

## Ordinance 127375 and 127376 codified

### 6.600.040 License required

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B. Operators. It is unlawful for any person to operate as a short-term rental operator within the City without a valid short-term rental operator license issued pursuant to this Chapter 6.600. A short-term rental operator license permits an operator to offer or provide a maximum of one dwelling unit, or portion thereof, for short term rental use, or a maximum of two dwelling units if one of the units is the operator's primary residence, except for the following:

1. An operator who offered or provided a short-term rental outside of the locations described in subsections 6.600.040.B.2 or 6.600.040.B.3 prior to September 30, 2017, may obtain a short-term rental operator license allowing that operator to continue to operate up to two dwelling units for short-term rental use, subject to the requirements of subsection 6.600.040.B.4. Upon renewal of the license after one year of operations, the operator may obtain a license allowing that operator to: continue to operate the two units; and add a third dwelling unit if the unit is the operator's primary residence.

2. An operator who offered or provided a short-term rental in the Downtown Regional Center, south of Olive Way and north of Cherry Street, as established in the Seattle Comprehensive Plan (2016), prior to September 30, 2017, may obtain a short-term rental operator license allowing them to continue to operate those units and to offer or provide up to one additional dwelling units for short-term rental use, or a maximum of two

dwelling units, if one of the units is the operator's primary residence, subject to the requirements of subsection 6.600.040.B.4.

3. An operator who offered or provided a short-term rental in any dwelling units within a multifamily building constructed after 2012 that contains no more than five dwelling units established by permit under Title 23 and is located in the First Hill/Capitol Hill Regional Center, as established in the Seattle Comprehensive Plan, prior to September 30, 2017, may obtain a short-term rental operator license allowing them to continue to operate those units and to offer or provide up to one additional dwelling units for short-term rental use, or a maximum of two dwelling units, if one of the units is the operator's primary residence, subject to the requirements of subsection 6.600.040.B.4.

4. If the license applicant wishes to continue operating a short-term rental in a location described in subsections 6.600.040.B.1, 6.600.040.B.2, or 6.600.040.B.3 the applicant must provide the Director with the following evidence of prior short-term rental use:

a. A business license tax certificate issued by the Department of Finance and Administrative Services for the short-term rental use, in effect on prior to September 30, 2017; and

b. Records demonstrating collection and remittance of all applicable local, state, and federal taxes within the 12-month period prior to September 30, 2017; and

c. A registry identifying the dates the dwelling unit was used as short-term rental within the 12-month period prior to September 30, 2017; and

d. Certification that, if the applicant is a renter, the owner has authorized the tenant's operation of the dwelling unit as a short-term rental. If requested by the Director, the applicant shall provide documentation demonstrating that the owner has provided that authorization.

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## **6.600.080 Bed and breakfast operator general provisions**

All bed and breakfast operators who advertise or offer a bed and breakfast unit on a platform in the City, shall comply with the following:

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C. If operating within a Neighborhood Residential zone, comply with all standards provided in subsection 23.44.020.C. If operating within a multifamily zone, comply with all standards provided in subsection 23.45.504.I.

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## **14.08.020 Definitions**

Definitions as used in this Chapter 14.08, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

"Accessory dwelling unit" has the meaning defined in Section 23.84A.008.

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## **14.09.010 Definitions**

"Accessory dwelling unit" has the meaning defined in Section 23.84A.008.

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"Single family dwelling unit" has the meaning as defined in Section 22.204.200.A.

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## 15.32.200 At-grade communication cabinets

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F. The applicant for a new at-grade communication cabinet proposal that is more than 36 inches in height including footings or bases as measured from the grade of the surrounding public place, or has a maximum volume of more than 18 cubic feet, shall: (1) send notice of a Seattle Department of Transportation application by first-class mail to all business entities, property owners, and residents located within a 100-foot radius from where the communication cabinet is proposed to be located; and (2) post notice of the new application at the proposed site. The notice shall be displayed towards the nearest public place that abuts the site and is viewable by the public and shall be maintained on the site for the duration of the public notice period.

1. If the new at-grade communication cabinet proposal is more than 36 inches in height including footings or bases as measured from the grade of the surrounding public place, or has a maximum volume of more than 18 cubic feet, and is abutting a lot zoned NR, LR1, LR2, or LR3 as these zoning designations are defined under subsection 23.30.010.A and the abutting zoning does not have an RC classification as shown on the Official Land Use Map, Chapter 23.32 ("residentially zoned parcels"), the communication cabinet shall be fully screened from the public place and abutting private property. If it is not feasible to install mitigation screening due to physical site constraints, the applicant shall provide an alternative mitigation proposal within 200 feet of the project. If the alternative mitigation cannot be located within 200 feet of the project, the applicant shall

propose an alternative location that the Director shall review and may approve. All mitigation screening shall comply with setback standards in Section 15.32.250 and remain the permittee's sole responsibility to maintain so long as the communication cabinet or accessory equipment occupies the public place. As determined by the Director, mitigation screening may include landscaping, fencing, or visual treatment to the cabinet surface. Visual treatment to the cabinet may include paint, decals, vinyl wraps, photos, or other surface treatments. A cabinet shall be considered fully screened for visual treatment purposes when the treatment is applied to all communication cabinet vertical surfaces.

2. The applicant shall send and post all required notices at least three calendar days before the start of the public notice period. The mailing and on-site notice shall be on a form provided by the Seattle Department of Transportation and shall include: a description of the proposed location and installations, comment period dates, information on how the public can submit comments to the Seattle Department of Transportation, and how to request a reconsideration of a Street Use permit decision. If the proposal is abutting a residentially zoned parcel, the mailing and on-site notice shall include a visual and narrative description of the proposed mitigation screening required in subsection 15.32.200.F.1.

3. Written comments concerning the application shall be postmarked or emailed to the Director of the Seattle Department of Transportation within ten business days after the first day of the public notice period.

4. The applicant shall provide the Director of the Seattle Department of Transportation with a mailing list containing the individuals the notice was mailed to, the recipient's mailing address, and date the notice was mailed to each recipient.

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### 15.32.250 Communication cabinet standards and setbacks

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C. If the at-grade communication cabinet is to be installed in a planting strip it shall be placed in proximity to and in line with existing utility or street light poles, street signs, or other existing structures within the planting strip in order to create a physical and visual alignment. The communication cabinet shall not impair the line of sight for vehicles exiting adjacent alleys, streets, or driveways as provided in Section 23.54.032 or other sight triangle requirements adopted by City code or rule.

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### 21.49.110 Electric service connection provisions

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#### E. Prohibition of master metering

1. The Department shall not supply electricity for any new service to a duplex or multiple-dwelling building for the purpose of master metering the energy usage of the dwelling units, a central space heating system or HVAC system, or a central domestic water heating system. The Department shall not supply electricity for any larger service to an existing duplex or multiple-dwelling building for the purpose of master metering new central or individual space heating or HVAC systems. The existence of alternative laundry

or dining arrangements for residents of multiple-dwelling buildings (such as central kitchens and dining rooms where residents can buy or eat their meals, or a central laundry), in addition to the availability of cooking and/or laundry facilities within the individual dwelling units, will not be considered grounds for an exemption from the prohibition of master metering.

2. This prohibition does not apply to multiple-dwelling buildings such as transitional housing, student dormitories and residences for religious orders, the elderly or the disabled, in which the residents do not live independently.

3. In situations with a mix of living accommodations where some residents live independently and some do not, those buildings or portions of buildings which provide non-transient independent dwelling units will not be eligible for master metering.

4. Accessory housing exception. A structure that only contains one principal dwelling unit and one accessory dwelling unit shall be exempt from the master metering provisions of this Chapter 21.49.

5. Other exceptions. Exemption from the master metering prohibition for residential dwelling situations not covered in the provisions of this Chapter 21.49 may be granted on a case-by-case basis by the Department.

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## 22.214.020 Definitions

For purposes of this Chapter 22.214, the following words or phrases have the meaning prescribed below:

"Accessory dwelling unit" or "ADU" has a meaning defined in Section 23.84A.008.

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## 22.801.200 "S"

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"Single-family residential project" means a project that constructs one principal detached or attached dwelling unit as defined in 23.84A.008 and any associated accessory dwelling unit located in land classified as being Neighborhood Residential pursuant to Section 23.30.010, and the total new plus replaced hard surface is less than 5,000 square feet.

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## 22.805.070 Minimum requirements for on-site stormwater management

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### D. On-site lists

1. For each project surface, follow the appropriate project table in subsection 22.805.070.D.2 to subsection 22.805.070.D.5 to evaluate on-site BMPs shown for that type of surface, by category. The project tables apply to roofs and other hard (non-roof) surfaces. All on-site BMPs used must comply with the rules promulgated by the Director. For each surface, consider all of the applicable on-site BMPs in the first category. Use any that is considered feasible. If none is feasible for that surface, move on to each successive category and repeat the selection process as necessary. Once one on-site BMP is used for a surface, no other on-site BMP is necessary for that surface. If no BMP in the appropriate categories is feasible, then no further evaluation is required for that surface

under this subsection 22.805.070.D.1. Feasibility shall be determined by evaluation against:

- a. Design criteria, minimum size, limitations, and infeasibility criteria

identified for each BMP in this subsection 22.805.070.D and the rules promulgated by the Director; and

- b. Competing needs. This subsection 22.805.070.D (On-site lists) can be superseded or reduced by the Director if the installation of the BMPs is in conflict with:

- 1) Any of the following federal or state laws, rules, and standards, as may be amended or superseded: historic preservation and archaeology laws identified in subsection 22.805.070.E (Historic preservation and archaeology laws), Federal Superfund or Washington State Model Toxics Control Act, Federal Aviation Administration requirements for airports, the Americans with Disabilities Act, and related rules and standards; or

- 2) Special zoning district design criteria adopted and being implemented pursuant to a community planning process. Special zoning districts include, for example, historic and preservation districts, pedestrian zone overlays, station area overlays, special review districts, multifamily residential zones, regional centers and urban centers, and master planned communities. Specific criteria in these areas include, but are not limited to, minimum Floor Area Ratio standards; zero lot line development; usable open space requirements; minimum sidewalk width and required bicycle facilities; alley, loading, and access requirements; pitched roof standards; and street-level development standards for modulation and projections; or

3) Public health and safety standards; or  
4) Transportation regulations to maintain the option for future expansion or multi-modal use of public rights-of-way; or  
5) Chapter 15.43 (Tree and Vegetation Management in Public Places); Chapter 25.09 (Regulations for Environmentally Critical Areas); Chapter 25.11 (Tree Protection); and Chapter 23.60A (Standards for Vegetation in the Shoreline Master Plan).

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## **22.907.030 Notice of proposed sale of low-income multi-family rental building**

A. Except as provided in this Section 22.907.030, an owner of a building having two or more housing rental units, excluding congregate residences as defined in Section 23.84A.032, any one of which rents for an amount that is affordable to households at or below 80 percent of area median income, as most recently determined by the United States Department of Housing and Urban Development for the Seattle metropolitan statistical area, shall notify the Seattle Office of Housing (OH) and the Seattle Housing Authority (SHA) of the owner's intent to sell the building. The notice shall be in writing and include the owner's name, phone number, and the address of the rental housing building that will be offered for sale. At the same time, the owner shall submit to OH a declaration signed under penalty of perjury, affirming that the owner has complied with the notice requirements of this Section 22.907.030. The notice and declaration shall be submitted no later than 90 days prior to the building being listed with any real estate listing service or advertised for sale in a printed newspaper or on a website. For the purposes of this Section

22.907.030, a building is "listed" when an owner has signed a listing agreement with a real estate agent.

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## 23.22.062 Unit lot subdivisions

A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for residential development including attached and detached dwelling units and existing structures containing stacked dwelling units built prior to January 1, 2013, but not individual stacked dwelling units, in all zones in which these uses are permitted, or any combination of the above types of residential development as permitted in the applicable zones.

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## 23.24.045 Unit lot subdivisions

A. The provisions of this Section 23.24.045 apply exclusively to the unit subdivision of land for residential development including attached and detached dwelling units and existing structures containing stacked dwelling units built prior to January 1, 2013, but not individual stacked dwelling units, in all zones in which these uses are permitted, or any combination of the above types of residential development as permitted in the applicable zones.

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## 23.28.030 Criteria for approval

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

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

2. No lot contains insufficient area and dimensions to meet the minimum requirements for development as calculated under the development standards of the zone in which the lots affected are situated and under any applicable regulations for siting development on parcels with riparian corridors, wetlands, wetland buffers, or steep slopes in Chapter 25.09 or Section 23.60A.156. Adjusted lots shall continue to be regarded as existing lots for purposes of Chapter 25.09. Any required nondisturbance area shall be legibly shown and described on the site plan, and a covenant shall be required as set out in Section 25.09.335;

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

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

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

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

d. If a lot to be adjusted abuts upon an alley, and that alley is either improved or required to be improved according to the standards of Section 23.53.030, then no adjusted lot shall be proposed that does not provide alley access, except that access

from a street to an existing use or structure is not required to be changed to alley access.

Either the proposed adjusted lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located or an access easement from the adjusted lot or lots shall be provided to the alley that meets access standards for the zone in which the property is located.

4. Modification. The standards of subsection 23.28.030.A.3 may be modified if at least one of the following criteria applies:

- a. One or more of the existing lots prior to the lot boundary adjustment is irregular in shape;
- b. Topography, natural obstructions, configuration of existing lot lines prior to lot line adjustment, existing platting patterns, or street alignment prevent the reconfiguration of one or more lots according to the standards of subsection 23.28.030.A.3;
- c. Location of existing principal structures that are retained on lots existing prior to the proposed lot boundary adjustment require a reconfiguration of one or more lots that cannot reasonably meet the standards of subsection 23.28.030.A.3;
- d. Location of existing easements or feasibility of access to portions of the property prevents the reconfiguration of lot lines that meet the standards of subsection 23.28.030.A.3; or
- e. The lot boundary adjustment establishes an irregular lot line that resulted from an adverse possession claim.

5. No adjusted lot shall be approved for development without a determination that it is capable of being served by existing or extended infrastructure for drainage; a determination that the lot has water supply and sanitary sewage disposal; and a determination that there is access for vehicles, utilities, and fire protection;

6. The lot boundary adjustment is consistent with applicable provisions of this Title 23 including, for lots in the Shoreline District, conformance with the applicable provisions of Section 23.60A.168.

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### 23.30.010 Classifications for the purpose of this Subtitle III

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

<b>Zones</b>	<b>Abbreviated</b>
Residential, Neighborhood	NR
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC

<b>Zones</b>	<b>Abbreviated</b>
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Master Planned Community—Yesler Terrace	MPC-YT
Seattle Mixed—South Lake Union	SM-SLU
Seattle Mixed—Dravus	SM-D
Seattle Mixed—North Rainier	SM-NR
Seattle Mixed - Rainier Beach	SM-RB
Seattle Mixed—University District	SM-U
Seattle Mixed—Uptown	SM-UP
Seattle Mixed—Northgate	SM-NG
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM

<b>Zones</b>	<b>Abbreviated</b>
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC
Maritime Manufacturing and Logistics	MML
Industry and Innovation	II
Urban Industrial	UI

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### 23.34.007 Rezone evaluation

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D. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060, and 23.60A.220.

E. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in Chapter 23.76 and do not require the evaluation contemplated by the provisions of this Chapter 23.34.

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## 23.34.008 General rezone criteria

A. To be approved, a rezone in a regional center shall not reduce the zoned capacity for the center taken as a whole to less than 125 percent of the growth estimates adopted in the Seattle Comprehensive Plan for that center.

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D. Regional center plans. Regional center subarea plans adopted by the Council within ten years of the rezone application shall be taken into account.

E. Zoning principles. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones, or industrial and commercial zones on other zones, shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

- a. Natural features such as topographic breaks, lakes, rivers, streams, ravines, and shorelines;
- b. Freeways, expressways, other major traffic arterials, and railroad tracks;
- c. Distinct change in street layout and block orientation;
- d. Open space and greenspaces.

3. Zone boundaries

a. In establishing boundaries, the following elements shall be considered:

1) Physical buffers as described in subsection 23.34.008.E.2;

and

2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

4. In general, height limits greater than 55 feet should be limited to regional centers, urban centers, neighborhood centers, sites within 125 feet of a street with a frequent transit route, or sites greater than 20,000 square feet. Height limits greater than 55 feet may be considered outside of these areas where higher height limits would be consistent with a Major Institution's adopted master plan or where the designation would be consistent with the existing built character of the area.

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### **23.34.009 Height limits of the proposed rezone**

If a decision to designate height limits in residential, commercial, or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

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

B. Topography of the area and its surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

C. Height and scale of the area

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

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

D. Compatibility with surrounding area

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

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in subsection 23.34.008.E.2, are present.

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23.34.010 is repealed.

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### 23.34.011 NR zone, function and locational criteria

A. Function. An area that provides for the development of detached, attached, and stacked dwelling units within a predominately three-story height limit.

B. Locational criteria. An NR zone designation is most appropriate in areas that are outside of regional, urban, and neighborhood centers generally characterized by the following conditions:

1. The area is located outside of a regional center, an urban center, or Station Area Overlay District;
2. The area is characterized by residential structures of generally three stories or less; and
3. One or more of the following conditions are present:
  - a. The area is not located near a major transit stop or on streets abutting frequent transit routes where higher density development might be more appropriate;
  - b. A significant portion of the area contains environmentally critical areas; or
  - c. The area is characterized by limited local access and circulation that make the area less suitable for higher density development.

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23.34.012 and 23.34.013 are repealed.

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### 23.34.014 Lowrise 1 (LR1) zone, function, and locational criteria

A. Function. The function of the LR1 zone is to provide opportunities for the development of detached, attached, and stacked dwelling units within a predominately three-story height limit at a higher intensity than Neighborhood Residential zones.

B. Locational criteria. The LR1 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is:

a. Located outside of a regional center, an urban center, a neighborhood center, or a Station Area Overlay District;

b. A limited area within a regional center, an urban center, a neighborhood center, or a Station Area Overlay District that would provide opportunities for a diversity of housing types within these denser environments; or

c. Located on a collector or minor arterial;

2. The area is characterized by residential structures of generally three stories or less;

3. The area is characterized by local access and circulation that can accommodate low density development and the street, and/or by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density development;

4. The area is supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers.

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### 23.34.018 Lowrise 2 (LR2) zone, function, and locational criteria

A. Functions. The dual functions of the LR2 zone are to:

1. Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods and along arterials that have a mix of small scale residential structures; and
2. Accommodate redevelopment in areas within regional centers, urban centers, neighborhood centers, and Station Area Overlay Districts in order to establish multifamily neighborhoods of low scale and density.

B. Locational criteria. The LR2 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is either:
  - a. Located in a regional center, an urban center, a neighborhood center, or a Station Area Overlay District where new development could help establish a multifamily neighborhood of small scale and density; or
  - b. Located in or near a regional center, an urban center, a neighborhood center, or a Station Area Overlay District, or on an arterial street, and is characterized by one or more of the following conditions:
    - 1) Small-scale structures generally no more than 40 feet in height that are compatible in scale with NR and LR1 zones;

- 2) The area would provide a gradual transition between NR or LR1 zones and more intensive multifamily or neighborhood commercial zones; and
  2. The area is characterized by local access and circulation conditions that accommodate low-density multifamily development;
  3. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones; and
  4. The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.

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### 23.34.020 Lowrise 3 (LR3) zone, function, and locational criteria

#### A. Functions. The dual functions of the LR3 zone are to:

1. Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and
2. Accommodate redevelopment in areas within regional centers, urban centers, neighborhood centers, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.

#### B. Locational criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is either:

- a. Located in a regional center, an urban center, a neighborhood center, or a Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density;
- b. Located in an existing multifamily neighborhood in or near a regional center, an urban center, a neighborhood center, or a Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;
- c. On lots within 125 feet of a street with a frequent transit route; or
- d. On a lot greater than 20,000 square feet that does not abut lots zoned Neighborhood Residential over a substantial area;

2. The area is near neighborhood commercial zones with comparable height and scale;
3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;
4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;
5. The area is well served by public transit;
6. The area is located near arterial streets that can accommodate anticipated vehicular circulation;
7. The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.

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## 23.34.024 Midrise (MR) zone, function, and locational criteria

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### B. Locational criteria

#### 1. Threshold conditions. Subject to subsection 23.34.024.B.2, properties

that may be considered for a Midrise designation are limited to the following:

- a. Properties already zoned Midrise;
- b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or
- c. Properties within a regional center, an urban center, or a neighborhood center.

#### 2. Environmentally critical areas. Except as stated in this subsection

23.34.024.B.2, properties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either:

- a. Was created by human activity, or
- b. Is a designated peat settlement; liquefaction, seismic, or volcanic hazard; flood-prone area; or abandoned landfill.

#### 3. Other criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:

- a. Properties that are adjacent to business and commercial areas with comparable height and bulk;
- b. Properties in areas that are served by major arterials and where frequent transit service and street capacity could absorb the traffic generated by midrise development;
- c. Properties in areas that are in close proximity to major employment centers;
- d. Properties in areas that are in close proximity to open space and recreational facilities;
- e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;
- f. Properties in flat areas where the prevailing structure height is greater than 37 feet or where due to a mix of heights, there is no established height pattern;
- g. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;
- h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the Midrise zone; and
- i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, 16 percent or more, with views perpendicular to the slope.

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## 23.34.028 Highrise (HR) zone, function, and locational criteria

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### B. Locational criteria

#### 1. Threshold conditions. Subject to subsection 23.34.028.B.2, properties

that may be considered for a Highrise designation are limited to the following:

- a. Properties already zoned Highrise;
- b. Properties in areas already developed predominantly to the intensity permitted by the Highrise zone; or
- c. Properties within a regional center or within the portion of an urban center that is located within a quarter mile of a light rail station.

#### 2. Environmentally critical areas. Except as stated in this subsection

23.34.028.B.2, properties designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone. The preceding sentence does not apply if the environmentally critical area either 1) was created by human activity, or 2) is a designated peat settlement, liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.

#### 3. Other criteria. The Highrise zone designation is most appropriate in areas generally characterized by the following:

- a. Properties in areas that are served by arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by highrise development;
- b. Properties in areas that are adjacent to a concentration of residential services or a major employment center;
- c. Properties in areas that have excellent pedestrian or transit access to downtown;
- d. Properties in areas that have close proximity to open space, parks, and recreational facilities;
- e. Properties in areas where no uniform scale of structures establishes the character and where highrise development would create a point and help define the character;
- f. Properties in flat areas on the tops of hills or in lowland areas away from hills, where views would not be blocked by highrise structures;
- g. Properties in sloping areas with views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked views from within the multifamily area and upland areas where the hillform has already been obscured by development.

\* \* \*

**23.34.072 is repealed.**

\* \* \*

## 23.34.074 Neighborhood Commercial 1 (NC1) zones, function, and locational criteria

\* \* \*

B. Locational criteria. A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of regional, urban, and neighborhood centers or within portions of urban or neighborhood centers that are peripheral to the primary business district and adjacent to low-density residential areas;
2. Located on streets with limited capacity, such as collector arterials;
3. No physical edges to buffer the residential areas;
4. Small parcel sizes;
5. Limited transit service.

\* \* \*

## 23.34.076 Neighborhood Commercial 2 (NC2) zones, function, and locational criteria

\* \* \*

B. Locational criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Primary business districts in urban or neighborhood centers, secondary business districts in regional centers or urban centers, or business districts outside of regional, urban, and neighborhood centers that extend for more than approximately two blocks;

2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;
3. Lack of strong edges to buffer the residential areas;
4. A mix of small and medium sized parcels;
5. Limited or moderate transit service.

\* \* \*

### 23.34.078 Neighborhood Commercial 3 (NC3) zones, function, and locational criteria

\* \* \*

B. Locational criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. The primary business district in a regional, urban, or neighborhood center;
2. Served by a principal arterial;
3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;
4. Excellent transit service.

\* \* \*

### 23.34.080 Commercial 1 (C1) zones, function, and locational criteria

\* \* \*

B. Locational criteria. A Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of regional, urban, and neighborhood centers or within regional, urban, and neighborhood centers on lots having a C1 designation and either abutting a state highway or in use as a shopping mall;
2. Retail activity in existing commercial areas;
3. Readily accessible from a principal arterial;
4. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;
5. Predominance of parcels of 20,000 square feet or larger;
6. Limited pedestrian and transit access.

\* \* \*

### **23.34.082 Commercial 2 (C2) zones, function, and locational criteria**

\* \* \*

B. Locational criteria. A Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of regional, urban, and neighborhood centers or within regional, urban, and neighborhood centers on lots having a C2 designation and abutting a state highway;
2. Existing commercial areas characterized by heavy, non-retail commercial activity;
3. Readily accessible from a principal arterial;
4. Possibly adjacent to manufacturing/industrial zones;

5. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;
6. Predominance of parcels of 30,000 square feet or larger;
7. Limited pedestrian and transit access.

\* \* \*

#### **23.34.086 Pedestrian designation (suffix P), function, and locational criteria**

\* \* \*

B. Locational criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:

1. Pedestrian district surrounded by residential areas or major activity centers; or a commercial node in a regional, urban, or neighborhood center;
2. NC zoned areas on both sides of an arterial, or NC zoned block fronts across an arterial from a park, Major Institution, or other activity center; and
3. Excellent access for pedestrians, transit, and bicyclists.

\* \* \*

#### **23.34.099 Urban Industrial (UI) zone, function, and locational criteria**

A. Function. An area that provides an integrated and healthy transition between core industrial areas and neighboring regional and urban centers, residential areas, and mixed-use areas. These areas contain a mix of affordable, small-scale places for light industry, makers, brewing and distilling, creative arts, and industry supporting ancillary retail, office, or research activity. This area also provides limited opportunities for

workforce housing that supports industrial uses. The area functions as a place for residents and workers from nearby urban centers or regional centers to patronize and experience unique local industrial businesses.

B. Locational criteria. Urban Industrial zone designation is most appropriate in areas generally characterized by all of the following:

1. Areas at the transition between core industrial areas in Maritime Manufacturing and Logistics zones and non-industrially zoned areas, urban centers, or regional centers.
2. Areas generally within designated Manufacturing/Industrial Centers (MICs), although UI zones could be located in limited instances outside of MICs.
3. Areas characterized by small parcel sizes and a variety of small existing industrial and nonindustrial structures.

\* \* \*

### **23.34.100 Designation of downtown zones**

Rezones to a downtown zone designation shall be considered only for areas within the boundaries of the Downtown Regional Center as shown on the Official Land Use Map.

\* \* \*

### **23.34.108 Downtown Mixed Commercial (DMC) zone, function, and locational criteria**

Locations appropriate for Downtown Mixed Commercial zone designation are consistent with the following:

A. Function. Areas characterized by lower scale office, retail, and commercial uses related to activity in the office core, retail core, or other moderate-scale commercial cores in the Downtown Regional Center, and with use patterns that may include housing.

B. Scale and character of development. Areas where buildings of moderate scale exist or are appropriate to provide a physical transition between more intensive commercial areas and surrounding lower scale commercial, mixed-use, or residential districts.

C. Transportation and infrastructure capacity. Areas within the Downtown Regional Center having good but comparatively less accessibility to vehicular and transit systems than the Downtown office core. Transportation and other infrastructure capacities are capable of accommodating modest growth without major improvement.

D. Relationship to surrounding activity. Areas that provide for less intensive activity along the western and northern edges of the Downtown retail core and Downtown office core, or at other peripheral locations within the Downtown Regional Center. These areas provide a buffer to less intensive areas, such as the Harborfront, Pike Place Market, Belltown residential area, or mixed-use areas north of Denny Way, or serve as a transition to less intensive commercial, residential, or industrial areas near the Downtown Regional Center.

E. Heights. Downtown mixed commercial height designations provide desired transitions compatible with adjacent downtown districts and areas outside downtown.

\* \* \*

### 23.34.110 Downtown Mixed Residential (DMR) zone, function, and locational criteria

Locations appropriate for Downtown Mixed Residential zone designation are consistent with the following:

\* \* \*

F. Heights. Downtown mixed residential building height designations may be applied to achieve subarea objectives. The lowest height designation generally encompasses the Belltown core, in areas characterized by existing modest scale development, buildings of historic character, or topographic features such as the bluff rising from Elliott Bay. The intermediate building height designation provides transition in height and density to the north and east of the Belltown core and along the bluff where waterfront development divides the area from Elliott Bay. In the Downtown Regional Center east of Interstate 5, the building height designation provides for low to moderate heights. The highest building height designation applies to areas characterized by larger residential and commercial buildings, generally along the eastern edge of Belltown, near the higher density mixed commercial areas of downtown.

\* \* \*

### 23.34.128 Seattle Mixed (SM) zone, function, and locational criteria

In considering rezones to the SM zone designation, the following function and locational criteria shall be taken into consideration:

A. Function. An area within a regional center, an urban center, or a station area overlay district that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation;

\* \* \*

## 23.40.070 2030 Challenge High Performance Existing Building Pilot Program

\* \* \*

B. Minimum standards. A project shall qualify for the 2030 Challenge High Performance Existing Building Pilot Program if:

1. It is located within an regional center excluding lots within the shoreline jurisdiction, and lots within the International Special Review District.
2. It is reviewed in accordance with the full design review process provided in Section 23.41.014, except for development subject to special district review under Chapter 23.66 or historic review under Chapters 25.12 through 25.30, in which case the applicable review board shall conduct the design review with the authority to recommend design departures as provided to the Design Review Board pursuant to Section 23.41.012.

3. It includes renovation of an existing structure that complies with the provisions for substantial alterations in the Seattle Energy Code and the Seattle Existing Building Code.

4. It retains either the opaque portions of all exterior walls, or the superstructure of existing structures. The Director may allow openings in the exterior walls to be relocated or resized. For the purposes of this subsection 23.40.070.B,

"superstructure" shall mean the foundation, structural frame, floor framing, and slabs of the structure.

5. Additions comply with the requirements of Table A for 23.40.070.

<b>Table A for 23.40.070</b>		
<b>Size of additions</b>		
<b>Height limit of the zone</b>	<b>Minimum height of existing buildings</b>	<b>Maximum increase in area of existing building footprint</b>
Zones with height limits of 85 feet or less	47 percent of the maximum height limit of the zone	20 percent of the area of the footprint of existing buildings
Zones with height limits greater than 85 feet	60 percent of the maximum height limit of the zone	

6. It meets all of the following:

a. Total annual building energy use that is 25 percent less than a baseline defined as the Energy Use Intensity (EUI) targets in the Target Performance Path of Seattle Energy Code Section C401.3;

b. None of the space heating and water heating in the project shall be provided using on-site combustion of fossil fuel;

c. Combined annual stormwater runoff and potable water use is 50 percent lower than the 2030 Challenge High Performance Existing Building Pilot Program baselines, which are as follows:

1) The stormwater baseline is the annual average rainfall on a development site in gallons to be calculated as follows: total site area in square feet x 2.1 feet (Seattle's average annual runoff depth) x 7.48 (conversion of cubic feet to gallons) = stormwater baseline;

2) The annual potable water baselines are shown in Table B for 23.40.070.

<b>Table B for 23.40.070 Potable water baselines</b>	
<b>Uses<sup>1,2</sup></b>	<b>Potable water baseline usage (gallons/square feet/year)</b>
Restaurant	125.99
Lodging uses	50.07
Multifamily residential use	41.14
Manufacturing uses	32.53
Nursing or assisted living facilities	30.11
Hospital	26.12
Sales and services, general	24.77
Medical services	21.00
Offices	14.21
Warehouses	13.00
Entertainment uses	12.88
Sales and services, automotive	11.74
Religious facilities	11.31
Schools elementary or secondary	11.09
College or university	11.00
Footnotes to Table B for 23.40.070	
<sup>1</sup> If a use is not listed, the Director may determine that a proposed use is substantially similar to other uses listed.	
<sup>2</sup> Baselines for a development are prorated by use based on the proportion of gross floor area occupied within the development.	

d. The project exceeds 2014 mode share baselines such that the project meets mode share percentages pursuant to the Seattle Comprehensive Plan as shown in Tables C and D for 23.40.070 for trips made by travel modes other than driving alone for all work trips and non-work trips, respectively.

<b>Table C for 23.40.070</b> <b>Work trips by modes other than driving alone</b>		
<b>Regional center</b>	<b>2014 Mode share baselines</b>	<b>Mode share for work trips</b>
Downtown	77 percent	85 percent
First Hill/Capitol Hill	58 percent	70 percent
Uptown	48 percent	60 percent
South Lake Union	67 percent	80 percent
University District	73 percent	85 percent
Northgate	30 percent	50 percent

<b>Table D for 23.40.070</b> <b>Non-work trips other than driving alone</b>		
<b>Regional center</b>	<b>2014 Mode share baselines</b>	<b>Mode share for non-work trips</b>
Downtown	88 percent	90 percent
First Hill/Capitol Hill	80 percent	85 percent
Uptown	82 percent	85 percent
South Lake Union	76 percent	85 percent
University District	79 percent	90 percent
Northgate	46 percent	55 percent

\* \* \*

## 23.41.004 Applicability

\* \* \*

### E. Temporary provisions

1. Developments with units provided on-site to comply with Chapter 23.58C through the performance option
  - a. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to subsection 23.58C.050.C shall be

exempt from design review if the applicant files a valid and complete building permit application electing the exemption while this ordinance is in effect.

b. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to subsection 23.58C.050.C that is vested according to Section 23.76.026 prior to August 14, 2023, may elect to be processed as allowed by this subsection 23.41.004.E.

c. The design review exemption under this subsection 23.41.004.E.1 shall be rescinded for a development proposal that changes from the performance option to the payment option at any time prior to issuance of a building permit.

d. Requests for departures. If a project subject to design review under subsection 23.41.004.A is exempt from design review according to this subsection 23.41.004.E.1, the Director may consider requests for departures from any development standard in this Title 23, except as otherwise limited in subsection 23.41.012.B.

e. Departures decision. Requests for departures according to subsection 23.41.004.E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the departure would result in additional housing units being constructed.

## 2. Low-income housing

a. Notwithstanding any contrary provision of this Title 23, the Director may consider requests for departures from any development standard in this Title 23, except as otherwise limited in subsection 23.41.012.B, for low-income housing.

b. Departures decision. Requests for departures shall be evaluated by the Director, in consultation with the Office of Housing, in light of the particular population designed to be served by the project, and may be granted by the Director as a Type I decision if the departure would result in additional housing units being constructed.

### 3. Downtown Activation Plan

a. A development proposal that is subject to design review according to this Section 23.41.004 shall be exempt from this Chapter 23.41, unless ineligible for exemption due to other code provisions, if:

1) The proposal includes residential use comprising at least 50 percent of its chargeable floor area, except if at least 50 percent of the chargeable floor area in nonresidential use is lodging then no residential use is required; or includes a research and development laboratory use; and

2) The proposal is located on a property within the Downtown Regional Center, Uptown Regional Center, South Lake Union Regional Center, First Hill/Capitol Hill Regional Center, or an area within the Greater Duwamish Manufacturing and Industrial Center, as shown on Map A for 23.41.004; or within an area included in an adopted expansion area of a regional center or manufacturing and industrial center shown on Map A for 23.41.004; and

3) The applicant files a letter of eligibility for exemption pursuant to subsection 23.76.010.G, provided that permit application materials are subsequently filed per subsection 23.76.026.A.4; and

4) The proposal does not involve a Type IV or Type V Council land use decision.

b. Waiver or modification of development standard. If a project is exempt from design review according to this subsection 23.41.004.E.3, the Director may consider requests for waivers or modifications of the following development standards in Title 23:

- 1) Upper-level setbacks, modulation, articulation, facade opening requirements, and structure width;
- 2) Street-level setbacks and facade setbacks: dimensional and area limits;
- 3) Floor-to-floor height requirements at street level, except as otherwise limited in subsection 23.41.012.B;
- 4) Rooftop screening and coverage limits in relation to mechanical equipment, energy-related features, elevator equipment, and related enclosures;
- 5) Street-level use type, minimum depth, and percent presence on street-level, street-facing facade requirements;
- 6) Facade transparency and blank facade requirements;
- 7) Overhead weather protection requirements;
- 8) Requirements for the size and design of common recreational areas, amenity areas, community rooms, and similar indoor amenities, but not including required outdoor open space requirements;

9) Open space and open areas: dimensional, area, distribution of types, and amount of overhead coverage requirements, except standards for open space amenities provided to meet requirements of Chapter 23.58A;

10) Landscaping: dimensional, area, and location requirements;

11) Minimum dimensions and slope of vehicle access;

12) Parking space size requirements in subsections 23.54.030.A and 23.54.030.B;

13) Bicycle parking minimum quantity requirements in Table D for 23.54.015; and

14) Provisions of the MPC-YT zone, except: affordable housing production requirements in Section 23.75.085; limits on floor area for uses in Sections 23.75.040, 23.75.085, or 23.75.090; and limits on the number of highrise structures, distribution of highrise structures, and gross floor area per story for highrise structures in Section 23.75.040 or Section 23.75.120.

c. Decision on waiver or modification of development standards.

Requests for waiver or modification of development standards according to subsection 23.41.004.E.3.b shall be evaluated by the Director and may be granted by the Director as a Type I decision if a waiver or modification of development standards would result in an increased number of dwelling units, lodging rooms, or increased floor area of a research and development laboratory use, being constructed.

\* \* \*

## 23.41.012 Development standard departures

\* \* \*

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

\* \* \*

11. Structure height, except that:

a. Within the Roosevelt Commercial Core building height departures up to an additional 3 feet may be granted for properties zoned NC3-75 (Map A for 23.41.012, Roosevelt Commercial Core);

b. Within the Uptown Regional Center building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet from all lot lines abutting streets;

c. Within the Upper Queen Anne Urban Center and Neighborhood Commercial zones as shown on Map B for 23.41.012, Upper Queen Anne Commercial Areas, building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet from all lot lines abutting streets;

d. Within the PSM 85-120 zone in the area shown on Map A for 23.49.180, departures may be granted from development standards that apply as conditions to additional height, except for floor area ratios and provisions for adding bonus floor area above the base FAR;

e. Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures may be granted from:

- 1) Development standards that apply as conditions to additional height in subsections 23.73.014.A and 23.73.014.B; and
  - 2) The provision for receiving sites for transfer of development potential in subsection 23.73.024.B.5;
- f. Departures of up to 10 feet of additional height may be granted if the applicant demonstrates that:
  - 1) The departure is needed to protect a tree that is located on the lot that is either a Tier 1 or Tier 2 tree, as defined in Section 25.11.130; and
  - 2) Avoiding development in the tree protection area will reduce the total development capacity of the site;
- g. In Midrise and Highrise zones, Seattle Mixed, and in all commercial and downtown zones, departures for rooftop features may be granted from rooftop coverage limits and setback standards from the roof edge, but not from the height limits for rooftop features.

\* \* \*

## 23.42.022 Accessory dwelling units

- A. Accessory dwelling units are allowed as a housing use in all zones where housing uses are allowed. In the Shoreline District, accessory dwelling units shall comply with Chapter 23.60A.
- B. Accessory dwelling units may not be accessory to residential uses other than housing uses.
- C. No lot may have more than two accessory dwelling units.

D. Accessory dwelling units may be attached, detached, or stacked.

E. Unless otherwise provided in the standards of the underlying zone, accessory dwelling units shall be subject to the same standards as principal dwelling units.

F. Accessory dwelling units must be located on the same lot as the principal dwelling unit.

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 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.

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. Conversion of an existing accessory structure to a detached accessory dwelling unit is permitted notwithstanding 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. 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.

I. No off-street motor vehicle parking is required for an accessory dwelling unit.  
J. When calculating density, the number of dwelling units shall include both accessory dwelling units and principal dwelling units.

K. Title 23 shall not be interpreted or applied to prohibit the sale or other conveyance of a condominium unit on the grounds that the condominium unit was originally built as an accessory dwelling unit.

L. Unless provided otherwise in this Section 23.42.022, the provisions of the applicable zone and overlay district apply. In the event of conflict with provisions elsewhere in Title 23 other than Chapter 23.60A, this Section 23.42.022 shall prevail.

\* \* \*

### **23.42.024 Adult family homes**

Adult family homes are allowed as a home occupation in all zones where housing uses are allowed.

\* \* \*

### **23.42.047 Sensitive land uses near highways and major truck routes**

Any dwelling unit, school, or child care center that is located within 600 feet of an interstate, highway, or designated major truck street right-of-way, or railroad must

incorporate the following features to maintain indoor air quality and reduce noise intrusion:

A. Sound-insulating windows or other noise-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; 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.

\* \* \*

### **23.42.050 Home occupations**

A home occupation of a person residing in a dwelling unit is permitted outright in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, subject to the following requirements:

\* \* \*

G. A maximum of three passenger vehicles, vans, and similar vehicles, associated with the home occupation, each not exceeding a gross vehicle weight of 10,000 pounds are permitted to be at the home occupation site, independent of commercial deliveries and

pickups. For lots developed with a residential dwelling unit in NR zones, this limit is in addition to the outdoor parking limit in subsection 23.44.160.E.

\* \* \*

## 23.42.058 Cannabis

\* \* \*

C. Major cannabis activity is allowed in all other zones if the activity and site meet the following requirements:

1. The person operating the major cannabis activity must have a current license issued by the State of Washington pursuant to Title 69 RCW authorizing the person to produce, process, or sell, at the proposed site, cannabis, cannabis-infused products,

useable cannabis, or cannabis concentrates, or to research or test any of those products at the proposed site for quality assurance pursuant to Title 69 RCW;

2. Any lot line of property having a major cannabis activity must be 1,000 feet or more from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is located: elementary school; secondary school; or playground;

3. Any lot line of property having a major cannabis activity that includes the retail sale of cannabis products, except that in Downtown Mixed Residential and Downtown Mixed Commercial zones within that portion of the Downtown Regional Center that is west of Interstate 5, north of Yesler Way, and south of Denny Way major cannabis activity that includes the retail sale of cannabis products must be 250 feet or more, must be 500 feet or more from any lot line of property on which any of the following uses as

defined in WAC 314-55-010 is established and operating: child care center; game arcade; library; public park; public transit center; or recreation center or facility;

4. Any lot line of property having a major cannabis activity that does not include the retail sale of cannabis products must be 250 feet or more from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is established and operating: child care center; game arcade; library; public park; public transit center; or recreation center or facility;

5. No more than two properties with major cannabis activity that includes the retail sale of cannabis products are allowed within 1,000 feet of each other; where any lot lines of two properties with existing major cannabis activity that includes the retail sale of cannabis products are located within 1,000 feet of each other, any lot line of another property with a new major cannabis activity that includes the retail sale of cannabis products must be 1,000 feet or more from the closest lot line of the property containing existing major cannabis activity that includes the retail sale of cannabis products;

6. Whether a major cannabis activity complies with the locational requirements prescribed by subsections 23.42.058.C.2, 23.42.058.C.3, 23.42.058.C.4, or 23.42.058.C.5 shall be based on facts that exist on the date of application to the Washington State Liquor and Cannabis Board issues a "Notice of Cannabis Application" to The City of Seattle.

\* \* \*

## 23.42.106 Expansion of nonconforming uses

\* \* \*

B. In addition to the standards in subsection 23.42.106.A, a structure in a Neighborhood Residential zone occupied by a nonconforming residential use may be allowed to expand subject to the following:

1. The number of dwelling units shall 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 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 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 pattern of setbacks; and
  - c. Scale and proportion of principal structures.

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

\* \* \*

D. A nonconforming nonresidential use shall not be expanded or extended, except as follows:

1. A structure occupied by a nonconforming nonresidential use may be maintained, repaired, renovated, or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly or disabled or as specifically permitted elsewhere in this Code.

2. In Seattle Mixed zones, general manufacturing uses exceeding 25,000 square feet of gross floor area and heavy manufacturing uses may be expanded or extended by an amount of gross floor area not to exceed 20 percent of the existing gross floor area of the use, provided that this exception may be applied only once to any individual business establishment.

3. The Seattle Asian Art Museum building and use located in Volunteer Park, as it exists on January 1, 2017, may be expanded subject to the following development standards:

a. Except as provided in this subsection 23.42.106.D.3, the development standards of Chapter 23.44 do not apply.

b. The building may be expanded one or more times but the gross floor area of all expansions combined and occurring after January 1, 2017, may not exceed 15,000 square feet.

c. No expansion may be located in a freestanding building that lacks a common wall with the building either as it existed on January 1, 2017, or as subsequently expanded.

d. No expansion may exceed the elevation of the highest point of the building as it existed on January 1, 2017.

e. Parking and loading for the proposed expansion is required as provided in Sections 23.54.015 and 23.54.035. As a Type I decision, the Director may reduce parking and loading requirements to an amount not less than the amount needed to provide adequate parking and loading facilities, as demonstrated to the satisfaction of the Director by a parking and loading study prepared by a licensed professional engineer and submitted to the Director by the applicant.

f. Bicycle parking for the proposed expansion shall be provided in accordance with Section 23.54.037.

g. The street and sidewalk requirements of Chapter 23.53 do not apply.

h. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

i. Nothing in this Section 23.42.106 alters the authority of the Landmarks Preservation Board pursuant to the City's Landmarks Preservation Ordinance.

\* \* \*

### **23.42.110 Change from one nonconforming use to another nonconforming use**

A nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the zone subject to the following limitations and conditions.

A. The proposed new use must be no more detrimental to properties in the zone and vicinity than the existing use. This determination shall be based on consideration of the following factors:

1. The zones in which both the existing use and the proposed new use are allowed;
2. The number of employees and clients associated or expected with the proposed use;
3. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses and how these impacts could be mitigated.

B. The existence of a single residential unit, such as a caretaker's or proprietor's unit, accessory to a nonconforming commercial use shall not be treated as having established a residential use, and such a unit may be converted or changed provided that it is the only residential use in the structure and comprises less than half of the total floor area of the structure.

C. Parking requirements for the proposed use shall be determined by the Director.

D. If the new use is permitted, the Director may require mitigation measures, including but not limited to landscaping, sound barriers or fences, mounding or berthing, adjustments to setback or parking standards, design modification, or limiting hours of operation.

\* \* \*

#### **23.42.124 Light and glare standards nonconformity**

When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of the light and glare standards of the respective zone. See Section 23.44.150 for Neighborhood Residential zones; Section 23.45.534 for multifamily zones; Section 23.46.020 for residential-commercial zones; Section 23.47A.022 for C zones or NC zones; Section 23.48.075 for SM zones; Section 23.49.025 for downtown zones; and Section 23.50.046 for IB and IC zones.

\* \* \*

#### **23.42.130 is repealed.**

\* \* \*

#### **23.42.132 Columbariums, garden wall crypts, and mausoleums**

Columbariums, garden wall crypts, and mausoleums are permitted only as accessory to existing cemeteries, except that columbariums and garden wall crypts may also be accessory to religious facilities. In addition, no interment openings shall abut or be directly across the street from property other than cemetery property. For columbariums, garden wall crypts, and mausoleums accessory to existing cemeteries, any border between

structures and the property line shall be landscaped and maintained by the owner in good condition.

\* \* \*

The existing 23.44 is repealed.

\* \* \*

## Chapter 23.44 NEIGHBORHOOD RESIDENTIAL

### 23.44.010 Scope of provisions

- A. This Chapter 23.44 establishes regulations for the Neighborhood Residential (NR) zone.
- B. Some land in these zones may be regulated by Subtitle III, Division 3, Overlay Districts, of this Title 23 in addition to the standards of this Chapter 23.44.
- C. Other regulations may apply to development proposals, including but not limited to general use provisions (Chapter 23.42); transportation concurrency and transportation impact mitigation (Chapter 23.52); requirements for streets, alleys, and easements (Chapter 23.53); standards for access, off-street parking, and solid waste storage (Chapter 23.54); sign regulations (Chapter 23.55); communication regulations (Chapter 23.57); shoreline regulations (Chapter 23.60A); and environmental protection and historic preservation (Title 25).
- D. Congregate residences are subject to additional requirements as specified in Section 23.42.049.

## 23.44.020 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.44.020 and this Section 23.44.020. Uses not referred to in Table A for 23.44.020 are prohibited, unless otherwise indicated in this Chapter 23.44 or Chapters 23.51A, 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to this Chapter 23.44 and Chapter 23.57. Public facilities are subject to Section 23.51A.004.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.44.

**Table A for 23.44.020**  
**Permitted and prohibited uses**

<b>Uses</b>	<b>Permitted and prohibited uses</b>
A. Residential uses except as listed below	P
A.1. Assisted living facilities	X
A.2. Caretaker's quarters	X
A.3. Congregate residences	X/P <sup>1</sup>
B. Institutions except as listed below	P/CU <sup>2</sup>
B.1. Adult care centers	X
B.2. Colleges	X
B.3. Hospitals	X
B.4. Institutes for advanced study	X

**Table A for 23.44.020**  
**Permitted and prohibited uses**

<b>Uses</b>	<b>Permitted and prohibited uses</b>
B.5. Museums	X
B.6. Private clubs	X/CU/P <sup>3</sup>
B.7. Vocational or fine arts schools	X
C. Uses in existing or former public schools	
C.1. Preschools, public or private schools, colleges, and community centers in existing or former public schools	P
C.2. Uses not otherwise permitted in existing or former public schools	P <sup>4</sup>
D. Parks and open space uses	P
E. Ground-floor commercial uses	P <sup>5</sup>
F. Human service uses	X
G. Cemeteries	P/X <sup>6</sup>
H. Community gardens	P
I. Rail transit facilities and railroads	P
J. Park and ride facilities	CU <sup>7</sup>
K. Commercially operating horse farms in existence before July 1, 2000	P <sup>8</sup>
L. Uses not otherwise permitted if located in Landmark structures	CU <sup>9</sup>
M. Uses not otherwise permitted if located in structures unsuited to permitted uses	CU <sup>10</sup>

**Table A for 23.44.020**  
**Permitted and prohibited uses**

<b>Uses</b>	<b>Permitted and prohibited uses</b>
N. All other uses	X

Key to Table A for 23.44.020

P = Permitted outright

CU = Permitted as an administrative conditional use

X = Prohibited

Footnotes to Table A for 23.44.020

<sup>1</sup> Congregate residences are allowed within a major transit service area and prohibited in other areas.

<sup>2</sup> Institutions meeting development standards including but not limited to Section 23.44.180 are permitted outright. Public schools that do not meet development standards are regulated by Chapter 23.51B and Chapter 23.79. Institutions other than public schools that do not meet development standards may be permitted as administrative conditional uses pursuant to Section 23.44.030.

<sup>3</sup> New private clubs are prohibited. Existing private clubs are permitted provided that the use is not expanded. Existing private clubs may be expanded as a conditional use only if the expansion would not result in the gross floor area or the number of surface parking spaces exceeding the amount existing on January 21, 2026 by more than 25%.

<sup>4</sup> Pursuant to procedures in Chapter 23.78.

<sup>5</sup> Ground-floor commercial uses are only allowed if they meet the standards of subsection 23.44.020.E.

<sup>6</sup> Pursuant to subsection 23.44.020.D

<sup>7</sup> Pursuant to subsection 23.44.030.F.

<sup>8</sup> Provided that they are located on lots greater than 10 acres and conform to the limits on the number and location of farm animals and structures containing them set forth in Section 23.42.052.

<sup>9</sup> Pursuant to subsection 23.44.030.D.

<sup>10</sup> Pursuant to subsection 23.44.030.E.

C. Accessory uses

1. Except as otherwise provided in this subsection 23.44.020.C, accessory uses customarily incidental to principal uses permitted outright are permitted outright.

2. All accessory uses and structures, except for urban farms and structures in urban farm use, must be located on the same lot as the principal use or structure unless otherwise specifically provided.

3. Urban farms with planting area not more than 4,000 square feet are permitted outright as an accessory use. Urban farms with more than 4,000 square feet of planting area may be permitted as an administrative conditional use accessory to any principal use permitted outright or as a conditional use, pursuant to Section 23.42.051.

4. Piers and floats are permitted, provided they comply with Chapter 23.60A.

5. Bed and breakfast uses are permitted outright if:

a. The bed and breakfast use has a valid business license tax certificate issued by the Department of Finance and Administrative Services;

b. The bed and breakfast use is operated by the primary resident of the dwelling unit where the bed and breakfast is located or the resident operator;

c. There is no evidence of the bed and breakfast use visible from the exterior of the dwelling unit except for a sign permitted by subsection 23.55.020.D.1; and

d. The bed and breakfast use has no more than five guest rooms, provided that this limitation does not apply to bed and breakfast uses that were established on or before April 1, 1987.

6. Accessory dwelling units are permitted, provided they comply with Section 23.42.022.

7. Human service uses accessory to institutional uses are permitted outright.

D. Existing cemeteries are permitted and are prohibited from expanding. New cemeteries are prohibited. For purposes of this Section 23.44.020, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that:

1. The change does not increase the net land area occupied by the cemetery;
2. The land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved; and
3. The use of the land being added to the cemetery will not result in the loss of housing.

E. All ground-floor commercial uses permitted pursuant to this Section 23.44.020 shall meet the following conditions:

1. The commercial use is limited to the following:
  - a. Food processing and craft work;
  - b. General sales and services; and
  - c. Restaurants;
2. The gross floor area of commercial uses does not occupy more than 2,500 square feet of gross floor area;
3. The commercial use is located only on or below the ground floor of a structure;
4. Vents for venting of odors, vapors, smoke, gas and fumes, and exterior heat exchangers and other similar devices (e.g., related to ventilation, air conditioning,

refrigeration) shall be at least 10 feet above finished sidewalk grade and directed away to the extent possible from residential uses within 50 feet of the vent;

5. Drive-in businesses are prohibited as a principal or accessory use;

6. Outdoor sales of food or beverages must be located at least 50 feet from adjacent lots;

7. Outdoor service of food or beverages must be located at least 50 feet from adjacent lots; and

8. Businesses may not be open between the hours of 10 p.m. and 6 a.m.

### **23.44.030 Administrative conditional uses**

A. Uses permitted as administrative conditional uses in Section 23.44.020 may be permitted by the Director when the provisions of Section 23.42.042 and this Section 23.44.030 are met.

B. Unless otherwise specified in this Chapter 23.44, conditional uses shall meet the development standards for uses permitted outright. If an existing structure is nonconforming to development standards, no conditional use is required for any alterations that do not increase the nonconformity.

C. Institutions other than public schools that do not meet the development standards of this Chapter 23.44, including Major Institution uses as provided in Chapter 23.69, and the expansion of existing private clubs may be permitted subject to the following:

1. Bulk and siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the

Director may modify the applicable development standards. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.

2. Noise, Light and Glare. The Director may condition the permit in order to mitigate potential noise, light and glare impacts. Measures the Director may require for this purpose include, but are not limited to the following: visual screening, landscaping, sound barriers, fences, berms, adjustments to setbacks or the location of refuse storage areas, location of parking areas and access, structural design modifications, limiting exterior lighting fixture type, location and height to mitigate light trespass, and regulating hours of use.

3. Transportation plan. A transportation plan is required for proposed new institutions and for those institutions proposing to expand larger than 4,000 square feet of gross floor area and/or to provide 20 or more new parking spaces. The Director may condition a permit to mitigate potential traffic and parking impacts pursuant to a Transportation Management Plan or Program as described in Director's rules governing such plans or programs. The Director will determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution.

D. A use not otherwise permitted in a Neighborhood Residential zone within a structure designated as a Seattle Landmark that is subject to controls and incentives imposed by a designating ordinance, when the owner of the Landmark has executed and

recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the restoration and maintenance of the historically significant features of the structure, may be permitted subject to the following:

1. The use is compatible with the existing design and/or construction of the structure without significant alteration;
2. Uses permitted by the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in reasonably good physical condition; and
3. The use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

E. Uses in structures unsuited to uses permitted outright

1. A use not otherwise permitted in a Neighborhood Residential zone may be permitted as an administrative conditional use in structures unsuited to uses permitted outright in Neighborhood Residential zones. The determination that a use may be permitted shall be based on the following factors:
  - a. The design of the structure is not suitable for conversion to a use permitted outright in a Neighborhood Residential zone;
  - b. The structure contains more than 4,000 square feet; and
  - c. The proposed use will provide a public benefit.
2. Parking requirements for uses permitted under this subsection 23.44.030.E shall be determined by the Director.

3. The Director may require measures to mitigate impacts such as noise, odor, parking, or traffic impacts. Mitigating measures may include but are not limited to landscaping, sound barriers, fences, mounding or berming, adjustments to development standards, design modifications, or setting hours of operation.

4. In the case of an existing or former public school, permissible uses other than those permitted outright in the zone and their development standards including parking requirements shall be established only pursuant to procedures for establishing criteria for joint use or reuse of public schools in Chapter 23.78.

F. A park and ride facility under the management of a public agency responsible for commuter pooling efforts may be permitted if the Director determines that:

1. It is to be located on an existing parking lot;
2. That parking proposed for the park and ride facility is not needed by the principal use or its accessory uses during the hours proposed for park and ride use; and
3. The park and ride use shall not interfere or conflict with the peak-hour activities associated with the principal use and its accessory uses. The Director may control the number and location of parking spaces to be used.

G. Any use that was previously authorized by a conditional use permit but which has been discontinued shall not be re-established or re-commenced except pursuant to a new conditional use permit, provided that such permit is required for the use at the time re-establishment or re-commencement is proposed. Vacant property, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the

conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a residential structure or a multitenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or
2. The property has not been devoted to the authorized conditional use for more than 24 consecutive months.

H. Minor structural work that does not increase usable gross floor area or seating capacity and that does not exceed the development standards applicable to the use shall not be considered an expansion and does not require approval as a conditional use unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, facilities for barrier-free access, bay windows, dormers, and eaves.

## **23.44.040 General provisions**

A. An exception from one specific standard does not relieve the applicant from compliance with any other standard.

B. Any structure occupied by a permitted principal use other than residential use may be converted to residential use even if the structure does not conform to the development standards for residential uses in the Neighborhood Residential zone.

C. Assisted living facilities, congregate residences, and structures containing ground floor commercial uses shall meet the development standards for stacked dwelling units unless otherwise specified.

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

1. Calculate the footprint, in square feet, for each category of residential use.

For purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior walls of the structure.

2. Calculate the total square feet of the footprint of all categories of residential uses on the lot.

3. Divide the square footage of the footprint for each category of residential structure in subsection 23.44.040.D.1 by the total square feet of the footprint of all residential uses in subsection 23.44.040.D.2.

4. Multiply the percentage calculated in subsection 23.44.040.D.3 for each housing category by the area of the lot. The result is the area of the lot devoted to each housing category.

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

E. As a Type I decision, the Director may waive or modify the standards of Sections 23.44.110 and 23.44.130, and subsections 23.44.160.A and 23.44.160.B for the conversion

of a residential structure within a development from one dwelling unit to two or more dwelling units. For the purposes of this subsection 23.44.040.E, conversion means keeping an existing residential structure intact without the addition of interior floor area.

## 23.44.050 Floor area

A. Gross floor area. In Neighborhood Residential zones, gross floor area includes exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation are not considered gross floor area.

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.

<b>Table A for 23.44.050</b> <b>Floor area ratio (FAR) in NR zones</b>	
<b>Density (dwelling units per lot size)</b>	<b>FAR</b>
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

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

<b>Density (dwelling units per lot size)</b>	<b>FAR</b>
1 unit / 1,600 square feet or denser	1.6 for attached and detached dwelling units, except that it is: <ul style="list-style-type: none"><li>• 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;</li><li>• 1.8 for stacked dwelling units that do not meet the standards of subsection 23.44.050.D or 23.44.050.E; or</li><li>• 2.0 for stacked dwelling units that meet either the standards of subsection 23.44.050.D or 23.44.050.E.</li></ul>

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 dwelling units that are Type A units as defined in the Seattle Building Code.

D. The FAR limit for lots with stacked dwelling units that meet the following requirements is as shown in Table A for 23.44.050:

1. The lot is within one quarter mile of 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 that meet one of the following criteria is 2.0:

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.

## 23.44.060 Maximum density and minimum lot size

A. Except as provided in subsection 23.44.060.C, the maximum density is:

1. For stacked dwelling units, one dwelling unit per 600 square feet of lot area;
2. For stacked dwelling units that meet one of the following criteria, one dwelling unit per 500 square feet of lot area:
  - a. Retain a Tier 1 tree, as defined in Section 25.11.130;
  - b. Retain two Tier 2 trees, as defined in Section 25.11.130; or
  - c. Meet a Green Factor score of 0.6, as measured in Section 23.86.019;
3. Within a frequent transit service area, for development consisting entirely of 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, one dwelling unit per 650 square feet of lot area;

4. For all other dwelling units, one dwelling unit per 1,250 square feet of lot area.

B. The minimum lot size for lots created after January 21, 2026 is 5,000 square feet.

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 January 21, 2026.

5. Square footage of dwelling units that are Type A units, as defined in the Seattle Building Code, do not count toward maximum density.

D. Measurement of minimum lot size and maximum density

1. When calculation of the number of dwelling units allowed results in a fraction of a unit, any fraction over 0.85 constitutes one additional unit.

2. Congregate residence sleeping rooms shall be treated as one-fourth of a dwelling unit for purposes of calculating density.

3. In the case of a development within a unit lot subdivision, the density limit shall be applied to the parent lot as a whole.

4. If dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

5. When calculating density, the number of dwelling units shall include both accessory dwelling units and principal dwelling units.

6. Areas not counted in calculating the lot size. The following areas shall not be counted in calculating the area of lots for the purpose of calculating the maximum density and the minimum lot size:

- a. Riparian corridors;
- b. Wetlands and their buffers;
- c. Submerged lands and areas within the shoreline setback; and
- d. Designated non-disturbance area in steep slopes.

E. For the purpose of this Section 23.44.060, designated non-disturbance area in steep slopes shall include all portions of steep slope hazard areas except the following:

1. Areas that are granted relief from the prohibition of development according to Section 25.09.090;
2. Areas where development is allowed under a small project waiver according to Section 25.09.090; and
3. Areas where intrusion into the steep slope erosion hazard area and buffer is allowed by steep slope erosion hazard area variance according to Section 25.09.290.

## 23.44.070 Structure height

### A. Maximum height established

1. Subject to the exceptions allowed in this Section 23.44.070, the height limit is 32 feet for any structure not listed in subsections 23.44.070.A.2 or 23.44.070.A.3;
2. The height limit is 42 for the following types of development:
  - a. Any development with three or more principal dwelling units and a front setback of at least 20 feet;
  - b. Stacked dwelling units that meet the requirements in subsection 23.44.050.D;
  - c. Stacked dwelling units on lots that meet a Green Factor score of 0.6 or higher as measured in Section 23.86.019; or
  - d. Structures on lots that:

- 1) Retain a Tier 1 or a Tier 2 tree, as defined in Section 25.11.130; or
- 2) Achieve a tree point score under Section 23.44.120, through planting or preserving medium/large or large trees that would result in at least ten percent canopy coverage for the site at tree maturity.

3. The height limit for accessory structures that are located in required setbacks is 12 feet, except as follows:

a. The ridge of a pitched roof may extend up to 3 feet above the 12-foot height limit provided that all parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 12-foot height limit.

b. Freestanding flagpoles and religious symbols for religious institutions are exempt from height controls except as regulated in Chapter 23.64, provided they are no closer to any lot line than 50 percent of their height above existing grade.

