

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in Downtown, South Lake Union and adjacent IC zones; amending Sections 23.41.012, 23.48.220, 23.48.225, 23.48.230, 23.48.232, 23.48.235, 23.48.245, 23.48.250, 23.48.285, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.041, 23.49.058, 23.49.156, 23.49.158, 23.49.164, 23.50.020, 23.50.026, 23.50.028, 23.50.033, 23.50.039, 23.50.053, 23.50.055, 23.58B.040, 23.58B.050, 23.58C.025, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, and 23.76.006 of the Seattle Municipal Code; amending the Downtown Overlay Maps in Chapter 23.49 of the Seattle Municipal Code; and adding new Sections 23.48.223, 23.48.231, 23.49.007, 23.49.039, and 23.50.041 to the Seattle Municipal Code to implement Mandatory Housing Affordability requirements in Downtown and South Lake Union.

..body

WHEREAS, in May 2013, the City Council adopted Resolution 31444, which established a work program for reviewing and potentially modifying the City’s affordable housing incentive programs; and

WHEREAS, according to Resolution 31444, the City Council commissioned reports examining national best practices for increasing the availability of affordable housing to identify new strategies for Seattle; and

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee be jointly convened by the Council and the Mayor to evaluate potential housing strategies; and

WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and City Council on July 13, 2015; and

1 WHEREAS, the HALA Advisory Committee recommended extensive citywide upzoning of
2 residential and commercial zones and, in connection with such upzones, implementation
3 of a mandatory inclusionary housing requirement for new residential development and
4 commercial linkage fees for new commercial development; and

5 WHEREAS, the HALA Advisory Committee recommended that the mandatory inclusionary
6 housing requirement offer developers the option of building affordable housing or
7 making a cash contribution to fund preservation and production of affordable housing,
8 and that the requirement be implemented upon approval of extensive citywide upzoning
9 of residential and commercial zones; and

10 WHEREAS, the City has the authority to require mandatory housing affordability for residential
11 development according to its police power; and

12 WHEREAS, a mandatory housing affordability requirement for residential development is one of
13 many actions the City intends to undertake to implement the Comprehensive Plan's goals
14 and policies for housing affordability; and

15 WHEREAS the Countywide Planning Policies, as ratified by the King County Council, provide
16 that jurisdictions may consider a full range of programs, from optional to mandatory, that
17 will assist in meeting the jurisdiction's share of the countywide need for affordable
18 housing; and

19 WHEREAS, one of the City's planning goals under the Growth Management Act, chapter
20 36.70A RCW, is to make adequate provision for the housing needs of all economic
21 segments of the city; and

22 WHEREAS, the Affordable Housing Incentives Program Act, RCW 36.70A.540, authorizes and
23 encourages cities to enact or expand affordable housing incentive programs providing for

1 the development of low-income housing units through development regulations or
2 conditions on rezoning or permit decisions, or both; and

3 WHEREAS, according to the Affordable Housing Incentives Program Act, jurisdictions may
4 establish a minimum amount of affordable housing that must be provided by all
5 residential developments in areas where increased residential development capacity has
6 been provided; and

7 WHEREAS, the July 13, 2015, Statement of Intent for Basic Framework for Mandatory
8 Inclusionary Housing and Commercial Linkage Fee (commonly referred to as the “Grand
9 Bargain”) states that the mandatory housing affordability requirements for residential and
10 commercial development should achieve a projected production level over ten years of no
11 less than 6,000 units of housing affordable to households with incomes no greater than 60
12 percent of median income, and that, if the projected production level falls below the
13 target, all parties agree to develop and consider options to achieve the agreed-upon
14 production target; and

15 WHEREAS, in November 2015, the City Council adopted Ordinance 124895, which established
16 the framework for an Affordable Housing Impact Mitigation Program for commercial
17 development; and

18 WHEREAS, in November 2015, the City Council adopted Resolution 31612, stating the
19 Council’s intent to make changes to zoning and land use regulations to implement a
20 mandatory inclusionary affordable housing program for residential development
21 recommended by the HALA Advisory Committee and the Mayor; and

22 WHEREAS, in August 2016, the City Council adopted Ordinance 125108 which established the
23 framework for mandatory housing affordability for residential development; and

1 WHEREAS, this ordinance was informed by public feedback gathered at an Open House
2 conducted on February 24, 2016 and presentations and conversations with the Alliance
3 for Pioneer Square, Belltown Community Council, Building Owners and Managers
4 Association (BOMA), Chinatown-International District Business Improvement
5 Association, Denny Triangle Neighborhood Association, Downtown Residents Alliance,
6 Downtown Resident’s Council, Downtown Seattle Association, InterIM, International
7 District Special Review Board, NAIOP, Pioneer Square Preservation Board, Pioneer
8 Square Residents Council, Seattle Chinatown-International District Preservation and
9 Development Authority (SCIDpda), Seattle Planning Commission, and South Lake
10 Union Community Council, as well as letters, emails, and other correspondence from
11 individuals and groups; and

12 WHEREAS, this ordinance would increase development capacity and implement the Affordable
13 Housing Impact Mitigation Program for commercial development and mandatory
14 housing affordability for residential development in certain areas of Downtown and
15 South Lake Union; and

16 WHEREAS, many factors were considered in establishing payment and performance amounts
17 for residential and commercial development including the need for both market-rate and
18 affordable housing, the additional cost of incentive zoning requirements for non-housing
19 benefits in Downtown and South Lake Union, the higher cost of development for high-
20 rise construction, the higher value of commercial development capacity relative to
21 residential development capacity, and the relatively small increase in development
22 capacity in Downtown and South Lake Union compared to other areas; and

1 WHEREAS, pursuant to Ordinance 124895 (Affordable Housing Impact Mitigation Program for
2 commercial development) the payment and performance amounts for commercial
3 development are significantly higher, in particular the payment amounts are on average
4 87 percent higher for Downtown and South Lake Union than most areas outside of
5 Downtown and South Lake Union; and

6 WHEREAS, the combined approach of higher commercial and lower residential payment and
7 performance amounts address the unique characteristics and capture the type of growth
8 that is occurring in Downtown and South Lake Union and these areas, while representing
9 only 3% of the city's land, are estimated to produce 2,100 new affordable housing units,
10 which is about a third of the city-wide goal of 6,000 units; and

11 WHEREAS, increased residential development in the Downtown and South Lake Union areas
12 will assist in achieving local growth management and housing policies; and

13 WHEREAS, this ordinance provides increased residential development capacity in the form of
14 an increase in the amount of height or floor area allowed by zoning in most areas in the
15 Downtown and South Lake Union Urban Centers; and

16 WHEREAS, the City has determined that development standards could preclude the additional
17 capacity from being achieved only in a few, very limited situations and, to address those
18 situations, this ordinance provides for modification of other development standards as
19 well as for modest reductions in payment and performance amounts for residential
20 development if the additional capacity still could not be achieved; NOW, THEREFORE,

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

22 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
23 amended to rezone properties identified on pages 99, 100, 101, 102, 108, 109, 110, 115, 116,

1 117, 215 of the Official Land Use Map as shown on Attachment A attached to this ordinance as
2 follows:

3 A. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended
4 as follows:

- 5 1. All areas designated on Attachment A as DH2/65 are rezoned to DH2/75.
- 6 2. All areas designated on Attachment A as DMC-65 are rezoned to DMC 75.
- 7 3. All areas designated on Attachment A as DMC-85 are rezoned to DMC 95.
- 8 4. All areas designated on Attachment A as DMC-125 are rezoned to DMC 145.
- 9 5. All areas designated on Attachment A as DMC-160 are rezoned to DMC 170.
- 10 6. All areas designated on Attachment A as DMC 240/290-400 are rezoned to
11 DMC 240/290-440.
- 12 7. All areas designated on Attachment A as DMC 340/290-400 are rezoned to
13 DMC 340/290-440.
- 14 8. All areas designated on Attachment A as DMR/C 85/65 are rezoned to DMR/C
15 95/75.
- 16 9. All areas designated on Attachment A as DMR/C 125/65 are rezoned to
17 DMR/C 145/75.
- 18 10. All areas designated on Attachment A as DMR/C 240/125 are rezoned to
19 DMR/C 280/125.
- 20 11. All areas designated on Attachment A as DMR/R 85/65 are rezoned to
21 DMR/R 95/65.
- 22 12. All areas designated on Attachment A as DMR/R 125/65 are rezoned to
23 DMR/R 145/65.

1 13. All areas designated on Attachment A as DMR/R 240/65 are rezoned to
2 DMR/R 280/65.

3 14. All areas designated on Attachment A as DOC1 U/450/U are rezoned to
4 DOC1 U/450-U.

5 15. All areas designated on Attachment A as DOC2 500/300-500 are rezoned to
6 DOC2 500/300-550.

7 16. All areas designated on Attachment A as DRC 85-150 are rezoned to DRC
8 85-170.

9 17. All areas designated on Attachment A as IC 85-160 are rezoned to IC 85-175.

10 18. All areas designated on Attachment A as SM-85 are rezoned to SM-SLU
11 100/95.

12 19. All areas designated on Attachment A as SM-125 are rezoned to SM-SLU
13 145.

14 20. All areas designated on Attachment A as SM-SLU 85/65-125 are rezoned to
15 SM-SLU 100/65-145.

16 21. All areas designated on Attachment A as SM-SLU 85-240 are rezoned to SM-
17 SLU 85-280.

18 22. All areas designated on Attachment A as SM-SLU 160/85-240 are rezoned to
19 SM-SLU 175/85-280.

20 23. All areas designated on Attachment A as SM-SLU 240/125-400 are rezoned
21 to SM-SLU 240/125-440.

22 24. All areas designated on Attachment A as SM-SLU/R 55/85 are rezoned to
23 SM-SLU/R 65/95.

1 B. Attachment A to this ordinance, which is incorporated by this reference, shows the
2 areas being rezoned as described in this section.

3 Section 2. Subsection 23.41.012.B of the Seattle Municipal Code, which section was last
4 amended by **the ordinance introduced as Council Bill [MHA-C amendments ordinance]**_____,
5 is amended as follows:

6 **23.41.012 Development standard departures**

7 * * *

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

- 10 1. Procedures;
- 11 2. Permitted, prohibited, or conditional use provisions, except that departures
12 may be granted from development standards for required street-level uses;
- 13 3. Residential density limits;
- 14 4. In Downtown zones, provisions for exceeding the base FAR or achieving
15 bonus development as provided in Chapter 23.49, Downtown Zoning;
- 16 5. In Downtown zones, the minimum size for Planned Community
17 Developments as provided in Section 23.49.036;
- 18 6. In Downtown zones, the average floor area limit for stories in residential
19 use in Table B for 23.49.058;
- 20 7. In Downtown zones, the provisions for combined lot developments as
21 provided in Section 23.49.041;
- 22 8. In Downtown Mixed Commercial zones, tower spacing requirements as
23 provided in subsection (~~23.49.058.F~~) 23.49.058.D;

1 9. In the Downtown Mixed Commercial (~~160~~) 170 zone, minimum floor-to-
2 floor height for street-level uses required as a condition of the additional height allowed by
3 subsection 23.49.008.E;

4 10. Downtown view corridor requirements, provided that departures may be
5 granted to allow open railings on upper-level roof decks or rooftop open space to project
6 into the required view corridor, provided such railings are determined to have a minimal
7 impact on views and meet the requirements of the Building Code;

8 11. In SM-SLU zones, floor area limits for all uses provided in subsections
9 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and 23.48.245.B.3, except that departures of up
10 to a five percent increase in floor area limit for each story may be granted for structures with
11 non-residential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and
12 23.48.245.B.1.d.2;

13 12. The provisions of Chapter 23.58A, except that departures may be granted
14 from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a,
15 23.48.021.C.1.b.4, and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to
16 be provided according to Section 23.58A.040 better achieves the intent of the Downtown
17 Amenity Standards for that amenity feature;

18 13. In SM-SLU zones, provisions limiting the number of towers permitted per
19 block provided for in Section 23.48.245;

20 14. In the SM-SLU zones, provisions for upper-level setbacks provided for in
21 Section 23.48.245;

22 15. Floor area ratios (FAR); except that in the Pike/Pine Conservation
23 Overlay District shown on Map A for 23.73.004, departures from the development standards

1 for allowing floor area exemptions from FAR calculations in subsection 23.73.009.C and for
2 retaining a character structure on a lot in Section 23.73.015 are not considered departures
3 from FAR limits;

4 16. Maximum size of use;

5 17. Structure height, except that:

6 a. Within the Roosevelt Commercial Core building height departures
7 up to an additional 3 feet may be granted for properties zoned NC3-65, (Map A for
8 23.41.012, Roosevelt Commercial Core);

9 b. Within the Ballard Municipal Center Master Plan area building
10 height departures may be granted for properties zoned NC3-65, (Map B for 23.41.012,
11 Ballard Municipal Center Master Plan Area). The additional height may not exceed 9 feet,
12 and may be granted only for townhouses that front a mid-block pedestrian connection or a
13 park identified in the Ballard Municipal Center Master Plan;

14 c. In Downtown zones building height departures may be granted for
15 minor communication utilities as set forth in subsection 23.57.013.B;

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

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

1 f. Within the PSM 85-120 zone in the area shown on Map A for
2 23.49.180, departures may be granted from development standards that apply as conditions
3 to additional height, except for FAR and provisions for adding bonus floor area above the
4 base FAR; and

5 g. Within the Pike/Pine Conservation Overlay District shown on Map
6 A for 23.73.004, departures may be granted from development standards that apply as
7 conditions to additional height in subsections 23.73.014.A and 23.73.014.B, and the
8 provision for receiving sites for TDP in subsection 23.73.024.B.5;

9 18. Quantity of parking required, minimum and maximum parking limits, and
10 minimum and maximum number of drive-in lanes, except that within the Ballard Municipal
11 Center Master Plan area departures may be granted from the minimum parking requirement
12 up to a 30 percent maximum reduction for ground-level retail uses that abut established mid-
13 block pedestrian connections through private property as identified in the "Ballard
14 Municipal Center Master Plan Design Guidelines, 2013";

15 19. Provisions of the Shoreline District, Chapter 23.60A;

16 20. Standards for storage of solid-waste containers;

17 21. The quantity of open space required for major office projects in
18 Downtown zones as provided in subsection 23.49.016.B;

19 22. Noise and odor standards;

20 23. Standards for the location of access to parking in Downtown zones;

21 24. Provisions of Chapter 23.52, Transportation Concurrency and
22 Transportation Impact Mitigation;

1 25. Provisions of Chapter 23.53, Requirements for Streets, Alleys, and
2 Easements, except that departures may be granted from the access easement standards in
3 Section 23.53.025;

4 26. Affordable housing production conditions within the MPC-YT zone,
5 pursuant to Section 23.75.085;

6 27. Limits on floor area for uses within the MPC-YT zone, as provided in
7 Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040;

8 28. Limits on number, distribution, and gross floor area per story for highrise
9 structures within the MPC-YT zone, as provided in Section 23.75.120 or as applicable under
10 Section 23.75.040;

11 29. Definitions;

12 30. Measurements;

13 31. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.9,
14 and 23.28.030.A.3, which may be modified as authorized in those provisions;

15 32. Standards for structural building overhangs in Section 23.53.035 and
16 structural encroachments permitted in setbacks provided in lieu of dedication of right-of-
17 way under subsection 23.53.015.D.1.b;

18 33. Within the Pike/Pine Conservation Overlay District shown on Map A for
19 23.73.004, the requirement that all character structures on a lot be retained in order to
20 qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional
21 FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential
22 uses in subsection 23.73.009.C.3, the exception to floor area limits in subsections
23 23.73.010.B.1 and 23.73.010.B.2, the exception for width and depth measurements in

1 subsection 23.73.012.B, or the exception for an additional 10 feet in height as provided for
2 in subsection 23.73.014.B:

3 a. Departures may, however, be granted under the following
4 circumstances:

5 1) The character structure is neither a designated Seattle
6 Landmark nor listed in a rule promulgated by the Director according to Section 23.73.005;
7 and

8 2) The departure is for demolishing a wood-frame character
9 structure originally built as a single-family residence or single-family accessory structure; or

10 3) The departure is for demolishing a character structure that is
11 determined to have insufficient value to warrant retention when the following applies:

12 a) The structure lacks a high degree of architectural
13 integrity as evidenced by extensive irreversible exterior remodeling; or

14 b) The structure does not represent the Pike/Pine
15 neighborhood's building typology that is characterized by the use of exterior materials and
16 design elements such as masonry, brick, and timber; multi-use loft spaces; very high and
17 fully-glazed ground-floor storefront windows; and decorative details including cornices,
18 emblems, and embossed building names; or

19 c) Demolishing the character structure would allow for
20 more substantial retention of other, more significant character structures on the lot, such as a
21 structure listed in a rule promulgated by the Director according to Section 23.73.005; or
22 would allow for other key neighborhood development objectives to be achieved, such as
23 improving pedestrian circulation by providing through-block connections, developing arts

1 and cultural facilities, or siting publicly-accessible open space at key neighborhood
2 locations.

3 b. In addition to the provisions of subsection 23.41.012.B.32.a, the
4 following provisions apply:

5 1) At least one character structure shall be retained on the lot if
6 any of the following are to be used by the development proposal:

7 a) ~~((subsection))~~ Subsection 23.73.009.C.3 regarding
8 the FAR exemption for residential uses~~((;))~~ ;

9 b) ~~((subsection))~~ Subsection 23.73.010.B.2 regarding
10 increases in the floor area limits~~((;))~~ ;

11 c) ~~((subsection))~~ Subsection 23.73.012.B regarding the
12 exception from width and depth measurements~~((;))~~ ; or

13 d) ~~((subsection))~~ Subsection 23.73.014.B regarding the
14 exception allowing for an additional 10 feet in height ~~((are being used by the development
15 proposal))~~.

16 2) ~~((No character structures are required to be retained on the
17 lot if))~~ A departure may allow removal of character structures if the requirement for
18 retaining character structures is limited to the following:

19 a) ~~((subsection))~~ Subsection 23.73.009.B regarding the
20 exception to allow additional FAR for non-residential uses~~((;))~~ ;

21 b) ~~((subsection))~~ Subsection 23.73.010.B.1 regarding
22 increases in the floor area limits~~((;))~~ ; or

1 1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for
 2 specified SM zones within the South Lake Union Urban Center are as shown in Table A for
 3 23.48.220 and Table B for 23.48.220.
 4

Table A for 23.48.220
FAR ((Limits)) limits for ((Specified Zones)) specified zones in South Lake Union Urban Center

Zone	FAR limits for non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use ¹
	Base FAR	Maximum FAR	
((SM-SLU/R 55/85))	NA	NA	4.5))
SM-SLU ((85/65-125) <u>100/65-145</u>)	4.5	((6) <u>6.5</u>)	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU ((160/85-240) <u>175/85-280</u>)	4.5 ²	((7) <u>8</u>)	6
SM-SLU ((85-240) <u>85-280</u>)	0.5/1.5 ³	NA	6
SM-SLU ((240/125-400) <u>240/125-440</u>)	5 ²	((7) <u>8</u>)	10

Footnotes to Table A for 23.48.220
 NA (not applicable) refers to zones where uses are not subject to an FAR limit.
¹ All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.
² In the SM-SLU ((~~160/240~~) 175/85-280, and SM-SLU ((~~240/400~~) 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.7~~) 23.48.220.A.3).
³ The 1.5 FAR limit applies to religious facilities. For all other non-residential uses, the 0.5 FAR limit applies.

5

Table B for 23.48.220
FAR limits for SM-SLU/R 65/95, SM-SLU 100/95, and SM-SLU 145 zones

<u>Zone</u>	<u>FAR limits for all uses</u>	
	<u>Base FAR</u>	<u>Maximum FAR</u>
<u>SM-SLU/R 65/95</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>SM-SLU 100/95</u>	<u>4.5</u>	<u>6.75</u>
<u>SM-SLU 145</u>	<u>5</u>	<u>9.5¹</u>

Footnote to Table B for 23.48.220

¹ The maximum FAR for development with non-residential uses that exceed 85 feet in height is 8.5.

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2. FAR for development including a mix of residential and non-residential uses

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a. For zones included on Table A for 23.48.220, development including a mix of non-residential uses and residential uses that do not exceed the base height limit for residential use shall:

1) ~~((obtain))~~ Obtain extra floor area for any chargeable non-residential floor area above the base FAR for non-residential uses as prescribed in Table A for 23.48.220; and

2) ~~((not))~~ Not exceed the lower of the maximum FAR for non-residential uses in Table A for 23.48.220 or the maximum FAR for structures that do not exceed the base height limit and include any residential use in Table A for 23.48.220.

b. In the SM-SLU ~~((160/85-240))~~ 175/85-280 zone residential uses are allowed above the residential base height limit in structures or portions of structures with non-residential uses that exceed 85 feet in height, and in the SM-SLU ~~((240/125-400))~~ 240/125-440 zone, residential uses are allowed above the residential base height limit in structures or portions

1 of structures with non-residential uses that exceed 125 feet in height if the following conditions
2 are met:

3 1) All uses are subject to the maximum FAR limit for non-
4 residential uses in Table A for 23.48.220, and for the purposes of calculating FAR, floor area in
5 residential use shall be included as chargeable floor area;

6 2) If residential and non-residential uses are combined on the same
7 story, the floor area limits of subsection 23.48.245.B.3 apply;

8 3) Stories occupied only by residential uses may exceed the
9 maximum height limit for non-residential uses, and all stories above the base height limit for
10 residential use that are only occupied by residential uses are subject to the floor area limits of
11 subsection 23.48.245.B.2 and the maximum facade width standards of subsection 23.48.245.E;

12 4) Extra non-residential floor area above the base FAR for non-
13 residential uses shown on Table A for 23.48.220 shall be obtained as provided for in Section
14 23.48.221; and

15 5) For the purposes of applying tower separation standards in
16 subsection 23.48.245.G, the structure shall be considered to be a residential tower.

17 3. For the zones included on Table A for 23.48.220, an additional increment of up
18 to 0.5 FAR is permitted for non-residential uses above the base FAR of the zone if a lot meets
19 the conditions of either subsection 23.48.220.A.3.a or subsection 23.48.220.A.3.b.

20 a. The lot includes one or more qualifying Landmark structures, subject to
21 the following conditions:

22 1) The structure is rehabilitated to the extent necessary so that all
23 features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are

1 Preservation Board has issued a Certificate of Approval for the modification or demolition of the
2 Landmark; and

3 5) The amount of additional increment of FAR permitted above the
4 base FAR under this subsection (~~((23.48.220.A.4))~~ 23.48.220.A.3 is not more than the square
5 footage of floor area in the Landmark structure(s).

6 b. The lot includes an open space that is a minimum of 10,000 square feet
7 in area and that has been improved as open space accessible to the public prior to ~~((the effective~~
8 ~~date of this ordinance))~~ November 8, 2015, subject to the following conditions:

9 1) The Director, in consultation with the Director of the Seattle
10 Parks and Recreation Department, determines that the design and location of the open space
11 provides a public benefit and is suitable for recreational use;

12 2) Declaration. The owner(s) of the lot where the open space is
13 located shall execute and record a declaration and voluntary agreement in a form acceptable to
14 the Director identifying the open space provided to qualify for the additional increment of FAR
15 above the base FAR; acknowledging that the right to develop and occupy a portion of the gross
16 floor area on the lot using the additional increment of floor area is based upon the long-term
17 provision and maintenance of the open space and that development is restricted in the open
18 space; and committing to provide and maintain the open space; ~~((and))~~

19 3) Duration; alteration. The owners of the lot granted the additional
20 increment of floor area above the base FAR as a result of having the open space on the lot shall
21 provide and maintain the open space for as long as the increment of additional floor area allowed
22 above the base FAR exists. The open space amenity allowing for the additional increment of
23 floor area above the base FAR may be altered or removed. An amount of chargeable floor area

1 equal to the increment of floor area allowed above the base FAR under this subsection

2 23.48.220.A.3.b either or both of the following occur:

3 a) ~~((is))~~ Is removed or converted to a use for which extra
4 non-residential floor area is not required under the provisions of the zone; or

5 b) ~~((is))~~ Is subject to provisions for gaining extra non-
6 residential floor area through alternative means consistent with the provisions of the zone and
7 provisions for allowing extra non-residential floor area in Chapter 23.58A. Alteration or removal
8 of the open space may be further restricted by the provisions of the zone and by conditions of
9 any applicable permit ~~((-))~~ ; and

10 4) The amount of extra FAR permitted above the base FAR is not
11 more than three times the square footage of open space provided to qualify for that increment of
12 FAR.

13 4. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,
14 Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted
15 above 85 feet in height and is subject to the same provisions as residential use exceeding the base
16 height limit for residential use, provided that all development standards that apply to a residential
17 tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra
18 residential floor area.

19 5. In the SM-SLU ~~((85/65-125))~~ 100/65-145, SM-SLU 85/65-160, SM-SLU
20 ~~((160/85-240))~~ 175/85-280, SM-SLU ~~((85-240))~~ 85-280, and SM-SLU ~~((240/125-400))~~ 240/125-
21 440 zones within South Lake Union Urban Center, for residential tower structures that have only
22 non-residential uses up to or above the base height limit for residential uses, the FAR limits for

1 all non-residential uses in the structure are the same as the FAR limits specified for non-
2 residential uses in Table A for 23.48.220.

