The City of Seattle

Ordinance _____

Council Bill _____

..title
An ordinance relating to land use and zoning; implementing technical amendments related to Permanent State Zoning Compliance legislation; amending Sections 23.42.022, 23.42.047, 23.42.106, 23.42.112, 23.44.040, 23.44.050, 23.44.060, 23.44.080, 23.44.090, 23.44.110, 23.44.140, 23.44.160, 23.45.508, 23.45.518, 23.54.015, 23.54.020, 23.80.014, 23.84A.024, 23.84A.036, 23.86.012, 25.09.280, and 25.09.300 of the Seattle Municipal Code; and adding a new Section 23.44.165 to the Seattle Municipal Code.

..body
Recitals:

On December 16, 2025, City Council voted to adopt Ordinance 127375 updating Seattle's Comprehensive Plan and Ordinance 127376 implementing zoning changes to comply with Washington State Legislature's Chapter 332, Laws of 2023 (also known as House Bill 1110) as well as other state requirements.

On January 21, 2026, the One Seattle Plan and legislation to implement zoning changes to comply with Chapter 332, Laws of 2023 (also known as House Bill 1110) as well as other state requirements became effective.

This legislation would clarify regulations, make edits to ensure consistent implementation, and address errors contained in Ordinances 127375 and 127376. Therefore,

Be it ordained by The City of Seattle as follows:

Section 1. Section 23.42.022 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

23.42.022 Accessory dwelling units

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B. Accessory dwelling units may not be accessory to ((~~residential uses~~)) any use other than housing ((~~uses~~)).

* * *

G. Maximum size

1. Gross floor area limit

a. The gross floor area of an accessory dwelling unit with up to two bedrooms may not exceed 1,000 square feet, except as provided in subsection 23.42.022.G.1.c.

b. The gross floor area of an accessory dwelling unit with three or more bedrooms may not exceed 1,200 square feet, except as provided in subsection 23.42.022.G.1.c.

c. The gross floor area of an accessory dwelling unit regardless of number of bedrooms may ((~~not exceed~~)) be up to 1,500 square feet if:

1) The lot is located in a LR zone;

2) The lot is located in a frequent transit service area; and

3) The lot has not been purchased for more than $1,000 in the past 20 years, measured from the date that the permit application for the accessory dwelling unit vests under Chapter 23.76.

2. The following are not included in the gross floor area limit:

a. Up to 250 square feet of gross floor area in an attached garage;

b. All stories, or portions of stories, that are underground; and

c. Up to 35 square feet of gross floor area dedicated to long-term bicycle parking.

H. Conversions of existing structures

1. For purposes of this subsection 23.42.022.H, the term "conversion" means keeping an existing structure intact, adding to or altering an existing structure, or removing and rebuilding an existing structure, provided that any expansion or relocation of the structure complies with the development standards for accessory dwelling units in this Section 23.42.022 and the provisions of the applicable zone, unless otherwise allowed by this subsection 23.42.022.H.

2. For the purposes of this subsection 23.42.022.H, the term “existing accessory structure” means an accessory structure existing prior to July 23, 2023 or an accessory structure existing prior to July 23, 2023 that was subsequently replaced to the same configuration.

3. ((~~Existing accessory structures. An existing accessory structure may be converted into a detached accessory dwelling unit if it meets the following:~~

~~a.~~)) To facilitate the conversion of and additions to an existing accessory structure, the Director may allow waivers and modifications as a Type I

decision to the provisions for accessory dwelling units in this Section 23.42.022 and the development standards of the applicable zone.

((~~b.~~)) 4. Conversion of an existing accessory structure to a detached accessory dwelling unit is ((~~permitted notwithstanding~~)) allowed even if the accessory structure does not meet applicable lot coverage or ((~~yard or~~)) setback provisions in this Section 23.42.022 or the applicable zone. The converted accessory structure shall comply with the minimum standards set forth in Sections 22.206.020 through 22.206.140.

((~~4.~~)) 5. Existing principal structures. The gross floor area of an attached accessory dwelling unit may exceed 1,000 square feet if the portion of the structure in which the attached accessory dwelling unit is located existed as of July 23, 2023.

* * *

Section 2. Section 23.42.047 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.42.047 Sensitive land uses near highways, ((~~and~~)) major truck routes, and railroads

Any new dwelling unit, school, or child care center that is located within 600 feet of the outermost mapped centerline of an interstate((~~,~~)) or highway, ((~~or~~)) within 200 feet of the centerline of a designated major truck street ((~~right-of-way~~)), or within 300 feet of the centerline of a railroad track must incorporate the following features to maintain indoor air quality and reduce noise intrusion:

A. One of the following two options:

1. Sound-insulating windows or other ((~~noise-insulating~~)) sound-insulating features sufficient to maintain interior sound levels at 45 decibels or below in consideration of existing environmental noise levels at the site. The applicant shall submit an analysis of existing noise levels and documentation of the sound insulating capabilities of windows or other noise-insulating features as part of the permit application; or

2. Exterior windows that meet the following Outdoor-Indoor Transmission Class (OITC) ratings:

a. 35 for structures located within 200 feet of the outermost mapped centerline of an interstate or highway; and

b. 30 for all other structures subject to this Section 23.42.047; and

B. A permanently installed air cooling system and a balanced ventilation system, which may be combined. The ventilation system shall filter any outdoor air supply through filters rated MERV 13 or higher as determined by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). The air cooling and ventilation systems shall be indicated on the plan.

