19,001—25,000 square feet	25,001—38,000 square feet	Greater than 38,000 square feet
65 or less	100%	100%	100%	100%
Greater than 65 up to 85	75%	65%	55%	45%
Greater than 85 up to 145	65%	55%	50%	40%
Greater than 145 up to 280	Not applicable	45%	40%	35%

4
5 2. In order to meet the coverage limits, a lot may be combined with one or more
6 abutting lots, whether occupied by existing structures or not, provided that:

- 7 a. The coverage of all structures on the lots does not exceed any of the
8 applicable limits set in this subsection 23.49.158.A; and
9 b. The fee owners of the abutting lot(s) execute a deed or other agreement,
10 recorded with the King County Recorder's Office as an encumbrance on the lots, that restricts
11 future development so that in combination with the other lots, the coverage limits will not be
12 exceeded.

13 B. Story size. Each story in portions of structures above 145 feet in height shall have a
14 maximum gross floor area of 8,800 square feet except that for development applications north of
15 Lenora St. and west of 4th Ave. that are submitted before January 1, 2029 the maximum gross
16 floor area is increased to 10,700 square feet.

17 * * *

1 Section 10. Section 23.49.058 of the Seattle Municipal Code, which section was last
2 amended by ordinance 027099, is amended as follows:

3
4 Section 11. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
5 amended to rezone properties identified on pages 62, 76, and 109 of the Official Land Use Map
6 as shown on Attachments 1, 2, 3, 4 and 5 attached to this ordinance.

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Section 12. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2025,
and signed by me in open session in authentication of its passage this _____ day of _____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2025.

Bruce A. Harrell, Mayor

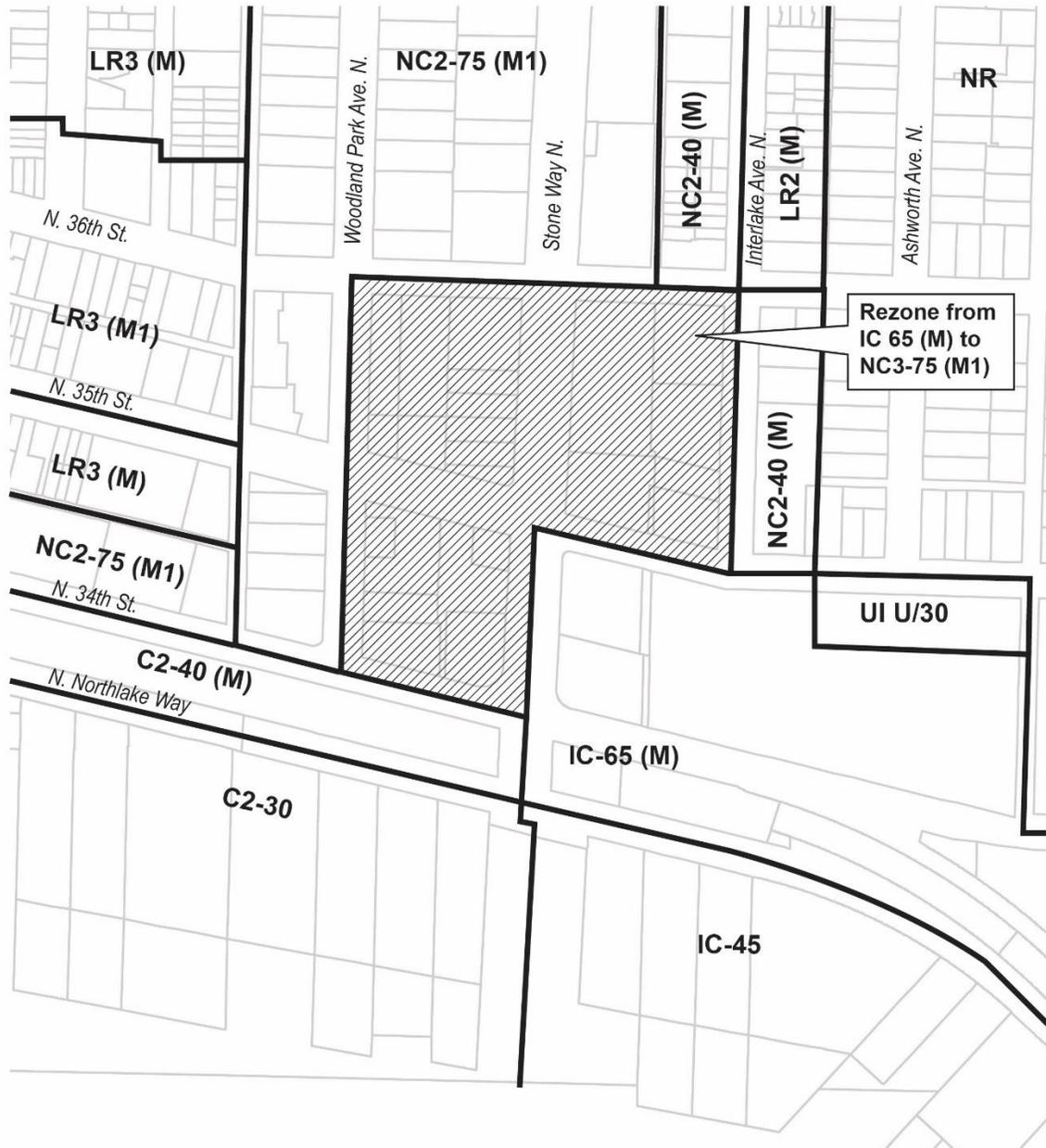
Filed by me this _____ day of _____, 2025.

