

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; adopting interim provisions to facilitate occupancy of street-level spaces in the Downtown, South Lake Union, and Uptown Urban Centers; adding a new Section 23.42.041 to the Seattle Municipal Code; and amending Sections 23.42.108, 23.48.005, 23.48.020, 23.48.040, 23.48.240, 23.48.740, 23.49.009, 23.49.011, 23.76.004, and 23.76.006, and Downtown Overlay Maps 1G and 1J in Chapter 23.49 of the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.42.041 is added to the Seattle Municipal Code as follows:

23.42.041 Interim street activation

A. As shown on Map A for 23.48.740 in the Uptown Urban Center, Map A for 23.48.240 in the South Lake Union Urban Center, and Downtown Map 1G in the Downtown Urban Center, and excluding Special Review and Historic Districts, a use provided for interim street activation purposes set forth in this Section 23.42.041 is allowed to fulfill street-level use requirements in addition to uses allowed by the zone, for an interim period according to the provisions of this Section 23.42.041.

1. Eligibility. To qualify, an applicant must meet the following:

a. The Department must have issued a certificate of occupancy for the structure before the effective date of this ordinance.

b. The applicant must submit a complete application for the interim street-level use within 36 months after the effective date of this ordinance.

2. Structures with existing permit conditions or development standard limitations related to street-level uses for floor area ratio pursuant to Chapter 23.48, Section 23.49.011, or

bonus floor area achieved for general sales and service uses pursuant to Sections 23.49.012 and 23.49.013, or related to past changes of use to existing structures, may have uses for interim street activation purposes pursuant to this Section 23.42.041 and will not require additional developer contributions, except as indicated in applicable provisions.

3. The use of a space may return from an interim street-level use to the previously established use at the property owner's or applicant's option; provided that, if the previously established use was a nonconforming use, Section 23.42.110 shall not apply in this instance.

4. Notwithstanding the future expiration of this Section 23.42.041, an approval for interim street-level uses or a permit that is issued or approved for issuance before the expiration of this Section 23.42.041 may continue as a non-conforming use consistent with Sections 23.42.100 through 23.42.110.

B. Permitted uses

1. In addition to the street-level uses permitted by the applicable zone, the following uses are permitted as other permissible street-level uses for the purpose of interim street activation, as shown on Map A for 23.48.740 in the Uptown Urban Center, Map A for 23.48.240 in the South Lake Union Urban Center, and Downtown Map 1G:

- a. Arts facilities, including art installations, that do not conflict with Chapter 23.55;
- b. Bicycle commuter shower facilities that are accessory to office uses;
- c. Food processing and craft work;
- d. Horticultural uses;
- e. Institutions, except hospitals or major institutions;

1 f. Lobbies, gyms, meeting rooms, shared working spaces, and other
2 similarly active uses accessory to residential or lodging uses limited to a street frontage of 30
3 feet;

4 g. Medical services;

5 h. Museums;

6 i. Public parks;

7 j. Public restrooms;

8 k. Sales and services, non-household;

9 l. Offices;

10 m. Research and development laboratories; and

11 n. Any similar use or activity that is determined by the Director to have
12 the likelihood of attracting and increasing pedestrian activity in the area such as extending the
13 duration of activity beyond 8 a.m. to 5 p.m. Monday to Friday or increasing the variety of goods
14 and services available.

15 2. The Director shall require the most active portions of interim street activation
16 uses allowed by Section 23.42.041, such as lobbies, waiting areas, and retail sales, to abut the
17 street-facing facade along street frontages where street-level uses are required by the zone.

18 C. Development standard flexibility

19 1. FAR exemption

20 a. In the Downtown Urban Center, floor area in uses provided for interim
21 street activation purposes shall not be chargeable floor area when located at street level or no
22 higher than one story above street level, when consistent with the provisions of subsection
23 23.49.011.B.

1 b. In Seattle Mixed zones in the South Lake Union and Uptown Urban
2 Centers, notwithstanding requirements in subsections 23.48.005.D, 23.48.220.B.2, and
3 23.48.720.C.4, floor area in uses provided for interim street activation purposes shall not be
4 chargeable floor area when located at street level or no higher than one story above a street-level
5 story.

6 c. In Downtown Urban Center locations eligible for interim street
7 activation, notwithstanding subsection 23.49.011.B.1.b.4, a mezzanine within a street-level use is
8 not chargeable floor area even if it interrupts the floor-to-floor heights within the minimum depth
9 stated in subsection 23.49.011.B.1.b.2.

10 d. In South Lake Union and Uptown Urban Center locations eligible for
11 interim street activation uses, notwithstanding subsection 23.48.040.C, a mezzanine within a
12 street-level use is not chargeable floor area even if it interrupts minimum floor-to-floor heights
13 and minimum depth stated in subsection 23.48.040.C.3.

14 e. For the purposes of this subsection 23.42.041.C.1, for floor area above
15 street level, changes from residential use to a commercial use provided for interim street
16 activation purposes is subject to mandatory housing affordability (MHA) provisions of
17 subsection 23.58B.020.B.

18 2. Minimum depth of street-level use

19 a. In Downtown Urban Center locations eligible for interim street
20 activation (Map 1G of Chapter 23.49), notwithstanding the provisions of subsection
21 23.49.011.B.1.b.2, a street-level use may have a minimum depth of 8 feet from the street-facing
22 facade.

b. In South Lake Union and Uptown Urban Center locations eligible for interim street activation, notwithstanding subsection 23.48.040.C, a street-level use may have a minimum depth of 8 feet from the street-facing facade.