Section 3. Section 23.42.106 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

23.42.106 Expansion of nonconforming uses

A. A structure occupied by a nonconforming residential use may be maintained, repaired, renovated, or structurally altered, but may not be expanded or extended, except:

1. As otherwise required by law or as necessary to improve access for the elderly or disabled; ((~~or~~))

2. To construct or modify minor structural features on the principal structure including, but not limited to, exterior decks and balconies, bay windows, dormers, eaves and solar collectors added to a principal structure, or a new or expanded accessory structure may be constructed; provided that the addition or new accessory structure conforms to the development standards of the zone((~~.~~)) ;

3. To construct or expand an accessory structure, provided that the addition or new structure conforms to the development standards of the zone((~~.~~)) ; or

4. As provided in subsection 23.42.106.B.

B. ((~~In addition to the standards in subsection 23.42.106.A, a~~)) A structure in a Neighborhood Residential zone occupied by a nonconforming residential use may be ((~~allowed to~~)) expanded ((~~subject to~~)) if the following conditions are met:

1. The number of dwelling units ((~~shall~~)) is not ((~~be~~)) increased, except as ((~~may be~~)) allowed pursuant to Section 23.40.040((~~.~~));

2. ((~~For a nonconforming residential use that is not a multifamily use, except as may be allowed pursuant to Section 23.40.040; if originally permitted by conditional use, the number shall not be allowed to increase above the number permitted by the conditional use approval.~~

~~3. An expansion of no more than 500 square feet of gross floor area, meeting the development standards for residential construction in Chapter 23.44 and not exceeding the average height of the closest principal structures on either side, is allowed.~~

~~4. An~~)) For an expansion greater than 500 square feet of gross floor area and/or exceeding the average height of the closest principal structures on either side, ((~~may be approved by the Seattle Department of Construction and Inspections through a special exception, Type II Master Use Permit, if~~)) the Director finds that the proposed expansion meets the development standards for residential construction and is compatible with surrounding development in terms of((~~:~~

~~a. Architectural character;~~

~~b. Existing streetscape and~~)) the pattern of setbacks((~~;~~)) and

((~~c. Scale~~)) the scale and proportion of principal structures((~~.~~)); and

((~~5.~~)) 3. If ((~~an addition proposed under subsection 23.42.106.B.3 or 23.42.106.B.4~~)) the expansion would require additional parking under the requirements of Section 23.54.015, that additional parking must be provided.

C. In multifamily zones, ((~~except in Lowrise 1 (LR1) zones,~~)) dwelling units may be added to a structure containing one or more nonconforming uses, even if in a structure nonconforming to development standards((~~; provided that limitations on density shall apply~~)). The structure may be expanded or extended, provided that the expansion or extension shall be for residential use, shall conform to the development standards of the zone, and shall not cause an already nonconforming structure to become more nonconforming to development standards.

* * *

Section 4. Section 23.42.112 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.42.112 Nonconformity to development standards

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B. A structure nonconforming to development standards and occupied by or accessory to a residential use may be rebuilt or replaced but may not be expanded or extended in any manner that increases the extent of nonconformity unless specifically permitted by this code.

1. A survey by a licensed Washington surveyor, or other documentation acceptable to the Director, documenting the extent of nonconformity and confirming that the plans to rebuild or replace a residential structure create no unpermitted increase in nonconformity shall be required prior to approval of any permit to rebuild or replace a nonconforming residential structure.

2. Additions, including parking, to a rebuilt nonconforming residential structure that meet current development standards are allowed.

3. Existing access or location of parking may be maintained for ((~~single-family structures~~)) detached dwelling units in neighborhood residential and multifamily zones when the ((~~single-family structure~~)) detached dwelling unit is being rebuilt according to this subsection 23.42.112.B.

* * *

Section 5. Section 23.44.040 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.44.040 General provisions

* * *

D. If more than one ((~~category of residential~~)) use or type of dwelling unit is located on a lot((~~,~~)) and if different development standards apply to the different categories of use or unit type, then each ((~~category's~~)) use or unit type's percentage of the total limit imposed by the development standard shall be calculated based on each ((~~category's~~)) use or unit type's percentage of total structure footprint area as follows:

1. Calculate the footprint, in square feet, for each ((~~category of residential~~)) use or unit type. For purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior walls of the structure or, if the use or unit type is divided by a shared wall, the centerline of the shared wall.

2. Calculate the total square feet of the footprint of all ((~~categories of residential uses~~)) structures on the lot that count toward the development standard.

3. Divide the square footage of the footprint for each ((~~category of residential structure~~)) use or unit type in subsection 23.44.040.D.1 by the total square feet of the footprint of all ((~~residential uses~~)) applicable structures in subsection 23.44.040.D.2.

4. Multiply the percentage calculated in subsection 23.44.040.D.3 for each ((~~housing category~~)) use or unit type by the area of the lot. The result is the area of the lot devoted to each ((~~housing category~~)) use or unit type.

5. The total limit for each ((~~category of residential use~~)) use or unit type is the applicable limit for that use or unit type multiplied by the percentage calculated in subsection 23.44.040.D.4.

* * *

Section 6. Section 23.44.050 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.44.050 Floor area

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B. Floor area ratio (FAR) limits. The FAR limit in Neighborhood Residential zones for lots with residential uses is as shown in Table A for 23.44.050, except that structures on lots with less than 5,000 square feet of lot area can include up to 2,500 square feet of total chargeable floor area or the amount of total chargeable floor area allowed by the FAR limit shown in Table A for 23.44.050, whichever is greater. The FAR limit in Neighborhood Residential zones for lots without residential uses is 1.2. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

Table A for 23.44.050 – Floor area ratio (FAR) in NR zones

((~~Density (dwelling)~~)) Dwelling units per lot ((~~size~~))) area	**FAR**
Less dense than 1 unit / 4,000 square feet	0.6
1 unit / 4,000 square feet to 1 unit / 2,201 square feet	0.8, or 1.0 if the development meets the standards of subsection 23.44.050.D
1 unit / 2,200 square feet to 1 unit / 1,601 square feet	1.0, or 1.2 if the development meets the standards of subsection 23.44.050.D

((~~Density (dwelling)~~)) Dwelling units per lot ((~~size~~))) area	**FAR**
1 unit / 1,600 square feet or denser	1.6 ((~~for attached and detached dwelling units~~)), except that it is: • 1.8 for ((~~development on lots located within a frequent transit service area that consist entirely of attached or detached dwelling units in structures that are less than three stories and that are arranged on up to three sides of a common, ground-level amenity area equal to at least 20 percent of the lot area that includes usable, contiguous community green space and trees~~)) attached or detached dwelling units that meet the standards of 23.44.050.F; • 1.8 for stacked dwelling units in buildings with at least six principal dwelling units that do not meet the standards of subsection 23.44.050.D or 23.44.050.E; or • 2.0 for stacked dwelling units in buildings with at least six principal dwelling units that meet ((~~either~~)) the standards of subsection 23.44.050.D or 23.44.050.E.