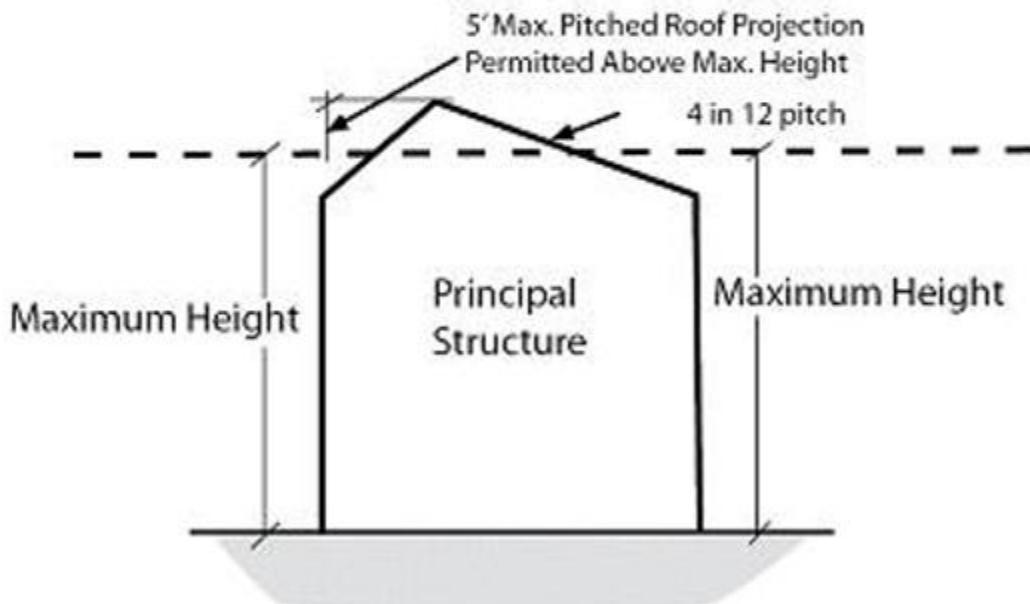
#### B. Standards for pitched roofs

1. The ridge of a pitched roof that is not a shed or butterfly roof may extend up to 5 feet above the maximum height limit, as determined under subsection 23.44.070.A. All parts of the roof above the height limit must be pitched at a rate of not less than 4:12 (see Exhibit A for 23.44.070).

#### [Exhibit A for 23.44.070](#)

#### **Height exception for pitched roofs that are not shed or butterfly roofs**

**Exhibit A for 23.44.070**  
**Height exception for pitched roofs that are**  
**not shed or butterfly roofs**

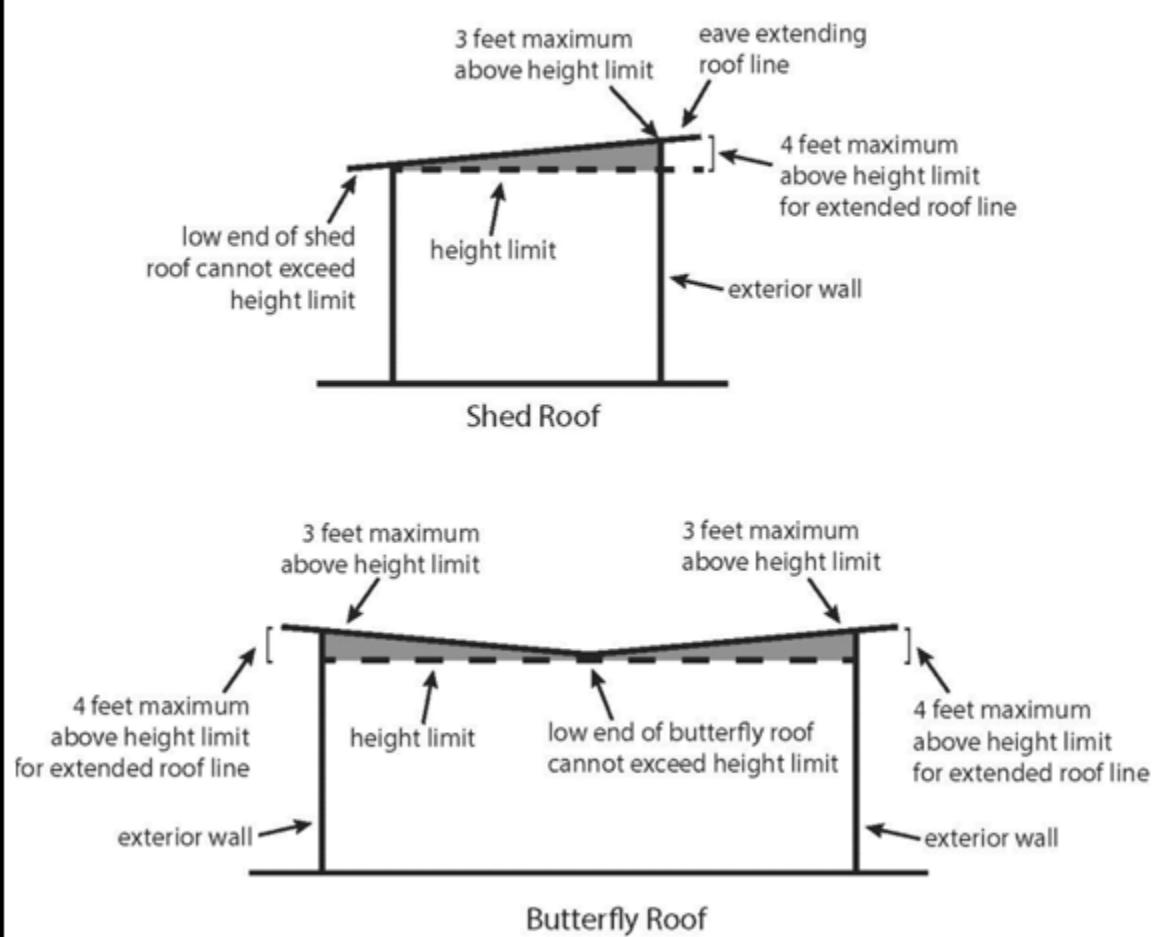


2. The high side(s) of a shed or butterfly roof may extend 3 feet above the maximum height limit, as determined under subsection 23.44.070.A, provided that the low side(s) of the shed or butterfly roof are no higher than the height limit (see Exhibit B for 23.44.070). The roof line of a shed or butterfly roof may be extended in order to accommodate eaves, provided that the highest point of the roof extension is no more than 4 feet above the height limit.

## Exhibit B for 23.44.070

### Height exception for shed and butterfly roofs

#### Exhibit B for 23.44.070 Height exception for shed and butterfly roofs



#### C. Height limit exceptions

1. Except in the Airport Height Overlay District, flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than 50 percent of their height above existing grade, or, if attached only to a roof, no closer than 50 percent of their height above the roof portion where attached.

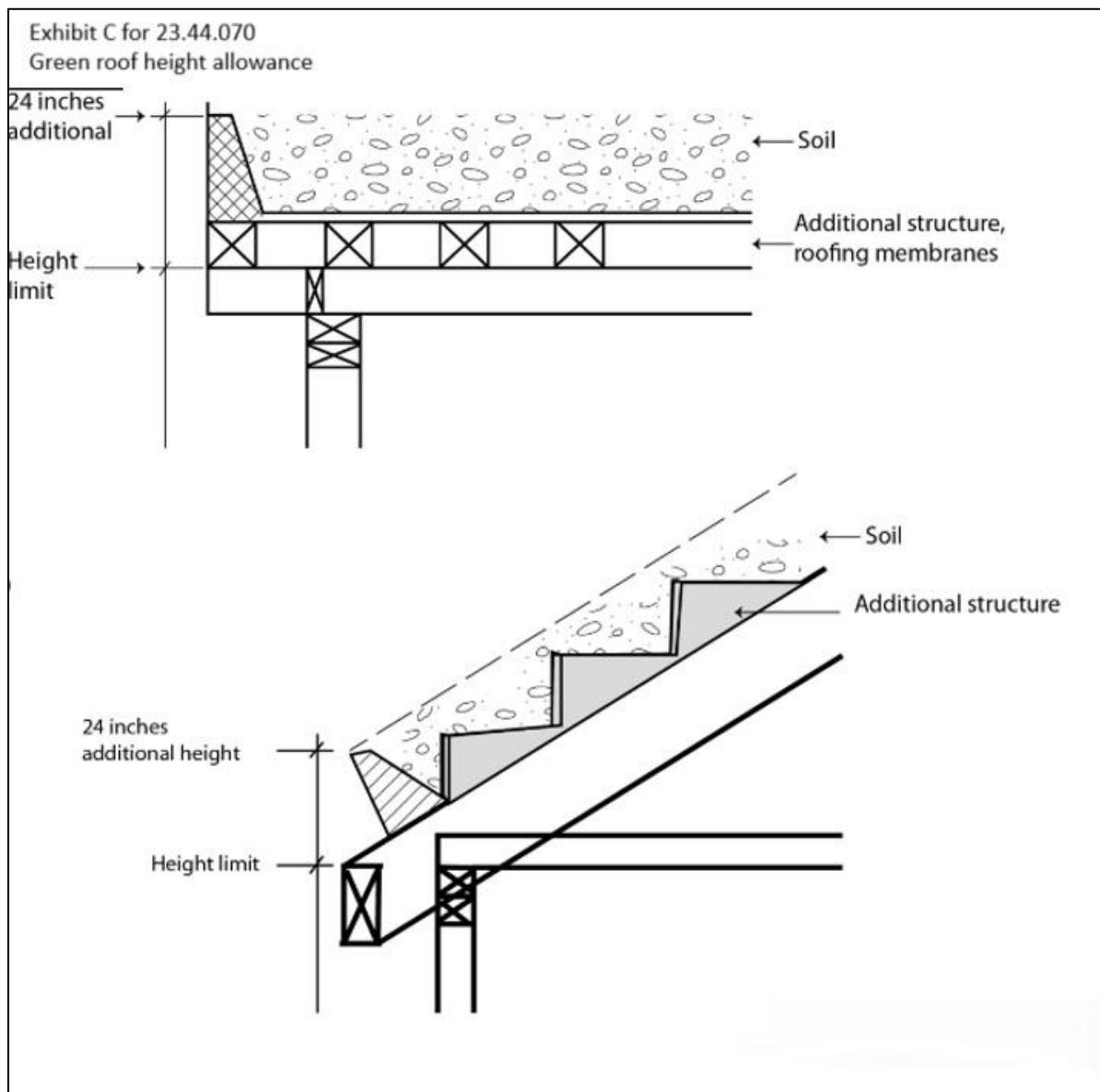
2. Open railings, planters, greenhouses not dedicated to food production, parapets, and firewalls may extend 4 feet above the height limit in subsection 23.44.070.A.

Planters on flat roofs shall not be located within 4 feet of more than 25 percent of the perimeter of the roof.

3. Green roofs may extend 2 feet above the height limit in subsection 23.44.070.A or above a pitched roof allowed in subsection 23.44.070.B.

### Exhibit C for 23.44.070

#### Green roof height allowance



4. Solar collectors may extend 4 feet above the height limit in subsection 23.44.070.A or above a pitched roof allowed in subsection 23.44.070.B.

5. For nonresidential principal uses, the following rooftop features may extend up to 10 feet above the height limit in subsection 23.44.070.A, as long as the combined total coverage of all features listed in this subsection 23.44.070.C.5 does not exceed 15 percent of the roof area or 20 percent of the roof area if the total includes screened or enclosed mechanical equipment:

- a. Stair and elevator penthouses;
- b. Mechanical equipment;
- c. Wind-driven power generators; or
- d. Chimneys.

6. Devices for generating wind power may extend up to 10 feet above the height limit in subsection 23.44.070.A, provided that the combined total coverage of all features does not exceed 15 percent of the roof area.

7. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.010.

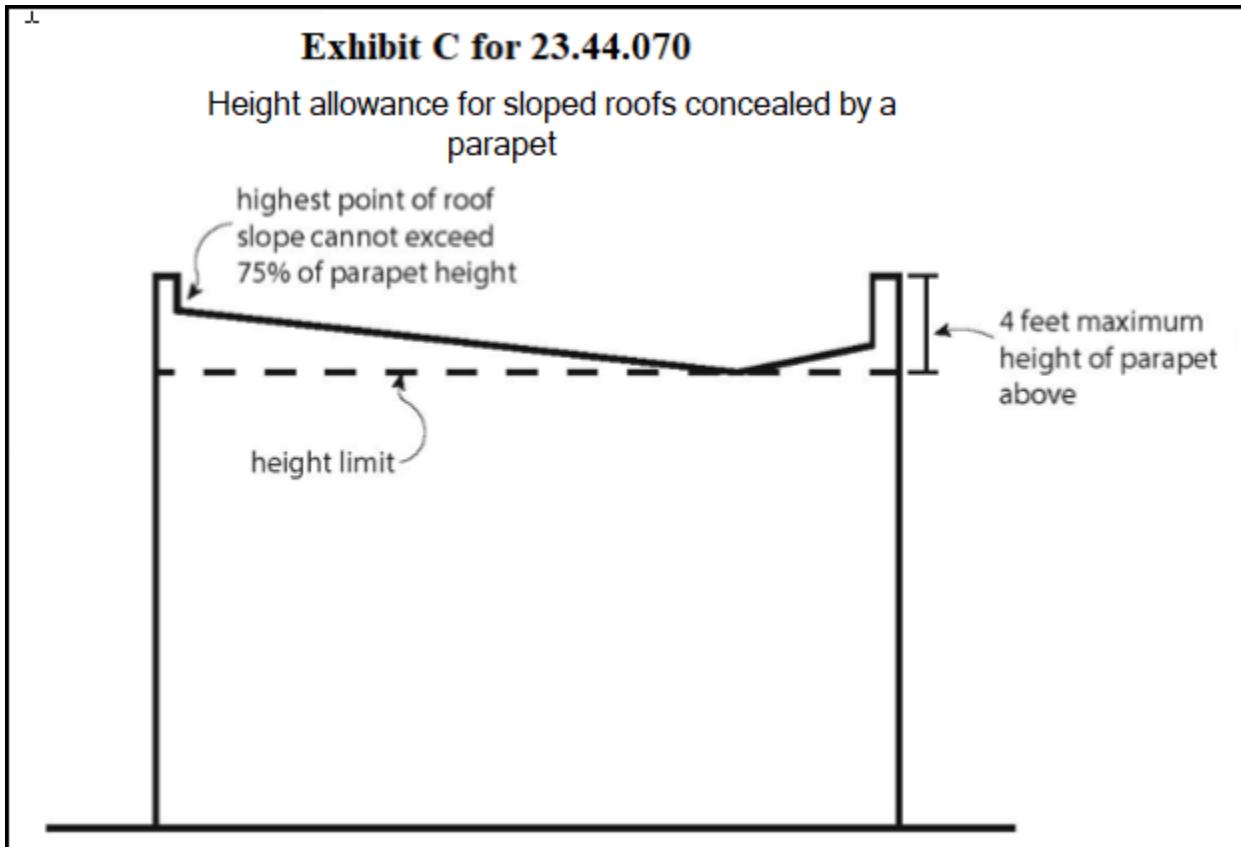
8. Buildings existing prior to January 21, 2026 are permitted to extend up to 8 inches above the height limit in subsection 23.44.070.A or a pitched roof allowed in subsection 23.44.070.B solely for the purpose of adding insulation to an existing roof.

9. Roofs enclosed by a parapet. Roof surfaces that are completely surrounded by a parapet may exceed the applicable height limit to allow for a slope, provided that the height of the highest elevation of the roof surface does not exceed 75

percent of the parapet height, and provided that the lowest elevation of the roof surface is no higher than the applicable height limit. See Exhibit C for 23.44.070.

### Exhibit C for 23.44.070

#### Height allowance for sloped roofs concealed by a parapet



### 23.44.080 Lot coverage

- A. Except as otherwise provided in this Section 23.44.080, the maximum lot coverage allowed for structures is 50 percent.
- B. The following areas shall not be counted in calculating the lot size for the purpose of calculating lot coverage in this Section 23.44.080:
  1. Riparian corridors;
  2. Wetlands and their buffers;

3. Submerged lands and areas within the shoreline setback; and
4. Designated non-disturbance area in steep slopes.

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

23.44.090.H.

5. Unenclosed structures that meet the standards of subsection
6. Square footage 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. Any dwelling units above or below a Type A unit are not required to be Type A units to utilize this exception.

D. The lot coverage allowed on lots containing areas listed in subsection 23.44.080.B shall not be less than 625 square feet or an amount of lot coverage approved by the Director through an environmentally critical area reduction, waiver, or modification pursuant to Chapter 25.09, whichever is greater.

E. For the purpose of this Section 23.44.080, designated non-disturbance area in steep slopes shall include all portions of steep slope hazard areas except the following:

1. Areas that are granted relief from the prohibition of development according to Section 25.09.090;
2. Areas where development is allowed under a small project waiver according to Section 25.09.090; and
3. Areas where intrusion into the steep slope erosion hazard area and buffer is allowed by steep slope erosion hazard area variance according to Section 25.09.290.

F. Within a frequent transit service area, for development consisting entirely of 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, the maximum lot coverage allowed for structures is 60 percent.

G. The maximum lot coverage allowed on lots with stacked dwelling units is 60 percent.

## 23.44.090 Setbacks

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

<b>Table A for 23.44.090</b> <b>Required setbacks in Neighborhood Residential zones<sup>1</sup></b>	
Front <sup>2</sup>	Lots with one or two dwelling units: 15 feet; Lots with three or more dwelling units: 10 feet
Rear <sup>3</sup>	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;

**Table A for 23.44.090**  
**Required setbacks in Neighborhood Residential zones<sup>1</sup>**

	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	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

<sup>1</sup> Required setbacks for lots with nonresidential structures are the same as the required setbacks for lots with three or more dwelling units.

<sup>2</sup> For lots abutting 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.

<sup>3</sup> The rear setback for accessory dwelling units is 5 feet, except that, if the rear setback abuts an alley, no rear setback is required.

B. Through lots. In the case of a through lot, each setback abutting a street, shall be a front setback.

C. Other setback requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53.

D. Underground structures. Underground structures, measured from existing or finished grade, whichever is lower, may be located within setbacks.

E. Projections from an enclosed structure allowed 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 2 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 that provide 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 front and rear 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 23.44.090.E.2, make up no more than 30 percent of the area of the facade.

4. Unenclosed porches and 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 5 feet of a street lot line and 3 feet of a side lot line.
- b. Porches or steps may be covered, provided that:
  - 1) No portions of the cover-structure, including any supports, are closer than 5 feet to any lot line;
  - 2) The height of the roof over unenclosed porch or steps shall not exceed 15 feet above existing or finished grade, whichever is lower;

3) The roof over such porches or steps shall not be used as a deck; and

4) The total area of porches attached to any individual dwelling unit and located in the setback is not more than 60 square feet.

F. Structures with ground-floor commercial uses. The ground floor of a structure containing a ground-floor commercial use may extend into one front setback provided it is not located closer than 2 feet from a front lot line.

G. Garages and carports

1. Garages and carports may be located in a setback where parking is allowed in a setback as provided in subsections 23.44.160.D.4 and 23.44.160.D.5.

2. Garages and carports may be located in a required side setback that abuts the rear or side setback of another lot if:

a. The garage or carport is a detached structure and extends only into that portion of a side setback that is either within 40 feet of the centerline of an alley or within 25 feet of any rear lot line that is not an alley lot line; or

b. An agreement between the owners of record of the abutting properties, authorizing the garage or carport in that location, is executed and recorded with the King County Recorder's Office.

3. Garages and carports may be located in the rear setback provided they are not located within 5 feet of the rear property line.

4. Garages and carports allowed in required setbacks shall comply with all of the following standards:

a. The area of a garage or carport in front setbacks, is limited to 300 square feet with 14-foot maximum width if one space is provided, and 600 square feet with 24-foot maximum width if two spaces are provided.

b. Roof eaves and gutters that project up to 2 feet are excluded from the maximum coverage and size limits.

c. The roof shall not be used as a balcony or deck in rear or side setbacks.

#### H. Other unenclosed structures allowed in setbacks

1. All unenclosed structures not more than 18 inches above existing or finished grade, whichever is lower, are allowed in any required setback including but not limited to decks, swimming pools, and hot tubs.

2. Barrier-free access. Access facilities for the disabled and elderly, are allowed in any required setback.

3. Freestanding signs, bike racks, play structures, and similar unenclosed structures that are 6 feet or less in height above existing or finished grade, whichever is lower, are allowed in any required setback, provided that:

a. Signs meet the provisions of Chapter 23.55;

b. Structures located in a side setback allow a 2.5-foot-wide pathway through the side setback; and

c. Structures located within 5 feet of a front lot line are not more than 4 feet in height.

#### 4. Fences

a. Fences no greater than 6 feet in height are allowed in any required setback, except that fences in the required front setback extended to side lot lines or in street side setbacks extended to the front and rear lot lines may not exceed 4 feet in height. Fences located on top of a bulkhead or retaining wall are also limited to 4 feet. If a fence is placed on top of a new bulkhead or retaining wall used to raise grade, the maximum combined height is limited to 9.5 feet.

b. Except for fences in the required front setback extended to side lot lines or in street side setbacks extended to the front and rear lot lines, up to 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is allowed if the architectural features are predominately open.

c. Fence height may be averaged along sloping grades for each 6-foot-long segment of the fence, but in no case may any portion of the fence exceed 8 feet in height when the height allowed by subsection 23.44.090.H.4.a is 6 feet, or 6 feet in height when the height allowed by subsection 23.44.090.H.4.a is 4 feet.

## 5. Bulkheads and retaining walls

a. Bulkheads and retaining walls used to raise grade are allowed in any required setback if they are limited to 6 feet in height, measured above existing grade.

b. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or 6 feet measured from the finished grade on the low side, whichever is greater. Any fence shall be set back a minimum of 3 feet from such a bulkhead or retaining wall.

6. Mechanical equipment. Heat pumps, charging devices for electric vehicles, and similar mechanical equipment, not including incinerators, are allowed in required setbacks if they are not located within 3 feet of any lot line.

7. Access bridges. Uncovered, unenclosed access bridges are allowed as follows:

a. Pedestrian bridges 5 feet or less in width, and of any height necessary for access, are permitted in required setbacks, except that in side setbacks an access bridge must be at least 3 feet from any side lot line.

b. A driveway access bridge is permitted in the required setback abutting the street if necessary for access to parking. The vehicular access bridge shall be no wider than 12 feet for access to one parking space or 22 feet for access to two or more parking spaces and of any height necessary for access. The driveway access bridge may not be located closer than 5 feet to any side lot line.

8. Unenclosed structures are allowed in the rear setback provided that the structure is:

- a. Not located within 5 feet of a rear lot line that is not an alley lot line;
- b. Not more than 12 feet in height; and
- c. Separated from a dwelling unit by at least 3 feet, eave to eave.

9. Above-grade stormwater management features, such as bioretention planters and cisterns, are allowed in setbacks if:

- a. No feature, excluding piping, is more than:

- 1) Twelve feet tall if located in a portion of the rear setback that is not also a side setback; or
  - 2) Six and a half feet tall, if located in other setbacks.
- b. No feature greater than 4.5 feet tall is located within 10 feet of the front lot line, excluding piping, unless it is integrated into a bulkhead or retaining wall that is allowed in subsection 23.44.090.H.5;
- c. No feature greater than 6 inches tall is located within 2.5 feet of the side lot line; and
- d. The total storage capacity of all above-grade cisterns located in setbacks is no greater than 1,250 gallons.

10. Guardrails or handrails no more than 42 inches are allowed on unenclosed stairs, decks, access bridges, bulkheads, and retaining walls.

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.

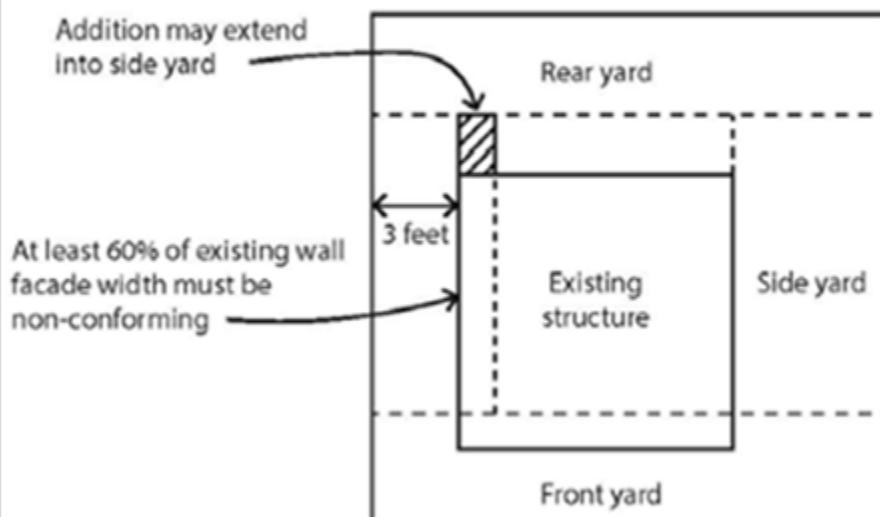
J. Certain additions. An addition to an existing dwelling unit may extend into a required side setback if:

1. The existing dwelling unit is already nonconforming with respect to that setback;
2. The portion of the dwelling unit that is presently nonconforming is at least 60 percent of the total width of the respective facade of the structure prior to the addition;
3. The addition would not be located within 3 feet of a side lot line; and
4. The addition would not be located any closer to the side lot line than the closest part of the existing structure.

Exhibit A for 23.44.090

**Additions into side setbacks for existing dwelling units**

**Exhibit A for 23.44.090**  
**Additions into side setbacks for existing dwelling units**



K. A structure may be permitted to extend into front and rear setbacks as necessary to protect trees pursuant to Section 25.11.070.

**23.44.100 Separations between structures**

A. The minimum required separation between structures containing floor area is 5 feet except that if the structures are separated by a driveway or parking aisle, the minimum required separation between the structures is 2 feet greater than the required width of the driveway or parking aisle or 24 feet, whichever is less.

B. If structures containing floor area are separated by a driveway or parking aisle, projections that enclose floor area may extend a maximum of 3 feet into the required separation if they are at least 8 feet above finished grade.

C. Architectural features such as cornices, eaves, gutters, roofs, fireplaces, chimneys, and other forms of weather protection may project into required separations a maximum of 2 feet. Garden windows, bay windows, covered porches and patios, balconies, and enclosed structures are not allowed in the required separation. Detached structures that are up to 10 feet in height and used exclusively for bike parking are allowed in required separations.

### **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.

B. All dwelling units shall have access to either a common or private amenity area.

C. For attached and detached dwelling units, required ground-level amenity areas may be provided as either private or common space. For stacked dwelling units, at least 30 percent of the amenity area shall be provided as common space.

D. Amenity area shall not be enclosed within a structure.

E. Each amenity area shall be at least 120 square feet in area and have a minimum width and depth of 8 feet, except for balconies, which shall be at least 30 square feet in area and have a minimum width and depth of 4 feet.

F. Features in amenity areas

1. The following features are not allowed in amenity areas:

- a. Vehicular parking areas, vehicular access easements, and driveways;
- b. Required bike parking;
- c. Solid waste and recyclable material storage area; and
- d. Enclosed structures.

2. Pathways serving multiple dwelling units are not allowed in private amenity areas.
3. Decks, porches, and steps; swimming pools, spas, and hot tubs; stormwater management features, including but not limited to bioretention planters and cisterns; play equipment; and similar features are allowed in amenity areas.
4. Amenity areas may be covered by weather protection.
5. Projections that do not provide floor area may extend into an amenity area if they meet the standards for projections into setbacks in subsection 23.44.090.E and if garden windows and other similar features are at least 8 feet above finished grade.
6. Rooftop areas located within 8 feet of minor communication utilities and accessory communication devices do not qualify as amenity areas.

G. Areas in environmentally critical areas and their buffers, including but not limited to steep slopes, may count toward amenity areas.

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 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 and large trees that would result in a ten percent canopy coverage for the site at tree maturity.

## 23.44.120 Tree requirements

A. Development containing one or more new dwelling units must plant or retain trees to either achieve the number of tree points listed in Table A for 23.44.120 or provide at least one new tree for every 2,500 square feet of lot area, whichever results in the greater number of trees.

<b>Table A for 23.44.120</b>	
<b>Number of tree points required</b>	
<b>Density (dwelling units per lot size)</b>	<b>Tree points required per lot area</b>
Less dense than 1 unit / 4,000 square feet	1 point / 500 square feet
1 unit / 4,000 square feet to 1 unit / 2,201 square feet	1 point / 600 square feet
1 unit / 2,200 square feet to 1 unit / 1,601 square feet	1 point / 675 square feet
1 unit / 1,600 square feet or denser	1 point / 750 square feet

**Footnote to Table A for 23.44.120**

<sup>1</sup> For purposes of this Section 23.44.120, lot area shall not include submerged lands.

B. Individual trees preserved during construction or planted as part of construction, excluding street trees, count toward the tree score according to Table B for 23.44.120. Trees required under Section 25.11.090 shall count toward this standard. All required trees shall meet standards promulgated by the Director to provide for the long-term health and viability of plantings. These standards may include but are not limited to tree selection,

invasive species, planting specification, soil and mulch amendment, and protection practices during construction.

**Table B for 23.44.120**

**Tree points**

Type of tree	Tree species	Points for deciduous trees	Points for evergreen trees
Trees planted as part of construction	Small	1 point	1.25 point
	Small/medium	2 points	2.5 points
	Medium/large	3 points	3.75 points
	Large	4 points	5 points
Trees preserved during construction	Small	0.4 point per inch of diameter	0.5 point per inch of diameter
	Small/medium	0.8 point per inch of diameter	1 point per inch of diameter
	Medium/large	1.2 point per inch of diameter	1.4 point per inch of diameter
	Large	1.6 point per inch of diameter	1.8 point per inch of diameter

C. Tree protection areas shall be designated in accordance with Section 25.11.060

for all trees that are proposed to be preserved to receive points under subsection 23.44.120.B, regardless of tree tier.

D. The owner of the subject lot is required to ensure that the trees planted remain healthy for at least five years after inspection by the City, and the owner of the subject lot shall be responsible for replacing any trees that do not remain healthy after inspection by the City.

**E. Tree measurements**

1. New trees planted to meet this requirement shall meet the following size standards:
  - a. Deciduous trees with one trunk must be at least 1.5 inches in diameter, measured 6 inches above the ground.
  - b. Multi-stemmed deciduous trees must have at least three stems and be at least 6 feet tall.
  - c. Evergreen trees must be at least 4 feet tall.

2. Existing trees shall be measured 4.5 feet above the ground.

**F. Tree location.** New trees planted to meet this requirement shall not be planted:

1. For small species trees, within 2 feet of a dwelling unit;
2. For small/medium species trees, within 4 feet of a dwelling unit;
3. For medium/large species trees, within 6 feet of a dwelling unit;
4. For large species trees, within 8 feet of a dwelling unit; and
5. For all trees, within 2 feet of a sidewalk located in the right-of-way.

**G. Street tree requirements**

1. Street trees are required for development that would add one or more principal dwelling units on a lot, except as provided in subsection 23.44.120.G.2 and Section 23.53.015. Existing street trees shall be retained unless the Director of the Seattle Department of Transportation approves their removal. The Director, in consultation with the Director of the Seattle Department of Transportation, shall determine the number, type, and placement of additional street trees to be provided in order to:

- a. Improve public safety;
- b. Promote compatibility with existing street trees;
- c. Match trees to the available space in the planting strip;
- d. Maintain and expand the urban forest canopy;
- e. Encourage healthy growth through appropriate spacing;
- f. Protect utilities; and
- g. Allow access to the street, buildings, and lot.

## 2. Exceptions to street tree requirements

- a. If a lot borders an unopened right-of-way, the Director may reduce or waive the street tree requirement along that right-of-way as a Type I decision if, after consultation with the Director of the Seattle Department of Transportation, the Director determines that the right-of-way is unlikely to be opened or improved.
- b. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot setback shall be planted with trees along the street lot line that abuts the required front setback, or landscaping other than trees shall be provided in the planting strip, subject to approval by the Director of the Seattle Department of Transportation. If a 5-foot setback or landscaped planting strip is not feasible, the Director may reduce or waive this requirement as a Type I decision.

## **23.44.130 Structure width limits**

Structure width for each building containing residential uses in Neighborhood Residential zones may not exceed 90 feet. Measurement of structure width is provided in Section 23.86.014.

## 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.

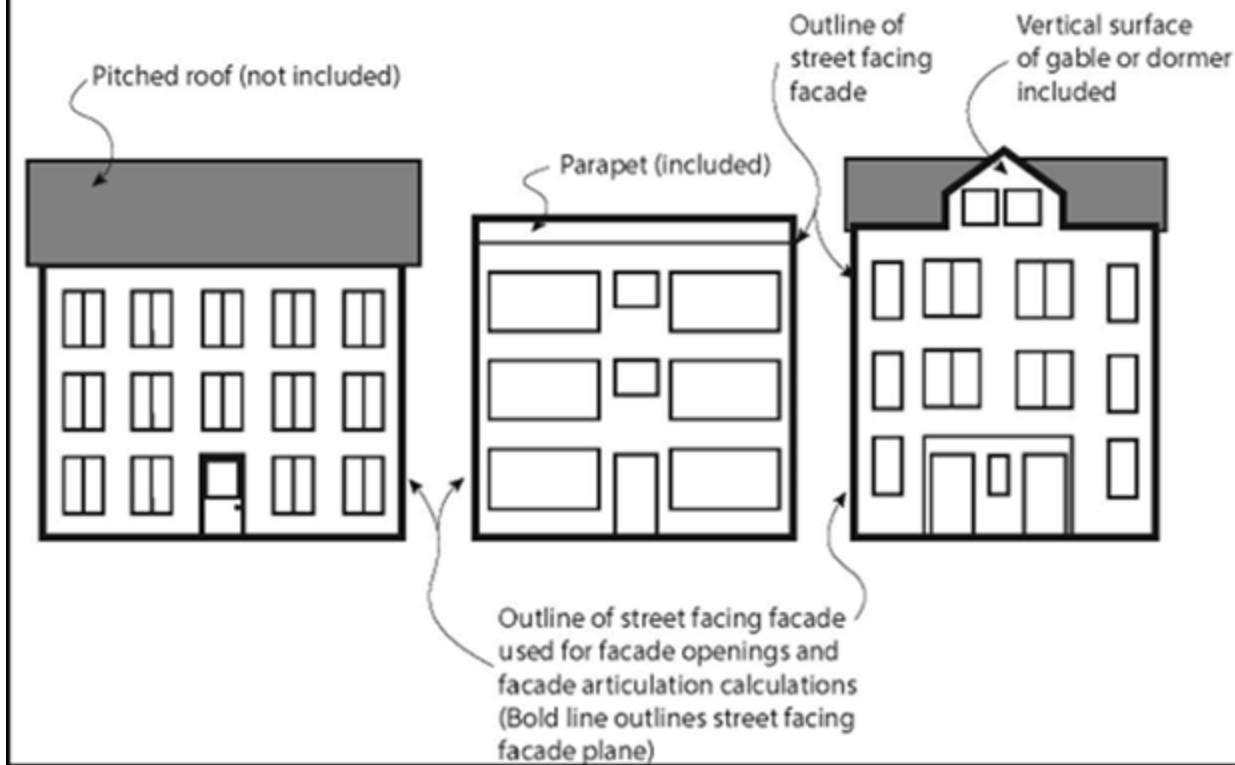
2. For the purposes of this Section 23.44.140, requirements for street-facing facades shall only apply to structures located within 40 feet of a street lot line or a vehicle access easement serving ten or more residential units. For structures located within 40 feet of a vehicle access easement serving 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.

B. Measurement of street-facing facades. For the purposes of this Section 23.44.140, a street-facing facade includes all vertical surfaces enclosing interior space, including gables and dormers, as shown in Exhibit A for 23.44.140.

### **Exhibit A for 23.44.140**

#### **Measurement of facades**

## Exhibit A for 23.44.140 Measurement of facades



C. Pedestrian access. Each dwelling unit shall have pedestrian access at least 3 feet in width to the sidewalk or, if no sidewalk exists, the front lot line. This pedestrian access may be shared or private. This pedestrian access may cross any required setbacks or interior separation. This pedestrian access may be part of a driveway.

D. Entrances. Each structure with a street-facing facade shall have a pedestrian entry on that street-facing facade meeting the requirements of subsections 23.44.140.D.1 through 23.44.140.D.4. For attached and detached dwelling units, the pedestrian entry may be located on a wall perpendicular to the street-facing facade provided that the pedestrian entry abuts a covered porch or recessed entry that also abuts the street-facing facade.

1. For stacked dwelling units, at least one pedestrian entry shall be required for the structure as a whole.

2. For attached and detached dwelling units, each individual dwelling unit with a street-facing facade within 40 feet of the street lot line shall have at least one pedestrian entry on the street-facing facade.

3. For structures or dwelling units with multiple street-facing facades, a pedestrian entry is required on only one of the street-facing facades.

4. Required pedestrian entry on street-facing facades shall have weather protection, such as a covered porch, canopy, recessed entry, or similar feature, measuring at least 3 feet by 3 feet in width and depth for attached and detached dwelling units and at least 6 feet in width and 4 feet in depth for stacked dwelling units.

E. Windows and doors. At least 20 percent of the area of each street-facing facade shall consist of windows and/or doors. If front and side facades are street-facing, the two facades shall be combined for the purpose of this calculation. Windows count toward the requirement for facade openings in this subsection 23.44.140.E only if they are transparent. Windows composed of garage doors and doors to utility and service areas do not count.

### **23.44.150 Light and glare standards**

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two vehicles shall be screened from abutting properties by a fence or wall between 5 feet and 6 feet in height, or a solid evergreen hedge or landscaped

berm at least 5 feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of 3 feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

### **23.44.160 Parking location and access**

A. Parking quantity. Off-street parking is required pursuant to Section 23.54.015.

B. Parking on same lot. Any required parking shall be located on the same lot as the principal use, except that parking accessory to a floating home, floating on-water residence, house barge, or vessel with a dwelling unit may be located on another lot if within 600 feet of the lot on which the floating home, floating on-water residence, house barge, or vessel with a dwelling unit is located.

C. Access to parking

1. Vehicular access to parking from an improved street, alley, or easement is required if parking is provided.

2. Access to parking is permitted from a street only if the Director determines that one of the following conditions exists:

a. There is no alley improved to the standards of subsection 23.53.030.B, and there is no unimproved alley in common usage that currently provides access to parking on the lot or to parking on adjacent lots in the same block;

b. Existing topography does not permit alley access;

- c. At least 50 percent of alley frontage abuts property in a nonresidential zone;
- d. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;
- e. Parking access must be from the street in order to provide access to a parking space that complies with Chapter 11 of the Seattle Building Code; or
- f. Providing alley access would require removal of a tree on private property that is a Tier 1 or Tier 2 tree and all other applicable criteria for tree protection in Chapter 25.11 are met.

D. Location of parking. Except as provided below, parking is not allowed within 20 feet of a front lot line or within 5 feet of a side street lot line:

- 1. If access to required parking passes through a required setback, automobiles, motorcycles, and similar vehicles may be parked on the open access located in a required setback.
- 2. If access is taken directly from an alley, surface parking may be located within 20 feet of a street lot line if it is located within 28 feet of an alley lot line and is no closer than 7 feet to any street lot line.
- 3. For lots at least 40 feet in width, up to two surface parking spaces are allowed within 20 feet of a street lot line provided:
  - a. Access to parking is allowed through the required setback abutting the street by subsection 23.44.160.C;

- b. The parking spaces are located perpendicular to the street lot line from which they are accessed;
- c. On corner lots, the parking spaces are not located within 20 feet of the street lot line parallel to the parking spaces;
- d. No other parking spaces or driveways are located on the lot;
- e. The parking spaces are not located within 10 feet of a street lot line; and
- f. The combined width of the parking spaces shall not exceed 20 feet.

- 4. Lots with uphill setbacks abutting streets. Parking may be located in a required setback abutting a street provided:
  - a. Access to parking is allowed through the required setback abutting the street by subsection 23.44.160.C;
  - b. The existing grade of the lot slopes upward from the street lot line an average of at least 6 feet above sidewalk grade at a line that is 10 feet from the street lot line;
  - c. The parking area shall be at least an average of 6 feet below the existing grade prior to excavation and/or construction at a line that is 10 feet from the street lot line;
  - d. No other parking spaces or driveways are located on the lot;
  - e. If no garage is provided, the combined width of the parking spaces shall not exceed 20 feet. If a garage is provided, the width of a garage structure shall not exceed 24 feet; and

f. The total width of parking spaces and garages is not more than 60 percent of the width of the lot.

5. Lots with downhill setbacks abutting streets. Parking may be located in a required setback abutting a street if the following conditions are met:

a. Access to parking is allowed through the required setback abutting the street by subsection 23.44.160.C;

b. The existing grade slopes downward from the street lot line that the parking faces;

c. For parking located in a front setback, the lot has a vertical drop of at least 6 feet in the first 10 feet, measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line;

d. Parking is not located in required side setbacks abutting a street;

e. No other parking spaces or driveways are located on the lot;

f. If no garage is provided, the combined width of the parking spaces shall not exceed 20 feet. If a garage is provided, the width of a garage structure shall not exceed 24 feet; and

g. The total width of parking spaces and garages is not more than 60 percent of the width of the lot.

E. No more than three vehicles may be parked outdoors per dwelling unit on a lot.

F. Trailers, boats, recreational vehicles, and similar equipment shall not be parked in required setbacks, unless fully enclosed in a structure otherwise allowed in a required setback by subsection 23.44.160.D.

G. 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.

H. Except as provided in subsections 23.44.160.D.4 and 23.44.160.D.5, garage entrances facing the street shall be set back at least 20 feet from the street lot line.

## **23.44.170 Alternative standards for development of low-income housing and social housing**

A. Development of low-income housing or social housing that meets all of the following criteria may meet the alternative development standards in subsection 23.44.170.B:

1. The restricted units are generally distributed throughout the development and have substantially the same functionality as unrestricted units, if any, in the development;

2. To the extent practicable, the restricted units are comparable to unrestricted units, if any, in terms of square footage and number of bedrooms and bathrooms;

3. The tenure (i.e., rental or ownership) of restricted units and unrestricted units, if any, is the same;

4. For ownership housing, the restricted units are stewarded by a qualified non-profit organization, which for purposes of this subsection 23.44.170.A means a non-

profit organization that the Office of Housing determines as experienced in the development and stewardship of permanently affordable homes, including:

a. 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

b. 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

5. 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) agree 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 23.44.170.A and the regulatory agreement, covenant, or other legal instrument.

B. Proposed development on a lot meeting the criteria in subsection 23.44.170.A 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):

1. 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.
2. The maximum density limit is one unit per 400 square feet.
3. The maximum height limit is 42 feet.

4. The maximum lot coverage is 60 percent.
5. No minimum required parking.

## 23.44.180 Institutions

A. Institutions located in a Neighborhood Residential zone shall meet the development standards of this Section 23.44.180 and other sections of Chapter 23.44 except as provided in Section 23.44.030, Chapter 23.51B, Chapter 23.69, or Chapter 23.79. In the event of conflict between the standards in this Section 23.44.180 and other sections of Chapter 23.44, the standards in this Section 23.44.180 shall control.

B. Height limits

1. The height limit for institutions shall be 32 feet, except as provided in subsection 23.44.180.B.2.
2. For gymnasiums, auditoriums, and wood shops that are accessory to an institution, the maximum permitted height is 35 feet if all portions of the structure above the height limit of the zone are set back at least 20 feet from all lot lines. Pitched roofs on the auditorium, gymnasium, or wood shop with a slope of not less than 4:12 may extend 10 feet above the 35-foot height limit. No portion of a shed roof on a gymnasium, auditorium, or wood shop is permitted to extend beyond 35 feet.

C. Landscaping

1. Landscaping that achieves a Green Factor score of 0.3 or greater, pursuant to Section 23.86.019, is required for any lot with:
  - a. Development, either a new structure or an addition to an existing structure, containing more than 4,000 new square feet of non-residential uses; or

b. Any parking lot containing more than 20 new parking spaces for automobiles.

2. All required trees shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth, and quality of soil, access to light and air, and protection practices during construction.

#### D. Parking

1. Location of parking. Parking areas and facilities may be located anywhere on the lot except in the required front setback or side street setback.

2. Screening of surface parking areas. Surface parking areas for more than five vehicles shall be screened in accordance with the following requirements:

a. Screening shall be provided on each side of the parking area that abuts, or faces across a street, alley, or access easement, a lot in a residential zone.

b. Screening shall consist of a fence, solid evergreen hedge, or wall at least 3 feet in height.

E. Odors. The venting of odors, vapors, smoke, cinders, dust, gas, and fumes shall be at least 10 feet above finished sidewalk grade and directed away to the extent possible from residential uses within 50 feet of the vent.

#### F. Light and glare

1. Exterior lighting for institutions shall be shielded or directed away from residential structures on adjacent lots.

2. Poles for freestanding exterior lighting are permitted up to a maximum height of 32 feet. Light poles for illumination of athletic fields on new and existing public school sites will be allowed to exceed 30 feet pursuant to Chapter 23.51B.

G. The Director may allow, as a Type I decision, higher fencing in a required setback when necessary for sports fields.

### **23.44.190 Parks and open space**

A. The following accessory uses shall be permitted in public parks when within a structure or on a terrace abutting the structure, provided that when the use is within 100 feet of another lot in a residential zone the use is completely enclosed:

1. The sale and consumption of beer and wine during daylight hours;
2. The sale and consumption of alcoholic beverages under a Class H liquor

license at municipal golf courses during established hours of operation.

B. The sale and consumption of beer and wine with meals served in a restaurant facility within the boundaries of Woodland Park shall be permitted. The use shall be permitted in only one facility located no closer than 100 feet from any lot in a residential zone and separated from other public activity areas and zoo buildings by at least 50 feet.

C. Storage structures and areas and other structures and activities customarily associated with parks and playgrounds are subject to the following development standards in addition to the general development standards for accessory uses:

1. Any active play area shall be located 30 feet or more from any lot in a Neighborhood Residential zone;

2. Garages and service or storage areas shall be located 100 feet or more from any other lot in a residential zone and obscured from view from each such lot.

\* \* \*

### 23.45.502 Scope of provisions

\* \* \*

D. Other regulations may apply to development proposals including but not limited to general use provisions (Chapter 23.42); transportation concurrency and transportation impact mitigation (Chapter 23.52); requirements for streets, alleys, and easements (Chapter 23.53); standards for access, off-street parking, and solid waste storage (Chapter 23.54); sign regulations (Chapter 23.55); communication regulations (Chapter 23.57); shoreline regulations (Chapter 23.60A); and environmental protection and historic preservation (Title 25).

E. Congregate residences are subject to additional requirements as specified in Section 23.42.049.

\* \* \*

### 23.45.504 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A for 23.45.504 are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A, 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to this Chapter 23.45 and Chapter 23.57. Public facilities are subject to Section 23.51A.004.

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

<b>Table A for 23.45.504</b> <b>Permitted and prohibited uses</b>		
<b>Uses</b>	<b>Permitted and prohibited uses by zone</b>	
	<b>LR1, LR2, and LR3</b>	<b>MR and HR</b>
* * *		
C. Uses not otherwise permitted in existing or former public schools	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
* * *		
E. Parks and open space uses	P	P
F. Ground-floor commercial uses	RC/P <sup>4</sup>	RC/P <sup>5</sup>
* * *		
L. Heat recovery incinerators	CU	CU
M. Human service uses	P	P
N. All other uses	X	X
Key to Table A for 23.45.504 P = Permitted outright CU = Permitted as an administrative conditional use RC = Permitted in areas zoned Residential Commercial (RC), and subject to the provisions of the RC zone, Chapter 23.46		

**Table A for 23.45.504**  
**Permitted and prohibited uses**

<b>Uses</b>	<b>Permitted and prohibited uses by zone</b>	
	<b>LR1, LR2, and LR3</b>	<b>MR and HR</b>

X = Prohibited

Footnotes to Table A for 23.45.504

<sup>1</sup> Institutions meeting development standards including but not limited to the standards in Section 23.45.570 are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69.

<sup>2</sup> Prohibited in Station Area Overlay Districts (SAODs); otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506 on surface parking existing as of January 1, 2017.

<sup>3</sup> Prohibited in LR1 and LR2 zones, including LR1/RC and LR2/RC. Permitted outright in LR3, MR, HR, and LR3/RC zones, except prohibited in a SAOD.

<sup>4</sup> For lots located in a zone that does not include an RC designation, ground-floor commercial uses are allowed if they meet the requirements of Section 23.42.055 and Chapter 23.46 or the standards of subsection 23.45.504.D.

<sup>5</sup> For lots located in a zone that does not include an RC designation, ground-floor commercial uses are allowed if they meet the standards of subsection 23.45.504.E and Section 23.45.532.

<sup>6</sup> Subject to subsections 23.45.504.G and 23.45.506.F.

<sup>7</sup> Subject to subsection 23.45.504.F.

<sup>8</sup> Prohibited in LR1 and LR2 zones. Permitted outright in all other multifamily zones as surface parking on surface parking lots existing as of January 1, 2017; permitted outright in garages; subject to Section 23.54.026.

C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to Section 23.45.545, if applicable:

1. Private garages and carports;
2. Private, permanent swimming pools, hot tubs, and other similar uses;
3. Solar collectors, including solar greenhouses;
4. Piers and floats, provided they comply with Chapter 23.60A;

5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;
6. Bed and breakfasts in a dwelling unit that is at least five years old, provided they comply with subsection 23.45.504.l;
7. Recycling collection stations;
8. Urban farms with planting area not more than 4,000 square feet. Urban farms with greater than 4,000 square feet of planting area may be allowed as an administrative conditional use to any use permitted outright or as a conditional use. The Director may grant, condition, or deny a conditional use permit in accordance with subsection 23.42.051.B; and

9. Accessory dwelling units provided they comply with Section 23.42.022.

D. Ground-floor commercial use in Lowrise zones without an RC suffix are allowed if they comply with the following:

1. The commercial use is limited to the following:
  - a. Food processing and craft work;
  - b. General sales and services; and
  - c. Restaurants.
2. The commercial uses do not occupy more than 2,500 square feet of gross floor area.
3. The commercial use is permitted only on or below the ground floor of a structure.
4. Vents for venting of odors, vapors, smoke, gas and fumes, and exterior heat exchangers and other similar devices (e.g., related to ventilation, air conditioning, or

refrigeration) shall be at least 10 feet above finished sidewalk grade and directed away to the extent possible from residential uses within 50 feet of the vent.

5. Drive-in businesses are prohibited as a principal or accessory use.

6. Outdoor sales of food or beverages must be located at least 50 feet from adjacent lots.

7. Outdoor service of food or beverages must be located at least 50 feet from adjacent lots.

8. Businesses may not be open between the hours of 10 p.m. and 6 a.m.

E. Ground-floor commercial use in Midrise and Highrise zones without an RC suffix are allowed if they comply with the following:

1. Drive-in businesses are prohibited as either a principal or accessory use.

2. The commercial use is limited to the following:

a. Business support services;

b. Food processing and craft work;

c. General sales and services;

d. Medical services;

e. Offices;

f. Restaurants; and

g. Live-work units with one of the uses permitted in this subsection

23.45.504.E as the permitted commercial use.

3. The ground-floor commercial uses meet the requirements of Section

23.45.532.

F. Existing cemeteries are permitted to continue in use. New cemeteries are prohibited and existing cemeteries are prohibited from expanding. For purposes of this Section 23.45.504, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that:

1. The change does not increase the net land area occupied by the cemetery;
2. The land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved; and
3. The use of the land being added to the cemetery will not result in the loss of housing.

G. Except as provided in subsections 23.45.504.G.1 and 23.45.504.G.2, medical service uses other than permitted ground-floor commercial uses are prohibited.

1. Medical service uses in HR zones may be permitted as administrative conditional uses pursuant to subsection 23.45.506.F.
2. Medical service uses meeting the development standards for institutions are permitted outright on property conveyed by a deed from the City that, at the time of conveyance, restricted the property's use to a health care or health-related facility.

H. Fences and free-standing walls of utility services uses shall be set back from the street lot line by an average of 7 feet and be no less than 5 feet from the street lot line at any point. Landscaping shall be provided between the fence or wall and the street lot line. The Director may reduce this setback after finding that the reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the

scale of the structure in relation to nearby buildings. Acceptable methods to reduce fence or wall impacts include changes in the height, design, or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line.

Fences and walls may obstruct or allow views to the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design, or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features.

I. Bed and breakfast uses. A bed and breakfast use may be operated in a principal dwelling unit or an accessory dwelling unit under the following conditions:

1. The bed and breakfast use has a valid business license tax certificate issued by the Department of Finance and Administrative Services;
2. The bed and breakfast use is operated by the primary resident of the dwelling unit where the bed and breakfast is located or the resident operator; and
3. There is no evidence of a bed and breakfast use visible from the exterior of the dwelling unit other than a sign permitted by subsection 23.55.022.D.1.

\* \* \*

### **23.45.508 General provisions**

A. Except for structures related to an urban farm, a structure occupied by a permitted use other than a residential use may be partially or wholly converted to a

residential use even if the structure does not conform to the development standards for residential uses in multifamily zones.

B. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses are regulated by Sections 23.42.108 and 23.42.110.

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.

D. Lots with no street frontage. For purposes of structure width, depth, and setbacks, multifamily zoned lots that have no street frontage are subject to the following:

1. For lots that have only one alley lot line, the alley lot line shall be treated as a front lot line.
2. For lots that have more than one alley lot line, the Director shall determine which alley lot line shall be treated as the front lot line.
3. For lots that have no alley lot lines, the applicant may choose the front lot line provided that the selected front lot line length is at least 50 percent of the width of the lot.

E. Any other provision of the Seattle Municipal Code notwithstanding, an applicant is not entitled to a permit for any use or development on a lot in an LR zone that would be inconsistent with any term, condition, or restriction contained either in any recorded agreement that is in effect as to that lot and was made in connection with a rezone of the lot to LDT, L1, L2, L3, or L4, or in any City Council decision or ordinance related to a rezone

of the lot to LDT, L1, L2, L3, or L4 conditioned on a recorded agreement prior to April 19, 2011.

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

1. Calculate the footprint, in square feet, for each category of residential use.

For purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior walls of the structure.

2. Calculate the total square feet of footprint of all categories of residential uses on the lot.

3. Divide the square footage of the footprint for each category of residential structure in subsection 23.45.508.F.1 by the total square feet of footprints of all residential uses in subsection 23.45.508.F.2.

4. Multiply the percentage calculated in subsection 23.45.508.F.3 for each housing category by the area of the lot. The result is the area of the lot devoted to each housing category.

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

G. Unless otherwise specified, the development standards of each zone shall be applied in that zone, and may not be used in any other zone, except that if both zones have the same development standards, the development standard shall be applied to the lot as

a whole. If a lot or development site includes more than one zoning designation and a development standard is based on lot area, the lot area used in applying the development standard shall be the portion of the contiguous area with the corresponding zoning designation.

\* \* \*

### 23.45.509 Standards applicable to specific areas

\* \* \*

B. University District Regional Center. The following provisions apply to development in the MR (M1) zone.

1. Lots located in MR (M1) zones are eligible as Landmark TDR and TDP sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter 23.84A and meets all applicable standards in Section 23.58A.042.

2. The maximum amount of TDR and TDP that can be transferred from an eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of the FAR permitted on a lot, multiplied by the lot area of the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and TDP previously transferred.

3. Eligible receiving sites are limited to those lots in SM-U zones specified in subsection 23.48.623.C.

\* \* \*

## 23.45.510 Floor area

A. Gross floor area. In multifamily zones, gross floor area includes exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation are not considered gross floor area.

B. Floor area ratio (FAR) limits in LR and MR zones. FAR limits apply in LR and MR zones as shown in Table A for 23.45.510, provided that if the LR zone designation includes an incentive zoning suffix, then gross floor area may exceed the base FAR as identified in the suffix designation, up to the limits shown in Table A for 23.45.510, if the applicant complies with Chapter 23.58A, Incentive Provisions. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

**Table A for 23.45.510**  
**FAR limits in LR and MR zones**

<b>Zone</b>	<b>Zones with an MHA suffix</b>	<b>Zones without an MHA suffix</b>
LR1	1.3, except 1.5 for stacked dwelling units	1.0
LR2	1.4, except 1.6 for stacked dwelling units <sup>1</sup>	1.1
LR3 outside regional centers and urban centers	1.8	1.2, except 1.3 for stacked dwelling units
LR3 inside regional centers and urban centers	2.3	1.2, except 1.5 for stacked dwelling units

**Table A for 23.45.510**  
**FAR limits in LR and MR zones**

Zone	Zones with an MHA suffix	Zones without an MHA suffix
MR	4.5	3.2

Footnote to Table A for 23.45.510

<sup>1</sup> Except that the FAR is 1.8 for stacked dwelling units that provide one or more outdoor amenity areas meeting the requirements of Section 23.45.522 and the following provisions are met:

1. The total amount of outdoor amenity area is equal to at least 35 percent of the lot area;
2. No part of such amenity area has a width or depth of less than 20 feet; and
3. The outdoor amenity area is located at ground level or within 4 feet of finished grade.

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

1. All stories, or portions of stories, that are underground.
2. The floor area in a Landmark structure subject to controls and incentives

imposed by a designating ordinance, if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer of development potential (TDP) has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

3. The floor area in structures built prior to January 1, 1982, as detached dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided that:

a. No other principal structure is located between the existing residential structure and the street lot line along at least one street frontage. If the existing residential structure is moved on the lot, the floor area of the existing residential structure remains exempt if it continues to meet this subsection 23.45.510.D.3.a; and

b. The exemption is limited to the gross floor area that existed on January 1, 1982 and does not include any additions to floor area made to the residential structure after January 1, 1982.

4. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following circumstances:

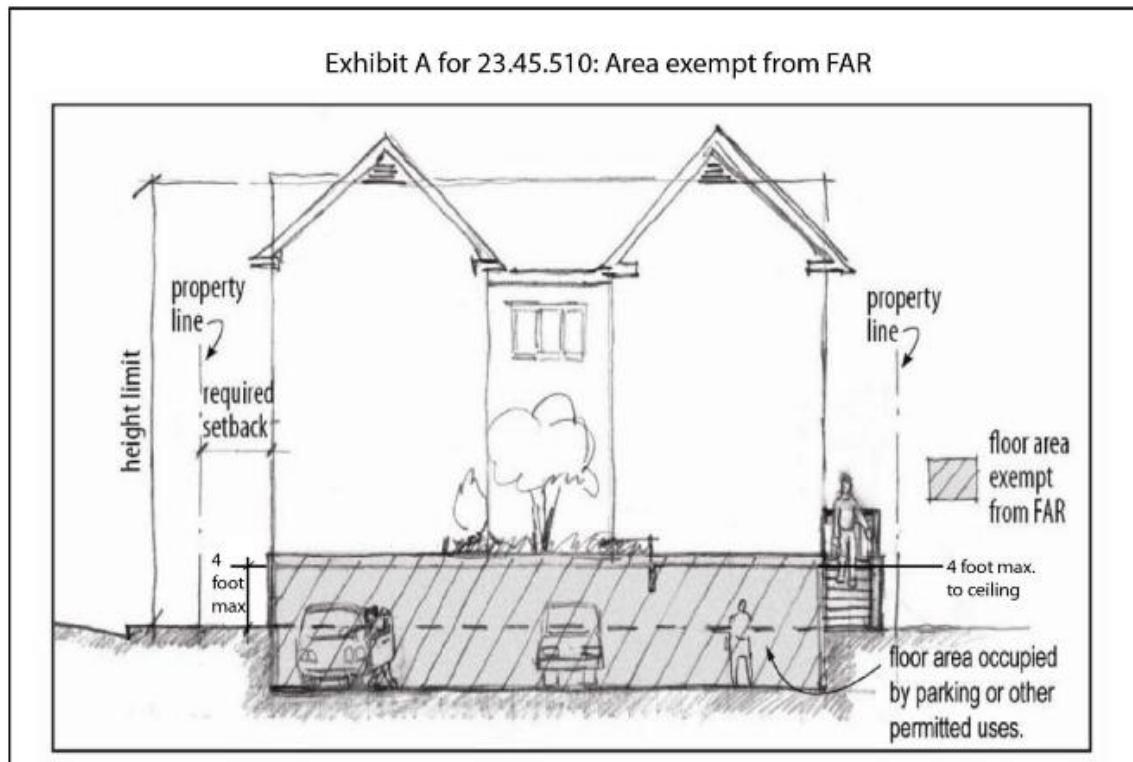
a. Stacked dwelling units in LR zones;

b. Attached and detached dwelling units in LR zones, provided that all parking is located at the rear of the structure or is enclosed in structures with garage entrances located on the rear facade; and

c. All dwelling units in MR and HR zones.

## Exhibit A for 23.45.510

### Area exempt from FAR



5. For attached and stacked dwelling units, floor area within a story, or portion of a story, that is partially above grade if all of the following conditions are met:

- a. The story, or portion of the story, that is partially above grade is used for parking or other accessory uses and has no additional stories above;
- b. The average height of the exterior walls enclosing the floor area does not exceed one story, measured from existing or finished grade, whichever is lower;
- c. The roof area above the exempt floor area is predominantly flat, is used as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522; and
- d. At least 25 percent of the perimeter of the amenity area on the roof above the floor area is not enclosed by the walls of the structure.

6. Enclosed common amenity area in HR zones.

7. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection 23.45.510.D.

8. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the commercial uses has a minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

9. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.

10. Common walls separating individual attached dwelling units.

11. In the Northgate Regional Center, up to 15,000 square feet of floor area in residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least 40,000 square feet in size.

12. In MR and HR zones, all gross floor area in child care centers.

13. In low-income housing, all gross floor area for accessory human service uses.

E. If TDP is transferred from a lot pursuant to Section 23.58A.042, the amount of non-exempt floor area that may be permitted is a FAR of 7, plus any net amount of TDP

previously transferred to the lot, minus the sum of the existing non-exempt floor area on the lot and the amount of TDP transferred.

\* \* \*

### 23.45.512 is repealed.

\* \* \*

### 23.45.514 Structure height

A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514, the height limits for structures in LR zones are as shown on Table A for 23.45.514.

<b>Table A for 23.45.514</b> <b>Structure height for LR zones (in feet)</b>				
<b>Dwelling unit type</b>	<b>LR1</b>	<b>LR2</b>	<b>LR3 outside regional centers, urban centers, and Station Area Overlay Districts</b>	<b>LR3 in regional centers, urban centers, and Station Area Overlay Districts</b>
Attached and detached dwelling units	32	40 <sup>1</sup>	40 <sup>1</sup>	50 <sup>1</sup>
Stacked dwelling units	32	40 <sup>1</sup>	40 <sup>1</sup>	50 <sup>2</sup>

**Footnotes for Table A for 23.45.514**

<sup>1</sup> Except that the height limit is 32 feet in zones without a mandatory housing affordability suffix.

<sup>2</sup> Except that the height limit is 40 feet in zones without a mandatory housing affordability suffix.

\* \* \*

C. The height limit for accessory structures other than accessory dwelling units that are located in required setbacks or separations is 12 feet, except as follows:

1. Garages and carports are limited to 12 feet in height as measured on the facade containing the vehicle entrance. Open rails may extend an additional 3 feet above the roof of the garage or carport if any portion of the roof is within 4 feet of existing grade. The ridge of a pitched roof on a garage located in a required setback may extend up to 3 feet above the 12-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 12-foot height limit.

2. Freestanding flagpoles and religious symbols for religious institutions are exempt from height controls except as regulated in Chapter 23.64, provided they are no closer to any lot line than 50 percent of their height above existing grade.