Section 2. Section 23.42.108 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.42.108 Change from nonconforming use to conforming use

A. In any zone, a nonconforming use may be converted to any conforming use if all development standards are met.

B. In neighborhood residential zones, a nonconforming use may be converted to single-family dwelling unit, even if all development standards are not met.

C. In multifamily zones, a nonconforming nonresidential use may be converted to residential use even though all development standards are not met, if:

1. ~~((any))~~ Any applicable limits on density are met;

2. ~~((any))~~ Any nonconformity with respect to parking is not increased as a result of the conversion; and

3. ~~((in))~~ In LR1 zones the total number of dwelling units in an apartment is limited to three.

D. In commercial zones, or in downtown zones for uses provided for interim street activation purposes, a nonconforming use may be converted to any conforming use even if all development standards are not met.

E. In industrial zones, a nonconforming use may be converted to any conforming use even if all development standards are not met, provided that parking nonconformity shall not be increased as a result of the conversion.

Section 3. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.48.005 Uses

* * *

D. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.005.D.1 are required, except as permitted by Section 23.42.041 for uses provided for interim street activation purposes that apply in the Uptown and South Lake Union Urban Centers: (i) at street ((-)) level of the street-facing facade along streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C; (ii) at street ((-)) level of the street-facing facades along streets designated on Map A for 23.48.640; and (iii) at street ((-)) level of the street-facing facades along streets designated as Class 1 or Class 2 streets shown on Map A for 23.48.740:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;
- f. Arts facilities;
- g. Religious facilities;
- h. Light rail transit stations;
- i. Child care centers; and
- j. Low-income housing.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C, and any additional standards for Seattle Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

* * *

Section 4. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.48.020 Floor area ratio (FAR)

A. General provisions

1. All gross floor area not exempt under subsection 23.48.020.B counts toward the gross floor area allowed under the FAR limits.

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

3. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone.

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

1. All underground stories or portions of stories.

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

3. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment

located on the roof of a structure, whether enclosed or not, is not included as part of the calculation of total gross floor area.

4. All gross floor area for solar collectors and wind-driven power generators.

5. Bicycle commuter shower facilities required by subsection 23.54.015.K.8.

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

7. Child care centers.

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

9. Other uses permitted by interim street activation provisions in Section 23.42.041.

* * *

Section 5. Section 23.48.040 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.48.040 Street-level development standards

* * *

C. Development standards for required street-level uses. Street-level uses that are required by subsection 23.48.005.D, 23.48.605.C, or 23.48.805.B, and street-level uses exempt from FAR calculations under the provisions of subsection 23.48.220.B.2, 23.48.620.B.2, 23.48.720.B.2, or 23.48.820.B, whether required or not, shall meet the following development

standards. In the SM-NG zone, where street-level use requirements apply to a mid-block corridor, these standards shall be applied as if the mid-block corridor were a street.

1. Where street-level uses are required, a minimum of 75 percent of the applicable street-level, street-facing facade shall be occupied by uses listed in subsection 23.48.005.D.1 or uses provided for interim street activation purposes where they apply in the Uptown and South Lake Union Urban Centers. The remaining street-facing facade may contain other permitted uses or pedestrian or vehicular entrances.

2. There is no minimum frontage requirement for street-level uses provided at locations where they are not required but are exempt from FAR calculations under the provisions of subsections 23.48.220.B.2, 23.48.620.B.2, 23.48.720.C.4, or 23.48.820.B.

3. The space occupied by street-level uses shall have a minimum floor-to-floor height of 13 feet and extend at least 30 feet in depth at street level from the street-facing facade, except when the use is allowed by interim street activation provisions in Section 23.42.041.

4. If the minimum requirements of subsection 23.48.040.C.1 and the depth requirements of subsection 23.48.040.C.2 would require more than 50 percent of the structure's footprint to be occupied by required uses in subsection 23.48.005.D, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be occupied by the uses required by subsection 23.48.005.D.

5. Street-level uses shall be located within 10 feet of the street lot line, except for the following:

a. Required street-level uses may be located more than 10 feet from the applicable street lot line if they abut an outdoor amenity area provided to meet the requirements of Section 23.48.045, or other required or bonused amenity area or open space provided for in

1 this Chapter 23.48 that separates the portion of the street-facing facade including the required
2 street-level uses from the street lot line;

3 b. If a street-level setback is required from the street lot line by the
4 provisions of this Chapter 23.48 or Chapter 23.53, the 10-foot distance shall be measured from
5 the line established by the required setback; and

6 c. If development standards in this Chapter 23.48 require modulation of
7 the street-facing facade at street level, the required street-level uses may abut the street-level
8 setback area provided to comply with the modulation standards.

9 6. Pedestrian access to street-level uses shall be provided directly from the street,
10 from permitted outdoor common amenity area, or from open space abutting the street. Pedestrian
11 entrances shall be located no more than 3 feet above or below the grade of the sidewalk or
12 pedestrian walkway or at the same elevation as the abutting permitted outdoor common amenity
13 area or required or bonused open space.