C. The following floor area is exempt from FAR limits:

1. All stories, or portions of stories, that are underground.

2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

3. Common walls separating individual attached dwelling units.

4. Square footage of stacked dwelling units that are Type A units, as defined in the Seattle Building Code, in buildings with at least six and no more than ten principal dwelling units.

D. The FAR limit for ((~~lots with~~)) stacked dwelling units in buildings with at least six principal dwelling units that are located on lots that meet the following requirements is as shown in Table A for 23.44.050:

1. The lot is within one quarter mile of a lot containing an elementary or secondary school;

2. At least 25 percent of the stacked dwelling units have a minimum of three bedrooms and a minimum floor area of 1,050 square feet.

E. The FAR limit for ((~~lots with~~)) stacked dwelling units ((~~with a density of 1 unit per 1,600 square feet of lot size or denser~~)) in buildings with at least six principal dwelling units that are located on lots that meet one of the following criteria is ((~~2.0~~)) as shown in Table A for 23.44.050:

1. Retain a Tier 1 tree, as defined in Section 25.11.130;

2. Retain two Tier 2 trees, as defined in Section 25.11.130; or

3. Meet a Green Factor score of 0.6, as measured in Section 23.86.019.

F. The FAR limit for attached or detached dwelling units that meet all of the following criteria is as shown in Table A for 23.44.050:

1. The lot is located within a frequent transit service area;

2. The dwelling units are contained entirely in structures that are less than three stories; and

3. The dwelling units are arranged on up to three sides of a common, ground-level amenity area equal to at least 20 percent of the lot area.

Section 7. Section 23.44.060 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.44.060 Maximum density and minimum lot size

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C. Maximum density exceptions

1. A lot that is less than 5,000 square feet may be developed with up to four dwelling units provided that the lot does not contain any riparian corridors; wetlands and their buffers; submerged lands and areas within the shoreline setback; or designated non-disturbance area in steep slopes.

2. A lot that is less than 7,500 square feet and within one-quarter mile walking distance of a stop on a major transit service may be developed with up to six dwelling units if the lot does not contain any riparian corridors; wetlands and their buffers; submerged lands and areas within the shoreline setback; or designated non-disturbance area in steep slopes.

3. A lot that is less than 7,500 square feet and located more than one-quarter mile walking distance from a stop on a major transit service may be developed with up to six dwelling units if the lot meets the following criteria:

a. The lot does not contain any riparian corridors; wetlands and their buffers; submerged lands and areas within the shoreline setback; or designated non-disturbance area in steep slopes;

b. At least two principal dwelling units are low-income units subject to a regulatory agreement, covenant, or other legal instrument enforceable by The City of Seattle;

c. The low-income units are generally distributed throughout the development and have substantially the same functionality as unrestricted units in the development;

d. To the extent practicable, the low-income units are comparable to unrestricted units in terms of square footage and number of bedrooms and bathrooms;

e. The tenure (i.e., rental or ownership) of low-income units and unrestricted units is the same;

f. The regulatory agreement, covenant, or other legal instrument contains criteria and policies to maintain public benefit if the property is demolished or converted to a non-residential use;

g. For ownership housing, the low-income units are stewarded by a qualified non-profit organization, which for purposes of this subsection 23.44.060.C.3 means a non-profit organization that the Office of Housing determines as experienced in the development and stewardship of permanently affordable homes, including:

1) Pre-purchase verification of income and other requirements for eligible households, affordable sale price calculations for approval by the Office of Housing, and execution of legal restrictions on the property; and

2) Post-purchase support for homeowners by facilitating resales, monitoring compliance with financial, owner occupancy, and other legal requirements, and clear communication of program guidelines and restrictions; and

h. At such times as may be required by the Director of Housing but no less than annually, the property owner (for rental housing) or the qualified non-profit organization (for ownership housing) agrees to file property reports with the Office of Housing, verified upon oath or affirmation, which shall contain such information as the

Office of Housing may deem necessary to determine compliance with this subsection 23.44.060.C.3 and the regulatory agreement, covenant, or other legal instrument.

4. For lots that contain any riparian corridors, wetlands and their buffers, submerged lands and areas within the shoreline setback, or designated non-disturbance area in steep slopes, applicants may choose to develop the lot with the number of dwelling units provided in the density limits in subsection 23.44.060.A or with the number of dwelling units calculated as follows:

a. Determine the number of units that would be allowed under subsections 23.44.060.C.1 through 23.44.060.C.3 if no environmentally critical areas were located on the lot;

b. Determine the percentage of the lot that is not covered by riparian corridors, wetlands and their buffers, submerged lands and areas within the shoreline setback, or designated non-disturbance area in steep slopes; and

c. Calculate the number of dwelling units by multiplying the number of units determined in subsection 23.44.060.C.4.a by the percentage of the lot calculated in subsection 23.44.060.C.4.b. At least one dwelling unit is allowed on all lots in existence as of the effective date of this ordinance.

5. Square footage of <u>stacked</u> dwelling units that are Type A units, as defined in the Seattle Building Code, <u>that are located in buildings with six or more principal dwelling units</u> do not count toward maximum density.

* * *

Section 8. Section 23.44.080 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.44.080 Lot coverage

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C. Structures not counted. The following structures and portions of structures are not counted in lot coverage calculations:

1. Underground structures;

2. The first 36 inches of architectural features such as cornices, eaves, gutters, roofs, fireplaces, chimneys, and other similar features that project from principal and accessory structures;

3. Decks or parts of a deck that are 36 inches or less above existing grade;

4. Unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower; ((~~and~~))

5. Unenclosed structures that meet the standards of subsection 23.44.090.H((~~.~~)) ; and

6. ((~~Square footage~~)) The footprint of all Type A dwelling units, as defined in the Seattle Building Code, ((~~on any floor of a structure with up to ten stacked dwelling units~~)) in structures with at least six and no more than ten principal dwelling units. ((~~Any dwelling units above or below a Type A unit are not required to be Type A units to utilize this exception.~~)) The lot coverage exception in this subsection 23.44.080.C.6 shall apply to the footprint of the Type A unit even if a unit that is not Type A is located above or below the Type A unit. For the purpose of this subsection 23.44.080.C.6, the area of the footprint is the net unit area as described in Section 23.86.007.