3 6. In all SM-SLU zones, except SM-SLU/R 65/95, SM-SLU 100/95 and SM-SLU
4 145 zones, a development that includes a residential structure or a portion of the structure as a
5 residential tower is exempt from FAR requirements as to that portion, and the applicable FAR
6 limits for all other portions of the structure shall be based on the total lot area minus the lot area
7 required for the residential tower development, to meet the upper-level floor area limit of
8 subsection 23.48.245.A. For the portion of the lot with the residential tower and podium, the
9 FAR limit for permitted non-residential uses in a residential tower or podium that is also a
10 mixed-use structure shall be based on the area of the portion of the lot occupied by the residential
11 tower and podium.

12 7. Within the area in the SM-SLU (~~160/85-240~~) 175/85-280 zone meeting the
13 standards for location in subsection 23.48.230.B, structures designed for research and
14 development laboratory use and administrative office associated with research and development
15 laboratories have a base FAR of 5 and a maximum FAR of 7, provided that the maximum
16 number of floors allowed above grade is eight measured from the floor with the lowest elevation
17 above grade, but not including rooftop projections.

18 B. The following floor area is exempt from FAR calculations:

19 1. The floor area contained in a Landmark structure subject to controls and
20 incentives imposed by a designating ordinance if the owner of the Landmark has executed and
21 recorded an agreement acceptable in form and content to the Landmarks Preservation Board
22 providing for the rehabilitation and maintenance of the historically significant features of the
23 structure including but not limited to a Certificate of Approval for the modification of the

1 Landmark. This exemption does not apply to a lot from which a Landmark TDP or TDR has
2 been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or
3 TDP available for transfer under Chapter 23.58A.

4 2. Street-level uses identified in subsection 23.48.005.D, whether required or not,
5 and that meet the development standards of Section 23.48.240; except that at locations meeting
6 the conditions of Section 23.48.230, only gross floor area at street level that is a general sales and
7 service, eating and drinking establishment, or entertainment use is exempt.

8 3. All residential use in a residential tower and podium within the required lot
9 area that includes the podium portion of the tower in the SM-SLU (~~((85/65-125))~~) 100/65-145,
10 SM-SLU 85/65-160, SM-SLU (~~((160/85-240))~~) 175/85-280, SM-SLU (~~((85-240))~~) 85-280, and SM-
11 SLU (~~((240/125-400))~~) 240/125-440 zones, except residential use in a mixed-use project under the
12 provisions of subsection 23.48.220.A.2.b.

13 4. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,
14 Mercer Street, Westlake Avenue North, and Fairview Avenue North, all floor area in hotel use
15 pursuant to subsection 23.48.220.A.4.

16 5. Floor area in child care use and elementary and secondary schools.

17 Section 4. A new Section 23.48.223 is added to the Seattle Municipal Code as follows:

18 **23.48.223 Mandatory housing affordability (MHA) program**

19 The provisions of Chapters 23.58B and 23.58C apply in all SM-SLU zones, except SM-SLU
20 85/65-160 zones.

1 Section 5. Section 23.48.225 of the Seattle Municipal Code, enacted by Ordinance
2 124883, is amended as follows:

3 **23.48.225 Structure height in South Lake Union Urban Center**

4 A. Base and maximum height limits

5 1. In zones listed below in this subsection 23.48.225.A.1, the applicable height
6 limit for portions of a structure that contain non-residential and live-work uses is shown as the
7 first figure after the zone designation and the base height limit for portions of a structure in
8 residential use is shown as the first figure following the "/". The third figure shown is the
9 maximum residential height limit. Except as stated in Section 23.48.025, the base residential
10 height limit is the applicable height limit for portions of a structure in residential use if the
11 structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and
12 the maximum residential height limit is the height limit for portions of a structure in residential
13 use if the structure includes extra floor area under the provisions of Chapter 23.58A and if the
14 structure complies with the standards for tower development specified in Section 23.48.240
15 (Street-level development standards in South Lake Union Urban Center) and Section 23.48.245
16 (Upper-level development standards in South Lake Union Urban Center):

17 SM-SLU (~~(85/65-125)~~) 100/65-145

18 SM-SLU 85/65-160

19 SM-SLU (~~(160/85-240)~~) 175/85-280

20 SM-SLU (~~(85-240/125-400)~~) 240/125-440

21 2. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,
22 Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted
23 above 85 feet in height and is subject to the same provisions as residential use exceeding the base

1 height limit for residential use, provided that all development standards that apply to a residential
2 tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra
3 residential floor area.

4 3. In the SM-SLU (~~(85-240)~~) 85-280 zone, except as stated in subsections
5 23.48.225.C and 23.48.225.E, the base height limit is the applicable height limit for portions of a
6 structure if the structure does not gain extra residential floor area under the provisions of Chapter
7 23.58A, and the maximum residential height limit is the height limit for portions of a structure in
8 residential use if the structure includes extra residential floor area under the provisions of
9 Chapter 23.58A, and if the structure complies with the standards for residential tower
10 development in this Chapter 23.48.

11 4. In the SM-SLU 100/95 zone, the maximum height for portions of a structure in
12 non-residential or live-work use is 100 feet and the maximum height limit for portions of a
13 structure in residential use is 95 feet.

14 5. In the SM-SLU 145, the maximum height for all uses is 145 feet.

15 B. Height limits in the SM-SLU/R (~~(55/85)~~) 65/95 zone

16 1. New structures occupied only by non-residential uses are subject to a height
17 limit of (~~(55)~~) 65 feet.

18 2. Structures occupied only by residential uses and mixed-use structures with 60
19 percent or more of the structure's gross floor area in residential use are subject to a height limit of
20 (~~(85)~~) 95 feet.

21 C. Additional height permitted in the SM-SLU (~~(160/85-240)~~) 175/85-280 and SM-SLU
22 (~~(85-240)~~) 85-280 zones

1 1. Increases in the maximum height limit in the SM-SLU (~~((160/85-240))~~) 175/85-
2 280 and SM-SLU (~~((85-240))~~) 85-280 zones. In the SM-SLU (~~((160/85-240))~~) 175/85-280 and SM-
3 SLU (~~((85-240))~~) 85-280 zones a structure is allowed additional height of up to 30 percent above
4 the maximum height limit for residential uses and, in the SM-SLU (~~((160/85-240))~~) 175/85-280
5 zone, up to 20 percent above the height limit for non-residential uses, if all of the following
6 conditions are met:

7 a. The project includes an elementary school or a kindergarten through
8 eighth grade school, which may include minimum space requirements for associated uses but not
9 limited to academic core functions, child care, administrative offices, a library, maintenance
10 facilities, food service, and specialty instruction space;

11 b. Prior to issuance of a Master Use Permit, the applicant shall submit a
12 letter to the Director from the school indicating that, based on the Master Use Permit plans, the
13 school district has determined that the development could meet the operator's specifications;

14 c. Prior to issuance of a building permit, the applicant shall submit a
15 written certification by the operator to the Director that the operator's specifications have been
16 met;

17 d. The amount of floor area allowed to exceed the applicable height limit
18 is equivalent to the amount of enclosed floor area on the lot in school use;

19 e. The floor area added through the increase in height is subject to the
20 development standards in Sections 23.48.235 and 23.48.240 that apply to structures that exceed
21 the base height for residential use or the applicable podium height for non-residential uses;

22 f. The floor area allowed to exceed the maximum residential height limit is
23 not subject to the provisions for gaining extra residential floor area in Chapter 23.58A; should

1 the school use be discontinued, floor area gained through the provisions of this Section
2 23.48.225 shall be subject to the provisions of Chapter 23.58A; and

3 g. The allowances for rooftop features in subsection 23.48.025.B shall
4 apply to the above structure height permitted under this subsection 23.48.225.C(~~(;)~~) .

5 2. Additional height above the applicable height limit for portions of a structure
6 that contain non-residential and live-work uses is permitted in the SM-SLU (~~(160/85-~~
7 ~~240))~~175/85-280 zone at locations and under the conditions specified in Section 23.48.230(~~(;)~~) .

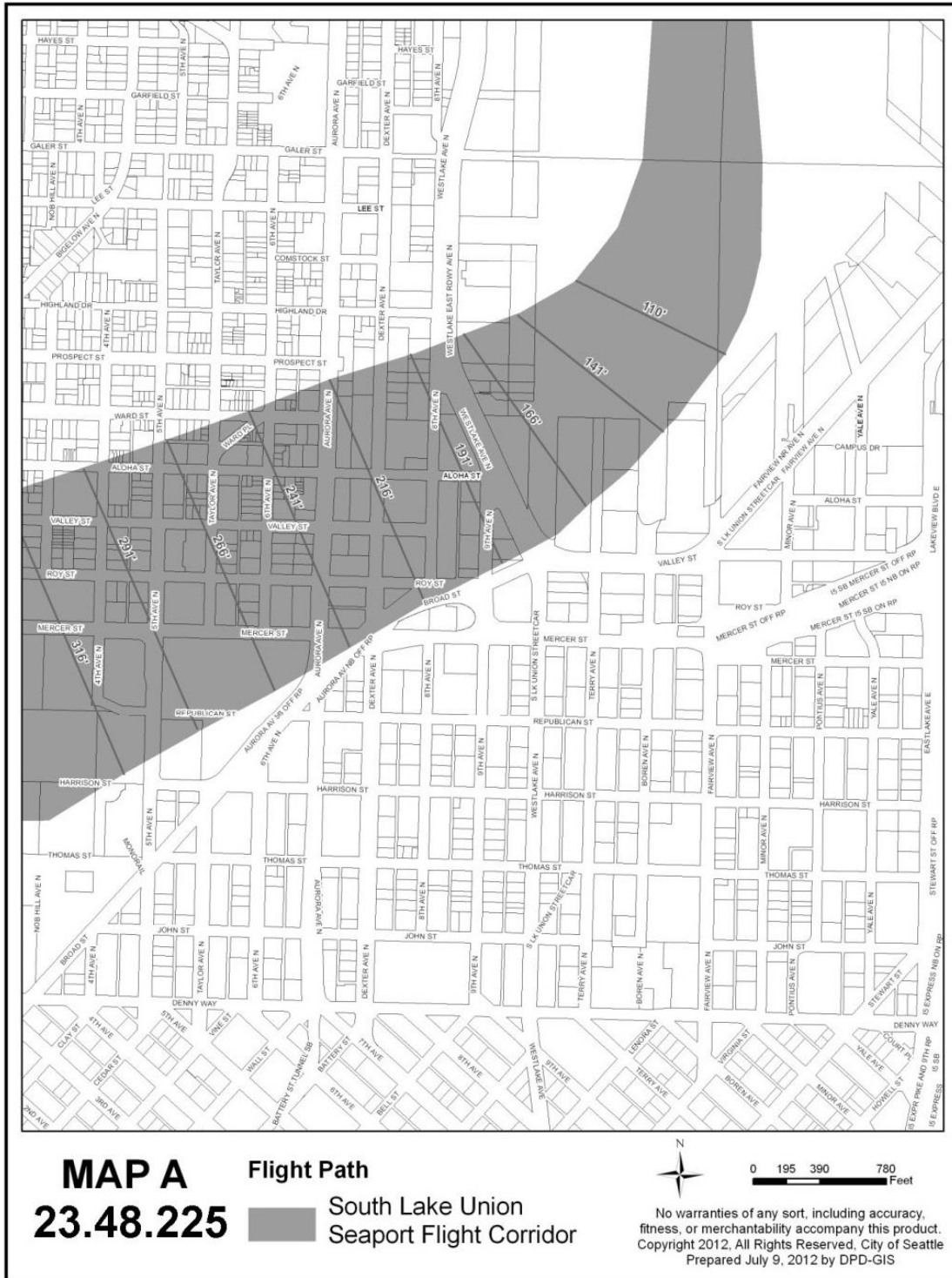
8 3. Extra residential floor area above the base height limit for residential use may
9 be obtained as provided in Section 23.48.221(~~(; and)~~) .

10 D. A proposal to build a structure greater than 85 feet in height in the SM-SLU 85/65-160
11 and SM-SLU (~~(160/85-240))~~ 175/85-280 zones and located north of Mercer Street and West of
12 Fairview Avenue within the South Lake Union Urban Center, requires the applicant to show that
13 the proposed structure height will not physically obstruct use of the flight path shown on Map A
14 for 23.48.225 or endanger aircraft operations.

15 E. All non-exempt floor area and residential floor area located above the base height is
16 considered extra floor area. Extra floor area may be obtained above the base height, up to the
17 maximum height, (~~(only)~~) through the provision of public amenities meeting the standards of
18 Section 23.48.021 and Chapter 23.58A.

19

- 1 **Map A for 23.48.225**
- 2 **South Lake Union Seaport Flight Corridor**



3

1 Section 6. Subsections 23.48.230.A and 23.48.230.B of the Seattle Municipal Code,
2 which section was last amended by Ordinance 125163, are amended as follows:

3 **23.48.230 Extra height in South Lake Union Urban Center**

4 A. Applicability and general provisions. For structures in the SM-SLU (~~(160/85-240)~~)
5 175/85-280 zone designed for research and development laboratory use and administrative office
6 associated with research and development laboratories, structures that do not exceed a height of
7 120 feet are not subject to the floor area limits of subsection 23.48.245.B, provided the project
8 complies with all the requirements of this Section 23.48.230. In order for a structure to qualify
9 for the exemption from the floor area limit, at least one complete MUP application for a structure
10 on the same block that has been permitted to extend up to a height of 120 feet without floor area
11 limits shall be filed within nine months of February 17, 2010.

12 B. Location. A structure may be exempt from floor area limits of subsection 23.48.245.B
13 if the structure is located on a block that is:

- 14 1. (~~(designated)~~) Designated SM-SLU (~~(160/85-240)~~) 175/85-280;
- 15 2. (~~(bounded)~~) Bounded by arterial-designated streets on at least two sides;
- 16 3. (~~(greater)~~) Greater than 60,000 square feet in size and does not exceed 100,000
17 square feet in size; and
- 18 4. (~~(not)~~) Not bisected by an alley or other public right-of-way.

19 * * *

20 Section 7. A new Section 23.48.231 is added to the Seattle Municipal Code as follows.

21 **23.48.231 Modification of development standards in certain SM-SLU zones**

22 A. In a SM-SLU 175/85-280 zone located in the South Lake Union Seaport Flight
23 Corridor as shown on Map A for 23.48.225, the following apply:

1 1. The following modifications shall occur if the height limit according to
2 subsection 23.48.225.D would prevent a development from being able to achieve the maximum
3 height that would otherwise be allowed according to subsection 23.48.225.A:

4 a. The upper-level floor area limit according to subsection 23.48.245.A
5 shall be increased from 50 percent to 55 percent, except that for lots less than 12,500 square feet
6 the upper-level floor area limit according to subsection 23.48.245.A shall be increased from 50
7 percent to 67 percent;

8 b. The non-residential floor plate limits according to subsection
9 23.48.245.B.1.d shall be increased from 24,000 to 25,000 square feet;

10 c. The residential floor plate limits according to subsection
11 23.48.245.B.2.a shall be increased from 12,500 to 13,500 square feet; and

12 d. The residential floor plate limits according to subsection
13 23.48.245.B.2.b.1 shall be increased from 10,500 to 11,500 square feet.

14 2. The height above which a development is a tower according to Section
15 23.48.245 and the base height for purposes of calculating extra floor area shall be increased from
16 85 feet to 95 feet if:

17 a. Either:

18 1) The requirements of subsections 23.48.245.C through
19 23.48.245.G would not permit a tower on the site or would prevent a development from being
20 able to achieve the upper-level floor area limit and the floor plate limits as increased according to
21 subsection 23.48.231.A.1; or

1 2. The height of the development does not exceed 135 feet, excluding exempt
2 rooftop features; and

3 3. The development meets the upper-level setback requirements of Section
4 23.48.235.

5 D. In a SM-SLU 100/65-145 zone, the height above which a development is a tower
6 according to Section 23.48.245 and the base height for purposes of calculating extra floor area
7 shall be increased from 65 feet to 75 feet if:

8 1. The requirements of subsections 23.48.245.A through 23.48.245.G would not
9 permit a tower on the site or would prevent a development from being able to achieve an average
10 tower floor plate of at least 7,500 square feet for floors above the podium height; and

11 2. The height of the development does not exceed 75 feet, excluding exempt
12 rooftop features.

13 Section 8. Section 23.48.232 of the Seattle Municipal Code, enacted by Ordinance
14 124883, is amended as follows:

15 **23.48.232 Lot area limits in SM-SLU/R (~~(55/85)~~) 65/95**

16 A. Development with non-residential uses only, except hotels with 100 rooms/suites or
17 fewer, is limited to a lot area of 21,600 square feet or less.

18 B. Development on lots greater than 21,600 square feet in area shall include residential
19 use in an amount of gross floor area equal to 60 percent or more of the gross floor area in non-
20 residential use, except for development that is an elementary or secondary school, or a hotel with
21 100 rooms/suites or fewer.

22 C. Two lots of up to 21,600 square feet each, separated by an alley and connected above
23 grade by a skybridge or other similar means shall be considered two separate lots for the

1 purposes of this Section 23.48.232. Such a connection above grade and across the alley may be
2 allowed pursuant to the City Council's approval of an aerial alley vacation or temporary use
3 permit.

4 D. Non-residential structures on adjacent lots not separated by an alley, subject to this
5 Section 23.48.232, shall not be internally connected.

6 E. Non-residential uses existing prior to November 6, 1996, that do not meet the
7 requirements of this Section 23.48.232 are allowed to expand by an amount of gross floor area
8 not to exceed 20 percent of the existing gross floor area, without meeting the requirements of this
9 Section 23.48.232. This provision may only be used once for an individual use.

10 F. Non-residential use exception. A non-residential structure may be permitted where a
11 residential or mixed-use structure would otherwise be required, subject to the following:

12 1. The proposal is comprised of two or more lots within ~~((the same))~~ a SM-SLU/R
13 65/95 zone; and

14 2. The amount of gross floor area in residential use in the structures on both lots is
15 equal to at least 60 percent of the total gross floor area of the total combined development on the
16 lots included in the proposal; and

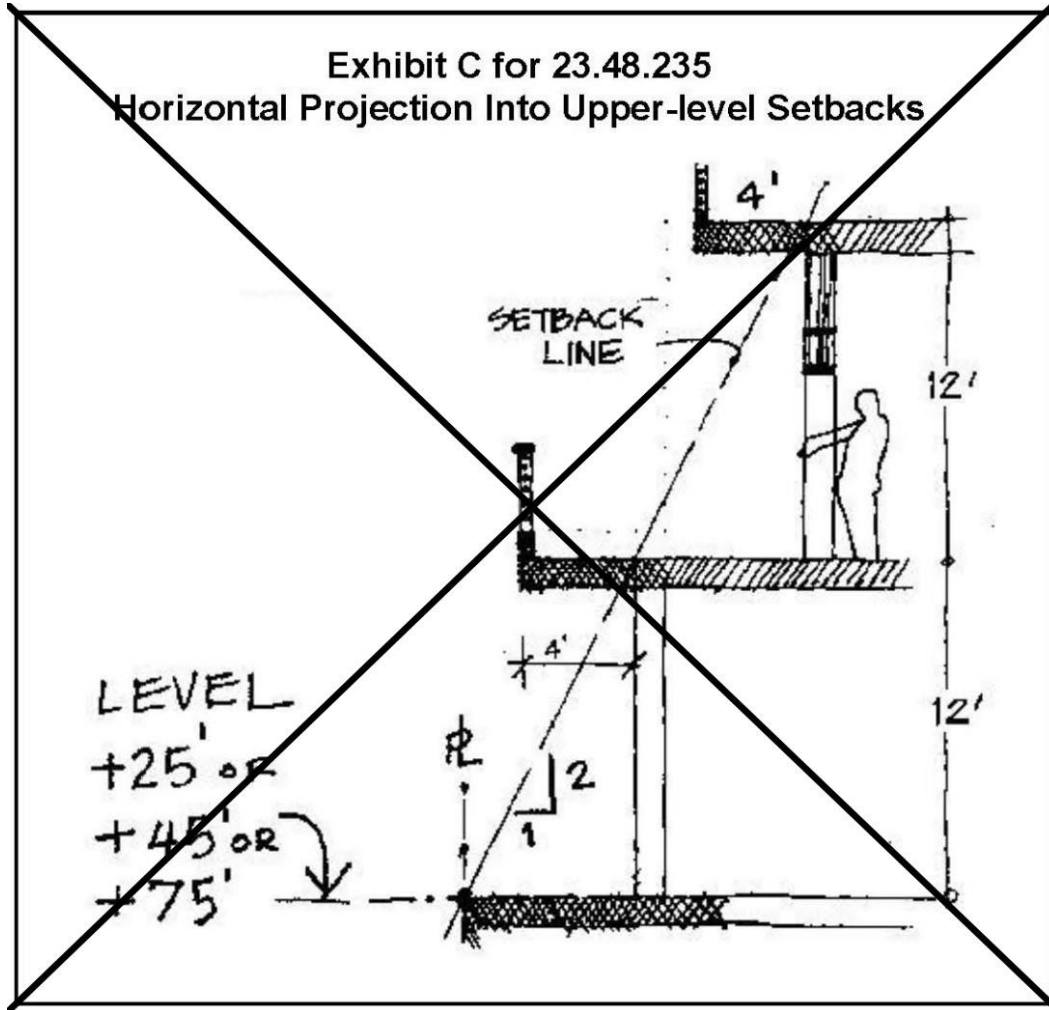
17 3. The non-residential structure is subject to design review to ensure compatibility
18 with the residential character of the surrounding area; and

19 4. The proposal meets one or more of the following:

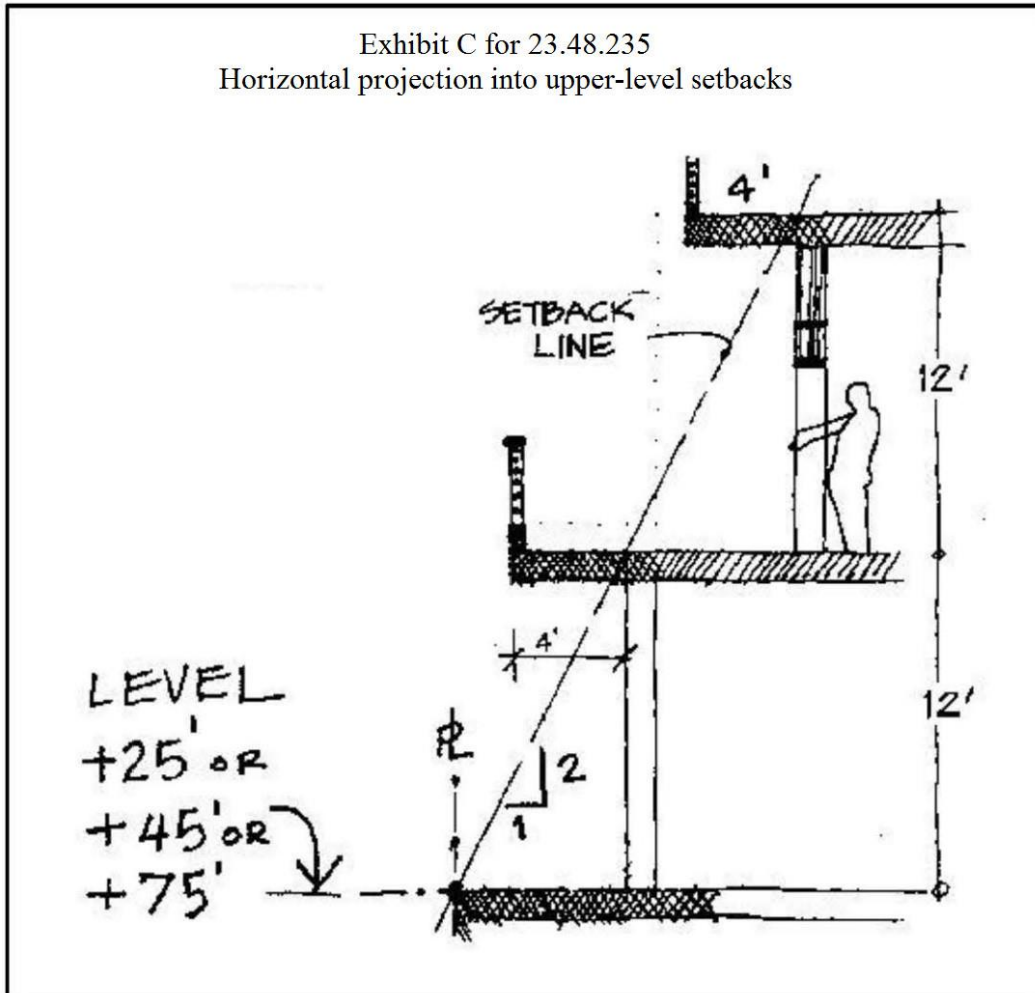
20 a. The project includes the rehabilitation of a Landmark structure or
21 incorporates structures or elements of structures of architectural or historical significance as
22 identified in the Seattle Comprehensive Plan or design guidelines; or

1 **Exhibit C for 23.48.235**

2 **Horizontal ((Projection)) projection into ((Upper-level Setbacks)) upper-level setbacks**



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Section 10. Section 23.48.245 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.245 Upper-level development standards in South Lake Union Urban Center

Lots in the SM-SLU ((85/65-125)) 100/65-145, SM-SLU 85/65-160, SM-SLU((160/85-240)) 175/85-280, SM-SLU ((85-240)) 85-280, and SM-SLU ((240/125-400)) 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

1 structure that exceeds a height of 65 feet for the SM-SLU (~~((85/65-125))~~) 100/65-145 and SM-
2 SLU 85/65-160 zones, 85 feet for the SM-SLU (~~((160/85-240))~~) 175/85-280 and SM-SLU (~~((85-
3 240))~~) 85-280 zones, or 125 feet for the SM-SLU (~~((240/125-400))~~) 240/125-440 zone.