14 * * *

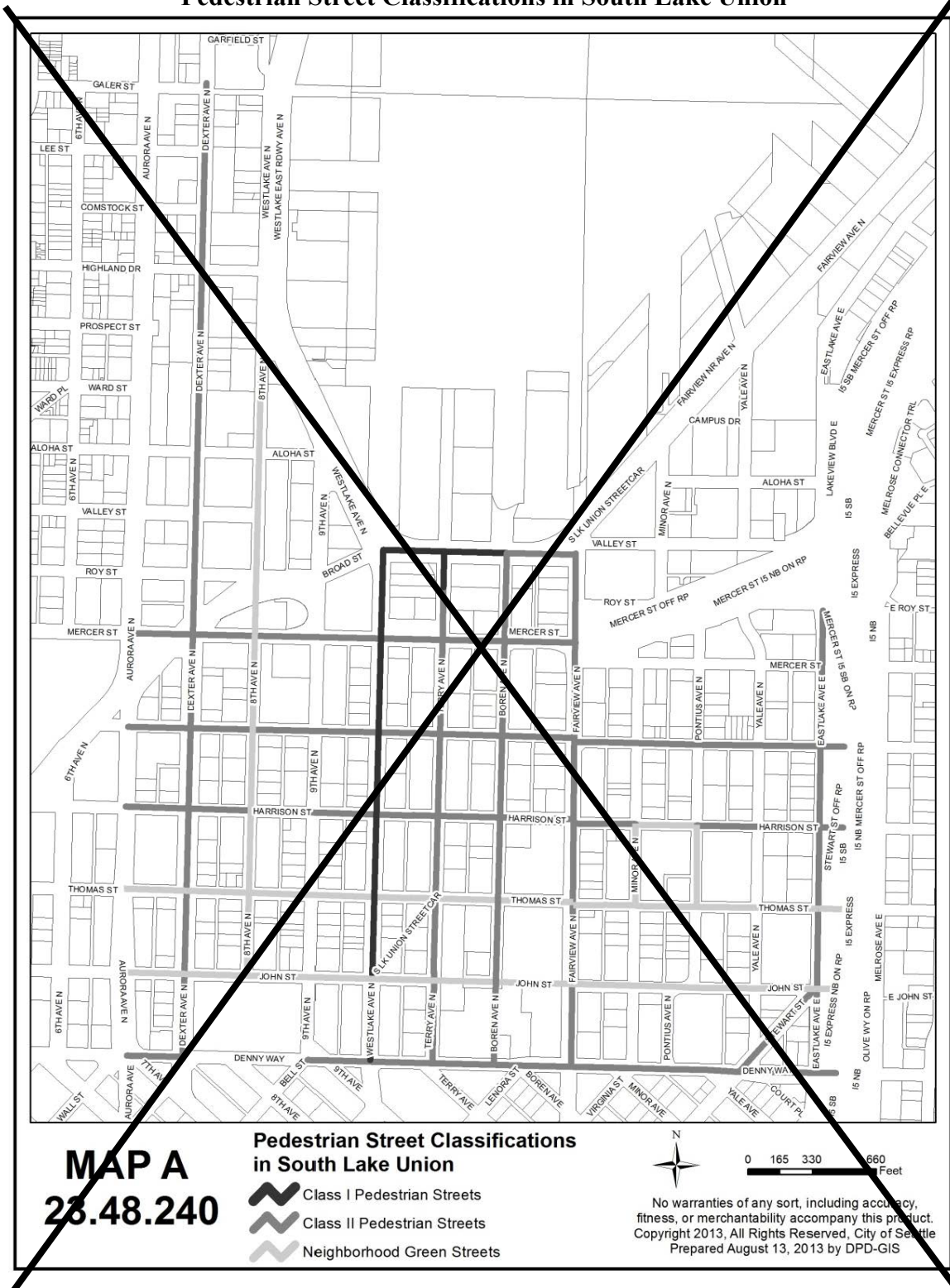
15 Section 6. Section 23.48.240 of the Seattle Municipal Code, last amended by Ordinance
16 125603, is amended as follows:

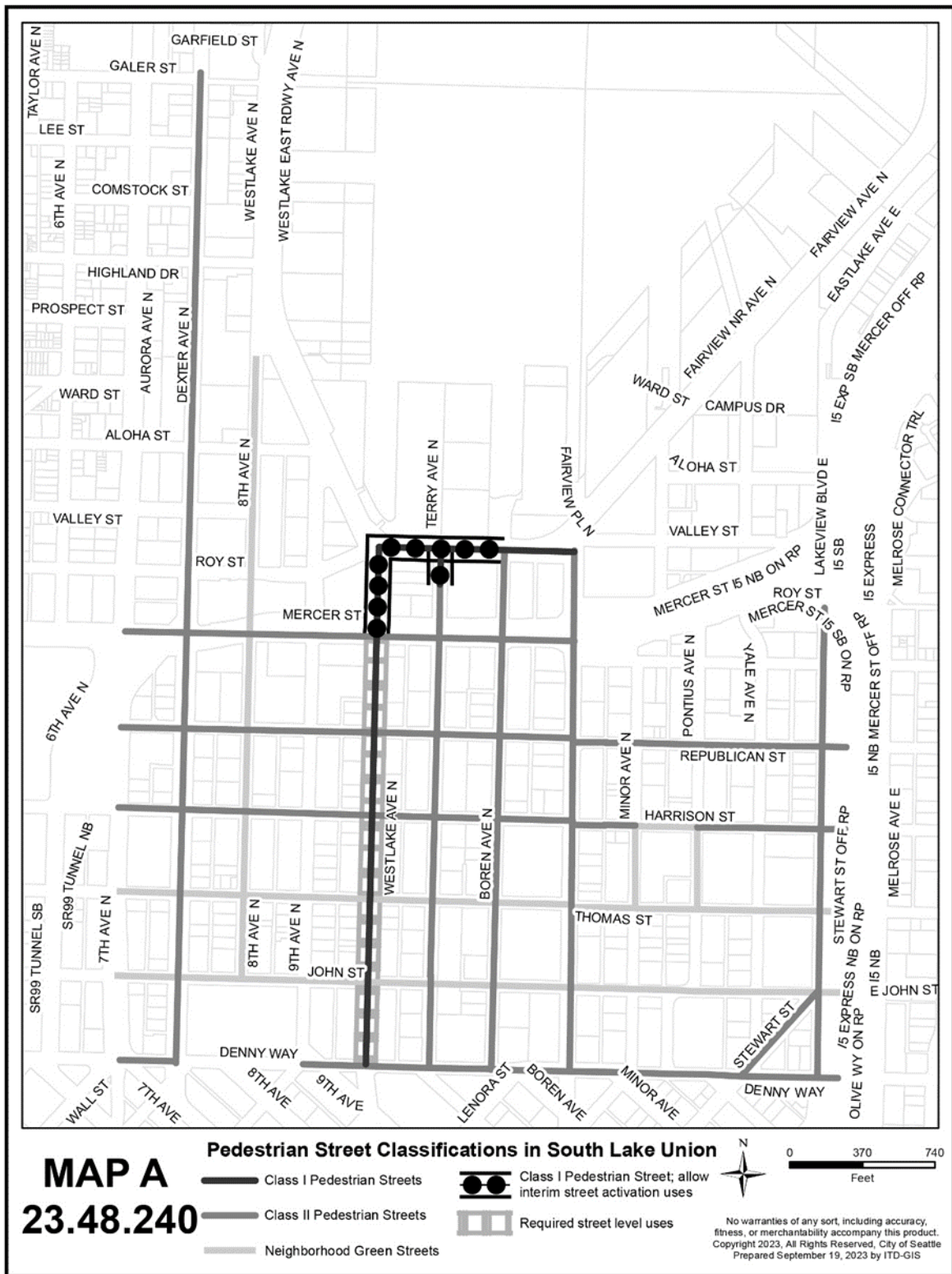
17 **23.48.240 Street-level development standards in South Lake Union Urban Center**