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Section 9. Section 23.44.090 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.44.090 Setbacks

A. Required setbacks for the NR zones are shown in Table A for 23.44.090.

Table A for 23.44.090 - Required setbacks in Neighborhood Residential zones

Front {1, 2}	Lots with one or two dwelling units: 15 feet; Lots with three or more dwelling units: 10 feet
Rear {1, 3}	Lots with one or two principal dwelling units not abutting an alley: 15 feet; Lots with three or more principal dwelling units not abutting an alley: 10 feet; Lots under 5,000 square feet within frequent transit service areas: 5 feet; If the rear setback abuts an alley, no rear setback is required.
Side {1}	Lots under 5,000 square feet within frequent transit service areas: 3 feet; All other lots: 5 feet average, 3 feet minimum.

Footnote for Table A for 23.44.090

{1} Required setbacks for lots with nonresidential structures are the same as the required setbacks for lots with three or more dwelling units.

{2} For interior lots not abutting the landmark public right-of-way on Queen Anne Boulevard, the applicant may choose to use the average of the front setbacks on the abutting lots instead of the distances shown above. For lots abutting the landmark public right-of-way on Queen Anne Boulevard, front setbacks shall be 20 feet or the average of the front setbacks of the structures on abutting lots, whichever is less, except that if the natural gradient or slope (as measured from the front line of the lot for a distance of 60 feet or the full depth of the lot, whichever is less) is in excess of 35 percent, the required front setback depth shall be the lesser of: 20 feet less one foot for each one percent of gradient or

slope in excess of 35 percent; or the average of the front setbacks on the abutting lots.

{3} The rear setback for accessory dwelling units is 5 feet, except that, if the rear setback abuts an alley, no rear setback is required.

* * *

I. Other enclosed structures allowed in setbacks

1. Any accessory structure that is not a dwelling unit may be constructed in a side or rear setback that abuts the rear or side setback of another lot upon recording with the King County Recorder's Office an agreement to this effect between the owners of record of the abutting properties.

2. Enclosed structures that are not dwelling units are allowed in the rear setback provided that:

a. They are not located within 5 feet of a rear lot line that is not an alley lot line;

b. They are not more than 12 feet in height; and

c. They are separated from a dwelling unit by at least 3 feet, eave to eave.

3. A dwelling unit may extend into a side setback if an easement is provided along the side lot line of the abutting lot sufficient to leave a 10-foot separation between that structure and any dwelling units on the abutting lot. The 10-foot separation shall be measured from the wall of the dwelling unit that is proposed to extend into a side setback to the wall of any dwelling unit on the abutting lot.

a. No structure or portion of a structure may be built on either lot within the 10-foot separation, except as provided in this Section 23.44.090.

b. Projections and other unenclosed structures that are allowed in setbacks are permitted in the 10-foot separation area required by this subsection 23.44.090.I.3 if otherwise allowed in side setbacks by subsections 23.44.090.E and 23.44.090.H. For purposes of calculating the distance a structure or feature may project into the 10-foot separation, the calculation shall be done as if the property line is 5 feet from the wall of the dwelling unit proposed to extend into a side setback.

c. No portion of any structure, including projections, shall cross the actual property line.

d. The easement shall be recorded with the King County Recorder's Office. The easement shall provide access for normal maintenance activities to the dwelling unit on the lot with less than the required 5-foot side setback.

Section 10. Section 23.44.110 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.44.110 Amenity area

A. ((~~The amount of required amenity area for stacked dwelling units is equal to 25 percent of the lot area, unless every unit above the ground level has a balcony, in which case it is 20 percent of the lot area. The amount of required amenity area for attached and detached units is 20 percent of the lot area.~~)) For any development adding dwelling units, except projects that add dwelling units entirely within an existing structure, the following amenity area is required:

1. For attached and detached units, 20 percent of the lot area; and

2. For stacked dwelling units, 25 percent of the lot area, except that it is 20 percent if every dwelling unit above the ground level has a balcony.

* * *

H. No amenity area is required for((~~:~~

~~1. One new dwelling unit added to a dwelling unit existing as of January 1, 1982, or for one new dwelling unit added to a multifamily residential use existing as of October 10, 2001; or~~

~~2. Development~~)) development that retains a Tier 2 tree, as defined in Section 25.11.130, or achieves a tree point score under Section 23.44.120((~~,~~)) through planting or preserving medium/large and large trees that would result in ((~~a~~)) at least ten percent canopy coverage for the site at tree maturity.

Section 11. Section 23.44.140 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.44.140 Design standards

A. Application of provisions((~~,~~))

1. The provisions of this Section 23.44.140 apply to development that includes the construction of new dwelling units, except for new dwelling units added within existing structures.

2. For the purposes of this Section 23.44.140, requirements for street-facing facades shall only apply to structures located within 40 feet of a street lot line or a vehicle access easement serving ten or more residential units. For structures located within 40 feet of a vehicle access easement serving ten or more residential units but not within 40 feet of a street lot line, the facade that faces the vehicle access easement

shall be considered a street-facing facade for the purpose of this Section 23.44.140. If multiple facades face vehicle access easements, the applicant may decide which facade facing a vehicle access easement is considered the street facing facade. On lots with garages allowed under subsections 23.44.160.D.4 or 23.44.160.D.5, the front facade shall be determined as if the garage allowed under subsection 23.44.160.D.4 or 23.44.160.D.5 did not exist.

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Section 12. Section 23.44.160 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.44.160 Parking location and access

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G. ((~~The~~)) Except as provided in subsections 23.44.160.D.4 and 23.44.160.D.5, the total combined horizontal width of all garage entrances that are located on front facades may not be more than 50 percent of the horizontal width of the street-level front facades or 10 feet, whichever is greater. No dwelling unit may have a garage entrance on both a front facade and a side facade.