4 A. Upper-level floor area limit. For residential towers, the average gross floor area of all
5 stories above the podium height specified on Map A for 23.48.245 shall not exceed 50 percent of
6 the lot area, provided that:

7 1. In no case shall the gross floor area of stories above the podium height exceed
8 the gross floor area limits of subsection 23.48.245.B.2; and

9 2. The limit on towers per block in subsection 23.48.245.F applies.

10 B. Floor area limits and podium heights. The following provisions apply to development
11 in the SM-SLU (~~((85/65-125))~~) 100/65-145, SM-SLU (~~((85-240))~~) 85-280, SM-SLU 85/65-160,
12 SM-SLU (~~((160/85-240))~~) 175/85-280, and SM-SLU (~~((240/125-400))~~) 240/125-440 zones located
13 within the South Lake Union Urban Center:

14 1. Floor area limit for structures or portions of structures occupied by non-
15 residential uses (~~((:))~~) :

16 a. Except as specified in subsections 23.48.245.B.1.b and 23.48.245.B.1.c,
17 there is no floor area limit for non-residential uses in a structure or portion of structure that does
18 not contain non-residential uses above 85 feet in height.

19 b. There is no floor area limit for a structure that includes research and
20 development uses and the uses are in a structure that does not exceed a height of 105 feet,
21 provided that the following conditions are met:

22 1) A minimum of two floors in the structure are occupied by
23 research and development uses and have a floor-to-floor height of at least 14 feet; and

1 2. Floor area limit for residential towers. For a structure with residential use that
2 exceeds the base height limit established for residential uses in the zone under subsection
3 23.48.225.A.1, the following maximum gross floor area limit applies:

4 a. For a structure that does not exceed a height of 160 feet, excluding
5 rooftop features that are otherwise permitted above the height limit under the provisions of
6 subsection 23.48.025.C, the gross floor area for stories with residential use that extend above the
7 podium height indicated for the lot on Map A for 23.48.245 shall not exceed 12,500 square feet
8 for each story, or the floor size established by the upper-level floor area limit in subsection
9 23.48.245.A, whichever is less.

10 b. For a structure that exceeds a height of 160 feet, the following limits
11 apply:

12 1) The average gross floor area for all stories with residential use
13 that extend above the podium height indicated for the lot on Map A for 23.48.245 shall not
14 exceed 10,500 square feet, or the floor size established by the upper-level floor area limit in
15 subsection 23.48.245.A, whichever is less, except as allowed in subsection 23.48.245.A.

16 2) The gross floor area of any single residential story above the
17 podium height shall not exceed 11,500 square feet.

18 3. Floor area limit for mixed-use development. This subsection 23.48.245.B.3
19 applies to structures or portions of structures that include both residential and non-residential
20 uses, as provided for in subsection 23.48.220.A.2.

21 a. For a story that includes both residential and non-residential uses, the
22 gross floor area limit for all uses combined shall not exceed the floor area limit for non-

1 residential uses, provided that the floor area occupied by residential use shall not exceed the floor
2 area limit otherwise applicable to residential use.

3 b. For a mixed-use structure with residential uses located on separate
4 stories from non-residential uses, the floor area limits shall apply to each use at the applicable
5 height limit.

6 4. Podium standards. The standards for podiums apply only to structures or
7 portions of structures that include a tower that is subject to a floor area limit.

8 a. Height limit for podiums. The specific podium height for a lot is shown
9 on Map A for 23.48.245, and the height limit extends from the street lot line to the parallel alley
10 lot line, or, where there is no alley lot line parallel to the street lot line, from the street lot line to
11 a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is less than 120 feet
12 deep. The podium height is measured from the grade elevation at the street lot line. In the SM-
13 SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, 9th Avenue North,
14 and Fairview Avenue North, the line on Map A for 23.48.245 demarcating the different podium
15 heights within these blocks is located 120 feet north of the northerly line of Mercer Street.

16 b. Podium floor area limits. For the podiums of structures with residential
17 uses that exceed the base height limit established for the zone under subsection 23.48.225.A.1
18 and for structures with non-residential uses that exceed a height of 85 feet, the average floor area
19 coverage of required lot area, pursuant to subsection 23.48.245.A, for all the stories below the
20 podium height specified on Map A for 23.48.245, shall not exceed 75 percent of the lot area,
21 except that floor area is not limited for each story if the total number of stories below the podium
22 height is three or fewer stories, or if the conditions in subsection 23.48.245.B.4.c apply.

1 c. The floor area limit on podiums in subsection 23.48.245.B.4.b does not
2 apply if a lot includes one of the following:

3 1) Usable open space that meets the provisions of subsection
4 23.48.240.F; or

5 2) A structure that has been in existence prior to 1965 and the
6 following conditions are met ((;)) :

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

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

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

15 ii. Alteration of the floor-to-ceiling height of the
16 street-level story, except alterations that restore the floor-to-ceiling height to its original
17 condition; or

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

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

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

5 d. Additional height for podiums abutting Class 1 Pedestrian Streets.

6 Podium height for structures fronting on Class 1 Pedestrian Streets pursuant to Section 23.48.240
7 may exceed podium height limits shown on Map A for 23.48.245 by 5 feet provided that floor-
8 to-ceiling clearance at the ground floor is at least 15 feet.

9 **Map A for 23.48.245**

10 **Podium Heights**

11 C. Upper-level setbacks

12 1. The following requirements for upper-level setbacks in this subsection
13 23.48.245.C.1 apply to development that meets the following conditions:

14 a. The development is on a lot abutting a street segment shown on Table A
15 for 23.48.245; and

16 b. For lots in the SM-SLU (~~(85-240)~~) 85-280, SM-SLU 85/65-160, SM-
17 SLU (~~(160/85-240)~~) 175/85-280, and SM-SLU (~~(240/125-400)~~) 240/125-440 zones located
18 within the South Lake Union Urban Center, the development includes a tower structure with
19 residential uses exceeding the base height limit established for residential uses in the zone under
20 subsection 23.48.225.A.1, or includes a structure with non-residential uses that exceed a height
21 of 85 feet.

22 2. The required upper-level setbacks for development specified in subsection
23 23.48.245.C.1 shall be provided as follows:

1 a. For portions of a structure facing the applicable street, the maximum
 2 height above which a setback is required is specified on Column 2 of Table A for 23.48.245.

3 b. For portions of a structure exceeding the maximum height above which
 4 a setback is required, the minimum depth of the setback, measured from the abutting applicable
 5 street lot line, is specified on Column 3 of Table A for 23.48.245.

Table A for 23.48.245
Required ~~((Upper-level Setbacks))~~ upper-level setbacks for ~~((Development Meeting))~~ development meeting the ~~((Conditions))~~ conditions of ~~((Subsection))~~ subsection 23.48.245.C

Column 1: Location of lot	Column 2: Height above which setback is required <u>(in feet)</u>	Column 3: Minimum depth of setback from applicable street ((property)) lot line <u>(in feet)</u>
Thomas Street, south side, between Aurora Ave N to 8 th Ave N	45 ((feet))	50 ((feet))
Thomas Street, south side, between 8 th Ave N and 9 th Ave N	45 ((feet))	40 ((feet))
Thomas Street, south side, between 9 th Ave N and alley between Fairview Ave N and Minor Ave N	45 ((feet))	30 ((feet))
John Street, north side, between Aurora Ave N and 9 th Ave N	45 ((feet))	30 ((feet))
John Street, north side, between 9 th Ave N and Boren Ave N	45 ((feet))	15 ((feet))
John Street, south side, between Aurora Ave N and Minor Ave N	45 ((feet))	30 ((feet))
Boren Ave N, both sides, between Mercer Street and John Street	65 ((feet)) ¹	10 ((feet)) ¹
Fairview Ave N, west side, between Mercer Street and John Street	65 ((feet))	10 ((feet))
Fairview Ave N, east side, between Mercer Street to John Street	65 ((feet))	10 ((feet))

Table A for 23.48.245
**Required ~~((Upper-level Setbacks))~~ upper-level setbacks for ~~((Development Meeting))~~
~~development meeting the~~ ~~((Conditions))~~ conditions of ~~((Subsection))~~ subsection
 23.48.245.C**

Column 1: Location of lot	Column 2: Height above which setback is required <u>(in feet)</u>	Column 3: Minimum depth of setback from applicable street ((property)) <u>lot line</u> <u>(in feet)</u>
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Footnotes to Table A for 23.48.245((:))

¹ On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.

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3. Upper-level setbacks for residential tower development in the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. For tower structures that include residential use above the base height limit for residential use, or hotel use above a height of 85 feet, upper-level setbacks, in addition to those specified in subsection 23.48.235.B.1, are required as follows:

a. Any portion of the structure above 65 feet in height shall set back a minimum of 30 feet from the following street lot lines:

1) ~~((the))~~ The street lot line abutting the eastern edge of Westlake Avenue North from Mercer Street to Valley Street; and

2) ~~((the))~~ The street lot line abutting the western edge of Fairview Avenue North from Mercer Street to Valley Street.

b. For lots abutting the street lot line on the southern edge of Valley Street between Westlake Avenue North and Fairview Avenue North, any portion of a structure above 65 feet in height shall provide a minimum setback of 25 feet.

4. Upper-level setbacks for tower structures in the SM-SLU ~~((160/85-240))~~ 175/85-280 zone for the block bounded by Mercer Street, Fairview Avenue North, Republican Street, and Boren Avenue North. In addition to upper-level setback requirements in this

1 subsection 23.48.245.C, for tower structures with residential or non-residential uses on lots in the
2 SM-SLU (~~(160/85-240)~~) 175/85-280 zone on the block bounded by Mercer Street, Fairview
3 Avenue North, Republican Street, and Boren Avenue North, any portion of the tower structure
4 above 85 feet shall be set back a minimum of 110 feet from the street lot line abutting Mercer
5 Street.

6 5. Projections permitted in required upper-level setbacks. The first 4 feet of
7 horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters are
8 permitted in required setbacks, as shown in Exhibit B for 23.48.235.

9 D. Facade modulation. For all structures with non-residential uses exceeding 85 feet in
10 height, facade modulation is required for the street-facing portions of a structure located within
11 15 feet of a street lot line and exceeding the podium height specified for the lot on Map A for
12 23.48.245. No modulation is required for portions of a facade set back 15 feet or more from a
13 street lot line.

14 1. The maximum length of a facade without modulation is prescribed in Table B
15 for 23.48.245. This maximum length shall be measured parallel to each street lot line, and shall
16 apply to any portion of a facade, including projections such as balconies, that is located within 15
17 feet of street lot lines.

Table B for 23.48.245 Facade ((Modulation)) <u>modulation</u>	
Height of street-facing portion of structure	Maximum length of unmodulated facade within 15 feet of street lot line <u>(in feet)</u>
For stories above the podium height specified on Map A for 23.48.245 up to ((125)) <u>145</u> feet	150 ((feet))
For stories above ((125)) <u>145</u> feet	120 ((feet))

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

6 E. Maximum facade width. A maximum facade width applies to certain residential
7 structures that exceed the base height limit for residential use, as specified in subsections
8 23.48.245.E.1, 23.48.245.E.2, and 23.48.245.E.3. The maximum facade width only applies to
9 portions of the structure above the podium height specified for the lot on Map A for 23.48.245.

10 1. Except in the SM-SLU (~~((85/65-125))~~) 100/65-145 zone and the SM-SLU 85/65-
11 160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and
12 Fairview Avenue North, for portions of a structure that exceed the podium height but do not
13 exceed a height of 160 feet, and that have an average floor size exceeding 10,500 square feet, the
14 maximum facade width is 120 feet along the general east/west axis of the site (perpendicular to
15 the Avenues).

16 2. In the SM-SLU (~~((85/65-125))~~) 100/65-145 zone, the maximum facade width is
17 105 feet along the general north/south axis of the site (parallel to the Avenues).

18 3. In the SM-SLU 85/65-160 zone, on the blocks bounded by Valley Street,
19 Mercer Street, Westlake Avenue North, and Fairview Avenue North, the maximum facade width
20 for portions of structures above the podium height is 105 feet along the general east/west axis of
21 the site (perpendicular to the Avenues).

22 F. Limit on towers ~~((structures))~~ per block or block front

1 1. (~~Only one residential tower, or one structure with non-residential uses~~
2 ~~exceeding 85 feet in height, is permitted on a single block front, except as further limited by~~
3 ~~subsections 23.48.245.F.3, 23.48.245.F.4, and 23.48.245.F.5.))~~

4 ((~~2~~)) For purposes of this subsection 23.48.245.F and subsection 23.48.245.G,
5 ~~((an existing))~~ a tower is ~~((either))~~ considered to be “existing” and must be taken into
6 consideration when other towers are proposed, under any of the following circumstances:

7 a. ((A)) The tower is physically present, except that a tower that is
8 physically present (~~(, except as provided below in subsection 23.48.245.F.2.b; or)~~) is not
9 considered "existing" if the owner of the lot where the tower is located has applied to the
10 Director for a permit to demolish the tower and provided that no building permit for the
11 proposed tower is issued until the demolition of the tower that is physically present has been
12 completed;

13 b. ((A)) The tower is a proposed tower for which a ((Master Use Permit
14 decision has been issued, unless and until either;

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

18 2) ~~a ruling by a hearing examiner or court reversing or vacating such a~~
19 ~~decision, or determining such decision or the Master Use Permit issued thereunder to be~~
20 ~~invalid, becomes final and no longer subject to judicial review.)) complete application for a~~

21 Master Use Permit or building permit has been submitted, provided that:

22 1) the application has not been withdrawn or cancelled without
23 the tower having been constructed; and

1 a. The ~~((structure))~~ tower is on a lot with a minimum area of 60,000
2 square feet. The area of one or more lots, separated only by an alley, may be combined for the
3 purposes of calculating the minimum required lot area under this subsection 23.48.245.F.5.
4 The minimum lot area is 59,000 square feet if the lot area was reduced below 60,000 square
5 feet as a result of acquisition of right-of-way by the City;

6 b. A minimum separation of 60 feet is provided between all portions of
7 structures on the lot that exceed the limit on podium height shown on Map A for 23.48.245. If
8 the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted
9 ~~((;-))~~ ;

10 c. A minimum of 15 percent of the lot area is provided as landscaped
11 open space at ground level, allowing for some area to be provided above grade to adapt to
12 topographic conditions, provided that such open space is accessible to people with disabilities.
13 The required open space shall have a minimum horizontal dimension of 15 feet and shall be
14 provided as one continuous area ~~((;-))~~ ;

15 d. A pedestrian connection meeting the development standards of
16 subsection ~~((23.48.240.F))~~ 23.48.240.H for through-block pedestrian connections for large lot
17 developments is provided ~~((though))~~ through the lot to connect the north/south avenues
18 abutting the lot. If the lot abuts an avenue that has been vacated, the connection shall be to an
19 easement providing public access along the original alignment of the avenue. In addition, if
20 the slope of the lot between the north/south avenues exceeds a slope of ~~((10))~~ ten percent, a
21 ~~((hill climb))~~ hillclimb shall be provided ~~((;-))~~ ;

22 e. The application of the provisions in this subsection 23.48.245.F.5
23 shall not result in more than two structures on a block with either non-residential uses above

1 85 feet in height or with residential use above the base height limit for residential use, except
2 as allowed by subsection 23.48.245.F.5.f ((-)) ;

3 f. For lots that, as a result of a street vacation, exceed 150,000 square
4 feet, the Director shall, as a Type I decision, determine the permitted number of structures
5 with non-residential uses above 85 feet in height or with residential use above the base height
6 limit, based on the limits in subsection 23.48.245.F.5.e as applied to the block conditions
7 existing prior to the street vacation ((-)) ;

8 g. The Director shall make a determination of project impacts on the
9 need for pedestrian and bike facilities and complete a voluntary agreement between the
10 property owner and the City to mitigate impacts, if any. The Director may consider the
11 following as impact mitigation:

12 1) Pedestrian walkways on a lot, including through-block
13 connections on through lots, where appropriate, to facilitate pedestrian circulation by
14 connecting structures to each other and abutting streets;

15 2) Sidewalk improvements, including sidewalk widening, to
16 accommodate increased pedestrian volumes and streetscape improvements that will enhance
17 pedestrian comfort and safety;

18 3) Improvements to enhance the pedestrian environment, such as
19 providing overhead weather protection, landscaping, and other streetscape improvements; and

20 4) Bike share stations ((-)) ; and

21 h. For development that exceeds 85,000 or more gross square feet of
22 ((gross)) floor area in office ((~~floor area~~)) use, the Director shall make a determination as to
23 the project's impact on the need for open space. The Director may limit floor area or allow

1 floor area subject to conditions, which may include a voluntary agreement between the
2 property owner and the City to mitigate impacts, if any. The Director shall take into account
3 ~~((subsection))~~ Section 23.48.250 in assessing the demand for open space generated by an
4 office development in an area permitting high employment densities.

5 1) The Director may consider the following as mitigation for
6 open space impacts:

7 a) Open space provided on-site or off-site, consistent
8 with the provisions in subsection 23.49.016.C, or provided through payment_in_lieu, consistent
9 with subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in
10 an SM-SLU zone that is accessible to the development's occupants;

11 b) Additional pedestrian amenities through on-site or
12 streetscape improvements provided as mitigation for impacts on pedestrian facilities pursuant
13 to subsection 23.48.245.F.5.g; and

14 c) Public space inside or on the roof of a Landmark
15 building.

16 2) The Director may approve open space in lieu of that
17 contained or referred to in subsection 23.49.016.C to mitigate project impacts, based on
18 consideration of relevant factors, including the following:

19 a) ~~((the))~~ The density or other characteristics of the
20 workers anticipated to occupy the development compared to the presumed office employment
21 population providing the basis for the open space standards applicable under Section
22 23.49.016; and

1 b) ~~((characteristics))~~ Characteristics or features of the
2 development that mitigate the anticipated open space impacts of workers or others using or
3 occupying the project.

4 G. Tower separation. The following separation is required between ~~((structures))~~ a
5 proposed tower with residential use above the base height limit for residential use and existing
6 towers with residential use above the base height limit for residential use and that are located
7 on the same block. For the purposes of this subsection 23.48.245.G, a block is defined as the
8 area bounded by street lot lines and excluding alley lot lines. Alleys shall not be deemed to
9 bisect a block into two separate blocks:

10 1. A separation of 60 feet is required between all portions of ~~((residential))~~ the
11 structures above the podium height limit for ~~((residential structures))~~ towers that exceed the
12 base height limit for residential use ~~((, except as provided by))~~ and any tower consider to be
13 existing according to subsection ~~((23.48.245.F.2))~~ 23.48.245.F.1.

14 2. No separation is required on blocks within the area bounded by Aurora
15 Avenue North, John Street, Thomas Street, and 9th Avenue North.

16 3. The first 4 feet of the horizontal projection of unenclosed decks and
17 balconies, and architectural features such as cornices shall be disregarded in calculating tower
18 separation.

19 Section 11. Subsection 23.48.250.B of the Seattle Municipal Code, which section was
20 last amended by the ordinance introduced as **Council Bill [number of U District Rezone bill]**____,
21 is amended as follows:

22 **23.48.250 Open space requirement for office uses in South Lake Union Urban Center**

23 * * *

1 shall be separated from the street by another use. On lots located at street intersections, the
2 separation of parking area by another use shall be provided at the corner portion(s) of the
3 structure.

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

8 ~~((b))~~ 2. The Director may permit more than two stories of parking above the first
9 story of the structure, or may permit other exceptions to subsection 23.48.285.A(~~(-1)~~), as a Type
10 I decision, if the Director finds that locating parking below grade is infeasible due to physical
11 site conditions such as a high water table or proximity to a tunnel. In such cases, the Director
12 shall determine the maximum feasible amount of parking that can be provided below grade, if
13 any, and the amount of additional parking to be permitted above street level. Site size is not a
14 basis for granting an exception under this subsection 23.48.285.A(~~(1-b))~~2.

15 B. Accessory surface parking. In the SM-SLU (~~(85/65-125)~~) 100/65-145, SM-SLU
16 85/65-160, SM-SLU (~~(160/85-240)~~) 175/85-280, SM-SLU (~~(85-240)~~) 85-280, and SM-SLU
17 (~~(240/125-400)~~) 240/125-440 zones in the South Lake Union Urban Center, accessory surface
18 parking is prohibited unless separated from all street lot lines by another use within a structure.

19 Section 13. A new Section 23.49.007 is added to the Seattle Municipal Code as follows:

20 **23.49.007 Mandatory housing affordability (MHA)**

21 The provisions of Chapters 23.58B and 23.58C apply in all Downtown zones, except the
22 following:

23 DH1/45;

- 1 DH2/55;
- 2 DH2/85;
- 3 DMC 85/65-150;
- 4 DMR/C 65/65-85;
- 5 DMR/C 65/65-150;
- 6 All IDM zones;
- 7 All IDR and IDR/C zones;
- 8 All PSM zones; and
- 9 PMM-85.

10 Section 14. Section 23.49.008 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 124843, is amended as follows:

12 **23.49.008 Structure height**

13 The following provisions regulating structure height apply to all property in Downtown zones
14 except the DH1 zone. Structure height for PSM, IDM₂ and IDR zones is regulated by this Section
15 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

16 A. Base and maximum height limits

17 1. Except as otherwise provided in this Section 23.49.008, maximum structure
18 heights for Downtown zones are as designated on the Official Land Use Map.

19 In certain zones, as specified in this Section 23.49.008, the maximum structure height
20 may be allowed only for particular uses or only on specified conditions, or both. If height limits
21 are specified for portions of a structure that contain specified types of uses, the applicable height
22 limit for the structure is the highest applicable height limit for the types of uses in the structure,
23 unless otherwise specified.

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

7 3. In zones listed below in this subsection 23.49.008.A.3, the applicable height
8 limit for portions of a structure that contain non-residential and live-work uses is shown as the
9 first figure after the zone designation (except that there is no such limit in DOC1), and the base
10 height limit for portions of a structure in residential use is shown as the first figure following the
11 "/". The third figure shown is the maximum residential height limit. Except as stated in
12 subsection 23.49.008.D, the base residential height limit is the applicable height limit for
13 portions of a structure in use if the structure does not use the bonus available under Section
14 23.49.015, and the maximum residential height limit is the height limit for portions of a structure
15 in residential use if the structure uses the bonus available under Section 23.49.015:

16 DOC1 Unlimited/450_unlimited

17 DOC2 ((~~500/300-500~~) 500/300-550)

18 DMC ((~~340/290-400~~) 340/290-440)

19 DMC ((~~240/290-400~~) 240/290-440).

20 4. A structure in a DMC ((~~340/290-400~~) 340/290-440) zone on a lot comprising a
21 full block that abuts a DOC1 zone along at least one street frontage may gain additional structure
22 height of 30 percent above the maximum residential height limit if the structure uses the bonus

1 available under Section 23.49.015, or 35 percent above 340 feet if that bonus is not used, in
2 either case under the following conditions:

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

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

7 c. The average residential gross floor area and maximum residential floor
8 area of any story in the portion of the tower permitted above the base residential height limit do
9 not exceed the limits prescribed in subsection (~~(23.49.058.E.1)~~) 23.49.058.C.1;

10 d. Any residential floor area allowed above the base residential height
11 limit under this provision is gained through voluntary agreements to provide low-income or
12 moderate-income housing according to Section 23.49.015;

13 e. At least 35 percent of the lot area, or a minimum of 25,000 square feet,
14 whichever is greater, is in open space use substantially at street level meeting the following
15 standards, and subject to the following allowances for coverage:

16 1) The location and configuration of the space shall enhance solar
17 exposure, allow easy access to entrances to the tower serving all tenants and occupants from
18 streets abutting the open space, and allow convenient pedestrian circulation through all portions
19 of the open space. The open space shall be entirely contiguous and physically accessible. To
20 offset the impact of the taller structure allowed, the open space shall have frontage at grade
21 abutting sidewalks, and be visible from sidewalks, on at least two streets. The elevation of the
22 space may vary, especially on sloping lots where terracing the space facilitates connections to
23 abutting streets, provided that grade changes are gradual and do not significantly disrupt the

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

3 a. The base height limit is ~~((150))~~ 170 feet if any of the following
4 conditions is satisfied:

5 1) ~~((aH))~~ All portions of a structure above 85 feet contain only
6 residential use; or

7 2) ~~((aT))~~ At least 25 percent of the gross floor area of all structures
8 on a lot is in residential use; or

9 3) ~~((a))~~ A minimum of 1.5 FAR of retail sales and service or
10 entertainment uses, or any combination thereof, is provided on the lot.