18 A. Street-level development standards in Section 23.48.040 apply to all streets in SM-
19 SLU zones designated as Class 1 Pedestrian Streets, Class 2 Pedestrian Streets, or Neighborhood
20 Green Streets as shown on Map A for 23.48.240.

21 * * *

Map A for 23.48.240 Pedestrian Street Classifications in South Lake Union





Section 7. Section 23.48.740 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.48.740 Street-level development standards in SM-UP zones

Street-level development standards in Section 23.48.040 apply to all streets in the SM-UP zones.

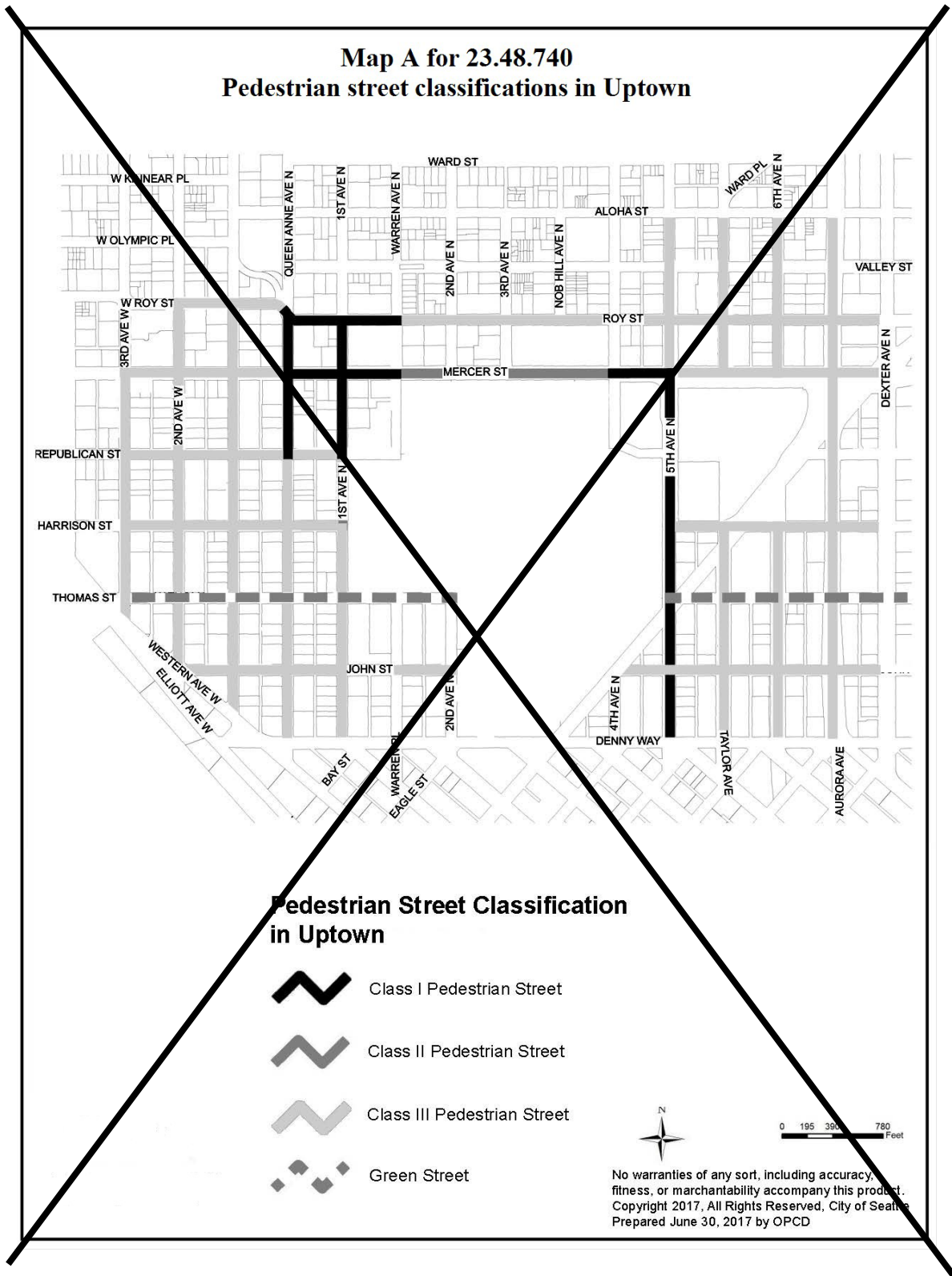
In addition, the following requirements apply:

A. Street-level facade requirements; setbacks from street lot lines. Street-facing facades of a structure shall be built to the lot line except as follows:

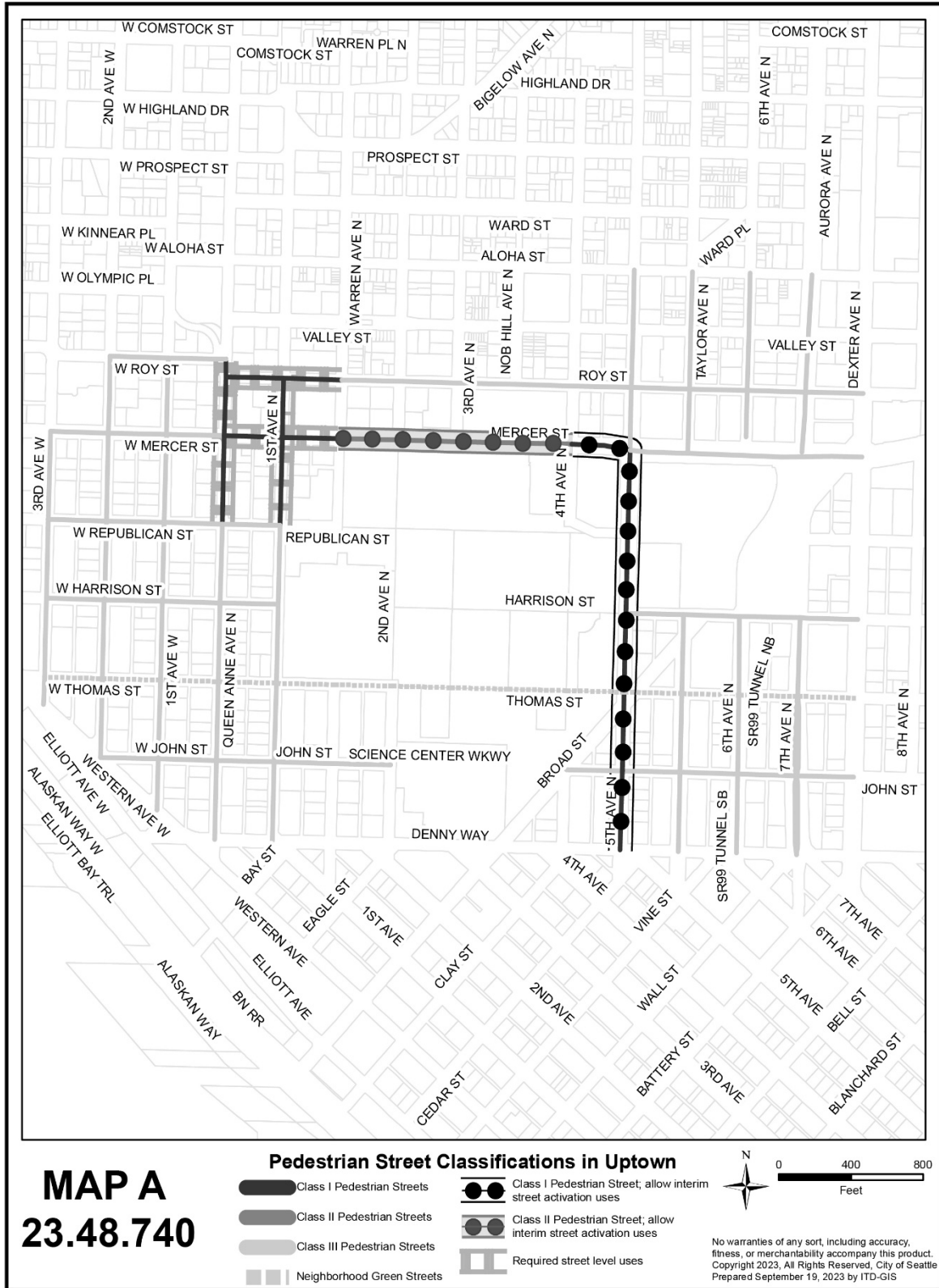
1. The street-facing facades of structures abutting Class 1 Pedestrian Streets, as shown on Map A for 23.48.740, shall be built to the street lot line for a minimum of 70 percent of the facade length, provided that the street frontage of any required outdoor amenity area, other required open space, or usable open space provided in accordance with subsections 23.48.740.B and 23.48.740.C is excluded from the total amount of frontage required to be built to the street lot line.

2. If a building in the Uptown Urban Center faces both a Class 1 Pedestrian Street and a Class 2 Pedestrian Street a new structure is only required to provide a primary building entrance on the Class 1 Pedestrian Street.