Elizabeth M. Adkisson, Interim City Clerk

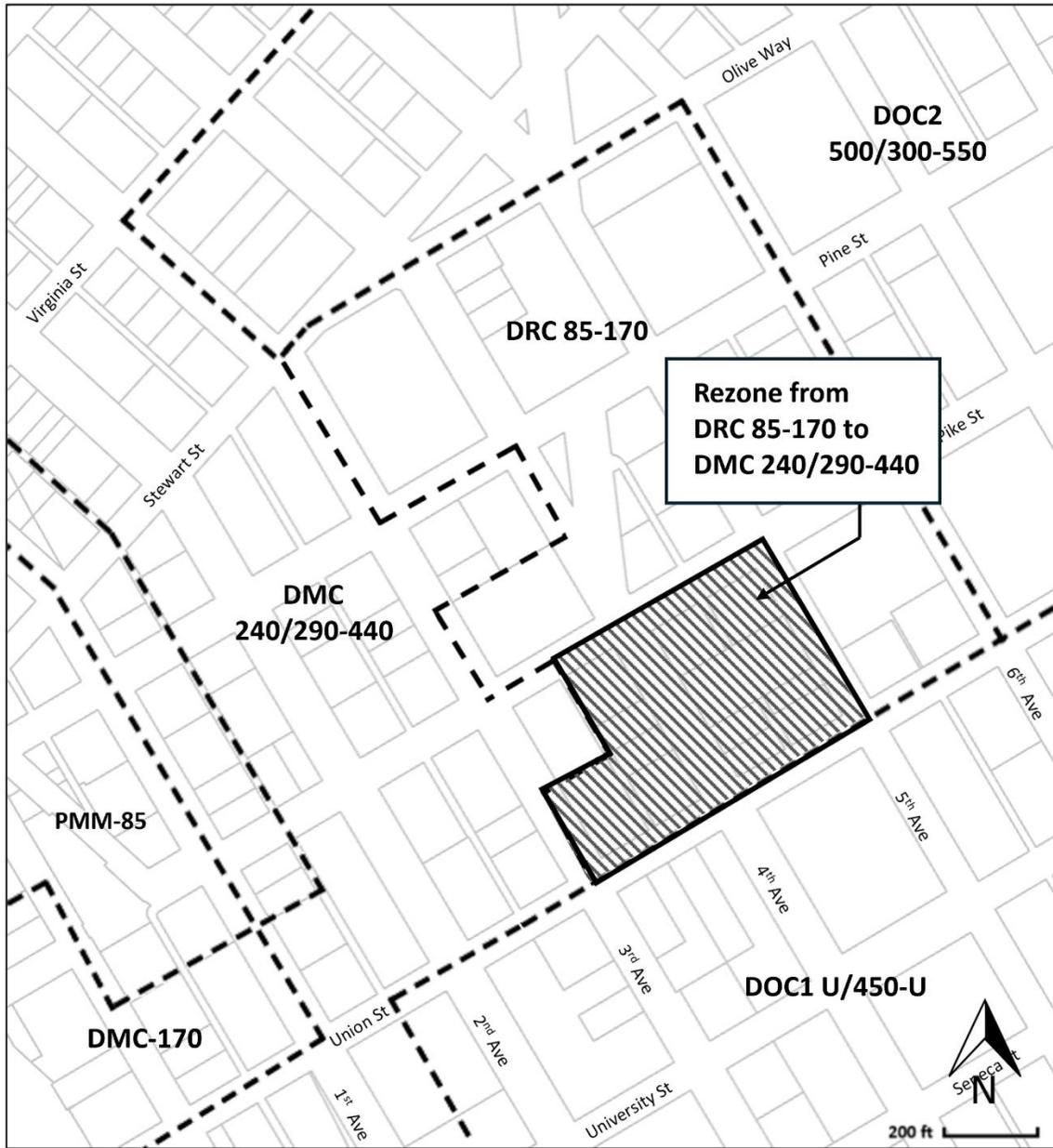
(Seal)