* * *

Section 13. A new Section 23.44.165 is added to the Seattle Municipal Code, as follows:

23.44.165 Alternative standards for development of affordable housing on property owned or controlled by a religious organization

Development on a lot that meets the requirements of Section 23.42.055 may elect to meet the following development standards in lieu of the standards in

subsections 23.44.050.B (floor area), 23.44.060.A (density), and 23.44.070.A (structure height), and Sections 23.44.080 (lot coverage) and 23.54.015 (parking):

A. The maximum floor area ratio (FAR) limit is 2.0. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

B. The maximum density limit is one unit per 400 square feet.

C. The maximum height limit is 42 feet.

D. The maximum lot coverage is 60 percent.

E. No parking is required.

Section 14. Section 23.45.508 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

23.45.508 General provisions

* * *

C. Assisted living facilities, congregate residences, nursing homes, and structures containing ground floor commercial uses ((~~as allowed by Chapter 23.46 in RC zones~~)) shall meet the development standards for stacked dwelling units unless otherwise specified.

* * *

F. If more than one ((~~category of residential~~)) use or type of dwelling unit is located on a lot, and if different development standards apply to the different categories of use or unit type, then each ((~~category's~~)) use or unit type's percentage of the total limit imposed by the development standard shall be calculated based on each ((~~category's~~)) use or unit type's percentage of total structure footprint area, as follows:

1. Calculate the footprint, in square feet, for each ((~~category of residential~~)) use or unit type. For purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior walls of the structure or, if the use or unit type are divided by a shared wall, the centerline of the shared wall.

2. Calculate the total square feet of footprint of all ((~~categories of residential uses~~)) structures on the lot that count toward the development standard.

3. Divide the square footage of the footprint for ((~~each category of residential structure~~)) use or unit type in subsection 23.45.508.F.1 by the total square feet of footprints of all ((~~residential uses~~)) applicable structures in subsection 23.45.508.F.2.

4. Multiply the percentage calculated in subsection 23.45.508.F.3 for each ((~~housing category~~)) use or unit type by the area of the lot. The result is the area of the lot devoted to each ((~~housing category~~)) use or unit type.

5. The total limit for each ((~~category of residential~~)) use or unit type is the applicable limit for that use multiplied by the percentage calculated in subsection 23.45.508.F.4.

* * *

Section 15. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

23.45.518 Setbacks

* * *

G. Projections permitted in required setbacks

1. Architectural features such as cornices, eaves, gutters, roofs, fireplaces, chimneys, and other similar features may project into required setbacks a maximum of 4 feet if they are no closer than 3 feet to any lot line.

2. Garden windows and other similar features that do not provide floor area may project a maximum of 18 inches into required setbacks if they:

a. Are a minimum of 30 inches above the finished floor;

b. Are no more than 6 feet in height and 8 feet wide; and

c. Combined with bay windows and other similar features with floor area, make up no more than 30 percent of the area of the facade.

3. Bay windows and other similar features that provide floor area may project a maximum of 2 feet into required setbacks if they:

a. Are no closer than 5 feet to any lot line;

b. Are no more than 10 feet in width; and

c. Combined with garden windows and other projections included in subsection 23.45.518.G.2, make up no more than 30 percent of the area of the facade.

4. Unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project into required setbacks.

5. Unenclosed porches or steps

a. Unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than 2.5 feet in height from existing or finished grade, whichever is lower, may extend to a street lot line. See Exhibit C for 23.45.518.

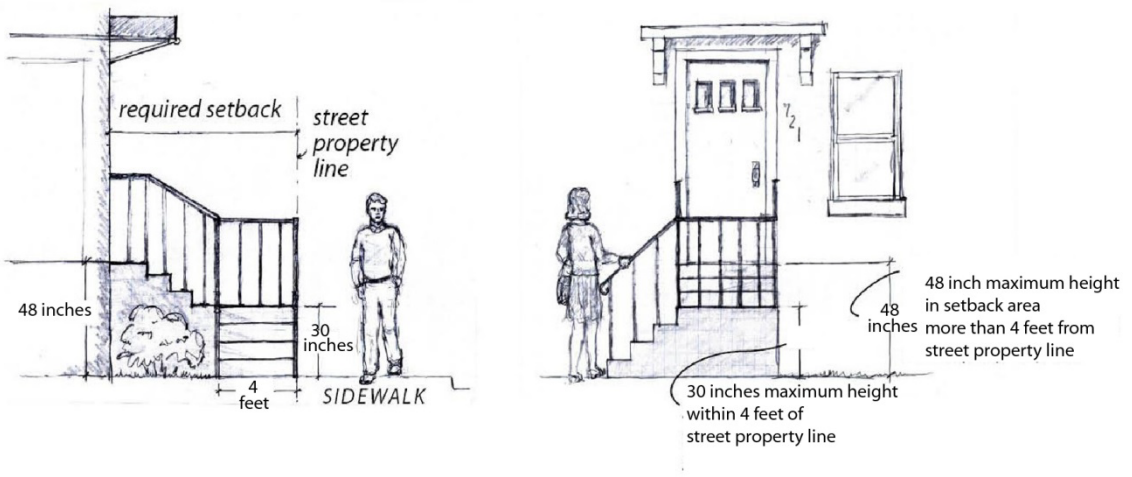
b. Unenclosed porches or steps no higher than 4 feet above existing grade may project into the required rear setback ((~~between structures~~)) a maximum of 4 feet provided they are a minimum of 5 feet from a rear lot line.

c. Unenclosed porches or steps permitted in required setbacks shall be limited to a combined maximum width of 20 feet.

Exhibit C for 23.45.518

Setbacks for unenclosed porches

Exhibit C for 23.45.518: Setbacks for unenclosed porches



d. Permitted porches or steps may be covered, provided that no portions of the cover-structure, including any supports, are closer than 3 feet to any lot line.

6. Fireplaces and chimneys may project up to 18 inches into required setbacks.

7. Unenclosed decks and balconies may project a maximum of 4 feet into required setbacks if each one is:

a. No closer than 5 feet to any lot line;

b. No more than 20 feet wide; and

c. Separated from other decks and balconies on the same facade of the structure by a distance equal to at least 1/2 the width of the projection.