Map A for 23.48.740 Pedestrian street classifications in Uptown

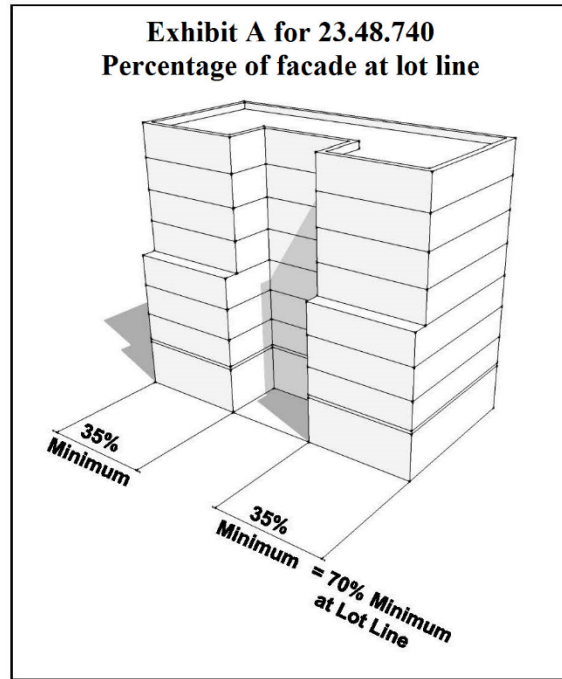


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Exhibit A for 23.48.740
Percentage of facade at lot line



3. For streets designated as Class II and Class III Pedestrian Streets and Green Streets as shown on Map A for 23.48.740, and as specified in subsection 23.48.740.B.1, the street-facing facade of a structure may be set back up to 12 feet from the street lot line subject to the following (as shown on Exhibit B for 23.48.740):

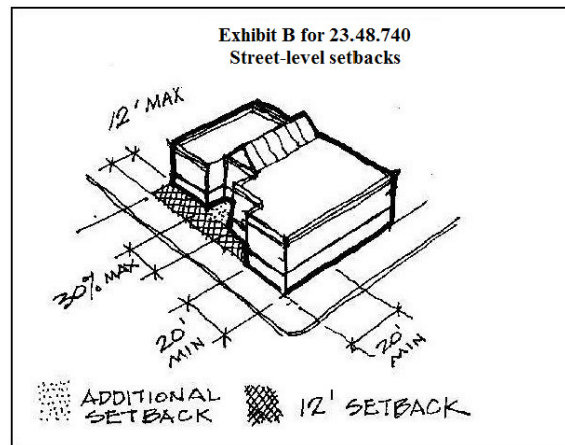
a. The setback area shall be landscaped according to the provisions of subsection 23.48.055.A.3;

b. Additional setbacks are permitted for up to 30 percent of the length of portions of the street-facing facade that are set back from the street lot line, provided that the additional setback is located 20 feet or more from any street corner; and

c. Any required outdoor amenity area, other required open space, or usable open space provided in accordance with subsection 23.48.740.B is not considered part of the

setback area and may extend beyond the limit on setbacks from the street lot line that would otherwise apply under subsection 23.48.740.B.

Exhibit B for 23.48.740
Street-level setbacks



* * *

Section 8. Section 23.49.009 of the Seattle Municipal Code, last amended by Ordinance 124680, is amended as follows:

23.49.009 Street-level use requirements

One or more of the uses listed in subsection 23.49.009.A are required at street level on all lots abutting streets designated on Map 1G. Required street-level uses shall meet the standards of this Section 23.49.009.

A. Types of uses. The following uses qualify as required street-level uses:

1. General sales and services;
2. Human service uses and child care centers;
3. Retail sales, major durables;
4. Entertainment uses;

5. Museums, and administrative offices within a museum expansion space meeting the requirement of subsection 23.49.011.B.1.h;

6. Libraries;

7. Elementary and secondary schools, and colleges, except on lots zoned DRC;

8. Public atriums;

9. Eating and drinking establishments;

10. Arts facilities; and

11. Religious facilities; ~~((and))~~

12. Bicycle parking, provided that the use does not exceed 30 percent of the frontage 23.49.009.B or 50 feet, whichever is less; ~~((:))~~ and

13. Other uses permitted by interim street activation provisions in Section 23.42.041.

B. General standards

1. The amount of street frontage required to be occupied by street-level uses is as follows:

a. Except as provided in subsection 23.49.009.B.1.b, a minimum of 75 percent of each street frontage at street level where street-level uses are required must be occupied by uses listed in subsection 23.49.009.A. The remaining 25 percent of the street frontage at street level may contain other permitted uses and/or pedestrian or vehicular entrances.

b. The frontage required to be occupied by street-level uses is reduced to 50 percent, while the remaining 50 percent may contain other permitted uses and/or pedestrian or vehicular entrances, for each street frontage that is 120 feet in length or less if either:

1) ~~((the))~~ The lot does not abut an alley, or

2) ~~((the))~~ The lot abuts more than one street requiring street-level uses.

c. The frontage of the following is not counted in street frontage:

1) ~~((any))~~ Any exterior public open space that qualifies for a floor area bonus, whether it receives a bonus or not;

2) ~~((any))~~ Any eligible lot area of an open space TDR site;

3) ~~((any))~~ Any outdoor common recreation area required for residential uses; or

4) ~~((any))~~ Any open space required for office uses,

2. In the DRC zone, a combined total of no more than ~~((20))~~ 80 percent of the total street frontage of the lot may be occupied by uses provided for interim street activation purposes, human service uses, child care centers, customer service offices, entertainment uses or museums.

3. Required street-level uses shall be located within 10 feet of the street lot line, except as follows:

a. If a public open space that meets the eligibility conditions of the Downtown Amenity Standards abuts the street, the required street-level uses shall abut the open space;

b. If sidewalk widening is required by Section 23.49.022, the 10 feet shall be measured from the line established by the new sidewalk width; or

c. In the DMC 160 zone, if a continuous setback greater than 10 feet is provided from the Alaskan Way street lot line, as allowed in subsection 23.49.056.B.1.d, the

required street-level uses shall abut the setback. The setback may be provided at grade or above a partially above-grade story.