- 1 Attachments (if any):
- 2
- 3 Attachment 1: Eligible Areas For Residential Height Limit Increase
- 4 Attachment 2: Fremont / Stone Way Rezone Map
- 5 Attachment 2: Downtown Retail Core Rezone Map
- 6 Attachment 3: University District Rezone Map
- 7 Attachment 4: Rainier Beach Rezone Map
- 8 Attachment 5: Madison/Miller Rezone Map

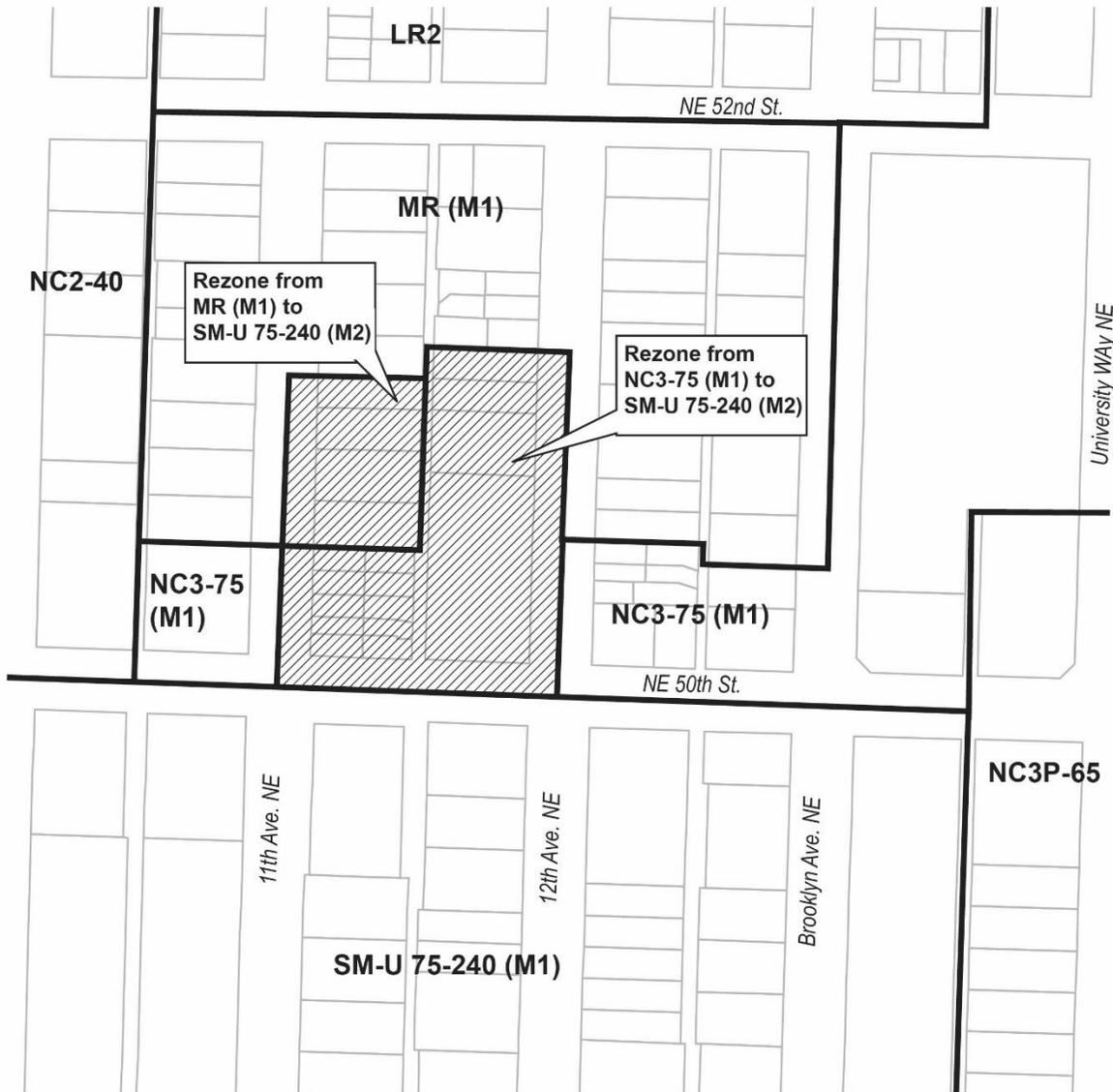
Attachment 2 – Fremont / Stone Way Rezone Map