8. Mechanical equipment. Heat pumps and similar mechanical equipment, not including incinerators, are permitted in required setbacks if they comply with the requirements of Chapter 25.08. Any heat pump or similar equipment shall not be located within 3 feet of any lot line. Charging devices for electric cars are considered mechanical equipment and are permitted in required setbacks if not located within 3 feet of any lot line.

* * *

Section 16. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

23.54.015 Required vehicular parking and maximum vehicular parking limits

* * *

G. Changes of use

1. New nonresidential uses in existing structures. Except as otherwise provided in this subsection 23.54.015.G, up to 20 required parking spaces are waived for a new nonresidential use established in an existing structure or the expansion of an existing nonresidential use entirely within an existing structure. Existing required parking shall remain.

2. Residential uses in existing structures. No parking is required for a change of use from a nonresidential use to a residential use in an existing structure.

3. Commercial uses in existing structures. No parking is required for a change of use to a commercial use in an existing structure.

4. For purposes of this Section 23.54.015, "existing structure" means a structure that was established under permit, or for which a building permit has been granted and has not expired, at least two years prior to the application to establish the new use or expand the use.

((~~5. Parking spaces required for loading and unloading of passengers are not eligible for the waiver under this subsection 23.54.015.G.~~))

* * *

Table A for 23.54.015: Required parking for nonresidential uses other than institutions

I. General nonresidential uses (other than institutions)

Use				**Minimum parking required**
A.	AGRICULTURAL USES {1}			1 space for each 2,000 square feet
B.	COMMERCIAL USES			
	B.1.	Animal shelters and kennels		1 space for each 2,000 square feet
	B.2.	Eating and drinking establishments		1 space for each 500 square feet
	B.3.	Entertainment uses, general, except as noted below {2}		For public assembly areas: 1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats, or 1 space for each 500 square feet of total floor area in entertainment use, whichever is less
		B.3.a.	Adult cabarets	1 space for each 500 square feet
		B.3.b.	Sports and recreation uses {3}	1 space for each 500 square feet
	B.4.	Food processing and craft work		1 space for each 2,000 square feet
	B.5.	Laboratories, research and development		1 space for each 1,500 square feet
	B.6.	Lodging uses		1 space for each 4 rooms or 1 space for each 500 square feet of total floor area in lodging use, whichever is less;

				For bed and breakfast facilities in Neighborhood Residential and multifamily zones, 1 space for each 2 dwelling units, plus 1 space for each 2 guest rooms, or 1 space for each 500 square feet of total floor area in lodging use, whichever is less
	B.7.	Medical services		1 space for each 500 square feet
	B.8.	Offices		1 space for each 1,000 square feet
	B.9.	Sales and services, automotive		1 space for each 2,000 square feet
	B.10.	Sales and services, general((~~, except as noted below~~))		1 space for each 500 square feet
		((~~B.10.a.~~	~~Pet daycare centers {4}~~	~~1 space for each 500 square feet~~))
	B.11.	Sales and services, heavy		1 space for each 2,000 square feet
	B.12.	Sales and services, marine		1 space for each 2,000 square feet
C.	HIGH IMPACT USES			1 space for each 2,000 square feet
D.	LIVE-WORK UNITS			0 spaces for units with 1,500 square feet or less; 1 space for each unit greater than 1,500 square feet; 1 space for each unit greater than 2,500 square feet, plus the parking that would be required for any nonresidential activity classified as a principal use
E.	MANUFACTURING USES			1 space for each 2,000 square feet
F.	STORAGE USES			1 space for each 2,000 square feet
G.	TRANSPORTATION FACILITIES			
	G.1.	Cargo terminals		1 space for each 2,000 square feet
	G.2.	Parking and moorage		
		G.2.a.	Flexible-use parking	None
		G.2.b.	Towing services	None
		G.2.c.	Boat moorage	1 space for each 2 berths
		G.2.d.	Dry storage of boats	1 space for each 2,000 square feet
	G.3.	Passenger terminals		1 space for each 100 square feet of waiting area
	G.4.	Rail transit facilities		None
	G.5.	Transportation facilities, air		1 space for each 100 square feet of waiting area
	G.6.	Vehicle storage and maintenance uses		1 space for each 2,000 square feet
H.	UTILITIES			1 space for each 2,000 square feet

II. Nonresidential use requirements for specific areas

I.	Nonresidential uses in regional centers or Station Area Overlay Districts [5]	No minimum requirement
J.	Nonresidential uses in urban centers that are not within a Station Area Overlay District, if the nonresidential use is located within a frequent transit service area ((~~{5}~~)){4}	No minimum requirement
K.	Nonresidential uses permitted in MR and HR zones pursuant to Section 23.45.504	No minimum requirement
L.	Nonresidential uses permitted in II zones	No minimum requirement

Footnotes for Table A for 23.54.015

{1} No parking is required for urban farms or community gardens in residential zones.

{2} Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of

certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.

{3} For indoor sports and recreation uses that exceed 25,000 square feet in size in a Manufacturing Industrial Center, the minimum requirement is one space for each 2,000 square feet.

{4} ((~~Parking for pet daycare centers shall include at least one space for each 20 animals that is reserved for loading and unloading of animals, provided that a total of no more than one parking space per 500 square feet is required. The number of required loading and unloading spaces is calculated based on the maximum number of animals the center is designed to accommodate.~~

~~{5}~~)) The general minimum requirements of Part I of Table A for 23.54.015 are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser minimum parking requirement (which may include no requirement) under any other provision. To the extent that a nonresidential use fits within more than one line in Table A for 23.54.015, the least of the applicable minimum parking requirements applies. The different parking requirements listed for certain categories of nonresidential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