4. Except for child care centers, pedestrian access to required street-level uses shall be provided as follows:

a. Pedestrian entrances shall be provided directly from the street and shall be located no more than 3 feet above or below sidewalk grade; or

b. Pedestrian entrances shall be provided from a bonused public open space, or other publicly accessible open space, and shall be at the same elevation as the abutting public open space; or

c. In the DMC 160 zone, if a partially above-grade story is provided that meets the conditions of subsection 23.49.011.B.1.u, pedestrian entrances to the required street-level uses shall be provided at the same elevation as the roof of the partially above-grade story.

Section 9. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance 126914, is amended as follows:

23.49.011 Floor area ratio

* * *

B. Exemptions and deductions from FAR calculations

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

a. Uses listed in subsection 23.49.009.A in a DRC zone and in the Major Retail Store and Shopping Atrium FAR Exemption Area identified on Map 1J of Chapter 23.49, up to a maximum FAR exemption of 2 for all such uses combined; ~~((;))~~ and other uses provided according to Section 23.42.041 in the FAR Exemption Area identified on Map 1J for those uses

1 (excluding the Pike Place Market Historical District), up to a maximum FAR exemption of 2;
2 provided that for uses in the FAR Exemption Areas that are not in the DRC zone the uses are
3 located no higher than the story above street level;

4 b. Street-level uses meeting the requirements of Section 23.49.009, Street-
5 level use requirements, whether or not street-level use is required pursuant to Map 1G of Chapter
6 23.49, if the uses and structure also satisfy the following standards:

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

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

13 3) For the purposes of subsection 23.49.011.B.1, for floor area
14 above street level, changes from residential use to commercial uses provided for interim street
15 activation purposes are subject to mandatory housing affordability pursuant to subsection
16 23.58B.020.B;

17 ~~((3))~~ 4) Overhead weather protection is provided satisfying
18 Section 23.49.018; and

19 ~~((4))~~ 5) A mezzanine within a street-level use is not included in
20 chargeable floor area, if the mezzanine does not interrupt the floor-to-floor heights for the
21 minimum depth stated in subsection 23.49.011.B.1.b.2, except as allowed by interim street
22 activation provisions in Section 23.42.041. Stairs leading to the mezzanine are similarly not
23 included in chargeable floor area;

c. Shopping atria in the DRC zone and adjacent areas shown on Map 1J,
((of Chapter 23.49,)) provided that:

- 1) The minimum area of the shopping atria is 4,000 square feet;
- 2) The eligibility conditions of the Downtown Amenity Standards
are met; and
- 3) The maximum area eligible for a floor area exemption is 20,000
square feet;

d. Child care centers;

e. Human service use;

f. Residential use, except in the PMM zone, and provided that allowable
residential floor area is limited on lots from which TDP is transferred in accordance with Chapter
23.58A;

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

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

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

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

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

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

j. Performing arts theaters;

k. Floor area below grade;

l. Floor area that is used only for:

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

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

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

n. Public restrooms;

o. Major retail stores in the DRC zone and adjacent areas shown on Map 1J, ~~((of Chapter 23.49,))~~ provided that:

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

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

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

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

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

p. Shower facilities for bicycle commuters;

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

1) The floor area is interior space of historic or architectural interest designed to accommodate the original function of the structure, and maintaining the integrity of this space prevents it from being fully utilized as commercial floor area;

2) The floor area is occupied by such uses as public assembly or performance space, human services, or indoor public amenities, including atrium or lobby area available for passive indoor recreation use or for the display of art or other objects of scientific, social, historic, cultural, educational, or aesthetic interest; and

1 3) The floor area is open and accessible to the public without
2 charge, on reasonable terms and conditions consistent with the nature of the space, during normal
3 operating hours of the building;

4 r. Up to 40,000 square feet of a streetcar maintenance base;

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

8 t. In the DMC 170 zone, hotel use that separates parking from the street lot
9 line on stories above the first story of a structure, up to a maximum total floor area equivalent to
10 1 FAR, provided that the depth of the separation between the parking and the street-facing facade
11 is a minimum of 15 feet;

12 u. In the DMC 170 zone, on lots abutting Alaskan Way, the floor area in a
13 partially above-grade story, provided that:

14 1) The height of the above-grade portion of the partially above-
15 grade story does not exceed 4 feet, measured from existing grade at the midpoint of the Alaskan
16 Way street lot line;

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

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

1 4) Pedestrian access is provided from an abutting street to the roof
2 of the portion of the partially above-grade story in the setback area; and

3 5) Up to 50 percent of the roof of the portion of the partially
4 above-grade story in the setback area may be enclosed to provide weather protection, provided
5 that the height of any feature or structure enclosing the space shall not exceed 20 feet, measured
6 from the roof of the partially above-grade story;

7 v. Up to a maximum of 50,000 square feet of the floor area occupied by a
8 City facility, including but not limited to fire stations and police precincts, but not a City facility
9 predominantly occupied by office use;

10 w. Parking uses if:

11 1) The parking use sought to be exempted was legally established
12 as of February 8, 2015;

13 2) The parking is in a structure that existed on January 1, 1980;

14 3) The structure is located west of Third Avenue in a DMC zone;

15 4) A minimum of 50 percent of the parking spaces will be
16 available to the general public as short-term parking;

17 5) The existing structure and any proposed additions meet or are
18 modified to meet the street-level use requirements of Section 23.49.009;

19 6) The existing structure and any proposed additions are subject to
20 administrative design review regardless of whether administrative design review is required
21 pursuant to Chapter 23.41; and

22 7) Any addition of non-exempt floor area to the existing structure
23 is developed to LEED Gold standards; and

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

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

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

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

z. In the DMR/R 95/65 zone, lodging uses. This exemption from FAR limits does not apply to lodging uses created by converting residential uses to lodging uses in existing structures.