11 b. For residential floor area created by infill of a light well on a Landmark
12 structure, the base height limit is the lesser of ~~((150))~~ 170 feet or the highest level at which the
13 light well is enclosed by the full length of walls of the structure on at least three sides. For the
14 purpose of this subsection 23.49.008.A.5.b a light well is defined as an inward modulation on a
15 non-street-facing facade that is enclosed on at least three sides by walls of the same structure,
16 and infill is defined as an addition to that structure within the light well.

17 6. Restrictions on demolition and alteration of existing structures

18 a. Any structure in a DRC zone that would exceed the 85-foot base height
19 limit shall incorporate the existing exterior street-front facade(s) of each of the structures listed
20 below, if any, located on the lot of that project. The City Council finds that these structures are
21 significant to the architecture, history, and character of downtown. The Director may permit
22 changes to the exterior facade(s) to the extent that significant features are preserved and the

1 visual integrity of the design is maintained. The degree of exterior preservation required will
2 vary, depending upon the nature of the project and the characteristics of the affected structure(s).

3 b. The Director shall evaluate whether the manner in which the facade is
4 proposed to be preserved meets the intent to preserve the architecture, character, and history of
5 the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks
6 Preservation Board for any proposed modifications to controlled features is required prior to a
7 decision by the Director to allow or condition additional height for the project. The Landmarks
8 Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a
9 structure on the list below is solely for the purpose of conditioning additional height under this
10 subsection (~~((23.49.008A.6.b))~~ 23.49.008.A.6.b, and shall not be interpreted in any way to
11 prejudice the structure's merit as a Landmark:

Sixth and Pine Building	523 Pine Street
Decatur	1513 6th Avenue
Coliseum Theater	5th and Pike
Seaboard Building	1506 Westlake Avenue
Fourth and Pike Building	1424 4th Avenue
Pacific First Federal Savings	1400 4th Avenue
Joshua Green Building	1425 4th Avenue
Equitable Building	1415 4th Avenue
Mann Building	1411 3rd Avenue
Olympic Savings Tower	217 Pine Street
Fischer Studio Building	1519 3rd Avenue
Bon Marche (Macy's)	3rd and Pine
Melbourne House	1511 3rd Avenue
Former Woolworth's Building	1512 3rd Avenue

12
13 c. The restrictions in this subsection 23.49.008.A.6 are in addition to, and
14 not in substitution for, the requirements of the Landmarks Ordinance, Chapter 25.12.

1 7. The applicable height limit for a structure is the base height limit plus any
2 height allowed as a bonus under this Chapter 23.49 and any additional height allowed by special
3 exception or departure, or by subsection 23.49.008.A.4. The height of a structure shall not
4 exceed the applicable height limit, except as provided in subsections 23.49.008.B, 23.49.008.C,
5 and 23.49.008.D.

6 8. The height of rooftop features, as provided in subsection 23.49.008.D, is
7 allowed to exceed the applicable height limit.

8 9. On lots in the DMC 85/65-150 zone:

9 a. A height limit of 85 feet applies to the portions of a structure that
10 contain ((~~nonresidential~~)) non-residential or live-work uses.

11 b. A base height limit of 65 feet applies to the portions of a structure that
12 contain residential uses.

13 c. The applicable height limit for portions of a structure that contain
14 residential uses is 85 feet if the applicant qualifies for extra floor area on the lot under Section
15 23.49.023 and Chapter 23.58A, the structure has no ((~~nonresidential~~)) non-residential or live-
16 work use above 85 feet, and the structure does not qualify for a higher limit for residential uses
17 under subsection 23.49.008.A.9.d.

18 d. The applicable height limit is 150 feet if the applicant qualifies for extra
19 floor area on the lot under Section 23.49.023 and Chapter 23.58A; the structure has no
20 ((~~nonresidential~~)) non-residential or live-work use above 85 feet; the lot is at least 40,000 square
21 feet in size and includes all or part of a mid-block corridor that satisfies the conditions of Section
22 23.58A.040, except to the extent any waiver of such conditions is granted by the Director; and
23 the standards of Section 23.49.060 are satisfied.

1 B. Structures located in DMC (~~(240/290-400)~~) 240/290-440 or DMC (~~(340/290-400)~~)
2 340/290-440 zones may exceed the maximum height limit for residential use, or if applicable the
3 maximum height limit for residential use as increased under subsection 23.49.008.A.4, by (~~(10)~~)
4 ten percent of that limit, as so increased if applicable, if:

5 1. (~~(the)~~) The facades of the portion of the structure above the limit do not enclose
6 an area greater than 9,000 square feet, and

7 2. (~~(the)~~) The enclosed space is occupied only by those uses or features otherwise
8 permitted in this Section 23.49.008 as an exception above the height limit. The exception in this
9 subsection 23.49.008.B shall not be combined with any other height exception for screening or
10 rooftop features to gain additional height.

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

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

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

18 3. On lots in the DMR/C 65/65-150 zone, the base height limit is 65 feet, and it is
19 the applicable height limit for all structures, except that:

20 a. The applicable height limit is 85 feet if the applicant qualifies for extra
21 floor area under Section 23.49.023 and Chapter 23.58A, the structure has no (~~(nonresidential)~~)
22 non-residential or live-work use above 65 feet, and the structure does not qualify for a higher
23 height limit under this subsection 23.49.008.C.3.

1 unless a certificate of approval for the alteration is granted by the Landmarks Preservation
 2 Board.

3 Section 15. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance
 4 124883, is amended as follows:

5 **23.49.011 Floor area ratio**

6 A. General standards

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

Table A for 23.49.011 Base and maximum floor area ratios (FARs)		
Zone designation	Base FAR	Maximum FAR
Downtown Office Core 1 (DOC1)	6	((20)) <u>21</u>
Downtown Office Core 2 (DOC2)	5	((14)) <u>15</u>
Downtown Retail Core (DRC)	3	((5)) <u>6</u>
Downtown Mixed Commercial (DMC)	4 in DMC ((65)) <u>75</u> 4.5 in DMC ((85)) <u>95</u> 5 in DMC ((125)) <u>145</u> , DMC ((160)) <u>170</u> , DMC ((240/290-400)) <u>240/290-440</u> , and DMC ((340/290-400)) <u>340/290-440</u> 3 in DMC 85/65-150	((4)) <u>5</u> in DMC ((65)) <u>75</u> ((4.5)) <u>5.5</u> in DMC ((85)) <u>95</u> ((5)) <u>6</u> in DMC ((160)) <u>170</u> , except ((8)) <u>9</u> for hotels ((7)) <u>8</u> in DMC ((125)) <u>145</u> and DMC ((240/290-400)) <u>240/290-440</u> ((10)) <u>11</u> in DMC ((340/290-400)) <u>340/290-440</u> 5 in DMC 85/65-150

Table A for 23.49.011

Base and maximum floor area ratios (FARs)

Zone designation	Base FAR	Maximum FAR
Downtown Mixed Residential/Residential (DMR/R)	1 in DMR/R ((85)) <u>95/65</u> 1 in DMR/R ((125)) <u>145/65</u> 1 in DMR/R ((240)) <u>280/65</u>	((1)) 1.5 in DMR/R ((85)) <u>95/65</u> ((2)) 2.5 in DMR/R ((125)) <u>145/65</u> ((2)) 2.5 in DMR/R ((240)) <u>280/65</u>
Downtown Mixed Residential/Commercial (DMR/C)	1 in DMR/C ((85/65)) <u>95/75</u> 1 in DMR/C ((125/65)) <u>145/75</u> 2 in DMR/C ((240)) <u>280/125</u> 2.5 in DMR/C 65/65-85 2.5 in DMR/C 65/65-150	((4)) 4.5 in DMR/C ((85/65)) <u>95/75</u> ((4)) 4.5 in DMR/C ((125/65)) <u>145/75</u> ((5)) 5.5 in DMR/C ((240)) <u>280/125</u> 4 in DMR/C 65/65-85 4 in DMR/C 65/65-150
Pioneer Square Mixed (PSM)	NA	NA
International District Mixed (IDM)	3, except (as stated below) 6 for hotels* ((*)) ₂ in IDM 75-85 and IDM 75/85-150 <u>3 in IDM 150/85-150</u>	3, except (as stated below) 6 for hotels* ((*)) ₂ in IDM 75-85 and IDM 75/85-150 6 in IDM 150/85-150
International District Residential (IDR)	1	2 if 50 percent or more of the total gross floor area on the lot is in residential use
International District Residential/Commercial (IDR/C)	3, except (hotels) 6 for hotels* ((*))	3, except (hotels) 6 for hotels* ((*))
Downtown Harborfront 1 (DH1)	NA	NA
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7

Footnotes to Table A for 23.49.011

NA = Not Applicable

~~((*) In the IDM 150/85-150 zone, hotel uses are subject to the base FAR of 3 FAR.))~~

~~(() Hotel))~~ In the IDM 75-85 and IDM 75/85-150 zones, hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR.

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

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

Table B for 23.49.011	
First increment of FAR above the base FAR achieved acquisition of regional development credits	
Zone	((Increment of)) FAR
All DOC1 zones	1.0
All DOC2 zones	0.75
DMC ((340/290-400) <u>340/290-440</u>)	0.50
DMC ((125) <u>145</u>), DMC ((160) <u>170</u>), DMC ((240/290-400) <u>240/290-440</u>)	0.25

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

1 c. In no event shall the use of bonuses, TDR, or regional development
2 credits, or any combination of them, be allowed to result in chargeable floor area in excess of the
3 maximum as set forth in Table A for 23.49.011, except that a structure on a lot in a planned
4 community development pursuant to Section 23.49.036 or a combined lot development pursuant
5 to Section 23.49.041 may exceed the ((~~floor area ratio~~)) FAR otherwise permitted on that lot,
6 provided the chargeable floor area on all lots included in the planned community development or
7 combined lot development as a whole does not exceed the combined total permitted chargeable
8 floor area.

9 d. Except as otherwise provided in this subsection 23.49.011.A.2.d or
10 subsections 23.49.011.A.2.f or 23.49.011.A.2.h, and except in South Downtown, not less than
11 ((~~5~~)) five percent of all floor area above the base FAR to be gained on any lot, excluding any
12 floor area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.j, and 23.49.011.A.2.k, shall
13 be gained through the transfer of Landmark TDR, to the extent that Landmark TDR are
14 available. Landmark TDR shall be considered "available" only to the extent that, at the time of
15 the Master Use Permit application to gain the additional floor area, The City of Seattle is offering
16 Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution
17 under Section 23.49.012 for a project using the cash option for both housing and ((~~child care~~))
18 child care facilities. An applicant may satisfy the minimum Landmark TDR requirement in this
19 Section 23.49.011 by purchases from private parties, by transfer from an eligible sending lot
20 owned by the applicant, by purchase from the City, or by any combination of the foregoing. This
21 subsection 23.49.011.A.2.d does not apply to any lot in a DMR zone.

22 e. Except as otherwise permitted under subsections 23.49.011.A.2.g,
23 23.49.011.A.2.h, or 23.49.011.A.2.i, on any lot outside of South Downtown except a lot in a

1 DMR zone, the total amount of chargeable floor area gained through bonuses under Section
2 23.49.012, together with any housing TDR and Landmark housing TDR used for the same
3 project, shall equal 75 percent of the amount, if any, by which the total chargeable floor area to
4 be permitted on the lot exceeds the sum of:

5 1) ~~((the))~~ The base FAR, as determined under this Section
6 23.49.011 and Section 23.49.032 if applicable, plus

7 2) ~~((any))~~ Any chargeable floor area gained on the lot pursuant to
8 subsections 23.49.011.A.2.a, 23.49.011.A.2.g, 23.49.011.A.2.h, 23.49.011.A.2.j, and
9 23.49.011.A.2.k. Except in South Downtown, at least half of the remaining 25 percent shall be
10 gained by using TDR from a sending lot with a major performing arts facility, to the extent
11 available, and the balance of the 25 percent shall be gained through bonuses under Section
12 23.49.013 or through TDR other than housing TDR, or both, consistent with this Chapter 23.49.
13 TDR from a sending lot with a major performing arts facility shall be considered "available" only
14 to the extent that, at the time of the Master Use Permit application to gain the additional floor
15 area, The City of Seattle is offering such TDR for sale, at a price per square foot not exceeding
16 the prevailing market price for TDR other than housing TDR, as determined by the Director.

17 f. In order to gain chargeable floor area on any lot in a DMR zone outside
18 of South Downtown, an applicant may:

19 1) ~~((use))~~ Use any types of TDR eligible under this Chapter 23.49
20 in any proportions ~~((;))~~ ; or

21 2) ~~((use))~~ Use bonuses under Section 23.49.012 or 23.49.013, or
22 both, subject to the limits for particular types of bonus under Section 23.49.013 ~~((;))~~ ; or

1 and with any certificates of approval issued by the Landmarks Preservation Board, all as
2 determined by the Director of Neighborhoods; and

3 2) ~~((a))~~ A notice shall be recorded ~~((in))~~ with the King County
4 ~~((real estate records))~~ Recorder's Office, in form satisfactory to the Director, regarding the bonus
5 allowed and the effect thereof under the terms of this Chapter 23.49. For purposes of this Section
6 23.49.011, a "qualifying Landmark" is a structure that:

7 a) ~~((has))~~ Has a gross floor area above grade of at least
8 5,000 square feet;

9 b) ~~((is))~~ Is separate from the principal structure or
10 structures existing or to be developed on the lot, except that it may abut and connect with one
11 such structure along one exterior wall;

12 c) ~~((is))~~ Is subject, in whole or in part, to a designating
13 ordinance pursuant to Chapter 25.12, or was designated pursuant to Ordinance 102229; and

14 d) ~~((is))~~ Is on a lot on which no improvement, object,
15 feature, or characteristic has been altered or removed contrary to any provision of Chapter 25.12
16 or any designating ordinance. A qualifying Landmark for which a bonus is allowed under this
17 subsection 23.49.011.A.2.j shall be considered a public benefit feature, but shall not be
18 considered an amenity for purposes of Section 23.49.013. For so long as any of the chargeable
19 floor area allowed under this subsection 23.49.011.A.2.j remains on the lot, each qualifying
20 Landmark for which such bonus was granted shall remain designated as a Landmark under
21 Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying
22 Landmark in good condition and repair and in a manner that preserves the features and
23 characteristics that are subject to designation or controls by ordinance, and that maintains

1 compliance with all applicable requirements of federal, state and local laws, ordinances,
2 regulations, and restrictions.

3 k. On a lot entirely in a DOC1 zone, as an incentive to maintain diversity
4 in the scale of downtown development, additional floor area equal to 0.5 FAR may be granted
5 above the increment achieved through a commitment as prescribed in subsection
6 23.49.011.A.2.a, or above the base FAR after expiration of that subsection 23.49.011.A.2.a, on a
7 lot that includes one or more qualifying small structures, subject to the conditions in this
8 subsection 23.49.011.A.2.k.

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

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

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

15 c) ~~((the))~~ The structure was not constructed or substantially
16 structurally modified since July 13, 1982; and

17 d) ~~((the))~~ The structure is not occupied by parking above
18 the ground floor.

19 2) If the structure is removed from the lot or ceases to be a
20 qualifying small structure, then any development on the portion of the lot previously occupied by
21 the structure, defined by a rectangle enclosing the exterior walls of the structure as they exist at
22 the time the bonus is granted and extended to the nearest street frontage, shall be limited to a

1 maximum floor area of 50,000 square feet for all uses and a maximum height of 125 feet,
2 excluding any rooftop features as specified in subsection 23.49.008.D.

3 3) A notice shall be recorded ~~((in))~~ with the King County ~~((real~~
4 ~~estate records))~~ Recorder's Office, in form satisfactory to the Director, regarding the bonus
5 allowed and the effect thereof under the terms of this Chapter 23.49.

6 4) Bonus floor area under this subsection 23.49.011.A.2.k may not
7 be granted on the basis of a Landmark structure for which bonus floor area is allowed under
8 subsection 23.49.011.A.2.j, but may be allowed on the basis of a different structure or structures
9 that are on the same lot as a Landmark structure for which such bonus floor area is allowed.

10 l. Chargeable floor area in excess of the base FAR in the PSM 85-120
11 zone may be gained only in accordance with Section 23.49.180.

12 m. In IDM, DMR, and DMC zones within South Downtown, chargeable
13 floor area in excess of the base FAR may be obtained only by qualifying for floor area bonuses
14 pursuant to Sections 23.58A.024 and 23.49.013, or by the transfer of TDR pursuant to Section
15 23.49.014, or both, and except as permitted in subsection 23.49.011.A.2.h, only if the conditions
16 of this subsection 23.49.011.A.2.m also are satisfied:

17 1) For a new or existing structure, the applicant shall make a
18 commitment that the proposed development will meet the green building standard and shall
19 demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

20 2) Seventy-five percent of the chargeable floor area in excess of
21 base FAR shall be gained through bonuses under Section 23.58A.024 or through use of Housing
22 TDR from within South Downtown.

1 b. At the time a qualifying Landmark structure with a performing arts
2 theater uses the additional base FAR, either on the site or through transfer of TDR to another
3 site, the following conditions shall be met:

4 1) ~~((the))~~ The performing arts theater use established under
5 approved permits, including combined seating capacity in one or more venues for at least 800,
6 shall be ensured by binding covenants between the property owner and the City for at least 40
7 years from the first use of any of the additional base FAR, either on the site or through the first
8 transfer of any TDR to another site; and

9 2) ~~((the))~~ The Director, after consulting with the property owner,
10 determines, as a Type I decision, that the property owner has executed a contract(s) with one or
11 more theater groups or performing arts organizations for regularly scheduled use of the Landmark
12 structure for live performances and that the anticipated use of the Landmark theater structure for
13 live theater performances, combined with any other use of the structure, is adequate to contribute
14 sufficiently to the presence of live theater in the Downtown Historic Theatre District established
15 by Resolution 31341 and to support the desired level of activity in the area near the Landmark
16 structure. In making this determination, the Director shall consider the following:

17 a) ~~((the))~~ The extent and duration of the contract(s)
18 between the property owner and one or more theater groups or performing arts organizations for
19 regularly scheduled use of the Landmark structure for live performances;

20 b) ~~((the))~~ The presence of uses in the structure that will
21 contribute to activity in the area beyond the typical workday hours; and

1 c) (~~programmed~~) Programmed use of the Landmark
2 structure by other activities during periods when the structure is not in use for live performances;
3 and

4 3) (~~any~~) Any use of the additional base FAR on the site complies
5 with all provisions of the designating ordinance and Chapter 25.12.

6 c. If a Landmark structure is on a lot that is not entirely regulated by a
7 designating ordinance, then the area used to calculate the additional base FAR is the area of the
8 footprint of the Landmark structure.

9 d. A lot that uses the additional base FAR on the site as allowed by this
10 subsection 23.49.011.A.3 is not allowed to gain chargeable floor area under subsection
11 23.49.011.A.2.j.

12 e. If a qualifying Landmark structure with a performing arts theater is on a
13 lot that is not entirely regulated by a designating ordinance, then the additional base FAR may be
14 transferred as TDR to another site, or may be used on the site on the portion of the lot that is
15 within the footprint of the Landmark structure, but shall not be used elsewhere on the lot.

16 4. The Master Use Permit application to establish any bonus development under
17 this subsection 23.49.011.A.4 shall include a calculation of the amount of bonus development
18 sought and shall identify the manner in which the conditions to such bonus development shall be
19 satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving
20 any such bonus development, issue a Type I decision as to the amount of bonus development to
21 be allowed and the conditions to such bonus development, which decision may include
22 alternative means to achieve bonus development, at the applicant's option, if each alternative

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

3 B. Exemptions and deductions from FAR calculations

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

6 a. Uses listed in subsection 23.49.009.A in a DRC zone and in the FAR
7 Exemption Area identified on Map 1J up to a maximum FAR of 2 for all such uses combined,
8 provided that for uses in the FAR Exemption Area that are not in the DRC zone the uses are
9 located no higher than the story above street level;

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

13 1) The street level of the structure containing the exempt space has
14 a minimum floor-to-floor height of 13 feet, except that in the DMC ((160)) 170 zone the street
15 level of the structure containing the exempt space has a minimum floor-to-floor height of 18 feet;

16 2) The exempt space extends a minimum depth of 15 feet from the
17 street-level, street-facing facade; and

18 3) Overhead weather protection is provided satisfying Section
19 23.49.018 ((-)) ;

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

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

1 I. Floor area that is used only for:

2 1) (~~short-term~~) Short-term parking or parking accessory to
3 residential uses, or both, subject to a limit on floor area used wholly or in part as parking
4 accessory to residential uses of one parking space for each dwelling unit on the lot with the
5 residential use served by the parking; or

6 2) (~~parking~~) Parking accessory to hotel use in the DMC (~~160~~)
7 170 zone, subject to a limit of one parking space for every four hotel rooms on the lot, and
8 provided that the exempt parking floor area is on the same lot as the hotel use served by the
9 parking;

10 m. Floor area of a public benefit feature that would be eligible for a bonus
11 on the lot where the feature is located, other than a Landmark structure eligible pursuant to
12 subsection 23.49.011.A.2.k or a small structure eligible pursuant to subsection 23.49.011.A.2.l.
13 The exemption applies regardless of whether a floor area bonus is obtained, and regardless of
14 limits on the maximum area eligible for a bonus;

15 n. Public restrooms;

16 o. Major retail stores in the DRC zone and adjacent areas shown on Map
17 1J, provided that:

18 1) The minimum lot area for a major retail store development is
19 20,000 square feet;

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

22 3) The eligibility conditions of the Downtown Amenity Standards
23 are met;

1 s. Up to 25,000 square feet of a community center in a DMR/C zone
2 within South Downtown that is open to the general public for a minimum of six hours per day,
3 five days per week, 42 weeks per year;

4 t. In the DMC (~~(160)~~) 170 zone, hotel use that separates parking from the
5 street lot line on stories above the first story of a structure, up to a maximum total floor area
6 equivalent to 1 FAR, provided that the depth of the separation between the parking and the
7 street-facing facade is a minimum of 15 feet; (~~and~~)

8 u. In the DMC (~~(160)~~) 170 zone, on lots abutting Alaskan Way, the floor
9 area in a partially above-grade story, provided that:

10 1) (~~the~~) The height of the above-grade portion of the partially
11 above-grade story does not exceed 4 feet, measured from existing grade at the midpoint of the
12 Alaskan Way street lot line;

13 2) (~~all~~) All portions of the structure above the partially above-
14 grade story are set back a minimum of 16 feet from the Alaskan Way lot line, except that
15 horizontal projections, including balconies with open railings, eaves, cornices, and gutters, may
16 extend a maximum of 4 feet into the setback area;

17 3) (~~the~~) The roof of the portion of the partially above-grade story
18 in the setback area is accessible to abutting required street-level uses in the structure and
19 provides open space or space for activities related to abutting required street-level uses, such as
20 outdoor dining;

21 4) (~~pedestrian~~) Pedestrian access is provided from an abutting
22 street to the roof of the portion of the partially above-grade story in the setback area; and

1 x. Floor area for a preschool, an elementary school, or a secondary school,
2 except on lots zoned DRC, which may include minimum space requirements for associated uses
3 including but not limited to academic core functions, child care, administrative offices, a library,
4 maintenance facilities, food service, interior recreation, and specialty instruction space, provided
5 that ((3)) :

6 1) Prior to issuance of a Master Use Permit, the applicant shall
7 submit a letter to the Director from the operator of the school indicating that, based on the Master
8 Use Permit plans, the operator has determined that the development could meet the operator's
9 specifications; and

10 2) Prior to issuance of a building permit, the applicant shall submit
11 a written certification by the operator to the Director that the operator's specifications have been
12 met.

13 2. Mechanical equipment

14 a. As an allowance for mechanical equipment fully contained within a
15 structure, ((3.5)) three and one-half percent shall be deducted in computing chargeable gross
16 floor area. Calculation of the allowance excludes gross floor area exempt pursuant to subsection
17 23.49.011.B.1.

18 b. Mechanical equipment located on the roof of a structure shall not be
19 calculated as part of the total gross floor area of the structure.

1 Section 16. Section 23.49.013 of the Seattle Municipal Code, last amended by Ordinance
2 124843, is amended as follows:

3 **23.49.013 Bonus floor area for amenities**

4 A. An applicant may achieve a portion of the chargeable floor area to be established in
5 addition to base FAR through bonuses for amenities, subject to the limits in this Chapter 23.49.