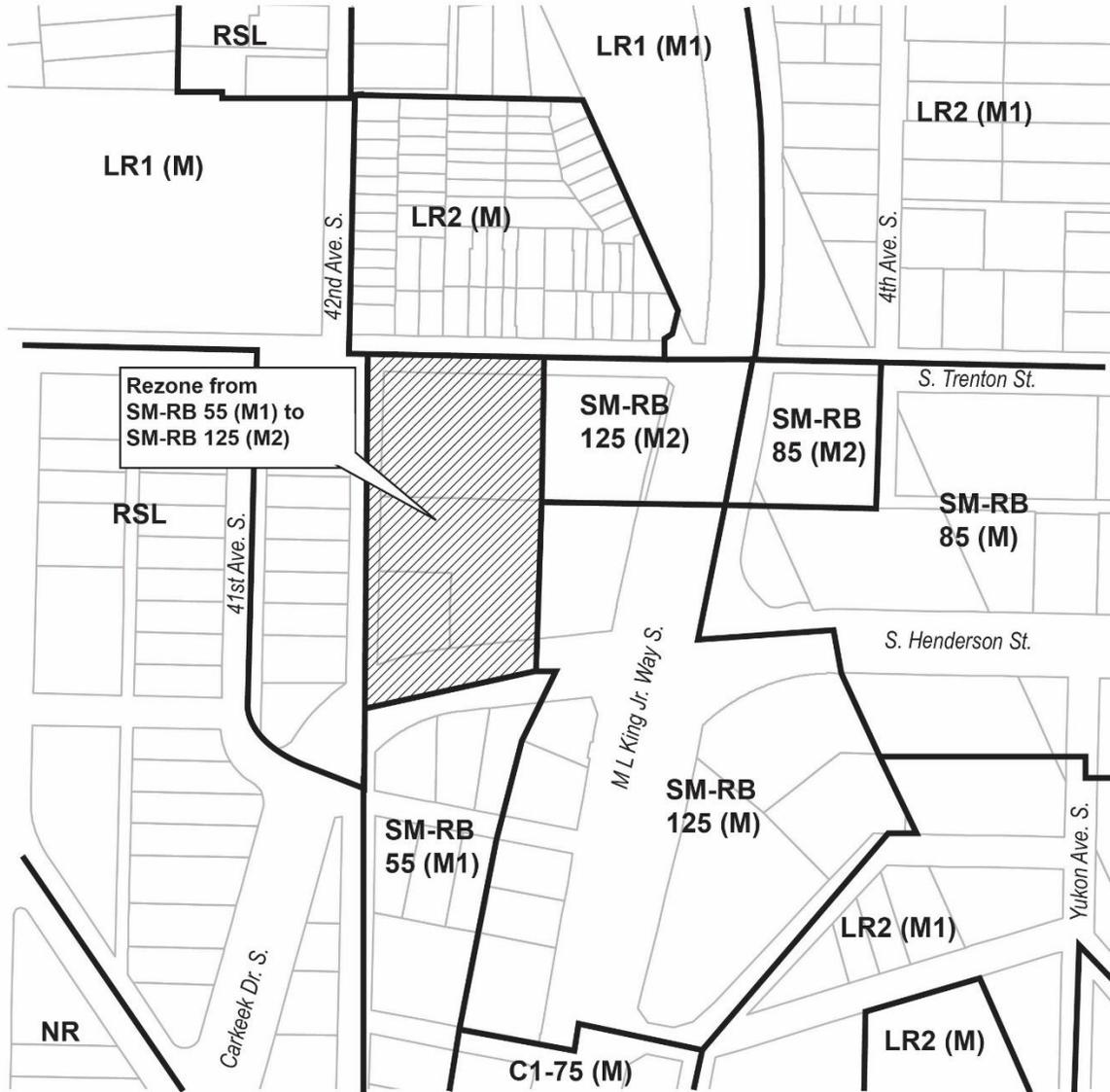
Attachment 3 – Downtown Retail Core Rezone Map



Attachment 4 – University District Rezone Map



Attachment 5 – Rainier Beach Rezone Map



Attachment 6 – Madison/Miller Rezone Map