* * *

Table C for 23.54.015 – Required parking for public uses and institutions

I. General public uses and institutions {1}

Use	**Minimum parking required**
A. Adult care centers {2 ((~~, 3~~))}	1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater((~~; plus 1 loading and unloading space for each 20 adults (clients)~~))
B. Child care centers	No minimum requirement
C. Colleges	A number of spaces equal to 15 percent of the maximum number of students that the facility is designed to accommodate; plus 30 percent of the number of employees the facility is designed to accommodate; plus 1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities
D. Community centers owned and operated by the Seattle Department of Parks and Recreation (SPR) {6}	1 space for each 555 square feet <u>of floor area</u>; or for family support centers, 1 space for each 100 square feet <u>of floor area</u>
E. Community clubs and community centers not owned and operated by SPR {7, 8}	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms containing fixed seats; plus 1 space for each 350 square feet of all other indoor areas
F. Community farms {8}	1 space plus 1 space for each 10,000 square feet of site area, or 10 spaces, whichever is less
G. Hospitals	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees other than staff doctors; plus 1 space for each 6 beds
H. Institutes for advanced study in Neighborhood Residential zones (existing) {1}	3.5 spaces for each 1,000 square feet of office space; plus 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of conference room space, whichever is greater
I. Libraries {8, 9}	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms containing fixed seats; plus 1 space for each 500 square feet of floor area of all other areas

J. Museums	1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; plus 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public
K. Private clubs	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
L. Religious facilities	1 space for each 80 square feet of all auditoria and public assembly rooms
M. Schools, elementary and secondary {7, 10, 11}	1 space for each 80 square feet of all auditoria and public assembly rooms without fixed seats, or 1 space for every 8 fixed seats in auditoria or public assembly rooms containing fixed seats
N. Vocational or fine arts schools	1 space for each 2 faculty that the facility is designed to accommodate; plus 1 space for each 2 full-time employees other than faculty that the facility is designed to accommodate; plus 1 space for each 5 students, based on the maximum number of students that the school is designed to accommodate

II. General public uses and institutions for specific areas

Use	Minimum parking required
O. General public uses, institutions and Major Institution uses, except hospitals, in regional centers or Station Area Overlay Districts {12}	No minimum requirement
P. General public uses and institutions, except hospitals, including institutes for advanced study in Neighborhood Residential zones, within urban centers that are not within Station Area Overlay Districts, if the use is located within a frequent transit service area	No minimum requirement

Footnotes to Table C for 23.54.015

{1} The Director may modify the parking requirements in this Table ~~A~~ ((C)) for 23.54.015 for institutions in Neighborhood Residential and multifamily zones pursuant to the conditional uses provisions in Section 23.44.030 and Section 23.45.570.

{2} The amount of required parking is calculated based on the maximum number of staff or clients that the center is designed to accommodate on site at any one time. No parking is required for adult care centers that provide housing for clients.

{3} ((~~As a Type I decision, the Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care to provide loading and unloading spaces on street, if not prevented by current or planned transportation projects adjacent to their property, when no other alternative exists.~~)) [Reserved]

{4} [Reserved]

{5} [Reserved]

{6} When family support centers are located within community centers owned and operated by the Department of Parks and Recreation, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to subsection 23.54.020.I.

{7} Indoor gymnasiums are not considered ball courts, nor are they considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the gymnasium is one parking space for every eight fixed seats. Each 20 inches of width of bleachers is counted as one fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement is one space for each 350 square feet.

{8} The Director may reduce the parking and loading requirements of Section 23.54.015 and the requirements of Section ((~~23.44.080~~)) 23.44.180 or Section 23.45.536 on a case-by-case basis if the applicant can demonstrate that the modification is necessary due to the specific features, activities, or programs of the institution and links the reduction to the features of the institution that justify the reduction. Such modifications shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.

{9} When a library is permitted in a multifamily or commercial zone as a conditional use, the Director may modify the parking requirements of Section 23.54.015 and the requirements of Section 23.45.536 or Sections 23.47A.030 and 23.47A.032 on a

case-by-case basis if the applicant can demonstrate that the modification is necessary due to the specific features, activities, or programs of the institution and links the reduction to the features of the institution that justify the reduction. Such modifications shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.

{10} For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements are determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown in this Table C for 23.54.015 for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ten percent or less than that for the existing auditorium or other place of assembly, then no additional parking is required.

{11} For public schools, development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

{12} The general requirements of lines A through P of this Table C for 23.54.015 for general public uses and institutions, and requirements of subsection 23.54.016.B for Major Institution uses, are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a general public use, institution, or Major Institution use fits within more than one

line in this Table C for 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of general public uses or institutions shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

* * *

Section 17. Section 23.54.020 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

23.54.020 Parking quantity exceptions

The motor vehicle parking quantity exceptions set forth in this Section 23.54.020 apply in all zones except downtown zones, which are regulated by Section 23.49.019, and Major Institution zones, which are regulated by Section 23.54.016.

* * *

B. Tandem parking in ((~~multifamily~~)) residential structures. Off-street parking required for ((~~multifamily~~)) residential structures may be provided as tandem parking, as defined in Section 23.54.030. A tandem parking space counts at a rate of one space for every 20 linear feet of depth excluding required access aisles.

* * *

Section 18. Section 23.80.014 of the Seattle Municipal Code, enacted by Ordinance 127376, is amended as follows:

23.80.014 Waiver or modification of development regulation

* * *

D. Relationship to other provisions authorizing exceptions, variances, exemptions, and other forms of relief

1. Except as provided in subsection 23.80.014.D.2, ((~~regardless of any other provision of this Title 23, Chapter 25.09, or Chapter 25.11,~~)) if an applicant seeks the waiver or modification of a development regulation under this Section 23.80.014, the applicant is not required to also seek relief from the application of the development regulation pursuant to any other form of relief afforded by the Seattle Municipal Code, including procedures for exceptions, variances, exemptions, and similar procedures. However, an applicant is not precluded from seeking such other relief in addition to relief under this Section 23.80.014.

2. When the waiver or modification sought under this Section 23.80.014 is of a development regulation contained in Chapter 23.60A or Chapter 25.09, the applicant must seek relief from the development regulation pursuant to the procedures set forth in Chapter 23.60A or Chapter 25.09. In the event that relief cannot be granted under those procedures, the development regulation may be waived or modified under this Section 23.80.014. The Director's decision shall include a determination on the criteria in Chapter 23.60A or Chapter 25.09 when granting a waiver or modification to development regulations under this Section 23.80.014.

E. Exemption for light rail facilities. This Section 23.80.014 does not apply to light rail facilities. Development standards for light rail facilities may be waived or modified pursuant to subsection 23.80.004.C.