\* \* \*

F. For stacked dwelling units in LR zones, the applicable height limit is increased 4 feet above the height shown on Table A for 23.45.514 for a structure that includes a story that is partially below-grade, provided that:

1. This height exception does not apply to portions of lots that are within 50 feet of a Neighborhood Residential zone boundary line, unless the lot in the LR zone is separated from a Neighborhood Residential zoned lot by a street;
2. The number of stories above the partially below-grade story is limited to four stories for residential uses with a 40-foot height limit and to five stories for residential uses with a 50-foot height limit;

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

4. The average height of the exterior walls of the portion of the story that is partially below-grade does not exceed 4 feet, measured from existing or finished grade, whichever is less.

\* \* \*

#### **23.45.516 Method to achieve extra residential floor area in HR zones**

\* \* \*

E. Neighborhood green street setback. Floor area may be gained for a neighborhood green street setback according to the provisions of Chapter 23.58A by development on lots abutting one of the streets or street segments within the First Hill/Capitol Hill Regional Center shown on Map A for 23.45.516.

\* \* \*

#### **23.45.518 Setbacks**

##### **A. LR zones**

1. Required setbacks for the LR zones are as shown in Table A for 23.45.518 and subsection 23.45.518.A.2.

**Table A for 23.45.518  
Required setbacks in LR zones**

Front	7 feet average, 5 feet minimum <sup>1</sup>
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**Table A for 23.45.518**  
**Required setbacks in LR zones**

Rear	If rear lot line abuts an alley, 0 feet Otherwise, 7 feet average, 5 feet minimum
Side	5 feet

<sup>1</sup> For lots abutting 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.

2. Upper-level setbacks in LR2 and LR3 zones

- a. An upper-level setback of 12 feet from the front lot line is required for all portions of a structure above the following height:
  - 1) Forty-four feet for zones with a height limit of 40 feet; and
  - 2) Fifty-four feet for zones with a height limit of 50 feet.
- b. An upper-level setback of 12 feet from each side or rear lot line that abuts a lot zoned Neighborhood Residential is required for all portions of the structure above 34 feet in height.
- c. Projections allowed in subsection 23.45.518.G are allowed in upper-level setbacks.
- d. Structures allowed in subsection 23.45.518.H are not allowed in upper-level setbacks.
- e. Rooftop features are not allowed in upper-level setback except as follows:

1) A pitched roof, other than a shed roof or butterfly roof, is allowed in the upper-level setback if all parts of the roof are pitched at a rate of not less than 6:12 and not more than 12:12.

2) Open railings may extend up to 4 feet above the height at which the setback begins.

3) Parapets may extend up to 2 feet above the height at which the setback begins.

\* \* \*

D. Through lots. In the case of a through lot, each setback abutting a street shall be a front setback. Rear setback requirements shall not apply to the through lot.

E. Other setback requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53.

F. Front and rear setbacks on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.

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

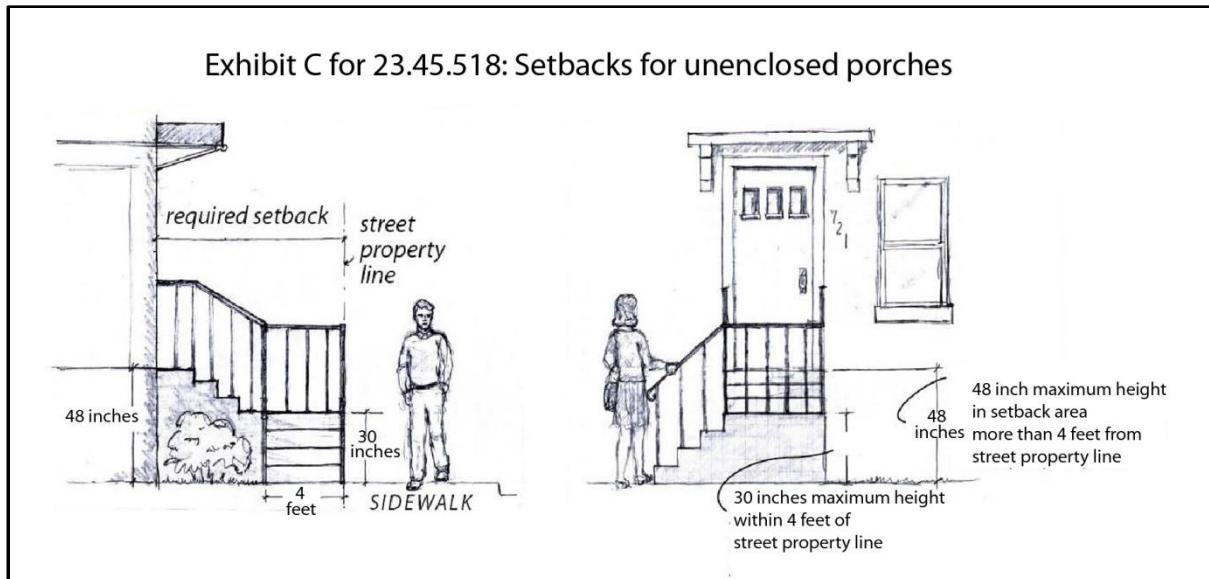
a. Unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than 2.5 feet in height from existing or finished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



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.

H. Structures in required setbacks, except upper-level setbacks

1. Detached garages, carports, or other accessory structures that are not accessory dwelling units are allowed in required rear or side setbacks, subject to the following requirements:

a. Any accessory structure located between a principal structure and a side lot line shall provide the setback required for the principal structure;

b. Any portion of an accessory structure located more than 25 feet from a rear lot line shall be set back at least 5 feet from the side lot line;

c. Accessory structures shall be set back at least 7 feet from any lot line that abuts a street; and

d. Accessory structures shall be separated by at least 3 feet from all principal structures, including the eaves, gutters, and other projecting features of the principal structure.

2. Ramps or other devices necessary for access for the disabled and elderly that meet the Seattle Residential Code or Seattle Building Code are allowed in any required setback.

3. Uncovered, unenclosed pedestrian bridges, necessary for access and 5 feet or less in width, are allowed in any required setback.

4. Underground structures are allowed in any required setback.
5. Solar collectors are allowed in any required setback, pursuant to the provisions of Section 23.45.545.
6. Freestanding signs, bike racks, and similar unenclosed structures that are 6 feet or less in height above existing or finished grade, whichever is lower, are allowed in any required setback, provided that signs meet the provisions of Chapter 23.55.

## 7. Fences

a. Fences no greater than 6 feet in height are allowed in any required setback, except that fences in the required front setback extended to side lot lines or in street side setbacks extended to the front and rear lot lines may not exceed 4 feet in height. Fences located on top of a bulkhead or retaining wall are also limited to 4 feet. If a fence is placed on top of a new bulkhead or retaining wall used to raise grade, the maximum combined height is limited to 9.5 feet.

b. Up to 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is allowed if the architectural features are predominately open.

c. Fence height may be averaged along sloping grades for each 6-foot-long segment of the fence, but in no case may any portion of the fence exceed 8 feet in height when the height allowed by subsection 23.45.518.H.7.a is 6 feet, or 6 feet in height when the height allowed by subsection 23.45.518.H.7.a is 4 feet.

## 8. Bulkheads and retaining walls

a. Bulkheads and retaining walls used to raise grade are allowed in any required setback if they are limited to 6 feet in height, measured above existing grade.

b. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or 6 feet measured from the finished grade on the low side, whichever is greater. Any fence shall be set back a minimum of 3 feet from such a bulkhead or retaining wall.

9. Guardrails or handrails that are no more than 42 inches in height are allowed on unenclosed stairs, decks, access bridges, bulkheads, and retaining walls.

10. Above-grade stormwater management features, such as bioretention planters and cisterns, are allowed in setbacks if:

a. No feature, excluding piping, is more than:

1) Twelve feet tall if located in a portion of the rear setback that is not also a side setback; or

2) Six and one half feet tall, if located in other setbacks;

b. No feature greater than 4.5 feet tall is located within 10 feet of the front lot line, excluding piping, unless it is integrated into a bulkhead or retaining wall that is allowed in subsection 23.45.518.H.8;

c. No feature greater than 6 inches tall is located within 2.5 feet of the side lot line; and

d. The total storage capacity of all above-grade cisterns is no greater than 1,250 gallons.

11. Mechanical equipment. Heat pumps and similar mechanical equipment, not including incinerators, are allowed in any required setback if they comply with the requirements of Chapter 25.08. No heat pump or similar equipment shall be located within 3 feet of any lot line. Charging devices for electric cars are considered mechanical equipment and are allowed in any required setbacks if not located within 3 feet of any lot line.

12. Detached, unenclosed structures accessory to attached or detached dwelling units that are up to 8 feet in height and used exclusively for bike parking are allowed in any required setback.

13. Private, permanent swimming pools, hot tubs, and other similar uses are permitted in any required setback, provided that:

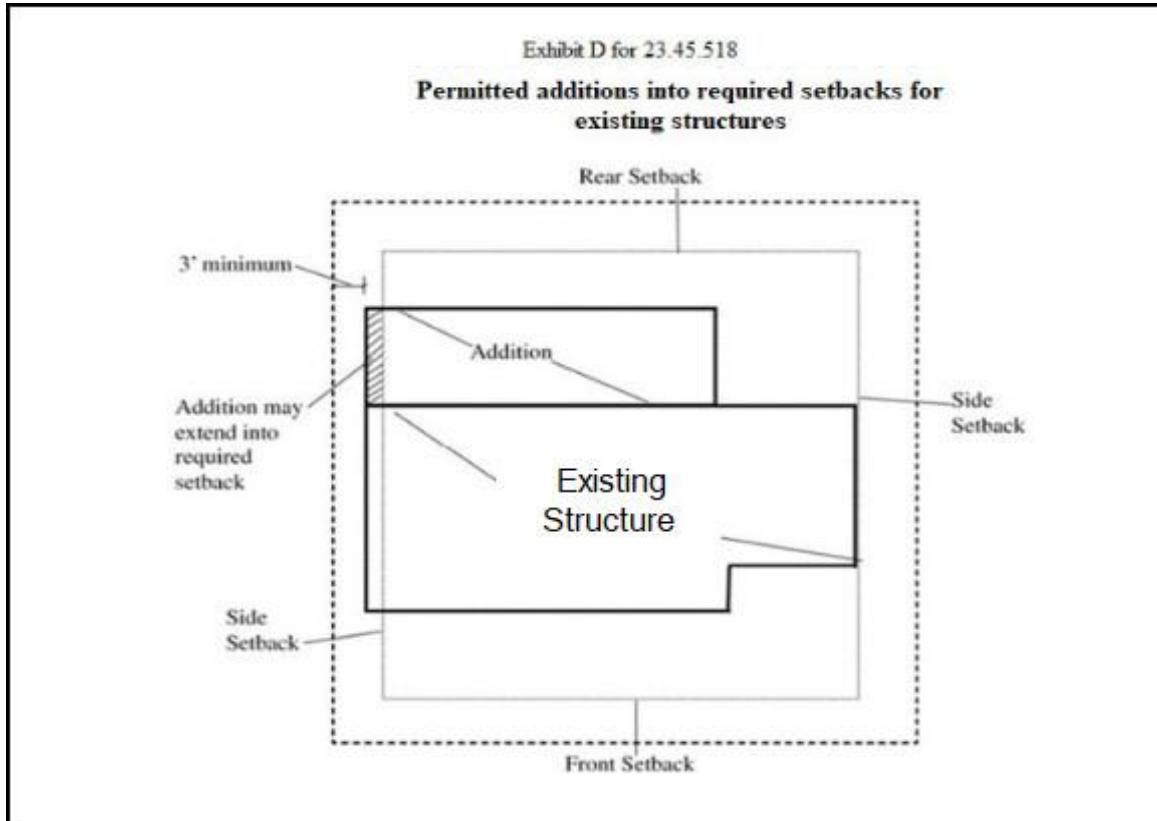
- a. No part of any swimming pools, hot tubs, and other similar uses projects more than 18 inches above existing grade in a required front setback; and
- b. No swimming pool is placed closer than 5 feet to any front or side lot line.

I. Exceptions for existing structures. In all multifamily zones, certain additions to a residential structure may extend into a required side setback if the structure is already nonconforming with respect to that setback, and if the presently nonconforming section is at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up to the height limit and may include

basement additions (Exhibit D for 23.45.518), provided that additions shall be at least 3 feet from the side lot line.

#### Exhibit D for 23.45.518

##### **Permitted additions into required setbacks for existing structures**



\* \* \*

#### 23.45.519 Separations between structures

A. In LR and MR zones, the minimum required separation between structures containing floor area is 5 feet except that, if the structures are separated by a driveway or parking aisle, the minimum required separation between structures containing floor area is 2 feet greater than the required width of the driveway or parking aisle or 24 feet, whichever is less. If the structures are separated by a driveway or parking aisle, projections that

enclose floor area may extend a maximum of 3 feet into the required separation if they are at least 8 feet above finished grade.

B. Architectural features such as cornices, eaves, gutters, roofs, fireplaces, chimneys, and other forms of weather protection may project into required separations a maximum of 2 feet. Unenclosed structures allowed in side setbacks are allowed in the minimum separation. Garden windows, bay windows, covered porches and patios, balconies, and enclosed structures are not allowed in the required separation. Detached structures that are up to 10 feet in height and used exclusively for bike parking are allowed in required separations.

\* \* \*

### **23.45.522 Amenity area**

#### **A. Amount of amenity area**

1. The amount of required amenity area in LR zones is equal to 20 percent of the lot area.
2. The amount of required amenity area in MR and HR zones is equal to five percent of the total gross floor area of a residential structure.

B. Attached and detached dwelling units shall have access to either a common or private amenity area. Stacked dwelling units shall have access to a common amenity area.

#### **C. Enclosed amenity areas**

1. No more than 50 percent of the amenity area may be enclosed, and this enclosed area shall be provided as common amenity area.

2. Enclosed amenity areas must be provided in a room used exclusively for this purpose or in an area on the ground floor that can be accessed directly from the building lobby or an outdoor amenity space and does not include any of the following:

- a. Internal circulation hallways between outside doors and elevators or stairs;
- b. Mailrooms;
- c. Bike parking;
- d. Solid waste and recyclable materials storage; and
- e. Laundry facilities.

D. Amenity area size

1. Private amenity areas. Each private amenity area shall be at least 60 square feet in area and have a minimum width and depth of 6 feet, except for balconies, which shall be at least 30 square feet in area and have a minimum width and depth of 4 feet.

2. Common amenity areas. Each common amenity area shall be at least 250 square feet and have a minimum width and depth of 10 feet.

E. Features in amenity areas

1. The following features are not allowed in amenity areas:

- a. Vehicular parking areas, vehicular access easements, and driveways;
- b. Required bike parking;
- c. Solid waste and recyclable material storage area; and

d. Enclosed structures.

2. Pathways serving multiple dwelling units are not allowed in private amenity areas.

3. Decks, porches, and steps; swimming pools, spas, and hot tubs; stormwater management features, including but not limited to bioretention planters and cisterns; play equipment; and similar features are allowed in amenity areas.

4. Amenity areas may be covered by weather protection.

5. Projections that do not provide floor area may extend into an amenity area if they meet the standards for projections into setbacks in subsection 23.45.518.G and if garden windows and other similar features are at least 8 feet above finished grade.

6. Rooftop areas located within 8 feet of minor communication utilities and accessory communication devices do not qualify as amenity areas.

F. Common amenity areas shall be improved as follows:

1. At least 35 percent of a common amenity area provided at ground level shall be landscaped with grass, ground cover, bushes, bioretention facilities, and/or trees.

2. Elements that enhance the usability and livability of the space for residents, such as seating, outdoor lighting, weather protection, art, or other similar features, shall be provided.

G. Areas in environmentally critical areas and their buffers, including but not limited to steep slopes, may count toward amenity areas. No amenity area enhancement elements shall be placed in the environmentally critical areas and their buffers non disturbance area.

H. No amenity area is required for one dwelling unit added to a residential structure existing as of January 1, 1982, provided that no dwelling units have been added since that date.

\* \* \*

Section 41. Section 23.45.527 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

### **23.45.527 Structure width limits in LR zones**

Structure width for buildings containing residential uses may not exceed 90 feet in LR1 and LR2 zones and 150 feet in LR3 zones.

\* \* \*

### **23.45.529 Design standards**

#### **A. Application of provisions**

1. The provisions of this Section 23.45.529 apply to development that includes the construction of new dwelling units, except for new dwelling units added within existing structures.

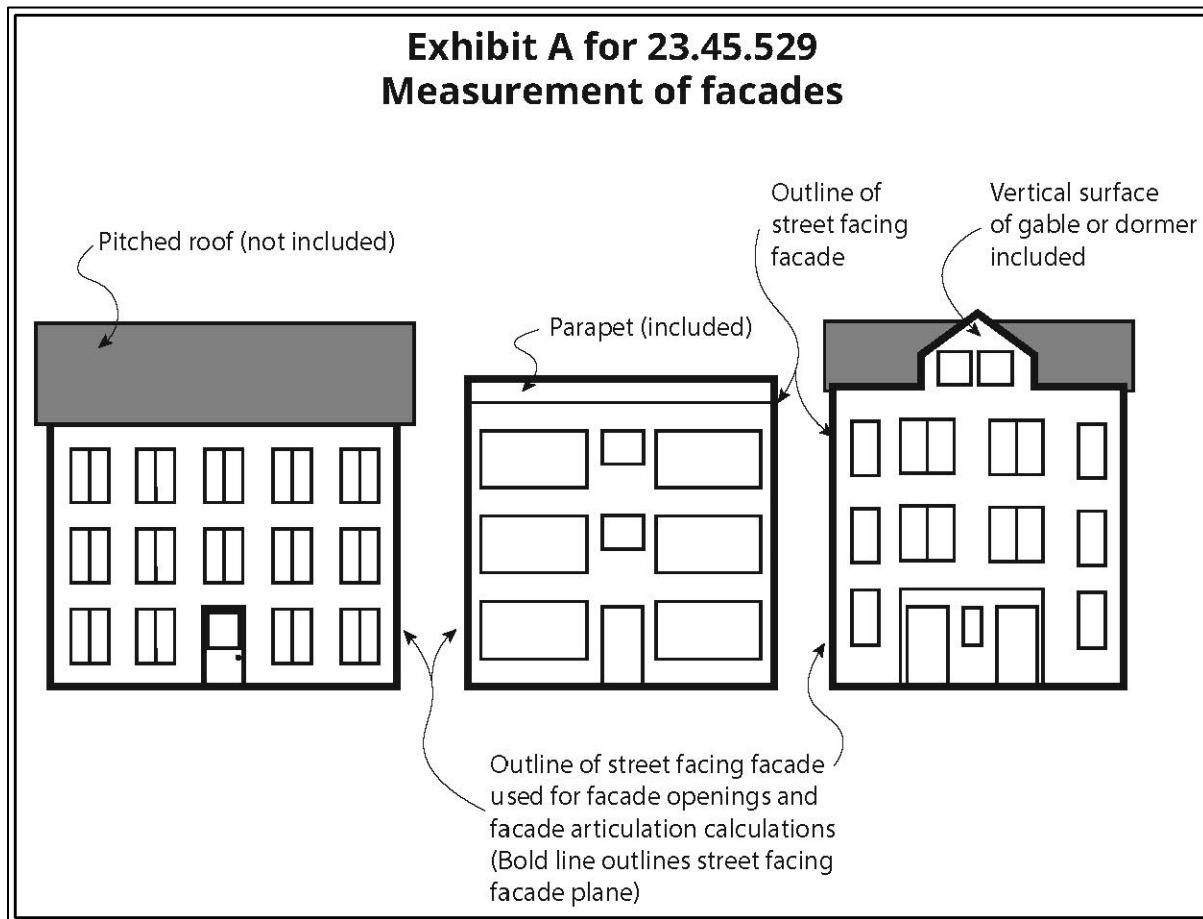
2. For the purposes of this Section 23.45.529, requirements for street-facing facades shall only apply to structures located within 40 feet of a street lot line or a vehicle access easement serving ten or more residential units. For structures located within 40 feet of a vehicle access easement serving ten or more residential units but not within 40 feet of street lot line, the facade that faces the vehicle access easement shall be considered a street-facing facade for the purpose of this Section 23.45.529. If multiple

facades face vehicle access easements, the applicant may decide which facade facing a vehicle access easement is considered the street-facing facade.

B. Measurement of street-facing facades. For the purposes of this Section 23.45.529, a street-facing facade includes all vertical surfaces enclosing interior space, including gables and dormers, as shown in Exhibit A for 23.45.529.

#### Exhibit A for 23.45.529

##### Measurement of facades



C. Pedestrian access. Each dwelling unit shall have pedestrian access at least 3 feet in width to the sidewalk or, if no sidewalk exists, the front lot line. This pedestrian

access may be shared or private. This pedestrian access may cross any required setbacks or interior separation. This pedestrian access may be part of a driveway.

D. Entrances. Each structure with a street-facing facade shall have a pedestrian entry on that street-facing facade meeting the requirements of subsections 23.44.140.D.1 through 23.44.140.D.4. For attached and detached dwelling units, the pedestrian entry may be located on a wall perpendicular to the street-facing facade provided that the pedestrian entry abuts a covered porch or recessed entry that also abuts the street-facing facade.

1. For stacked dwelling units, at least one pedestrian entry shall be required for the structure as a whole.

2. For attached and detached dwelling units, each individual dwelling unit with a street-facing facade within 40 feet of the street lot line shall have at least one pedestrian entry on the street-facing facade.

3. For structures or dwelling units with multiple street-facing facades, a pedestrian entry is required on only one of the street-facing facades.

4. Required pedestrian entry on street-facing facades shall have weather protection, such as a covered porch, canopy, recessed entry, or similar feature, measuring at least 3 feet by 3 feet in width and depth for attached and detached dwelling units and at least 6 feet in width and 4 feet in depth for stacked dwelling units.

E. Windows and doors. At least 20 percent of the area of each street-facing facade shall consist of windows and/or doors. If front and side facades are street-facing, the two facades shall be combined for the purpose of this calculation. Windows count toward the

requirement for facade openings in this subsection 23.45.529.E only if they are transparent. Windows composed of garage doors and doors to utility and service areas do not count. For the purpose of this Section 23.45.529, a window shall include the glass pane, window frame, and internal components such as sashes, mullions, grilles, muntins, and stiles.

\* \* \*

### 23.45.530 Green building standards

For projects exceeding the floor area ratio (FAR) in Table A for 23.45.530, the applicant shall make a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

**Table A for 23.45.530**  
**Green building standard thresholds for multifamily zones**

<b>Zone</b>	<b>Floor area ratio (FAR)</b>
LR1	1.1
LR2	1.2
LR3 outside regional centers and urban centers	1.6
LR3 inside regional centers and urban centers	1.8
MR	3.45
HR	7.0

\* \* \*

### 23.45.531 is repealed.

\* \* \*

## 23.45.532 Standards for ground floor commercial uses in MR and HR zones

A. All ground-floor commercial uses permitted pursuant to Section 23.45.504, except medical service uses permitted pursuant to Section 23.45.506, shall meet the following conditions:

1. Structures with ground floor commercial uses in zones that include an RC designation shall comply with Chapter 23.46.

2. The commercial use is permitted only on the ground floor of a structure that contains at least one dwelling unit. On sloping lots, the commercial use may be located at more than one level within the structure as long as the floor area in commercial use does not exceed the area of the structure's footprint.

3. The maximum size of use of any one business establishment is 4,000 square feet, except as follows:

a. The maximum size of use of a multi-purpose retail sales establishment is 10,000 square feet; and

b. The maximum size of a medical service use located in the Northgate Regional Center is 10,000 square feet.

4. Vents for venting of odors, vapors, smoke, gas and fumes, and exterior heat exchangers and other similar devices (e.g., related to ventilation, air-conditioning, refrigeration) shall be at least 10 feet above finished sidewalk grade, and directed away to the extent possible from residential uses within 50 feet of the vent.

\* \* \*

## 23.45.536 Parking location, access, and screening

\* \* \*

### D. Screening of parking

1. Parking shall be screened from direct street view by:
  - a. The street-facing facade of a structure;
  - b. Garage doors;
  - c. A fence or wall; or
  - d. Landscaped areas, including bioretention facilities or landscaped berms.

2. Screening provided by a fence, wall, or vegetation in a landscaped area shall not be located within any required sight triangle and shall meet the following conditions:

a. The fence, wall, or vegetation in the landscaped area shall be at least 3 feet tall measured from the elevation of the curb, or from the elevation of the street if no curb is present. If the elevation of the ground at the base of the fence, wall, or landscaped area is higher than the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the fence, wall, or vegetation in the landscaped area is at least 3 feet in height. If located in a setback, the fence or wall shall meet the requirements of subsection 23.45.518.H.7.

b. The fence, wall, or vegetation in the landscaped area shall be set back at least 3 feet from the lot line.

3. Screening by garage doors in LR zones. If parking is provided in a garage in or attached to a principal structure and garage door(s) face a street, the garage door(s) may be no more than 75 square feet in area.

\* \* \*

### **23.45.545 Standards for solar collectors**

#### **A. General standards for solar collectors**

1. Solar collectors are permitted in required setbacks, subject to the following:

a. Detached solar collectors are permitted in required rear setbacks, no closer than 5 feet to any other principal or accessory structure.

b. Detached solar collectors are permitted in required side setbacks, no closer than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the side lot line.

2. Sunshades that provide shade for solar collectors that meet minimum written energy conservation standards administered by the Director may project into southern front or rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer than 3 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade may be no closer than 5 feet to the lot line.

3. Solar collectors on roofs. Solar collectors that are located on a roof are permitted as follows:

a. In LR zones up to 4 feet above the maximum height limit or 4 feet above the height of stair or elevator penthouse(s), whichever is higher; and

b. In MR and HR zones up to 10 feet above the maximum height limit or 10 feet above the height of stair or elevator penthouse(s), whichever is higher.

c. If the solar collectors would cause an existing structure to become nonconforming, or increase an existing nonconformity, the Director may permit the solar collectors as a special exception pursuant to Chapter 23.76. Solar collectors may be permitted under this subsection 23.45.545.A.3.c even if the structure exceeds the height limits established in this subsection 23.45.545.A.3, if the following conditions are met:

- 1) There is no feasible alternative solution to placing the collector(s) on the roof; and
- 2) The collector(s) are located so as to minimize view blockage from surrounding properties and the shading of property to the north, while still providing adequate solar access for the solar collectors.

B. Special exceptions. The Director may permit the installation of solar collectors that meet minimum energy standards and that increase an existing nonconformity as a special exception pursuant to Chapter 23.76. Such an installation may be permitted even if it exceeds the height limits established in this Section 23.45.545 and Section 23.45.514 when the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof; and
2. Such collector(s) are located so as to minimize view blockage from surrounding properties and the shading of property to the north, while still providing adequate solar access for the solar collectors.

\* \* \*

## 23.45.550 Alternative standards for development of low-income units

A. Development on a lot that meets the requirements of Section 23.42.055 may elect to meet the development standards in subsections 23.45.550.B and 23.45.550.C in lieu of the standards in subsection 23.45.510.C (floor area) and subsections 23.45.514.A and 23.45.514.B (height).

### B. Floor area

1. Development permitted pursuant to Section 23.42.055 is subject to the FAR limits as shown in Table A for 23.45.550.

<b>Table A for 23.45.550</b> <b>FAR limits for development permitted pursuant to Section 23.42.055</b>		
<b>Zone</b>	<b>Base FAR</b>	<b>Maximum additional exempt FAR<sup>1</sup></b>
LR1	1.5 <sup>2</sup>	0.3
LR2	2.0	0.3
LR3 outside regional centers and urban centers	2.5	0.5
LR3 inside regional centers and urban centers	3.25	0.5
MR	5.0	0.5
HR	16	1.0

Footnotes to Table A for 23.45.550

<sup>1</sup> Gross floor area for uses listed in subsection 23.45.550.B.2 are exempt from FAR calculations up to this amount.

**Table A for 23.45.550**  
**FAR limits for development permitted pursuant to Section 23.42.055**

<b>Zone</b>	<b>Base FAR</b>	<b>Maximum additional exempt FAR<sup>1</sup></b>
<sup>2</sup> Except that lots in LR1 zones that have previously been zoned RSL have a base FAR of 2.7.		

2. In addition to the FAR exemptions in subsection 23.45.510.D, an additional FAR exemption up to the total amount specified in Table A for 23.45.550 is allowed for any combination of the following floor area:

- a. Floor area in units with two or more bedrooms and a minimum net unit area of 850 square feet;
- b. Floor area of a religious facility;
- c. Floor area in a structure designated as a Landmark pursuant to Chapter 25.12; and/or
- d. Any floor area in a development located within a frequent transit service area.

3. Split-zoned lots

- a. On lots located in two or more zones, the FAR limit for the entire lot shall be the highest FAR limit of all zones in which the lot is located, provided that:

- 1) At least 65 percent of the total lot area is in the zone with the highest FAR limit;

2) No portion of the lot is located in a Neighborhood Residential zone; and

3) A minimum setback of 10 feet applies for any lot line that abuts a lot in a Neighborhood Residential zone.

b. For the purposes of this subsection 23.45.550.B.3, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

**C. Maximum height**

1. Development permitted pursuant to Section 23.42.055 is subject to the height limits as shown in Table B for 23.45.550.

<b>Table B for 23.45.550</b> <b>Structure height for development permitted pursuant to Section 23.42.055</b>	
<b>Zone</b>	<b>Height limit (in feet)</b>
LR1	50
LR2	50
LR3 outside regional centers and urban centers	55
LR3 inside regional centers and urban centers	65
MR	95
HR	480

2. Split-zoned lots

a. On lots located in two or more zones, the height limit for the entire lot shall be the highest height limit of all zones in which the lot is located, provided that:

1) At least 65 percent of the total lot area is in the zone with the highest height limit;

2) No portion of the lot is located in a Neighborhood Residential zone; and

3) A minimum setback of 10 feet applies for any lot line that abuts a lot in a Neighborhood Residential zone.

b. For the purposes of this subsection 23.45.550.C.2, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

## **23.45.560 Alternative standards for certain development**

A. Development that meets all of the following criteria may elect to meet the development standards in subsections 23.45.560.B and 23.45.560.C in lieu of the standards in subsections 23.45.510.B and 23.45.510.C (floor area) and subsections 23.45.514.A and 23.45.514.B (height):

1. At least 25 percent of the dwelling units in the development are restricted units subject to a regulatory agreement, covenant, or other legal instrument enforceable by The City of Seattle that, for a period of 50 years, ensures that the units are affordable to and reserved solely for:

a. In the case of rental units, households with annual incomes no higher than 60 percent of median income; or

b. In the case of ownership units, households with annual incomes no higher than 80 percent of median income.

2. The restricted units are generally distributed throughout the development and have substantially the same functionality as unrestricted units, if any, in the development;

3. To the extent practicable, the restricted units are comparable to unrestricted units, if any, in terms of square footage and number of bedrooms and bathrooms;

4. The tenure (i.e., rental or ownership) of restricted units and unrestricted units, if any, is the same;

5. If the development containing the restricted units is demolished or converted to a nonresidential use prior to the end of the 50-year affordability period, the Director shall require the owner to make a payment in lieu of continuing affordability;

6. For ownership housing, the restricted units are stewarded by a qualified non-profit organization, which for purposes of this subsection 23.45.560.A means a non-profit organization that the Office of Housing determines as experienced in the development and stewardship of permanently affordable homes, including:

a. 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

b. 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.

7. 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) agree 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 23.45.560.A and the regulatory agreement, covenant, or other legal instrument; and

8. In zones that have a mandatory housing affordability suffix, the restricted units shall count towards any obligation to provide MHA-R units according to subsection 23.58C.050.A, provided that subsections 23.58C.050.B through 23.58C.050.E, except for subsection 23.58C.050.C.8, shall apply to any dwelling units so counted and shall govern over any conflicting requirements of this subsection 23.45.560.A.

B. Floor area

1. Development permitted pursuant to this Section 23.45.560 is subject to the FAR limits as shown in Table A for 23.45.560.

<b>Table A for 23.45.560</b> <b>FAR limits for development permitted pursuant to Section 23.45.560</b>		
<b>Zone</b>	<b>Base FAR</b>	<b>Maximum additional exempt FAR<sup>1</sup></b>
LR1	2.0 <sup>2</sup>	0.5
LR2	2.0	0.5
LR3 outside regional centers and urban centers	3.0	0.5
LR3 inside regional centers and urban centers	3.5	0.5
MR	5.0	0.5
HR	16	1.0

Footnotes to Table A for 23.45.560

<sup>1</sup> Gross floor area for uses listed in subsection 23.45.560.B.2 are exempt from FAR calculations up to this amount.

<sup>2</sup> Except that lots in LR1 zones that have previously been zoned RSL have a base FAR of 2.7.

2. In addition to the FAR exemptions in subsection 23.45.510.D, an additional FAR exemption up to the total amount specified in Table A for 23.45.560 is allowed for any combination of the following floor area:

- a. Floor area in units with two or more bedrooms and a minimum net unit area of 850 square feet;
- b. Floor area of a religious facility;
- c. Floor area in a structure designated as a Landmark pursuant to Chapter 25.12; and/or
- d. Any floor area in a development located within a frequent transit service area.

C. Maximum height

1. Development permitted pursuant to this Section 23.44.560 is subject to the height limits as shown in Table B for 23.45.560.

<b>Table B for 23.45.560</b>	
<b>Structure height for development permitted pursuant to Section 23.45.560</b>	
<b>Zone</b>	<b>Height limit (in feet)</b>
LR1	55
LR2	55
LR3	65
MR	95
HR	480

\* \* \*

## 23.47A.004 Permitted and prohibited uses

\* \* \*

D. Public facilities

1. Uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this Chapter 23.47A are permitted outright or as a conditional use, respectively, subject to the same use regulations, development standards, and conditional use criteria that govern the similar uses.

2. Permitted uses in public facilities requiring council approval. Unless specifically prohibited in Table A for 23.47A.004, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this Chapter 23.47A, may be permitted by the Council.

3. In all NC zones and C zones, uses in public facilities not meeting development standards may be permitted by the Council, and the Council may waive or grant departures from development standards, if the following criteria are satisfied:

a. The project provides unique services that are not provided to the community by the private sector, such as police and fire stations;

b. The proposed location is required to meet specific public service delivery needs;

c. The waiver of or departure from the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping, and screening of the facility.

4. The Council's use approvals, and waivers of or grants of departures from applicable development standards or conditional use criteria, contemplated by

subsections 23.47A.004.D.2 and 23.47A.004.D.3, are governed by the provisions of Chapter 23.76, Subchapter III.

5. Expansion of uses in public facilities

a. Major expansion. Major expansion of uses in public facilities

allowed pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 may be permitted according to the criteria and process in those subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3. A major expansion of a public facility use occurs when an expansion would not meet development standards or the area of the expansion would exceed either 750 square feet or ten percent of the existing area of the use, whichever is greater. For the purposes of this subsection 23.47A.004.D, area of use includes gross floor area and outdoor area devoted actively to that use, other than as parking.

b. Minor expansion. An expansion of a use in a public facility that is

not a major expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 may be permitted according to the provisions of Chapter 23.76 for a Type I Master Use Permit.

6. Essential public facilities. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80. Notwithstanding conflicting provisions in subsections 23.47A.004.D.3 and 23.47A.004.D.5, light rail transit facilities are exempt from the development standards in this Chapter 23.47A and shall be reviewed according to the provisions of Chapter 23.80.

7. Youth service centers existing as of January 1, 2013, in public facilities operated by King County within regional centers and replacements, additions, or expansions to such King County public facilities are permitted in NC3 zones.

\* \* \*

**G. Live-work units**

1. In all NC zones and C zones live-work units are permitted outright subject to the provisions of this Title 23.

2. In pedestrian-designated zones, live-work units shall not occupy more than 20 percent of the street-level, street-facing facade along designated principal pedestrian streets listed in subsection 23.47A.005.D.

3. In the Lake City and Bitter Lake Urban Centers, live-work units shall not occupy more than 20 percent of the street-level, street-facing facade.

4. Except where expressly treated as a residential use, live-work units shall be deemed a nonresidential use.

\* \* \*

<b>Table A for 23.47A.004</b> <b>Uses in commercial zones</b>					
	<b>Permitted and prohibited uses by zone <sup>1</sup></b>				
<b>Uses</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
* * *					
E. HUMAN SERVICE AND INSTITUTIONAL USES					

## **Table A for 23.47A.004**

### **Uses in commercial zones**

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

<b>Uses</b>	<b>Permitted and prohibited uses by zone <sup>1</sup></b>				
	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
<p>1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)  P = Permitted  S = Permitted in shoreline areas only  X = Prohibited  CU-25 = Conditionally permitted; use is limited to 25,000 square feet, pursuant to Section 23.47A.010  10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010  20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010  25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010  35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010  40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010  50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010</p>					

**Footnotes to Table A for 23.47A.004**

<sup>1</sup> In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

<sup>2</sup> In addition to the provisions in this Chapter 23.47A, uses that entail major cannabis activity are subject to the requirements of Section 23.42.058.

<sup>3</sup> For commercial uses with drive-in lanes, see Section 23.47A.028.

<sup>4</sup> Subject to subsection 23.47A.004.H.

<sup>5</sup> Permitted at Seattle Center.

<sup>6</sup> Bed and breakfasts in existing structures are permitted outright with no maximum size limit.

<sup>7</sup> Medical services over 10,000 square feet within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.

<sup>8</sup> Medical service uses that are located in a regional center or an urban center, which

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

<b>Uses</b>	<b>Permitted and prohibited uses by zone <sup>1</sup></b>				
	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
are in operation at such location before August 1, 2015, and that routinely provide medical services on a reduced fee basis to individuals or families having incomes at or below 200 percent of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 USC 9902(2), are limited to 20,000 square feet. This provision does not apply to medical service uses that are subject to a Major Institution Master Plan.					
<sup>9</sup> Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010.D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010.D.					
<sup>10</sup> Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.					
<sup>11</sup> Grocery stores meeting the conditions of subsection 23.47A.010.E are permitted up to 23,000 square feet in size.					
<sup>12</sup> Subject to subsection 23.47A.004.G.					
<sup>13</sup> Permitted pursuant to subsection 23.47A.004.D.7.					
<sup>14</sup> Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C.					
<sup>15</sup> Residential uses are conditional uses in C2 zones subject to subsection 23.47A.006.A.3, except that low-income housing is allowed outright or as otherwise provided in subsection 23.47A.006.A.3.					
<sup>16</sup> Permitted at Seattle Center; see Section 23.47A.011.					
<sup>17</sup> Flexible-use parking is subject to Section 23.54.026. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.					
<sup>18</sup> Permitted as surface parking only on surface parking lots existing as of January 1, 2017. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.					
<sup>19</sup> Permitted outright, except prohibited in a SAOD.					
<sup>20</sup> See Chapter 23.57, Communications regulations, for regulation of communication utilities.					
<sup>21</sup> A recycling use that is located on the same development site as a solid waste					

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

<b>Uses</b>	<b>Permitted and prohibited uses by zone <sup>1</sup></b>				
	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.					

\* \* \*

## 23.47A.005 Street-level uses

\* \* \*

### C. Residential uses at street level

1. In all NC and C zones, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level, street-facing facade in the following circumstances or locations:
  - a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or
  - b. In all NC and C1 zones within the Bitter Lake Urban Center, except lots abutting Linden Avenue North, north of North 135th Street; or
  - c. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or
  - d. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2; or
  - e. In all NC and C1 zones within the Northgate Overlay District, except as provided in Section 23.71.044; or

f. In all NC and C1 zones within the areas shown on Maps A through D for 23.47A.005 when facing an arterial street.

2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of residential uses in the following circumstances:

- a. The development is low-income housing; or
- b. The residential use is an assisted living facility or nursing home and private living units are not located at street level; or
- c. Within the Pike/Pine Conservation Overlay District, for street-facing facades that do not face a designated principal pedestrian street, as shown on Map A for 23.73.008; or

- d. In a structure existing on January 1, 2012, that is within an NC1 zone but not located in an area defined in Maps A through D for 23.47A.005, a live-work space may be converted to an accessory dwelling unit if the residential use is established, if the area proposed to be converted meets the minimum housing standards of Chapter 22.206.

3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

4. Where residential uses at street level are limited to 20 percent of the street-level, street-facing facade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this Section 23.47A.005 and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

D. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, one or more of the following uses are required along 80 percent of the street-level, street-facing facade in accordance with the standards provided in subsection 23.47A.008.C.
  - a. Arts facilities;
  - b. Community gardens;
  - c. Eating and drinking establishments;
  - d. Entertainment uses, except for adult cabarets, adult motion picture theaters, and adult panorams;
  - e. Food processing and craft work;
  - f. Institutions, except hospitals or major institutions;
  - g. Lodging uses;
  - h. Medical services;
  - i. Offices, provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain an office use;
  - j. Parks and open spaces;
  - k. Rail transit facilities;
  - l. Retail sales and services, automotive, in the Pike/Pine Conservation Overlay District if located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015;

m. Sales and services, general, provided that no more than 40 feet of the street-level, street-facing facade of a structure on a principal pedestrian street may contain a customer services office;

n. Sales and services, heavy, except for heavy commercial sales, and provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain a non-household sales and service use; and

o. Low-income housing.

The establishment of any such use is subject to the applicable use provisions of this Title 23.

2. The following streets are principal pedestrian streets when located within a pedestrian-designated zone:

10th Avenue;

11th Avenue;

12th Avenue;

13th Avenue, between East Madison Street and East Pine Street;

14th Avenue South, except within the North Beacon Hill Urban Center;

15th Avenue East;

15th Avenue Northeast, north of Lake City Way Northeast;

15th Avenue Northwest;

15th Avenue South;

17th Avenue Northwest;

20th Avenue Northwest;

22nd Avenue Northwest;

23rd Avenue;

24th Avenue Northwest;

25th Avenue Northeast;

32nd Avenue West;

35th Avenue Northeast, except within the Lake City Urban Center;

35th Avenue Southwest, except within the West Seattle Junction Urban Center;

39th Avenue Northeast;

Aurora Avenue North, except within the Bitter Lake Urban Center;

Ballard Avenue Northwest;

Beacon Avenue South;

Boren Avenue;

Boylston Avenue, except within the Pike/Pine Conservation Overlay District;

Broadway;

Broadway East;

California Avenue Southwest;

Delridge Way Southwest;

Dexter Avenue North;

East Green Lake Drive North;

East Green Lake Way North;

East Madison Street;

East Olive Way;

East Pike Street;

East Pine Street;

East Union Street, except within the Pike/Pine Conservation Overlay District

only lots abutting East Union Street between Broadway and East Madison Street;

Eastlake Avenue East;

First Avenue North, except within the Upper Queen Anne Urban Center;

Fremont Avenue North;

Fremont Place North;

Galer Street;

Green Lake Drive North;

Greenwood Avenue North;

Lake City Way Northeast;

Leary Avenue Northwest;

Linden Avenue North;

Madison Street;

Martin Luther King Jr. Way South;

Mary Avenue Northwest, between Holman Road Northwest and Northwest

87th Street;

Mercer Street;

North 34th Street;

North 35th Street;

North 45th Street;

North 85th Street;

Northeast 43rd Street;

Northeast 45th Street, except between Linden Ave North and Evanston Ave North;

Northeast 55th Street, east of 15th Avenue Northeast;

Northeast 65th Street;

Northeast 125th Street;

Northwest 65th Street;

Northwest 85th Street;

Northwest 90th Street, between Mary Avenue Northwest and 14th Avenue Northwest;

Northwest Market Street;

Phinney Avenue North, between North 58th Street and North 63rd Street;

Pike Street;

Pine Street;

Queen Anne Avenue North;

Rainier Avenue South;

Roosevelt Way Northeast;

Roy Street;

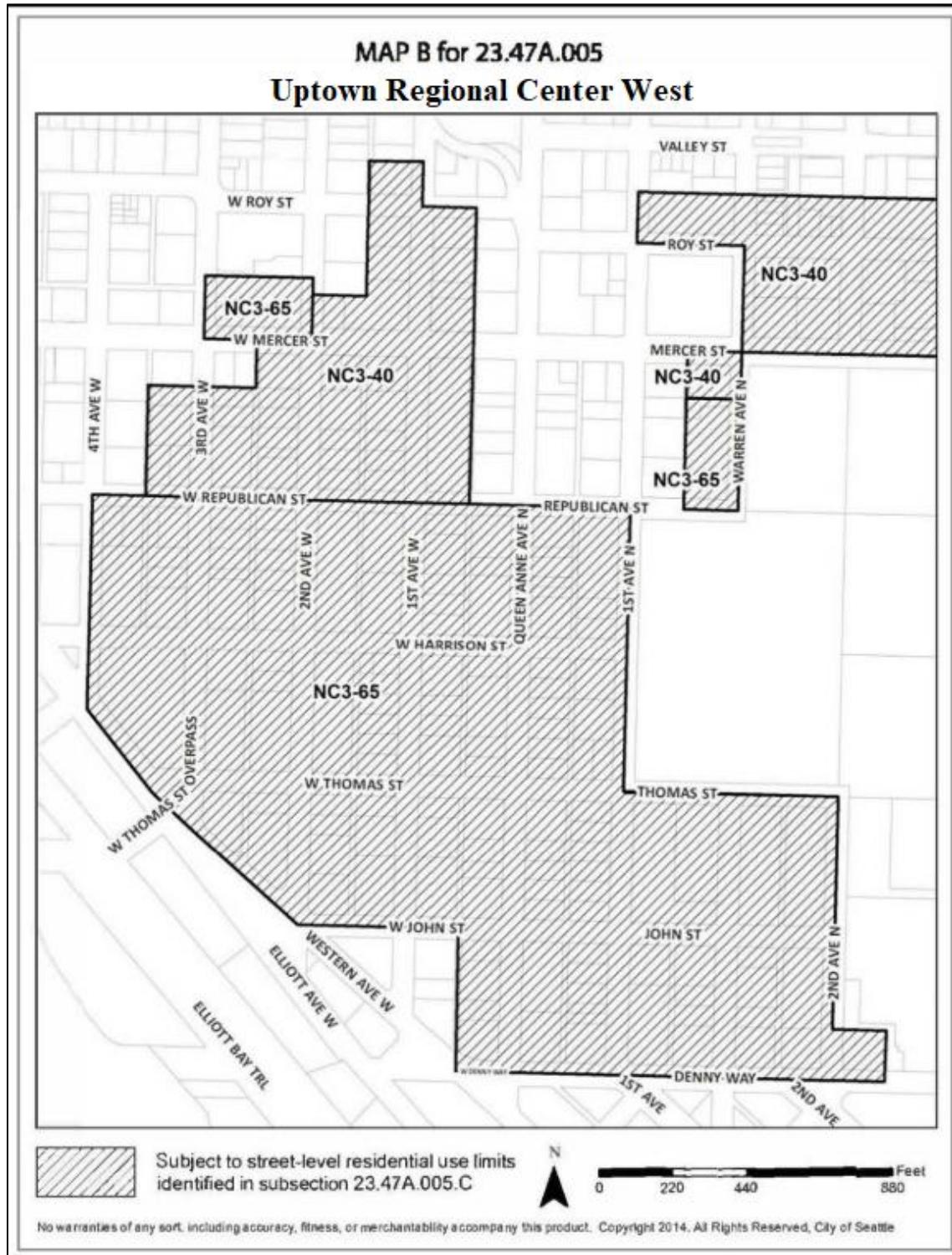
Sand Point Way Northeast;

South Alaska Street;

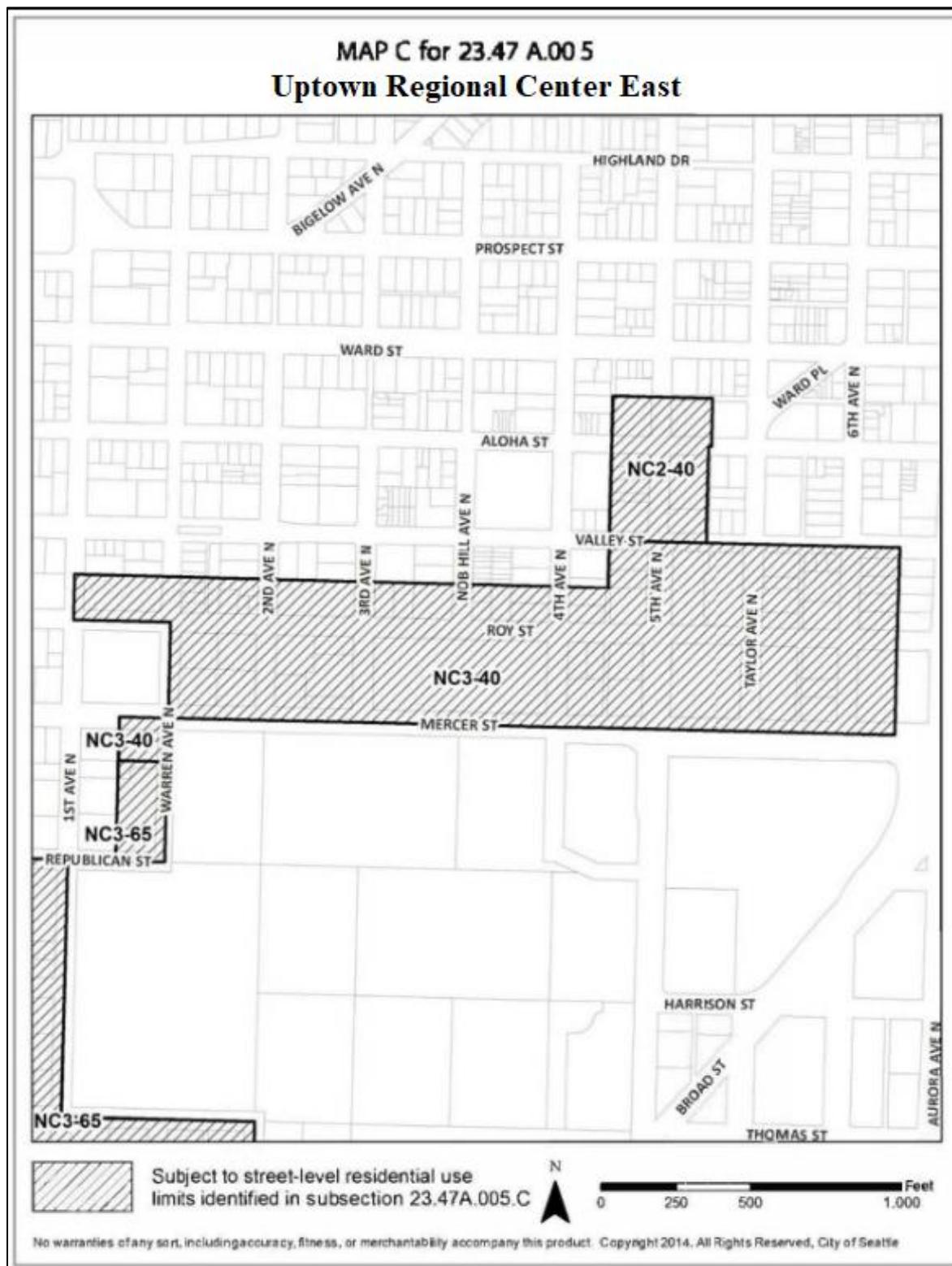
South Cloverdale Street;  
South Henderson Street;  
South Jackson Street;  
South Lander Street;  
South McClellan Street;  
South Othello Street;  
Southwest Alaska Street;  
Stone Way North;  
Summit Avenue, except within the Pike/Pine Conservation Overlay District;  
Terry Avenue;  
University Way Northeast;  
Wallingford Avenue North;  
West Dravus Street;  
West Galer Street;  
West Green Lake Drive North;  
West McGraw Street, except within the Upper Queen Anne Urban Center;  
and  
Woodlawn Avenue Northeast.

\* \* \*

Map B for 23.47A.005: Uptown Regional Center West



Map C for 23.47A.005: Uptown Regional Center East



\* \* \*

## 23.47A.008 Street-level development standards

\* \* \*

C. In addition to the provisions of subsections 23.47A.008.A and 23.47A.008.B, the following standards also apply in pedestrian designated zones:

\* \* \*

### 6. Space for small commercial uses at street level

a. Except as provided in subsection 23.47A.008.C.6.c, all structures abutting a principal pedestrian street that include more than 5,000 square feet of street-level commercial uses shall include small commercial spaces meeting the requirements of subsection 23.47A.008.C.6.b in the quantity required by Table A for 23.47A.008.C.

**Table A for 23.47A.008.C**

#### **Number of small commercial spaces required**

<b>Total amount of square feet (sf) in street-level commercial use</b>	<b>Number of small commercial spaces required</b>
Up to 5,000 sf	0
More than 5,000 sf up to 8,000 sf	1
More than 8,000 sf up to 12,000 sf	2
More than 12,000 sf up to 16,000 sf	3
More than 16,000 sf	4, plus 1 additional space for each additional 4,000 square feet above 16,000 square feet, up to a maximum of 8

b. Requirements for small commercial spaces. The required small commercial spaces must:

1) Contain only commercial uses;

2) Be a minimum of 300 square feet and a maximum of 1,500

square feet;

3) Have an entrance for pedestrians from the street or from a street-oriented courtyard that is no more than 3 feet above or below the sidewalk grade; and

4) Be separated from other commercial spaces by a physical divider such as a wall or partition.

c. Exception. The requirements of this subsection 23.47A.008.C.6 do not apply to structures with more than 50 percent of the total street-level gross floor area occupied by any of the following uses:

- 1) Arts facilities;
- 2) Child care centers;
- 3) Colleges;
- 4) Community clubs or community centers;
- 5) Libraries;
- 6) Institutes for advanced study;
- 7) Museums;
- 8) Performing arts theaters;
- 9) Grocery stores less than 15,000 square feet;
- 10) Elementary or secondary schools;
- 11) Religious facilities;
- 12) Vocational or fine arts schools; or
- 13) Shopping atriums, where multiple businesses operate within a contiguous space.

d. As a Type I decision, the Director may waive the requirements of subsection 23.47A.008.C.6. The Director's decision shall be based on the availability of existing small commercial spaces on a principal pedestrian street:

- 1) Within the same urban center as the structure;
- 2) Within 400 lineal feet of the structure, if the structure is located within a regional center; or
- 3) Within the same pedestrian-designated zone as the structure on the same principal pedestrian street, if the structure is located outside of a regional center or an urban center.

\* \* \*

## **23.47A.009 Standards applicable to specific areas**

\* \* \*

B. West Seattle Junction Urban Center. The following provisions apply to development in the NC3-95 zone located between SW Alaska Street, SW Edmunds Street, Fauntleroy Way SW, and 40th Avenue SW:

1. Lot coverage limit. The maximum lot coverage permitted for principal and accessory structures shall not exceed 80 percent on lots 40,000 square feet in size or greater.
2. The total permitted FAR is as identified in Section 23.47A.013.
3. Maximum width of structures. The maximum width of all portions of a structure measured parallel to a north-south street lot line is 275 feet.
4. Setback and separation requirements

a. The following standards apply to structures greater than 250 feet in width measured parallel to a north-south street lot line:

- 1) A minimum separation of 30 feet is required between structures that are adjacent to the same north-south street lot line; and
- 2) A minimum setback of 15 feet is required from side lot lines that are not street side lot lines and that separate lots that abut the same north-south street lot line; and
- 3) Structures permitted in required setback and separation areas pursuant to this subsection 23.47A.009.B.4.a and subsection 23.47A.009.B.4.b are subject to subsection 23.47A.014.G. In addition:

a) Decks with open railings may project up to 5 feet into the required setback or separation area if they are no lower than 20 feet above existing or finished grade. Decks may cover no more than 20 percent of the total setback or separation area.

b) Unenclosed porches or steps for residential units no higher than 4 feet above the grade at the street lot line closest to the porch are permitted.

b. A setback of at least 10 feet from the street lot line is required along non-arterial north-south avenues for at least 25 percent of the lot frontage or 100 feet of the lot frontage, whichever is less.

c. Required setback and areas separating structures identified in subsections 23.47A.009.B.4.a and 23.47A.009.B.4.b shall include landscaping, paving,

and lighting. Sidewalks for pedestrian access, plazas, or other approved amenity or landscaped areas are permitted in required setback or separation areas.

d. Upper-level setback requirements along SW Alaska Street

1) Structures exceeding 65 feet in height on lots abutting SW Alaska Street between 38th Avenue SW and California Avenue SW shall maintain a minimum setback of 10 feet for that portion of the structure between 45 feet and 55 feet in height.

2) For portions of a structure above 55 feet in height, an additional minimum setback is required at a rate of at least 1 foot of setback for every 5 feet of height that exceeds 55 feet, up to the maximum allowable height.

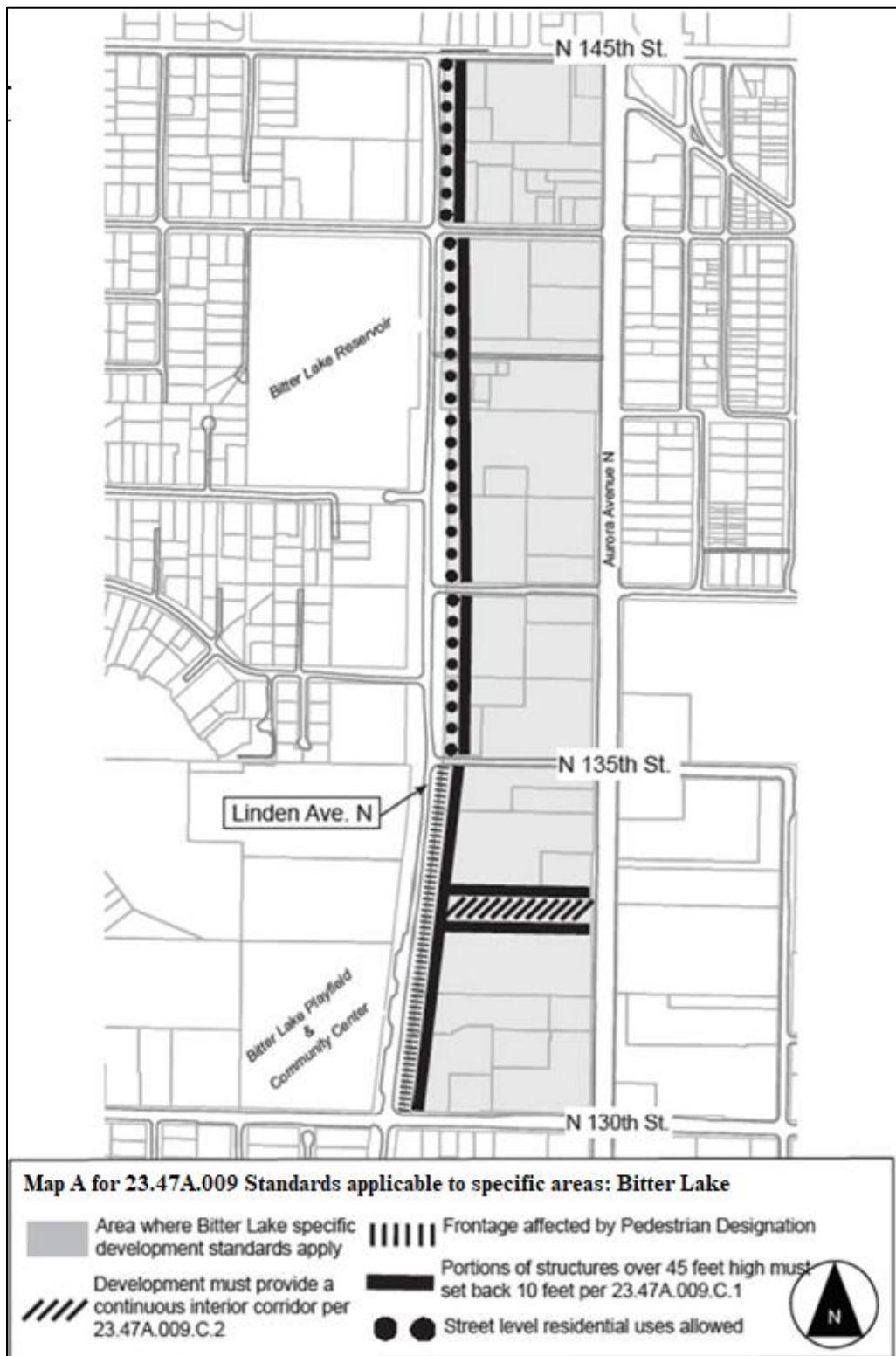
3) Structures located within 100 feet of Fauntleroy Way SW are exempt from the upper-level setback requirement.

4) Heights in this subsection 23.47A.009.B.4.d shall be measured from the middle of the street lot line along SW Alaska Street.

C. Bitter Lake Urban Center. Development on lots designated on Map A for 23.47A.009 shall meet the following requirements:

## Map A for 23.47A.009

### Standards applicable to specific areas: Bitter Lake



1. Upper-level setback requirement. The following standards apply to development on lots abutting the east side of Linden Avenue North or along both sides of the corridor required in subsection 23.47A.009.C.2.

a. Any portion of a structure greater than 45 feet in height, measured from the finished grade along the street property line that abuts Linden Avenue North or along the access corridor required in subsection 23.47A.009.C.2, measured from the finished grade along the edge of the access corridor, shall set back an average of 10 feet from the lot line abutting Linden Avenue North or from the edge of the access corridor as measured according to Section 23.86.012. The maximum depth of a setback that can be used for calculating the average setback is 20 feet.

b. Structures permitted in required setbacks are subject to subsection 23.47A.014.G.

2. Corridor requirement. An access corridor shall be provided on lots over 8 acres that abut Linden Avenue North and Aurora Avenue North, to connect Linden Avenue North and Aurora Avenue North. The location of the proposed corridor shall be clearly shown on the site plan that is submitted with the permit application.

a. The corridor shall have a minimum width of 40 feet and a maximum width of 60 feet.

b. The point at which the corridor intersects Linden Avenue North and Aurora Avenue North shall be at least 335 feet south of the south boundary of the North 135th Street right-of-way, and 700 feet north of the north boundary of the North 130th Street right-of-way, as illustrated by example in Map A for 23.47A.009.

c. The corridor shall include a minimum of one walkway, at least 6 feet wide, extending between Linden Avenue North and Aurora Avenue North. If vehicle access is provided within the corridor, the corridor shall include walkways at least 6 feet wide along both sides of the vehicle access.

d. Landscaping shall be provided along the corridor. If vehicle access is provided within the corridor, trees shall be provided between the walkways and vehicle travel lanes. The Director will determine the number, type, and placement of trees to be provided in order to:

- 1) Match trees to the available space;
- 2) Complement existing or planned street trees on abutting streets; and
- 3) Encourage healthy growth through appropriate spacing.

e. Pedestrian-scaled lighting shall be provided along the corridor.

f. The corridor shall not include any features or structures except the following:

- 1) Vehicle access, not more than one lane in each direction and meeting the standards of Section 23.54.030.
- 2) Parking meeting the standards of Section 23.54.030 is allowed along vehicle access lanes within the corridor. Such parking is in addition to the maximum number of spaces allowed under subsection 23.54.015.C.2. The requirements of subsection 23.47A.032.A do not apply to access to parking from the corridor.

3) Overhead horizontal building projections of an architectural or decorative character such as cornices, eaves, sills, and gutter, provided that they project no more than 18 inches from the structure facade.

4) Ramps or other devices that provide access for the disabled and elderly and that meet the standards of the Seattle Building Code are permitted.

5) Stairs or ramps to accommodate changes in grade.

6) Underground structures.

7) Unenclosed porches or steps for residential units no higher than 4 feet above the finished grade of the corridor are permitted to project no more than 4 feet into the corridor.