6 Amenities for which bonuses may be allowed are limited to:

7 1. Public open space amenities, including hillside terraces on sites shown as
8 eligible for bonuses on Map 1J, urban plazas in DOC1, DOC2, and DMC (~~(340/290-400)~~)
9 340/290-440 zones, parcel parks in DOC1, DOC2, DMC, DMR, DH2, and IDM zones, public
10 atria in DOC1, DOC2, DMC (~~(340/290-400)~~) 340/290-440, and DMC 85/65-150 zones, and
11 green street improvements and green street setbacks on designated green streets;

12 2. Hillclimb assists or shopping corridors on sites shown as eligible for these
13 respective bonuses on Map 1J;

14 3. Human services uses as follows:

- 15 a. Information and referral for support services;
- 16 b. Health clinics;
- 17 c. Mental health counseling services;
- 18 d. Substance abuse prevention and treatment services;
- 19 e. Consumer credit counseling;
- 20 f. Day care services for adults; and
- 21 g. Jobs skills training services;

22 4. Public restrooms; and

23 5. Transit station access for fixed rail transit facilities.

1 B. Standards for amenities

2 1. Location of amenities. Amenities provided by the applicant by performance
3 shall be located on the lot using the bonus, except as follows:

4 a. Green street improvements may be located within an abutting right-of-
5 way subject to applicable Director's rules.

6 b. An open space amenity, other than green street improvements, may be
7 on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of
8 the following conditions are satisfied:

9 1) The open space must be open to the general public without
10 charge, must meet the eligibility conditions of the Downtown Amenity Standards, and must be
11 one of the open space features cited in subsection 23.49.013.A.1.

12 2) The open space must be within (~~1/4~~) 1/4 mile of the lot using
13 the bonus, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4.

14 3) The open space must have a minimum contiguous area of 5,000
15 square feet, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4.

16 4) Departures from standards for the minimum size of off-site open
17 space and maximum distance from the project may be allowed by the Director as a Type I
18 decision if the Director determines that if such departures are approved, the proposed open space
19 will meet the additional need for open space caused by the project, and improve public access to
20 the open space compared to provision of the open space on-site.

21 5) The owner of any lot on which off-site open space is provided to
22 meet the requirements of this Section 23.49.013 shall execute and record an easement or other

1 instrument in a form acceptable to the Director assuring compliance with the requirements of this
2 Section 23.49.013, including applicable conditions of the Downtown Amenity Standards.

3 c. Public restrooms shall be on a ground floor; shall satisfy all codes and
4 accessibility standards; shall be open to the general public during hours that the structure is open
5 to the public, although access may be monitored by a person located at the restroom facility;
6 shall be maintained by the owner of the structure for the life of the structure that includes the
7 bonused space; and shall be designated by signs sufficient so that they are readily located by
8 pedestrians on an abutting street or public open space. The Director is authorized to establish
9 standards for the design, construction, operation, and maintenance of public restrooms qualifying
10 for a bonus, consistent with the intent of this subsection 23.49.013.B.1.c to encourage the
11 provision of accessible, clean, safe, and environmentally sound facilities.

12 2. Options for provision of amenities. Amenities must be provided by
13 performance except as expressly permitted in this Section 23.49.013. The Director may accept a
14 cash payment for green street improvements and a related voluntary agreement from the
15 applicant, subject to this Section 23.49.013, the Downtown Amenity Standards, and the Green
16 Street Director's Rule(~~(,DR)~~) 11-2007, if the Director determines that improvement of a green
17 street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment
18 must be in an amount sufficient to improve fully 1 square foot of green street space for each 5
19 square feet of bonus floor area allowed for such payment. The cash payment shall be maintained
20 in a restricted account and shall be used to improve a green street abutting or in the vicinity of
21 the lot.

22 3. Ratios and limits. Amenities may be used to gain floor area according to the
23 applicable ratios, and subject to the limits in Section 23.49.011 and in Table A for 23.49.013.

1 ~~((a. Amenities may be used to gain floor area according to the applicable~~
 2 ~~ratios, and subject to the limits in Section 23.49.011 and in Table A for 23.49.013.))~~

Table A for 23.49.013 Downtown ((Amenities)) amenities									
Amenity	Zone location of lots eligible to use bonus							Bonus ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC1	DOC2	DMC ((340/290-400)) <u>340/290-440</u>	DH2, DMC ((125)) <u>145</u> , DMC ((160)) <u>170</u> , DMC 85/65-150, and DMC ((240/290-400)) <u>240/290-440</u>	DRC	DMR	IDM		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	6,000
Urban Plaza	X	X	X					5:1	15,000
Commercial Parcel Park	X	X	X	X			X	5:1	7,000
Residential Parcel Park			X	X		X	X	5:1	12,000
Green Street Parcel Park	Eligible for bonus only on lots abutting a designated green street							5:1	7,000
Public Atrium	X	X	X					5:1	5,500
Green Street Improvement	Eligible for bonus only on lots abutting a designated green street							5:1	No limit
Green Street Setback	Eligible for bonus only on lots abutting a designated green street that are not subject to property line street wall requirement							1:1	10 times the length of lot's green street frontage
Hillelimb Assist	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							Not applicable	Maximum gain of 0.5 FAR
Shopping Corridor	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	7,200
Transit Station Access	X	X	X	X	X	X		Not Applicable	Maximum gain of 1.0 FAR
Public Restroom	X	X	X	X	X	X		7:1	No limit
Human Services	X	X	X	X	X	X		7:1	10,000 ((SF))
"X" indicates that bonus is potentially available.									

3
 4 **4. Downtown Amenity Standards**

1 a. The Director shall approve a feature for a bonus if the Director
2 determines that the feature satisfies the eligibility conditions of the Downtown Amenity
3 Standards, and that the feature carries out the intent of this Section 23.49.013 and the guidelines
4 in the Downtown Amenity Standards.

5 b. The Director may allow departures from the eligibility conditions in the
6 Downtown Amenity Standards as a Type I decision, if the applicant can demonstrate that the
7 amenity better achieves the intent of the amenity as described in this Chapter 23.49 and the
8 Downtown Amenity Standards, and that the departure is consistent with any applicable criteria
9 for allowing the particular type of departure in the Downtown Amenity Standards.

10 c. The Director may allow departures from the eligibility conditions in the
11 Downtown Amenity Standards as a Type I decision, to allow floor area in a Landmark structure
12 satisfying the standards of subsection 23.49.011.A.2.j or in a small structure satisfying the
13 standards of subsection 23.49.011.A.2.k to qualify as floor area eligible for a bonus if adapted to
14 serve as a hillclimb assist, museum, shopping corridor, or public atrium amenity.

15 d. The Director may condition the approval of a feature for a bonus as
16 provided in the Downtown Amenity Standards.

17 5. Open (~~Space Amenities~~) space amenities. Open space amenities must be
18 newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of
19 this (~~chapter~~) Chapter 23.49 and the Downtown Amenity Standards.

20 6. Declaration. If amenities are to be provided on-site for purposes of obtaining
21 bonus floor area, the owner shall execute and record a declaration in a form acceptable to the
22 Director identifying the features and the fact that the right to develop and occupy a portion of the

1 gross floor area on the site is based upon the long-term provision and maintenance of those
2 amenities.

3 7. Duration; (~~Alteration~~) alteration. All bonused amenities shall be provided and
4 maintained in accordance with the applicable provisions of this Section 23.49.013 and the
5 Downtown Amenity Standards for as long as the portion of the chargeable floor area gained by
6 the amenities exists. A permit is required to alter or remove any bonused amenity.

7 Section 17. Subsection 23.49.014.A of the Seattle Municipal Code, which section was
8 last amended by Ordinance 124680, is amended as follows:

9 **23.49.014 Transfer of development rights**

10 A. General standards

11 1. The following types of TDR may be transferred to the extent permitted in Table
12 A for 23.49.014, subject to the limits and conditions in this Chapter 23.49:

- 13 a. Housing TDR;
- 14 b. DMC housing TDR;
- 15 c. Landmark housing TDR;
- 16 d. Landmark TDR;
- 17 e. Open space TDR; and
- 18 f. South Downtown Historic TDR.

19 2. In addition to transfers permitted under subsection 23.49.014.A.1, TDR may be
20 transferred from any lot to another lot on the same block, as within-block TDR, to the extent
21 permitted in Table A for 23.49.014, subject to the limits and conditions in this Chapter 23.49.

22 3. A lot's eligibility to be either a sending or receiving lot is regulated by Table A
23 for 23.49.014.

1 4. Except as expressly permitted pursuant to this Chapter 23.49, development
 2 rights or potential floor area may not be transferred from one lot to another.

3 5. No permit after the first building permit, and in any event, no permit for any
 4 construction activity other than excavation and shoring or for occupancy of existing floor area by
 5 any use based upon TDR, will be issued for development that includes TDR until the applicant's
 6 possession of TDR is demonstrated according to rules promulgated by the Director to implement
 7 this Section 23.49.014.

Table A for 23.49.014 Permitted ((Use)) use of TDR						
((Zones¹	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks				
	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR))
Zones¹	Types of TDR					
	<u>Within-block TDR</u>	<u>Housing TDR</u>	<u>DMC Housing TDR</u>	<u>Landmark TDR and Landmark Housing TDR</u>	<u>Open Space TDR</u>	<u>South Downtown Historic TDR</u>
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	R
DRC	S, R ²	S, R ²	X	S, R ²	S, R ²	R
DMC ((340/290-400)) <u>340/290-440</u>	S, R	S, R	S	S, R	S, R	R
DMC ((125)) 145 and DMC ((240/290-	S ³	S, R	S, R	S, R	S, R	R

**Table A for 23.49.014
 Permitted ((Use)) use of TDR**

((Zones ¹	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks				
	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR))
<u>Zones¹</u>	<u>Types of TDR</u>					
	<u>Within-block TDR</u>	<u>Housing TDR</u>	<u>DMC Housing TDR</u>	<u>Landmark TDR and Landmark Housing TDR</u>	<u>Open Space TDR</u>	<u>South Downtown Historic TDR</u>
400)) 240/290-440						
DMC ((460)) <u>170</u>	X	S, R	S, R	S, R	S, R	R
DMC 85 and DH2	X	S, R	X	S, R	S, R	R
DMC ((65)) <u>75</u> and DMC 85/65-150	X	S	X	S	S	R
DMR	X	S, R ⁴	X	S, R ⁴	S, R ⁴	R ⁴
IDR	X	S	X	X	S	S
IDR/C	X	S	X	X	S, R ⁵	S
IDM	X	S, R	X	X	S, R ⁵	S, R
PSM	X	S	X	X	S ⁵	S, R

S = Eligible sending lot.
 R = Eligible receiving lot.
 X = Not permitted.

Footnotes to Table A for 23.49.014((:))

¹ Development rights may not be transferred to or from lots in the PMM or DH1 zones.

² Transfers to lots in a DRC zone are permitted only from lots that also are zoned DRC.

³ Transfers are permitted only from lots zoned DMC to lots zoned DOC1.

⁴ Transfers to lots in a DMR zone are permitted only from lots that also are zoned DMR except that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.

**Table A for 23.49.014
 Permitted ((Use)) use of TDR**

((Zones¹	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks				
	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR))
<u>Zones¹</u>	<u>Types of TDR</u>					
	<u>Within-block TDR</u>	<u>Housing TDR</u>	<u>DMC Housing TDR</u>	<u>Landmark TDR and Landmark Housing TDR</u>	<u>Open Space TDR</u>	<u>South Downtown Historic TDR</u>

⁵ Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

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Section 18. A new Section 23.49.039 is added to the Seattle Municipal Code as follows:

23.49.039 Modification of development standards in certain Downtown zones

In a DMC 240/290-440 or DMC 340/290-440 zone, the height above which the tower floor area limits and tower width limits according to subsection 23.49.058.E and the tower spacing limits according to subsection 23.49.058.F would apply shall be increased from 160 feet to 170 feet if:

A. The upper-level width, tower spacing, and upper-level setback standards according to Section 23.49.058 would prevent a development from being able to achieve an average tower floor plate of at least 7,500 square feet for floors above 85 feet in height; and

B. The height of the development does not exceed 170 feet, excluding exempt rooftop features.

1 Section 19. Section 23.49.041 of the Seattle Municipal Code, last amended by Ordinance
2 124952, is amended as follows:

3 **23.49.041 Combined lot development**

4 When authorized by the Director pursuant to this Section 23.49.041, lots located on the same
5 block in DOC1, ~~((or))~~ DOC2 ~~((zones))~~, or ~~((in))~~ DMC 340/290-440 zones ~~((with a maximum~~
6 ~~FAR of 10))~~, or lots zoned DOC1 and DMC on the same block, may be combined, whether
7 contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable
8 floor area on one such lot under this Chapter 23.49 to be used on one or more other lots,
9 according to the following provisions:

10 A. Up to all of the capacity on one lot, referred to in this Section 23.49.041 as the
11 "sending lot," for chargeable floor area in addition to the base FAR, pursuant to Section
12 23.49.011 (referred to in this Section 23.49.041 as "bonus capacity"), may be used on one or
13 more other lots, subject to compliance with all conditions to use of such bonus capacity, pursuant
14 to Sections 23.49.011 through 23.49.014, as modified in this Section 23.49.041. For purposes of
15 applying any conditions related to amenities or features provided on site under Section
16 23.49.013, only the lot or lots on which such bonus capacity shall be used are considered to be
17 the lot or site using a bonus. Criteria for use of bonus that apply to the structure or structures
18 shall be applied only to the structure(s) on the lots using the transferred bonus capacity.

19 B. Only if all of the bonus capacity on one lot shall be used on other lots pursuant to this
20 Section 23.49.041, there may also be transferred from the sending lot, to one or more such other
21 lots, up to all of the unused base FAR on the sending lot, without regard to limits on the transfer
22 or on use of TDR in Section 23.49.014. Such transfer shall be treated as a transfer of TDR for
23 purposes of determining remaining development capacity on the sending lot and TDR available

1 to transfer under Section 23.49.014, but shall be treated as additional base FAR on the other lots,
2 and to the extent so treated shall not qualify such lots for bonus development. If less than all of
3 the bonus capacity of the sending lot shall be used on such other lots, then unused base FAR on
4 the sending lot still may be transferred to the extent permitted for within-block TDR under
5 Section 23.49.014, and if the sending lot qualifies for transfer of TDR under any other category
6 of sending lot in Table A for 23.49.014, such unused base FAR may be transferred to the extent
7 permitted for such category, but in each case only to satisfy in part the conditions to use of bonus
8 capacity, not as additional base FAR.

9 C. To the extent permitted by the Director, the maximum chargeable floor area for any
10 one or more lots in the combined lot development may be increased up to the combined
11 maximum chargeable floor area under Section 23.49.011 computed for all lots participating in
12 the combined lot development. To the extent permitted by the Director, and subject to subsection
13 23.49.041.B, the base floor area for any one or more lots in the combined lot development may
14 be increased up to the combined maximum base chargeable floor area under Section 23.49.011
15 computed for all lots participating in the combined lot development.

16 D. The Director shall allow combined lot development only to the extent that the Director
17 determines in a Type I land use decision that permitting more chargeable floor area than would
18 otherwise be allowed on a lot shall result in a significant public benefit. In addition to features
19 for which floor area bonuses are granted, the Director may also consider the following as public
20 benefits that could satisfy this condition when provided for as a result of the lot combination:

21 1. ~~((preservation))~~ Preservation of a ~~((landmark))~~ Landmark structure located on
22 the block or adjacent blocks;

- 1 2. ~~((uses))~~ Uses serving the downtown residential community, such as a grocery
2 store, at appropriate locations;
- 3 3. ~~((public))~~ Public facilities serving the Downtown population, including schools,
4 parks, community centers, human service facilities, and clinics;
- 5 4. ~~((transportation))~~ Transportation facilities promoting pedestrian circulation and
6 transit use, including through-block pedestrian connections, transit stations, and bus layover
7 facilities;
- 8 5. ~~((short-term))~~ Short-term parking on blocks within convenient walking distance
9 of the retail core or other downtown business areas where the amount of available short-term
10 parking is determined to be insufficient;
- 11 6. ~~((a))~~ A significant amount of housing serving households with a range of
12 income levels;
- 13 7. ~~((improved))~~ Improved massing of development on the block that achieves a
14 better relationship with surrounding conditions, including: better integration with adjacent
15 development, greater compatibility with an established scale of development, especially relative
16 to ~~((landmark))~~ Landmark structures, or improved conditions for adjacent public open spaces,
17 designated green streets, or other special street environments;
- 18 8. ~~((public))~~ Public view protection within an area;
- 19 9. ~~((arts))~~ Arts and cultural facilities, including a museum or museum expansion
20 space; or
- 21 10. ~~((green))~~ Green stormwater infrastructure beyond the requirements of the
22 Stormwater Code (Chapters 22.800 through 22.808).

1 E. The fee owners of each of the combined lots shall execute an appropriate agreement or
2 instrument, which shall include the legal descriptions of each lot and shall be recorded ~~((~~it~~))~~ with
3 the King County ~~((~~real property records~~))~~ Recorder's Office. In the agreement or instrument, the
4 owners shall acknowledge the extent to which development capacity on each sending lot is
5 reduced by the use of such capacity on another lot or lots, at least for so long as the chargeable
6 floor area for which such capacity is used remains on such other lot or lots. The deed or
7 instrument shall also provide that its covenants and conditions shall run with the land and shall
8 be specifically enforceable by the parties and by the City of Seattle.

9 F. Nothing in this Section 23.49.041 shall allow the development on any lot in a
10 combined lot development to exceed or deviate from height limits or other development
11 standards.

12 Section 20. Section 23.49.058 of the Seattle Municipal Code, last amended by Ordinance
13 125173, is amended as follows:

14 **23.49.058 Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and**
15 **Downtown Mixed Commercial (DMC) upper-level development standards**

16 A. For purposes of this Section 23.49.058, except in zones with a mapped height limit of
17 ~~((~~160~~))~~ 170 feet or less, a "tower" is a portion of a structure, ~~((~~not including~~))~~ excluding rooftop
18 features ~~((~~that would be~~))~~ permitted above the applicable height limit pursuant to Section
19 23.49.008, in which portion all gross floor area in each story is horizontally contiguous, and
20 which portion is above (i) a height of 85 feet in a structure that has any non-residential use above
21 a height of 65 feet or does not have residential use above a height of 160 feet; or (ii) in any
22 structure not described in clause (i) a height determined as follows:

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

3 2. For a structure on any other lot, the height of the facade closest to the street
4 property line of the existing structure on the same block front nearest to that lot, but if the nearest
5 existing structures are equidistant from that lot, then the height of the higher such facade; but in
6 no instance shall the height exceed 85 feet or be required to be less than 65 feet.

7 B. Facade modulation and upper-level width limit

8 1. The requirements of subsections (~~(23.49.058.C)~~) 23.49.058.B.2 and
9 (~~(23.49.058.D)~~) 23.49.058.B.3 apply to:

10 ~~((1))~~ a. All structures 160 feet in height or less, and all structures in the
11 DMC ~~((160))~~ 170 zone, in which any story above an elevation of 85 feet above the adjacent
12 sidewalk exceeds 15,000 square feet. For structures with separate towers, the 15,000 square foot
13 threshold applies to each tower individually; and

14 ~~((2))~~ b. Portions of structures in non-residential use above a height of 160
15 feet, excluding structures in the DMC 170 zone, in which any story above an elevation of 85 feet
16 exceeds 15,000 square feet. For structures with separate towers, the 15,000 square foot threshold
17 applies to each tower individually.

18 ~~((C))~~ 2. ~~(Facade modulation)~~ The following facade modulation requirements
19 apply to structures meeting subsection 23.49.058.B.1:

20 ~~((1))~~ a. In ~~((DOC 1, DOC 2))~~ DOC1, DOC2, and DMC zones, except the
21 DMC ~~((160))~~ 170 zone, facade modulation is required above a height of 85 feet above the
22 sidewalk for any portion of a structure located within 15 feet of a street lot line. No modulation is
23 required for portions of a facade set back 15 feet or more from a street lot line.

1 ((2)) b. In the DMC ((160)) 170 zone, facade modulation is required above
 2 a height of 60 feet above the sidewalk for any portion of a structure located within 15 feet of a
 3 street lot line. No modulation is required for portions of a facade set back 15 feet or more from a
 4 street lot line.

5 ((3)) c. The maximum length of a facade without modulation is prescribed
 6 in Table A for 23.49.058. This maximum length shall be measured parallel to each street lot line,
 7 and shall apply to any portion of a facade, including projections such as balconies, that is located
 8 within 15 feet of street lot lines.

Table A for 23.49.058	
Modulation ((Requirements)) requirements for ((DOC 1, DOC 2)) <u>DOC1, DOC2, and</u>	
DMC ((Zones, Except)) <u>zones, except DMC ((160 Zone)) 170 zone</u>	
Elevation (in feet)	Maximum length of unmodulated facade within 15 feet of street lot line (in feet)
0 to 85 ((feet))	No limit
86 to 160 ((feet))	155 ((feet))
161 to 240 ((feet))	125 ((feet))
241 to 500 ((feet))	100 ((feet))
Above 500 ((feet))	80 ((feet))
Modulation ((Requirements)) requirements for DMC ((160)) <u>170 ((Zone)) zone</u>	
0 to 60 ((feet))	No limit
Above 60 ((feet))	125 ((feet))

9
 10 ((4)) d. Any portion of a facade exceeding the maximum length of facade
 11 prescribed on Table A for 23.49.058 shall be set back a minimum of 15 feet from the street lot
 12 line for a minimum distance of 60 feet before any other portion may be within 15 feet of the
 13 street lot line.

14 ((D)) 3. ((Upper level)) The following upper-level width limit requirements apply
 15 to structures meeting subsection 23.49.058.B.1:

1 ~~((1))~~ a. On lots where the width and depth of the lot each exceed 200 feet,
2 the maximum facade width for any portion of a structure above ~~((240))~~ 280 feet shall be 145 feet
3 along the general north/south axis of a site (parallel to the Avenues), and this portion of the
4 structure shall be separated horizontally from any other portion of a structure on the lot above
5 ~~((240))~~ 280 feet by at least 80 feet at all points.

6 ~~((2))~~ b. In the DMC ~~((160))~~ 170 zone, the maximum facade width of any
7 portion of a structure above 60 feet in height shall be 180 feet along lots fronting on Alaskan
8 Way or Western Avenue between University and Union Streets. This portion of the structure
9 shall be separated horizontally from any other portion of a structure on the lot above 60 feet in
10 height by at least 30 feet at all points. If the separation between portions of a structure above 60
11 feet in height is less than 30 feet, the widths of the separated portions of the structure shall be
12 combined to determine the structure's width.

13 ~~((E))~~ C. Tower floor area limits and tower width limits for portions of structures in
14 residential use. The requirements of this subsection ~~((23.49.058.E))~~ 23.49.058.C apply only to
15 structures that include portions in residential use above a height of 160 feet, and do not apply in
16 the DMC ~~((160))~~ 170 zone.

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

Table B for 23.49.058
Average (~~(Residential Gross Floor Area Per Story)~~) residential gross floor area per story
and (~~(Maximum Residential Gross Floor Area Per Story)~~) maximum residential gross
floor area per story of a (~~(Tower*)~~) tower¹

(1) Zone	(2) Average residential gross floor area limit per story of a tower if height does not exceed the base height limit for residential use	(3) Average residential gross floor area limit per story of a tower if height exceeds the base height limit for residential use	(4) Maximum residential floor area of any story in a tower
DMC ((240/290-400)) <u>240/290-440</u> and DMC ((340/290-400)) <u>340/290-440</u>	10,000 square feet	10,700 square feet	11,500 square feet
DOC2	15,000 square feet	12,700 square feet	16,500 square feet
DOC1	15,000 square feet	((13,800)) <u>14,800</u> square feet	16,500 square feet

Footnote to Table B for 23.49.058

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

1 ~~((For the height at which a "tower" begins, see the definition at the beginning of this Section~~
 2 ~~23.49.058.))~~

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

6 b. For structures that exceed the base height limit for residential use
 7 (which requires that the applicant obtain bonus residential floor area pursuant to Section
 8 23.49.015), the average residential gross floor area per story of each tower is subject to the
 9 applicable maximum limit specified in column (3) on Table B for 23.49.058.

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

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

3 2. Maximum tower width

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

7 1) On a lot where the limiting factor is the 80 percent width limit,
8 the maximum facade width is 120 feet, if at all elevations above a height of 85 feet, no more than
9 50 percent of the area of the lot located within 15 feet of the street lot line(s) is occupied by the
10 structure; and

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

13 b. In ~~((DOC1 and))~~ DOC2 zones, the maximum facade width for portions
14 of a building above 85 feet along the general north/south axis of a site (parallel to the Avenues)
15 shall be 145 feet.

16 c. In DOC1, the maximum facade width for portions of a building above
17 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 160 feet.