Section 19. Section 23.84A.024 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

* * *

"Lot line, front" means:

1. For a lot with frontage on a single street, the lot line separating the lot from the street;

2. For a through lot, all lot lines separating the lot from the streets that are parallel or within 15 degrees of parallel to each;

3. For a lot with frontage on more than one street other than a through lot, a lot line determined ((~~by the Director based on the existing pattern of lots and buildings on the block~~)) by the applicant, except that, if an existing principal structure is proposed to be retained, the applicant must choose a lot line which allows the existing principal structure to comply with setbacks or, if the existing principal structure is already non-conforming to setbacks, maintains the greatest degree of conformity with setbacks; and

4. For a lot with no street frontage:

a. On a lot that has only one alley lot line, the alley lot line;

b. On a lot that has more than one alley lot line, one alley lot line determined by the Director based on existing pattern of lots and buildings on the alleys; and

c. On a lot that has no alley lot lines, a lot line chosen by the applicant, provided that the selected front lot line length is at least 50 percent of the width of the lot.

* * *

Section 20. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

23.84A.036 "S"

* * *

((~~"Single-family dwelling unit." See "Residential use."~~))

* * *

((~~"Structure, multifamily residential." See "Multifamily residential structure."~~))

* * *

((~~"Structure, single-family." See "Single-family dwelling unit."~~))

* * *

Section 21. Section 23.86.012 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

23.86.012 Setback and separations measurement

* * *

B. Setback averaging. In Neighborhood Residential, multifamily, and commercial zones, certain required setbacks may be averaged. In such cases:

1. The average front and rear setbacks are calculated based on the entire width of the structure;

2. The average side setbacks are calculated based on the entire depth of the structure;

3. Setbacks are measured horizontally from the lot line to the facade of the structure. The facade(s) used in calculating the average and minimum setback

requirements shall be those facades that are nearest to that lot line except that any features allowed to project into the setback are excluded.

* * *

Section 22. Section 25.09.280 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.280 ((~~Yard and setback~~)) Setback reduction and variance to preserve environmentally critical area buffers and riparian corridor management areas

A. The Director may authorize a 25 percent reduction, up to a maximum of 5 feet, in ((~~yard or~~)) front or rear setback requirements ((~~for front or rear yards~~)) on a lot in existence as a legal building site prior to October 31, 1992, in order to maintain the full width of a riparian management area, wetland buffer, or steep slope erosion hazard area buffer.

B. The Director may approve a ((~~yard or~~)) setback reduction greater than 5 feet in order to maintain the full width of a riparian management area, wetland buffer, or steep slope erosion hazard area buffer through an environmentally critical areas ((~~yard or~~)) setback reduction variance when the following facts and conditions exist:

1. The lot has been in existence as a legal building site prior to October 31, 1992;

2. Because of the location of the lot in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable ((~~yard or~~)) setback requirements of Title 23 would cause undue hardship;

3. The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area, wetland buffer, or steep slope erosion hazard area buffer, and to afford relief;

4. The granting of the variance will not be injurious to safety or to the property or improvements in the immediate vicinity in which the property is located when all City codes are implemented;

5. The ((~~yard or~~)) setback reduction will not result in a development that is materially detrimental to the character, design, and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, ((~~yards,~~)) pedestrian environment, and the amount of trees and vegetation remaining; and

6. The requested variance would be consistent with the spirit and purpose of the environmentally critical areas policies and regulations.

C. When an environmentally critical areas variance is authorized, the Director may attach conditions to the development to address the factors identified in subsection 25.09.280.B.5 and to carry out the spirit and purpose of this Chapter 25.09.

D. The process and procedures of an environmentally critical areas ((~~yard or~~)) setback reduction variance shall be as prescribed for Type II land use decisions in Chapter 23.76.

Section 23. Section 25.09.300 of the Seattle Municipal Code, last amended by Ordinance 127376, is amended as follows:

25.09.300 Environmentally critical area exception

A. Types of exceptions

1. General. An applicant for a City permit to develop real property that is located in an environmentally critical area or buffer may apply to the Director for an exception to modify environmentally critical area development standards, provided that an applicant cannot apply for an exception ((~~to allow development or~~)) to relocate lot lines under Section 23.28.030. An applicant seeking relief under this Section 25.09.300 shall demonstrate that no other applicable administrative remedies in this Chapter 25.09 or Title 23 will provide sufficient relief.

2. Public projects. If development in an environmentally critical area or buffer is necessary to accommodate a public facility or public utility, the Director may grant an exception permitting the public facility or public utility using the criteria in lieu of subsections 25.09.300.C and 25.09.300.D:

a. No reasonable alternative location will accommodate the facility or utility, as demonstrated by an analysis of appropriate alternative locations provided by the applicant or the Director;

b. Mitigation sequencing under Section 25.09.065 is applied to the siting, design, and construction of the facility or utility;

c. All requirements of subsections 25.09.300.A.1, 25.09.300.B, 25.09.300.E, and 25.09.300.F apply; and

d. A light rail transit facility within a light rail transit system with the alignment, transit station locations, and maintenance base locations approved by the Council by ordinance or resolution is exempt from subsection 25.09.300.A.2.a. For mitigation sequencing under Section 25.09.065, the light rail transit facility is exempt from subsection 25.09.065.B.1.a and the Director shall consider subsection

25.09.065.B.1.b, prioritize subsections 25.09.065.B.1.c, 25.09.065.B.1.e, and 25.09.065.B.1.f, and prioritize the extent to which the proposal creates improved ecological function. If mitigation for a light rail transit facility will change the location of a wetland and wetland buffer and/or riparian management area, the wetland buffer and riparian management area shall not extend into or past an improved right-of-way unless that portion of the riparian management area provides significant biological or hydrological function in relation to the wetland or riparian watercourse. The light rail transit facility is exempt from the submittal requirements of subsections 25.09.300.B.1.d and 25.09.300.B.1.e.

* * *

This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council and signed in open session in authentication of its passage on _____.

_____

President _____ of the City Council

_____ on _____.

_____

Katie B. Wilson, Mayor

Attested on _____.

_____

Scheereen Dedman, City Clerk

Seal