8) Green stormwater infrastructure.

9) Features required elsewhere in this subsection  
23.47A.009.C.2.

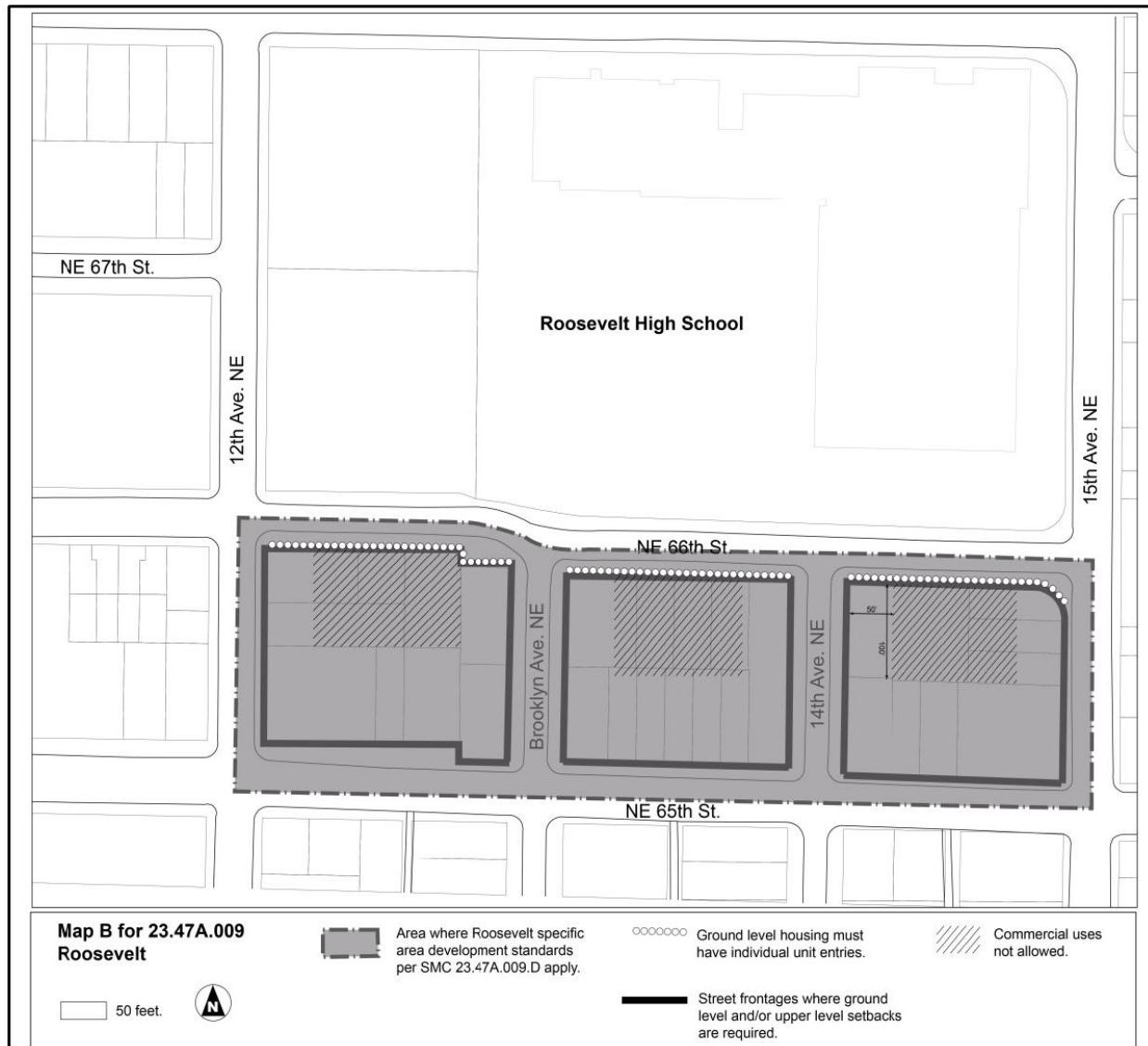
10) The Director may approve other features or structures, such as overhead weather protection, signage, and art, that do not impede safe access from the site to Linden Avenue North and Aurora Avenue North, and that enhance pedestrian comfort and safety of the corridor.

g. If the area proposed for development on a site meeting the size threshold for this subsection 23.47A.009.C.2 is less than the full lot, the Director may waive or modify the access corridor requirement, if the applicant submits a site plan demonstrating how Linden Avenue North and Aurora Avenue North will be connected by an access corridor when the remainder of the lot is developed.

D. Roosevelt Urban Center. The following provisions apply within the area shown on Map B for 23.47A.009.

## Map B for 23.47A.009

### Roosevelt



#### 1. Setback requirements

- The following setbacks are required from the listed street property

lines:

1) Northeast 66th Street. An average ground-level setback of 10 feet along the length of the street property line and a minimum upper-level setback of 4 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

2) Brooklyn Avenue Northeast. An average ground-level setback of 5 feet along the length of the street property line and a minimum upper-level setback of 4 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

3) 14th Avenue Northeast. An average ground-level setback of 15 feet and a minimum ground-level setback of 5 feet along the length of the street property line and a minimum upper-level setback of 3 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

4) 15th Avenue Northeast. A minimum ground-level setback of 5 feet along the length of the street property line and an average upper-level setback of 7 feet. The average upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

5) Northeast 65th Street and 12th Avenue Northeast. An average ground-level setback of 8 feet shall be provided, and the setback may include pedestrian access and circulation.

b. Structures permitted in required setbacks are subject to subsection 23.47A.014.G, except that:

1) Decks with open railings may project up to 5 feet into the required setback area if they are no lower than 20 feet above existing or finished grade.

Decks may cover no more than 20 percent of the total setback area.

2) Stoops or porches providing direct access to individual housing units may project up to 5 feet into the required ground-level setback area, except that portions of stoops or porches not more than 2.5 feet in height from existing or finished grade, whichever is lower, may extend to a street lot line. The 2.5-foot height limit for stoops or porches does not apply to guard rails or hand rails. Such stoops or porches shall cover no more than 20 percent of the total ground-level setback area.

3) Fences no greater than 4 feet in height are permitted in the required ground-level setback, and up to 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted. Fence height may be averaged along sloping grades for each 4 foot long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.

c. Where required setbacks may be averaged, measurement shall be pursuant to subsection 23.86.012.B and the following:

1) Where a building is set back more than 30 feet from a lot line at ground level, 30 feet shall be used as the ground-level setback amount for averaging purposes.

2) Where averaging is allowed for a required upper-level setback, the measurement shall be taken horizontally from points directly above the lot line to the facade of the structure at the height where the upper-level setback is required.

2. Landscaping. Required ground-level setbacks shall be landscaped, and may include paving and lighting to enhance pedestrian safety and comfort. Sidewalks, plazas, and other amenities or landscaped areas approved by the Director are permitted in required ground-level setbacks.

3. Limit on commercial uses. Commercial uses are prohibited within 80 feet of the street property line of Northeast 66th Street, except within 50 feet of the intersections of Northeast 66th Street with Brooklyn Avenue Northeast, 14th Avenue Northeast, 12th Avenue Northeast, and 15th Avenue Northeast, as shown on Map B for 23.47A.009.

4. Housing units on the ground floor. All housing units with a facade that faces Northeast 66th Street with no intervening housing units or commercial uses between the housing unit and the Northeast 66th Street lot line, and located on the first floor of a building, shall have the primary pedestrian entrance to each housing unit directly accessible from the exterior of the structure rather than a primary pedestrian entry through a common entrance hallway.

5. Underground parking. Parking shall be located below grade, except a portion of a below-grade garage may extend up to 4 feet above existing or finished grade, whichever is lower, provided that the parking that extends above grade is fully screened from direct street view by the street-facing facade of the structure or by landscaping.

\* \* \*

F. Ballard Regional Center. The following provisions apply to development proposed in NC zones within the Ballard Regional Center.

1. Maximum lot coverage on lots 40,000 square feet in size or greater:
  - a. The maximum lot coverage permitted for principal and accessory structures is 80 percent of the lot area.
  - b. Lot coverage exceptions. The following structures or portions of structures are not counted in the lot coverage calculation:
    - 1) Portions of a structure that are below grade or that do not extend more than 4 feet above the existing or finished grade, whichever is lower.
    - 2) The first 18 inches of overhead horizontal building projections of an architectural or decorative character, such as cornices, eaves, sills, and gutters.
    - 3) Ramps or other devices that provide access for the disabled and elderly and that meet the standards of the Seattle Existing Building Code.
    - 4) The first 4 feet of unenclosed porches or steps for residential units.

c. In the 20 percent of the lot that remains uncovered, as required by this subsection 23.47A.009.F.1, not more than ten parking spaces may be provided, and applicants are encouraged to provide elements at grade that enhance the usability and livability of the lot for residents and tenants such as pedestrian circulation areas, landscaping, lighting, weather protection, art, or other similar features.

## 2. Facade modulation

a. Facade modulation requirements apply to all portions of a street-facing facade of a structure up to a height of 45 feet located within 10 feet of a street lot line, according to provisions of subsection 23.47A.009.F.2.c.

b. The maximum width of any unmodulated street-facing facade is 100 feet. Facades longer than 100 feet shall be modulated at no greater than 100-foot intervals by stepping back the facade from the street lot line for a minimum depth of 10 feet and a minimum width of 15 feet.

c. Facade modulation requirements do not apply to portions of a structure that are below grade or that do not extend more than 2 feet above the existing or finished grade at the street lot line, whichever is lower.

## 3. Maximum structure width

a. The maximum allowed structure width is 250 feet.

b. Structure width limits do not apply to portions of a structure that are below grade or that do not extend more than 2 feet above the existing or finished grade at the street lot line, whichever is lower.

## 4. Setback requirements

a. Street-level setbacks

1) In the area shown on Map D for 23.47A.009, portions of a structure up to 10 feet above the abutting sidewalk grade facing 15th Avenue NW shall be set back from the street lot line by a minimum depth of 6 feet up to a maximum depth of 10 feet.

2) The provisions of subsection 23.47A.009.F.2 do not apply to the area described in subsection 23.47A.009.F.4.a.1.

b. Upper-level setbacks

1) A setback with an average depth of 10 feet from all abutting street lot lines is required for portions of a structure above a height of 45 feet. The maximum depth of a setback that can be used for calculating the average setback is 20 feet.

2) A setback with an average depth of 15 feet from all street lot lines is required for portions of a structure above a height of 65 feet. The maximum depth of a setback that can be used for calculating the average setback is 25 feet.

5. Structures permitted in required setback and separation areas according to this subsection 23.47A.009.F are subject to subsection 23.47A.014.G.

6. In the area shown on Map E for 23.47A.009:

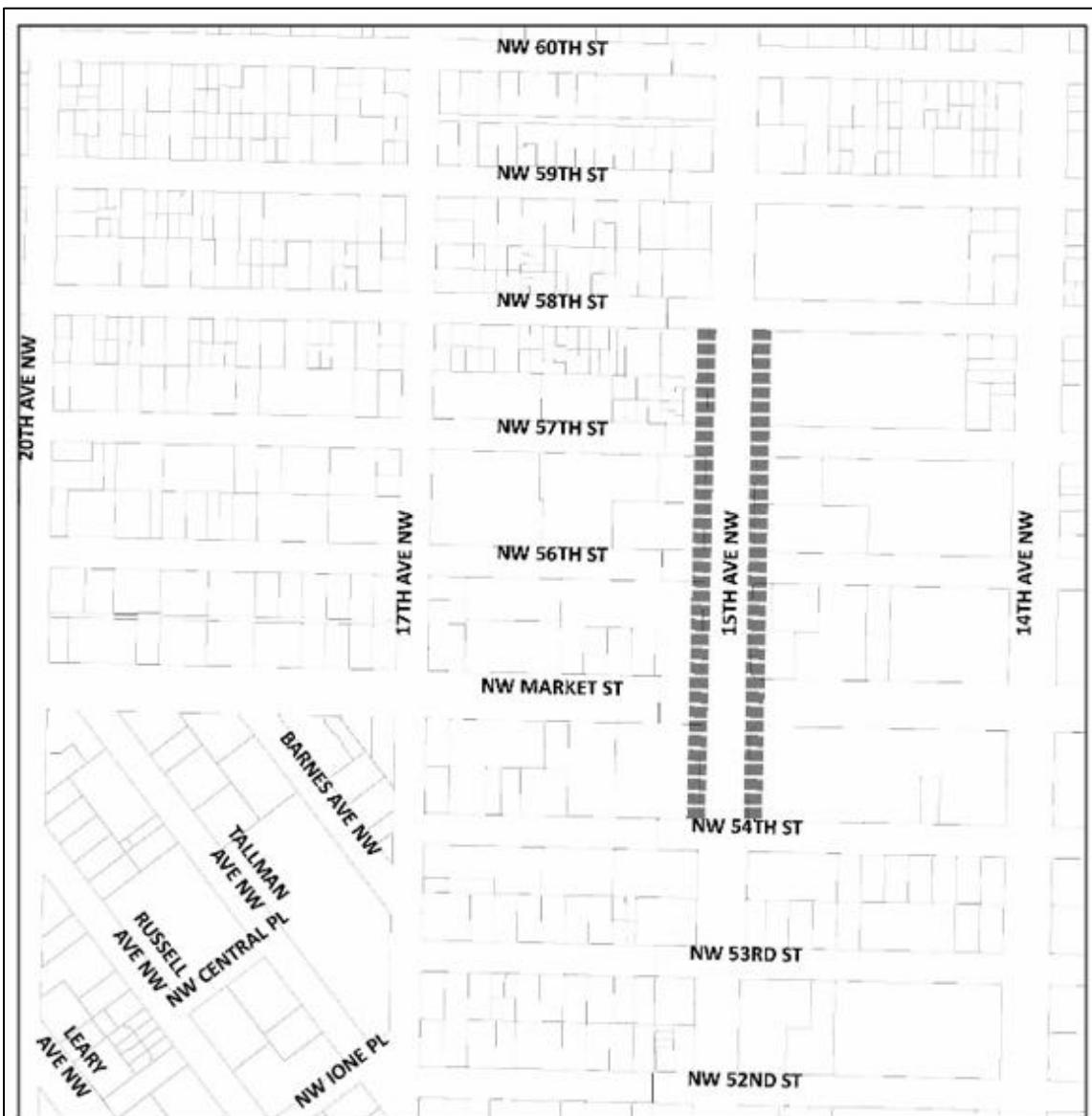
a. All dwelling units shall have sound-insulating windows sufficient to maintain interior sound levels at 60 decibels or below in consideration of existing environmental noise levels at the site. The applicant shall submit an analysis of existing

noise levels and documentation of the sound insulating capabilities of windows shall be indicated on the plan.

b. All dwelling units shall have 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.

## Map D for 23.47A.009

### Areas where street-level setbacks are required



## Map D for 23.47A.009

### Areas where street-level setbacks are required

by subsection 23.47A.009.F.4.a

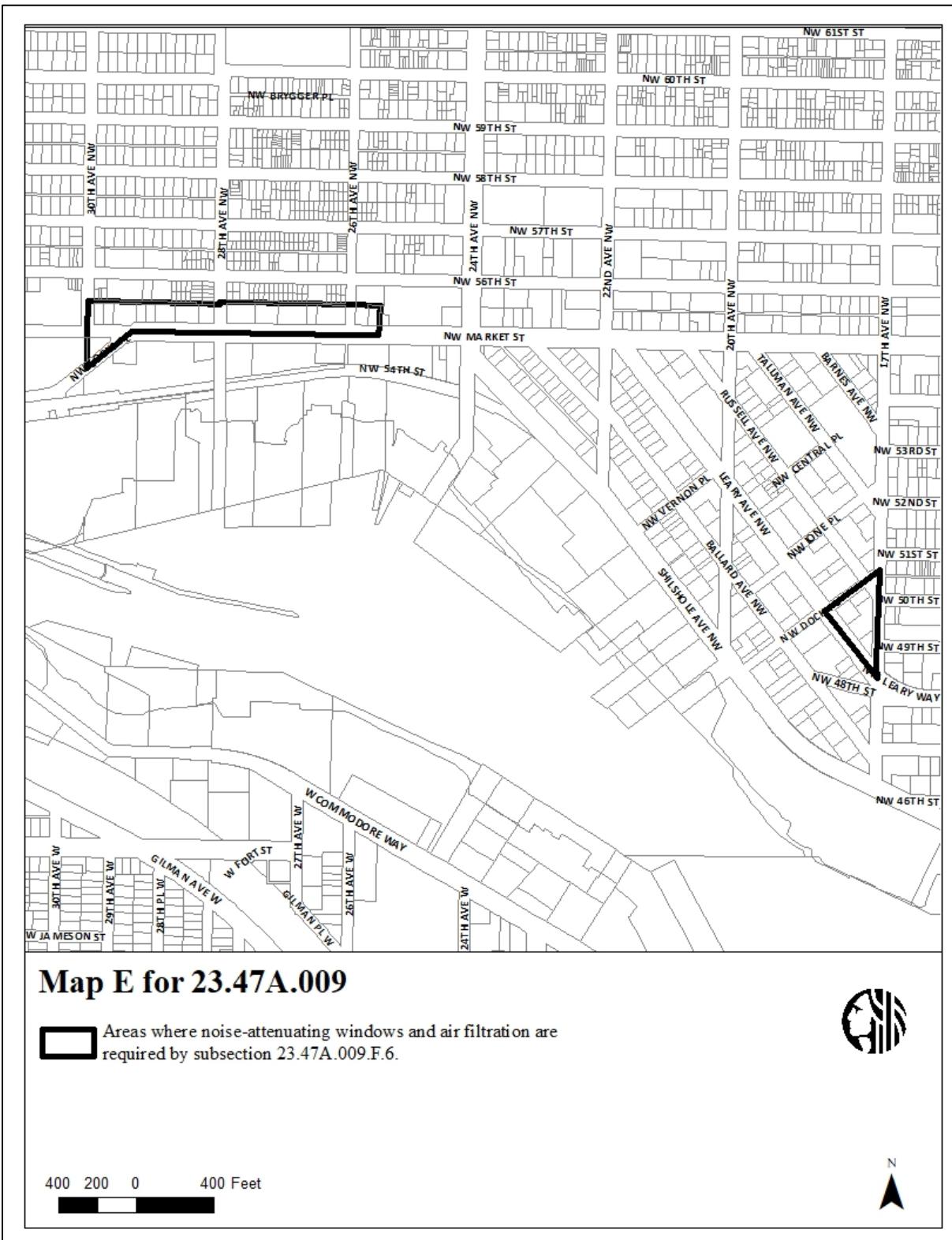
200 100 0 200 400 Feet



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## Map E for 23.47A.009

## **Areas where noise-attenuating windows and air cooling and ventilation are required**



G. University District Regional Center. The following provisions apply to specified NC zones within the portion of the University District Regional Center west of 15th Avenue NE.

1. Maximum width and depth limits. The following standards apply to NC zones with a mapped height limit exceeding 40 feet:

a. The maximum width and depth of a structure is 250 feet, except as otherwise provided in this subsection 23.47A.009.G.1. The width and depth limits do not apply to below-grade or partially below-grade stories with street-facing facades that do not extend more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to the floor above the partially below-grade story, excluding access.

b. For the stories of a structure subject to width and depth limits, all portions of the same story that are horizontally contiguous, including any portions connected by doorways, ramps, bridges, stairways, and other such features, shall be included in the measurement of width and depth. The width and depth limit of stories in separate structures or structures on the same lot that abut but are not internally connected shall be measured separately. Designated Landmark structures and vulnerable masonry structures included on a list promulgated by the Director that are retained on the lot are excluded from the width and depth measurement, whether or not internally or externally connected to a new structure.

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

- 1) Community clubs or community centers;

- 2) Religious facilities;
- 3) Arts facilities;
- 4) Child care centers or elementary or secondary schools; or
- 5) Performing arts theaters.

2. Provisions for the transfer of development rights (TDR) and transfer of development potential (TDP)

a. Lots located in NC3 and NC3P zones with height limits of 55 feet or greater are eligible as open space, vulnerable masonry structure, or Landmark TDR and TDP sending sites if the lot meets the definition of the applicable TDR or TDP sending site in Chapter 23.84A and meets all applicable standards in Section 23.58A.042.

b. The maximum amount of TDR and TDP that can be transferred from an eligible sending site shall not exceed an amount of floor area equivalent to the numerical value of the FAR permitted on a lot that is solely occupied by residential uses or nonresidential uses in the zone where the sending site is located, as shown on Table A for 23.47A.013, multiplied by the lot area of the sending site and minus the sum of any chargeable floor area on the lot plus any TDR and TDP previously transferred.

c. Eligible receiving sites are limited to those lots in SM-U zones specified in subsection 23.48.623.C.

\* \* \*

## 23.47A.012 Structure height

A. The height limit for structures in NC zones or C zones is as designated on the Official Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit, except as otherwise provided in this Section 23.47A.012.

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

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

1) Either: a floor-to-floor height of 13 feet or more is provided for nonresidential uses at street level; or a residential use is located on a street-level, street-facing facade, provided that the average height of the exterior facades of any portion of a story that is partially below-grade does not exceed 4 feet, measured from existing or finished grade, whichever is less, and the first floor of the structure at or above grade is at least 4 feet above sidewalk grade; and

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

b. The height of a structure may exceed the otherwise applicable limit by up to 7 feet, subject to subsection 23.47A.012.A.1.c, provided all of the following conditions are met:

1) Residential and multi-purpose retail sales uses are located in the same structure;

2) The total gross floor area of at least one multi-purpose retail sales use exceeds 12,000 square feet;

3) A floor-to-floor height of 16 feet or more is provided for the multi-purpose retail sales use at street level;

4) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit if a floor-to-floor height of 16 feet were not provided at street level; and

5) The structure is not allowed additional height under subsection 23.47A.012.A.1.a.

c. The Director shall reduce or deny the additional structure height allowed by this subsection 23.47A.012.A.1 if the additional height would significantly block views from neighboring residential structures of any of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake Washington, Lake Union, or the Ship Canal.

2. Within the Station Area Overlay District within the University District Regional Center, maximum structure height may be increased to 125 feet when all of the following are met:

a. The lot is within two blocks of a planned or existing light rail station;

b. The proposed use of the lot is functionally related to other office development, permitted prior to 1971, to have over 500,000 square feet of gross floor area to be occupied by a single entity;

c. A transportation management plan for the life of the use includes incentives for light rail and other transit use by the employees of the office use;

d. The development shall provide street-level amenities for pedestrians and shall be designed to promote pedestrian interest, safety, and comfort through features such as landscaping, lighting, and transparent facades, as determined by the Director; and

e. This subsection 23.47A.012.A.2 can be used only once for each development that is functionally related.

3. On a lot containing a peat settlement-prone environmentally critical area, the height of a structure may exceed the otherwise applicable height limit and the other height allowances provided by this Section 23.47A.012 by up to 3 feet. In addition, 3 more feet of height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill sides of the structure, the maximum elevation of the structure height shall be no greater than the height allowed by the first sentence of this subsection 23.47A.012.A.3. The Director may apply the allowances in this subsection 23.47A.012.A.3 only if the following conditions are met:

a. The Director finds that locating a story of parking underground is infeasible due to physical site conditions such as a high water table;

b. The Director finds that the additional height allowed for the structure is necessary to accommodate parking located partially below grade that extends no more than 6 feet above existing or finished grade, whichever is lower, and no more than

3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level above; and

c. Other than the additional story of parking allowed according to this subsection 23.47A.012.A.3, the additional height shall not allow an additional story beyond the number of stories that could be built under the otherwise applicable height limit.

4. In zones that are located within the Pike/Pine Conservation Overlay District with a mapped height limit of 75 feet, the provisions of Section 23.73.014 apply.

5. In Commercial zones bounded by South Dawson Street to the north, 5th Avenue South to the east, South Fidalgo Street to the south, and 3rd Avenue South to the west, the height of a structure may exceed the otherwise applicable limit by up to 10 feet, provided all of the following conditions are met:

a. The applicant makes a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment in accordance with Chapter 23.58D;

b. The development includes at least five stories solely occupied by residential uses;

c. At least 20 percent of the street frontage at street level of the development shall be street-level uses from the list in subsection 23.47A.005.D.1;

d. A floor-to-floor height of 20 feet or more is provided for the nonresidential uses at street level provided to comply with the provisions of subsection 23.47A.012.A.5.c; and

e. All dwelling units in the development have sound-insulating windows and air cooling and ventilation systems meeting the requirement of subsection 23.47A.009.J.4 and 23.47A.009.J.5.

\* \* \*

F. Additional height in NC3-200 and NC3P-200 zoned areas in the First Hill/Capitol Hill Regional Center

In the NC3-200 and NC3P-200 zones in the First Hill/Capitol Hill Regional Center, additional height above the otherwise applicable height limit of 200 feet may be permitted to accommodate floor area achieved through the provisions of subsection 23.47A.013.F and Section 23.58A.042 if the development meets the following requirements:

1. The development does not exceed 350 feet in height, except that rooftop features may exceed 350 feet in height if they comply with subsection 23.47A.012.C.
2. Only extra floor area achieved through subsection 23.47A.013.F may be located above 200 feet.

\* \* \*

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

A. Floor area ratio (FAR) limits. Except as provided in subsections 23.47A.013.C and 23.47A.013.D, FAR limits apply in C zones and NC zones as shown in Table A for 23.47A.013 and Table B for 23.47A.013. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

**Table A for 23.47A.013****Floor area ratio (FAR) limit outside of Station Area Overlay Districts**

<b>Height limit (in feet)</b>	<b>FAR</b>
30	2.5
40	3.0 <sup>1</sup>
55	3.75
65	4.5
75	5.5
85	5.75
95	6.25
145	7
200	8.25 <sup>2</sup>

## Footnotes to Table A for 23.47A.013

<sup>1</sup> Except that zones without a mandatory housing affordability suffix have a maximum FAR of 3.25.

<sup>2</sup> Except that within the First Hill/Capitol Hill Regional Center, the maximum FAR is 12 if the development contains at least 4 FAR of residential uses.

B. The following gross floor area is not counted toward FAR:

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. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;
4. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure, if the Director finds that locating a story of parking below grade is infeasible due to physical site conditions such as a high water table, if either:

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

b. All of the following conditions are met:

- 1) No above-grade parking is exempted by subsection 23.47A.013.B.4.a;
- 2) The parking is accessory to a residential use on the lot;
- 3) Total parking on the lot does not exceed one space for each residential dwelling unit plus the number of spaces required for nonresidential uses; and
- 4) The amount of gross floor area exempted by this subsection 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or greater;

5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.4, 23.47A.012.C.5, and 23.47A.012.C.6;
6. Bicycle commuter shower facilities required by subsection 23.54.037.H;
7. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits;

8. All gross floor area in child care centers; and
9. In low-income housing, all gross floor area for accessory human service uses.

C. Within the Station Area Overlay District within the University District Regional Center, for office structures permitted prior to 1971, the area of the lot for purposes of calculating permitted FAR is the tax parcel created prior to the adoption of Ordinance 121846 on which the existing structure is located, provided the office structure is to be part of a functionally related development occupied by a single entity with over 500,000 square feet of area in office use. The floor area of above-grade pedestrian access is exempt from the FAR calculations of this subsection 23.47A.013.C, and the maximum permitted FAR is 8.

D. Within the portion of the Greenwood Urban Center, on lots zoned NC2-55 that are located abutting NW 85th Street between 1st Avenue NW and 3rd Avenue NW, the total permitted FAR within a mixed-use structure containing residential and nonresidential uses is 4.

E. Minimum FAR

1. A minimum FAR shown in Table C for 23.47A.013 is required whenever more than 1,000 square feet of gross floor area is added to or removed from a lot located in:
  - a. A pedestrian-designated zone in a regional center, an urban center, or a Station Area Overlay District; or

b. The Northgate Overlay District and abutting a Major Pedestrian Street as shown on Map A for 23.71.004.

<b>Table C for 23.47A.013</b> <b>Minimum floor area ratio (FAR)</b>	
<b>Height limit (in feet)</b>	<b>Minimum FAR</b>
30	1.5
40	1.5
55	2
65	2
75	2
85	2
95	2
145	2.5
200	2.5

2. The minimum FAR requirement provided in subsection 23.47A.013.E.1 does not apply if:

- a. Additional floor area is added to an existing structure on a lot that is nonconforming with respect to the minimum FAR shown in Table C for 23.47A.013;
- b. The lot is larger than five acres;
- c. All existing gross floor area is demolished to create a vacant lot;
- d. Parks and open space is the principal use of the lot; or
- e. The lot is to be occupied by a nonprofit medical service use that provides a specialized service, such as kidney dialysis, that is not currently provided in the applicable urban center.

3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or as a buffer to one of these areas, as defined in Chapter 25.09, shall not be

included when calculating lot size for the purpose of determining the minimum FAR requirement provided in subsection 23.47A.013.E.1.

4. The Director, in consultation with the Director of the Department of Neighborhoods, may waive the minimum FAR requirement provided in subsection 23.47A.013.E.1 for lots that contain a designated Landmark, or for lots within a Landmark District pursuant to Title 25 or within a Special Review District pursuant to Chapter 23.66, if the Director determines a waiver is necessary to preserve the integrity of a Landmark or meet adopted District design and development guidelines.

5. The Director may waive the minimum FAR requirement provided in subsection 23.47A.013.E.1 for lots within the Pike/Pine Conservation Overlay District pursuant to Chapter 23.32, if the Director determines that the proposed development promotes neighborhood conservation objectives.

6. The following gross floor area is not counted toward the minimum FAR requirement provided in subsection 23.47A.013.E.1:

- a. All stories, or portions of stories, that are underground; and
- b. Gross floor area containing parking.

F. Extra floor area in NC3-200 and NC3P-200 zoned areas in the First Hill/Capitol Hill Regional Center

In the NC3-200 and NC3P-200 zones in the First Hill/Capitol Hill Regional Center, extra floor area above the otherwise applicable FAR limit of 8.25 for nonresidential structures or 12 for structures with at least 4 FAR in residential use may be achieved

pursuant to the provisions of this subsection 23.47A.013.F and Section 23.58A.042 if the development meets the following conditions:

1. Extra floor area must be gained through the transfer of TDP/TDR pursuant to the provisions of Section 23.58A.042. For purposes of calculating the amount of TDP/TDR that may be transferred, the otherwise applicable FAR limits in subsection 23.47.013.A shall be the base FAR.

2. The sending site must be located in a NC3-200 or NC3P-200 zoned area in the First Hill/Capitol Hill Regional Center and the lot receiving the transfer of floor area must be on the same block as the sending site.

3. The amount of extra floor gained from this subsection 23.47A.013.F by any one development may not exceed 110,526 square feet.

4. For purposes of this subsection 23.47A.013.F, the transfer of development rights to gain extra nonresidential floor area is TDR and the transfer of development potential to gain extra residential floor area is TDP.

5. The only types of TDP and TDR that may be transferred pursuant to this subsection 23.47A.013.F are Landmark TDP and TDR.

\* \* \*

## **23.47A.032 Parking location and access**

### **A. Access to parking**

1. NC zones. The following rules apply in NC zones, except as provided under subsections 23.47A.032.A.2 and 23.47A.032.D:

a. Access to parking shall be from the alley if the lot abuts an alley improved to the standards of subsection 23.53.030.C, or if the Director determines that alley access is feasible and desirable to mitigate parking access impacts. If alley access is infeasible, the Director may allow street access.

b. If access is not provided from an alley and the lot abuts only one street, access is permitted from the street, and limited to one two-way curb cut.

c. If access is not provided from an alley and the lot abuts two or more streets, access is permitted across one of the side street lot lines pursuant to subsection 23.47A.032.C, and curb cuts are permitted pursuant to Section 23.54.031.

d. For each permitted curb cut, street-facing facades may contain one garage door, not to exceed the maximum width allowed for curb cuts.

2. In addition to the provisions governing NC zones in subsection 23.47A.032.A.1, the following rules apply in pedestrian-designated zones, except as may be permitted under subsection 23.47A.032.D:

a. If access is not provided from an alley and the lot abuts two or more streets, access to parking shall be from a street that is not a principal pedestrian street.

b. If access is not provided from an alley and the lot abuts only a principal pedestrian street or streets, access is permitted from the principal pedestrian street, and limited to one two-way curb cut.

3. In C1 and C2 zones, access to off-street parking may be from a street, alley, or both when the lot abuts an alley. However, structures in C zones with residential uses, structures in C zones with pedestrian designations, and structures in C zones across

the street from residential zones shall meet the requirements for parking access for NC zones as provided in subsection 23.47A.032.A.1. If two or more structures are located on a single site, then a single curb cut shall be provided according to the standards in subsections 23.47A.032.A.1 and 23.47A.032.A.2 and Section 23.54.031.

4. In the event of conflict between the standards for curb cuts in this subsection 23.47A.032.A and the provisions of Section 23.54.031, the standards in Section 23.54.031 shall control.

\* \* \*

## 23.48.002 Scope of provisions

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

**Table A for 23.48.002****Seattle Mixed designations for geographic areas**

Zone designation	Geographic area
SM-D	West Dravus area
SM-NG	Northgate Regional Center
SM-NR	North Rainier area
SM-RB	Rainier Beach
SM-SLU	South Lake Union Regional Center
SM-U	University District Regional Center
SM-UP	Uptown Regional Center

\* \* \*

**23.48.020 Floor area ratio (FAR)**

\* \* \*

B. Floor area exempt from FAR calculations. The following floor area is exempt from maximum FAR calculations:

1. All underground stories or portions of stories.
2. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.
3. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, is not included as part of the calculation of total gross floor area.
4. All gross floor area for solar collectors and wind-driven power generators.
5. Bicycle commuter shower facilities required by Section 23.54.037.

6. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.

7. Child care centers.

8. In low-income housing, all gross floor area for accessory human service uses.

9. Other uses permitted by interim street activation provisions in Section 23.42.041.

\* \* \*

## 23.48.021 Extra floor area in Seattle Mixed zones

\* \* \*

### B. Calculation outside of specific areas

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is 85 feet or lower or the lot is located outside of the South Lake Union Regional Center, SM-U zones, and the Mount Baker Station Area Overlay District, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot.

2. Means to achieve extra nonresidential floor area. If the maximum height limit for nonresidential use is 85 feet or lower or the lot is located outside of the South Lake Union Regional Center, SM-U zones, and the Mount Baker Station Area Overlay District, the

applicant shall use bonus nonresidential floor area for affordable housing and child care pursuant to Section 23.58A.024 to achieve all extra nonresidential floor area on the lot.

\* \* \*

## 23.48.220 Floor area ratio (FAR) in South Lake Union Regional Center

### A. General provisions

1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for specified SM zones within the South Lake Union Regional Center are as shown in Table A for 23.48.220 and Table B for 23.48.220. In the zones shown on Table A for 23.48.220, all non-exempt floor area above the base FAR is considered extra floor area. Extra floor area may be obtained, up to the maximum FAR, only through the provision of public amenities according to Section 23.48.021 and Chapter 23.58A.

**Table A for 23.48.220**  
**FAR limits for specified zones in South Lake Union Regional Center**

Zone	FAR limits for nonresidential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use <sup>1</sup>
	Base FAR	Maximum FAR	
SM-SLU 100/65-145	4.5	6.5	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU 175/85-280	4.5 <sup>2</sup>	8	6
SM-SLU 85-280	0.5/3 <sup>3</sup>	NA	6
SM-SLU 240/125-440	5 <sup>2</sup>	8	10

Footnotes to Table A for 23.48.220

NA (not applicable) refers to zones where uses are not subject to an FAR limit.

<sup>1</sup> All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.

<sup>2</sup> In the SM-SLU 175/85-280, and SM-SLU 240/125-440 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting the requirements of subsection 23.48.220.A.3.

**Table A for 23.48.220****FAR limits for specified zones in South Lake Union Regional Center**

Zone	FAR limits for nonresidential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use <sup>1</sup>
	Base FAR	Maximum FAR	
<sup>3</sup> The 3 FAR limit applies to religious facilities. For all other nonresidential uses, the 0.5 FAR limit applies.			

\* \* \*

5. In the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-SLU 85-280, and SM-SLU 240/125-440 zones within South Lake Union Regional Center, for residential tower structures that have only nonresidential uses up to or above the base height limit for residential uses, the FAR limits for all nonresidential uses in the structure are the same as the FAR limits specified for nonresidential uses in Table A for 23.48.220.

\* \* \*

## 23.48.221 Extra floor area in South Lake Union Regional Center

### A. Calculation outside of an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is greater than 85 feet and the lot is located in the South Lake Union Regional Center, the applicant shall:

a. Achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

b. Achieve 40 percent of the extra residential floor area by using open space TDP or Landmark TDP pursuant to subsection 23.48.221.A and Section 23.58A.042.

2. Means to achieve extra nonresidential floor area. If the maximum height limit for nonresidential use is greater than 85 feet and the lot is located in the South Lake Union Regional Center, the applicant shall:

a. Achieve 75 percent of the extra nonresidential floor area on the lot by using bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024, or housing TDR pursuant to subsection 23.48.221.B and Section 23.58A.042, or both.

b. Achieve 25 percent of the extra nonresidential floor area by using open space TDR pursuant to Chapter 23.84A or Landmark TDR pursuant to this subsection 23.48.221.A and Section 23.58A.042.

B. Standards for TDP and TDR

1. All lots in the South Lake Union Regional Center that meet the definition of a TDP or TDR site in Chapter 23.84A are eligible for transfer.

2. Receiving sites in the South Lake Union Regional Center may only receive TDP or TDR from sending sites in the South Lake Union Regional Center except that receiving sites in the South Lake Union Regional Center may receive Landmark or open space TDP or TDR from sending sites in Downtown or South Downtown if the applicant demonstrates to the satisfaction of the Director that no private or public entities are offering such TDP or TDR for sale in the South Lake Union Regional Center, at a price per square foot no greater than the fee-in-lieu rates for the payment option for affordable housing under Section 23.58A.014 for TDP and the payment option for affordable housing and child care under Section 23.58A.024 for TDR.

3. A cumulative combination of TDR and TDP exceeding a total of five times the lot area may not be transferred from any lot.

\* \* \*

### 23.48.225 Structure height in South Lake Union Regional Center

\* \* \*

E. A proposal to build a structure greater than 85 feet in height in the SM-SLU 85/65-160 and SM-SLU 175/85-280 zones and located north of Mercer Street and West of Fairview Avenue within the South Lake Union Regional Center, requires the applicant to show that the proposed structure height will not physically obstruct use of the flight path shown on Map A for 23.48.225 or endanger aircraft operations.

\* \* \*

### 23.48.230 Additional height in certain SM-zoned areas in South Lake Union Regional Center

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### 23.48.235 Upper-level setback requirements in South Lake Union Regional Center

\* \* \*

### 23.48.240 Street-level development standards in South Lake Union Regional Center

\* \* \*

## 23.48.245 Upper-level development standards in South Lake Union Regional Center

Lots in the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-SLU 85-280, and SM-SLU 240/125-440 zones are subject to upper-level development standards that may include upper-level floor area limits, gross floor area limits and podium heights, upper-level setbacks, facade modulation, maximum facade widths, a limit on the number of towers per block, and tower separation requirements, as specified in this Section

23.48.245. For the purpose of this Section 23.48.245, a tower is a structure that exceeds a height of 65 feet for the SM-SLU 100/65-145 and SM-SLU 85/65-160 zones, 85 feet for the SM-SLU 175/85-280 and SM-SLU 85-280 zones, or 125 feet for the SM-SLU 240/125-440 zone.

\* \* \*

B. Floor area limits and podium heights. The following provisions apply to development in the SM-SLU 100/65-145, SM-SLU 85-280, SM-SLU 85/65-160, SM-SLU 175/85-280, and SM-SLU 240/125-440 zones located within the South Lake Union Regional Center:

1. Floor area limit for structures or portions of structures occupied by nonresidential uses:
  - a. Except as specified in subsections 23.48.245.B.1.b and 23.48.245.B.1.c, there is no floor area limit for nonresidential uses in a structure or portion of structure that does not contain nonresidential uses above 85 feet in height.

b. There is no floor area limit for a structure that includes research and development uses and the uses are in a structure that does not exceed a height of 105 feet, provided that the following conditions are met:

1) A minimum of two floors in the structure are occupied by research and development uses and have a floor-to-floor height of at least 14 feet; and

2) The structure has no more than seven stories above existing or finished grade, whichever is lower, as measured from the lowest story to the highest story of the structure but not including rooftop features permitted under subsection 23.48.025.C. The lowest story shall not include a story that is partially below grade and extends no higher than 4 feet above existing or finished grade, whichever is lower.

c. Within locations in the SM-SLU 175/85-280 zone meeting the standards in subsection 23.48.230.B for extra height in South Lake Union Regional Center, there is no floor area limit for structures that do not exceed a height of 120 feet and that are designed for research and development laboratory use and administrative office associated with research and development laboratories.

d. For structures or portions of structures with nonresidential uses that exceed a height of 85 feet, or that exceed the height of 105 feet under the provisions of subsection 23.48.245.B.1.b, or 120 feet under subsection 23.48.245.B.1.c, each story of the structure above the specified podium height indicated for the lot on Map A for 23.48.245, excluding rooftop features or stories with rooftop features that are otherwise permitted above the height limit under the provisions of subsection 23.48.025.C, is limited to a maximum gross floor area of 24,000 square feet per story, except that the average

gross floor area for stories above the specified podium height is 30,000 square feet for structures on a lot that meets the following conditions:

- 1) The lot has a minimum area of 60,000 square feet; and
- 2) The lot includes an existing open space or a qualifying

Landmark structure and is permitted an additional increment of FAR above the base FAR, as permitted in subsection 23.48.220.A.3.

\* \* \*

#### C. Upper-level setbacks

1. The following requirements for upper-level setbacks in this subsection 23.48.245.C.1 apply to development that meets the following conditions:

- a. The development is on a lot abutting a street segment shown on Table A for 23.48.245; and
- b. For lots in the SM-SLU 85-280, SM-SLU 85/65-160, SM-SLU 175/85-280, and SM-SLU 240/125-440 zones located within the South Lake Union Regional Center, the development includes a tower structure with residential uses exceeding the base height limit established for residential uses in the zone under subsection 23.48.225.A.1, or includes a structure with nonresidential uses that exceed a height of 95 feet.

\* \* \*

### 23.48.250 Open space requirement for office uses in South Lake Union Regional Center

A. Finding. The Council finds that:

1. With the increase in office development and the Seattle Comprehensive Plan's significant employment growth targets for the South Lake Union Urban Center, office workers will increasingly become major users of open space in the area.

2. Additional major office projects in the South Lake Union Regional Center will result in increased use of public open space. If additional major office projects in the South Lake Union Regional Center do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety, and welfare.

3. Recent and projected office development in the South Lake Union Regional Center is generally comparable to office development in the abutting Downtown Regional Center in terms of tenant characteristics, density, and open space need. Therefore, the findings that support the current open space requirement in major downtown office projects are applicable to conditions in the South Lake Union Regional Center.

4. The additional open space needed to accommodate office workers is at least 20 square feet for each 1,000 square feet of office space.

5. As in Downtown, smaller office developments in the South Lake Union Regional Center may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under 85,000 square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than 85,000 square feet of new office space should be exempt from any open space requirement.

\* \* \*

## 23.48.255 Screening and landscaping standards in South Lake Union Regional Center

\* \* \*

## 23.48.280 Required parking in South Lake Union Regional Center

\* \* \*

## 23.48.285 Parking location, access, and curb cuts in South Lake Union Regional Center

A. Parking above the street level of a structure. The following provisions apply to development in the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-SLU 85-280, and SM-SLU 240/125-440 zones within the South Lake Union Regional Center:

1. Except as provided in subsection 23.48.285.B for parking partially above street level and partially below street level, parking within structures is permitted above the street level under the following conditions:

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

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

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

2. The Director may permit more than two stories of parking above the first story of the structure, or may permit other exceptions to this subsection 23.48.285.A, as a Type I decision, if the Director finds that locating parking below grade is infeasible due to physical site conditions such as a high water table or proximity to a tunnel. In such cases, the Director shall determine the maximum feasible amount of parking that can be provided below grade, if any, and the amount of additional parking to be permitted above street level. Site size is not a basis for granting an exception under this subsection 23.48.285.A.2.

B. Accessory surface parking. In the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-SLU 85-280, and SM-SLU 240/125-440 zones in the South Lake Union Regional Center, accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.

\* \* \*

## 23.48.290 Transportation management programs

\* \* \*

D. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for

the South Lake Union Regional Center in 2044 that are contained in any applicable subarea plan for the Regional Center in the Seattle Comprehensive Plan.

\* \* \*

### **23.48.602 Scope of provisions for SM-U zones**

The provisions in this Subchapter V of Chapter 23.48 establish regulations for SM-U zones.

The SM-U zone designation refers to all zones in the SM category in the University District Regional Center, and includes the SM-U/R zone. The provisions in this Subchapter V of Chapter 23.48 supplement the provisions of Subchapter I of Chapter 23.48. In cases of conflicts between the provisions in Subchapter I of Chapter 23.48 and this Subchapter V of Chapter 23.48, the provisions in this Subchapter V shall govern.

\* \* \*

### **23.48.605 Uses in SM-U zones**

\* \* \*

B. To approve a flexible-use parking garage as an administrative conditional use, the Director shall, after consulting with the Director of the Seattle Department of Transportation, find that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5 or on traffic circulation in the area around the garage;
2. The vehicular entrances and exits to the garage are located so that they will not disrupt traffic, pedestrian circulation, bicycle circulation, or transit routes;

3. The garage will be operated by a parking company whose primary purpose is to support the University District Regional Center business community by providing and managing parking facilities for its customers, business owners, and employees.

\* \* \*

### 23.48.610 Transportation management programs

\* \* \*

D. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for the University District Regional Center that are contained in any applicable subarea plan for the Regional Center in the Seattle Comprehensive Plan.

\* \* \*

### 23.48.623 Transfer of development rights (TDR) and transfer of development potential (TDP) in SM-U zones

\* \* \*

**Table A for 23.48.623**

**Permitted use of TDR and TDP**

<b>Zone</b>	<b>Type of TDR or TDP</b>		
	<b>Landmark</b>	<b>Open space</b>	<b>Vulnerable masonry structure</b>
SM-U 85, SM-U 75-240, and SM-U 95-320	S, R	S, R	S, R
SM-U/R 75-240	S, R <sup>1</sup>	S, R <sup>1</sup>	S, R <sup>1</sup>
NC3-55 <sup>2</sup> , NC3-65 <sup>2</sup> , NC3-75 <sup>2</sup>	S	S	S
MR <sup>2</sup>	S	X	X

<b>Table A for 23.48.623</b> <b>Permitted use of TDR and TDP</b>			
<b>Zone</b>	<b>Type of TDR or TDP</b>		
	<b>Landmark</b>	<b>Open space</b>	<b>Vulnerable masonry structure</b>
Key to Table A for 23.48.623			
S = Eligible sending lot location			
R = Eligible receiving lot location			
X = Not eligible as either a sending lot or receiving lot location			
Footnotes to Table A for 23.48.623			
<sup>1</sup> Only TDP can be used on receiving lots			
<sup>2</sup> Only lots located within the University District Regional Center west of 15 <sup>th</sup> Avenue NE.			

\* \* \*

C. Receiving sites. Receiving site locations are shown on Table A for 23.48.623. Only lots zoned SM-U within the University District Regional Center west of 15th Avenue NE are eligible receiving sites, and the amount of extra floor area that can be gained through the use of TDR and TDP on an eligible receiving site is specified in Section 23.48.622.

\* \* \*

## 23.48.690 Development agreements in SM-U zones

A. The Director may recommend that the Council approve a development agreement pursuant to chapter 36.70B RCW for real property that includes land zoned SM-U within the University District Regional Center.

\* \* \*

## 23.48.710 Transportation management programs

\* \* \*

D. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for the Uptown Regional Center that are contained in any applicable subarea plan for the Regional Center contained in the Seattle Comprehensive Plan.

\* \* \*

### 23.48.720 Floor area ratio (FAR) in SM-UP zones

A. General provisions. Except as otherwise specified in this subsection 23.48.720.A, FAR limits for SM-U zones are as shown in Table A for 23.48.720.

<b>Table A for 23.48.720</b> <b>FAR limits for specified zones in the Uptown Regional Center</b>			
<b>Zone</b>	<b>Base FAR limit for all uses</b>	<b>Maximum FAR for structures that include residential use</b>	<b>FAR Limits for nonresidential uses</b>
SM-UP 65	NA	4.5	4.5
SM-UP 85	NA	5.25	5.25
SM-UP 95	NA	5.75	5.75
SM-UP 160	5	7 <sup>1</sup>	2 <sup>2</sup>

Footnotes to Table A for 23.48.720

<sup>1</sup> All chargeable floor area above the base FAR is considered extra floor area. Extra floor area must be achieved according to Sections 23.48.021, 23.48.722, and Chapter 23.58A.

<sup>2</sup> In the SM-UP 160 zone, structures that do not exceed 125 feet in height are permitted an FAR of 7 for nonresidential uses. Additionally, for parcels with lot coverage limited by easements or setbacks for monorails, structures with nonresidential uses are permitted an FAR of 7 regardless of structure height.

\* \* \*

## 23.48.723 Transfer of development rights (TDR) and transfer of development potential (TDP) in the SM-UP 160 zone

### A. General standards

1. The transfer of development rights (TDR) may be used to gain extra nonresidential floor area on a receiving site, and the transfer of development potential (TDP) may be used to gain extra residential floor area in a project on a receiving site.

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

- a. Landmark TDR and TDP;
- b. Open space TDR and TDP; and
- c. Vulnerable masonry structure TDR and TDP.

B. Sending sites. Only sites within the Uptown Regional Center in the MR, LR3, or SM-UP zones are eligible sending sites. These sites must meet the definition of an open space, vulnerable masonry structure, or Landmark TDR or TDP sending site in Chapter 23.84A, and must comply with all applicable standards in this Chapter 23.48 and Section 23.58A.042.

\* \* \*

## 23.48.740 Street-level development standards in SM-UP zones

Street-level development standards in Section 23.48.040 apply to all streets in the SM-UP zones. In addition, the following requirements apply:

A. Street-level facade requirements; setbacks from street lot lines. Street-facing facades of a structure shall be built to the lot line except as follows:

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

2. If a building in the Uptown Regional Center faces both a Class 1 Pedestrian Street and a Class 2 Pedestrian Street a new structure is only required to provide a primary building entrance on the Class 1 Pedestrian Street.

\* \* \*

### 23.48.780 Required parking in Uptown Regional Center

A. Parking at street level within structures. Parking in the Uptown Regional Center is permitted in a story that is partially above street level and partially below street level if the structure is permitted in a setback area under the provisions of subsection 23.48.740.B.2.b.

\* \* \*

### 23.48.785 Parking location, access, and curb cuts

\* \* \*

B. In the SM-UP 65, SM-UP 85, and the SM-UP 160 zones in the Uptown Regional Center, accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.

\* \* \*

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

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

\* \* \*

### **23.48.905 Uses in SM-RB zones**

Residential and live-work uses are prohibited in street-level, street-facing facades facing Class 2 Pedestrian Streets in the Rainier Beach Urban Center shown on Map A for 23.48.940.

\* \* \*

### **23.48.940 Street-level development standards in SM-RB zones**

\* \* \*

C. Except on pedestrian streets, loading docks may count toward meeting the transparency standards of subsection 23.48.040.B in the Rainier Beach Urban Center.

\* \* \*

## 23.49.012 Bonus floor area for voluntary agreements for housing and child care

\* \* \*

D. Cash option payments for child care. Cash payments under voluntary agreements for bonuses according to subsection 23.49.012.C shall be made prior to issuance of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, or if the bonus is for use of existing floor area, the cash payment shall be made prior to issuance of any permit or modification allowing for use of the space as chargeable floor area. The payments shall be deposited in a special account established solely to fund expenditures for the development of childcare. Earnings on balances in the special account shall accrue to that account. The Director of Human Services shall use cash payments made in lieu of child care facilities and any earnings thereon to support development of child care facilities. Uses of funds to support child care facilities may include the City's costs to administer projects, not to exceed ten percent of total payments under this Section 23.49.012 and of any earnings thereon, and support provided through loans or grants to owners or developers. The location of child care facilities funded wholly or in part with cash payments shall be prioritized in the following order: 1) within the Downtown Regional Center; 2) within a regional center adjacent to the Downtown Regional Center; 3) in the City within 0.5 mile of a light rail or bus rapid transit station on a route serving the Downtown Regional Center; 4) in the City within 0.25 mile of a bus or streetcar stop on a route serving the Downtown Regional Center.

\* \* \*

## 23.49.019 Parking quantity, location, and access requirements, and screening and landscaping of parking areas

The regulations in this Section 23.49.019 do not apply to the Pike Market Mixed zones.

### A. Parking quantity requirements

1. No parking, either long-term or short-term, is required for uses on lots in downtown zones, except as follows:

a. In the International District Mixed and International District

Residential zones, parking requirements for restaurants, motion picture theaters, and other entertainment uses are as prescribed by Section 23.66.342.

b. In the International District Mixed and International District

Residential zones, the Director of the Department of Neighborhoods, upon the recommendation of the International District Special Review District Board, may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access.

c. Bicycle parking is required as specified in Section 23.54.037.

2. Reduction or elimination of parking required by permits. A property owner may apply to the Director for the reduction or elimination of parking required by any permit issued under this Title 23 or Title 24, except for a condition contained in or required pursuant to any Council conditional use, contract rezone, planned community development, or other Type IV decision. The Director may grant reduction or elimination of required parking as a Type I decision, either as part of a Master Use Permit for the establishment of any new use or structure, or as an independent application for reduction

or elimination of parking required by permit. Parking for bicycles may not be reduced or eliminated under this subsection 23.49.019.A.2. Any Transportation Management Plan (TMP) required by permit for the development for which a parking reduction or elimination is proposed shall remain in effect, except that the Director may change the conditions of the TMP to reflect current conditions and to mitigate any parking and traffic impacts of the proposed changes. If any bonus floor area was granted for the parking, then reduction or elimination shall not be permitted except in compliance with applicable provisions regarding the elimination or reduction of bonus features. If any required parking that is allowed to be reduced or eliminated under this subsection 23.49.019.A.2 is the subject of a recorded parking covenant, the Director may authorize modification or release of the covenant.

\* \* \*

#### C. Maximum parking limits

1. Except as provided in subsections 23.49.019.C.2 and 23.66.342.B, parking for nonresidential uses is limited to a maximum of one parking space per 1,000 square feet.

2. In the area east of Interstate 5, parking for general sales and service uses and for eating and drinking establishments is limited to a maximum of two parking spaces per 1,000 square feet.

#### D. Ridesharing and transit incentive program requirements. The following requirements apply to all new structures containing more than 10,000 square feet of new

nonresidential use, and to structures where more than 10,000 square feet of nonresidential use is proposed to be added.

1. The building owner shall establish and maintain a transportation coordinator position for the proposed structure and designate a person to fill this position, or the building owner may contract with an area-wide transportation coordinator acceptable to the Department. The transportation coordinator shall devise and implement alternative means for employee commuting. The transportation coordinator shall be trained by the Seattle Department of Transportation or by an alternative organization with ridesharing experience, and shall work with the Seattle Department of Transportation and building tenants. The coordinator shall disseminate ridesharing information to building occupants to encourage use of public transit, carpools, vanpools, and flextime; administer the in-house ridesharing program; and aid in evaluation and monitoring of the ridesharing program by the Seattle Department of Transportation. The transportation coordinator in addition shall survey all employees of building tenants once a year to determine commute mode percentages.

2. The Seattle Department of Transportation, in conjunction with the transportation coordinator, shall monitor the effectiveness of the ridesharing/transit incentive program on an annual basis. The building owner shall allow a designated Seattle Department of Transportation or rideshare representative to inspect the parking facility and review operation of the ridesharing program.

3. The building owner shall provide and maintain a transportation information center, which has transit information displays including transit route maps

and schedules and Seattle ridesharing program information. The transportation display shall be located in the lobby or other location highly visible to employees within the structure, and shall be established prior to issuance of a certificate of occupancy.

E. Bicycle parking is required according to Section 23.54.037.

F. Reserved.

\* \* \*

H. Standards for location of access to parking. This subsection 23.49.019.H does not apply to Pike Market Mixed, Pioneer Square Mixed, International District Mixed, and International District Residential zones except that subsection 23.49.019.H.1 applies to International District Mixed and International District Residential zones to the extent stated in subsection 23.66.342.D.

1. Curb cut location

a. If a lot abuts an alley, alley access is required, except as provided in subsection 23.49.019.H.1.c.

b. If a lot does not abut an alley and abuts more than one right-of-way, the location of access is determined by the Director as a Type I decision after consulting with the Director of the Seattle Department of Transportation. Unless the Director otherwise determines under subsection 23.49.019.H.1.c, access is allowed only from a right-of-way in the category, determined by the classifications shown on Map 1B and Map 1F of the Downtown Overlay Maps or another map identified in a note to Map 1F, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth below, from most to least preferred (a portion of a street that is included

in more than one category is considered as belonging only to the least preferred of the categories in which it is included):

- 1) Access street;
- 2) Class II pedestrian street/Minor arterial;
- 3) Class II pedestrian street/Principal arterial;
- 4) Class I pedestrian street/Minor arterial;
- 5) Class I pedestrian street/Principal arterial;
- 6) Principal transit street;
- 7) Designated green street.

c. The Director may allow or require access from a right-of-way other than one indicated by subsection 23.49.019.H.1.a or 23.49.019.H.1.b if, after consulting with the Director of the Seattle Department of Transportation on whether and to what extent alternative locations of access would enhance pedestrian safety and comfort, facilitate transit operations, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize hazards, and, for hotel use, improve passenger loading safety or increase visibility of vehicular access for guests arriving by car, the Director finds that an exception to the general policy is warranted. The Director may approve an exception for hotel use and impose conditions to minimize any adverse impacts to the pedestrian environment or street operations, including but not limited to allowing one-way driveways that are less than the minimum width otherwise required. Curb cut controls on designated green streets shall be evaluated on a case-by-

case basis, but generally access from green streets is not allowed if access from any other right-of-way is possible.

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

2. Curb cut width and number. The width and number of curb cuts shall comply with Section 23.54.031.

I. Screening and landscaping of surface parking areas

1. Screening. Surface parking areas for more than five vehicles shall be screened in accordance with the following requirements:

a. Screening is required along each street lot line.

b. Screening shall consist of:

1) A view-obscuring fence or wall at least 3 feet in height; or

2) A landscaped area with vegetation at least 3 feet in height.

Landscaped areas may include bioretention facilities or landscaped berms, provided that the top of the vegetation is at least 3 feet above the grade abutting the facility or berm.

c. A landscaped strip on the street side of the fence or wall shall be provided if a fence or wall is used for screening. The strip shall be an average of 3 feet from the property line, but at no point less than 1.5 feet wide. Each landscaped strip shall be planted with sufficient shrubs, grass, and/or evergreen groundcover so that the entire strip, excluding driveways, will be covered in three years. Each landscaped strip may be a bioretention facility, at grade, or a raised berm.

d. Sight triangles shall be provided in accordance with Section 23.54.032.

2. Landscaping. Surface parking areas for 20 or more vehicles, except temporary surface parking areas, shall be landscaped according to the following requirements:

a. The amount of landscaped area required is shown on Table B for 23.49.019:

<b>Table B for 23.49.019</b> <b>Required landscaping for surface parking areas with 20 or more parking spaces</b>	
<b>Total number of parking spaces</b>	<b>Minimum required landscaped area</b>
20 to 50	18 square feet per parking space
51 to 99	25 square feet per parking space
100 or more spaces	35 square feet per parking space

b. The minimum size of a required landscaped area is 100 square feet. Berms provided to meet the screening standards in subsection 23.49.019.l.1 may be counted as part of a landscaped area. No part of a landscaped area shall be less than 4 feet in any dimension except those dimensions reduced by turning radii or angles of parking spaces.

c. The landscaped area may include bioretention facilities.

d. No parking stall shall be more than 60 feet from a required landscaped area.

e. One tree per every five parking spaces is required.

f. Each tree shall be at least 3 feet from any curb of a landscaped area or edge of the parking area.

g. Permanent curbs or structural barriers shall protect landscaped areas.

h. Sufficient hardy evergreen groundcover shall be planted to cover each landscaped area completely within three years. Trees shall be selected from the Seattle Department of Transportation's list for parking area planting.

J. Transportation management programs

1. When a development is proposed that is expected to generate 50 or more employees single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director's Rule.

a. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees using an SOV to make a trip during the expected peak hour by the total number of employee person trips during the expected peak hour.

b. Compliance with this Section 23.49.019 does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

2. An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in any applicable Director's Rule. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.

3. Each owner subject to the requirements of this Section 23.49.019 shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.

4. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone for the Downtown Regional Center that are contained in any applicable subarea plan for the Regional Center in the Seattle Comprehensive Plan.

K. Electric vehicle charging infrastructure. Off-street parking spaces shall be designed according to the standards of Section 23.54.034.

\* \* \*

## 23.49.036 Planned community developments (PCDs)

\* \* \*

B. Public benefit priorities. The Director shall determine public benefit priorities for the PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall include priorities for public benefits listed in subsection 23.49.036.F and priorities for implementing the goals of the Seattle Comprehensive Plan and a determination of whether the proposed PCD may use public right-of-way area to meet the minimum site size set forth in subsection 23.49.036.E. Before the priorities are prepared, the Director shall cause a public meeting to be held to identify concerns about the site and to receive public input into priorities for public benefits identified in subsection 23.49.036.F. Notice for the meeting shall be provided pursuant to Section 23.76.011. The Director shall prepare priorities for the PCD taking into account comments made at the public meeting or in writing to the Director, and the criteria in this Section 23.49.036. The Director shall distribute a copy of the priorities to all those who provided addresses for this purpose at the public meeting, to those who sent in comments or otherwise requested notification, and to the project proponent.

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

D. Location

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

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

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

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

E. Minimum size. A PCD shall include a minimum site size of 100,000 square feet within one or more of the downtown zones where PCDs are permitted according to subsection 23.49.036.D.1. The total area of a PCD shall be contiguous. Public right-of-way shall not be considered a break in contiguity. At the Director's discretion, public right-of-way area may be included in the minimum area calculations if actions related to the PCD will result in significant enhancements to the streetscape of the public right-of-way, improved transit access and expanded transit facilities in the area, and/or significant improvement to local circulation, especially for transit and pedestrians.

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

1. Public benefits. A proposed PCD shall address the priorities for public benefits identified through the process outlined in subsection 23.49.036.B. The PCD shall include at least three of the following elements:

a. Low-income housing,

- b. Townhouse development,
- c. Historic preservation,
- d. Public open space,
- e. Improvements in pedestrian circulation,
- f. Improvements in urban form,
- g. Improvements in transit facilities,
- h. Green stormwater infrastructure beyond the requirements of the Stormwater Code (Chapters 22.800 through 22.808), or
- i. Other elements that further an adopted City policy and provide a demonstrable public benefit.

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

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

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

\* \* \*

#### H. Exceptions to standards

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

2. Except as provided in subsection 23.49.036.H.3, any requirements of this Chapter 23.49 may be varied through the PCD process in order to provide public benefits identified in subsection 23.49.036.F.

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

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

- 1) Applicable height limits,
- 2) Light and glare standards,
- 3) Noise standards,
- 4) Odor standards,
- 5) Minimum sidewalk widths,
- 6) View corridor requirements,
- 7) Nonconforming uses,
- 8) Nonconforming structures, when the nonconformity is to

one of the standards listed in this subsection 23.49.036.H.3.a;

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

c. Transfer of development rights regulations;

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

e. Development standards of adjacent zones outside the Downtown Regional Center in which a PCD may be partially located according to subsection

23.49.036.D.2.