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

20 ~~((F))~~ D. Tower spacing ~~((for all structures over 160 feet in height))~~ in ~~((those))~~ DMC
21 ~~((zoned areas specified below:))~~ zones

1 1. ~~((For the purposes of this Section 23.49.058,))~~ The requirements of this
2 subsection 23.49.058.D apply to all structures over 160 feet in height in DMC zones, excluding
3 DMC 170 zones, except that no separation is required:

4 a. ~~((between))~~ Between structures on different blocks, except as may be
5 required by view corridor or designated green street setbacks; or

6 b. ~~((from))~~ From a structure on the same block that is not located in a
7 DMC zone; or

8 c. ~~((from))~~ From a structure allowed pursuant to the Land Use Code in
9 effect prior to May 12, 2006; or

10 d. ~~((from))~~ From a structure on the same block that is 160 feet in height or
11 less, excluding rooftop features permitted above the applicable height limit for the zone pursuant
12 to Section 23.49.008; or

13 e. ~~((from))~~ From a structure in a DMC ~~((160))~~ 170 ~~((zone that gains~~
14 ~~additional height through subsection 23.49.008.E)).~~

15 2. Except as otherwise provided in this subsection ~~((23.49.058.F))~~ 23.49.058.D, in
16 the DMC ~~((240/290-400))~~ 240/290-440 zone located between Stewart Street, Union Street, Third
17 Avenue, and First Avenue, if any part of a tower exceeds 160 feet in height, then all portions of
18 the tower that are above 125 feet in height shall be separated from any other existing tower that
19 is above 160 feet in height, and the minimum separation required between towers from all points
20 above the height of 125 feet in each tower is 200 feet.

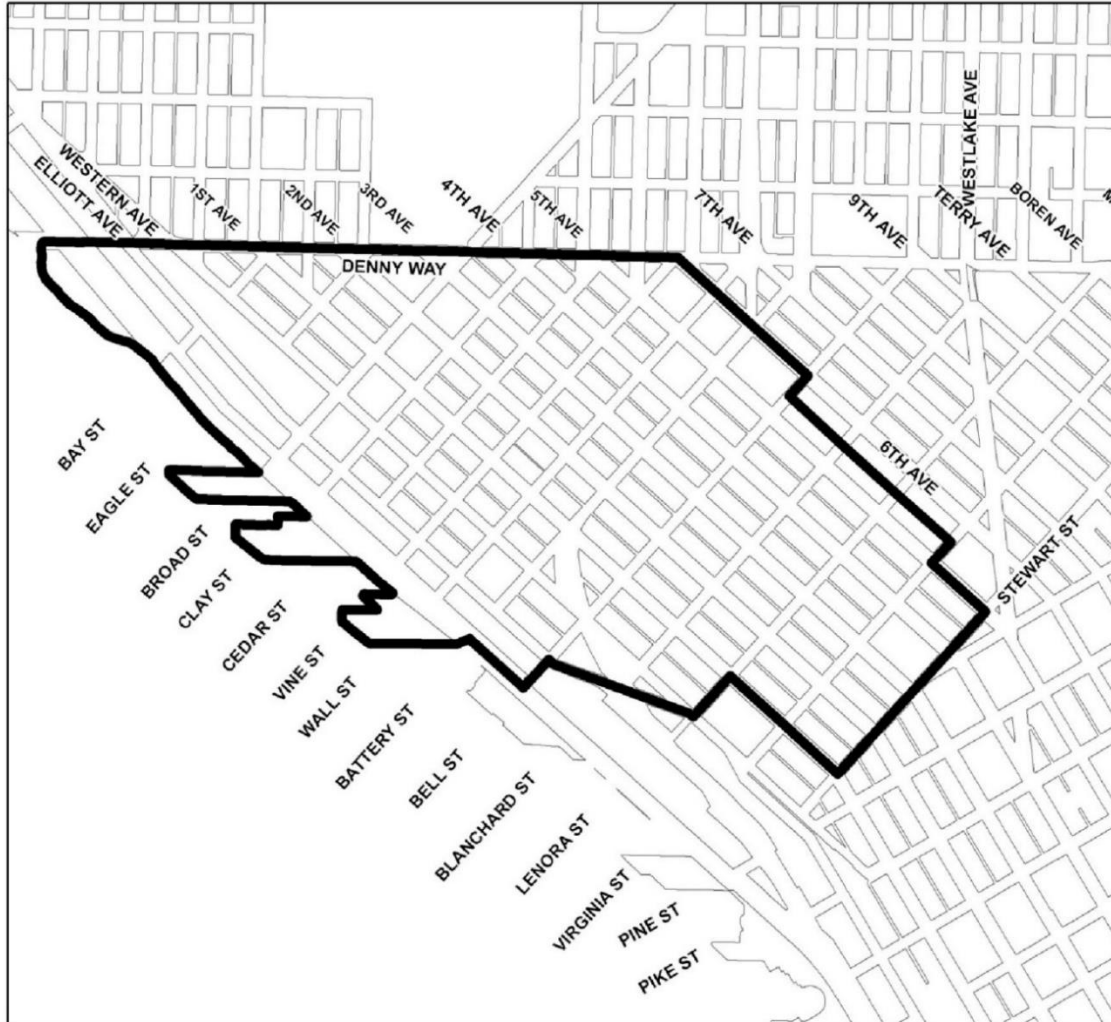
21 3. Except as otherwise provided in this subsection ~~((23.49.058.F,))~~ 23.49.058.D,
22 in ~~((the))~~ a DMC zone with a mapped height limit of more than ~~((160))~~ 170 feet located either in
23 Belltown, as shown on Map A for 23.49.058, or south of Union Street, if any part of a tower

1 exceeds 160 feet in height, then all portions of the tower that are above 125 feet in height must
2 be separated from any other existing tower that is above 160 feet in height, and the minimum
3 separation required between towers from all points above the height of 125 feet in each tower is
4 80 feet.

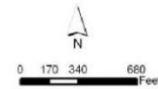
1 **Map A for 23.49.058**

2 **Belltown**

Map A for 23.49.058
Belltown



— Belltown Boundary



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

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

9 6. If the presence of an existing tower would preclude the addition of another
10 tower proposed on the same block, as a special exception, the Director may waive or modify the
11 tower spacing requirements of this Section 23.49.058 to allow a maximum of two towers to be
12 located on the same block that are not separated by at least the minimum spacing required in
13 subsections (~~((23.49.058.F.2, 23.49.058.F.3 and 23.49.058.F.4))~~) 23.49.058.D.2, 23.49.058.D.3,
14 and 23.49.058.D.4, other than towers described in subsection (~~((23.49.058.F.1))~~) 23.49.058.D.1.

15 The Director shall determine that issues raised in the design review process related to the
16 presence of the additional tower have been adequately addressed before granting any exceptions
17 to tower spacing standards. The Director shall consider the following factors in determining
18 whether such an exception shall be granted:

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

22 b. (~~((Potential public benefits))~~) Aspects of the proposal that offset the
23 impact of the reduction in required separation between towers, including the provision of

1 public open space, designated green street or other streetscape improvements, and preservation
2 of ~~((landmark))~~ Landmark structures ~~((, and provision of neighborhood commercial services,~~
3 ~~such as a grocery store, or community services, such as a community center or school))~~;

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

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

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

11 f. The feasibility of developing the site without an exception from the
12 tower spacing requirement.

13 7. For purposes of this Section 23.49.058 ~~((, an "existing"))~~ a tower is ~~((either))~~
14 considered to be "existing" and must be taken into consideration when other towers are
15 proposed, under any of the following circumstances:

16 a. The tower is physically present, except that a tower that is physically
17 present ~~((, except as provided below in this subsection 23.49.058.F.7; or))~~ is not considered
18 "existing" if the owner of the lot where the tower is located has applied to the Director for a
19 permit to demolish the tower and provided that the no building permit for the proposed tower
20 is issued until the demolition of the tower that is physically present has been completed;

21 ~~((b. a proposed tower for which a Master Use Permit decision that~~
22 ~~includes approval of the Design Review element has been issued, unless and until either~~

1 not qualify a proposed tower as an existing tower if a complete Master Use Permit application is
2 not submitted within 90 days of the date of the early design guidance public meeting if one is
3 required, or within 90 days of the date the Director provides guidance if no early design meeting
4 is required, or within 150 days of the first early design guidance public meeting if more than one
5 early design guidance public meeting is held.

6 ((G)) E. Upper-level setbacks

7 1. If a lot in a DMC zone is across a street from the Pike Place Market Historical
8 District, as shown on Map 1K, a continuous upper-level setback of 15 feet, measured from the
9 street lot line across the street from the Pike Place Market Historical District, is required for all
10 portions of a structure above a height of 65 feet.

11 2. If a lot in a DMC or DOC2 zone is located on a designated green street that is
12 not a designated view corridor requiring view corridor setbacks according to Section 23.49.024,
13 as shown on Map 1D, View Corridors, a continuous upper-level setback of 15 feet, measured
14 from the abutting green street lot line, is required for portions of the structure above a height of
15 45 feet.

16 ((H)) F. Structure separation requirements for mid-block corridors in a DMC zone in
17 South Downtown. On a lot in a DMC zone in South Downtown, as depicted on Map 1A, the
18 following standards apply:

19 1. At all levels above 45 feet and up to 85 feet in height, structures separated by a
20 mid-block corridor must be separated at all points by a minimum horizontal distance of 45 feet,
21 unless subsection ((~~23.49.058.H.3~~)) 23.49.058.F.3 applies.

1 2. At all levels above 85 feet in height, structures separated by a mid-block
2 corridor must be separated at all points by a minimum horizontal distance of 55 feet, unless
3 subsection ~~((23.49.058.H.3))~~ 23.49.058.F.3 applies.

4 3. If a mid-block corridor abuts a side lot line that is not a street lot line, at all
5 levels above 45 feet, structures on that lot must set back from that side lot line at all points by a
6 minimum horizontal distance of 45 feet.

7 Section 21. Subsection 23.49.156.A of the Seattle Municipal Code, which section was
8 last amended by Ordinance 123589, is amended as follows:

9 **23.49.156 Downtown Mixed Residential, minimum lot size**

10 A. This subsection 23.49.156.A applies to DMR zones outside of South Downtown.

11 1. The minimum lot size is 19,000 square feet for any structure over ~~((125))~~ 145
12 feet high.

13 2. To meet the minimum lot size requirement, a lot may be combined with one or
14 more abutting lots, whether occupied by existing structures or not, provided that:

15 a. The total area of the combined lots meets the minimum lot size
16 requirement;

17 b. All lots have frontage on the same avenue;

18 c. Any existing structure does not exceed a height of ~~((125))~~ 145 feet;

19 d. The lot coverage of both the proposed and any existing structures does
20 not exceed applicable lot coverage limits in Section 23.49.158; and

21 e. The fee owners of the abutting lot(s) execute a deed or other agreement,
22 recorded with the King County Recorder's Office as an encumbrance on the abutting lot(s), that
23 restricts future development of the abutting lot(s) to a maximum height of ~~((125))~~ 145 feet for the

1 life of the proposed structure, and that precludes the use of the abutting lot(s) in combination
 2 with any other abutting lots for purposes of meeting the minimum lot size requirements for any
 3 other lot.

4 * * *

5 Section 22. Section 23.49.158 of the Seattle Municipal Code, last amended by Ordinance
 6 123589, is amended as follows:

7 **23.49.158 Downtown Mixed Residential, coverage and floor size limits**

8 A. Coverage((-))

9 1. Except on lots located in DMR/R ((85/65)) 95/65 zones, and except as provided
 10 in subsection 23.49.158.C, portions of structures above 65 feet shall not exceed the coverage
 11 limits in Table A for 23.49.158:

12 ((~~Table A for 23.49.158~~
 13 ~~Percent Coverage Permitted by Lot Size~~))

<u>Table A for 23.49.158</u>				
<u>Percent coverage permitted by lot size</u>				
<u>Elevation of ((Portion)) portion of ((Structure)) structure (in feet)</u>	<u>0— 19,000 ((Square Feet)) square feet</u>	<u>19,001— 25,000 ((Square Feet)) square feet</u>	<u>25,001— 38,000 ((Square Feet)) square feet</u>	<u>Greater ((Than)) than 38,000 ((Square Feet)) square feet</u>
65 ((feet)) or less	100%	100%	100%	100%
Greater than 65 ((feet)) up to 85 ((feet))	75%	65%	55%	45%
Greater than 85 ((feet)) up to ((125)) <u>145</u> ((feet))	65%	55%	50%	40%
Greater than ((125)) <u>145</u> ((feet)) up to ((240)) <u>280</u> ((feet))	Not applicable	45%	40%	35%

14

Table A for 23.49.164		
Maximum width and depth by lot size		
Height of ((Portion)) <u>portion of</u> ((Structure)) <u>structure</u> (in feet)	0—19,000 ((Square Feet)) <u>square feet</u>	Greater ((Than)) <u>than 19,000</u> ((Square Feet)) <u>square feet</u>
Greater than 65 up to ((125)) <u>145</u>	90 feet on avenues 120 feet on east/west streets	120 feet
Greater than ((125 up to 240)) <u>145</u>	Not applicable	100 feet

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 2 B. In a DMR/R ((85/65)) 95/65 zone, width of portions of structures above a height of 65
 3 feet is not limited.

4 C. Housing ((Option-)) option

5 1. On lots with structures that contained low-income housing on or before
 6 September 11, 1988, and that meet the requirements of subsection 23.49.164.C.4, the width
 7 above a height of 65 feet of portions of structures that are located less than 20 feet from a street
 8 lot line shall not exceed 120 feet per block front. This maximum applies to the width as
 9 measured parallel to the street lot line. Portions of structures, measured parallel to the street lot
 10 line, that are located 20 feet or more from the street lot line, have no maximum limit.

11 2. If the housing option is used, no portions of the structure may be located in the
 12 area within 20 feet of the intersection of street lot lines between heights of 65 feet and ((125))
 13 145 feet.

14 3. If the housing option is used, each story in portions of structures between
 15 heights of 65 feet and ((125)) 145 feet shall have a maximum gross floor area of 25,000 square
 16 feet or the lot coverage limitation, whichever is less. The 25,000 square foot limit shall apply
 17 separately to portions of the same structure that are not connected above 65 feet.

1 4. In order to use the housing option, housing on the lot shall be subject to an
2 agreement with the City that contains the following conditions and any other provisions
3 necessary to ensure compliance:

4 a. The demolition or change of use of the housing shall be prohibited for
5 not less than 50 years from the date a final certificate of occupancy is issued for the commercial
6 development on the lot; and

7 b. If the housing is or was rental housing on or before September 11, 1988,
8 it shall be used as rental housing for not less than 50 years from the date a final certificate of
9 occupancy is issued for the commercial development of the lot; and

10 c. The structure will be brought up to and maintained in conformance with
11 ~~((the Housing and Building Maintenance Code))~~ Chapters 22.200 through 22.208; and

12 d. Housing that is or was low-income housing on or before September 11,
13 1988, shall be maintained as low-income housing for not less than 50 years from the date a final
14 certificate of occupancy is issued for the commercial development on the lot.

15 5. Housing that is preserved according to this Section 23.49.164 does not qualify
16 for a downtown housing bonus or for transfer of development rights.

17 D. ~~((Façade Width Limits))~~ Facade width limits and ~~((Separation Requirements))~~
18 separation requirements in South Downtown. On a lot in a DMR/C zone in South Downtown, the
19 following standards apply:

20 1. For the portion of a structure 65 feet in height or less, the maximum width of a
21 street-facing facade is 250 feet.

22 2. For the portion of a structure above 65 feet in height, the maximum width of a
23 street-facing facade is 120 feet.

1 3. At all levels above 65 feet in height, separate structures on a lot and separate
2 portions of the same structure must be separated at all points by a minimum horizontal distance
3 of 20 feet, or as specified in subsections 23.49.164.D.4 and 23.49.164.D.5 for structures
4 separated by a mid-block corridor.

5 4. At all levels above 45 feet and up to 85 feet in height, structures separated by a
6 mid-block corridor must be separated at all points by a minimum horizontal distance of 45 feet,
7 unless subsection 23.49.164.D.6 applies.

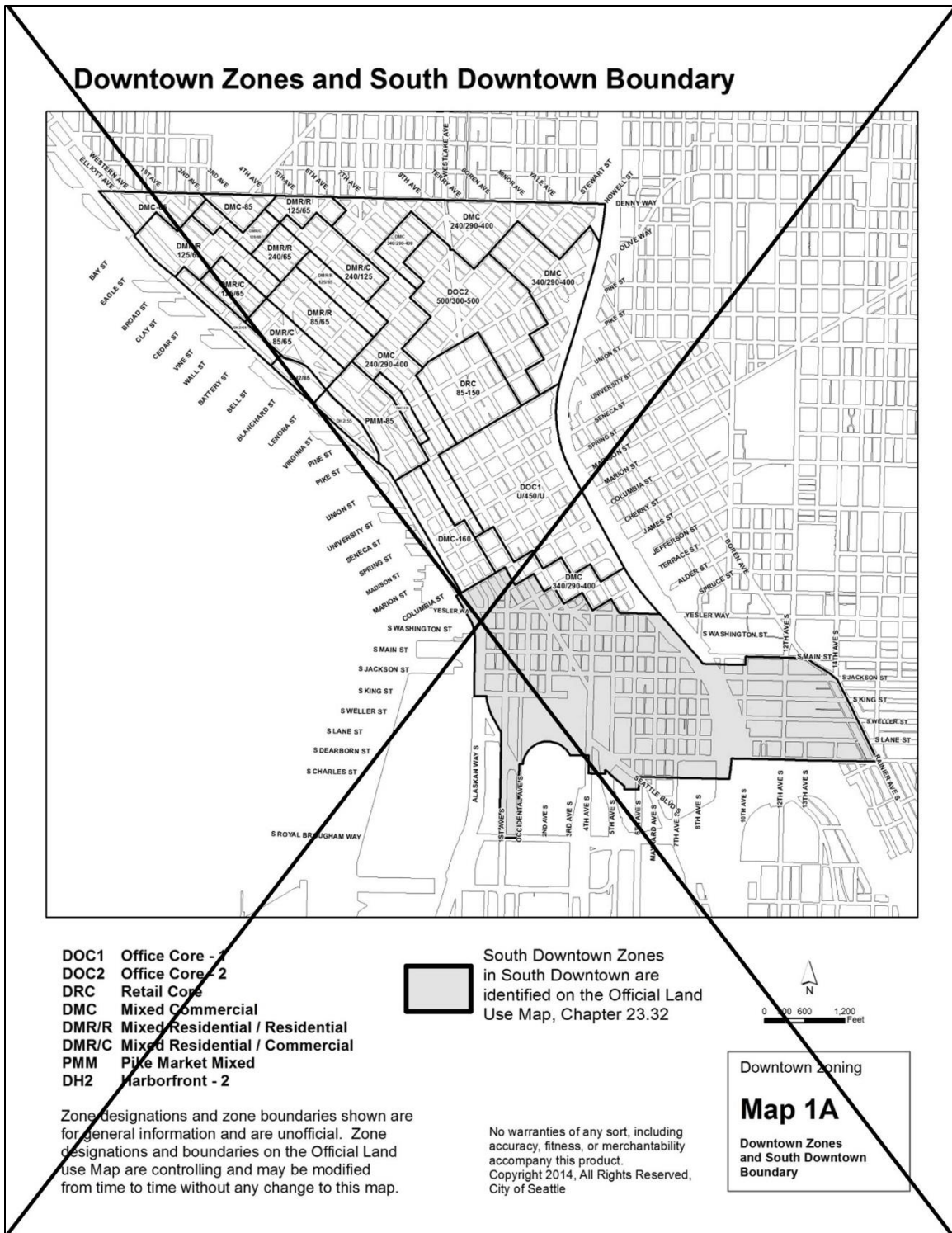
8 5. At all levels above 85 feet in height, structures separated by a mid-block
9 corridor must be separated at all points by a minimum horizontal distance of 55 feet, unless
10 subsection 23.49.164.D.6 applies.

11 6. If a mid-block corridor abuts a side lot line that is not a street lot line, at all
12 levels above 45 feet structures on that lot must set back from that side lot line at all points by a
13 minimum horizontal distance of 45 feet.

14 Section 24. Chapter 23.49 Downtown Overlay Maps, Map 1A, of the Seattle Municipal
15 Code, last amended by Ordinance 124680, is amended as follows:

16 **23.49 Downtown Overlay Maps**

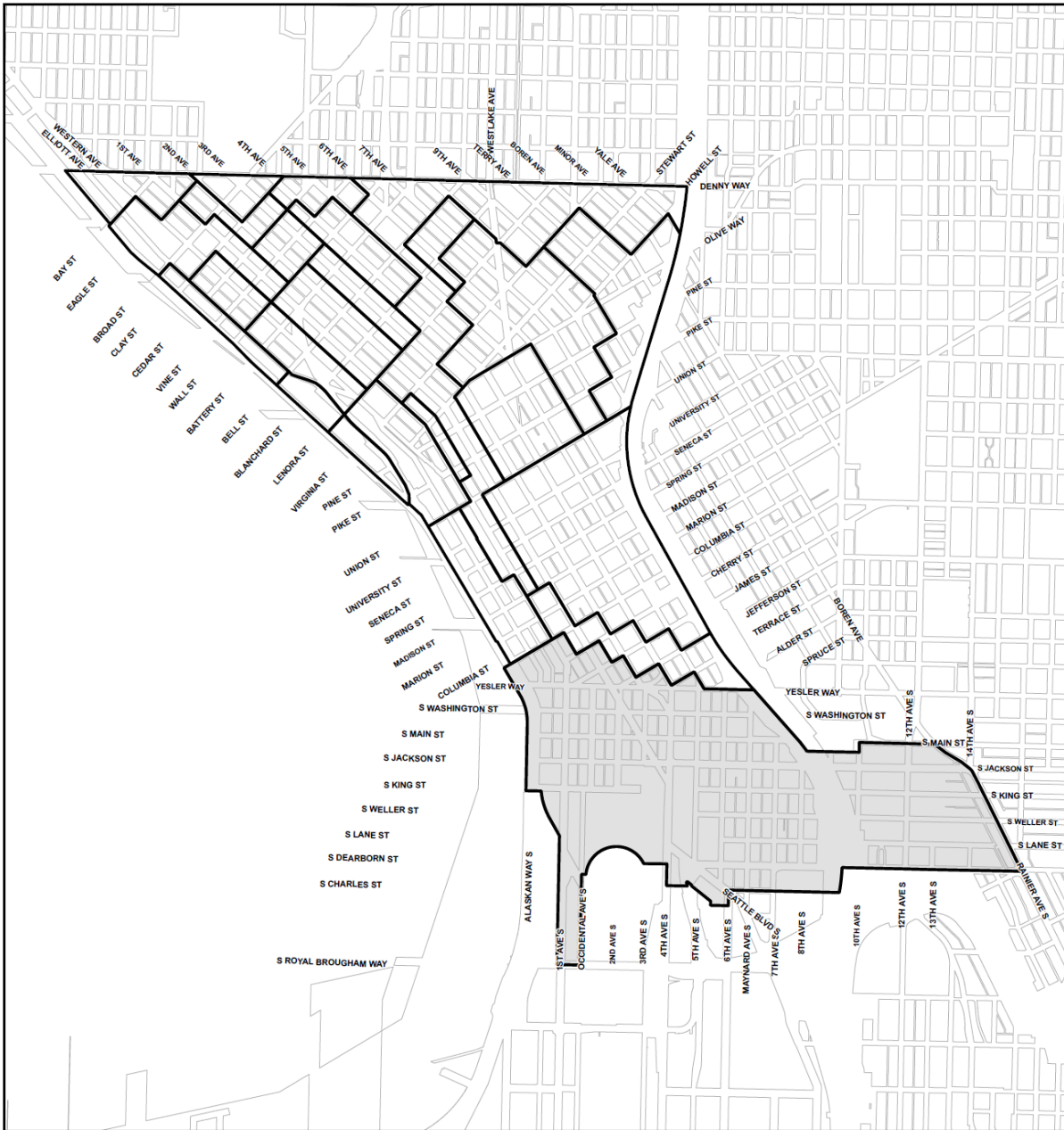
1 **Map 1A: Downtown Zones and South Downtown Boundary**



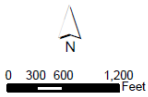
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Downtown Zones and South Downtown Boundary



South Downtown Zones
 in South Downtown are
 identified on the Official Land
 Use Map, Chapter 23.32



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 City of Seattle

Downtown zoning

Map 1A

**Downtown Zones
 and South Downtown
 Boundary**

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2

1 Section 25. Section 23.50.020 of the Seattle Municipal Code, last amended by Ordinance
2 124843, is amended as follows:

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

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

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

11 2. In all industrial zones, open railings, planters, skylights, clerestories,
12 greenhouses, solariums, parapets, and firewalls may extend 4 feet above the applicable height
13 limit with unlimited rooftop coverage. Insulation material, rooftop decks and other similar
14 features, or soil for landscaping located above the structural roof surface, may exceed the
15 maximum height limit by up to ~~((two))~~ 2 feet if enclosed by parapets or walls that comply with
16 this subsection 23.50.020.A.2.

17 3. In all industrial zones, solar collectors may extend up to 7 feet above the
18 applicable height limit, with unlimited rooftop coverage.

19 4. Additional height is permitted for specified rooftop features according to this
20 subsection 23.50.020.A.4.

21 a. The following rooftop features may extend up to 15 feet above the
22 applicable height limit in all industrial zones, subject to subsection 23.50.020.A.4.c:

23 1) Solar collectors;

Section 27. Section 23.50.028 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.50.028 Floor area limits

The applicable floor area ratio (FAR), as provided below, determines the permitted chargeable floor area on a lot, except as expressly otherwise provided.