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

\* \* \*

## 23.50A.012 Permitted and prohibited uses

\* \* \*

**Table A for 23.50.012  
Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone			
	IB	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
* * *				
<b>L. TRANSPORTATION FACILITIES</b>				
L.1. Cargo terminals	P	P	P	P
L.2. Parking and moorage				
L.2.a. Boat moorage	P	P	P	P
L.2.b. Dry boat storage	P	P	P	P
L.2.c. Parking, flexible-use	P	P	X(5)	X(5)

**Table A for 23.50.012**  
**Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone			
	IB	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
L.2.d. Park and ride facilities	P(15)	P(15)	CU	CU
L.2.e. Towing services	P	P	P	P
L.3. Passenger terminals	P	P	P	P
L.4. Rail transit facilities	P	P	P	P
L.5. Transportation facilities, air				
L.5.a. Airports (land-based)	X	CCU	CCU	CCU
L.5.b. Airports (water-based)	X	CCU	CCU	CCU
L.5.c. Heliports	X	CCU	CCU	CCU
L.5.d. Helistops	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance				
L.6.a. Bus bases	CU	CU	CU	CU
L.6.b. Railroad switchyards	P	P	P	P
L.6.c. Railroad switchyards with a mechanized hump	X	CU	CU	CU

**Table A for 23.50.012****Uses in Industrial zones**

<b>Uses</b>	<b>Permitted and prohibited uses by zone</b>			
	<b>IB</b>	<b>IG1 and IG2 (general)</b>	<b>IG1 in the Duwamish M/I Center</b>	<b>IG2 in the Duwamish M/I Center</b>
L.6.d. Transportation services, personal	P	P	P	P
* * *				

**Key to Table A for 23.50.012**

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 7, 1987.

EB/CU = Administrative conditional use permitted only in a building existing on October 7, 1987.

P = Permitted

X = Prohibited

**Footnotes to Table A for 23.50.012**

(1) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as agricultural uses within an enclosed building. Except for agricultural uses within an enclosed building operating prior to January 4, 2016, agricultural uses within an enclosed building are not permitted in the IG1 zone. Agricultural uses within an enclosed building within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:

- (a) 5,000 square feet in IG1 zones for agricultural uses within an enclosed building established prior to January 4, 2016;
- (b) 10,000 square feet in IB zones; and
- (c) 20,000 square feet in IG2 zones.

(2) In addition to the provisions of this Chapter 23.50, urban farms that entail major cannabis activity are regulated by Section 23.42.058.

(3) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.

(4) Subject to subsection 23.50.012.E.

(5) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used as flexible-use parking or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used as flexible-use parking and is exempt from the one-space-per-650-square-feet ratio under the following circumstances:

- (a) The parking is owned and operated by the owner of the spectator sports facility or

**Table A for 23.50.012****Uses in Industrial zones**

Uses	Permitted and prohibited uses by zone			
	IB	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
exhibition hall, and				
(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and				
(c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.				
(6) Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted Major Institution master plan. See Section 23.50.014.				
(7) High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5.				
(8) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60A.944, are permitted in new and existing buildings in the Ballard/Interbay/Northend Manufacturing and Industrial Center.				
(9) A college or university offering a primarily vocational curriculum within the zone is permitted.				
(10) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.12.				
(11) Major institution uses are permitted only in a building existing on October 7, 1987, except that such uses are permitted on properties located outside of the Ballard/Interbay/Northend Manufacturing and Industrial Center that are located in an area south of the Lake Washington Ship Canal, east of 8th Avenue West, north of West Nickerson Street, and west of 3rd Avenue West regardless of whether the use is located in a building existing on October 7, 1987.				
(12) Museums are prohibited except in buildings or structures that are designated City of Seattle Landmarks.				
(13) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.				
(14) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C.				
(15) Park and ride facilities are not permitted within 3,000 feet of the Downtown Regional Center.				
(16) Subject to subsection 23.50.014.B.7.e.				

\* \* \*

## 23.50A.028 Floor area

\* \* \*

### B. Exemptions from FAR calculations

1. The following areas are exempt from FAR calculations in all industrial zones:

- a. All stories, or portions of stories, that are underground;
- b. All gross floor area used for accessory parking, except as provided in subsection 23.50.028.D;
- c. All gross floor area located on the rooftop of a structure and used for any of the following: mechanical equipment, stair and elevator penthouses, and communication equipment and antennas;
- d. All gross floor area used for covered rooftop recreational space of a building existing as of December 31, 1998, in an IG1 or IG2 zone, if complying with subsection 23.50.012.D; and
- e. Bicycle commuter shower facilities required by subsection 23.54.037.H.

2. In addition to areas exempt from FAR calculations in subsection 23.50.028.B.1, within IG1 and IG2 zones, the gross floor area of rooftop recreational space accessory to office use meeting the standards of subsection 23.50.012.D is exempt from FAR calculations.

## 23.50A.040 Permitted and prohibited uses

\* \* \*

<b>Table A for 23.50A.040</b> <b>Uses in Industrial zones</b>						
<b>Uses</b>	<b>Qualifies as Industrial?</b>	<b>Permitted and prohibited uses by zone</b>				
		<b>MML</b>	<b>II</b>	<b>UI</b>	<b>IC</b>	
* * *						
<b>L. TRANSPORTATION FACILITIES</b>						
L.1. Cargo terminals	Yes	P	P	P	P	
L.2. Parking and moorage						
L.2.a. Boat moorage	Yes	P	P	P	P	
L.2.b. Dry boat storage	Yes	P	P	P	P	
L.2.c. Parking, flexible-use	No	X (4)	X	P (4)	P	
L.2.d. Park and ride facilities	No	X	X	P (12)	P (12)	
L.2.e. Towing services	Yes	P	P	P	P	
L.3. Passenger terminals	Yes	P (13)	P (13)	P (13)	P	
L.4. Rail transit facilities	Yes	P	P	P	P	
L.5. Transportation facilities, air						
L.5.a. Airports (land-based)	Yes	CCU	CCU	X	CCU	
L.5.b. Airports (water-based)	Yes	CCU	CCU	X	CCU	
L.5.c. Heliports	Yes	CCU	CCU	X	CCU	
L.5.d. Helistops	Yes	CCU	CCU	CCU	CCU	
L.6. Vehicle storage and maintenance						
L.6.a. Bus bases	Yes	CU	CU	CU	CU	
L.6.b. Railroad switchyards	Yes	P	CU	CU	P	
L.6.c. Railroad switchyards with a mechanized hump	Yes	P	CU	CU	CU	
L.6.d. Transportation services, personal	Yes	P	P	P	P	

**Table A for 23.50A.040****Uses in Industrial zones**

Uses	Qualifies as Industrial?	Permitted and prohibited uses by zone				
		MML	II	UI	IC	
* * *						
Key for Table A for 23.50A.040						
CU = Administrative conditional use						
CCU = Council conditional use						
EB = Permitted only in a building existing on June 1, 2023						
EB/CU = Administrative conditional use permitted only in a building existing on June 1, 2023						
P = Permitted						
X = Prohibited						
Footnotes to Table A for 23.50A.040						
(1) In addition to the provisions in this Chapter 23.50A, urban farms that entail major cannabis activity are regulated by Section 23.42.058.						
(2) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead, or injured animals are permitted.						
(3) Subject to subsection 23.50A.040.F.						
(4) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used as flexible-use parking or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used as flexible-use parking and is exempt from the one-space-per-650-square-feet ratio under the following circumstances:						
(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and						
(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and						
(c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.						
(5) The high-impact uses listed in subsection 23.50A.062.D may be permitted as conditional uses.						
(6) The high-impact uses listed in subsection 23.50A.062.H may be permitted as conditional uses.						
(7) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related as defined by Section 23.60A.944 or offer a primarily vocational curriculum are permitted, and shall be classified as an industrial use.						
(8) Major institution uses are permitted only in a building existing on June 1, 2023,						

**Table A for 23.50A.040****Uses in Industrial zones**

Uses	Qualifies as Industrial?	Permitted and prohibited uses by zone				
		MML	II	UI	IC	
except that such uses are permitted on properties located outside of the Ballard/Interbay/Northend Manufacturing and Industrial Center that are located in an area south of the Lake Washington Ship Canal, east of 8th Avenue West, north of West Nickerson Street, and west of 3rd Avenue West regardless of whether the use is located in a building existing on June 1, 2023.						
(9) Museums are prohibited except in buildings or structures that are designated City of Seattle Landmarks.						
(10) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.						
(11) Heavy manufacturing uses meeting the criteria in subsection 23.50A.062.G may be permitted as a conditional use. All other heavy manufacturing uses are prohibited in the UI, II and IC zones and in the MML zone within 1,500 linear feet of residentially zoned or neighborhood commercial zoned properties. Heavy Manufacturing uses not within 1,500 linear feet of residentially zoned or neighborhood commercial zoned properties are permitted.						
(12) Park and ride facilities are not permitted within 3,000 feet of the Downtown Regional Center.						
(13) Parking lots intended and designed for, and solely used for, pick-up and drop-off of passengers using ride-share services or transportation network companies is included as a part of the passenger terminal use category for industrial zones.						
(14) Subject to subsection 23.50A.062.F.						

**23.50A.190 Screening and location of parking in an II 85-240 zone**

Those developments that gain extra floor area above the base FAR in an II 85-240 zone are subject to the following, in addition to any other applicable parking screening requirements in this Section 23.50A.190.

\* \* \*

**B. Parking at street level**

1. Parking is not permitted at street level within a structure along a lot line abutting a street bounding the Downtown Regional Center or a street shown on Map A for 23.50A.190, unless separated from the street by other uses, except that garage and loading doors and access to parking need not be separated.

2. Parking is permitted at street level within a structure along a street lot line abutting a street not specified in subsection 23.50A.190.B.1 subject to the following requirements:

a. Any parking not separated from the street lot line by another use is screened from view at the street level, except that garage and loading doors and access to parking need not be screened.

b. The facade facing the street lot line is enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

3. Parking above street level. Parking is not permitted above street level unless it is separated from abutting street lot lines by another use, except that for structures located on a lot that is less than 150 feet in depth, as measured from the lot line with the greatest street frontage, parking is permitted above the first story under the following conditions:

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

b. Above the first story of a structure, parking is permitted up to a maximum of 70 percent of the length of each street-facing facade. Any additional parking

must be separated from the street by another use. For structures located on corner lots, separation by another use shall be provided at the corner portion(s) of the structure for a minimum of 15 percent of the length of each street-facing facade.

4. For all parking located on stories above street level that is not separated from the street by another use, the parking shall be screened from view at street level, and, through the use of materials, fenestration, or other architectural treatment, the screening shall be designed to provide visual interest and to integrate the screened portions of the building facade with the overall design of the structure's street-facing facades.

5. The Director may permit, as a Type I decision, exceptions to subsection 23.50A.190.B.2.a to permit more parking above street level than otherwise allowed, if the Director finds that locating permitted parking below grade is infeasible due to physical site conditions such as a high-water table, contaminated soil conditions, or proximity to a tunnel. In such cases, the Director shall determine the maximum feasible amount of parking that can be provided below grade, if any, and the amount of additional parking to be permitted above street level.

\* \* \*

## 23.50A.360 Transportation management programs in the Industry and Innovation zone

\* \* \*

C. The TMP shall be approved by the Director if, after consulting with Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve a mode-share target that is the average of mode-share targets for regional centers,

with the exception of the Downtown Regional Center, in any applicable subarea plans for regional centers in the Seattle Comprehensive Plan for trips made by employees driving alone who would work in the proposed development.

\* \* \*

### **23.51A.002 Public facilities in Neighborhood Residential zones**

A. Except as provided in subsections 23.51A.002.B, 23.51A.002.D, 23.51A.002.F, and 23.51A.002.G, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under Chapter 23.44 are also permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The Council may waive or modify applicable development standards or administrative conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

B. Permitted uses in public facilities requiring City Council approval. The following uses in public facilities in Neighborhood Residential zones may be permitted by the City Council, according to the provisions of Chapter 23.76:

1. Police precinct station;
2. Fire station;
3. Public boat moorage;
4. Utility services use; and
5. Other similar use.

The proponent of any such use shall demonstrate the existence of a public necessity for the public facility use in a Neighborhood Residential zone. The public facility use shall be developed according to the development standards for institutions (Section 23.44.180), unless the City Council makes a determination to waive or modify applicable development standards according to the provisions of Chapter 23.76, Subchapter III, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

\* \* \*

D. Sewage treatment plants. The expansion or reconfiguration (which term shall include reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of existing sewage treatment plants in Neighborhood Residential zones may be permitted if there is no feasible alternative location in a zone where the use is permitted and the conditions imposed under subsections 23.51A.002.D.3 and 23.51A.002.D.4 are met.

1. Applicable procedures. Except as provided in subsection 23.51A.002.C.2.a, the decision on an application for the expansion or reconfiguration of a sewage treatment plant is a Type IV Council land use decision. If an application for an early determination of feasibility is required to be filed pursuant to subsection 23.51A.002.D.2, the early determination of feasibility will also be a Council land use decision subject to Sections 23.76.038 through 23.76.056.

2. Need for feasible alternative determination. The proponent shall demonstrate that there is no feasible alternative location in a zone where establishment of the use is permitted.

a. The Council's decision as to the feasibility of alternative location(s) shall be based upon a full consideration of the environmental, social, and economic impacts on the community, and the intent to preserve and to protect the physical character of neighborhood residential areas, and to protect neighborhood residential areas from intrusions of nonresidential uses.

b. The determination of feasibility may be the subject of a separate application for a Council land use decision prior to submission of an application for a project-specific approval if the Director determines that the expansion or reconfiguration proposal is complex, involves the phasing of programmatic and project-specific decisions, or affects more than one site in a Neighborhood Residential zone.

c. Application for an early determination of feasibility shall include:

- 1) The scope and intent of the proposed project in the Neighborhood Residential zone and appropriate alternative(s) in zones where establishment of the use is permitted, identified by the applicant or the Director;
- 2) The necessary environmental documentation as determined by the Director, including an assessment of the impacts of the proposed project and of the permitted-zone alternative(s), according to the state and local SEPA guidelines;

3) Information on the overall sewage treatment system that outlines the interrelationship of facilities in Neighborhood Residential zones and in zones where establishment of the use is permitted;

4) Schematic plans outlining dimensions, elevations, locations on site, and similar specifications for the proposed project and for the alternative(s).

d. If a proposal or any portion of a proposal is also subject to a feasible alternative location determination under Section 23.60A.066, the Plan Shoreline Permit application and the early determination application will be considered in one determination process.

### 3. Conditions for approval of proposal

a. The project is located so that adverse impacts on residential areas are minimized.

b. The expansion of a facility does not result in a concentration of institutions or facilities that would create or appreciably aggravate impacts that are incompatible with single-family residences.

c. A facility management and transportation plan is required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control, and hours of operation. Increased traffic and parking expected to occur with use of the facility shall not create a serious safety problem or a blighting influence on the neighborhood.

d. Measures to minimize potential odor emission and airborne pollutants including methane shall meet standards of and be consistent with best available technology as determined in consultation with the Puget Sound Clean Air Agency (PSCAA), and shall be incorporated into the design and operation of the facility.

e. Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility.

f. Vehicular access suitable for trucks is available or provided from the plant to a designated arterial improved to City standards.

g. The bulk of facilities shall be compatible with the surrounding community. Public facilities that do not meet bulk requirements may be located in Neighborhood Residential zones if there is a public necessity for their location there.

h. Landscaping and screening, separation from less intensive zones, noise, light and glare controls, and other measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

i. No residential structures, including those modified for nonresidential use, are demolished for facility expansion unless a need has been demonstrated for the services of the institution or facility in the surrounding community.

4. Substantial conformance. If the application for a project-specific proposal is submitted after an early determination that location of the sewage treatment plant is not feasible in a zone where establishment of the use is permitted, the proposed project must

be in substantial conformance with the feasibility determination. Substantial conformance shall include, but not be limited to, a determination that:

a. There is no net substantial increase in the environmental impacts

of the project-specific proposal as compared to the impacts of the proposal as approved in the feasibility determination.

b. Conditions included in the feasibility determination are met.

E. Prohibited uses. Unless determined to be an essential public facility under Chapter 23.80, the following public facilities are prohibited in Neighborhood Residential zones:

1. Jails;
2. Metro operating bases;
3. Park and ride lots;
4. Establishment of new sewage treatment plants;
5. Solid waste transfer stations;
6. Animal control shelters;
7. Post Office distribution centers; and
8. Work-release centers.

F. Essential public facilities except for light rail transit facilities. Essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80.

\* \* \*

## 23.51A.004 Public facilities in multifamily zones

\* \* \*

B. The following uses in public facilities are permitted outright in all multifamily zones if the development standards for institutions in Section 23.45.570, other than dispersion requirements, are met, except as otherwise provided in subsection 23.51A.004.B.6:

1. Police precinct stations;

2. Fire stations;

3. Public boat moorages;

4. Utility service uses;

5. Other uses similar to any of the uses listed in this subsection

23.51A.004.B; and

6. Youth service centers existing as of January 1, 2013, in public facilities

operated by King County in an LR3 zone within a regional center and replacement,

additions or expansions to such King County public facilities. For youth service centers,

the development standards for institutions in Section 23.45.570 apply, and subsections

23.45.570.D and 23.45.570.F relating to structure width and setbacks may be waived or

modified by the Director as a Type II decision. The Director's decision to waive or modify

standards shall be based on a finding that the waiver or modification is needed to

accommodate unique programming, public service delivery, or structural needs of the

facility and that the following urban design objectives are met. The Director's decision shall

include conditions to mitigate all substantial impacts caused by such a waiver or modification.

a. Objective 1: Create visual interest along and activate each street frontage. Examples for achieving this objective include, but are not limited to, the following:

- 1) Incorporate prominent entrances and other features that welcome pedestrians;
- 2) Add visual interest using architectural detailing of the facade, transparency, decorative materials, or design features; and
- 3) Use signage consistent with Chapter 23.55 that helps orient pedestrians and adds interest to the street environment.

b. Objective 2: Create a continuous pedestrian environment along each frontage of the development in LR3. Examples for achieving this objective include, but are not limited to, the following:

- 1) Incorporate shade and rain protection, such as awnings, building overhangs, benches, freestanding pavilions, or kiosks;
- 2) Where site dimensions and program conditions allow, provide a landscaped setback between the structure and sidewalk; and
- 3) Design new or existing bus stops to integrate transit shelters, benches, and decorative treatments with the adjacent facade.

c. Objective 3: Address the bulk and scale of the building by design treatments that transition to the scale of nearby development. Examples for achieving this objective include, but are not limited to, the following:

1) Break down the apparent scale of the building and reduce the impact of blank walls by using modulation or decorative facade elements, such as material, shape, color, architectural detailing, painting, screening, artwork, or vegetated walls; and

2) Use landscaped setbacks where appropriate.

\* \* \*

D. The following public facilities are prohibited in all multifamily zones

1. Jails, except for youth service centers existing as of January 1, 2013, in public facilities operated by King County within a regional center;
2. Work-release centers;
3. Bus bases;
4. Sewage treatment plants;
5. Animal control shelters; and
6. Post office distribution centers.

\* \* \*

## 23.51B.002 Public schools in residential zones

\* \* \*

C. Lot coverage in Neighborhood Residential zones

1. For new public school construction on new public school sites, the maximum lot coverage permitted for all structures is as provided in Section 23.44.080.
2. For new public school construction and additions to existing public school structures on existing public school sites, the maximum lot coverage permitted is the greater of the following:
  - a. The lot coverage provided in Section 23.44.080; or
  - b. The lot coverage of the former school structures on the site, provided that the height of the new structure or portion of structure is no greater than that of the former structures when measured according to subsection 23.86.006.E, and at least 50 percent of the footprint of the new principal structure is constructed on a portion of the lot formerly occupied by the footprint of the former principal structure.
3. Departures from lot coverage limits may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. Lot coverage restrictions may be waived by the Director as a Type I decision when waiver would contribute to reduced demolition of residential structures.

#### D. Height

1. Neighborhood Residential and lowrise zones
  - a. For new public school construction on new public school sites, the maximum permitted height is 32 feet plus 5 feet for a pitched roof. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height is 35 feet plus 10 feet for a pitched roof if all portions of the structure above 30 feet are set back at least 20 feet from all lot lines. All parts of a pitched roof above the height limit must be

pitched at a rate of not less than 4:12. No portion of a shed roof on a gymnasium or auditorium is permitted to extend above the 35-foot height limit under this subsection

23.51B.002.D.1.a.

b. For new public school construction on existing public school sites, the maximum permitted height is 35 feet plus 15 feet for a pitched roof. All parts of the roof above the height limit must be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 35-foot height limit under this subsection

23.51B.002.D.1.b.

c. For additions to existing public schools on existing public school sites, the maximum height permitted is the height of the existing school or 35 feet plus 15 feet for a pitched roof, whichever is greater. When the height limit is 35 feet, the ridge of the pitched roof on a principal structure may extend up to 15 feet above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 35-foot limit under this subsection

23.51B.002.D.1.c.

2. Midrise and highrise zones. The maximum permitted height for any public school located in a MR or HR zone is the base height permitted in that zone for multifamily structures.

3. In lowrise zones, departures from height limits may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, the maximum height that may be granted as a development standard departure is

35 feet plus 15 feet for a roof pitched at a rate of not less than 4:12 for elementary schools and 60 feet plus 15 feet for a roof pitched at a rate of not less than 4:12 for secondary schools. No departures may be granted for a portion of a shed roof to extend beyond 35 feet in height under this subsection 23.51B.002.D.3.

4. Height maximums in all residential zones may be waived by the Director as a Type I decision when the waiver would contribute to reduced demolition of residential structures.

5. The provisions of subsection 23.44.070.B and the exemptions of subsection 23.44.070.C apply.

6. Light standards

a. Light standards for illumination of athletic fields on new and existing public school sites may be allowed to exceed the maximum permitted height, up to a maximum height of 100 feet, if the Director determines that the additional height is necessary to ensure adequate illumination and that impacts from light and glare are minimized to the greatest extent practicable. The applicant must submit an engineer's report demonstrating that impacts from light and glare are minimized to the greatest extent practicable. When proposed light standards are reviewed as part of a project being reviewed pursuant to Chapter 25.05, and requiring a SEPA determination, the applicant must demonstrate that the additional height contributes to a reduction in impacts from light and glare.

b. When proposed light standards are not included in a proposal being reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special exception subject to Chapter 23.76.

1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts, including but not limited to, increased duration of noise, traffic, and parking demand. The applicant also shall conduct a public workshop for residents within 1/8 mile of the affected school in order to solicit comments and suggestions on design as well as potential impacts.

2) The Director may condition a special exception to address negative impacts from light and glare on surrounding areas, and conditions may also be imposed to address other impacts associated with increased field use due to the addition of lights, including, but not limited to, increased noise, traffic, and parking demand.

## E. Setbacks

### 1. General requirements

a. No setbacks are required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley or abutting a lot in a nonresidential zone. If any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting residential zones, as provided in subsections 23.51B.002.E.2 through

23.51B.002.E.5. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones are based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections 23.51B.002.E.2.b, 23.51B.002.E.3.b, and 23.51B.002.E.4.b.

c. Trash disposals, operable windows in a gymnasium, main entrances, play equipment, kitchen ventilators, or other similar items shall be located at least 30 feet from any Neighborhood Residential zoned lot and 20 feet from any multi-family zoned lot.

d. The exceptions of subsections 23.44.090.D, 23.44.090.E, 23.44.090.G, 23.44.090.H, and 23.44.090.I apply.

2. New public school construction on new public school sites

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the height of the school and the designation of the facing residential zone, as shown in Table A for 23.51B.002.

<b>Table A for 23.51B.002</b> <b>Average setbacks for a new public school site located across a street or alley from a residential zone (in feet)</b>				
	<b>Zone across street or alley and average setback</b>			
<b>Facade height</b>	<b>NR/LR1</b>	<b>LR2/LR3</b>	<b>MR</b>	<b>HR</b>
20 or less	15	10	5	0
Greater than 20 up to 35	15	10	5	0
Greater than 35 up to 50	20	15	5	0
Greater than 50	35	20	10	0

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the height of the school and the designation of the abutting residential zone, as shown in Table B for 23.51B.002.

<b>Table B for 23.51B.002</b> <b>Setbacks for a new public school site abutting a residential zone (in feet)</b>				
	<b>Abutting zone and setbacks</b>			
<b>Facade height</b>	<b>NR/LR1</b>	<b>LR2/LR3</b>	<b>MR</b>	<b>HR</b>
20 or less	20(10)	15(10)	10(5)	0(0)
Greater than 20 up to 35	25(10)	15(10)	10(5)	0(0)
Greater than 35 up to 50	25(10)	20(10)	10(5)	0(0)
Greater than 50	30(15)	25(10)	15(5)	0(0)

Footnote to Table B for 23.51B.002  
Average setbacks are shown outside of the parentheses and minimum setbacks are shown in parentheses.

3. New public school construction on existing public school sites

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the facing residential zone as shown in Table C for 23.51B.002, whichever is less.

<b>Table C for 23.51B.002</b> <b>Setbacks for new construction on an existing public school site located across a street or alley from a residential zone (in feet)</b>				
	<b>Zone across street or alley and average setback</b>			
<b>Facade height</b>	<b>NR/LR1</b>	<b>LR2/LR3</b>	<b>MR</b>	<b>HR</b>
20 or less	10	5	5	0
Greater than 20 up to 35	10	5	5	0

**Table C for 23.51B.002****Setbacks for new construction on an existing public school site located across a street or alley from a residential zone (in feet)**

	<b>Zone across street or alley and average setback</b>			
<b>Facade height</b>	<b>NR/LR1</b>	<b>LR2/LR3</b>	<b>MR</b>	<b>HR</b>
Greater than 35 up to 50	15	10	5	0
Greater than 50	20	15	10	0

b. New public school construction on existing public school sites

abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone, as shown in Table D for 23.51B.002, whichever is less.

**Table D for 23.51B.002****Setbacks for new construction on an existing public school site abutting a residential zone (in feet)**

	<b>Abutting zone and setback</b>			
<b>Facade height</b>	<b>NR/LR1</b>	<b>LR2/LR3</b>	<b>MR</b>	<b>HR</b>
20 or less	15(10)	10(5)	10(5)	0(0)
Greater than 20 up to 35	20(10)	15(10)	10(5)	0(0)
Greater than 35 up to 50	25(10)	20(10)	10(5)	0(0)
Greater than 50	30(15)	25(10)	15(5)	0(0)

Footnote to Table D for 23.51B.002

Average setbacks are shown outside of the parentheses and minimum setbacks are shown in parentheses.

4. Additions to existing public school structures on existing public school sites

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the facing residential zone as shown in Table E for 23.51B.002, whichever is less .

**Table E for 23.51B.002****Setbacks for additions on an existing public school site located across a street or alley from a residential zone (in feet)**

<b>Facade height</b>	<b>Zone across street or alley and average setback</b>			
	<b>NR/LR1</b>	<b>LR2/LR3</b>	<b>MR</b>	<b>HR</b>
20 or less	5	5	5	0
Greater than 20 up to 35	10	5	5	0
Greater than 35 up to 50	15	10	5	0
Greater than 50	20	15	10	0

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone as shown in Table F for 23.51B.002, whichever is less.

**Table F for 23.51B.002****Setbacks for additions on an existing public school site abutting a residential zone (in feet)**

<b>Facade height</b>	<b>Abutting zone and setback</b>			
	<b>NR/LR1</b>	<b>LR2/LR3</b>	<b>MR</b>	<b>HR</b>
20 or less	10(5)	10(5)	10(5)	0(0)
Greater than 20 up to 35	15(5)	10(5)	10(5)	0(0)
Greater than 35 up to 50	20(10)	20(10)	10(5)	0(0)
Greater than 50	25(10)	25(10)	15(5)	0(0)

Footnote to Table F for 23.51B.002

Average setbacks are shown outside of the parentheses and minimum setbacks are shown in parentheses.

5. Departures from setback requirements may be granted or required

pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to 10 feet and the minimum setback to 5 feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to 15 feet and the minimum setback to 5 feet for structures or portions of structures abutting lots in residential zones.

c. The limits in subsections 23.51B.002.E.5.a and 23.51B.002.E.5.b may be waived by the Director if a waiver would contribute to reduced demolition of residential structures.

#### F. Structure width

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure is 66 feet unless either the modulation option in subsection 23.51B.002.F.1.a or the landscape option in subsection 23.51B.002.F.1.b is met.

a. Modulation option. Facades shall be modulated according to the following provisions:

- 1) The minimum depth of modulation is 4 feet.
- 2) The minimum width of modulation is 20 percent of the total structure width or 10 feet, whichever is greater.

b. Landscape option. The setbacks shall be landscaped as follows:

- 1) One tree and three shrubs are required for each 300 square feet of setback area.
- 2) Trees and shrubs that already exist in the required planting area or have their trunk or center within 10 feet of the area may be substituted for required

plantings on a one-tree-to-one-tree or one-shrub-to-one-shrub basis. In order to qualify, a tree must be 6 inches or greater in diameter, measured 4.5 feet above the ground.

3) The planting of street trees may be substituted for required trees on a one-to-one basis. All street trees shall be planted according to City of Seattle tree planting standards.

4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

5) Landscape features such as decorative paving are permitted to a maximum of 25 percent of each required landscaped area.

6) A plan shall be filed showing the layout of the required landscaping.

7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Departures from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director as a Type I decision when the waiver would contribute to reduced demolition of residential structures.

G. Parking quantity. Parking shall be required as provided in Chapter 23.54.

H. Parking location. Parking may be located:

1. Within the principal structure; or
2. On any portion of the lot except the front setback, provided that the parking is separated from streets and from abutting lots in residential zones by an area with a minimum depth of 5 feet that is landscaped with trees and ground cover determined by the Director, as a Type I decision, as adequate to soften the view of the parking from adjacent properties. In the case of a through lot, parking may also be located in one front setback when landscaped as described in this subsection 23.51B.002.H.2;

3. Departures may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the lot and to reduce required landscaping. Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for example, when a steep slope shields parking from the view of abutting properties. This test may be waived by the Director, as a Type I decision, when waiver would contribute to reduced demolition of residential structures.

I. Bus and truck loading and unloading

1. Unless subsection 23.51B.002.I.4 applies, an off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required setback. The bus loading and unloading area may be permitted in landscaped areas provided under subsection 23.51B.002.F.1.b if the Director determines that landscaping around the loading and unloading area softens the impacts of its appearance on abutting properties.

2. One off-street truck loading berth that is 13 feet wide and 40 feet long is required for new public school construction.

3. Departures from the requirements and standards for bus and truck loading and unloading areas and berths may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

4. When a public school is remodeled or rebuilt at the same site, an existing on-street bus loading area is allowed if the following conditions are met:

- a. The school site is not proposed to be expanded;
- b. The student capacity of the school is not being expanded by more than 25 percent; and
- c. The location of the current on-street bus loading remains the same.

J. Noise, odor, light, and glare. The development standards for small institutions set forth in Section 23.45.570 apply. Departures from these standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

\* \* \*

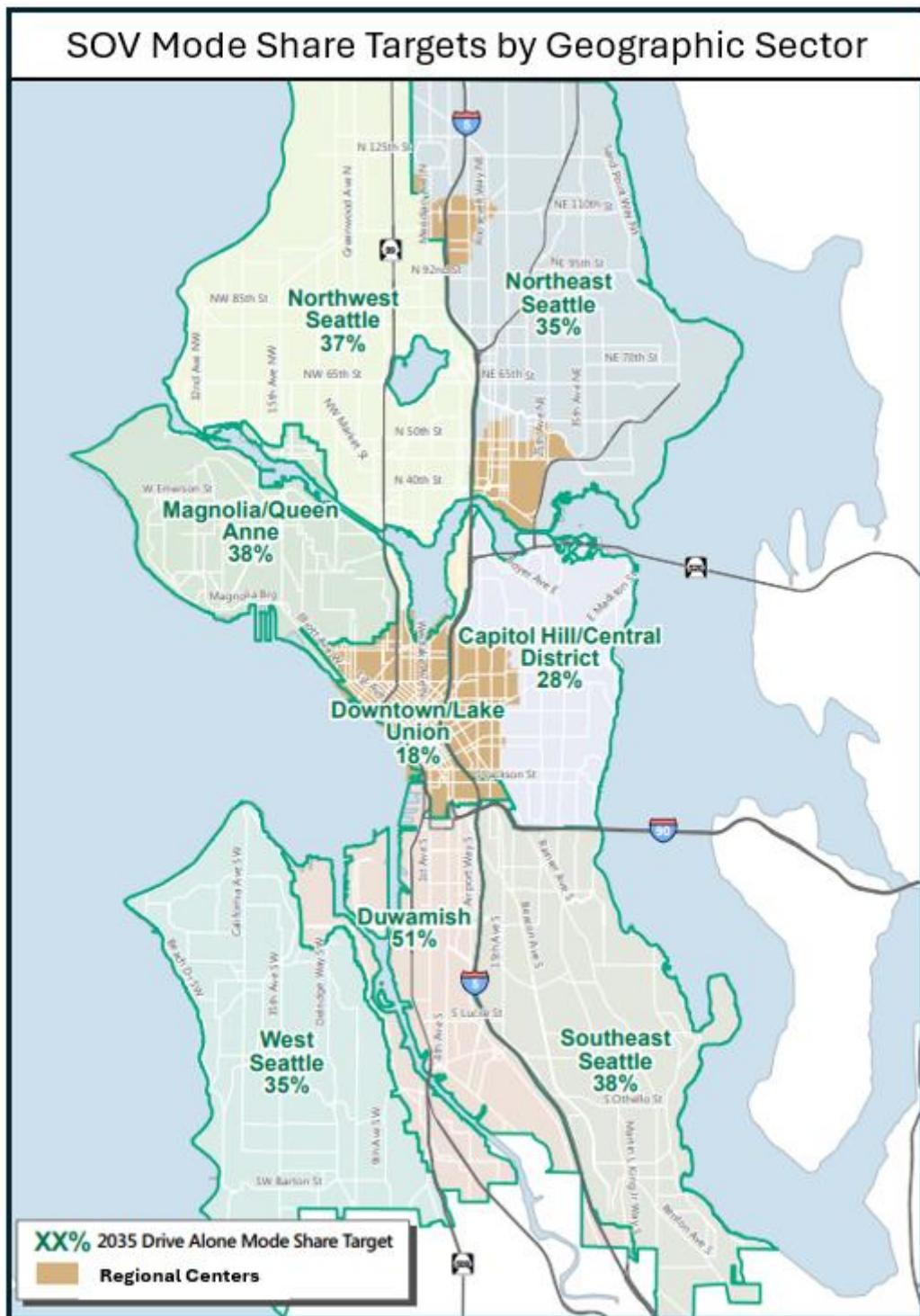
## **23.52.004 Requirement to meet transportation level-of-service standards**

A. Applicability of this Subchapter I. Development, except for light rail transit facilities, that meets the following thresholds must contribute to achieving the percentage

reduction targets shown on Map A for 23.52.004, which includes options for reducing the single-occupancy vehicle (SOV) trips associated with the development:

1. Proposed development in excess of any of the following: 30 dwelling units, 30 sleeping rooms, or 4,000 square feet of gross floor area in new nonresidential uses except for proposed development as provided in subsection 23.52.004.A.2;
2. Proposed development located in IG1 or IG2 zones and having more than 30,000 square feet of gross floor area in uses categorized as agricultural, high impact, manufacturing, storage, transportation facilities, or utility uses.

Map A for 23.52.004: 2035 SOV Mode Share Targets by Geographic Sector



B. Requirements. Development above the thresholds in subsection 23.52.004.A

shall contribute toward achieving the SOV reduction targets identified on Map A for

23.52.004, either based on location of the development in a regional center, an urban center, or within one-half mile's walking distance of a light rail station, or where these locational criteria are not met, by selecting and implementing at least one mitigation measure from a list of measures identified in a Joint Directors' Rule adopted by the Directors of the Department of Construction and Inspections and the Seattle Department of Transportation.

\* \* \*

## 23.52.008 Applicability of this Subchapter II

A. Applicability. The requirements of this Subchapter II apply to proposed new development as described in Table A for 23.52.008. Development located within a regional center or an urban center that is subject to SEPA environmental review per Chapter 25.05 is exempt from this Subchapter II of Chapter 23.52.

**Table A for 23.52.008**  
**Development location and thresholds**

<b>Development location</b>	<b>Number of dwelling units</b>	<b>Gross square feet of nonresidential uses<sup>1</sup> when located in a mixed-use development<sup>2</sup></b>
Regional centers, other than the Downtown Regional Center	31 to 200	Greater than 12,000 up to 30,000
Downtown Regional Center	81 to 250	Greater than 12,000 up to 30,000
Urban centers	31 to 200	Greater than 12,000 up to 30,000
Outside regional centers and urban centers	NA	NA

NA: Not applicable

Footnotes to Table A for 23.52.008

<sup>1</sup> Not including gross floor area dedicated to accessory parking.

<sup>2</sup> The mixed-use development must contain at least one dwelling unit.

\* \* \*

## 23.53.006 Pedestrian access and circulation

\* \* \*

C. Within regional, urban, and neighborhood centers, sidewalks, curbs, and curb ramps are required when new lots, other than unit lots, are created through the full or short subdivision platting process or when development is proposed on a lot that abuts any existing street in any zone, except as specified in subsection 23.53.006.F. If the existing street includes sidewalks, curbs, curb ramps, and accessible crossings that do not comply with the Streets Illustrated Right-of-Way Improvements Manual or successor rule, they shall be brought into compliance.

D. Outside regional, urban, and neighborhood centers, sidewalks, curbs, and curb ramps are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F.

1. In any zone with a pedestrian designation, sidewalks, curbs, and curb ramps are required when new lots, other than unit lots, are created through the full or short subdivision platting process or when development is proposed.

2. In industrial zones, on streets designated on Map A for 23.50A.190, sidewalks, curbs, and curb ramps are required when new lots are created through the full or short subdivision platting process or when development is proposed. Sidewalks, curbs, and curb ramps are required only for the portion of the lot that abuts the designated street.

3. On arterials, except in the MML zone, sidewalks, curbs, and curb ramps are required when new lots, other than unit lots, are created through the full or short

subdivision platting process or when development is proposed. Sidewalks, curbs, and curb ramps are required only for the portion of the lot that abuts the arterial.

4. In neighborhood residential zones, sidewalks, curbs, and curb ramps are required when ten or more lots are created through the full subdivision platting process or when ten or more dwelling units are developed.

5. Except in neighborhood residential zones and the MML zone, sidewalks, curbs, and curb ramps are required when six or more lots, other than unit lots, are created through the full or short subdivision platting process or when six or more dwelling units are developed.

6. In all zones, except the MML zone, sidewalks, curbs, and curb ramps are required when the following nonresidential uses are developed:

a. Seven hundred and fifty square feet or more of gross floor area of major and minor vehicle repair uses and multi-purpose retail sales; or  
b. Four thousand square feet or more of nonresidential uses not listed in subsection 23.53.006.D.6.a.

\* \* \*

F. Exceptions. The following exceptions to pedestrian access and circulation requirements and standards apply:

1. Projects exempt from requirements. Pedestrian access and circulation improvements are not required for the following types of projects:

- a. Change of use;
- b. Alterations to existing structures;

c. Additions to existing structures that are exempt from environmental review;

d. Construction of a detached structure that does not contain a dwelling unit and is accessory to an existing dwelling unit in any zone, if the property owner enters into a no-protest agreement, as authorized by chapter 35.43 RCW, to future pedestrian access and circulation improvements and that agreement is recorded with the King County Recorder's Office;

e. Construction of one dwelling unit on a lot in any zone, if the property owner enters into a no-protest agreement, as authorized by chapter 35.43 RCW, to future pedestrian access and circulation improvements and that agreement is recorded with the King County Recorder's Office, and if at least one of the following conditions is met:

1) The lot is on a block front where there are no existing pedestrian access and circulation improvements within 100 feet of the lot; or

2) Construction of pedestrian access and circulation improvements is not necessary because, for example, the existing right-of-way has suitable width and surface treatment for pedestrian use; or the existing right-of-way has a limited amount of existing and potential vehicular traffic; or the Director anticipates limited, if any, additional development near the lot because the development near the lot is at or near zoned capacity under current zoning designations;

f. Construction of accessory dwelling units;

g. Expansions of surface parking, outdoor storage, outdoor sales and outdoor display of rental equipment of less than 20 percent of the parking, storage, sales or display area, or number of parking spaces;

h. In the MML zone, the addition of:

- 1) Fewer than ten artist's studio dwellings;
- 2) Less than 750 square feet of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; or
- 3) Less than 4,000 square feet of gross floor area of nonresidential uses not listed in subsection 23.53.006.F.1.h.2; and

i. Construction of a new nonresidential structure of up to 4,000 square feet of gross floor area if the structure is at least 50 feet from any lot line abutting an existing street that does not have pedestrian access and circulation improvements.

2. Waiver or modification of pedestrian access and circulation requirements.

The Director, in consultation with the Director of Transportation, may waive or modify pedestrian access and circulation requirements when one or more of the following conditions are met. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing pedestrian access and circulation.

- a. Location in an environmentally critical area or buffer makes installation of a sidewalk, curb, and/or curb ramp structurally impracticable or technically infeasible;

- b. The existence of a bridge, viaduct, or structure such as a substantial retaining wall in proximity to the project site makes installation of a sidewalk, curb, and/or curb ramp structurally impracticable or technically infeasible;
- c. Sidewalk, curb, and/or curb ramp construction would result in undesirable disruption of existing drainage patterns, or disturbance to or removal of natural features such as significant trees or other valuable and character-defining mature vegetation; or
- d. Sidewalk, curb, and/or curb ramp construction would preclude vehicular access to the lot, for example on project sites where topography would render driveway access in excess of the maximum 15 percent slope.

3. Notwithstanding any provision of Section 23.76.026, the applicant for a Master Use Permit or a building permit to which Title 23 is in effect prior to October 30, 2009, applies may, by written election, use the exemptions in subsections 23.53.006.F.1 and 23.53.006.F.2.

\* \* \*

### **23.53.025 Access easement standards**

If access by easement has been approved by the Director, the easement shall meet the following standards. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the Right-of-Way Improvements Manual.

A. Vehicle access easements serving one or two dwelling units shall meet the following standards:

1. Easement width shall be a minimum of 10 feet.
2. No maximum easement length shall be set. If easement length is more than 150 feet, a vehicle turnaround shall be provided.

3. Curb cut width from the easement to the street shall be the minimum necessary for safety and access.

B. Vehicle access easements serving at least three but fewer than ten dwelling units shall meet the following standards:

1. Easement width shall be a minimum of 10 feet.
2. The easement shall provide a hard-surfaced roadway at least 10 feet wide.
3. No maximum easement length shall be set. If the easement is over 600 feet long, a fire hydrant may be required by the Director.

4. A turnaround shall be provided unless the easement extends from street to street.

5. Curb cut width from the easement to the street shall be the minimum necessary for safety and access.

C. Vehicle access easements serving ten or more dwelling units shall meet the following standards:

1. Easement width shall be a minimum of 32 feet.
2. The easement shall provide a surfaced roadway at least 24 feet wide, except in the MPC-YT zone, where the minimum surfaced roadway width is 20 feet.
3. No maximum length shall be set. If the easement is over 600 feet long, a fire hydrant may be required by the Director.

4. A turnaround shall be provided unless the easement extends from street to street.

5. Curb cut width from the easement to the street shall be the minimum necessary for safety access.

6. No detached dwelling unit shall be located closer than 5 feet to an easement, except that architectural features such as cornices, eaves, gutters, roofs, fireplaces, chimneys, and other similar features shall not be located closer than 3 feet to a required easement.

7. One pedestrian walkway shall be provided, extending the length of the easement.

D. For nonresidential or live-work uses providing fewer than ten parking spaces, the easement shall meet the requirements of subsection 23.53.025.B.

E. For nonresidential or live-work uses providing ten or more parking spaces, the easement shall meet the requirements of subsection 23.53.025.C.

F. Pedestrian access easements. Where a lot proposed for a residential use abuts an alley but does not abut a street and the provisions of the zone require access by vehicles from the alley, or where the alley access is an exercised option, an easement providing pedestrian access to a street from the lot shall be provided meeting the following standards:

1. Easement width shall be a minimum of 5 feet;
2. Easements serving one or two dwelling units shall provide a paved pedestrian walkway at least 3 feet wide;

3. Easements serving three or more dwelling units shall provide a paved pedestrian walkway at least 5 feet wide;
4. Easements over 100 feet in length shall provide lighting at intervals not to exceed 50 feet. Lighting placement shall not exceed 15 feet in height;
5. Pedestrian access easements shall not exceed 200 feet in length.

G. Vertical clearance above easements. When an easement serves fewer than ten residential units and crosses a residentially zoned lot, portions of structures may be built over the easement provided that a minimum vertical clearance of 16.5 feet is maintained above the surface of the easement roadway and a minimum turning path radius in accordance with subsection 23.54.030.D is maintained. Exhibit A for 23.53.025.)

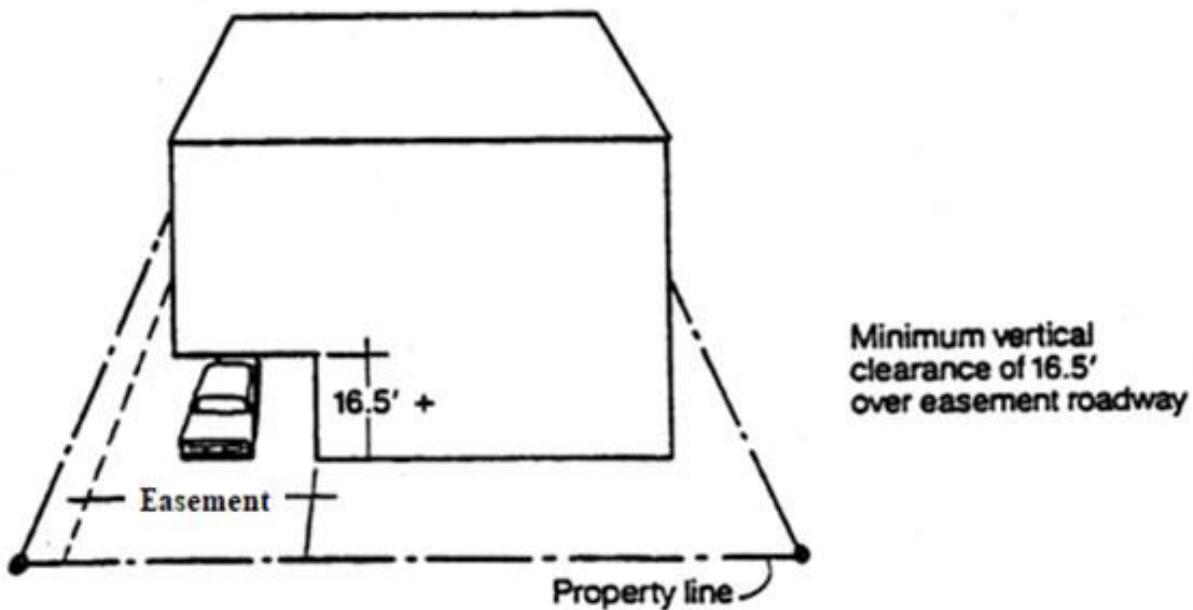
H. Exceptions from access easement standards. The Director, in consultation with the Fire Chief, may modify the requirements for easement width and surfacing for properties located in environmentally critical areas or their buffers when it is determined that:

1. Such modification(s) would reduce adverse effects to identified environmentally critical areas or buffers; and
2. Adequate access and provisions for fire protection can be provided for structures served by the easement.

#### **Exhibit A for 23.53.025**

#### **Residential structures permitted to be constructed over vehicle access easement**

**Exhibit A for 23.53.025**  
**Residential structures permitted to be constructed over vehicle access easement**



\* \* \*

**23.54.015 Required vehicular parking and maximum vehicular parking limits**

A. Required parking. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for 23.54.015 for nonresidential uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for institutional uses, except as otherwise provided in this Chapter 23.54. Required parking is based upon gross floor area of a use within a structure minus gross floor area in parking uses, and the square footage of a use when located outside of an

enclosed structure, or as otherwise specified. Maximum parking limits for specific uses and specific areas are set forth in subsection 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section 23.54.015 are provided in subsections 23.54.015.B and 23.54.015.C and in Section 23.54.020. This Chapter 23.54 does not apply to parking for construction activity, which is regulated by Section 23.42.044.

B. Required parking for specific zones and areas

1. Parking in downtown zones is regulated by Chapters 23.49 and 23.66, and not by this Section 23.54.015.

2. Parking in the MPC-YT zone is regulated by Section 23.75.180 and not by this Section 23.54.015.

3. Parking for major institution uses in the Major Institution Overlay District is regulated by Sections 23.54.015 and 23.54.016.

4. The Director shall adopt by rule a map of frequent transit and major transit service areas based on proximity to a transit station or stop served by a frequent transit route or a major transit service. The determination whether a proposed development site is in a scheduled frequent transit or major transit service area shall be based on the map adopted by rule that exists on the date a project vests according to the standards of Section 23.76.026, provided that a rule that takes effect on a date after the project vests may be applied to determine whether the site is in a scheduled frequent transit or major transit service area, at the election of the project applicant in accordance with subsection 23.76.026.F.

C. Maximum parking limits for specific zones or areas

1. In the Stadium Transition Area Overlay District certain uses are subject to a maximum parking ratio pursuant to subsection 23.74.010.A.1.b. When there are multiple uses on a lot, the total parking requirement for all uses subject to a maximum ratio cannot exceed the aggregate maximum for those uses under Section 23.74.010.

2. In all commercial zones, except C2 zones outside of urban centers, no more than 145 spaces per lot may be provided as surface parking or as flexible-use parking.

3. In all Neighborhood Residential and multifamily zones, commercial uses are limited to no more than ten parking spaces per business establishment.

4. In the Northgate Overlay District, the Director may permit parking to exceed applicable maximum parking limits as a Type I decision pursuant to Chapter 23.76 if:

a. The parking is provided in a structure according to a joint-use parking agreement with King County Metro Transit; and

b. It can be demonstrated to the satisfaction of the Director through a parking demand study that the spaces are only needed to meet evening and weekend demand or as overflow on less than ten percent of the weekdays in a year, and the spaces shall otherwise be available for daytime use by the general public.

5. Notwithstanding the minimum parking requirements set out in Table A for 23.54.015, in the Industry and Innovation zones, the maximum parking ratio for all uses is one space per 1,000 square feet of gross floor area.

D. Parking waivers

1. No parking is required for the first 3,000 square feet of each business establishment.
2. No parking is required for ground level nonresidential spaces in mixed-use structures.

E. Fleet vehicles. Notwithstanding any other provisions of this Section 23.54.015, off-street parking shall be provided for all fleet vehicles and those parking spaces will not be counted toward the parking requirements of Table A for 23.54.015, Table B for 23.54.015, or Table C for 23.54.015.

F. Use and reuse of schools. For non-school uses permitted to locate in a former or existing public school, parking requirements will be determined by school use pursuant to criteria adopted according to Chapter 23.78.

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.

H. Uses not shown on parking tables. In the case of a use not shown on Table A for 23.54.015, Table B for 23.54.015, or Table C for 23.54.015, the requirements for off-street parking will be determined by the Director based on the requirements for the most comparable use. Where, in the judgment of the Director, none of the uses on Table A for 23.54.015, Table B for 23.54.015, and Table C for 23.54.015 are comparable to a proposed use, the Director may base a determination as to the amount of parking required for the proposed use on detailed information provided by the applicant. The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand.

I. Uses in multiple parking table categories. If an entire use or structure, or the same portion of a use or structure, falls under more than one category in Table A for 23.54.015, Table B for 23.54.015, or Table C for 23.54.015 then, unless otherwise specified, the category requiring the smallest number of parking spaces applies except as expressly set forth on such tables.

J. Existing parking deficits. Existing legal parking deficits of legally established uses are allowed to continue even if a change of use occurs. This subsection 23.54.015.J will not

be construed to permit a parking deficit caused by the failure to satisfy conditions of a reduced parking requirement for any use or structure.

<b>Table A for 23.54.015</b> <b>Required parking for nonresidential uses other than institutions</b>		
<b>Use</b>	<b>Minimum parking required</b>	
<b>I. General nonresidential uses (other than institutions)</b>		
* * *		
B.	<b>COMMERCIAL USES</b>	
	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 <sup>2</sup>	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 <sup>3</sup>	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;

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

<b>Use</b>			<b>Minimum parking required</b>
			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 <sup>4</sup>	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

\* \* \*

**II. Nonresidential use requirements for specific areas**

I.	Nonresidential uses in regional centers or the Station Area Overlay Districts <sup>5</sup>	No minimum requirement
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**Table A for 23.54.015****Required parking for nonresidential uses other than institutions**

<b>Use</b>	<b>Minimum parking required</b>
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 <sup>5</sup>	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**

<sup>1</sup> No parking is required for urban farms or community gardens in residential zones.

<sup>2</sup> 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

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

<b>Use</b>	<b>Minimum parking required</b>
<p>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.</p>	
<p><sup>3</sup> 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.</p>	
<p><sup>4</sup> 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.</p>	
<p><sup>5</sup> 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.</p>	

**Table B for 23.54.015****Required parking for residential uses**

<b>Use</b>	<b>Minimum parking required</b>
<b>I. General residential uses</b> <sup>1, 2, 3</sup>	
A.	Artist's studio/dwellings
B.	Assisted living facilities
C.	Caretaker's quarters

**Table B for 23.54.015**  
**Required parking for residential uses**

<b>Use</b>		<b>Minimum parking required</b>
D.	Congregate residences	1 space for each 4 sleeping rooms
E.	Mobile home parks	1 space for each 2 mobile home lots as defined in Chapter 22.904
F.	Housing <sup>4, 5</sup>	1 space for each 2 dwelling units
<b>II. Residential use requirements for specific areas <sup>1</sup></b>		
G.	All residential uses within regional centers or within a Station Area Overlay Districts	No minimum requirement
H.	All residential uses within urban centers that are not within a Station Area Overlay District if the residential use is located within a frequent transit or major transit service area	No minimum requirement
I.	All residential uses within a major transit service area	No minimum requirement
J.	Congregate residences located within a frequent transit service area	No minimum requirement
<b>III. Residential use requirements for specific unit types or sizes <sup>1</sup></b>		
K.	Dwelling units and congregate residences that are less than 1,200 square feet in size	No minimum requirement
L.	Housing, Low-income	No minimum requirement

**Table B for 23.54.015**  
**Required parking for residential uses**

<b>Use</b>		<b>Minimum parking required</b>
M.	Residential structures serving seniors or persons with disabilities	No minimum requirement

**Footnotes to Table B for 23.54.015**

<sup>1</sup> The minimum amount of parking prescribed by Part I of Table B for 23.54.015 does not apply if a use, structure, or development qualifies for a lesser amount of minimum parking, including no parking, under any other provision of this Section 23.54.015. If more than one provision in this Table B for 23.54.015 is applicable, the provision requiring the least amount of minimum parking applies.

<sup>2</sup> For each moderate-income unit and each low-income unit, no minimum amount of parking is required.

<sup>3</sup> The Director shall waive parking requirements for any development that retains a Tier 2 tree or achieves a tree point score under Section 23.44.120, through planting or preserving medium/large or large trees, that would result in a ten percent canopy coverage for the lot at tree maturity. A reduction or waiving of parking requirements may be permitted if the Director finds that the reduction or waiver is necessary to protect a Tier 3 tree as defined in Chapter 25.11.

<sup>4</sup> No parking is required for accessory dwelling units.

<sup>5</sup> No parking is required for principal dwelling units on lots in any residential zone that are less than 3,000 square feet in size or less than 30 feet in width where access to parking is permitted through a required setback abutting a street according to the standards of subsections 23.44.160.F.2, 23.45.536.C.2, or 23.45.536.C.3.

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

<b>Use</b>		<b>Minimum parking required</b>
<b>I. General public uses and institutions <sup>1</sup></b>		
A.	Adult care centers <sup>2,3</sup>	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)

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

<b>Use</b>	<b>Minimum parking required</b>
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) <sup>6</sup>	1 space for each 555 square feet; or for family support centers, 1 space for each 100 square feet
E. Community clubs and community centers not owned and operated by SPR <sup>7, 8</sup>	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 <sup>8</sup>	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) <sup>1</sup>	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

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

<b>Use</b>	<b>Minimum parking required</b>
	square feet of conference room space, whichever is greater
I. Libraries <sup>8, 9</sup>	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 <sup>7, 10, 11</sup>	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

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

<b>Use</b>	<b>Minimum parking required</b>	
	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	
<b>II. General public uses and institutions for specific areas</b>		
O.	General public uses, institutions and Major Institution uses, except hospitals, in regional centers or Station Area Overlay Districts <sup>12</sup>	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
<p><b>Footnotes to Table C for 23.54.015</b></p> <p><sup>1</sup> The Director may modify the parking requirements in this Table A 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.</p> <p><sup>2</sup> 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.</p> <p><sup>3</sup> As a Type I decision, the Director, in consultation with the Director of the</p>		

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

<b>Use</b>	<b>Minimum parking required</b>
<p>Seattle Department of Transportation, may allow adult care centers 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.</p>	
<p><sup>4</sup> [Reserved]</p>	
<p><sup>5</sup> [Reserved]</p>	
<p><sup>6</sup> 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.</p>	
<p><sup>7</sup> Indoor gyms 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.</p>	
<p><sup>8</sup> The Director may reduce the parking and loading requirements of Section 23.54.015 and the requirements of Section 23.44.080 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.</p>	
<p><sup>9</sup> When a library is permitted in a multifamily or commercial zone as a conditional use, the Director may modify the parking requirements of this 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.</p>	
<p><sup>10</sup> For public schools, when an auditorium or other place of assembly is</p>	

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

<b>Use</b>	<b>Minimum parking required</b>
<p>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.</p> <p><sup>11</sup> 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.</p> <p><sup>12</sup> 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.</p>	

## 23.54.016 Major Institutions—Parking and transportation

Except in the MPC-YT zone, Major Institution uses are subject to the following transportation and parking requirements:

### A. General provisions

1. Minimum requirements for parking quantity are established in subsection 23.54.016.B.

2. The maximum number of spaces provided for the Major Institution use shall not exceed 135 percent of the minimum requirement, unless additional spaces are approved through administrative or Council review as provided in subsection 23.54.016.C. For a Major Institution use in a regional center or Station Area Overlay District, the maximum limit shall not exceed 135 percent of the minimum parking requirements calculated pursuant to subsection 23.54.016.B.2.

3. Parking requirements for Major Institutions with more than one type of institutional use (for example, a hospital and a university), if applicable, shall be calculated for each use separately, and then added together to derive the total number of required spaces.

4. When a permit application is made for new development at an existing Major Institution and the new development is a hospital or located outside a regional center or Station Area Overlay District, parking requirements shall be calculated both for the entire Major Institution and for the proposed new development. If there is a parking deficit for the entire institution, the institution shall make up a portion of the deficit in addition to the quantity required for the new development, according to subsection 23.54.016.B.3. If there is a parking surplus above the maximum allowed number of spaces for the institution as a whole, required amounts of parking for new development will first be applied to the surplus in the required ratio of long-term and short-term spaces. Additional parking shall be permitted only when no surplus remains.

5. When determining parking requirements, individuals fitting into more than one category (for example, a student who is also an employee or a faculty member who is

also a doctor) shall not be counted twice. The category requiring the greater number of parking spaces shall be used.

B. Parking quantity required

1. In regional centers and Station Area Overlay Districts, no parking is required for Major Institution uses, except for hospitals.

2. For all other Major Institutions the minimum number of parking spaces required is as follows:

a. Long-term parking

1) Medical institutions. A number of spaces equal to 80 percent of hospital-based doctors; plus 25 percent of staff doctors; plus 30 percent of all other employees present at peak hour;

2) Educational institutions. A number of spaces equal to 15 percent of the maximum students present at peak hour, excluding resident students; plus 30 percent of employees present at peak hour; plus 25 percent of the resident unmarried students; plus one space for each married student apartment unit.

b. Short-term parking

1) Medical institutions. A number of spaces equal to one space per six beds; plus one space per five average daily outpatients;

2) Educational institutions. A number of spaces equal to five percent of the maximum students present at peak hour excluding resident students.

c. Additional short-term parking requirements. When one of the following uses is a Major Institution use, the following additional short-term parking

requirements shall be met. Such requirements may be met by joint use of parking areas and facilities if the Director determines that the uses have different hours of operation according to subsection 23.54.020.G:

1) Museum. One space for each 250 square feet of public floor area;

2) Theater, auditorium, or assembly hall. One space for each 200 square feet of audience assembly area not containing fixed seats, and one space for every ten seats for floor area containing fixed seats;

3) Spectator sports facility containing fewer than 20,000 seats.

One space for each ten permanent seats and one space for each 100 square feet of spectator assembly area not containing fixed seats;

4) Spectator sports facility containing 20,000 or more seats.

One space for each ten permanent seats and one bus space for each 300 permanent seats.

d. Bicycle parking. Bicycle parking meeting the development standards of subsections 23.54.037.B through 23.54.037.G and subsection 23.54.016.D.2 shall be provided in the following quantities:

1) Medical institutions. A number of spaces equal to two percent of employees, including doctors, present at peak hour;

2) Educational institutions. A number of spaces equal to ten percent of the maximum students present at peak hour plus five percent of employees.

If at the time of application for a master use permit, the applicant can demonstrate that the bicycle parking requirement is inappropriate for a particular institution because of topography, location, nature of the users of the institution, or other reasons, the Director may modify the bicycle parking requirement.

3. Parking deficits. In addition to providing the minimum required parking for a new structure, five percent of any vehicular or bicycle parking deficit as determined by the minimum requirements of this subsection 23.54.016.B, existing on May 2, 1990, shall be supplied before issuance of a certificate of occupancy.

\* \* \*

## **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.

### **A. Adding units to existing structures in Multifamily and Commercial zones**

1. For the purposes of this Section 23.54.020, "existing structures" means those structures that were established under permit, or for which a permit has been granted and has not expired as of the applicable date, as follows:

- a. In multifamily zones, August 10, 1982;
- b. In commercial zones, June 9, 1986.

2. In locations in a multifamily or commercial zone where there is a minimum parking requirement, one dwelling unit may either be added to an existing structure or may

be built on a lot that contains an existing structure without additional parking if both of the following requirements are met:

a. Either the existing parking provided on the lot meets development standards, or the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical; and

b. Any additional parking shall meet all development standards for the zone.

3. In locations in a multifamily or commercial zone where there is a minimum parking requirement, the Director may authorize a reduction or waiver of the parking requirement as a Type I decision when dwelling units are proposed to be added either to an existing structure or on a lot that contains an existing structure, in addition to the exception permitted in subsection 23.54.020.A.2, if the only use of the structure will be residential and one of the following conditions is met:

a. The topography of the lot or location of existing structures makes provision of an off-street parking space physically infeasible in a conforming location; or

b. The lot is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all lot lines.

B. Tandem parking in multifamily structures. Off-street parking required for multifamily 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.

\* \* \*

#### F. Reductions to required parking

##### 1. When parking is required, reductions permitted by this subsection

23.54.020.F will be calculated from the minimum required parking in Section 23.54.015.