A. ~~((General))~~ Industrial General 1 (IG1) and ~~((General))~~ Industrial General 2 (IG2), ~~((Floor Area Ratio))~~ FAR. The maximum FAR in IG1 and IG2 zones is 2.5.

B. Industrial Buffer (IB) ~~((Floor Area Ratio))~~ FAR. The maximum FAR in IB zones is 2.5.

C. Industrial Commercial (IC) ~~((Floor Area Ratio))~~ FAR. The base and maximum FARs in IC zones are set forth on Table A for 23.50.028.

Table A for 23.50.028		
Floor ((Area Ratios)) area ratios (FAR)		
Zone ((Designation)) designation	Base FAR	Maximum FAR
All IC zones except as otherwise stated in this table	2.5	2.5
IC 65 and IC 85 zones within the Stadium Transition Area Overlay District	3	3
IC ((85-160)) <u>85-175</u> zone	2.5 FAR for all permitted uses, except that the combined chargeable floor area of the following uses is limited to 1 FAR or 50,000 square feet, whichever is greater: entertainment uses; lodging uses; medical services; office; restaurant; major durables retail sales; automotive sales and services; religious facilities; and general sales and services.	((3.5)) 4.0 ¹ except that if the total chargeable floor area of uses identified in the base FAR column is greater than ((3.5)) 4.0 FAR, that amount of floor area, not to exceed 50,000 square feet, is the maximum FAR.

Table A for 23.50.028		
Floor ((Area Ratios)) <u>area ratios (FAR)</u>		
Zone ((Designation)) <u>designation</u>	Base FAR	Maximum FAR
Footnotes to Table A for 23.50.028		
¹ Additional floor area above the base FAR allowed according to subsection 23.50.028.D.		

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D. Extra floor area((-))

1. In an IC ((85-160)) 85-175 zone, extra ((~~nonresidential~~)) non-residential floor area as defined in Section 23.58A.004 may be added above the base FAR up to the maximum FAR allowed by Table A for 23.50.028 for development that satisfies all applicable conditions of Section 23.50.028, Section 23.50.033, and Chapter 23.58A.

a. Twenty-five percent of any extra ((~~nonresidential~~)) non-residential floor area shall be gained through the transfer of ((~~transferable development rights~~)) TDR pursuant to Section 23.50.053.

b. Seventy-five percent of any extra ((~~nonresidential~~)) non-residential floor area shall be gained as bonus ((~~nonresidential~~)) non-residential floor area pursuant to Section 23.58A.024, or through the transfer of housing TDR under Section 23.50.053, or both.

2. In an IC ((85-160)) 85-175 zone, in addition to satisfying the conditions of subsection 23.50.028.D.1, for development to exceed the base FAR on a lot that has an area of 50,000 square feet or more, the Director shall make an individual determination of project impacts on the need for pedestrian facilities and complete a voluntary agreement between the property owner and the City to mitigate identified impacts, if any. The Director may consider the following as impact mitigation:

1 a. Pedestrian walkways on a lot, including through-block connections
2 on through lots, where appropriate, to facilitate pedestrian circulation by connecting structures
3 to each other and abutting streets;

4 b. Sidewalk improvements, including sidewalk widening, to
5 accommodate increased pedestrian volumes and streetscape improvements that will enhance
6 pedestrian comfort and safety; and

7 c. Measures that will contribute to the improvement of pedestrian
8 facilities, such as the following improvements applicable to the vicinity north of South Royal
9 Brougham Way and south of South Charles Street east of 4th Avenue South:

10 1) Improvements to 6th Avenue South as the primary pedestrian
11 and bicycle corridor connecting new development to the surrounding area and transit facilities;

12 2) Improvements to facilitate pedestrian wayfinding to and from
13 the Stadium Light Rail Station;

14 3) Improvements to enhance the pedestrian environment, such as
15 providing overhead weather protection, landscaping, and other streetscape improvements; and

16 4) Improved pedestrian and bicycle crossing of Airport Way
17 South at 6th Avenue South.

18 3. In an IC (~~(85-160)~~) 85-175 zone, in addition to satisfying the conditions of
19 subsections 23.50.028.D.1 and 23.50.028.D.2, if applicable, for development to exceed the
20 base FAR and include 85,000 or more square feet of gross office floor area, the Director shall
21 make an individual determination of project impacts on the need for open space resources. The
22 Director may limit floor area or allow floor area subject to conditions, which may include a
23 voluntary agreement between the property owner and the City to mitigate identified impacts, if

1 any. The Director shall take into account the findings of subsection 23.49.016.A in assessing
2 the demand for open space generated by a typical office project in an area permitting high
3 employment densities.

4 a. The Director may consider the following as mitigation for open space
5 impacts:

6 1) Open space provided on-site or off-site, consistent with the
7 provisions in subsection 23.49.016.C, or provided through payment_in_lieu, consistent with
8 subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an
9 IC ((85-160)) 85-175 zone that is accessible to the project occupants, and

10 2) Additional pedestrian space through on-site improvements or
11 streetscape improvements provided as mitigation for project impacts on pedestrian facilities
12 pursuant to subsection 23.50.028.D.3.

13 b. The Director may determine that open space meeting standards
14 differing from those contained or referred to in subsection 23.49.016.C will mitigate project
15 impacts, based on consideration of relevant factors, including the following:

16 1) ((the)) The density or other characteristics of the workers
17 anticipated to occupy the project compared to the presumed office employment population
18 providing the basis for the open space standards applicable under Section 23.49.016; and/or

19 2) ((characteristics)) Characteristics or features of the project
20 that mitigate the anticipated open space impacts of workers or others using or occupying the
21 project.

22 E. Exemptions from FAR calculations

1 1. The following areas are exempt from FAR calculations in all industrial

2 zones:

3 a. All gross floor area below grade;

4 b. All gross floor area used for accessory parking, except as provided in
5 subsection 23.50.028.F;

6 c. All gross floor area located on the rooftop of a structure and used for
7 any of the following: mechanical equipment, stair and elevator penthouses, and
8 communication equipment and antennas; and

9 d. All gross floor area used for covered rooftop recreational space of a
10 building existing as of December 31, 1998, in an IG1 or IG2 zone, if complying with
11 subsection 23.50.012.D.

12 2. In addition to areas exempt from FAR calculations in subsection
13 23.50.028.E.1, within an IC (~~(85-160)~~) 85-175 zone, the following exemptions from FAR
14 calculations apply:

15 a. Three and one-half percent of the total chargeable gross floor area in
16 a structure, as an allowance for mechanical equipment. Calculation of the allowance is based
17 on the remaining gross floor area after all other exempt space permitted in subsection
18 23.50.028.E is deducted.

19 b. For structures built prior to June 2, 2011, the area covered by new or
20 replacement mechanical equipment placed on the roof.

21 c. All gross floor area for solar collectors and wind-driven power
22 generators.

1 d. The gross floor area of the following uses located at street level,
2 provided that the conditions of Section 23.50.039 are satisfied:

- 3 1) General sales and service uses;
- 4 2) Eating and drinking establishments;
- 5 3) Entertainment use;
- 6 4) Public libraries;
- 7 5) ~~((Childcare))~~ Child care facilities;
- 8 6) Religious facilities; and
- 9 7) Automotive sales and service.

10 3. In addition to areas exempt from FAR calculations in subsection
11 23.50.028.E.1, within IG1 and IG2 zones, the gross floor area of rooftop recreational space
12 accessory to office use meeting the standards of subsection 23.50.012.D is exempt from FAR
13 calculations.

14 F. Within IC ~~((85-160))~~ 85-175 zones, gross floor area used for accessory parking
15 within stories that are completely above finished grade is not exempt, except that in an IC
16 ~~((85-160))~~ 85-175 zone, if the Director finds, as a Type I decision, that locating all parking
17 below grade is infeasible due to physical site conditions such as a high water table,
18 contaminated soils conditions, or proximity to a tunnel, and that the applicant has placed or
19 will place the maximum feasible amount of parking below or partially below grade, the
20 Director may exempt all or a portion of accessory parking that is above finished grade. If any
21 exemption is allowed under this subsection 23.50.028.F, all parking provided above grade
22 shall be subject to the screening requirements of subsection 23.50.038.B.6.

1 G. Mechanical equipment. Area covered by mechanical equipment located on the roof
2 of a structure, whether enclosed or not, is included as part of the calculation of floor area,
3 unless expressly exempted by an applicable provision of this Section 23.50.028.

4 Section 28. Section 23.50.033 of the Seattle Municipal Code, last amended by Ordinance
5 125163, is amended as follows:

6 **23.50.033 Conditions for extra floor area in an IC (~~(85-160)~~) 85-175 zone**

7 A. General. Projects in an IC (~~(85-160)~~) 85-175 zone may add chargeable floor area
8 above the base FAR up to the applicable maximum FAR in Section 23.50.028 if Sections
9 23.58A.022 and 23.58A.024 for extra (~~(nonresidential)~~) non-residential floor area and all the
10 applicable conditions of this Chapter 23.50 are satisfied. The provisions of this Section
11 23.50.033 apply to lots in an IC (~~(85-160)~~) 85-175 zone, and only to development exceeding
12 the base FAR.

13 B. The applicant shall make a commitment that the proposed development will meet
14 the green building standard, and shall demonstrate compliance with that commitment, all in
15 accordance with Chapter 23.58D.

16 C. Quantity of parking, ridesharing, and transit incentive program requirements.
17 Maximum parking limits, ridesharing, and transit incentive program requirements for
18 (~~(nonresidential)~~) non-residential uses established for Downtown zones in subsections
19 23.49.019.C and 23.49.019.D apply, and requirements for bicycle parking established in
20 subsection 23.49.019.E apply.

21 D. Seattle Green Factor (~~(Landscaping Requirement)~~) landscaping requirement.
22 Development shall achieve a minimum Green Factor score of 0.30, calculated pursuant to
23 Section 23.86.019.

1 Section 29. Section 23.50.039 of the Seattle Municipal Code, enacted by Ordinance
2 123589, is amended as follows:

3 **23.50.039 Street-level use requirements in an IC (~~(85-160)~~) 85-175 zone**

4 A. In an IC (~~(85-160)~~) 85-175 zone, on lots that abut 4th Avenue South or 6th Avenue
5 South between Airport Way South and South Royal Brougham Way, one or more of the
6 following street-level uses are required, consistent with the standards in subsection
7 23.50.039.B:

- 8 1. General sales and service uses;
- 9 2. Automotive sales and service;
- 10 3. Eating and drinking establishments;
- 11 4. Entertainment uses;
- 12 5. Child care facilities;
- 13 6. Public libraries;
- 14 7. Public parks; and
- 15 8. Religious facilities.

16 B. Street-level uses shall be provided consistent with the following standards:

17 1. Along streets requiring street-level uses, a minimum of 75 percent of the
18 street level of each street-facing (~~(façade)~~) facade shall be occupied by street-level uses listed
19 in subsection 23.50.039.A. The remaining portion of the street level of the street-facing facade
20 may contain other permitted uses and/or pedestrian or vehicular entrances.

21 2. Required street-level uses shall be located in a space with a minimum floor-
22 to-floor height of 13 feet and a minimum depth of 15 feet measured from the street-facing
23 facade.

1 3. Required street-level uses shall be located within 10 feet of the street lot line.

2 4. Except for child care facilities, pedestrian access to required street-level uses
3 shall be provided directly from the street or other open area with access to a street. Pedestrian
4 entrances shall be located no more than 3 feet above or below sidewalk grade or at the same
5 elevation as any abutting open area.

6 Section 30. A new Section 23.50.041 of the Seattle Municipal Code is added as follows:

7 **23.50.041 Mandatory housing affordability (MHA)**

8 The provisions of Chapter 23.58B apply in IC 85-175 zones.

9 Section 31. Subsection 23.50.053.A of the Seattle Municipal Code, which section was
10 last amended by Ordinance 124172, is amended as follows:

11 **23.50.053 Transfer of development rights within an IC (~~85-160~~) 85-175 zone**

12 A. General standards for the transfer of transferable development rights (TDR) to lots
13 in an IC (~~85-160~~) 85-175 zone

14 1. To achieve extra (~~nonresidential~~) non-residential floor area above the base
15 FAR that may be allowed in an IC (~~85-160~~) 85-175 zone pursuant to subsection
16 23.50.028.D, an applicant may use TDR to the extent permitted under this subsection
17 23.50.053.A.

18 2. South Downtown Historic TDR, open space TDR from zones within South
19 Downtown, and housing TDR eligible to be transferred from a lot under Section 23.49.014
20 may be transferred from a Downtown zone to a lot eligible as a receiving site in an IC (~~85-~~
21 ~~160~~) 85-175 zone. No other TDR may be used in an IC (~~85-160~~) 85-175 zone under this
22 Section 23.50.053.

1 determined by multiplying the averaging factor by the width of the structure measured parallel
2 to the abutting street.

3 a. The averaging factor is five for facades that face streets shown on
4 Map A for 23.50.016.

5 b. For all other street-facing facades, the averaging factor is ten.

6 c. The maximum width, measured along the street lot line, of any
7 setback area exceeding a depth of 15 feet from the street lot line is 80 feet, or 30 percent of the
8 lot frontage on that street, whichever is less.

9 d. For all lots subject to (~~façade~~) facade setback limits, the following
10 conditions apply:

11 1) Parking is prohibited between the facade and the street lot
12 line.

13 2) The maximum setback of the facade from street lot lines
14 within 20 feet of an intersection is 10 feet.

15 e. If the presence of a utility easement or other condition requires the
16 street-facing (~~façade~~) facade to set back from the street lot line, the Director may, as a Type I
17 decision, select another line to apply the standards of subsection 23.50.055.A.2. If sidewalk
18 widening into the lot is required as mitigation pursuant to subsection 23.50.028.D, the setback
19 area permitted by the applicable averaging factor shall be measured from the new edge of the
20 sidewalk within the lot rather than the street lot line.

21 3. Principal pedestrian entrances. A principal pedestrian entrance to a structure
22 is required on (~~façades~~) facades facing streets shown on Map A for 23.50.016, Industrial
23 Streets Landscaping Plan.

1 4. Facade transparency requirements. Facade transparency requirements apply
2 to the area of the ((~~façade~~)) facade between 2 feet and 8 feet above the sidewalk. Only clear or
3 lightly tinted glass in windows, doors, and display windows is considered to be transparent.
4 Transparent areas shall allow views into the structure or into display windows from the
5 outside.

6 a. For facades facing a street shown on Map A for 23.50.016, Industrial
7 Streets Landscaping Plan, a minimum of 60 percent of a street-facing facade shall be
8 transparent.

9 b. For facades facing all other streets, a minimum of 40 percent of the
10 street-facing facade shall be transparent.

11 B. ((~~Upper Level Development Standards~~)) Upper-level development standards

12 1. Facade ((~~Modulation~~)) modulation

13 a. For structures exceeding 85 feet in height, modulation is required for
14 the portion of a street-facing facade above 65 feet in height if any part of the ((~~façade~~)) facade
15 above that height is located less than 15 feet from street lot lines. No modulation is required
16 for portions of a facade set back 15 feet or more from street lot lines.

17 b. For portions of structures subject to the modulation requirements of
18 subsection 23.50.055.B, the maximum length of a street-facing facade without modulation is
19 prescribed in Table A for 23.50.055. For purposes of this subsection 23.50.055.B, length is
20 measured parallel to each street lot line, and includes projections from the street-facing
21 ((~~façade~~)) facade, such as balconies, within 15 feet of street lot lines or their projection.

Table A for 23.50.055 ((Facade Modulation)) <u>Facade modulation</u> in an IC ((85-160 Zone)) <u>85-175 zone</u> for ((Structures Exceeding)) <u>structures exceeding 85 ((Feet)) feet in ((Height)) height</u>	
Height of portion of structure (in feet)	Maximum length of ((un-modulated facade)) <u>unmodulated facade</u> if less than 15 feet from street lot line (in feet)
65 ((feet)) or less	No limit
Greater than 65 ((feet)) up to 125 ((feet))	155 ((feet))
Greater than 125 ((feet))	125 ((feet))

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c. Any portion of a facade subject to modulation under subsection 23.50.055.B.1.a that exceeds the maximum length of ((~~façade~~)) facade prescribed in Table A for 23.50.055 must include a portion set back a minimum depth of 15 feet from street lot lines for a minimum length of 60 feet.

2. Floor area limit. The maximum floor area for any story wholly or in part above 85 feet in height is 25,000 square feet.

3. Minimum separation. At all levels above a height of 85 feet, separate structures on a lot and separate portions of the same structure must be separated at all points by a minimum horizontal distance of 60 feet.

Section 33. Subsection 23.58B.040.A of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill [U District Rezone number]_____, is amended as follows:

23.58B.040 Mitigation of impacts - payment option

A. Amount of cash contributions

1. An applicant complying with this Chapter 23.58B 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 23.58B.040 and Map A for

1 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as
 2 follows:

3 a. Including chargeable floor area in commercial use in the following:

- 4 1) A new structure;
- 5 2) An addition to a structure;
- 6 3) A change of use from residential use to commercial use; or
- 7 4) Any combination of the above; and

8 b. Excluding chargeable floor area in commercial use as follows:

- 9 1) The first 4,000 gross square feet of street-level commercial uses;

10 and

- 11 2) Street-level commercial uses along a designated principal

12 pedestrian street in a Pedestrian designated zone.

Table A for 23.58B.040

Payment calculation amounts:

In Downtown, SM-SLU, and SM-U zones

Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	(\$14.25) Not applicable
(DH2/65)) <u>DH2/75</u>	\$15.00
DH2/85	(\$15.25) Not applicable
(DMC-65)) <u>DMC 75</u>	\$8.25
(DMC-85)) <u>DMC 95</u>	\$8.00
DMC 85/65-150	\$11.75
(DMC-125)) <u>DMC 145</u>	\$10.00
(DMC-160)) <u>DMC 170</u>	\$8.00
DMC ((240/290-400)) <u>240/290-440</u>	\$10.00
DMC ((340/290-400)) <u>340/290-440</u>	\$12.50
DOC1 ((U/450-U)) <u>U/450-U</u>	\$14.75
DOC2 ((500/300-500)) <u>500/300-550</u>	\$14.25
DRC ((85-150)) <u>85-170</u>	\$13.50
DMR/C 65/65-85	\$9.75

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

Zone	Payment calculation amount per square foot
DMR/C 65/65-150	\$9.75
DMR/C ((85/65)) <u>95/75</u>	\$17.50
DMR/C ((125/65)) <u>145/75</u>	\$17.50
DMR/C ((240/125)) <u>280/125</u>	\$14.25
DMR/R ((85/65)) <u>95/65</u>	\$14.00
DMR/R ((125/65)) <u>145/65</u>	\$16.00
DMR/R ((240/65)) <u>280/65</u>	\$16.00
All IDM zones	\$8.00
IDR 45/125-240	\$10.00
IDR 150	\$10.00
IDR/C 125/150-240	\$8.00
PMM-85	Not applicable
<u>All PSM ((100/100-120)) zones</u>	(((\$11.00)) <u>Not applicable</u>)
((PSM 100/100-130	\$11.00
PSM 100/120-150	\$11.00
PSM 100	\$11.00
PSM 245	\$10.25
PSM 85-120	\$12.25))
SM-SLU ((85/65-125)) <u>100/65-145</u>	\$8.00
SM-SLU 85/65-160	Not applicable
SM-SLU ((85-240)) <u>85-280</u>	((Not applicable)) \$8.00
SM-SLU ((160/85-240)) <u>175/85-280</u>	\$11.25
SM-SLU ((240/125-400)) <u>240/125-440</u>	\$10.00
SM-SLU/R ((55/85)) <u>65/95</u>	\$8.25
((SM 85)) <u>SM-SLU 100/95</u>	\$8.00
((SM 125)) <u>SM-SLU 145</u>	(((\$8.00)) \$9.25
SM-U 85	\$7.00
SM-U/R 75-240	\$20.00
SM-U 75-240	\$20.00
SM-U 95-320	\$20.00

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Table B for 23.58B.040			
Payment calculation amounts:			
Outside Downtown, SM-SLU, and SM-U zones			
Zone	Payment calculation amount per square foot¹		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC ((85-160)) <u>85-175</u>	\$10.00	\$10.00	\$10.00
Zones with an (M) suffix	[RESERVED]	[RESERVED]	[RESERVED]
Zones with an (M1) suffix	[RESERVED]	\$11.25	[RESERVED]
Zones with an (M2) suffix	[RESERVED]	[RESERVED]	[RESERVED]
Other zones where provisions refer to Chapter 23.58B	\$5.00	\$7.00	\$8.00
Footnotes to Table B for 23.58B.040			
¹ Area within the University Community Urban Center is medium.			

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2. Automatic adjustments to payment amounts. On March 1, 2016, and on the same day each year thereafter, the amounts for payment calculations according to Table A and Table B for 23.58B.040 shall automatically adjust in proportion to the annual change for the previous calendar year (January 1 through December 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

* * *

1 Section 34. Section 23.58B.050 of the Seattle Municipal Code, which section was last
2 amended by the ordinance **introduced as Council Bill [U District Rezone bill]_____**, is amended
3 as follows:

4 **23.58B.050 Mitigation of impacts – performance option**

5 A. Amount of MHA-C housing

6 1. An applicant complying with this Chapter 23.58B through the performance
7 option shall provide total square feet of housing meeting the standards of subsection
8 23.58B.050.B, measured as net unit area, calculated by multiplying the percentage calculation
9 amount per square foot according to Table A or Table B for 23.58B.050 and Map A for
10 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as
11 follows:

12 a. Including chargeable floor area in commercial use in the following:

- 13 1) A new structure;
14 2) An addition to a structure;
15 3) A change of use from residential use to commercial use; or
16 4) Any combination of the above; and

17 b. Excluding chargeable floor area in commercial use as follows:

- 18 1) The first 4,000 gross square feet of street-level commercial uses;
19 and
20 2) Street-level commercial uses along a designated principal
21 pedestrian street in a Pedestrian designated zone.

22 2. If the calculation according to subsection 23.58B.050.A.1 yields fewer than
23 three units of housing required to meet the standards of subsection 23.58B.050.B, using a

1 conversion factor for unit size as determined by the Director, the applicant shall provide a cash
 2 contribution using the payment option according to subsection 23.58B.040.A.

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Table A for 23.58B.050	
Performance calculation amounts:	
In Downtown, SM-SLU, and SM-U zones	
Zone	Performance calculation amount per square foot
DH1/45	Not applicable
DH2/55	((8.6%)) Not applicable
((DH2/65)) <u>DH2/75</u>	9.1%
DH2/85	((9.2%)) Not applicable
((DMC-65)) <u>DMC 75</u>	5.0%
((DMC-85)) <u>DMC 95</u>	5.0%
DMC 85/65-150	7.1%
((DMC 125)) <u>DMC 145</u>	6.1%
((DMC 160)) <u>DMC 170</u>	5.0%
DMC ((240/290-400)) <u>240/290-440</u>	6.1%
DMC ((340/290-400)) <u>340/290-440</u>	7.6%
DOC1 ((U/450-U)) <u>U/450-U</u>	8.9%
DOC2 ((500/300-500)) <u>500/300-550</u>	8.6%
DRC ((85-150)) <u>85-170</u>	8.2%
DMR/C 65/65-85	5.9%
DMR/C 65/65-150	5.9%
DMR/C ((85/65)) <u>95/75</u>	10.6%
DMR/C ((125/65)) <u>145/75</u>	10.6%
DMR/C ((240/125)) <u>280/125</u>	((8.6%)) 8.7%
DMR/R ((85/65)) <u>95/65</u>	8.5%
DMR/R ((125/65)) <u>145/65</u>	9.7%
DMR/R ((240/65)) <u>280/65</u>	9.7%
All IDM zones	5.0%
IDR 45/125-240	6.1%
IDR 150	6.1%
IDR/C 125/150-240	5.0%
PMM-85	Not applicable
<u>All PSM ((100/100-120)) zones</u>	((6.7%)) Not applicable
((PSM 100/100-130	6.7%
PSM 100/120-150	6.7%
PSM 100	6.7%
PSM 245	6.2%
PSM 85-120	7.4%))

Table A for 23.58B.050

**Performance calculation amounts:
 In Downtown, SM-SLU, and SM-U zones**

Zone	Performance calculation amount per square foot
SM-SLU ((85/65-125)) <u>100/65-145</u>	5.0%
SM-SLU 85/65-160	Not applicable
SM-SLU ((85-240)) <u>85-280</u>	((Not applicable)) <u>5.0%</u>
SM-SLU ((160/85-240)) <u>175/85-280</u>	6.8%
SM-SLU ((240/125-400)) <u>240/125-440</u>	6.1%
SM-SLU/R ((55/85)) <u>65/95</u>	5.0%
((SM-85)) <u>SM-SLU 100/95</u>	5.0%
((SM-125)) <u>SM-SLU 145</u>	((5.0%)) <u>5.6%</u>
SM-U 85	5.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

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Table B for 23.58B.050

**Performance calculation amounts:
 Outside Downtown, SM-SLU, and SM-U zones**

Zone	Performance calculation amount per square foot¹		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC ((85-160)) <u>85-175</u>	6.1%	6.1%	6.1%
Zones with an (M) suffix	[RESERVED]	[RESERVED]	[RESERVED]
Zones with an (M1) suffix	[RESERVED]	8.0%	[RESERVED]
Zones with an (M2) suffix	[RESERVED]	[RESERVED]	[RESERVED]

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

Zone	Performance calculation amount per square foot ¹		
	Low	Medium	High
Other zones where provisions refer to Chapter 23.58B	5.0%	5.0%	5.0%

Footnotes to Table B for 23.58B.050

¹ Area within the University Community Urban Center is medium.