Total reductions to required parking as provided in this subsection 23.54.020.F may not exceed 50 percent.

##### 2. Transit reduction

a. In multifamily and commercial zones, the minimum required parking for all uses is reduced by 50 percent if the property is located within a frequent transit service area, and the property is not located in a regional center, an urban center, or a Station Area Overlay District.

b. In industrial zones, the minimum parking requirement for a nonresidential use is reduced by 15 percent if the use is located within a frequent transit service area.

3. For new or expanding offices or manufacturing uses that require 40 or more parking spaces, the minimum required parking may be reduced by up to a maximum of 40 percent by the substitution of alternative transportation programs, according to the following provisions:

a. For every carpool space accompanied by a cash fee, performance bond, or alternative guarantee acceptable to the Director, the total required parking will be reduced by 1.9 spaces, up to a maximum of 40 percent of the parking requirement.

b. For every vanpool purchased or leased by the applicant for employee use, or equivalent cash fee for purchase of a van by the public ridesharing agency, the total required parking will be reduced by six spaces, up to a maximum of 20 percent of the parking requirement.

c. If transit or transportation passes are provided with a 50 percent or greater cost reduction to all employees in a proposed structure for the duration of the business establishment(s) within it, or five years, whichever is less, and if transit service is located within one-quarter mile (1,320 feet), the required parking shall be reduced by ten percent. With a 25 percent to 49 percent cost reduction, and if transit service is located within one-quarter mile (1,320 feet), the parking requirement shall be reduced by five percent.

d. For every two covered long-term bicycle parking spaces provided, the total parking requirement shall be reduced by one space, up to a maximum of 20 percent of the parking requirement, provided there is access to an arterial over improved streets.

\* \* \*

### **23.54.030 Parking space and access standards**

All parking spaces provided, whether required by Section 23.54.015 or not, and required barrier-free parking, shall meet the standards of this Section 23.54.030.

#### **A. Parking space dimensions**

1. "Large vehicle" means the minimum size of a large vehicle parking space shall be 8 feet in width and 19 feet in length.

2. "Medium vehicle" means the minimum size of a medium vehicle parking space shall be 8 feet in width and 16 feet in length.

3. "Small vehicle" means the minimum size of a small vehicle parking space shall be 7.5 feet in width and 15 feet in length.

4. "Barrier-free parking" means a parking space meeting the following standards:

a. Parking spaces shall not be less than 8 feet in width and shall have an adjacent access aisle not less than 5 feet in width. Van-accessible parking spaces shall have an adjacent access aisle not less than 8 feet in width. Where two adjacent spaces are provided, the access aisle may be shared between the two spaces. Boundaries of access aisles shall be marked so that aisles will not be used as parking space.

b. A minimum length of 19 feet or when more than one barrier-free parking space is provided, at least one shall have a minimum length of 19 feet, and other spaces may be the lengths of small, medium, or large spaces in approximate proportion to the number of each size space provided on the lot.

5. "Tandem parking" means a parking space equal to the width and two times the length of the vehicle size standards in subsections 23.54.030.A.1, 23.54.030.A.2, and 23.54.030.A.3 for the size of the vehicle to be accommodated.

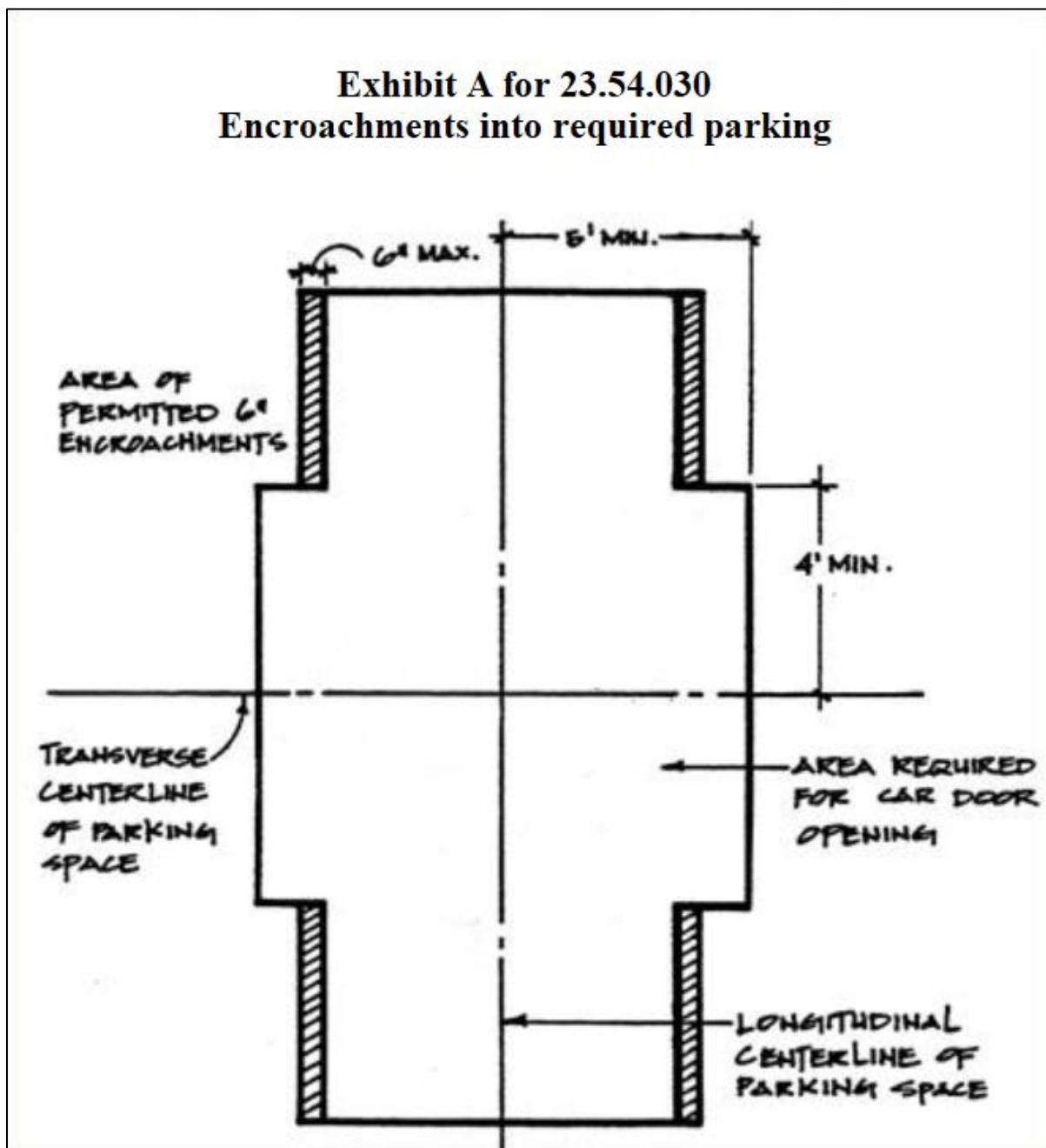
6. No wall, post, guardrail, or other obstruction, or lot line, is permitted within the area for car door opening. Columns or other structural elements may encroach into the parking space a maximum of 6 inches on a side, except in the area for car door

opening 5 feet from the longitudinal centerline, or 4 feet from the transverse centerline of a parking space (see Exhibit A for 23.54.030).

7. If the parking space is next to a lot line and the parking space is parallel to the lot line, the minimum width of the space is 9 feet.

Exhibit A for 23.54.030

Encroachments into required parking



B. Parking space requirements. The required size of parking spaces shall be determined by whether the parking is for a residential, live-work, or nonresidential use. In structures containing residential uses and also containing either nonresidential uses or

live-work units, parking that is clearly set aside and reserved for residential or live-work use shall meet the standards of subsection 23.54.030.B.1. Parking for all other uses within the structure shall meet the standards of subsection 23.54.030.B.2. All uses shall provide barrier-free accessible parking if required by the Seattle Building Code or the Seattle Residential Code.

1. Residential uses

a. When five or fewer parking spaces are provided, the minimum required size of a parking space shall be for a medium vehicle, as described in subsection 23.54.030.A.2, except as provided in subsection 23.54.030.B.1.d.

b. When more than five parking spaces are provided, a minimum of 60 percent of the parking spaces shall be striped for medium vehicles. The minimum size for a medium parking space shall also be the maximum size. Forty percent of the parking spaces may be striped for any size category in subsection 23.54.030.A, provided that when parking spaces are striped for large vehicles, the minimum required aisle width shall be as shown for medium vehicles.

c. Assisted living facilities. Parking spaces shall be provided as in subsections 23.54.030.B.1.a and 23.54.030.B.1.b, except that a minimum of two spaces shall be striped for a large vehicle.

d. For an individual garage serving an individual dwelling unit, the minimum required size of a parking space shall be for a medium vehicle, as described in subsection 23.54.030.A.

2. Nonresidential uses

a. When ten or fewer parking spaces are provided, a maximum of 25 percent of the parking spaces may be striped for small vehicles. A minimum of 75 percent of the spaces shall be striped for large vehicles.

b. When between 11 and 19 parking spaces are provided, a minimum of 25 percent of the parking spaces shall be striped for small vehicles. The minimum required size for these small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

c. When 20 or more parking spaces are provided, a minimum of 35 percent of the parking spaces shall be striped for small vehicles. The minimum required size for small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

d. The minimum vehicle clearance shall be at least 6 feet 9 inches on at least one floor, and there shall be at least one direct entrance that is at least 6 feet 9 inches in height for all parking garages accessory to nonresidential uses and live-work units and for all flexible-use parking garages.

3. Live-work uses. The first required parking space shall meet the parking standards for residential use. Additional required parking for a live-work use shall meet the parking standards for nonresidential use.

C. Backing distances and moving other vehicles

1. Adequate ingress to and egress from all parking spaces shall be provided without having to move another vehicle, except in the case of multiple spaces provided for a dwelling unit or in the case of tandem parking authorized under subsection 23.54.020.B.

2. Except for lots with fewer than three parking spaces, ingress to and egress from all parking spaces shall be provided without requiring backing more than 50 feet.

D. Driveways. Driveway requirements for residential and nonresidential uses are described below. When a driveway is used for both residential and nonresidential parking, it shall meet the standards for nonresidential uses described in subsection 23.54.030.D.2.

1. Residential uses

a. Driveway width. Driveways less than 100 feet in length that serve 30 or fewer parking spaces shall be a minimum of 10 feet in width for one-way or two-way traffic.

b. Except for driveways serving one dwelling unit, driveways more than 100 feet in length that serve 30 or fewer parking spaces shall either:

1) Be a minimum of 16 feet wide, tapered over a 20 foot distance to a 10 foot opening at the lot line; or

2) Be a minimum of 10 feet wide and provide a passing area at least 20 feet wide and 20 feet long. The passing area shall begin 20 feet from the lot line, with an appropriate taper to meet the 10-foot opening at the lot line. If a taper is provided at the other end of the passing area, it shall have a minimum length of 20 feet.

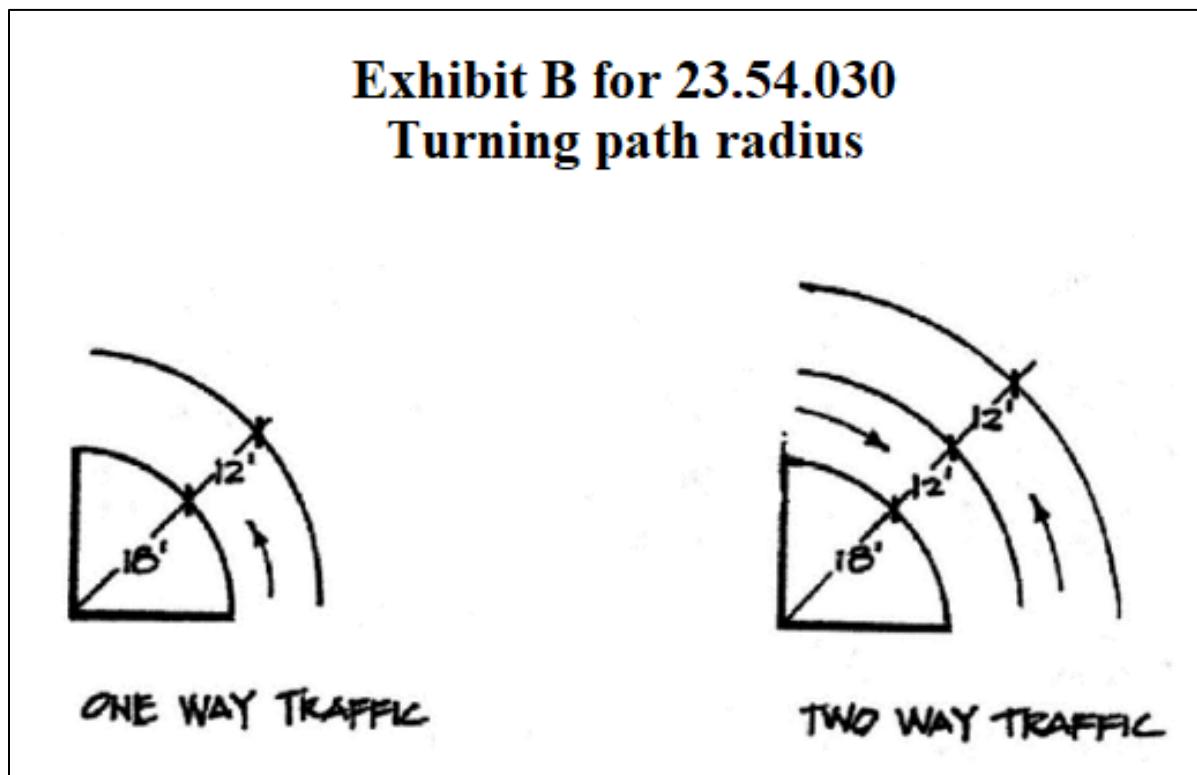
c. Driveways of any length that serve more than 30 parking spaces shall be at least 10 feet wide for one-way traffic and at least 20 feet wide for two-way traffic.

d. Driveways for two attached dwelling units may be paired so that there is a single curb cut providing access. The maximum width of the paired driveway is 18 feet.

e. Driveways with a turning radius of more than 35 degrees shall conform to the minimum turning path radius shown in Exhibit B for 23.54.030.

#### Exhibit B for 23.54.030

##### Turning path radius



f. Vehicles may back onto a street from a parking area serving five or fewer vehicles, provided that either:

1) The street is not an arterial as defined in Section 11.18.010;

or

2) For a lot with one dwelling unit or one parking space, the

Director may permit backing onto an arterial based on a safety analysis that addresses visibility, traffic volume, and other relevant issues.

g. Nonconforming driveways. The number of parking spaces served by an existing driveway that does not meet the standards of this subsection 23.54.030.D.1 shall not be increased. This prohibition may be waived by the Director after consulting with the Director of the Seattle Department of Transportation, based on a safety analysis.

## 2. Nonresidential uses

### a. Driveway widths

1) The minimum width of driveways for one-way traffic shall be 12 feet and the maximum width shall be 15 feet.

2) The minimum width of driveways for two-way traffic shall be 22 feet and the maximum width shall be 25 feet.

b. Driveways shall conform to the minimum turning path radius shown in Exhibit B for 23.54.030.

c. For driveways that provide access to a solid waste management use the Director may allow both a maximum driveway width greater than the limits set in subsection 23.54.030.D.2.a and appropriate turning path radii, as determined necessary for truck maneuvering.

3. Driveway slope for all uses. No portion of a driveway, whether located on a lot or on a right-of-way, shall exceed a slope of 15 percent, except as provided in this subsection 23.54.030.D.3. The maximum 15 percent slope shall apply in relation to both the current grade of the right-of-way to which the driveway connects, and to the proposed finished grade of the right-of-way if it is different from the current grade. The ends of a driveway shall be adjusted to accommodate an appropriate crest and sag. The Director may permit a driveway slope of more than 15 percent if it is found that:

- a. The topography or other special characteristic of the lot makes a 15 percent maximum driveway slope infeasible;
- b. The additional amount of slope permitted is the least amount necessary to accommodate the conditions of the lot; and
- c. The driveway is still useable as access to the lot.

#### E. Parking aisles

1. Parking aisles shall be provided according to the requirements of Table A for 23.54.030 and Exhibit C for 23.54.030.

<b>Table A for 23.54.030</b> <b>Parking aisle dimensions</b>						
Parking angle	Stall width	Stall length (in feet)	Aisle width (in feet) <sup>1</sup>	Curb depth per car (in feet)	Unit width (in feet) <sup>2</sup>	Curb length per car (in feet)
0°	Small	18	10	7.5	25	18
	Medium	20	10	8	26	20
	Large	24	12	8	28	24
45°	Small	15	11	15.91	42.82	10.61
	Medium	16	13	16.97	46.94	11.3
	Large	19	13	19.09	51.18	11.3

**Table A for 23.54.030****Parking aisle dimensions**

60°	Small	15	13	16.74	46.48	8.66
	Medium	16	15	17.86	50.72	9.24
	Large	19	17.5	20.45	58.41	9.24
75°	Small	15	16.5	16.43	49.36	7.76
	Medium	16	18.5	17.52	53.55	8.25
	Large	19	20	20.42	60.84 <sup>2</sup>	8.25
90°	Small	15	20	15	50	7.5
	Medium	16	22	16	54	8
	Large	19	24 <sup>3</sup>	19	62 <sup>2</sup>	8

Footnotes for Table A for 23.54.030

<sup>1</sup> Required aisle width is for one-way traffic only. If two-way traffic is proposed, then the minimum aisle width shall be 20 feet or greater.

<sup>2</sup> 60 feet may be substituted for required unit width on lots where the available width is in 60-foot whole multiples, provided that the minimum width of the parking stalls shall be 9 feet.

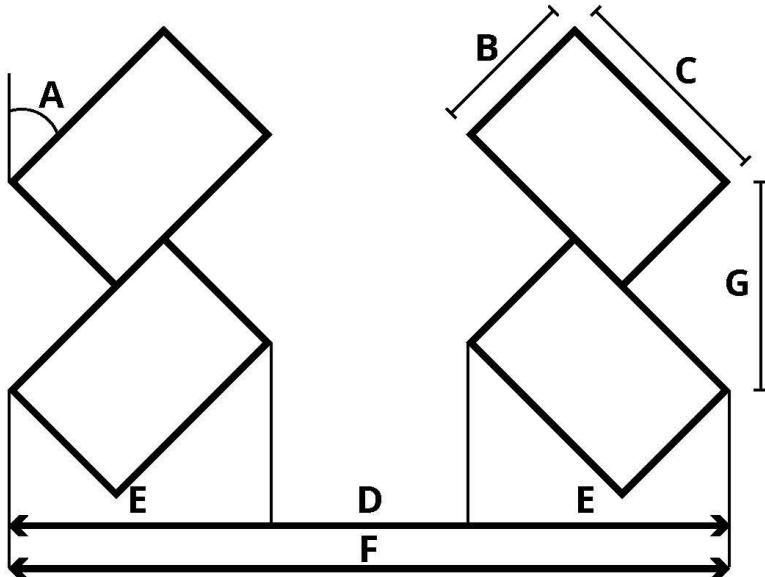
<sup>3</sup> For lots 44 feet in width or less, the Director may reduce the aisle width to as low as 20 feet if large parking spaces are provided at 90 degrees as long as the spaces are 9 feet wide.

## Exhibit C for 23.54.030

### Parking aisle dimension measurement

## Exhibit C for 23.54.030

### Parking aisle dimension measurement



The following equations may be used to compute dimensions for parking angles other than those provided in the chart above.

$$E = C \sin A + B \cos A$$

$$G = B / \sin A$$

Note: Aisle widths shall be provided as required for the next greater parking angle shown in the chart above.

2. Minimum aisle widths shall be provided for the largest vehicles served by the aisle.

3. Turning and maneuvering areas shall be located on private property, except that alleys may be credited as aisle space.

4. Aisle slope shall not exceed 17 percent provided that the Director may permit a greater slope if the criteria in subsections 23.54.030.D.3.a, 23.54.030.D.3.b, and 23.54.030.D.3.c are met.

\* \* \*

F. Attendant parking. In downtown zones, any off-street parking area or structure providing more than five parking spaces where automobiles are parked solely by attendants employed for that purpose shall have parking spaces at least 8 feet in width,

and 15 feet in length. Subsections 23.54.030.A, 23.54.030.B, 23.54.030.C, 23.54.030.D, and 23.54.030.E shall not apply, except that the grade curvature of any area used for automobile travel or storage shall not exceed that specified in subsection 23.54.030.D.3. Should attendant operation be discontinued, the provisions of subsections 23.54.030.A, 23.54.030.B, 2054.030.C, 23.54.030.D, and 23.54.030.E shall apply to the parking.

G. Off-street bus parking. Bus parking spaces, when required, shall be 13 feet in width and 40 feet in length. Buses parked together shall not be required to have adequate ingress and egress from each parking space.

H. The Director may, as a Type I decision, modify any required dimension or distribution percentage of parking spaces identified in subsections 23.54.030.A or 23.54.030.B to allow more efficient use of a surface parking area or parking garage, when the parking area or parking garage provides adequate and safe circulation.

\* \* \*

## **23.54.031 Curb cuts**

The number of permitted curb cuts is determined by whether the parking served by the curb cut is for residential or nonresidential use, and by the zone in which the use is located. If a curb cut is used for more than one use or for one or more live-work units, the requirements for the use with the largest curb cut requirements shall apply.

### **A. Residential uses**

#### **1. Number of curb cuts**

a. For lots not located on a principal arterial as designated by the Seattle Department of Transportation, curb cuts are permitted according to Table A for 23.54.031:

<b>Table A for 23.54.031</b> <b>Curb cuts for lots not located on a principal arterial or easement frontage</b>	
<b>Street or easement frontage of the lot</b>	<b>Number of curb cuts permitted</b>
80 feet or less	1
Greater than 80 feet up to 160 feet	2
Greater than 160 feet up to 240 feet	3
Greater than 240 feet up to 320 feet	4
For lots with frontage in excess of 320 feet, the pattern established above continues.	

b. For lots on principal arterials as designated by the Seattle Department of Transportation, curb cuts are permitted according to Table B for 23.54.031:

<b>Table B for 23.54.031</b> <b>Curb cuts for principal arterial street frontage</b>	
<b>Street or easement frontage of the lot</b>	<b>Number of curb cuts permitted</b>
160 feet or less	1
Greater than 160 feet up to 320 feet	2
Greater than 320 feet up to 480 feet	3
For lots with street frontage in excess of 480 feet, the pattern established above continues.	

c. On a lot that has both principal arterial and non-principal arterial street frontage, the total number of curb cuts on the principal arterial is calculated using only the length of the street lot line on the principal arterial.

d. If two adjoining lots share a common driveway, the combined frontage of the two lots will be considered as one in determining the maximum number of permitted curb cuts.

2. Curb cut width. Curb cuts shall not exceed a maximum width of 10 feet except that:

a. For lots on principal arterials as designated by the Seattle Department of Transportation, the maximum curb cut width is 23 feet;

b. One curb cut greater than 10 feet but in no case greater than 20 feet in width may be substituted for each two curb cuts permitted by subsection 23.54.031.A.1;

c. A greater width may be specifically permitted by the development standards in a zone;

d. If subsection 23.54.030.D requires a driveway greater than 10 feet in width, the curb cut may be as wide as the required width of the driveway; and

e. A curb cut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

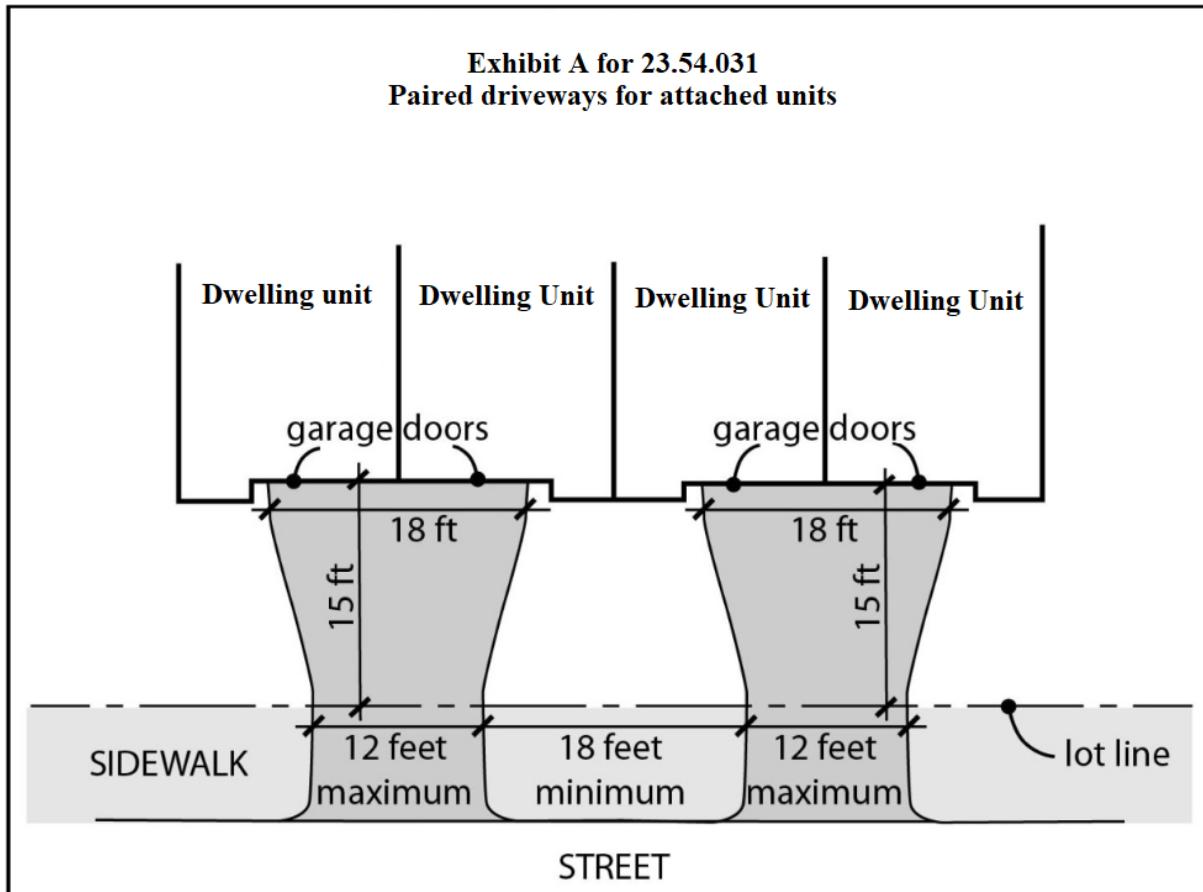
3. Distance between curb cuts

a. The minimum distance between any two curb cuts located on a lot is 30 feet, except as provided in subsection 23.54.031.A.3.b.

b. For attached dwelling units, the minimum distance between curb cuts is 18 feet (See Exhibit A for 23.54.031). For attached dwelling units located on abutting lots, the minimum distance between curb cuts is 18 feet.

### Exhibit A for 23.54.031

#### Paired driveways for attached units



B. Nonresidential uses in all zones except industrial zones

#### 1. Number of curb cuts

a. In all residential zones, RC zones, and within the Major Institution

Overlay District, two-way curb cuts are permitted according to Table C for 23.54.031:

**Table C for 23.54.031****Number of curb cuts in residential zones, RC zones, and the Major Institution Overlay District**

<b>Street frontage of the lot</b>	<b>Number of curb cuts permitted</b>
80 feet or less	1
Greater than 80 feet up to 240 feet	2
Greater than 240 feet up to 360 feet	3
Greater than 360 feet up to 480 feet	4
For lots with frontage in excess of 480 feet, one curb cut is permitted for every 120 feet of street frontage.	

b. The Director may allow two one-way curb cuts to be substituted for one two-way curb cut, after determining, as a Type I decision, that there would not be a significant conflict with pedestrian traffic.

c. The Director shall, as a Type I decision, determine the number and location of curb cuts in C1 and C2 zones and the location of curb cuts in SM zones.

d. In downtown zones, a maximum of two curb cuts for one-way traffic at least 40 feet apart, or one curb cut for two-way traffic, are permitted on each street front where access is permitted by subsection 23.49.019.H. No curb cut shall be located within 40 feet of an intersection. These standards may be modified by the Director as a Type I decision on lots with steep slopes or other special conditions, to the minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

e. For public schools, the Director shall permit, as a Type I decision, the minimum number of curb cuts that the Director determines is necessary.

f. In NC zones, curb cuts shall be provided according to subsection 23.47A.032.A, or, when subsection 23.47A.032.A does not specify the maximum number of curb cuts, according to subsection 23.54.031.B.1.a.

g. For police and fire stations the Director shall permit the minimum number of curb cuts that the Director determines is necessary to provide adequate maneuverability for emergency vehicles and access to the lot for passenger vehicles.

## 2. Curb cut widths

a. For one-way traffic, the minimum width of curb cuts is 12 feet, and the maximum width is 15 feet.

b. For two-way traffic, the minimum width of curb cuts is 22 feet, and the maximum width is 25 feet, except that the maximum width may be increased to 30 feet if truck and auto access are combined.

c. For public schools, the maximum width of a curb cut is 25 feet.

Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

d. For fire and police stations, the Director may allow curb cuts up to, and no wider than, the minimum width necessary to provide access for official emergency vehicles that have limited maneuverability and that must rapidly respond to emergencies.

Curb cuts for fire and police stations are considered curb cuts for two-way traffic.

e. If one of the following conditions applies, the Director may require a curb cut of up to 30 feet in width, if it is found that a wider curb cut is necessary for safe access:

- 1) The abutting street has a single lane on the side that abuts the lot; or
- 2) The curb lane abutting the lot is less than 11 feet wide; or
- 3) The proposed development is located on an arterial with an average daily traffic volume of over 7,000 vehicles; or
- 4) Off-street loading berths are required according to Section 23.54.035.

3. The entrances to all garages accessory to nonresidential uses or live-work units and the entrances to all flexible-use parking garages shall be at least 6 feet 9 inches high.

#### C. All uses in industrial zones

1. Number and location of curb cuts. The number and location of curb cuts will be determined by the Director.

2. Curb cut width. Curb cut width in industrial zones shall be as follows:

- a. Except as set forth in subsection 23.54.031.C.2.d, if the curb cut provides access to a parking area or structure, it must be a minimum of 15 feet wide and a maximum of 30 feet wide.

- b. If the curb cut provides access to a loading berth, the maximum width may be increased to 50 feet.

c. Within the minimum and maximum widths established by this subsection 23.54.031.C, the Director shall determine the size of the curb cuts.

d. If the curb cut provides access to a solid waste management use, the Director may determine the maximum width of the curb cut.

**D. Curb cuts for access easements**

1. If a lot is crossed by an access easement serving other lots, the curb cut serving the easement may be as wide as the easement roadway.

2. The curb cut serving an access easement shall not be counted against the number or amount of curb cuts permitted to a lot if the lot is not itself served by the easement.

**E. Curb cut flare.** A flare with a maximum width of 2.5 feet is permitted on either side of curb cuts in any zone.

**F. Replacement of unused curb cuts.** When a curb cut is no longer needed to provide access to a lot, the curb and any planting strip must be replaced.

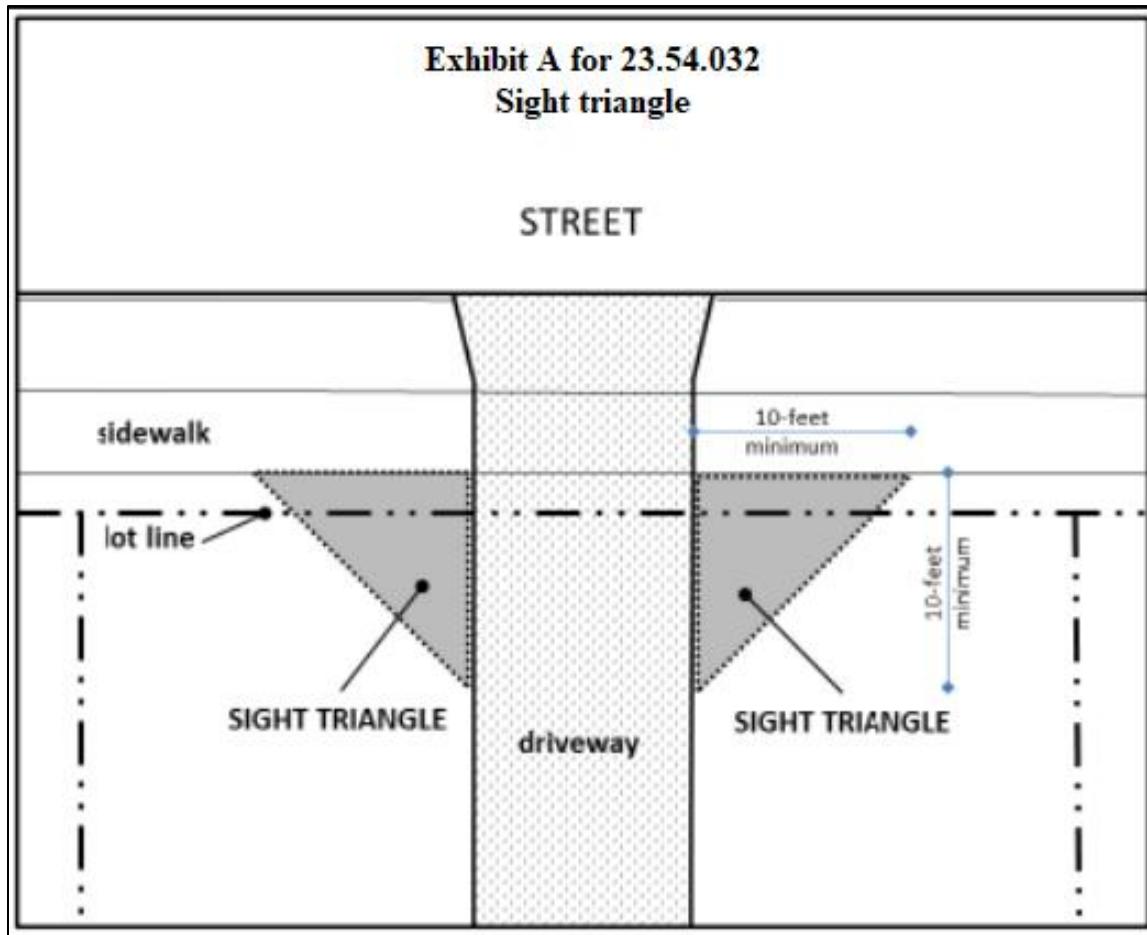
**G. Curb cuts are not allowed on streets if alley access to a lot is feasible but has not been provided.**

## **23.54.032 Sight triangles**

**A. For exit-only driveways and easements, and two-way driveways and easements less than 22 feet wide, a sight triangle on both sides of the driveway or easement shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk, or curb intersection if there is no sidewalk, as depicted in Exhibit A for 23.54.032.**

Exhibit A for 23.54.032

**Sight triangle**



B. For two-way driveways or easements 22 feet wide or more, a sight triangle on the side of the driveway used as an exit shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk, or curb intersection if there is no sidewalk. The entrance and exit lanes shall be clearly identified.

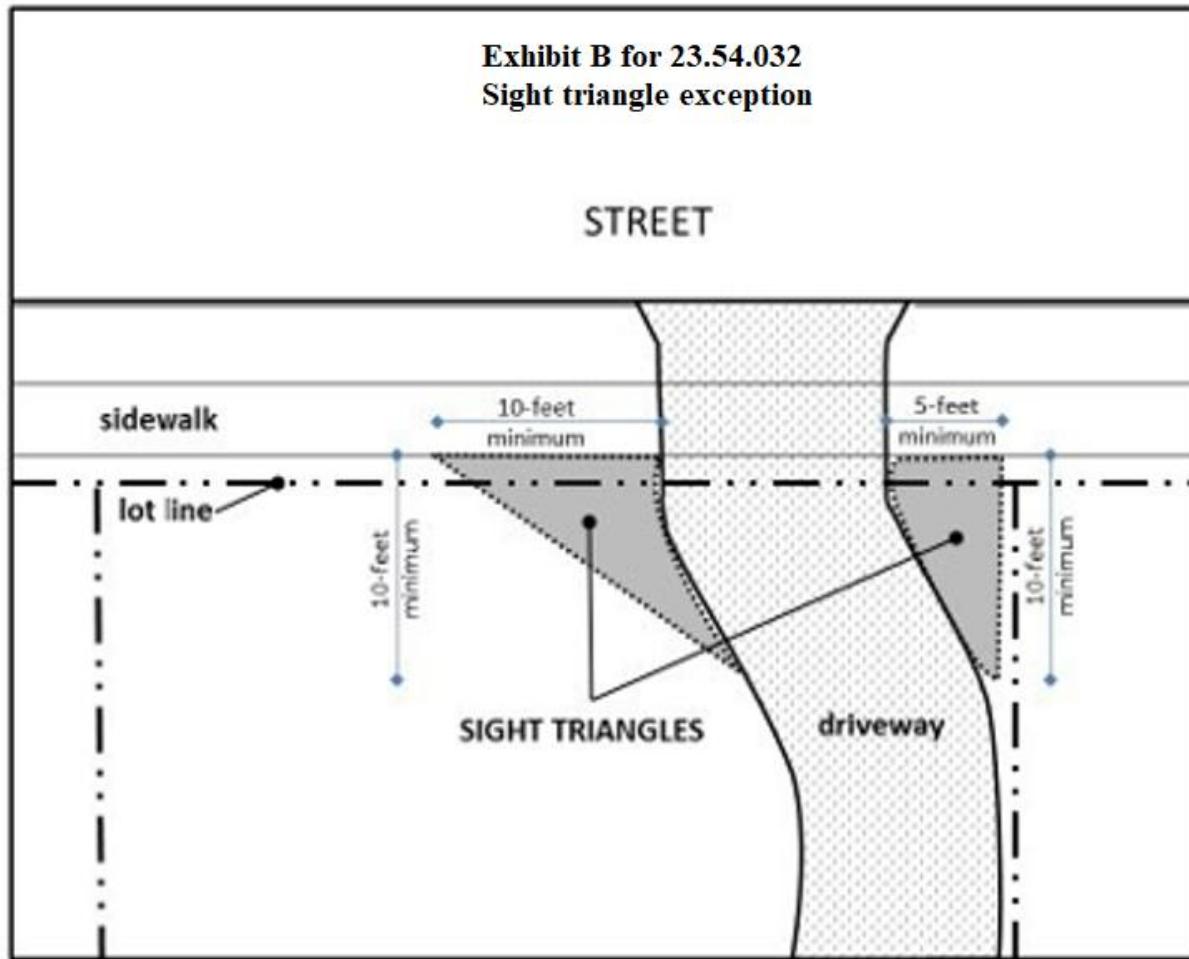
C. The sight triangle shall also be kept clear of obstructions in the vertical spaces between 32 inches and 82 inches from the ground.

D. When the driveway or easement is less than 10 feet from the lot line, the sight triangle may be provided as follows:

1. An easement may be provided sufficient to maintain the sight triangle. The easement shall be recorded with the King County Recorder's Office; or
2. The driveway may be shared with a driveway on the neighboring lot; or
3. The driveway or easement may begin 5 feet from the lot line, as depicted in Exhibit B for 23.54.032.

#### Exhibit B for 23.54.032

##### Sight triangle exception



- E. An exception to the sight triangle requirement may be made for driveways serving lots containing only residential uses and fewer than three parking spaces, when providing the sight triangle would be impractical.

F. In all downtown, industrial, Commercial 1, and Commercial 2 zones, the sight triangle at a garage exit may be provided by mirrors and/or other approved safety measures.

G. Sight triangles are not required for one-way entrances into a parking garage or surface parking area.

H. Sight triangles are not required when access to parking is provided from an alley.

\* \* \*

### **23.54.033 Pedestrian access to garage**

For new structures that include a garage, in a zone where flexible-use parking is permitted, at least one pedestrian access walkway or route shall be provided between a garage and a public right-of-way, which may be an alley, including a side-hinged door for pedestrian use. A fire exit door, or other access through lobbies, may serve this purpose if the access route and doors are accessible for ingress and egress by garage users.

### **23.54.034 Electric vehicle (EV) charging infrastructure**

New parking spaces provided on a lot when a new building is constructed shall be EV-ready as specified in this Section 23.54.034. The required number of EV-ready parking spaces shall be determined by whether the parking is for a residential or nonresidential use. Parking that is clearly set aside and reserved for residential use shall meet the standards of subsection 23.54.034.A; parking for all other uses within the structure shall meet the standards of subsection 23.54.034.B.

A. Residential uses

1. Private parking for individual dwelling units. When parking for any individual dwelling unit is provided in a private garage, carport, or parking area, separate from any parking facilities serving other units, at least one parking space for each unit in that garage, carport, or surface parking area shall be EV-ready.

2. Surface parking for multiple dwelling units. When parking for multiple dwelling units is provided in a surface parking area serving multiple dwelling units, the number of parking spaces that shall be EV-ready shall be as follows:

- a. When up to 25 parking spaces are provided, the first 12 parking spaces shall be EV-ready; and
- b. When more than 25 parking spaces are provided, 45 percent of all parking spaces shall be EV-ready.

3. Parking garages for multiple dwelling units. When parking for multiple dwelling units is provided in a parking garage serving multiple dwelling units, a minimum of 45 percent of those parking spaces shall be EV-ready.

#### B. Nonresidential uses

1. When parking is provided for nonresidential uses, a minimum of 30 percent of those spaces shall be EV-ready, except as provided in subsection 23.54.034.B.2 and subsection 23.54.034.B.3.

2. For the uses listed in subsection 23.54.034.B.3, the following requirements apply:

- a. Where fewer than ten parking spaces are provided for the use, one EV-ready space is required.

b. Where ten or more parking spaces are provided for the use, 10 percent of parking spaces shall be EV-ready.

3. The following uses are subject to the alternative requirements in 23.54.034.B.2:

a. The following institutional uses:

1. Community club or center;
2. Child care center;
3. Community farm;
4. Library;
5. Museum;
6. Private club;
7. Religious facility; and
8. School, elementary or secondary;

b. Entertainment uses;

- c. Eating and drinking establishments;
- d. Automotive sales and services;
- e. Multipurpose retail sales;
- f. Heavy sales and services, except heavy commercial services; and
- g. Marine sales and services.

C. Rounding. When calculating the number of required EV-ready parking spaces, any fraction or portion of an EV-ready parking space required shall be rounded up to the nearest whole number.

D. Reductions

1. The Director may, in consultation with the Director of Seattle City Light, reduce the requirements of this Section 23.54.034 as a Type I decision if there is substantial evidence that the added electrical load that can be attributed to meeting the requirements will:

a. Alter the local utility infrastructure design requirements on the utility side of the legal point of service, so as to require on-property power transformation;

or

b. Require an upgrade to an existing residential electrical service.

2. In cases where the provisions of subsection 23.54.034.D.1 have been met, the maximum quantity of EV charging infrastructure required to be installed shall be reduced to the maximum service size that would not require the changes to transformation or electrical service in subsection 23.54.034.D.1. The Director may first reduce the required level of EV infrastructure at EV-ready parking spaces from 40-amp to 20-amp circuits. If necessary, the Director may also then reduce the number of required EV-ready parking spaces or otherwise reduce the level of EV infrastructure at EV-ready parking spaces.

3. The Director may establish by rule the procedures and documentation required for a reduction request.

E. All EV charging infrastructure shall be installed in accordance with the Seattle Electrical Code. Where EV-ready surface parking spaces are located more than 4 feet from

a building, raceways shall be extended to a pull box or stub in the vicinity of the designated space and shall be protected from vehicles.

F. Accessible parking. Where new EV-ready parking spaces and new accessible parking are both provided, parking facilities shall be designed so that at least 20 percent of the accessible parking spaces or two accessible parking spaces, whichever is greater, shall be EV-ready. The accessible parking EV-ready infrastructure may also serve adjacent parking spaces not designated as accessible parking. The EV-ready accessible parking spaces, rounded up to the next whole number, are allowed to be included in the total number of electric vehicle parking spaces required under 23.54.034.A. and 23.54.034.B.

G. Nothing in this Section 23.54.034 shall be construed to modify the minimum number of off-street motor vehicle parking spaces required for specific uses or the maximum number of parking spaces allowed, as set forth in Section 23.54.015 or elsewhere in this Title 23.

H. This Section 23.54.034 does not require EV supply equipment, as defined by Article 100 of the Seattle Electrical Code, to be installed.

## **23.54.035 Loading berth requirements and space standards**

\* \* \*

B. Exception to loading requirements

1. For uses with less than 16,000 square feet of gross floor area that provide a loading space on a street or alley, the loading berth requirements may be waived by the Director if, after review, the Director of the Seattle Department of Transportation finds that the street or alley berth is adequate.

2. Within the Downtown and South Lake Union Regional Centers and within the MPC-YT zone, loading berth requirements may be waived or modified if the Director finds, after consultation with and approval by the Director of the Seattle Department of Transportation, that the number of loading berths in Table A for 23.54.035 is not required and that the modified number will be sufficient. The applicant shall submit specific information addressing the following criteria, upon which the Director's determination shall be based:

- a. All loading is proposed to occur on-site or any loading that is proposed to occur in a public right-of-way can take place without disrupting pedestrian circulation or vehicular traffic;
- b. Additional evidence relating to the size, character, and operation of the building and likely tenancy; and
- c. Where loading occurs at a central loading facility, goods can be distributed to other buildings on-site without disrupting pedestrian circulation or vehicular traffic.

\* \* \*

## 23.54.037 Bicycle parking

### A. Number of spaces

1. The minimum number of parking spaces for bicycles required for specified uses is set forth in Table A for 23.54.037.
2. Long-term parking for bicycles shall be for bicycles parked four or more hours. Short-term parking for bicycles shall be for bicycles parked less than four hours. In

the case of a use not shown on Table A for 23.54.037, one bicycle parking space per 10,000 gross square feet of either short- or long-term bicycle parking is required.

3. The minimum requirements are based upon gross floor area of the use in a structure minus gross floor area in parking uses, or the square footage of the use when located outside of an enclosed structure, or as otherwise specified.

4. Rounding. For long-term bicycle parking, calculation of the minimum requirement shall round up the result to the nearest whole number. For short-term bicycle parking, calculation of the minimum requirement shall round up the result to the nearest whole even number.

B. Performance standards. Provide bicycle parking in a highly visible, safe, and convenient location, emphasizing user convenience and theft deterrence, based on rules promulgated by the Director of the Seattle Department of Transportation that address the considerations in this subsection 23.54.037.B.

1. Provide secure locations and arrangements of long-term bicycle parking, with features such as locked rooms or cages and bicycle lockers. The bicycle parking should be installed in a manner that avoids creating conflicts with automobile accesses and driveways.

2. For a garage with bicycle parking and motor vehicle parking for more than two dwelling units, provide pedestrian and bicycle access to long-term bicycle parking that is separate from other vehicular entry and egress points or uses the same entry or egress point but has a marked walkway for pedestrians and bicyclists.

3. Provide adequate lighting in the bicycle parking area and access routes to it.

4. If short-term bicycle parking facilities are not clearly visible from the street or sidewalk or adjacent on-street bicycle facilities, install directional signage in adequate amounts and in highly visible locations in a manner that promotes easy wayfinding for bicyclists.

5. Provide signage to long-term bicycle parking that is oriented to building users.

6. Long-term bicycle parking shall be located where bicyclists are not required to carry bicycles on exterior stairs with more than five steps to access the parking. The Director, as a Type I decision, may allow long-term bicycle parking for rowhouse and townhouse development to be accessed by stairs with more than five steps, if the slope of the lot makes access with five or fewer steps infeasible.

7. Where practicable, long-term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.

8. Install bicycle parking hardware so that it can perform to its manufacturer's specifications and any design criteria promulgated by the Director of the Seattle Department of Transportation, allowing adequate clearance for bicycles and their riders.

9. Provide full weather protection for all required long-term bicycle parking.

### C. Location of bicycle parking

1. Long-term bicycle parking required for residential uses shall be located on-site except as provided in subsection 23.54.037.C.3.

2. Short-term bicycle parking may be provided on the lot or in an adjacent right-of-way, subject to approval by the Director of the Seattle Department of Transportation, or as provided in subsection 23.54.037.C.3.

3. Both long-term and short-term bicycle parking for residential uses may be provided off-site if within 600 feet of the residential use to which the bicycle parking is accessory and if the site of the bicycle parking is functionally interrelated to the site of the residential use to which the bicycle parking is accessory, such as within a unit lot subdivision or if the sites are connected by access easements, or if a covenant or similar property right is established to allow use of the off-site bicycle parking.

D. Long-term bicycle parking required for small efficiency dwelling units and congregate residence sleeping rooms is required to be covered for full weather protection. If the required, covered long-term bicycle parking is located inside the building that contains small efficiency dwelling units or congregate residence sleeping rooms, the space required to provide the required long-term bicycle parking shall be exempt from floor area ratio (FAR) limits. Covered long-term bicycle parking that is provided beyond the required bicycle parking shall not be exempt from FAR limits.

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

F. Except as provided in subsection 23.54.015.G, bicycle parking facilities required for nonresidential uses shall be located:

1. On the lot; or

2. For a functionally interrelated campus containing more than one building, in a shared bicycle parking facility within 600 feet of the lot; or
  3. Short-term bicycle parking may be provided in an adjacent right-of-way, subject to approval by the Director of the Seattle Department of Transportation.

G. For nonresidential uses on a functionally interrelated campus containing more than one building, both long-term and short-term bicycle parking may be located in an off-site location within 600 feet of the lot, and short-term public bicycle parking may be provided in a right-of-way, subject to approval by the Director of the Seattle Department of Transportation. The Director of the Seattle Department of Transportation may consider whether bicycle parking in the public place shall be sufficient in quality to effectively serve bicycle parking demand from the site.

H. Bicycle commuter shower facilities. Structures containing 100,000 square feet or more of office use floor area shall include shower facilities and clothing storage areas for bicycle commuters. Two showers shall be required for every 100,000 square feet of office use. They shall be available in a manner that results in equal shower access for all users. The facilities shall be for the use of the employees and occupants of the building, and shall be located where they are easily accessible to bicycle parking facilities, which may include in places accessible by elevator from the bicycle parking location.

I. Bicycle parking spaces within dwelling units or on balconies do not count toward the bicycle parking requirement, except if the bike parking spaces are located:

1. In a private garage; or
2. Within the ground floor of a dwelling unit in an attached dwelling unit.

**Table A for 23.54.037****Parking for bicycles<sup>1</sup>**

<b>Use</b>	<b>Bike parking requirements</b>	
	<b>Long-term</b>	<b>Short-term</b>
* * *		
<b>D. RESIDENTIAL USES<sup>3</sup></b>		
D.1 Assisted living facility	None	None
D.2 Congregate residences <sup>4, 5, 6</sup>	1 per 4 sleeping rooms	1 per 80 sleeping rooms. 2 spaces minimum
D.3 Permanent supportive housing	None	None
D.4 Other residential uses <sup>4, 5</sup>	1 per dwelling unit <sup>6</sup>	1 per 20 dwelling units, except none for projects with less than 20 dwelling units
<b>E. TRANSPORTATION FACILITIES</b>		
E.1 Park and ride facilities on surface parking lots	At least 20 <sup>7</sup>	At least 10
E.2 Park and ride facilities in parking garages	At least 20 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property	At least 10 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property
E.3 Flexible-use parking garages and flexible-use parking surface lots	1 per 20 auto spaces	None

**Table A for 23.54.037**  
**Parking for bicycles<sup>1</sup>**

<b>Use</b>	<b>Bike parking requirements</b>	
	<b>Long-term</b>	<b>Short-term</b>
E.4 Passenger terminals	Spaces for 5 percent of projected AM peak period daily ridership <sup>7</sup>	Spaces for 2 percent of projected AM peak period daily ridership <sup>7</sup>
E.5 Light rail transit stations	Regulated by subsection 23.80.008.L	Regulated by subsection 23.80.008.L

Footnotes to Table A for 23.54.037

<sup>1</sup> Required bicycle parking includes long-term and short-term amounts shown in this Table A for 23.54.037.

<sup>2</sup> The Director may reduce short-term bicycle parking requirements for theaters and spectator sports facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.

<sup>3</sup> For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table A for 23.54.037.

<sup>4</sup> For residential structures that are owned and operated by a not-for-profit entity serving seniors or persons with disabilities, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, as a Type I decision, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents are less likely to travel by bicycle.

<sup>5</sup> In low-income housing, there is no minimum required long-term bicycle parking requirement for each unit subject to affordability limits no higher than 30 percent of median income and long-term bicycle parking requirements may be waived by the Director as a Type I decision for each unit subject to affordability limits greater than 30 percent of median income and no higher than 80 percent of median income if a reasonable alternative is provided (e.g., in-unit vertical bike storage).

<sup>6</sup> Long-term bike parking is not required in NR zones.

<sup>7</sup> The Director, in consultation with the Director of Transportation, may require more bicycle parking spaces based on the following factors: area topography; pattern and volume of expected bicycle users; nearby residential and employment density;

**Table A for 23.54.037**  
**Parking for bicycles<sup>1</sup>**

<b>Use</b>	<b>Bike parking requirements</b>	
	<b>Long-term</b>	<b>Short-term</b>
proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.		

## 23.58A.014 Bonus residential floor area for affordable housing

\* \* \*

### B. Performance option

\* \* \*

8. Additional standards for off-site performance. If the affordable housing is not provided within the development that includes the bonus residential floor area, it may be provided off-site according to the following standards:

a. Off-site affordable housing must be provided within the South Lake Union Regional Center if the development that includes bonus residential floor area is within the South Lake Union Regional Center. If the development that includes bonus residential floor area is outside the South Lake Union Regional Center, the off-site affordable housing must be in Seattle city limits, in priority order, (1) within the same regional center or urban center as the development, (2) within one mile of the development, (3) within 0.5 mile of a light rail or bus rapid transit station, or (4) within 0.25 mile of a bus or streetcar stop.

b. The applicant shall provide to the City an irrevocable letter of credit, or other sufficient security approved by the Director of Housing, prior to issuance and as a condition of issuance of any permit after the first building permit for the development that includes the bonus residential floor area and before any permit for any construction activity other than for excavation and shoring for the development is issued, unless completion of the affordable housing has been documented to the satisfaction of the Director of Housing and the affordable housing is subject to recorded restrictions satisfactory to the Director of Housing. The letter of credit or other security shall be in an amount equal to the payment option amount calculated according to provisions in subsection 23.58A.014.C, plus an amount equal to interest on such payment. The Director of Housing is authorized to adopt, by rule, terms and conditions of such security including the amount of security and rate of annual interest, conditions on which the City shall have a right to draw on the letter of credit or other security, and terms should the City become entitled to realize on any such security.

c. Any failure of the affordable housing to satisfy the requirements of this subsection 23.58A.014.B shall not affect the right to maintain or occupy the bonus residential floor area if the Director of Housing certifies to the Director that either:

- 1) The applicant has provided the City with a letter of credit or other sufficient security pursuant to subsection 23.58A.014.B.8.b; or
- 2) There have been recorded one or more agreements or instruments satisfactory to the Director of Housing providing for occupancy and affordability restrictions on affordable housing with the minimum floor area determined

under this Section 23.58A.014, all affordable housing has been completed, and the affordable housing is on a different lot from the bonus residential floor area or is in one or more condominium units separate from the bonus residential floor area under condominium documents acceptable to the Director of Housing.

d. Unless and until the Director of Housing shall certify as set forth in subsection 23.58A.014.B.8.c, it shall be a continuing permit condition, whether or not expressly stated, for each development obtaining bonus residential floor area based on the provision of housing to which this Section 23.58A.014 applies, that the affordable housing shall be maintained in compliance with the terms of this Section 23.58A.014 and any applicable provisions of the zone, as documented to the satisfaction of the Director of Housing.

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## 23.58A.024 Bonus nonresidential floor area for affordable housing and child care

\* \* \*

### B. Performance option for housing

\* \* \*

8. Additional standards for off-site performance. If the affordable housing is not provided within the development that includes the bonus nonresidential floor area, it may be provided off-site according to the following standards:

a. If the development that includes bonus nonresidential floor area is within the South Lake Union Regional Center, the off-site affordable housing must be

located within the South Lake Union Regional Center or within one mile of the development that includes the bonus nonresidential floor area and no more than 0.25 mile from the South Lake Union Regional Center boundary. If the development that includes bonus nonresidential floor area is outside of the South Lake Union Regional Center, the off-site affordable housing must be in Seattle city limits, in priority order, (1) within the same regional center or urban center as the development, (2) within one mile of the development, (3) within 0.5 mile of a light rail or bus rapid transit station, or (4) within 0.25 mile of a bus or streetcar stop.

b. The applicant shall provide to the City an irrevocable letter of credit, or other sufficient security approved by the Director of Housing, prior to and as a condition of issuance of any permit after the first building permit for the development that includes bonus nonresidential floor area and before any permit for construction activity other than excavation and shoring is issued, unless completion of the affordable housing has been documented to the satisfaction of the Director of Housing and the affordable housing is subject to recorded restrictions satisfactory to the Director of Housing. The letter of credit or other security shall be in an amount equal to the payment option amount calculated according to provisions in subsection 23.58A.024.D, plus an amount equal to interest on such payment. The Director of Housing is authorized to adopt, by rule, terms and conditions of such security including the amount of security and rate of annual interest, conditions on which the City shall have a right to draw on the letter of credit or other security, and terms should the City become entitled to realize on any such security.

c. Any failure of the affordable housing to satisfy the requirements of this subsection 23.58A.024.B shall not affect the right to maintain or occupy the bonus nonresidential floor area if the Director of Housing certifies to the Director that either:

1) The applicant has provided the City with a letter of credit or other sufficient security pursuant to subsection 23.58A.024.B.8.b; or

2) There have been recorded one or more agreements or instruments satisfactory to the Director of Housing providing for occupancy and affordability restrictions on affordable housing with the minimum floor area determined under this Section 23.58A.024, all affordable housing has been completed, and the affordable housing is on a different lot from the bonus nonresidential floor area or is in one or more condominium units separate from the bonus nonresidential floor area under condominium documents acceptable to the Director of Housing.

d. Unless and until the Director of Housing certifies as set forth in subsection 23.58A.024.B.8.c, it shall be a continuing permit condition, whether or not expressly stated, for each development obtaining bonus nonresidential floor area based on the provision of housing to which this Section 23.58A.024 applies, that the affordable housing shall be maintained in compliance with the terms of this Section 23.58A.024 and any applicable provisions of the zone, as documented to the satisfaction of the Director of Housing.

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## 23.58A.040 Bonus floor area for open space amenities

\* \* \*

## C. Performance option

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5. Standards for open space amenities. The following standards apply to open space amenities, except as otherwise specifically stated in the provisions of the zone.

### a. Public access

1) Public access for open space amenities in downtown zones is regulated pursuant to subsection 23.58A.040.C.2.

2) Except for green street improvements, open space amenities not in downtown zones shall be open to the public, without charge, each day of the year for a minimum of ten hours each day for a neighborhood open space and for a mid-block corridor in SM-U zones in the University District Regional Center, and 24 hours each day of the year for a green street setback. The hours of public access identified above shall be during daylight hours, unless there are insufficient daylight hours, in which case the open space shall also be open during nighttime hours for the balance of the hours the open space is to remain open. Public access may be limited temporarily during hours that are otherwise required to be open to the public for necessary maintenance or for reasons of public safety.

3) Within the open space, property owners, tenants, and their agents shall allow members of the public to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as

hand billing, signature gathering, and holding signs, all without obstructing access to the space, any building, or other adjacent features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others unless the space is being closed to the general public consistent with this subsection 23.58A.040.C. No parking, storage, or other use may be established on or above the surface of the open space except as provided in subsection 23.58A.040.C.5.b.2.f. Use by motor vehicles of open space for which bonus floor area is granted is not permitted. The open space shall be identified clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the amenity. The plaque shall indicate, in letters legible to passersby, the nature of the bonus amenity, its availability for general public access, and additional directional information as needed.

b. Standards for neighborhood open space

1) Neighborhood open space in downtown zones in South Downtown is regulated pursuant to subsection 23.58A.040.C.2.

2) Neighborhood open space not in downtown zones used to qualify for bonus floor area shall meet the conditions in this subsection 23.58A.040.C.5.b.2, unless a modification is allowed by the Director as a Type I decision, based on the Director's determination that, relative to the strict application of the standards, the exception will result in improved public access and use of the space or a better integration of the space with surrounding development.

a) The open space shall comply with the applicable provisions of this Section 23.58A.040. The open space shall consist of one continuous area with a minimum of 3,000 square feet and a minimum horizontal dimension of 10 feet.

b) A minimum of 35 percent of the open space shall be landscaped with grass, ground cover, bushes, and/or trees.

c) Either permanent or movable seating in an amount equivalent to 1 lineal foot for every 200 square feet of open space shall be available for public use during hours of public access.

d) The open space shall be located and configured to maximize solar exposure to the space, allow easy access from streets or other abutting public spaces, including access for persons with disabilities, and allow convenient pedestrian circulation through all portions of the open space. The open space shall have a minimum frontage of 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

e) The open space shall be provided at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected and accessible to persons with disabilities.

f) Up to 20 percent of the open space may be covered by elements accessory to public use of the open space, including: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features

approved by the Director that contribute to pedestrian comfort and active use of the space. The following elements within the open space area may count as open space and are not subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to public areas and are available for public use, and any similar features approved by the Director. Seating or tables, or both, may be provided and reserved for customers of restaurants or other uses abutting the open space, but the area reserved for customer seating shall not exceed 15 percent of the open space area or 500 square feet, whichever is less.

c. Standards for green street setbacks

1) Green street setbacks in downtown zones in South Downtown are regulated pursuant to subsection 23.58A.040.C.2.

2) Green street setbacks in downtown zones outside South Downtown are regulated pursuant to Section 23.49.013.

3) Green street setbacks not in downtown zones shall meet the following standards:

a) Where permitted by the provisions of the zone, bonus floor area may be gained for green street setbacks by development on lots abutting those street segments that are listed or shown as green streets in the provisions of the zone.

b) A green street setback shall be provided as a setback from a lot line abutting a designated green street. The setback shall be continuous for the length of the frontage of the lot abutting the green street, and a minimum of 50 percent of

the setback area shall be landscaped. The area of any driveways in the setback area is not included in the bonusable area. For area eligible for a bonus, the average setback from the abutting green street lot line shall not exceed 10 feet, with a maximum setback of 15 feet. The design of the setback area shall allow for public access, such as access to street-level uses in abutting structures or access to areas for seating. The Director may approve a modification to the standards in this subsection 23.58A.040.C.5.c.3.b as a Type I decision, based on the Director's determination that the modification is consistent with a green street concept plan, if one exists, established in accordance with Director's Rule 11-2007, or a successor rule.

d. Standards for green street improvement. Green street improvements used to qualify for bonus floor area shall be located on a designated green street and shall meet the standards of a city-approved streetscape concept plan or other design document approved by the Director.

e. Standards for mid-block corridor

1) Mid-block corridors used to qualify for bonus floor area in downtown zones in South Downtown are regulated pursuant to subsection 23.58A.040.C.2.

2) Mid-block corridors used to qualify for bonus floor area in the Mount Baker Station Area must meet the requirements in the Downtown Amenity Standards.