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

[RESERVED]

* * *

Section 35. Subsection 23.58C.025.D of the Seattle Municipal Code, which section was enacted by Ordinance 125108, is amended as follows:

23.58C.025 Applicability and general requirements

* * *

D. Relationship to incentive zoning. Where the provisions of the zone refer to this Chapter 23.58C and where bonus residential floor area or extra residential floor area may be achieved according to the provisions of the zone and/or Chapter 23.58A, the following provisions apply:

1. All ~~((affordable housing))~~ requirements to provide low-income or moderate-income housing, or affordable housing as defined in Section 23.58A.004, for achieving bonus residential floor area or extra residential floor area according to the provisions of the zone and/or Chapter 23.58A shall be satisfied solely by compliance with this Chapter 23.58C.

1 2. Any non-housing requirements for achieving bonus residential floor area or
2 extra residential floor area shall be satisfied according to the provisions of the zone and/or
3 Chapter 23.58A.

4 Section 36. Subsection 23.58C.030.A of the Seattle Municipal Code, which section was
5 last amended by the ordinance **introduced as Council Bill [U District Rezone bill]_____**, is
6 amended as follows:

7 **23.58C.030 Permit documentation**

8 A. General

9 1. For any development to which this Chapter 23.58C applies, the Master Use
10 Permit application and the first building permit application that includes the structural frame for
11 the structure shall include the following:

12 a. If the applicant elects the payment option, the amount of the required
13 cash contribution according to subsection 23.58C.040.A;

14 b. If the applicant elects the performance option, the number of units
15 required to be provided according to subsection 23.58C.050.A, the amount of any cash
16 contribution according to subsection 23.58C.050.A.3.b, and a proposal for units that meet the
17 requirements according to subsection 23.58C.050.C; and

18 c. If the applicant seeks relief according to Sections 23.48.231 or
19 23.49.039 or seeks a modification according to subsection 23.58C.035.B or subsection
20 23.58C.035.C, the earliest application according to this subsection 23.58C.030.A.1 shall include
21 requests for such relief or modifications including all supporting materials required for a decision
22 on the requests.

1 2. The Director shall, as a Type I decision and in consultation with the Director of
2 Housing, determine:

3 a. If the applicant elects to comply with this Chapter 23.58C through the
4 payment option according to Section 23.58C.040, the amount of the cash contribution;

5 b. If the applicant elects to comply with this Chapter 23.58C through the
6 performance option according to Section 23.58C.050, the number of units that shall meet the
7 requirements according to subsection 23.58C.050.C, the amount of any cash contribution
8 according to subsection 23.58C.050.A.3.b, and the compliance of the proposal required
9 according to subsection 23.58C.030.A.1.b with the requirements according to subsection
10 23.58C.050.C; and

11 c. Any modification according to subsection 23.58C.035.B(~~(+)~~).

12 3. The Director shall, as a special exception according to Chapter 23.76,
13 Procedures for Master Use Permits and Council Land Use Decisions, in consultation with the
14 Director of Housing, determine any modification according to subsection(~~(s 23.58C.035.B.2~~
15 ~~and)~~) 23.58C.035.C.

16 4. The final plans that include the structural frame for the structure shall
17 demonstrate compliance with the requirements according to Section 23.58C.040 or Section
18 23.58C.050 and state the ongoing requirements according to Section 23.58C.050.

19 5. If the applicant elects to comply with this Chapter 23.58C through the
20 performance option according to Section 23.58C.050, the requirements according to Section
21 23.58C.050 shall be considered terms of the first building permit that includes the structural
22 frame for the structure.

1 and/or a percentage of units in each structure that shall meet the requirements of subsection
2 23.58C.050.C, as applicable, that can be applied to the final plans for the development or, in the
3 case of a modification according to subsection 23.58C.035.C, an absolute payment amount for
4 the development or number of units in each structure that shall meet the requirements according
5 to subsection 23.58C.050.C along with a limitation on the degree of change in the final plans that
6 is permissible without a redetermination of the modification.

7 B. Inability to use certain capacity

8 1. In a SM-U 75-240 or SM-U 95-320 zone, the performance calculation amount
9 according to Table A for 23.58C.050 shall be reduced to six percent and the payment calculation
10 amount according to Table A for 23.58C.040 shall be reduced such that it is equal to the amount
11 that applies in SM-U 85 if the applicant demonstrates that the site does not meet the minimum lot
12 size required for a highrise structure according to subsection 23.48.615.A.2, or that one or more
13 specific requirements of Sections 23.48.635, 23.48.645, and 23.48.646 would prevent a highrise
14 development from being able to achieve an average highrise floor area of at least 7,500 square
15 feet for stories subject to the highrise floor area limit according to subsection 23.48.645. For
16 purposes of this subsection 23.58C.035.B.1, the following shall apply:

17 a. Financial feasibility shall not be considered in determining whether a
18 threshold could be achieved.

19 b. Recommendations by a Design Review Board shall not be considered
20 requirements of Title 23.

21 2. ~~((RESERVED))~~ In Downtown and SM-SLU zones listed in Table A for
22 23.58C.035, the payment calculation amount according to Table A for 23.58C.040 and the
23 performance calculation amount according to Table A for 23.58C.050 shall be reduced if all of

1 the conditions of subsections 23.58C.035.B.2.a and 23.58C.035.B.2.b are met. The amount of the
2 reduction shall be as identified in subsections 23.58C.035.B.2.c and 23.58C.035.B.2.d.

3
4 a. If the development is located in a DOC1 zone, the development has a lot
5 size of at least 16,000 square feet.

6 b. The applicant demonstrates that one or more specific requirements of
7 Title 23 directly prohibit the development from being able to achieve the maximum size
8 threshold or the secondary size threshold according to Table A for 23.58C.035 for the zone in
9 which the development is located. For purposes of this subsection 23.58C.035.B.2, the following
10 shall apply:

11 1) Financial feasibility shall not be considered in determining
12 whether a threshold could be achieved.

13 2) Recommendations by a Design Review Board shall not be
14 considered requirements of Title 23.

15 3) The development shall be considered able to achieve the
16 secondary or maximum size threshold according to Table A for 23.58C.035 if any portion of the
17 development to which this Chapter 23.58C applies containing occupiable space could achieve
18 that size threshold, excluding rooftop features.

19 c. If the project cannot achieve the secondary size threshold for the
20 applicable development standard in Table A for 23.58C.035, the payment calculation amount
21 according to Table A for 23.58C.040 and the performance calculation amount according to Table
22 A for 23.58C.050 shall be reduced by the maximum reduction percentage according to Table A
23 for 23.58C.035.

1 d. If the project can achieve the secondary size threshold, but cannot
 2 achieve the maximum size threshold for the applicable development standard in Table A for
 3 23.58C.035, the payment calculation amount according to Table A for 23.58C.040 and the
 4 performance calculation amount according to Table A for 23.58C.050 shall be reduced by a
 5 percentage equal to the maximum reduction percentage in Table A for 23.58C.035 multiplied by
 6 the difference of the maximum size threshold minus the size that could be achieved under
 7 requirements of Title 23 and divided by the difference of the maximum size threshold minus the
 8 secondary size threshold, provided that the total reduction shall never be more than the
 9 maximum reduction percentage.

Table A for 23.58C.035
Thresholds for modification due to inability to use certain capacity

<u>Zone</u>	<u>Development standard</u>	<u>Secondary size threshold</u>	<u>Maximum size threshold</u>	<u>Maximum reduction</u>
<u>DH2/75</u>	<u>Height</u>	<u>65 feet</u>	<u>75 feet</u>	<u>25%</u>
<u>DMC 75</u>	<u>Height</u>	<u>65 feet</u>	<u>75 feet</u>	<u>25%</u>
<u>DMC 95</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>25%</u>
<u>DMC 145</u>	<u>Height</u>	<u>125 feet</u>	<u>145 feet</u>	<u>25%</u>
<u>DMC 170</u>	<u>Height</u>	<u>160 feet</u>	<u>170 feet</u>	<u>25%</u>
<u>DMC 240/290-440</u>	<u>Height</u>	<u>400 feet¹</u>	<u>440 feet¹</u>	<u>10%</u>
<u>DMC 340/290-440</u>	<u>Height</u>	<u>400 feet¹</u>	<u>440 feet¹</u>	<u>10%</u>
<u>DMR/C 95/75</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>25%</u>
<u>DMR/C 145/75</u>	<u>Height</u>	<u>125 feet</u>	<u>145 feet</u>	<u>25%</u>
<u>DMR/C 280/125</u>	<u>Height</u>	<u>240 feet</u>	<u>280 feet</u>	<u>25%</u>
<u>DMR/R 95/65</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>25%</u>
<u>DMR/R 145/65</u>	<u>Height</u>	<u>125 feet</u>	<u>145 feet</u>	<u>25%</u>
<u>DMR/R 280/65</u>	<u>Height</u>	<u>240 feet</u>	<u>280 feet</u>	<u>25%</u>
<u>DOC1 U/450-U</u>	<u>Average tower floor plate for floors above 160 feet in height</u>	<u>13,800 square feet</u>	<u>14,300 square feet</u>	<u>10%</u>
<u>DOC2 500/300-550</u>	<u>Height</u>	<u>500 feet</u>	<u>550 feet</u>	<u>10%</u>
<u>DRC 85-170</u>	<u>Height</u>	<u>150 feet</u>	<u>170 feet</u>	<u>25%</u>
<u>SM-SLU 85-280</u>	<u>Height</u>	<u>240 feet⁴</u>	<u>280 feet⁴</u>	<u>10%</u>
<u>SM-SLU 100/65-145</u>	<u>Height</u>	<u>125 feet⁵</u>	<u>145 feet⁵</u>	<u>10%</u>

Table A for 23.58C.035
Thresholds for modification due to inability to use certain capacity

<u>Zone</u>	<u>Development standard</u>	<u>Secondary size threshold</u>	<u>Maximum size threshold</u>	<u>Maximum reduction</u>
<u>SM-SLU 100/95</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>10%</u>
<u>SM-SLU 145</u>	<u>Height</u>	<u>125 feet</u>	<u>145 feet</u>	<u>10%</u>
<u>SM-SLU 175/85-280</u>	<u>Height</u>	<u>240 feet²</u>	<u>280 feet²</u>	<u>10%</u>
<u>SM-SLU 240/125-440</u>	<u>Height</u>	<u>400 feet³</u>	<u>440 feet³</u>	<u>10%</u>
<u>SM-SLU/R 65/95</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>25%</u>

Footnotes to Table A for 23.58C.035

¹ If the development meets the standards of subsection 23.49.039.A, the secondary size threshold shall be 160 feet and the maximum size threshold shall be 170 feet.

² If the development is located in the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet. If the development is located outside the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225 and meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.

³ If the development meets the standards of subsection 23.48.231.C.1, the secondary size threshold shall be a 125 feet and the maximum size threshold shall be 135 feet.

⁴ If the development meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.

⁵ If the development meets the standards of subsection 23.48.231.D.1, the secondary size threshold shall be 65 feet and the maximum size threshold shall be 75 feet.

C. Modification based on severe economic impact

1. The purpose of this subsection 23.58C.035.C is to allow the Director to modify the amount of payment required according to subsection 23.58C.040.A or the amount of performance required according to subsection 23.58C.050.A if the applicant can demonstrate facts supporting a determination of severe economic impact at such a level that a property owner's constitutional rights may be at risk.

2. For purposes of this subsection 23.58C.035.C, the Director is not making a determination of the constitutional rights of a property owner, but instead is reviewing the credibility and strength of facts demonstrating severe economic impact.

1 3. The Director may, as a special exception according to Chapter 23.76, waive or
2 reduce the amount of payment required according to subsection 23.58C.040.A or the number of
3 units required to meet the requirements according to subsection 23.58C.050.C if the applicant
4 shows that application of the requirements of this Chapter 23.58C would:

5 a. Create severe economic impact by depriving a property owner of all
6 economically beneficial use of the property; or

7 b. Create severe economic impact, not reaching deprivation of all
8 economically beneficial use, but reaching the level of an undue burden that should not be borne
9 by the property owner.

10 4. In determining whether there is a severe economic impact reaching the level of
11 an undue burden that should not be borne by the property owner, the Director may weigh the
12 following nonexclusive factors:

13 a. The severity of the economic impact caused by the application of the
14 requirements of this Chapter 23.58C;

15 b. The degree to which the requirements of this Chapter 23.58C were or
16 could have been anticipated;

17 c. The extent to which alternative uses of the property or configurations of
18 the proposed development would alleviate the need for the requested waiver or reduction;

19 d. The extent to which any economic impact was due to decisions by the
20 applicant and/or property owner; and

21 e. Other factors relevant to whether the burden should be borne by the
22 property owner.

1 5. The waiver or reduction may be approved only to the extent necessary to grant
2 relief from the severe economic impact.

3 6. A request to the Director for a modification according to this subsection
4 23.58C.035.C shall include, at a minimum, all of the following:

5 a. A description of the requested waiver or reduction, including the
6 proposed payment or performance amount;

7 b. Documentation showing that any relief available according to ~~((CODE~~
8 ~~SECTION RESERVED))~~ Sections 23.48.231 and 23.49.039 or subsection 23.58C.035.B would
9 not eliminate the need for the requested waiver or reduction;

10 c. The identity of the property owner and the date of the owner's
11 acquisition of the property;

12 d. Documentation showing the use of the property at the time of the
13 request or, if the property is vacant at that time, the use of the property prior to commencement
14 of vacancy;

15 e. Documentation explaining and supporting the claim of economic
16 impact; and

17 f. Documentation showing that a different development configuration that
18 satisfied the requirements of this Chapter 23.58C would not alleviate the need for the requested
19 waiver or reduction.

20 7. The applicant shall provide any additional information as may be required by
21 the Director to make a determination on the request. The applicant shall have the burden of
22 proving by a preponderance of the evidence that a waiver or reduction authorized according to
23 this subsection 23.58C.035.C is justified.

1 8. None of the following, standing alone and without consideration of the full
2 range of relevant factors including those according to subsection 23.58C.035.C.4, shall be a
3 sufficient basis for the Director to grant a waiver or reduction authorized according to this
4 subsection 23.58C.035.C:

5 a. The fact of a decrease in property value;

6 b. The fact that a property owner is unable to utilize the full amount of any
7 increase in residential development capacity enacted in connection with implementation of this
8 Chapter 23.58C in the zone in which the property is located; or

9 c. The fact that any such increase in residential development capacity,
10 combined with the requirements of this Chapter 23.58C, did not leave the property owner in a
11 better financial position than would have been the case with no increase in residential
12 development capacity and no application of the requirements of this Chapter 23.58C.

13 9. In any appeal to the Hearing Examiner, the parties will have an additional
14 opportunity to make a record on the factual issues consistent with due process.

15 Section 38. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was
16 last amended by the ordinance **introduced as Council Bill [U District rezone bill]_____**, is
17 amended as follows:

18 **23.58C.040 Affordable housing – payment option**

19 A. Payment amount

20 1. An applicant complying with this Chapter 23.58C through the payment option
21 shall provide a cash contribution to the City, calculated by multiplying the payment calculation
22 amount per square foot according to Table A or Table B for 23.58C.040 and Map A for

1 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor
 2 area of parking located in stories or portions of stories that are underground, as follows:

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

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

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

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

15 e. Any combination of the above.

Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U zones	
Zone	Payment calculation amount per square foot
<u>DH1/45</u>	<u>Not Applicable</u>
<u>DH2/55</u>	<u>Not Applicable</u>
<u>DH2/75</u>	<u>\$12.75</u>
<u>DH2/85</u>	<u>Not Applicable</u>
<u>DMC 75</u>	<u>\$12.75</u>
<u>DMC 85/65-150</u>	<u>Not Applicable</u>
<u>DMC 95</u>	<u>\$12.75</u>
<u>DMC 145</u>	<u>\$13.00</u>
<u>DMC 170</u>	<u>\$5.50</u>
<u>DMC 240/290-440</u>	<u>\$8.25</u>
<u>DMC 340/290-440</u>	<u>\$8.25</u>

Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U zones	
Zone	Payment calculation amount per square foot
<u>DMR/C 65/65-85</u>	<u>Not Applicable</u>
<u>DMR/C 65/65-150</u>	<u>Not Applicable</u>
<u>DMR/C 95/75</u>	<u>\$12.75</u>
<u>DMR/C 145/75</u>	<u>\$11.75</u>
<u>DMR/C 280/125</u>	<u>\$13.00</u>
<u>DMR/R 95/65</u>	<u>\$12.75</u>
<u>DMR/R 145/65</u>	<u>\$11.75</u>
<u>DMR/R 280/65</u>	<u>\$13.00</u>
<u>DOC1 U/450-U</u>	<u>\$12.00</u>
<u>DOC2 500/300-550</u>	<u>\$10.25</u>
<u>DRC 85-170</u>	<u>\$10.00</u>
<u>All IDM zones</u>	<u>Not Applicable</u>
<u>All IDR and IDR/C zones</u>	<u>Not Applicable</u>
<u>PMM-85</u>	<u>Not Applicable</u>
<u>All PSM zones</u>	<u>Not Applicable</u>
<u>SM-SLU 85/65-160</u>	<u>Not Applicable</u>
<u>SM-SLU 85-280</u>	<u>\$10.00</u>
<u>SM-SLU 100/95</u>	<u>\$7.50</u>
<u>SM-SLU 100/65-145</u>	<u>\$7.75</u>
<u>SM-SLU 145</u>	<u>\$7.75</u>
<u>SM-SLU 175/85-280</u>	<u>\$10.00</u>
<u>SM-SLU 240/125-440</u>	<u>\$10.00</u>
<u>SM-SLU/R 65/95</u>	<u>\$12.75</u>
<u>SM-U 85</u>	<u>\$13.25</u>
<u>SM-U/R 75-240</u>	<u>\$20.00</u>
<u>SM-U 75-240</u>	<u>\$20.00</u>
<u>SM-U 95-320</u>	<u>\$20.00</u>

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

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

Footnotes to Table B for 23.58C.040

¹ Area within the University Community Urban Center is medium.

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2. Automatic adjustments to payment amounts. On March 1, 2017, and on the same day each year thereafter, the amounts for payment calculations according to Table A and Table B for 23.58C.040 shall automatically adjust in proportion to the annual change for the previous calendar year (January 1 through December 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

* * *

Section 39. Section 23.58C.050 of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill [U District Rezone bill] _____, is amended as follows:

23.58C.050 Affordable housing – performance option

A. Performance amount

1 1. An applicant complying with this Chapter 23.58C through the performance
2 option shall provide, as part of the units to be developed in each structure, a number of units that
3 meet the requirements according to subsection 23.58C.050.C calculated by multiplying the
4 percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050,
5 as applicable, by the total number of units to be developed in each structure.

6 2. If the number of units that meet the requirements according to subsection
7 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals less than two, the
8 applicant shall:

9 a. Round up to two units; or

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

13 3. If the number of units that meet the requirements according to subsection
14 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals two or more and
15 includes a fraction of a unit, the applicant shall:

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

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

1 according to this subsection 23.58C.050.A.3.b shall be governed according to subsection
2 23.58C.040.B.

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

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

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

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

- 17 1) Round up to the nearest whole unit; or
18 2) Round down to the nearest whole unit and pay a cash
19 contribution for the fraction of a unit not otherwise provided, calculated according to subsection
20 23.58C.050.A.3.b; and

21 c. The construction of the structure(s) containing the units that meet the
22 requirements according to subsection 23.58C.050.C shall be completed at the same time or at an

1 earlier time than completion of construction of other structures in the development containing
 2 units.

Table A for 23.58C.050	
Performance calculation amounts:	
In Downtown, SM-SLU, and SM-U zones	
Zone	Percentage set-aside per total number of units to be developed in each structure
<u>DH1/45</u>	<u>Not Applicable</u>
<u>DH2/55</u>	<u>Not Applicable</u>
<u>DH2/75</u>	<u>5.0%</u>
<u>DH2/85</u>	<u>Not Applicable</u>
<u>DMC 75</u>	<u>5.0%</u>
<u>DMC 85/65-150</u>	<u>Not Applicable</u>
<u>DMC 95</u>	<u>5.0%</u>
<u>DMC 145</u>	<u>5.1%</u>
<u>DMC 170</u>	<u>2.1%</u>
<u>DMC 240/290-440</u>	<u>3.2%</u>
<u>DMC 340/290-440</u>	<u>3.2%</u>
<u>DMR/C 65/65-85</u>	<u>Not Applicable</u>
<u>DMR/C 65/65-150</u>	<u>Not Applicable</u>
<u>DMR/C 95/75</u>	<u>5.0%</u>
<u>DMR/C 145/75</u>	<u>4.6%</u>
<u>DMR/C 280/125</u>	<u>5.1%</u>
<u>DMR/R 95/65</u>	<u>5.0%</u>
<u>DMR/R 145/65</u>	<u>4.6%</u>
<u>DMR/R 280/65</u>	<u>5.1%</u>
<u>DOC1 U/450-U</u>	<u>4.7%</u>
<u>DOC2 500/300-550</u>	<u>4.0%</u>
<u>DRC 85-170</u>	<u>3.9%</u>
<u>All IDM zones</u>	<u>Not Applicable</u>
<u>All IDR and IDR/C zones</u>	<u>Not Applicable</u>
<u>PMM-85</u>	<u>Not Applicable</u>
<u>All PSM zones</u>	<u>Not Applicable</u>
<u>SM-SLU 85/65-160</u>	<u>Not Applicable</u>
<u>SM-SLU 85-280</u>	<u>3.9%</u>
<u>SM-SLU 100/95</u>	<u>2.9%</u>
<u>SM-SLU 100/65-145</u>	<u>3.0%</u>
<u>SM-SLU 145</u>	<u>3.0%</u>
<u>SM-SLU 175/85-280</u>	<u>3.9%</u>
<u>SM-SLU 240/125-440</u>	<u>3.9%</u>

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

Zone	Percentage set-aside per total number of units to be developed in each structure
SM-SLU/R 65/95	5.0%
SM-U 85	6.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

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

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

Footnotes to Table B for 23.58C.050

¹ Area within the University Community Urban Center is medium.

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3 **Map A for 23.58C.050**

4 **Payment and performance areas: high, medium, and low**

5 **[RESERVED]**

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* * *

1 Section 40. Subsection 23.76.006.B of the Seattle Municipal Code, which section was
2 last amended by the ordinance introduced as Council Bill [MHA-C amendments bill]_____, is
3 amended as follows:

4 **23.76.006 Master Use Permits required**

5 * * *

6 B. The following decisions are Type I:

7 1. Determination that a proposal complies with development standards;
8 2. Establishment or change of use for uses permitted outright, interim use parking
9 under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of
10 police and fire stations for 24 months or less, transitional encampment interim use, temporary
11 uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses
12 for up to six months, except temporary uses and facilities for light rail transit facility construction
13 and transitional encampments;

14 3. The following street use approvals:

15 a. Curb cut for access to parking whether associated with a development
16 proposal or not;

17 b. Concept approval of street improvements associated with a
18 development proposal, such as additional on-street parking, street landscaping, curbs and gutters,
19 street drainage, sidewalks, and paving;

20 c. Structural building overhangs associated with a development proposal;

21 d. Areaways associated with a development proposal;

22 4. Lot boundary adjustments;

23 5. Modification of the following features bonused under Title 24:

- 1 a. Plazas;
- 2 b. Shopping plazas;
- 3 c. Arcades;
- 4 d. Shopping arcades; and
- 5 e. Voluntary building setbacks;
- 6 6. Determinations of Significance (determination that an Environmental Impact
7 Statement is required) for Master Use Permits and for building, demolition, grading, and other
8 construction permits (supplemental procedures for environmental review are established in
9 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
10 Significance based solely on historic and cultural preservation;
- 11 7. Discretionary exceptions for certain business signs authorized by subsection
12 23.55.042.D;
- 13 8. Waiver or modification of required right-of-way improvements;
- 14 9. Special accommodation pursuant to Section 23.44.015;
- 15 10. Reasonable accommodation;
- 16 11. Minor amendment to Major Phased Development Permit;
- 17 12. Determination of public benefit for combined lot development;
- 18 13. Streamlined design review decisions pursuant to Section 23.41.018 if no
19 development standard departures are requested pursuant to Section 23.41.012, and design review
20 decisions in an MPC zone if no development standard departures are requested pursuant to
21 Section 23.41.012;
- 22 14. Shoreline special use approvals that are not part of a shoreline substantial
23 development permit;