3) Mid-block corridors used to qualify for bonus floor area in the SM-U zones within the University District Regional Center shall meet the applicable

requirements of this subsection 23.58A.040.C and the requirements of subsection 23.48.640.E.

f. Standards for hillside terraces. A hillside terrace used to qualify for bonus floor area in South Lake Union Regional Center or in downtown zones in South Downtown is regulated pursuant to subsection 23.58A.040.C.2.

g. Declaration. If open space is to be provided for purposes of obtaining bonus floor area, the owners of the lot using the bonus floor area, and of the lot where the open space is provided, if different, shall execute and record a declaration and voluntary agreement in a form acceptable to the Director identifying the bonus amenities; acknowledging that the right to develop and occupy a portion of the gross floor area on the lot using the bonus floor area is based upon the long-term provision and maintenance of the open space and that development is restricted in the open space; and committing to provide and maintain the open space.

h. Identification

1) Open space amenities in downtown zones in South Downtown shall meet the identification conditions of the Downtown Amenity Standards.

2) Open space amenities not in downtown zones shall be identified clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the amenity. The plaque shall indicate, in letters legible to passersby, the nature of the bonus amenity, its availability for general public access, and additional directional information as needed.

i. Duration; alteration. Except as provided for in this subsection

23.58A.040.C.5.i, the owners of the lot using the bonus floor area and of the lot where the open space amenity is located, if different, including all successors, shall provide and maintain the open space amenities for which bonus floor area is granted, in accordance with the applicable provisions of this Section 23.58A.040, for as long as the bonus floor area gained by the open space amenities exists. An open space amenity for which bonus floor area has been granted may be altered or removed only to the extent that either or both of the following occur, and alteration or removal may be further restricted by the provisions of the zone and by conditions of any applicable permit:

1) The bonus floor area permitted in return for the specific open space amenity is removed or converted to a use for which bonus floor area is not required under the provisions of the zone; or

2) An amount of bonus floor area equal to that allowed for the open space amenity that is to be altered or removed is provided through alternative means consistent with the provisions of the zone and provisions for allowing bonus floor area in this Chapter 23.58A.

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

\* \* \*

F. Standards for vulnerable masonry structure TDR or TDP sending lots. Within the portion of the University District Regional Center west of 15th Avenue NE or within the

Uptown Regional Center, TDR and TDP may be transferred from lots that comply with the following conditions:

1. The sending lot is located in the University District Regional Center west of 15th Avenue NE and is in an SM-U, NC3, or NC3P zone with a mapped height limit of 55 feet or greater, or is located in the Uptown Regional Center and is in an SM-UP, MR, LR3, or C2 zone;
2. The lot includes a structure that contributes to the historic architectural context of the neighborhood and is identified as such in the Department of Neighborhoods' (DON) Historic Resource Survey, and is also identified on a list of structures meeting specific criteria in a rule promulgated by the Director according to Section 23.48.627; and
3. The qualifying structure on the sending lot shall be retained as follows for a minimum of 50 years:
  - a. The structure is rehabilitated and maintained to comply with all codes applicable to seismic retrofitting of vulnerable masonry structures;
  - b. All exterior facades shall be retained; except that portions of a new structure may abut facades that are not street-facing facades or that set back a minimum of 30 feet from a street lot line that is generally parallel to the facade, and connections between the new structure and the facades of the retained structure are allowed; and
  - c. Additions or alterations to the structure that extend the useful physical life or economic viability of the structure are permitted, provided that:
    - 1) The additions do not significantly alter the original structural system or result in significant alterations to any historic or architectural characteristics of

the exterior appearance of the structure as documented in the DON Historic Resource Survey, except as may be required to comply with applicable codes; and

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

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

5. For transfers of vulnerable masonry structure TDR and TDP, the owner of the sending lot shall execute and record an agreement with the City, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director for good cause, that provides for the maintenance of the required structure on the sending lot for a minimum of 50 years. Such agreement shall commit to limits on additions and modifications to the structure consistent with the provisions of this subsection 23.58A.042.F and that are approved by the Director.

\* \* \*

## 23.58B.040 Mitigation of impacts – Payment option

\* \* \*

### B. Deposit and use of cash contributions

1. Cash contributions shall be deposited by the Director of Housing in a special account established solely for preservation and production of housing affordable for renter households with incomes no higher than 60 percent of median income and for owner households with incomes no higher than 80 percent of median income. Earnings on balances in the special account shall accrue to that account.

2. Use of cash contributions shall support the preservation and production of renter-occupied housing within Seattle, or the preservation and production of ownership housing within Seattle, as follows. Rental housing supported by the cash contributions shall be rent- and income-restricted to serve households with incomes no higher than 60 percent of median income for a minimum period of 50 years, with an expectation of ongoing affordability. At least five percent of total cash contributions on a yearly basis shall be dedicated to capital expenditures for development of ownership housing. Ownership housing supported by the cash contributions shall be priced to serve and sold to households with incomes no higher than 80 percent of median income, with resale restrictions for a minimum period of 50 years, with an expectation of ongoing affordability.

3. For purposes of determining the location for use of cash contributions, the City shall consider the extent to which the housing advances the following factors:

- a. Affirmatively furthering fair housing choice;
- b. Locating within a regional center or an urban center;
- c. Locating in proximity to frequent bus service or current or planned light rail or streetcar stops;

d. Furthering City policies to promote economic opportunity and community development and addressing the needs of communities vulnerable to displacement; and

e. Locating near developments that generate cash contributions.

4. Each cash contribution shall be expended within five years of collection.

Any cash contribution not so expended shall be refunded with any interest required by law.

\* \* \*

## 23.58B.050 Mitigation of impacts – Performance option

\* \* \*

C. Additional performance standards. In addition to meeting the standards in subsection 23.58B.050.B, MHA-C units located on a site other than the same lot as the development required to mitigate affordable housing impacts according to this Chapter 23.58B shall meet the following additional standards:

1. Equal or better mitigation. The applicant shall demonstrate to the satisfaction of the Director of Housing that affordable housing impact mitigation provided through the performance option on a site other than the same lot as the development required to mitigate affordable housing impacts according to this Chapter 23.58B is equal to or better than mitigation provided through performance on the same lot.

2. Location. MHA-C units provided on a site other than the same lot as the development required to mitigate affordable housing impacts according to this Chapter 23.58B shall be located:

- a. Within the same regional center or urban center as the development required to mitigate affordable housing impacts according to this Chapter 23.58B; or
- b. Within one mile of the development required to mitigate affordable housing impacts according to this Chapter 23.58B if such development is located outside of a regional center or an urban center.

3. Developer's agreement. If the owner of the development required to mitigate affordable housing impacts according to this Chapter 23.58B is not the owner of the MHA-C units, then in addition to the agreement required according to subsection 23.58B.050.B.17, the owner of the development required to mitigate affordable housing impacts according to this Chapter 23.58B and the owner of the MHA-C units shall execute a developer's agreement, acceptable to the Director of Housing, allowing the exclusive use of the MHA-C units to satisfy the requirements of this Chapter 23.58B in return for necessary and adequate financial support to the development of the MHA-C units.

4. Letter of credit

- a. If the MHA-C units are located on a site other than the same lot as the development required to mitigate affordable housing impacts according to this Chapter 23.58B, the owner of the development required to mitigate affordable housing impacts according to this Chapter 23.58B shall provide to the Director of Housing an irrevocable bank letter of credit, approved by the Director of Housing, in the amount according to subsection 23.58B.040.A.

b. The Director of Housing may draw on the letter of credit one year after the date of issuance of the certificate of occupancy, or, if a certificate of occupancy is not required, the final building permit inspection, for the development required to mitigate affordable housing impacts according to this Chapter 23.58B if the certificate of occupancy or final building permit inspection for the MHA-C units has not been issued on or before that date. The owner of the development required to mitigate affordable housing impacts according to this Chapter 23.58B shall also pay an amount equal to the interest on the cash contribution, at the rate equal to the prime rate quoted by Bank of America, or its successor, plus three percent per annum, from the date of issuance of the first building permit that includes the structural frame for the development required to mitigate affordable housing impacts according to this Chapter 23.58B.

c. If and when the City becomes entitled to draw on any letter of credit, the Director of Housing may take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions according to subsection 23.58B.040.B.

\* \* \*

## 23.58C.040 Affordable housing – Payment option

### A. Payment amount

1. An applicant complying with this Chapter 23.58C through the payment option shall provide a cash contribution to the City, calculated by multiplying the payment calculation amount per square foot according to Table A or Table B for 23.58C.040 and Map A for 23.58C.050, as applicable, by the total gross floor area in the development,

excluding the floor area of parking located in stories, or portions of stories, that are underground, excluding the floor area contained in any accessory dwelling units, and excluding any floor area devoted to a domestic violence shelter, as follows:

- a. In the case of construction of a new structure, the gross floor area in residential use and the gross floor area of live-work units;
- b. In the case of construction of an addition to an existing structure that results in an increase in the total number of units within the structure, the gross floor area in residential use and the gross floor area of live-work units in the addition;
- c. In the case of alterations within an existing structure that result in an increase in the total number of units within the structure, the gross floor area calculated by dividing the total gross floor area in residential use and gross floor area of live-work units by the total number of units in the proposed development, and multiplying that quotient by the net increase in units in the development;
- d. In the case of change of use that results in an increase in the total number of units, the gross floor area that changed to residential use or live-work units; or
- e. Any combination of the above.

<b>Table A for 23.58C.040</b>	
<b>Payment calculation amounts:</b>	
<b>In Downtown, SM-SLU, SM-U 85, and SM-NG zones</b>	
Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	Not applicable
DH2/75	\$16.85
DH2/85	Not applicable
DMC 75	\$16.85
DMC 85/75-170	\$27.42

DMC 95	\$16.85
DMC 145	\$15.95
DMC 170	\$7.27
DMC 240/290-440	\$10.90
DMC 340/290-440	\$10.90
DMR/C 75/75-95	\$27.42
DMR/C 75/75-170	\$27.42
DMR/C 95/75	\$16.85
DMR/C 145/75	\$13.53
DMR/C 280/125	\$15.95
DMR/R 95/65	\$16.85
DMR/R 145/65	\$13.53
DMR/R 280/65	\$15.95
DOC1 U/450-U	\$15.86
DOC2 500/300-550	\$13.55
DRC 85-170	\$13.22
IDM-65-150	Not applicable
IDM-75-85	Not applicable
IDM 85/85-170	\$27.42
IDM 165/85-170	\$27.42
All IDR and IDR/C zones	\$27.42
PMM-85	Not applicable
All PSM zones	Not applicable
SM-NG 145	\$16.04
SM-NG 240	\$24.21
SM-SLU 85/65-160	Not applicable
SM-SLU 85-280	\$13.22
SM-SLU 100/95	\$9.91
SM-SLU 100/65-145	\$10.24
SM-SLU 145	\$10.24
SM-SLU 175/85-280	\$13.22
SM-SLU 240/125-440	\$13.22
SM-SLU/R 65/95	\$16.85
SM-U 85	\$17.51

**Table B for 23.58C.040**

**Payment calculation amounts:**

**Outside Downtown, SM-SLU, SM-U 85, and SM-NG zones**

Zone	Payment calculation amount per square foot		
	Low	Medium	High

Zones with an (M) suffix	\$9.25	\$17.25	\$27.42
Zones with an (M1) suffix	\$14.87	\$26.43	\$39.31
Zones with an (M2) suffix	\$16.52	\$29.40	\$43.28

2. Automatic adjustments to payment amounts. The amounts for payment calculations according to Table A and Table B for 23.58C.040 shall automatically adjust annually on March 1, starting in 2024, by an amount in proportion to the increase, if any, for January 1 through December 31 of the prior calendar year, in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bellevue, WA, Shelter (1982-84=100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

#### B. Use of cash contributions

1. The Director of Housing shall be authorized to accept all cash contributions on behalf of the City. Cash contributions shall be deposited by the Director of Housing in a special account and shall be used for purposes authorized by RCW 36.70A.540. Earnings on balances in the special account shall accrue to that account. At least five percent of total cash contributions on a yearly basis shall be dedicated to support ownership housing.

#### 2. Income levels

a. Rental housing supported by cash contributions shall be rent- and income-restricted to serve households with incomes no greater than 60 percent of median income for a minimum period of 50 years, with an expectation of ongoing affordability.

b. Ownership housing supported by cash contributions shall be priced to serve and sold to households with incomes no greater than 80 percent of median income for a minimum period of 50 years, with an expectation of ongoing affordability.

3. Location. For purposes of determining the location for use of cash contributions, the City shall consider the extent to which the housing supported by cash contributions advances the following factors:

- a. Affirmatively furthering fair housing choice;
- b. Locating within a regional center or urban center;
- c. Locating in proximity to frequent bus service or current or planned light rail or streetcar stops;
- d. Furthering City policies to promote economic opportunity and community development and addressing the needs of communities vulnerable to displacement; and
- e. Locating near developments that generate cash contributions.

\* \* \*

### 23.58C.050 Affordable housing – Performance option

\* \* \*

C. Performance requirements. MHA-R units provided to comply with this Chapter 23.58C through the performance option shall meet the following requirements:

\* \* \*

8. Additional requirements for MHA-R units provided through the performance option on a site other than the same lot as the development required to comply with this Chapter 23.58C

- a. Equal or better - comparability of units. The applicant shall demonstrate to the satisfaction of the Director of Housing that MHA-R units on a site other

than the same lot as the development required to comply with this Chapter 23.58C are equal to or better than MHA-R units on the same lot.

b. Location. MHA-R units on a site other than the same lot as the development required to comply with this Chapter 23.58C shall be located in a Lowrise or RSL zone. In addition, units shall be located:

- 1) Within the same regional center or urban center as the development required to comply with this Chapter 23.58C; or
- 2) Within 1 mile of the development required to comply with this Chapter 23.58C if such development is located outside of a regional center or urban center.

c. Tenure. MHA-R units on a site other than the same lot as the development required to comply with this Chapter 23.58C shall be ownership units and shall comply with all additional requirements for ownership units according to subsection 23.58C.050.C.7.

d. Public subsidy. If any public subsidy is used for a development, and the public subsidy operates through subjecting units in the development to restrictions on the income levels of occupants and the rents or sale prices that may be charged, the development shall not be eligible to provide units through the performance option according to this subsection 23.58C.050.C.8.

e. Developer's agreement. If the owner of the development required to comply with this Chapter 23.58C is not the owner of the MHA-R units, then in addition to the agreement required according to subsection 23.58C.050.E, the owner of the

development required to comply with this Chapter 23.58C and the owner of the MHA-R units shall execute a developer's agreement, acceptable to the Director of Housing, allowing the exclusive use of the MHA-R units to satisfy the requirements of this Chapter 23.58C in return for necessary and adequate financial support to the development of those MHA-R units.

f. Letter of credit

1) If the MHA-R units are located on a site other than the same lot as the development required to comply with this Chapter 23.58C, the owner of the development required to comply with this Chapter 23.58C shall provide to the Director of Housing an irrevocable bank letter of credit, approved by the Director of Housing, in the amount according to subsection 23.58C.040.A.

2) The Director of Housing may draw on the letter of credit one year after the date of issuance of the certificate of occupancy, or, if a certificate of occupancy is not required, the final building permit inspection, for the development required to comply with this Chapter 23.58C if the certificate of occupancy or final building permit inspection for the MHA-R units has not been issued on or before that date. The owner of the development required to comply with this Chapter 23.58C shall also pay an amount equal to the interest on the cash contribution, at the rate equal to the prime rate quoted by Bank of America, or its successor, plus three percent per annum, from the date of issuance of the first building permit that includes the structural frame for the development required to comply with this Chapter 23.58C.

3) If and when the City becomes entitled to draw on any letter of credit, the Director of Housing may take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions according to subsection 23.58C.040.B.

\* \* \*

## 23.60A.156 Standards for environmentally critical areas in the Shoreline District

\* \* \*

### K. Subdivisions and short subdivisions

1. The standards for short subdivisions and subdivisions in Section 25.09.240 incorporated by reference into this Chapter 23.60A apply to short subdivisions and subdivisions in the Shoreline District, except as provided in subsections 23.60A.156.K.2 and 23.60A.156.K.3.

2. Subsection 25.09.240.B does not apply. Parcels shall be divided so that each lot contains an area for the principal structure, all accessory structures, and necessary walkways and access for this area that are outside the riparian corridor, wetlands, wetland buffers, and steep slope areas and buffers, except as follows:

a. Development on upland lots may be located on steep slope areas that have been created through previous legal grading activities, including rockeries or retaining walls resulting from rights-of-way improvements, if steep slope erosion is not increased as determined by the Director based on a geotechnical report; and

b. Development on upland lots may be located on steep slope areas that are less than 20 feet in vertical rise and that are 30 feet or more from other steep slope areas, if steep slope erosion is not increased as determined by the Director based on a geotechnical report.

3. Subsection 25.09.240.D does not apply. In computing the number of lots a parcel in a single-family zone may contain, the Director shall exclude easements and/or fee simple property used for shared vehicular access to proposed lots that are required under Section 23.53.005.

L. Reserved.

\* \* \*

## 23.66.030 Certificates of Approval – Application, review, and appeals

\* \* \*

D. Review

1. Review when no special review board is established

a. When there is no special review board, the Department of Neighborhoods Director shall, within 30 days of a determination that an application for a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within 15 additional days, issue, issue with conditions, or deny the requested certificate of approval.

b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision also shall be provided to any

person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

2. Review when special review board is established

a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.

b. Notice of the board's public meeting shall be posted in two prominent locations in the district at least three days prior to the meeting.

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this Chapter 23.66, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within 30 days of the receipt of a completed application by the board staff, except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits that are under review by the Seattle Department of Construction and Inspections.

d. The Department of Neighborhoods Director shall, within 15 days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.

e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. Notwithstanding any contrary provision of Section 23.66.020 or Title 23, applications for certificates of approval for the following items shall be subject to the process in subsection 23.66.030.D.1 rather than the process in subsection 23.66.030.D.2:

a. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels (including photovoltaic panels), weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical, or telecommunication elements necessary for the normal operation of the site, building, or structure.

b. Installation, removal, or alteration of minor communication utility equipment on rooftops or streetlight poles, when the location does not have impacts on other historic resources and otherwise complies with the City Design Guidelines for minor communication utilities.

c. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, or security system equipment.

d. Installation, removal, or alteration of exterior or interior signage.

e. Installation, removal, or alteration of awnings or canopies.

f. Installation, removal, or alteration of window treatments, including but not limited to blinds, curtains, shades, or window film.

g. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.

h. Alteration to exterior paint colors and other finishes when painting a previously painted or otherwise finished material.

i. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.

j. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.

k. Installation, removal, or alteration of fences, gates, and barriers.

l. Right-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.

m. Repaving and restriping of existing asphalt paved areas not within public rights-of-way.

n. Installation of improvements for accessibility compliance.

o. Installation, removal, or alteration of fire and life safety equipment.

p. Temporary emergency alterations, if the proposed replacement material used is compatible with the historic building fabric.

q. Change of use, establishment of a new use, or expansion of use, if use is a preferred use per Chapter 23.66 or applicable district rules.

r. Replacement of non-original doors and windows within original openings, when the design intent is consistent with the Secretary of the Interior's Standards for Rehabilitation.

s. Revisions to a previously approved certificate of approval, where the design revisions are sympathetic to and do not destroy historic building materials.

t. Alterations or changes to accommodate seismic improvements.

4. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this Subchapter I and adopted use and development standards for the district.

5. Essential public facilities. No certificate of approval may be denied or conditioned in a manner that would preclude the siting of an essential public facility as provided in Chapter 23.80.

\* \* \*

## 23.69.022 Uses permitted within 2,500 feet of a Major Institution Overlay District

A. A Major Institution shall be permitted to lease space, or otherwise locate a use outside a Major Institution Overlay (MIO) District, and within 2,500 feet of the MIO District boundary, subject to the following limitations:

1. The provisions of this Section 23.69.022 shall not apply to contractual arrangements with other entities, except for leases or other agreements for occupying space.

2. No such use shall be allowed at street level in a commercial zone, unless the use is determined to be similar to a general sales and service use, eating and drinking establishment, major durables retail sales, entertainment use, or child care center and is allowed in the zone. If the use is allowed in the zone but is determined not to be similar to a general sales and service use, eating and drinking establishment, major durables retail sales, entertainment use, or child care center, the Director may not allow the use at street level in a commercial zone unless provided otherwise in an adopted master plan or in a Council-approved subarea plan;

3. Except as permitted in an adopted master plan, the use shall not result in the demolition of a structure(s) that contains a residential use nor shall it change a residential use to a nonresidential use.

4. The use(s) shall conform to the use and development standards of the applicable zone.

5. The use shall be included in the Major Institution's approved Transportation Management Program if it contains students or employees of the Major Institution.

6. If a Master Use Permit is required for the use, the Director shall notify the Advisory Committee of the pending permit application and the committee shall be given the opportunity to comment on the impacts of the proposed use.

\* \* \*

C. A Major Institution that leases space or otherwise locates a use in a downtown zone shall not be subject to the limitations established in subsection 23.69.022.A or 23.69.022.B with respect to that space or use, except that subsections 23.69.022.A.3 and 23.69.022.A.4 shall apply.

\* \* \*

Section 100. Section 23.69.026 of the Seattle Municipal Code, last amended by Ordinance 126626, is amended as follows:

### **23.69.026 Determination to prepare a master plan**

\* \* \*

C. A Major Institution with an adopted master plan that is not subject to subsection 23.69.026.B shall be required to prepare a new master plan in the following circumstances:

1. The Major Institution proposes to increase the total amount of gross floor area allowed or the total number of parking spaces allowed within the MIO District, except if a proposed change to a master plan involves:

a. Construction of a one-time single development per master plan period owned or affiliated with an educational Major Institution that is part of the Washington State Community and Technical Colleges system; and

b. A property located within a regional center; and

c. A development that includes residential uses not exceeding 550 sleeping rooms, composed of dormitory, congregate housing, or other housing opportunities for students or employees of the Major Institution; or

2. A master plan has been in effect for at least ten years and the institution proposes to expand the MIO District boundaries; or

3. A master plan has been in effect for at least ten years and the institution proposes an amendment to the master plan that is determined to be major according to the provisions of Section 23.69.035, and the Director determines that conditions have changed significantly in the neighborhood surrounding the Major Institution since the master plan was adopted.

\* \* \*

## 23.69.035 Changes to master plan

\* \* \*

D. Minor amendments. A proposed change to an adopted master plan shall be considered and approved as a minor amendment when it is not an exempt change according to subsection 23.69.035.B, when it is consistent with the original intent of the adopted master plan (except as provided in this subsection 23.69.035.D), and when it meets at least one of the following criteria:

1. The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or
2. The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and

the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or

3. The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO District, and within 2,500 feet of the MIO District boundary, and the use is allowed in the zone but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:

- a. Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and
- b. Whether the use will maintain or enhance the viability or long-term potential of the neighborhood-serving character of the area, and
- c. Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and
- d. If the area is located in a regional center with an adopted subarea plan, whether the use supports goals and objectives in the regional center subarea plan.

4. The amendment would accommodate a single development with residential uses composed of housing for students or employees of the Major Institution, that is consistent with criteria in subsection 23.69.026.C.1, and that either was not anticipated by or is in excess of what was anticipated in an adopted master plan. This kind of amendment could occur only one time per the lifetime of an adopted master plan. The

floor area of said residential use, uses accessory thereto, and nonresidential uses such as required street-level uses shall be exempted from the calculation of total development capacity of the Major Institution overlay, and shall be excluded from calculation of Floor Area Ratio and not counted against the Major Institution's development program permitted floor area for the campus.

E. Major amendments. A proposed change to an adopted master plan shall be considered a major amendment when it is not an exempt change according to subsection 23.69.035.B or a minor amendment according to subsection 23.69.035.D. In addition, any of the following shall be considered a major amendment:

1. An increase in a height designation or the expansion of the boundary of the MIO District; or
2. Any change to a development standard that is less restrictive, except if a proposed change relates to providing housing affiliated with certain educational Major Institutions as identified in subsection 23.69.026.C.1; or
3. A reduction in housing stock outside the boundary but within 2,500 feet of the MIO District, other than within a downtown zone, that exceeds the level approved in an adopted master plan; or
4. A change to the single-occupancy vehicle goal of an approved transportation management program that increases the percentage of people traveling by single-occupancy vehicle; or

5. A use that requires Council Conditional Use approval, including but not limited to a helistop or a major communication utility, that was not described in an adopted master plan; or

6. The update of an entire development program component of a master plan that was adopted under Land Use Code provisions prior to Ordinance 118362 where the institution proposes an increase to the total amount of gross floor area allowed or the total number of parking spaces allowed under the institution's existing development program component within the MIO District. Changes to a development program relating to an action described in subsection 23.69.035.D.4 shall not be considered a development program update of this kind.

\* \* \*

### **23.71.020 Development Agreements**

Development Agreements may be proposed for development within the Northgate Overlay District pursuant to chapter 36.70B RCW. In determining whether to approve a Development Agreement, the Council shall consider the extent to which the proposed development or redevelopment:

- A. Contributes toward meeting the Northgate Regional Center housing targets;
- B. Coordinates approaches to transportation planning and traffic analysis with surrounding properties and the City, with the goal of reducing use of single-occupant vehicles and reducing or minimizing pedestrian and vehicular conflicts and other potential negative traffic impacts on neighborhoods;

C. Proposes improvements to the street-level environment and circulation for pedestrians, including coordination with area-wide pedestrian circulation and open space plans such as the 5th Avenue Streetscape Design Plan;

D. Includes natural drainage strategies such as those described in the Thornton Creek Five-Year Action Agenda and "Refining Our Choices" for Northgate; and

E. Incorporates sustainable design and green building practices in the proposed development.

\* \* \*

### **23.72.008 Uses permitted in specified areas within the Sand Point Overlay District**

\* \* \*

B. Uses permitted within portions of Subarea B depicted on Map A for 23.72.008

1. Principal uses permitted outright. In addition to the principal uses permitted by the provisions of Section 23.44.020, the following principal uses are permitted outright in Subarea B as depicted on Map A for 23.72.004, subject to subsection 23.72.008.B.4:

- a. Custom and craft work;
- b. Dry boat storage, limited to storage of non-motorized, hand-launchable boats such as kayaks, canoes, and sail boats;
- c. Indoor and outdoor sports and recreation;
- d. Institutions, except hospitals;
- e. Lecture and meeting halls;

f. Motion picture theater not to exceed 500 seats within Building 47;

g. Offices, limited to a total of 86,000 gross square feet in the entire subarea;

h. Performing arts theaters;

i. Research and development laboratories;

j. Restaurants without drive-in lanes, limited to no more than 2,500 square feet per business establishment;

k. Storage of fleet vehicles including accessory service and repair;

l. Warehouses; and

m. General retail sales and service, up to 6,000 square feet per business establishment.

2. Accessory uses. Accessory uses that meet the following standards and that are customarily incidental to the principal uses permitted outright, are permitted outright:

a. The area devoted to the accessory use is limited no more than 20 percent of the gross floor area of the principal use it serves;

b. Only principal uses permitted by this Section 23.72.008 and by the applicable provisions of Chapter 23.60A are allowed as accessory uses.

3. When not in use as a motion picture studio, a structure with an established use as a motion picture studio as of July 18, 1997, may be used for indoor and outdoor sports and recreation.

4. Any area not occupied by structures in existence as of July 18, 1997, paved parking areas in existence as of July 18, 1997, or rights-of-way in existence as of July 18, 1997, is limited to open space, dry boat storage or recreation uses.

\* \* \*

## 23.74.002 Purpose, intent, and description of the Overlay District—Rezone requirement—Rezone criteria

A. Purpose and intent. The purpose of this Chapter 23.74 is to implement the City's Comprehensive Plan, including the subarea plan for the Greater Duwamish Manufacturing and Industrial Center, by establishing a Stadium Transition Area Overlay District for the area shown on Map A for 23.74.004. The Stadium Transition Area centers on large sports facilities and allows uses complementary to them. It is intended to contribute to a safer pedestrian environment for those attending events and permits a mix of uses, supporting the pedestrian-oriented character of the area as well as the surrounding industrial zone, while minimizing conflicts with industrial uses. Within the Overlay District, use provisions and development standards are designed to: create a pedestrian connection with downtown; discourage encroachment on nearby industrial uses to the south; and create a pedestrian-friendly streetscape. Allowing a mix of uses, including office development, restaurants, lodging, residential uses, and maker uses and arts, is intended to encourage redevelopment and to maintain the health and vibrancy of the area during times when the sports facilities are not in operation.

\* \* \*

## 23.75.180 Parking

A. Parking is regulated by this Section 23.75.180 and not by Sections 23.54.015 or 23.54.016 or subsections 23.54.030.A or 23.54.030.B, except for bicycle parking, which is required pursuant to Section 23.54.037. Parking maximums in this Section 23.75.180 do not include parking for dwelling units existing as of January 1, 2012, so long as those units exist.

B. There is no minimum requirement for parking spaces for motor vehicles.

Maximum motor vehicle parking space limits are as follows:

1. For the NW Sector, parking shall not exceed 1,350 spaces, plus 0.7 spaces per dwelling unit or live-work unit in the sector, except that up to an additional 450 parking spaces may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of parking demand for nonresidential uses and alternative means of transportation, including but not limited to the following:

- a. Whether the additional parking will substantially encourage the use of single occupancy vehicles;
- b. Characteristics of the work force and employee hours, such as multiple shifts that end when transit service is not readily available;
- c. Proximity of transit lines to the lot and headway times of those lines;

- d. Whether the additional parking will adversely affect vehicular and pedestrian circulation in the area; and
- e. Potential for shared use of additional parking as residential or short-term parking.

2. For the NE, SE, and SW Sectors, Table A for 23.75.180 establishes maximum parking allowed based on the uses on a lot, subject to any transfer of unused parking allowance between lots in the same sector under Section 23.75.040.

<b>Table A for 23.75.180</b> <b>Maximum motor vehicle parking limits for NE, SE, and SW sectors</b>	
<b>Use</b>	<b>Maximum parking allowed <sup>1</sup></b>
Residential	0.7 spaces/dwelling unit or live-work unit <sup>2</sup>
Office	1 space/1,000 square feet of gross floor area
All other uses	1 space/500 square feet of gross floor area

**Footnote to Table A for 23.75.180**

<sup>1</sup> Based on the development of one or more uses on the lot where the parking is located, subject to any transfer of unused allowance between lots in the same sector under Section 23.75.040.

<sup>2</sup> One additional space beyond this maximum limit shall be allowed for each dwelling unit with three or more bedrooms.

- C. Barrier-free parking is required consistent with Seattle Building Code requirements.
- D. For purposes of this Section 23.75.180, all parking is classified as "surface parking," as defined in Section 23.84A.030, or as "aboveground," "partially underground," or "underground," as shown in Exhibit A for 23.75.180 and described as follows:

1. "Aboveground parking" means any portion of a parking garage where:
  - a. The structure projects more than 4 feet in height above finished grade within 30 feet of a build-to line or reduced setback area; or

b. The structure projects more than 6 feet in height above finished grade in any other location.

2. "Partially underground parking" means any portion of a parking garage where:

a. The structure projects 4 feet or less in height above finished grade within 30 feet of a build-to line or reduced setback area; or

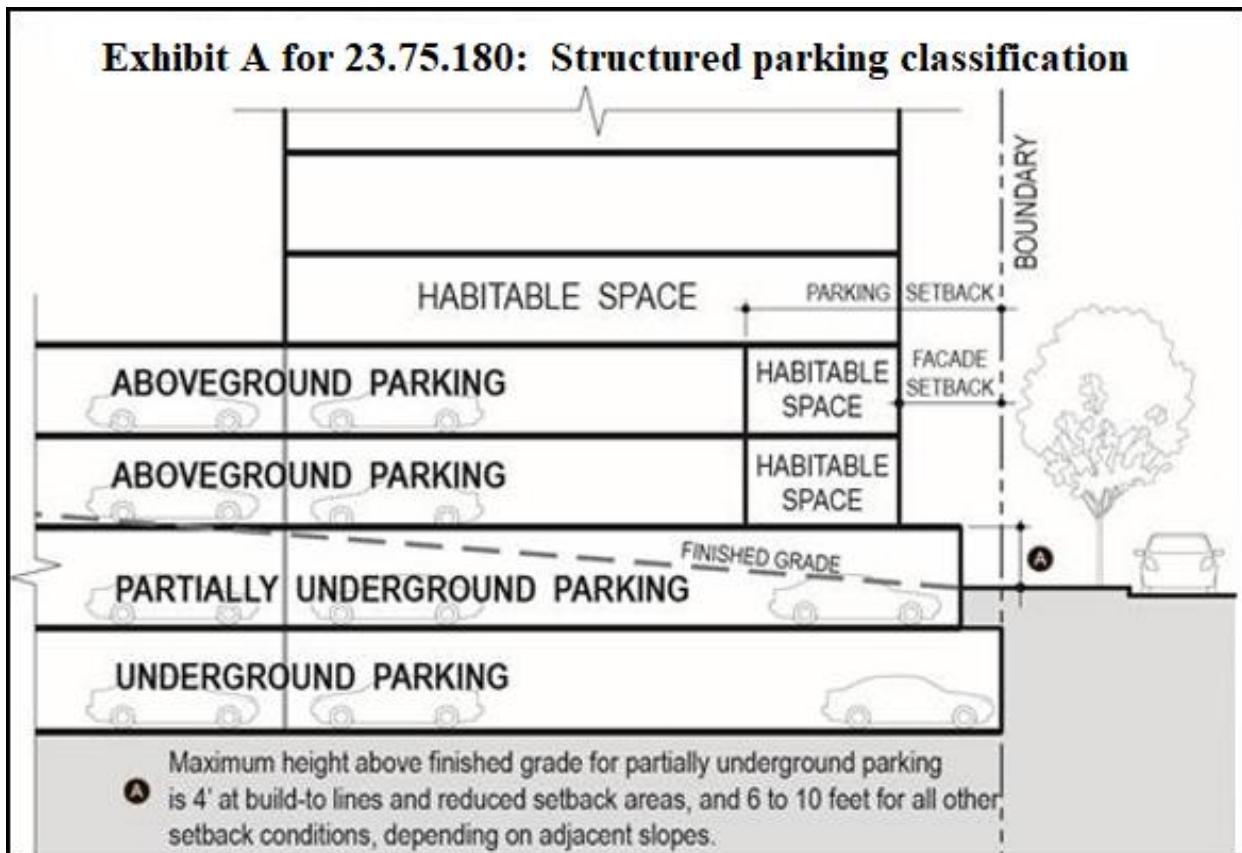
b. The structure projects 6 feet or less in height above finished grade along any other location where the grade along the boundary has a slope of less than six percent; or

c. The structure projects 10 feet or less in height above finished grade along any other location where the grade along the boundary has a slope of six percent or greater.

3. "Underground parking" means a story of parking garage where all floor area, walls, and ceiling structure are entirely below finished grade, excluding access.

Exhibit A for 23.75.180

**Structured parking classification**



\* \* \*

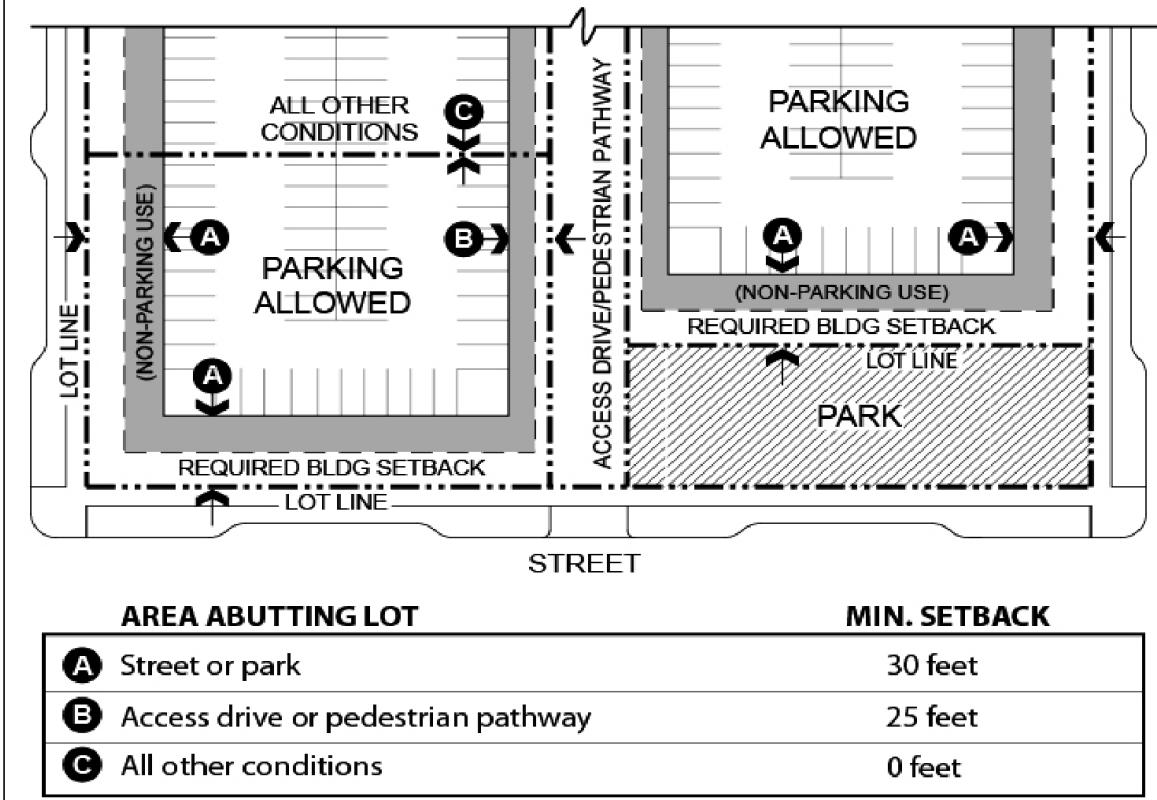
F. Aboveground parking is subject to the following requirements:

1. Minimum setbacks for aboveground parking are established in Exhibit B for 23.75.180. No parking setbacks are required from lot lines abutting the Interstate 5 right-of-way.

Exhibit B for 23.75.180

**Aboveground parking setbacks**

**Exhibit B for 23.75.180**  
**Aboveground parking setbacks**



2. Parking within 50 feet of a street, park that is open to the public, access drive, or pedestrian pathway may not exceed three levels of aboveground parking.
3. Aboveground parking and loading areas shall be separated from each regulated facade by a normally occupied use along at least 80 percent of the width of the regulated facade, except where parking access and/or loading access occurs. The remaining part of the facade shall include architectural detailing, artwork, vegetated walls, or other landscape features, with an opaque screen at least 3.5 feet high on each story.

4. If aboveground parking or an aboveground loading area abuts any facade other than a regulated facade, that facade shall be enhanced with architectural detailing,

artwork, vegetated walls, or other landscape features. Each story shall have an opaque screen at least 3.5 feet high.

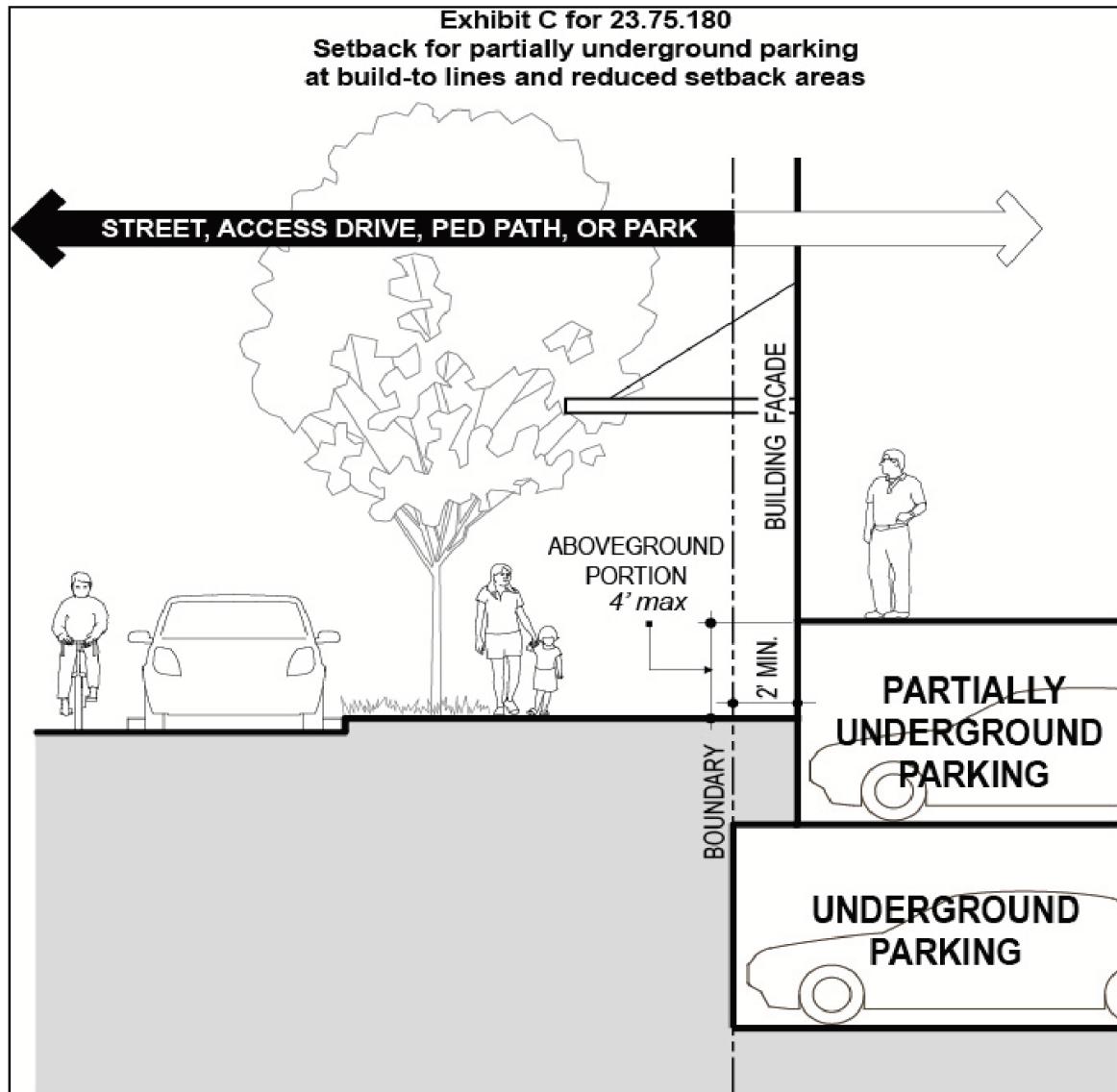
G. Partially underground parking is subject to the following requirements:

1. At build-to lines and in reduced setback areas as depicted in Exhibit C for 23.75.140, partially underground parking is required to be set back at least 2 feet from the boundary, as shown in Exhibit C for 23.75.180. In these locations, the aboveground portion of the parking garage is not allowed to exceed 4 feet above finished grade.

2. Along boundaries that do not abut a street, park that is open to the public, pedestrian pathway, or access drive, no setback is required for partially underground parking.

**Exhibit C for 23.75.180**

**Setback for partially underground parking at build-to lines and reduced setback areas**



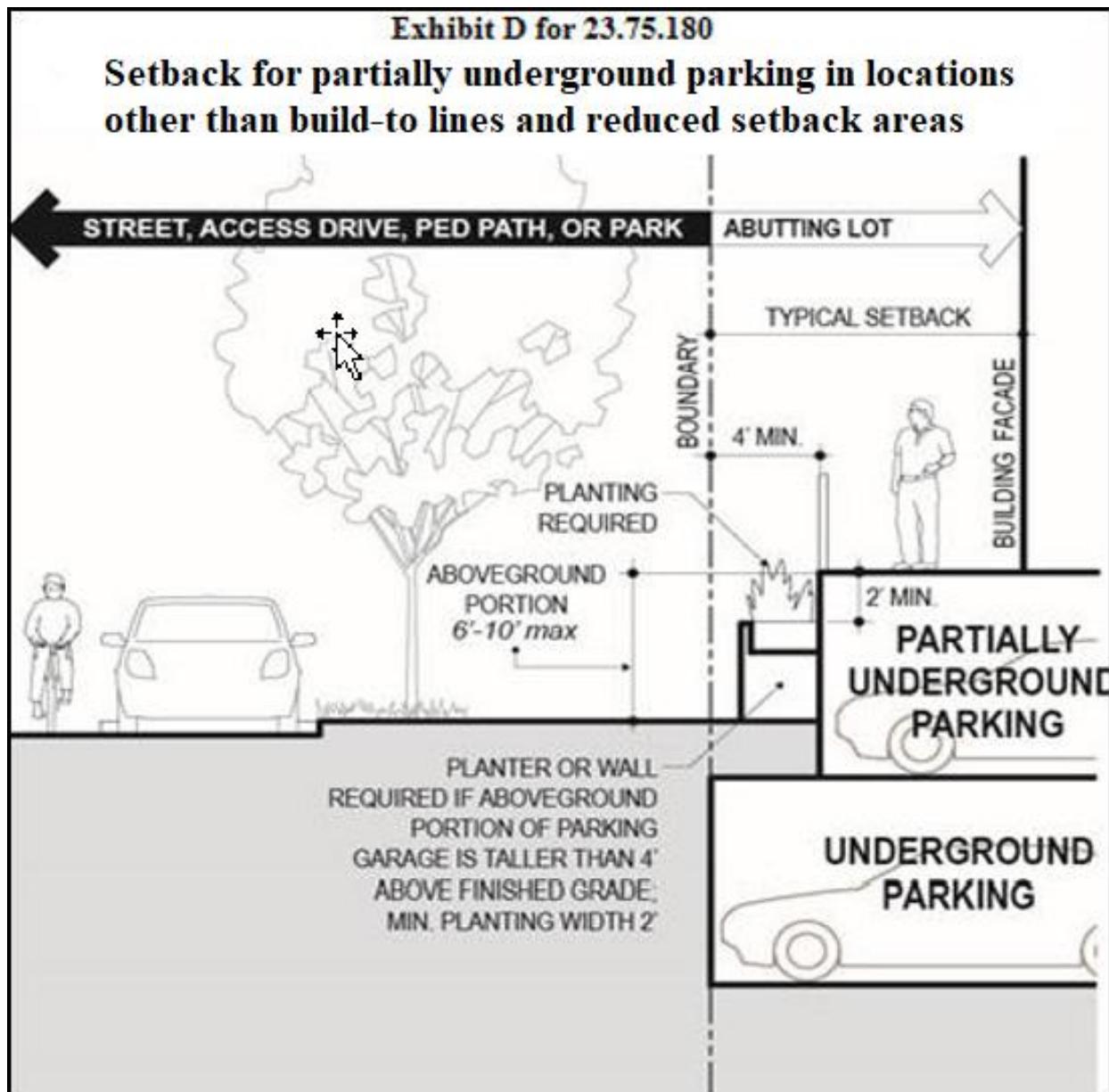
3. Along boundaries that abut a street, park that is open to the public, pedestrian pathway, or access drive and are not subject to a build-to line or reduced setback area, partially underground parking is required to be set back at least 4 feet from the boundary, as shown in Exhibit D for 23.75.180, and must meet the following standards:

- The aboveground portion is required to be no higher than 6 feet above the finished grade at the boundary.

b. If the aboveground portion of the parking garage is taller than 4 feet above finished grade, a wall or planter shall be provided between the parking garage and the boundary, as illustrated in Exhibit D for 23.75.180. The top of this wall or planter shall be at least 2 feet below the top of the aboveground portion of the parking garage, and the planting area shall be at least 2 feet in width. Vegetation shall be provided at the top of this wall or planter.

Exhibit D for 23.75.180

**Setback for partially underground parking in locations other than build-to lines and reduced setback areas**



\* \* \*

I. Parking and loading access

1. Access for parking and for loading is required to meet the following

requirements:

- a. Access is not allowed within 40 feet of the curb line of an intersection.
- b. Access is not allowed within 20 feet of a structure corner that includes a regulated facade on one or both sides.

2. Each access drive is required to include a dedicated pedestrian area along at least one side of the length of the drive. The dedicated pedestrian area is required to:
  - a. Include a walking surface at least 6 feet wide along the length of the access drive; and
  - b. Be separated from the access drive roadway by a raised curb, bollards, landscaping, or textured paving details.
3. Curb cuts are required to meet the standards of Section 23.54.031.
4. Driveways are required to meet the standards of subsection 23.54.030.D.

\* \* \*

## 23.76.064 Approval of City facilities

### A. Concept approval for City facilities

1. In acting on the proposed siting or expansion of a City facility, the Council shall decide whether to approve in concept the facility. If concept approval is granted, the Council may impose terms and conditions, including but not limited to design criteria and conditions relating to the size and configuration of the proposed facility.
2. Following Council approval, final plans for a City facility shall be submitted to the Director. If the Director determines that the project is consistent with the Council's concept approval, the Director shall issue the necessary permits for the facility.

3. No further Council action is required for a City facility unless the Director determines that the final plans represent a major departure from the terms of the original Council concept approval, in which case the final plan shall be submitted to the Council for approval in the same manner as the original application.

B. City facilities not meeting development standards. The Council may waive or modify applicable development standards, accessory use requirements, special use requirements, or conditional use criteria for City facilities. If a waiver or modification of a development regulation is sought because the development regulation would otherwise preclude the siting of an essential public facility, then the decision to waive or modify shall be made pursuant to Chapter 23.80 and not this Section 23.76.064.

\* \* \*

## 23.80.004 Review criteria

\* \* \*

B. Except as provided in subsection 23.80.004.C, if the decisionmaker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decisionmaker may establish conditions for the project for that purpose. However, the decisionmaker may waive or modify development regulations only to the extent that a waiver or modification is approved pursuant to Section 23.80.014.

\* \* \*

## 23.80.008 Development standards for light rail transit facilities

\* \* \*

### K. Access, street improvements, and motor vehicle parking

1. The Director shall consult with the Director of Transportation to determine the required location for motor vehicle access from a right-of-way to a light rail transit facility. The access location shall enhance pedestrian safety and comfort, facilitate transit operations and maintenance, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, and minimize hazards.

2. Light rail transit stations and ancillary facilities, including but not limited to venting structures and traction power substations, shall be subject to Chapter 23.53. Light rail transit stations and ancillary facilities may not utilize the street and alley improvement exceptions in Chapter 23.53 that are based on minimum gross floor area thresholds for non-residential uses and expansions of outdoor storage or parking supply.

3. Light rail transit facilities, including motor vehicle, transit, pedestrian, bicycle, and shared micromobility facilities for operation of new light rail transit facilities, shall demonstrate a right-of-way design consistent with Chapter 23.53 and the Streets Illustrated Right-of-Way Improvements Manual or successor rule unless otherwise allowed by the Director of Transportation. Where such facilities cannot be accommodated in the right-of-way, they shall be provided on the station site. Site and right-of-way design shall be reviewed in consultation with the Director of Transportation.

4. Pedestrian lighting shall be provided in the right-of-way adjacent to light rail transit facilities.

5. Light rail transit facilities' vehicle and pedestrian access outside of the rights-of-way shall meet the following requirements unless the requirements are waived or modified by the Director to enhance pedestrian safety and comfort, facilitate transit operations and maintenance, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize hazards:

a. A maximum of two vehicle travel lanes may be provided to connect light rail transit facilities to the right-of-way. Vehicle travel lanes have a maximum width of 9 feet, except vehicle travel lanes used by buses or freight vehicles have a maximum width of 11 feet. Lanes for bus loading and unloading and bus layover are not considered travel lanes.

b. Curb cuts for one-way traffic shall be a minimum of 12 feet and a maximum of 15 feet, and curb cuts for two-way traffic shall be a minimum of 22 feet and a maximum of 25 feet.

c. Vehicle travel lanes shall meet sight triangle requirements of Section 23.54.032.

d. Pedestrian walkways shall be provided adjacent to vehicle travel lanes and have a minimum unobstructed width of 8 feet except that the minimum pedestrian walkway width shall be 18 feet adjacent to station entries and the minimum unobstructed multiuse path width shall be 12 feet where the pedestrian walkway is shared with bicycles and other mobility devices. Where pedestrian walkways and paths for bicycles and other mobility devices are separated, the paths for bicycles and other

mobility devices shall comply with the minimum requirements of the Streets Illustrated Right-of-Way Improvements Manual or successor rule.

- e. Pedestrian walkways shall include a horizontal or vertical separation between the walkway and a vehicle travel lane.
- f. Curb ramps are required where a pedestrian walkway crosses a vehicle travel lane or right-of-way.
- g. Lighting shall be provided along all travel lanes, pedestrian walkways, multiuse pathways, and bicycle facilities.

6. Vehicle parking provided at light rail transit facilities shall comply with Sections 23.54.030, 23.54.031, 23.54.032, 23.54.033, and 23.54.034.

L. Bicycle parking and shared micromobility device parking for light rail transit stations

1. Definitions. For the purposes of this subsection 23.80.008.L:

“Bicycles-on-board ratio” is the assumed proportion of bicycle riders that will take their bicycles with them on a train trip, which is 50 percent.

“Central stations” are stations located within the Downtown Urban Center with greater than 10,000 projected daily boardings.

“Daily total boardings” is the projected horizon year daily passenger boarding volume at a station, as defined in a final EIS for a link extension, or other subsequent documentation if prepared for a future system expansion.

“Horizon year” means the year used in projecting the highest analyzed level of future ridership.

“Local stations” are those stations located in intermediate vicinities that are not served by central stations, mid-center stations, or terminus stations.

“Mid-center stations” are those located within one-half mile of the Downtown Urban Center or stations within the Downtown Urban Center with less than 10,000 projected daily boardings.

“Morning peak passenger ridership” is assumed as one-third of daily total boardings at a station projected for the horizon year, based on boarding volumes documented in a final EIS for a link extension, or other subsequent documentation if prepared for a future system expansion. Daily boardings generated by riders transferring to and from trains on other light rail link segments shall not be included in the daily total boardings.

“Planned bicycle mode share” is defined as an estimated proportion of a station’s total boardings that will be made by persons using bicycles as their primary means of accessing a light rail station.

“Shared micromobility” refers to fleets of small, low-speed vehicles designed for personal transport, including but not limited to bicycles and scooters, and operated as a network by for-profit, non-profit, or government entity. They are available for membership to the general public on a pay-per-use or pass basis.

“Terminus stations” are those stations located at the end of a light rail system route in the City of Seattle.

2. Bicycle parking demand “D” is calculated as the morning peak passenger ridership multiplied by the planned bicycle mode share percentages in Table A for 23.80.008, which is then multiplied by 0.5 (the bicycles-on-board ratio).

3. To serve the bicycle parking demand “D” for opening day of service, the required minimum number of bicycle parking spaces shall be provided as follows:

a. The minimum bicycle parking amount required at opening day of service at a light rail station shall be calculated using the “day-of-opening” planned bicycle travel mode share percentages in Table A for 23.80.008;

b. Two-thirds of the minimum bicycle parking shall be long-term bicycle parking;

c. One-third of the minimum bicycle parking shall be short-term bicycle parking;

d. If the bicycle parking demand “D” is less than 54 total spaces, a minimum number of 54 bicycle parking spaces shall be provided, which shall be allocated two-thirds to long-term spaces and one-third to short-term spaces;

e. Bicycle parking to meet day-of-opening requirements shall be provided on the light rail transit station site, or may be located within the right-of-way if approved by the Director of Transportation.

**Table A for 23.80.008 Planned bicycle mode percentages for light rail station types**

Station type	Day-of-opening	In-reserve
Terminus	5.5%	1.5%
Local	4%	3%
Mid-center	2%	2%
Central	1%	1%

4. If average use of the bicycle parking at a light rail transit facility exceeds 85 percent of capacity at a future date, measured using methods that the Director shall adopt by rule, additional bicycle parking shall be required. The amount of additional required bicycle parking, described as the “in-reserve requirement,” shall be calculated using the planned bicycle travel mode shares for the “in-reserve requirement” in Table A for 23.80.008. In-reserve required bicycle parking may be provided on the light rail transit station site, or within 200 feet of the site, or in right-of-way if approved by the Director of Transportation.

5. The Director may require more or fewer than the minimum number of bicycle parking spaces and micromobility space requirements based on the following: area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information. Prior to adjusting the minimum number of parking spaces for bicycles, the Director shall consult with the Director of Transportation.

6. The minimum space for shared micromobility device parking shall be: 240 square feet for terminus stations and 120 square feet for other station types.

7. Bicycle and micromobility device parking locations shall be located as close to station entrances as feasible and may be located within the right-of-way if approved by the Director of Transportation.

8. Bicycle parking shall meet the following performance standards:  
subsections 23.54.037.B.1, 23.54.037.B.3, 23.54.037.B.4, 23.54.037.B.5, 23.54.037.B.8,  
and 23.54.037.B.9.

9. Parking locations shall be provided with level-entry routes, and, if bicycle parking is located above or below the surface level, it shall be served by features such as elevators sized to accommodate bicycles and runnels on stairs to aid bicycle movement.

10. The applicant shall demonstrate bicycle parking design will accommodate a variety of bicycle types, including but not limited to, electric bikes and cargo bikes.

11. Shared micromobility device parking shall be clearly delineated, located at ground level, be without access obstructions and not encroach on pedestrian access paths, include adequate lighting, and include directional signage to promote easy wayfinding.

\* \* \*

## 23.80.010 Identifying new types of essential public facilities

The Director may, as a Type I decision, determine that a facility not otherwise listed in the definition of an essential public facility in Section 23.84A.010 is an essential public facility if:

A. The facility provides or is necessary to provide a public service; and

B. Any of the following conditions exist:

1. The public facility needs a specific type of site of such a size, location, or availability of public services for which there are few choices;

2. The public facility needs to be located near another public facility or is an expansion of an essential public facility at an existing location;
3. The public facility has significant adverse impacts that make it difficult to site;
4. Use of the normal development review process would effectively preclude the siting of an essential public facility; or
5. Development regulations require the proposed facility to use an essential public facility siting process.

\* \* \*

### **23.80.012 Review is supplementary**

Review of an essential public facility, except for light rail facilities, under this Chapter 23.80, including a decision to condition approval of a project or to waive or modify a development regulation as authorized by this Chapter 23.80, is part of the decision to approve or deny a permit application and is not a separate or distinct regulatory decision. If the underlying decision is subject to administrative appeal, then decisions made under this Chapter 23.80 are subject to review on administrative appeal of the underlying decision. If the underlying decision is not subject to administrative appeal, then decisions made under this Chapter 23.80 are not subject to review on administrative appeal of the underlying decision.

\* \* \*

## 23.80.014 Waiver or modification of development regulation

A. Application for waiver or modification. If the applicant for approval of an essential public facility seeks the waiver or modification of a development regulation, the applicant shall include in the application:

1. The specific identification of each development regulation sought to be waived or modified;
2. A detailed explanation of the manner in which each development regulation is believed to preclude the siting of the essential public facility; and
3. A detailed description of any mitigation measures the applicant proposes to take to avoid or mitigate the adverse effects that may result from the proposed waiver or modification of the development regulation.

B. Decision to waive or modify. If the decisionmaker determines that application of a development regulation will preclude the siting of an essential public facility, the decisionmaker shall waive or modify the application of the development regulation to the extent necessary to allow siting the facility. The decisionmaker shall consider the provisions of WAC 365-196-550 when deciding whether a development regulation precludes the siting of the facility.

C. Mitigation. If the decisionmaker waives or modifies a development regulation, the decisionmaker may require the applicant to comply with conditions that avoid or mitigate adverse effects that the decisionmaker believes may result from waiver or modification of the development regulation. If the development regulation to be waived or modified is contained in Chapter 23.60A or Chapter 25.09, and the waiver or modification

would result in a net loss of ecological function, the decisionmaker shall impose mitigation conditions to achieve no net loss of ecological functions as a result of granting the waiver or modification.

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, the applicant must seek relief from the development regulation pursuant to the procedures set forth in Chapter 23.60A. 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.

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.

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## 23.84A.002 "A"

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"Adult family home" means the occupation of a dwelling unit by an adult family home defined and licensed as such by the State of Washington under chapter 70.128 RCW.

\* \* \*

## 23.84A.006 "C" deleted definitions for "Carriage House," "Carriage House structure," and "Cottage, backyard."

\* \* \*

## 23.84A.008 "D"

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"Dwelling unit" means a room or rooms located within a structure that are configured to meet the standards of Section 23.42.048, providing independent living facilities for one household, including permanent provisions for sleeping, food preparation, and sanitation.

"Dwelling unit, accessory" means a dwelling unit that:

1. Is located within the same structure as a principal dwelling unit or within an accessory structure on the same lot as a principal dwelling unit; and
2. Is designed and arranged to be occupied as living facilities independent from any other dwelling unit.

"Dwelling unit, attached" means a dwelling unit that:

1. Occupies space from the ground to the roof of the structure in which it is located; and

2. Is attached to another dwelling unit. Dwelling units are considered attached if they share a common or party wall or have walls containing floor area that are located within 2 feet of each other.

“Dwelling unit, detached” means a dwelling unit that:

1. Occupies space from the ground to the roof of the structure in which it is located; and

2. Is not attached to any other dwelling unit.

“Dwelling unit, principal” means a dwelling unit that is not accessory to another dwelling unit.

“Dwelling unit, small efficiency” means a dwelling unit with an amount of square footage less than the minimum amounts specified for Efficiency Dwelling Units in the Seattle Building Code, and that meets the standards prescribed in Section 23.42.048.

“Dwelling unit, stacked” means dwelling units that are located above or below other dwelling units such as apartments or condominium buildings.

## 23.84A.010 “E”

\* \* \*

“Essential public facilities” means sewage treatment plants, light rail transit systems, power plants, any facilities identified as an essential public facility in RCW 36.70A.200, and any facility determined to be an essential public facility pursuant to Section 23.80.010.

“EV-ready” means a minimum 40-ampere dedicated 208- or 240-volt branch circuit (32-amp load) terminated at a junction box or receptacle outlet in close proximity to a parking space.

\* \* \*

## 23.84A.016 "H"

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"Housing, low-income" means a structure or structures for which:

1. An application for public funding for the capital costs of development or rehabilitation of the structure(s) has been or will be submitted; and
2. A written notice of public funding award, including terms, is received prior to issuance of the building permit, which for development projects shall be the first building permit that includes the structural frame for each structure, and such funding is conditioned on one or more regulatory agreements, covenants, or other legal instruments, recorded on the title of the property and enforceable by The City of Seattle, King County, State of Washington, Washington State Housing Finance Commission, or other public agency, if approved by the Director of Housing, that ensure at least 50 percent of total dwelling units shall be low-income units.

\* \* \*

## 23.84A.018 "I"

\* \* \*

"Institution" means structures and related grounds used by organizations for the provision of educational, medical, cultural, social, and/or recreational services to the community, including but not limited to the following uses:

1. "Adult care center" means an institution that regularly provides care to a group of adults for less than 24 hours a day, whether for compensation or not.
2. "College" means a post-secondary educational institution, operated by a nonprofit organization, granting associate, bachelor, and/or graduate degrees.
3. "Community club or center" means an institution used for athletic, social, civic, cultural, artistic, or recreational purposes, operated by a nonprofit organization, and open to the general public on an equal basis. Activities in a community club or center may include, but are not limited to, classes and events sponsored by nonprofit organizations, community programs for the elderly, social gatherings, educational programming, gardens, and art exhibits.
  - a. "Community center" means a community club or center use, providing direct services to people on the premises rather than carrying out only administrative functions, that is open to the general public without membership. Community centers may include accessory commercial uses including but not limited to commercial kitchens and food processing, craft work and maker spaces, cafes, galleries, co-working spaces, health clinics, office spaces, and retail sales of food and goods.
  - b. "Community club" means a community club or center use to which membership is open to the general public on an equal basis.

4. "Child care center" means an institution that regularly provides care to a group of children for less than 24 hours a day, whether for compensation or not. Preschools, cooperative child care exchanges, and drop-in centers where children receive care by the day are considered to be child care centers.

5. "Community farm" means an institution, operated by a nonprofit organization, in which land and related structures are primarily used to grow or harvest plants for food, educational, cultural, or ecological restoration purposes, or to keep animals in accordance with Section 23.42.052. Additional activities may include but are not limited to indoor and outdoor classes and events, food processing and preparation, community programs and gatherings, and the sale of plants, harvested or prepared food, ornamental crops, and animal products such as eggs or honey but not including the slaughtering of animals or birds for meat.

6. "Hospital" means an institution other than a nursing home that provides accommodations, facilities, and services over a continuous period of 24 hours or more, for observation, diagnosis, and care of individuals who are suffering from illness, injury, deformity, or abnormality or from any condition requiring obstetrical, medical, or surgical services, or alcohol or drug detoxification.

7. "Institute for advanced study" means an institution operated by a nonprofit organization for the advancement of knowledge through research, including the offering of seminars and courses, and technological and/or scientific laboratory research.

8. "Library" means an institution where literary, musical, artistic, or reference materials are kept for use but not generally for sale.

9. "Museum" means an institution operated by a nonprofit organization as a repository of natural, scientific, historical, cultural, or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.

10. "Private club" means an institution used for athletic, social, or recreational purposes and operated by a private nonprofit organization, to which membership is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

11. "Religious facility" means an institution, such as a church, temple, mosque, synagogue, or other structure, together with its accessory structures, used primarily for religious worship.

12. "School, elementary or secondary" means an institution operated by a public or nonprofit organization primarily used for systematic academic or vocational instruction through the twelfth grade.

13. "School, vocational or fine arts" means an institution that teaches trades, business courses, hairdressing, and similar skills on a post-secondary level, or that teaches fine arts such as music, dance, or painting to any age group, whether operated for nonprofit or profit-making purposes, except businesses that provide training, instruction, or lessons exclusively on an individual basis, which are classified as general retail sales and service uses, and except those businesses accessory to an indoor participant sports use.

14. "University." See "College."

\* \* \*

## 23.84A.024 "L"

\* \* \*

"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; 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.

\* \* \*

## 23.84A.025 "M"

\* \* \*

“Major retail store” means a structure or portion of a structure that provides adequate space of at least 80,000 square feet to accommodate the merchandising needs of a major new retailer with an established reputation, and providing a range of merchandise and services, including both personal and household items, to anchor downtown shopping activity around the retail core, thereby supporting other retail uses and the area's vitality and regional draw for customers.

“Major transit service.” See “Transit service, major.”

“Major transit stop.” See “Transit stop, major.”

\* \* \*

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

\* \* \*

## 23.84A.026 “N”

\* \* \*

“Neighborhood center” means an area designated as a neighborhood center in the Seattle Comprehensive Plan.

\* \* \*

## 23.84A.030 "P"

\* \* \*

"Permanent supportive housing." See "Residential use, permanent supportive housing."

\* \* \*

## 23.84A.032 "R"

\* \* \*

"Regional center" means an area designated as a regional center in the Seattle Comprehensive Plan.

\* \* \*

"Residential use" means a use in one or more structures, including interior and exterior accessory spaces, in which people primarily live including the following uses:

1. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

2. "Assisted living facility" means a boarding home licensed by the State of Washington that contains at least two assisted living units for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer (e.g., moving from bed to chair or chair to bath), and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. See "Assisted living unit."

3. "Caretaker's quarters" means a dwelling unit not exceeding 800 square feet of living area that is occupied by a caretaker or watchperson and accessory to a nonresidential use.

4. "Congregate residence" means a use in which sleeping rooms are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities and other common elements with other residents in a building.

5. "Housing" means one or more dwelling units with permanent foundations or moorage at a marina that are not defined as another type of residential use in this definition.

6. "Mobile home" means a structure that is designed and constructed to be transportable in one or more sections and built on a permanent chassis, designed to be used as a dwelling unit without a permanent foundation, and connected to utilities that include plumbing, heating, and electrical systems. A structure that was transportable at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

7. "Permanent supportive housing" means low-income housing that is paired with on- or off-site voluntary human services to support people living with complex and disabling behavioral health or physical health conditions and experiencing homelessness or at imminent risk of homelessness prior to moving into such housing.

\* \* \*

"Rural development credit" means the allowance of floor area on a receiving lot that results from the transfer of development potential from rural unincorporated King County

to the Downtown Regional Center pursuant to King County Code chapter 21A.55 or successor provisions and pursuant to the provisions of Section 23.49.011.

## **23.84A.036 "S"**

\* \* \*

"Short subdivision" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, development, or financing.

"Short subdivision, zero lot line" means a short subdivision that conforms to the unit lot subdivision standards in Section 23.24.045.

\* \* \*

"Social housing" means housing that is publicly owned, publicly financed, mixed-income housing developed by a public development authority organized pursuant to RCW 35.21.660, RCW 35.21.670, and RCW 35.21.730 through 35.21.755.

"Soil, structural" means a soil mix or equivalent structure approved by the Director that is engineered to support pavement while allowing healthy root growth.

"Solar access" means the amount of unrestricted sunlight that reaches a structure, or portion thereof.

"Solar collector" means a device used to collect direct sunlight for use in the heating or cooling of a structure, domestic hot water, swimming pool, or the generation of electricity, including photovoltaic panels and solar thermal panels.

\* \* \*

"Structure, accessory." See "Accessory structure."

“Structure, attached” means a structure that shares a common or party wall with another structure or have walls containing floor area that are located within 2 feet of another structure.

“Structure, detached” means a structure that is not attached to any other structure.

\* \* \*

“Subdivision” means the division or redivision of land into ten or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

“Subdivision, zero lot line” means a subdivision that conforms to the unit lot subdivision standards in Section 23.22.062.

\* \* \*

## **23.84A.038 "T"**

“TDR site, housing” means a lot meeting the following requirements:

1. The lot is located in any downtown zone except PMM, DH-1, and DH-2 zones, or is located in the South Lake Union Regional Center in any SM zone with a height limit of 85 feet or higher;
2. Each structure on the lot has a minimum of 50 percent of total gross above-grade floor area as dwelling units or congregate residence sleeping rooms committed as restricted units affordable to and occupied by households with annual incomes no higher than 80 percent of median income for a minimum of 50 years;
3. The lot has above-grade gross floor area equivalent to at least 1 FAR as dwelling units or congregate residence sleeping rooms committed as restricted units

affordable to and occupied by households with annual incomes no higher than 50 percent of median income for a minimum of 50 years;

4. The dwelling units or congregate residence sleeping rooms according to subsections 2 and 3 of this definition is in one or more structures existing as of July 27, 2001, and the floor area was in residential use as of that date; and

5. The housing TDR site requirements are memorialized in a recorded agreement between the owner of the housing and the Director of Housing.

\* \* \*

"Transit service, major" means the following transit services:

1. Commuter rail;

2. Light rail or street car systems; and

3. Bus rapid transit routes that are in operation or are funded for development and projected for construction within an applicable six-year transit plan under RCW 35.58.2795.

"Transit service area, frequent" means an area within 1,320 feet walking distance of a bus stop served by a frequent transit route or an area within 2,640 feet walking distance of a rail transit station, as shown on a map adopted by Director's Rule.

"Transit service area, major" means an area within 2,640 feet walking distance of a stop served by a major transit service, as shown on a map adopted by Director's Rule.

"Transit station, light rail." See "Rail transit facility" under "Transportation facility."

"Transit station access easement" means an easement for a pedestrian route or connection to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transit station access, grade-level" means a pedestrian connection that provides direct access from street level to transit tunnel stations or concourses and/or light rail transit facilities at approximately the same level as the station mezzanine.

"Transit station access, mechanical" means a pedestrian connection that incorporates a mechanical device, such as an escalator, to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transit stop, major" means a stop on a major transit service.

\* \* \*

## 23.84A.040 "U"

\* \* \*

"Unit, low-income" means a restricted unit that, for a minimum period of at least 50 years, is affordable to and reserved solely for households with annual incomes not to exceed 60 percent of median income for rental units or 80 percent of median income for ownership units.

"Unit, moderate-income" means a restricted unit that, for a minimum period of at least 50 years, is affordable to and reserved solely for households with annual incomes not to exceed 80 percent of median income for rental units or 100 percent of median income for ownership units.

"Unit, restricted" means a dwelling unit subject to one or more regulatory agreements, covenants, or other legal instruments recorded on the title of the property and enforceable by The City of Seattle, King County, State of Washington, Washington State Housing Finance Commission, or other public agency, if approved by the Director of Housing, that for a specified number of years limits housing costs for income-eligible households, specified as a percentage of median income, as follows:

1. For renter-occupied housing, rental housing costs for each restricted unit shall not exceed 30 percent of the income limit; and
2. For owner-occupied housing, the initial sale price of each restricted unit shall be affordable to income-eligible households and resale prices must allow modest growth in homeowner equity while maintaining long-term affordability for subsequent eligible homebuyers, all as determined by the Director of Housing, consistent with Council-adopted Housing Funding Policies if funded by the Office of Housing or subsections 23.58C.050.C.7.a and 23.58C.050.C.7.b if not funded by the Office of Housing.

\* \* \*

## **23.84A.042 "V"**

\* \* \*

"Vulnerable masonry structure" means a structure in specified zones within the University District Regional Center west of 15th Avenue NE or within the Uptown Regional Center that is identified in a Director's rule because it meets criteria for being included on the list of unreinforced masonry structures (URM) identified by SDCI and is also identified in the

Department of Neighborhoods' Historic Resource Survey as a structure likely to qualify for nomination as a Seattle Landmark.

**23.84A.046 "Y" deleted definitions for "Yard," "Yard, front," "Yard, rear," and "Yard, side."**

**23.84A.048 "Z"**

\* \* \*

"Zone, residential" means a zone with a classification that includes any of the following: NR, LR1, LR2, LR3, MR, HR, RC, DMR, IDR, SM/R, SM-SLU/R, and SM-U/R which classification also may include one or more suffixes.

\* \* \*

**23.86.002 General provisions**

\* \* \*

**B. Fractions**

1. Unless otherwise indicated, if any measurement technique for determining the number of items required or allowed, including but not limited to motor vehicle parking, or required trees or shrubs, results in fractional requirements, any fraction up to and including 0.5 of the applicable unit of measurement shall be disregarded and fractions over 0.5 shall require the next higher full unit of measurement.

2. If any measurement technique for determining required minimum or allowed maximum dimensions, including but not limited to height, setbacks, lot coverage, open space, building depth, parking space size, or curb cut width, results in fractional requirements, the dimension shall be measured to the nearest inch. Any fraction up to and

including 0.5 of an inch shall be disregarded and fractions over 0.5 of an inch shall require the next higher unit.

3. When calculation of the number of dwelling units allowed results in a fraction of a unit, any fraction over 0.85 constitutes one additional unit.

\* \* \*

## 23.86.006 Structure height measurement

\* \* \*

B. Within the South Lake Union Regional Center, at the applicant's option, structure height shall be measured either as provided for in subsection 23.86.006.A or 23.86.006.D, or under provisions of this subsection 23.86.006.B. Structure height shall be measured for all portions of the structure. All measurements shall be taken vertically from existing or finished grade, whichever is lower, to the highest point of the structure located directly above each point of measurement. Existing or finished grade shall be established by drawing straight lines between the corresponding elevations at the perimeter of the structure. The straight lines will be existing or finished grade for the purpose of height measurement. When a contour line crosses a facade more than once, that contour line will be disregarded when establishing existing or finished grade.

C. Stories or portions of stories of a structure that are underground are not analyzed for purposes of structure height measurement.

D. Height measurement techniques in downtown zones and in the South Lake Union Regional Center

1. Determine the major street lot line, which shall be the lot's longest street lot line. When the lot has two or more street lot lines of equal length, the applicant shall choose the major street lot line.

2. Determine the slope of the lot along the entire length of the major street lot line.

3. Measure the maximum height as follows:

a. When the slope of the major street lot line is less than or equal to 7.5 percent, the elevation of maximum height shall be determined by adding the maximum permitted height to the existing grade elevation at the midpoint of the major street lot line.

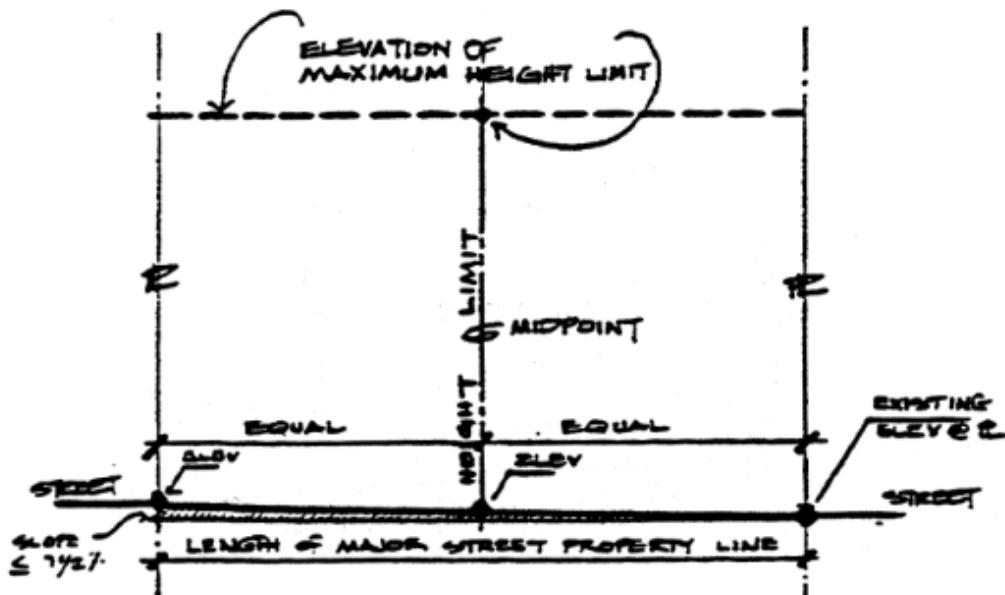
On a through-lot, the elevation of maximum height shall apply only to the half of the lot nearest the major street lot line. On the other half of a through-lot, the elevation of maximum height shall be determined by the above method using the street lot line opposite and parallel to the major street lot line as depicted in Exhibit A for 23.86.006.

## **Exhibit A for 23.86.006**

### **Maximum height**

#### **Slope Less than or equal to 7-1/2 percent**

**Exhibit A for 23.86.006**  
**Maximum height**  
**Slope less than or equal to 7-1/2 percent**

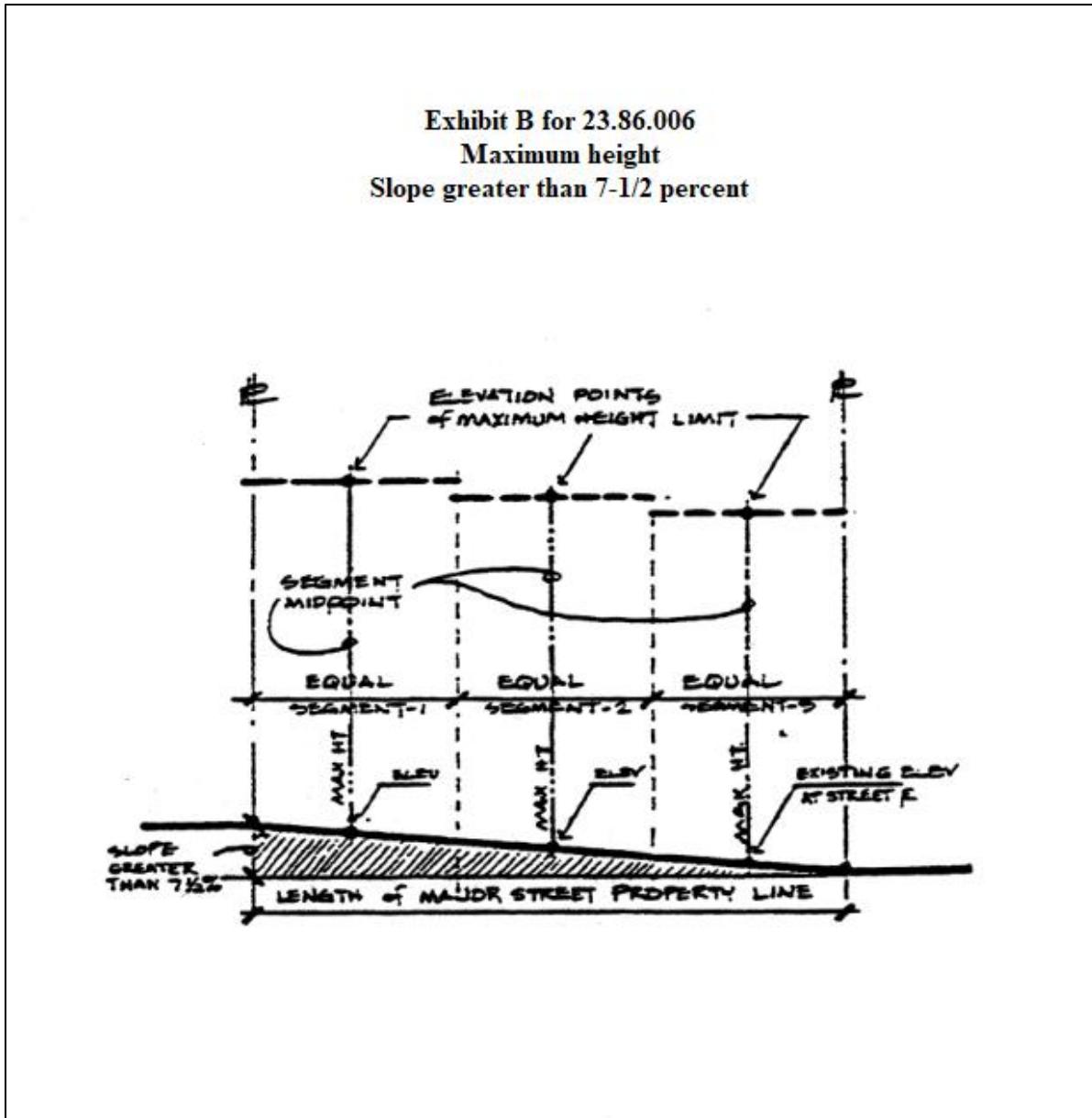


b. When the slope of the major street lot line exceeds 7.5 percent, the major street lot line shall be divided into four or fewer equal segments no longer than 120 feet in length. The elevation of maximum height shall be determined by adding the maximum permitted height to the existing grade elevation at the midpoint of each segment. On a through-lot, the elevation of maximum height shall apply only to the half of the lot nearest the major street lot line. On the other half of a through-lot, the elevation of maximum height shall be determined by the above method using the street lot line opposite and parallel to the major street lot line, as depicted in Exhibit B for 23.86.006.

Exhibit B for 23.86.006

**Maximum height**

**Slope greater than 7-1/2 percent**



c. For lots with more than one street frontage, where there is no street lot line that is essentially parallel to the major street lot line, when a measurement has been made for the portion of the block containing the major street lot line, the next

measurement shall be taken from the remaining street lot line that is opposite and most distant from the major street lot line.

E. Determining the height of existing public school structures. When the height of the existing public school structure is measured for purposes of determining the permitted height or lot coverage of a public school structure, either of the following measurement methods may be used:

1. If all parts of the new roof are pitched at a rate of not less than 4:12, the ridge of the new roof may extend to the highest point of the existing roof. A shed roof does not qualify for this option; or

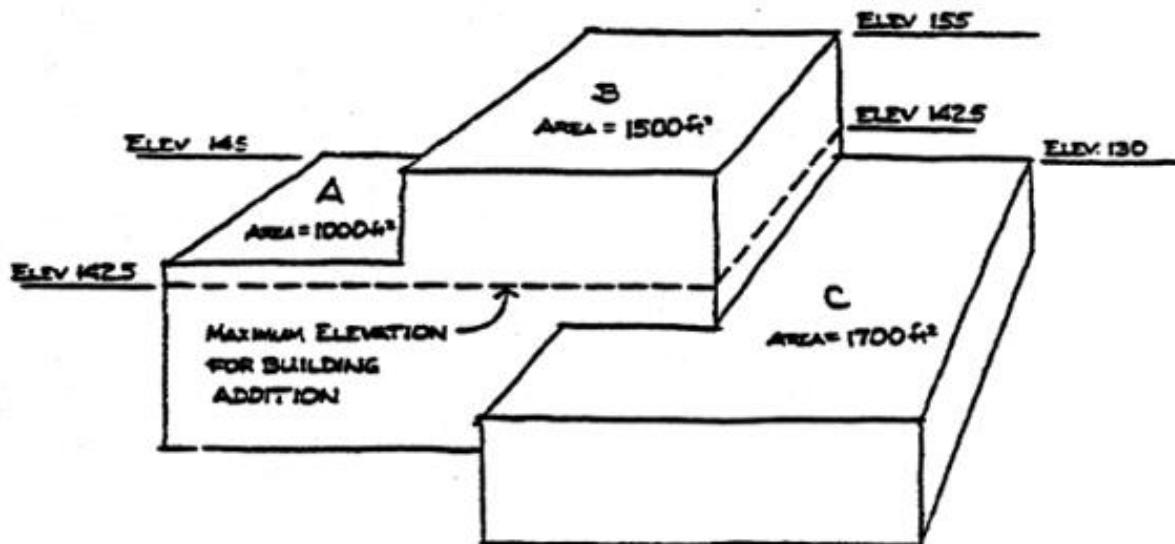
2. If all parts of the new roof are not pitched at a rate of not less than 4:12, then the elevation of the new construction may extend to the average height of the existing structure. The average height shall be determined by measuring the area of each portion of the building at each height and averaging those areas, as depicted in Exhibit C for 23.86.006.

#### **Exhibit C for 23.86.006**

#### **Maximum elevations for additions to public schools**

Exhibit C for 23.86.006

**Maximum elevations for additions to public schools**



Roof Level	Area	×	Elev.	=	Product
A	1000	×	145	=	145,000
B	1500	×	155	=	232,500
C	1700	×	130	=	221,000
	<u>4200</u>				<u>598,500</u>

$$\begin{aligned}
 \text{PERMITTED ROOF ELEVATION FOR BUILDING ADDITION} &= \frac{\text{TOTAL PRODUCT}}{\text{TOTAL AREA}} = \text{MAXIMUM ELEVATION} \\
 &= \frac{598,500}{4,200} = 142.5
 \end{aligned}$$

F. Height measurement technique for structures located partially within the Shoreline District. When any portion of the structure falls within the Shoreline District,

structure height for the entire structure shall be measured according to Section 23.60A.952.

G. For projects accepted into the Living Building Pilot Program authorized pursuant to Section 23.40.060, the applicant may choose either the height definition of Chapter 2 of the Seattle Building Code or the height measurement method described in this Section 23.86.006.

### **23.86.007 Floor area and floor area ratio (FAR) measurement**

A. Gross floor area. Except where otherwise expressly provided in this Title 23, gross floor area shall be as defined in Chapter 23.84A and as measured in this Section 23.86.007. The following are included in the measurement of gross floor area in all zones:

1. Floor area contained in stories above and below grade;
2. The area of stair penthouses, elevator penthouses, and other enclosed rooftop features;
3. The area of motor vehicle and bicycle parking that is enclosed; and
4. The area of motor vehicle parking that is covered by a structure or portion of a structure containing enclosed floor area, excluding motor vehicle parking in Neighborhood Residential and multifamily zones that is only covered by one of the following:
  - a. Projections containing enclosed floor area of up to 4 feet; or
  - b. Projections containing enclosed floor area of up to 6 feet for the area of parking accessed from an alley and located directly adjacent to an alley.

\* \* \*

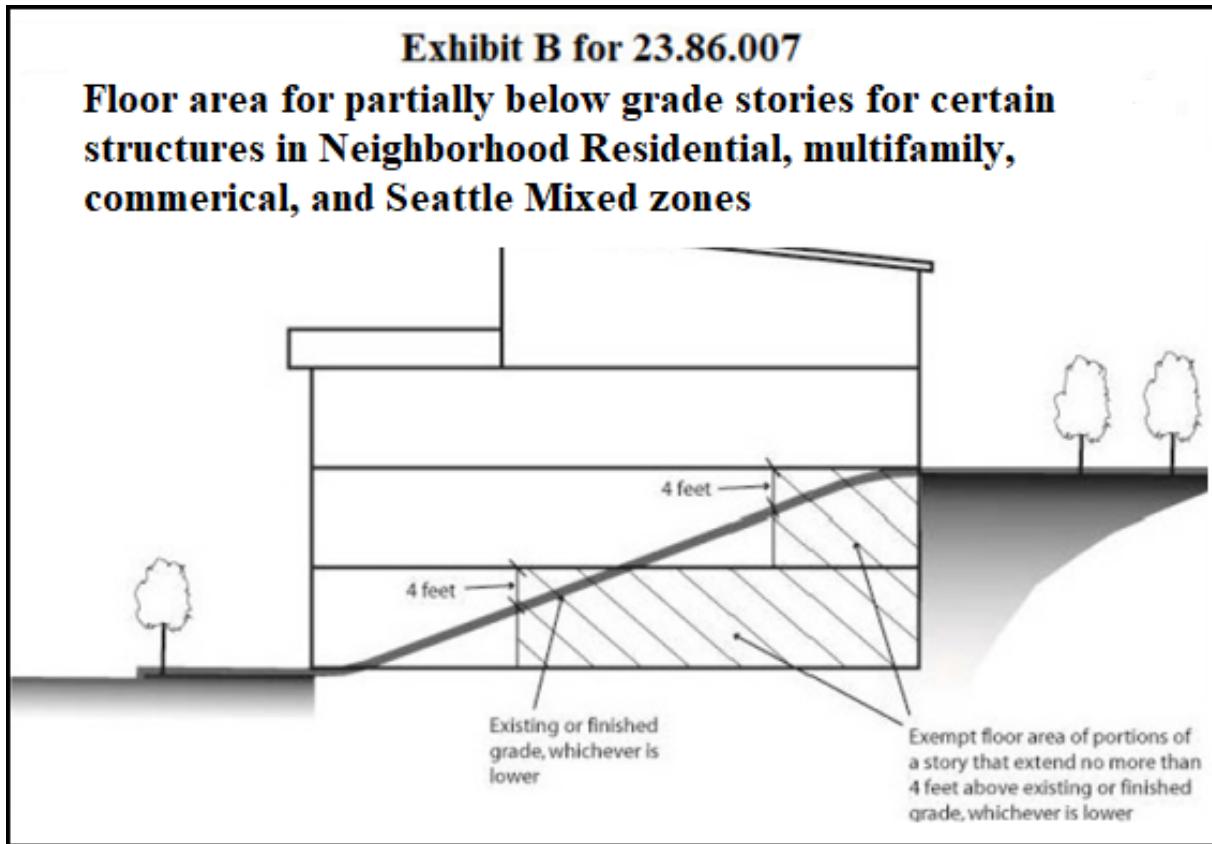
D. Pursuant to subsections 23.44.050.C, 23.45.510.D, and 23.47A.013.B, and Section 23.48.020, for certain structures in Neighborhood Residential, multifamily, commercial, and Seattle Mixed zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt gross floor area of such partially below-grade stories is measured as follows:

1. Determine the elevation 4 feet below the ceiling of the partially below-grade story, or 4 feet below the roof surface if there is no next floor above the partially below-grade story;
2. Determine the points along the exterior wall of the story where the elevation determined in subsection 23.86.007.D.1 intersects the abutting corresponding existing or finished grade elevation, whichever is lower;
3. Draw a straight line across the story connecting the two points on the exterior walls; and
4. The gross floor area of the partially below-grade story or portion of a partially below-grade story is the area of the story that is at or below the straight line drawn in subsection 23.86.007.D.3, excluding openings required by the Building Code for egress.

(See Exhibit B for 23.86.007.)

Exhibit B for 23.86.007

**Floor area for partially below grade stories for certain structures in Neighborhood Residential, multifamily, commercial, and Seattle Mixed zones**



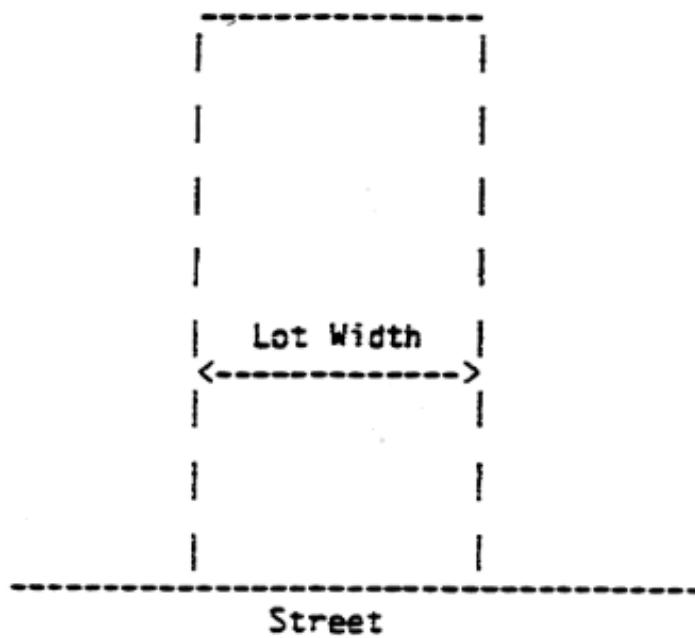
**23.86.008 Lot width in Neighborhood Residential zones**

A. When a lot is essentially rectangular, the lot width is the mean horizontal distance between side lot lines measured at right angles to lot depth Exhibit A for 23.86.008.

**Exhibit A for 23.86.008**

**Lot width**

**Exhibit A for 23.86.008**  
**Lot width**



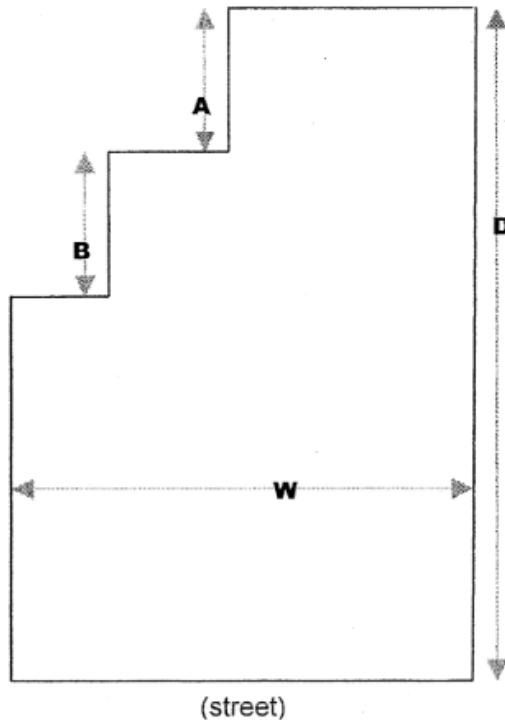
B. For a lot with more than one rear lot line (Exhibit B for 23.86.008 and Exhibit C for 23.86.008), the lot width shall be measured according to the following:

**Exhibit B for 23.86.008**

**Lots with more than one rear lot line, and where the distance between the rear lot line is less than 50 percent of lot depth**

**Exhibit B for 23.86.008**  
**Lots with more than one rear lot line,  
and where the distance between the rear  
lot line is less than 50 percent of lot depth**

Where  $A + B$  is less than 50% of  $D$ , the lot width shall be  $W$ .



**Exhibit C for 23.86.008**

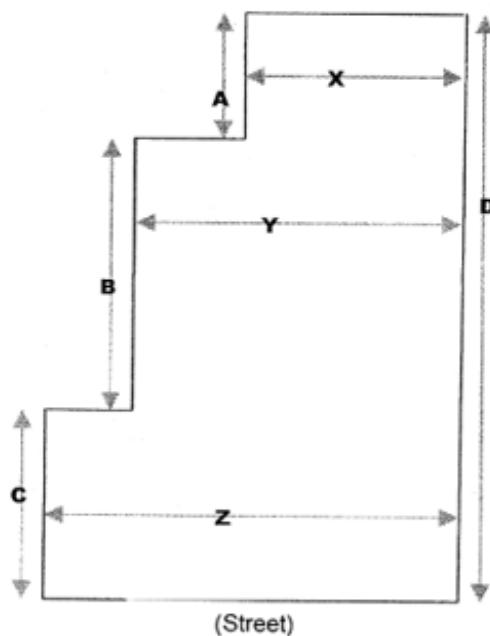
**Lots with more than one rear lot line, and where the distance between the rear lot line  
is greater than 50 percent of lot depth**

### Exhibit C for 23.86.008

**Lots with more than one rear lot line, and where the distance between the rear lot line is greater than 50 percent of lot depth**

Where  $A + B$  is greater than 50% of  $D$ :

Width of lot shall be: 
$$\frac{(A \times X) + (B \times Y) + (C \times Z)}{D}$$



1. If the distance between the rear lot lines is 50 percent or less of the lot depth, the lot width shall be measured parallel to the front lot line and shall be the greatest distance between the side lot lines Exhibit B for 23.86.008; or

2. If the distance between the rear lot lines is greater than 50 percent of the lot depth, the lot width shall be determined by measuring average lot width according to Exhibit C for 23.86.008.

C. For irregular lots not meeting the conditions of subsections 23.86.008.A or 23.86.008.B, the Director shall determine the measurement of lot width.

\* \* \*

**23.86.010 is repealed.**

\* \* \*

## **23.86.012 Setback and separations measurement**

A. For purposes of setback and separation standards, measurement shall be taken to the outside of building foundations and exterior walls rather than to exterior finishing provided that exterior finishes extend no more than 8 inches into a required setback.

B. Setback averaging. In 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.

\* \* \*

## 23.86.017 Amenity area measurement

If amenity area is required, the following provisions shall apply:

A. If the applicable development standards specify a minimum contiguous amenity area, areas smaller than the minimum contiguous area are not to be counted toward fulfilling amenity area requirements.

1. Driveways and vehicular access easements, whether paved or unpaved, shall be considered to separate the amenity areas they bisect.

2. Pedestrian access areas shall not be considered to break the contiguity of amenity area on each side.

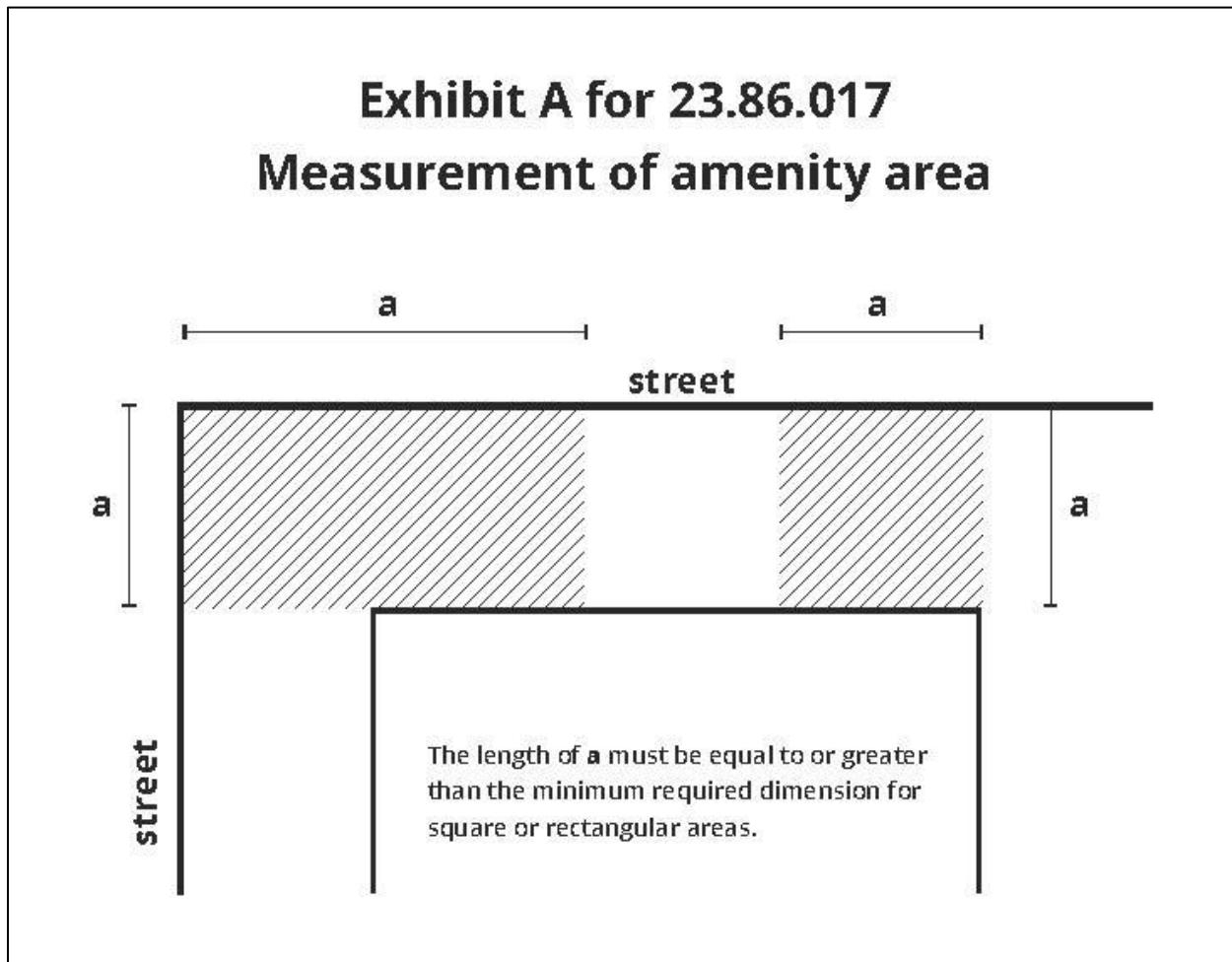
B. In shoreline areas, when determining the amount of amenity area required or provided, no land waterward of the ordinary high water mark shall be included in the calculation.

C. In cases where the shape or configuration of the amenity area is irregular or unusual, the Director shall determine whether amenity area requirements have been met, notwithstanding the following provisions, based on whether the proposed configuration would result in amenity area that is truly usable for normal residential recreational purposes. For the purpose of measuring the minimum horizontal dimension of the amenity area, if one is specified, the following provisions shall apply:

1. For rectangular or square areas, each exterior dimension of the area shall meet the minimum dimension (Exhibit A for 23.86.017).

Exhibit A for 23.86.017

**Measurement of amenity area**

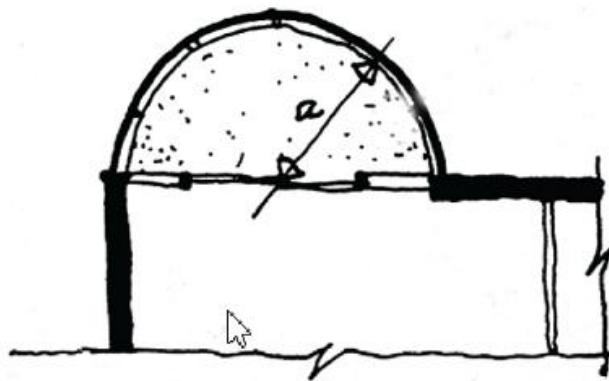


2. For circular areas, the diameter of the circle shall meet the minimum dimension. For semicircular areas, the radius of the area shall meet the minimum dimension (Exhibit B for 23.86.017).

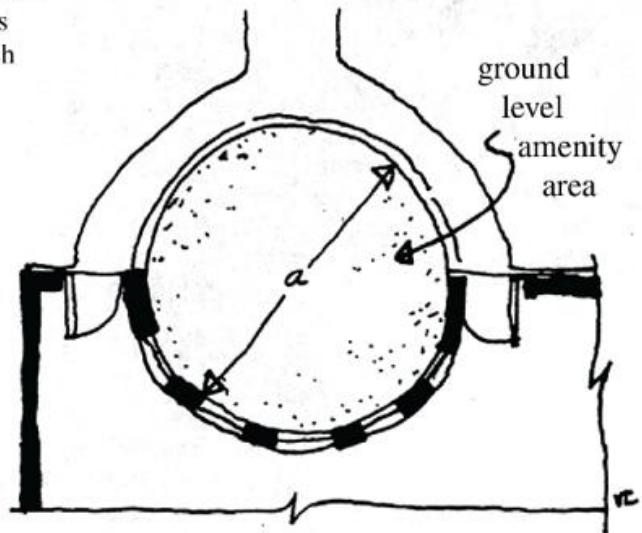
## Exhibit B for 23.86.017

### Measurement of circular amenity areas

#### Exhibit B for 23.86.017 Measurement of Circular Amenity Areas



(“a” = minimum horizontal dimension of amenity area as established in each zone)



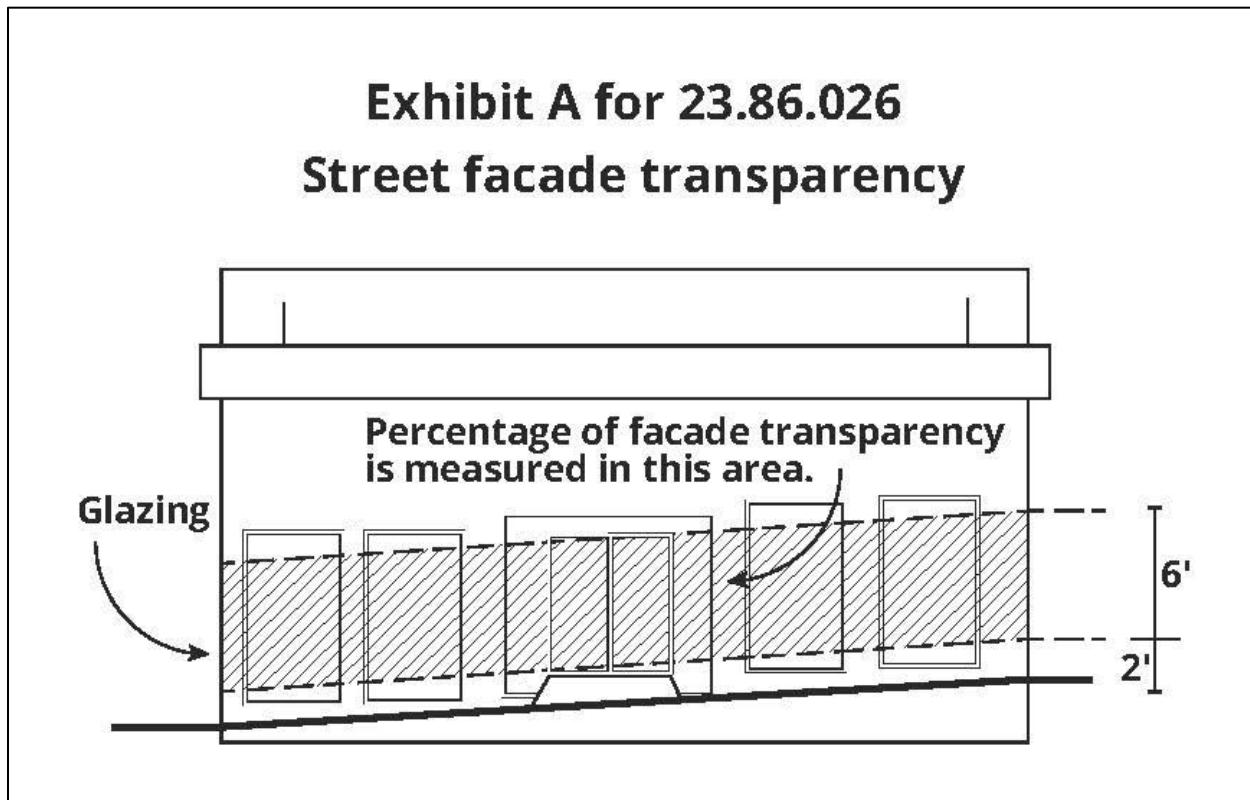
## 23.86.026 Facade transparency

A. In zones, other than Neighborhood Residential or Lowrise zones, where a certain percentage of the street-facing facade is required to be transparent, transparency shall be

measured in an area between 2 feet and 8 feet above the elevation of the lot line at the sidewalk, as depicted in Exhibit A for 23.86.026, unless a different area is specified in the development standards applicable to the lot. Areaways, stairways, and other excavations at the lot line shall not be considered in measuring the elevation of the street lot line. When sidewalk widening is required according to Section 23.49.022, the elevation of the lines establishing the new sidewalk width shall be used rather than the street lot line.

#### Exhibit A for 23.86.026

##### Street facade transparency



B. When transparency is required for facades that abut bonused public open spaces, the measurement of facade transparency shall be from the elevation of the public open space.

C. The full length of Landmark designated structures, and character structures retained according to Section 23.73.015, shall not be counted in determining the required transparency.

\* \* \*

### **23.90.019 Civil penalty for unauthorized dwelling units**

In addition to any other sanction or remedial procedure that may be available, the following penalties apply to unauthorized dwelling units. An owner of a who is issued a notice of violation for an unauthorized dwelling unit is subject to a civil penalty of \$5,000 for each unauthorized dwelling unit. Penalties for unauthorized dwelling units in this Section 23.90.019 shall be reduced from \$5,000 to \$500 if, prior to the compliance date stated on the notice of violation for an unauthorized dwelling unit, the dwelling unit is removed or authorized.

\* \* \*

### **23.91.002 Scope of this Chapter 23.91**

A. Violations of the following provisions of this Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones, unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A and a notice of violation has been issued requiring compliance with subsection 22.206.200.F;
2. Construction or maintenance of structures in required setbacks in residential zones;

3. Parking of vehicles in a Neighborhood Residential zone (Section 23.44.160), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

4. Keeping of animals (Section 23.42.052); and

5. The following violations of Chapter 23.60A:

a. Discharging, leaking, or releasing solid or liquid waste and untreated effluent, oil, chemicals, or hazardous materials into the water (subsection 23.60A.152.R);

b. Releasing debris and other waste materials from construction, maintenance, repair, or in operation or management of a property, into any water body (subsections 23.60A.152.H, 23.60A.152.I, 23.60A.152.T, and 23.60A.152.U);

c. Conducting activity in or over water outside the allowed work windows (subsection 23.60A.152.J); and

d. Closing required public access (Section 23.60A.164).

B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect, limit, or preclude any previous, pending, or subsequent enforcement action or proceeding taken pursuant to Chapter 23.90.

\* \* \*

## 25.05.164 Planned actions—Definitions and criteria

Under the authority of RCW 43.21C.440, the City Council may adopt ordinances designating planned actions. A planned action means one or more types of project action that:

\* \* \*

B. Have had the significant environmental impacts adequately addressed in an EIS prepared in conjunction with:

1. A subarea plan adopted under chapter 36.70A RCW, or
2. A master planned development or phased project;

\* \* \*

## 25.05.665 SEPA policies—Overview

\* \* \*

C. Relationship to subarea plans for regional centers and manufacturing and industrial centers. Subarea plans for regional centers and manufacturing and industrial centers that have been adopted by the City Council may serve as the basis for exercising substantive SEPA authority, subject to the following:

1. A plan may serve as the basis of exercising substantive SEPA authority only to the extent that the provisions of the plan explicitly identify any of its elements intended to have application for SEPA purposes.
2. SEPA conditions based upon a subarea plan for a regional center or manufacturing and industrial center shall be consistent with any rezone action taken by the City Council subsequent to the adoption of the plan.

\* \* \*

## 25.05.800 Categorical exemptions

The proposed actions contained in this Section 25.05.800 are categorically exempt from threshold determination and environmental impact statement requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

### A. Minor new construction; flexible thresholds

1. The exemptions in this subsection 25.05.800.A apply to all licenses required to undertake the construction in question. To be exempt under this Section 25.05.800, the project shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection 25.05.800.A.2 shall control. If the proposal is located in more than one city or county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection 25.05.800.A apply except when the project:

- a. Is undertaken wholly or partly on lands covered by water;
- b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.038;
- c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or 197-11-800(8); or
- d. Requires a land use decision that is not exempt under subsection 25.05.800.F.

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water:

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

Zone	Number of exempt dwelling units		
	Outside regional centers and urban centers	Within regional centers and urban centers where growth estimates have not been exceeded	Within regional centers and urban centers where growth estimates have been exceeded
NR and RSL	4	4	4
LR1	4	200 <sup>1</sup>	20
LR2	6	200 <sup>1</sup>	20
LR3	8	200 <sup>1</sup>	20
NC1, NC2, NC3, C1, and C2	4	200 <sup>1</sup>	20
MR, HR, and Seattle Mixed zones	20	200 <sup>1</sup>	20
MPC-YT	NA	30 <sup>1</sup>	20
Downtown zones	NA	250 <sup>1</sup>	200
Industrial zones	4	4	4

Footnotes to Table A for 25.05.800  
NA = not applicable  
Regional centers and urban centers are identified in the Seattle Comprehensive Plan.  
<sup>1</sup> Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development located in a regional center or in an urban center is categorically exempt from the State Environmental Policy Act, unless the Department has determined that residential growth within the regional center or urban center has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or the property

owner's agent in the conduct of farming the property. This exemption does not apply to feed lots;

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

**Table B for 25.05.800**

**Exemptions for nonresidential uses**

<b>Zone</b>	<b>Exempt area of use (square feet of gross floor area)</b>		
	<b>Outside regional centers and urban centers</b>	<b>Within regional centers and urban centers where growth estimates have not been exceeded</b>	<b>Within regional centers and urban centers where growth estimates have been exceeded</b>
NR, RSL, and LR1	4,000	4,000	4,000
LR2 and LR3	4,000	12,000 <sup>1</sup> or 30,000 <sup>2</sup>	12,000
MR, HR, NC1, NC2, and NC3	4,000	12,000 <sup>1</sup> or 30,000 <sup>2</sup>	12,000
C1, C2, and Seattle Mixed zones	12,000	12,000 <sup>1</sup> or 30,000 <sup>2</sup>	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	NA	12,000	12,000
Downtown zones	NA	30,000	30,000

Footnotes to Table B for 25.05.800

NA = not applicable

Regional centers and urban centers are identified in the Seattle Comprehensive Plan.

<sup>1</sup> New nonresidential development that is not part of a mixed-use development and that does not exceed 12,000 square feet in size is categorically exempt from the State Environmental Policy Act (SEPA).

<sup>2</sup> Pursuant to RCW 43.21C.229, new nonresidential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in a regional center or in an urban center is categorically exempt from SEPA, unless the Department has determined that employment growth within the regional center or urban center has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.

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

e. Any fill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any excavation, fill, or grading necessary for an exempt project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or 25.05.800.A.2.d shall be exempt;

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

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

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

i. To implement the requirements of Table A for 25.05.800 and Table B for 25.05.800, the Director shall establish implementation guidance by rule for how growth is measured against exemption limits and how changes to thresholds will occur if exemption limits are reached. The exemption limits shall consist of the growth estimates established in the Seattle Comprehensive Plan for a given area, minus a "cushion" of ten

percent to assure that development does not exceed growth estimates without SEPA review; and

j. The Director shall monitor residential and employment growth and periodically publish a determination of growth for each regional center or urban center. Residential growth shall include, but need not be limited to, net new units that have been built and net new units in projects that have received a building permit but have not received a certificate of occupancy. Per implementation guidance established by rule, if the Director determines that exemption limits have been reached for a regional center or an urban center subsequent development will be subject to the lower thresholds as set forth in Table A for 25.05.800 and Table B for 25.05.800.

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## 25.09.052 Replacing structures in environmentally critical areas and buffers

\* \* \*

B. Replacing a detached dwelling unit voluntarily in wetlands, wetland buffers, and fish and wildlife habitat conservation areas

1. Replacing a detached dwelling unit and its appurtenant structures and access is allowed in wetlands, wetland buffers, and fish and wildlife habitat conservation areas if the replacement complies with the following:

a. The replacement is in substantially the same location as the original development;

b. The area of the footprint of the replacement does not exceed that of the original development;

c. The proposed access does not exceed the width and length of necessary access;

d. Lot size

1) Riparian watercourse and wetlands. For a detached dwelling unit located over a riparian watercourse or built in a wetland, the replaced dwelling unit and necessary access meets wetland buffer or riparian management area requirements to the maximum extent feasible; or

2) For all other property, the lot does not have sufficient area to site a dwelling unit with the same area of footprint as existed on May 14, 2017, plus necessary access, consistent with the regulations for the applicable environmentally critical area and buffer, including reducing the front and/or rear setback requirements allowed under Section 25.09.280, except subsection 25.09.280.B.2, to the minimum necessary to accommodate the dwelling unit and necessary access; and

e. The site for the dwelling unit, necessary access, and utilities has the least impact on the functions and values of the environmentally critical area.

2. A structure that is replaced and activities related to replacing the structure shall:

a. Comply with restrictions on flood hazard areas reconstruction, if the structure is located in a flood-prone area; and

b. Comply with the development standards for the environmentally critical area and buffer in which it is located to the maximum extent feasible, including requirements for access and shall comply with the standards in Sections 25.09.060, 25.09.065, and 25.09.070; and

c. Mitigate impacts to the functions and values of the environmentally critical area and buffers, in compliance with Section 25.09.065, including any impacts caused by removing the dwelling unit from its original location, runoff from impervious surfaces, and/or replacing any portion of the dwelling unit within the environmentally critical area or buffer.

\* \* \*

## 25.09.055 Essential public facilities

If an essential public facility as defined in Section 23.84A.010 is proposed within an environmentally critical area as defined in Section 25.09.020, review of the proposed facility is subject to the provisions of Chapter 23.80.

\* \* \*

## 25.09.240 Short subdivisions and subdivisions

\* \* \*

C. Application submittal requirements. All short subdivision and subdivision applications, in addition to the application submittal requirements included in Title 23 and this Chapter 25.09, shall include on the surveyed site plan the information required by this Section 25.09.240, as applicable.

D. Lots shall be configured to preserve the environmentally critical areas and buffers identified in subsection 25.09.240.A by:

1. Establishing a separate buffer tract or lot with each owner having an undivided interest; or
2. Establishing non-disturbance areas on individual lots.

E. The environmentally critical areas and buffers identified in subsection 25.09.240.A, except for areas qualifying for development under subsections 25.09.240.B.1, 25.09.240.B.2, and 25.09.240.B.3, shall be designated non-disturbance areas on the final plat. A statement that these non-disturbance areas are located on the lots and the definition of "non-disturbance area" shall be recorded in the King County Recorder's Office along with the final plat in a form approved by the Director. At the same time, a covenant protecting non-disturbance areas shall be recorded as set out in Section 25.09.335.

\* \* \*

**25.09.260 is repealed.**

\* \* \*

## **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 following 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.

\* \* \*

## 25.09.520 Definitions

\* \* \*

"Department" means the Seattle Department of Construction and Inspections or its successor department.

"Detached dwelling unit" means a detached dwelling unit as defined in Section 23.84A.008.

\* \* \*

## 25.11.010 Purpose and intent

The purpose and intent of this Chapter 25.11 is to:

\* \* \*

E. Protect Tier 2 and Tier 3 trees and other trees that because of their unique historical, ecological, public health, or aesthetic value constitute an important community resource, and require flexibility in design to protect these trees;

\* \* \*

## 25.11.025 Essential public facilities

If this Chapter 25.11 applies to a proposal for an essential public facility as defined in Section 23.84A.010, review of the proposed facility is subject to the provisions of Chapter 23.80.

\* \* \*

## 25.11.060 Requirements for trees when development is proposed

### A. Tree protection area

1. A tree protection area is required for all existing Tier 1, Tier 2, and Tier 3 trees that are not removed during development, as well as any tree relocated offsite if on private property or any tree planted onsite as part of required mitigation pursuant to this Chapter 25.11.

2. The tree protection area for Tier 1, Tier 2, and Tier 3 trees shall be determined by the Director pursuant to this subsection 25.11.060.A and any rules promulgated by the Director.

3. The tree protection area may be modified based on species tolerance; expected impacts of construction activities; tree size, age, and health; and soil conditions not to exceed the area of the feeder root zone. The Director may require Master Use Permits or building permits to include measures to protect tree(s) during construction, including within the feeder root zone.

4. The tree protection area may be reduced by the Director pursuant to the provisions of Title 23 and this Chapter 25.11, as follows, provided that the Director may approve additional modifications not listed in this subsection 25.11.060.A.4, if the Director

finds the modifications do not interfere with the overall health and stability of the retained tree:

a. Any new encroachment into the tree protection area may not be closer than one half of the tree protection radius. Existing encroachments closer than one half of the tree protection radius may remain or be replaced if no appreciable damage to the tree will result.

b. The tree protection area shall not be reduced more than 35 percent of the outer half of the tree protection radius unless an alternative tree protection area or construction method will provide equal or greater tree protection and result in long-term retention and viability of the tree as determined by a certified arborist.

c. Existing encroachments do not count toward the reduction.

d. The tree protection area may be temporarily reduced in size during a specific construction activity that is not likely to cause appreciable damage to the tree. Appropriate mitigation measures shall be implemented per ANSI A300 standards or their successor, and the tree protection area shall be returned to its permanent size after the specific construction activity is complete.

5. The tree protection area is required to include fencing, signage, and other safety requirements as required in the Seattle Department of Construction and Inspections Tree and Vegetation Protection Detail.

\* \* \*

## 25.11.070 Tree protection on sites undergoing development in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones

### A. Neighborhood Residential zones

#### 1. Tier 2 trees may be removed only if:

a. The maximum lot coverage permitted on the site pursuant to Title 23 cannot be achieved without extending into the tree protection area as altered pursuant to subsection 25.11.060.A.3 or subsection 25.11.060.A.4;

b. Avoiding development in the tree protection area would result in a portion of a principal dwelling unit, or an accessory dwelling unit, being less than 10 feet in width; or

c. Tree removal is necessary for the construction of new structures; required vehicle access; required pedestrian access; or utilities, Director-required retaining walls, or other similar improvements associated with development.

#### 2. For purposes of retaining an existing on-site and off-site Tier 1, Tier 2, Tier 3, or Tier 4 tree:

a. Extension into front or rear setbacks is permitted but limited to an area equal to the amount of the tree protection area of those trees not located within required setbacks.

b. Reduction of required amenity areas is permitted but limited to an area equal to the amount of the tree protection area of trees retained.

#### 3. Reserved.

#### 4. For the purposes of this subsection 25.11.070.A:

a. Lot coverage calculation shall not include any portion of a parcel containing a biodiversity area or corridor, riparian corridor, priority habitat, priority area setback, wetland, wetland buffer, or steep slope erosion hazard area, unless the Director has approved critical areas reduction, waiver, or modification pursuant to Chapter 25.09; and

b. The tree protection area may be altered by the Director pursuant to subsection 25.11.060.A.3 and subsection 25.11.060.A.4.

B. Lowrise, Midrise, commercial, and Seattle Mixed zones

1. Tier 2 trees may be removed as follows:

a. If an otherwise allowable development area of 85 percent cannot be achieved without extending into the tree protection area, as follows:

1) Calculate the tree protection area on the lot. For the purposes of this subsection 25.11.070.B, the tree protection area may be altered by the Director pursuant to subsection 25.11.060.A.3 and subsection 25.11.060.A.4.

2) Subtract the tree protection area and the area of any portions of the lot between a property line and tree protection area when the portion of the lot is 15 feet or less measured from a lot line to a tree protection area from the lot area. If this number is less than 85 percent of the total lot area, Tier 2 trees may be removed.

3) When multiple Tier 2 trees are located on a lot, the minimum number of trees needed to reach 85 percent may be removed based on the evaluation required by subsection 25.11.060.C.

4) When the tree protection area of an off-site Tier 1, Tier 2, or Tier 3 tree is located on the lot, this area shall be included in accordance with subsection 25.11.070.B.

b. In Midrise, Commercial, and Seattle Mixed zones Tier 2 trees may be removed, if an otherwise allowable development area of 100 percent cannot be achieved without extending into the basic tree protection area more than allowed pursuant to subsection 25.11.060.A.

c. For the purposes of this subsection 25.11.070.B, allowable development area shall not include any portion of a parcel containing a biodiversity area or corridor, riparian corridor, priority habitat, priority area setback, wetland, wetland buffer, or steep slope erosion hazard area, unless the Director has approved a critical area reduction, waiver, or modification pursuant to Chapter 25.09.

2. If an applicant chooses to retain Tier 2 trees that would otherwise be allowed to be removed under subsection 25.11.070.B.1 or if encroachment into the tree protection area of an off-site Tier 1, Tier 2, or Tier 3 tree cannot otherwise be avoided, modifications to development standards are allowed as follows:

a. For development not subject to design review, the following Type I modifications to standards:

1) Front and rear setback and separation requirements, if applicable, may be reduced by a maximum of 100 percent;

2) Amenity areas may be reduced by a maximum of 100 percent;

3) Landscaping and screening may be reduced by a maximum of 100 percent; and

4) Structure width, structure depth, and facade length limits, if applicable, may be increased by a maximum of 50 percent.

b. The following Type I modifications to standards are permitted for development that: i) Receives public funding or an allocation of federal low-income housing tax credits; and ii) is subject to a regulatory agreement, covenant, or other legal instrument recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, or other similar entity as approved by the Director of Housing; and iii) either: restricts at least 40 percent of rental units to occupancy by households earning no greater than 60 percent of median income, and controls the rents that may be charged for a minimum period of 40 years; or restricts at least 40 percent of ownership dwelling units earning no greater than 80 percent of median income, and controls the sale price of the units for a minimum period of 50 years:

1) Setback, separation, amenity area, landscaping, and screening requirements, if applicable, may be reduced by a maximum of 100 percent; and

2) Structure width, structure depth, and facade length limits, if applicable, may be increased by a maximum of 100 percent.

c. For development subject to design review, the departures permitted in Section 23.41.012.

d. Parking reduction. A reduction in the parking quantity required by Section 23.54.015 and the modification of standards for safe access of any required parking of Section 23.54.030 may be permitted in order to protect a Tier 2 tree, if the reduction would result in a project that would avoid the tree protection area.

e. In Lowrise zones, for a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet if the increase is needed to accommodate, on an additional story, the amount of floor area lost by avoiding development within the tree protection area and the amount of floor area on the additional story is limited to the amount of floor area lost by avoiding development within the tree protection area.

3. Tree removal required for development to achieve the allowable development area according to subsection 25.11.070.B.1 or height limits of the applicable zone includes, but is not limited to, the construction of new structures; required vehicle access; required pedestrian access; or utilities, Director-required retaining walls, or other similar improvements associated with development.

\* \* \*

## **25.11.090 Tree replacement, maintenance, and site restoration**

A. In all zones, Tier 1, Tier 2, and Tier 3 trees removed in association with development or because they are hazardous, infested by insects, pests, or pathogens, or an invasive or nuisance tree, or in accordance with the removal criteria in subsection 25.11.050.D, shall be replaced by one or more new trees, the size and species of which

shall be determined by the Director; the tree replacement required shall be designed to result, upon maturity, in a canopy cover that is at least roughly proportional to the canopy cover prior to tree removal. Site restoration where there is on-site tree replacement in association with development shall include the removal of all invasive vegetation and shall prohibit replacement with invasive species. When on-site replacement is proposed, such trees count toward the Green Factor under Section 23.86.019 and private property tree point requirements under Section 23.44.120. When off-site replacement is proposed, preference for the location shall be on public property.

\* \* \*

### 25.11.130 Definitions

\* \* \*

"Tree protection area" means the area surrounding a tree defined by a specified distance, in which excavation and other construction-related activities are prohibited, unless pre-authorized by the Director. The tree protection area is delineated using a radius that is equal to one foot for every inch DSH of the tree, except as altered through subsections 25.11.060.A.3 or subsection 25.11.060.A.4.