2. Mechanical equipment

a. As an allowance for mechanical equipment fully contained within a structure, three and one-half percent shall be deducted in computing chargeable gross floor area.

Calculation of the allowance excludes gross floor area exempt pursuant to subsection

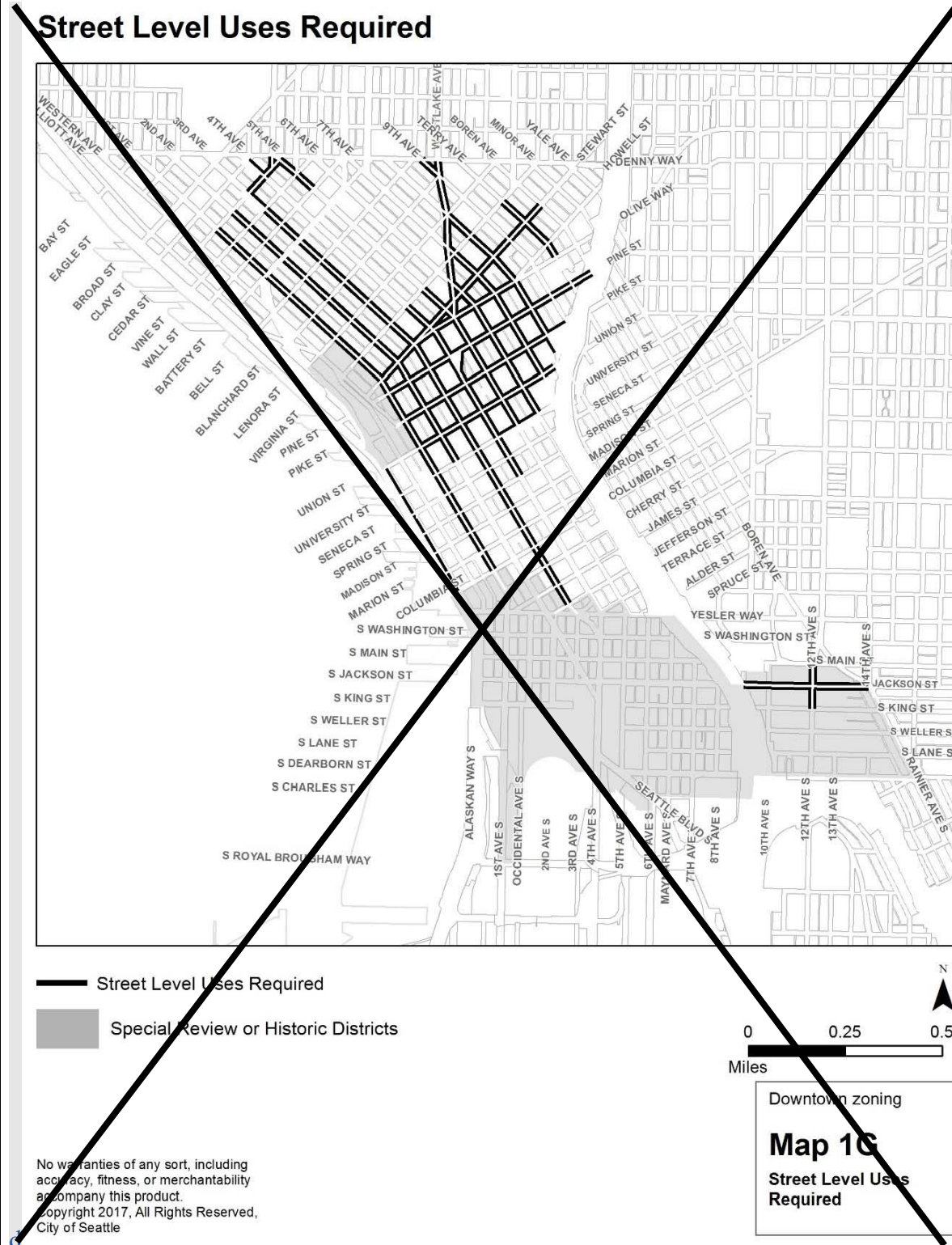
23.49.011.B.1.

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

Section 10. Maps 1G and 1J of Chapter 23.49 of the Seattle Municipal Code, last
amended by Ordinances 125371 and 126685, are amended as follows:

1

Map 1G: Street Level Uses Required

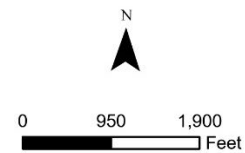


2

Street Level Uses Required



- Require active street level uses, per 23.42.041
- ==** Allow interim street activation uses
- Special Review or Historic Districts



DOWNTOWN ZONING

Map 1G

Street Level Uses
Required




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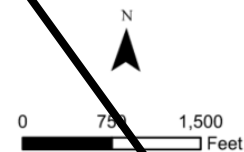
1

Map 1J: Public Amenity Features

Public Amenity and Other Features



- Hill Climb Assist
-  FAR Exemption Area: Uses Listed in 23.49.009.A, Major Retail Store and Shopping Atrium
-  Hillside Terrace
-  Shopping Corridor



DOWNTOWN ZONING

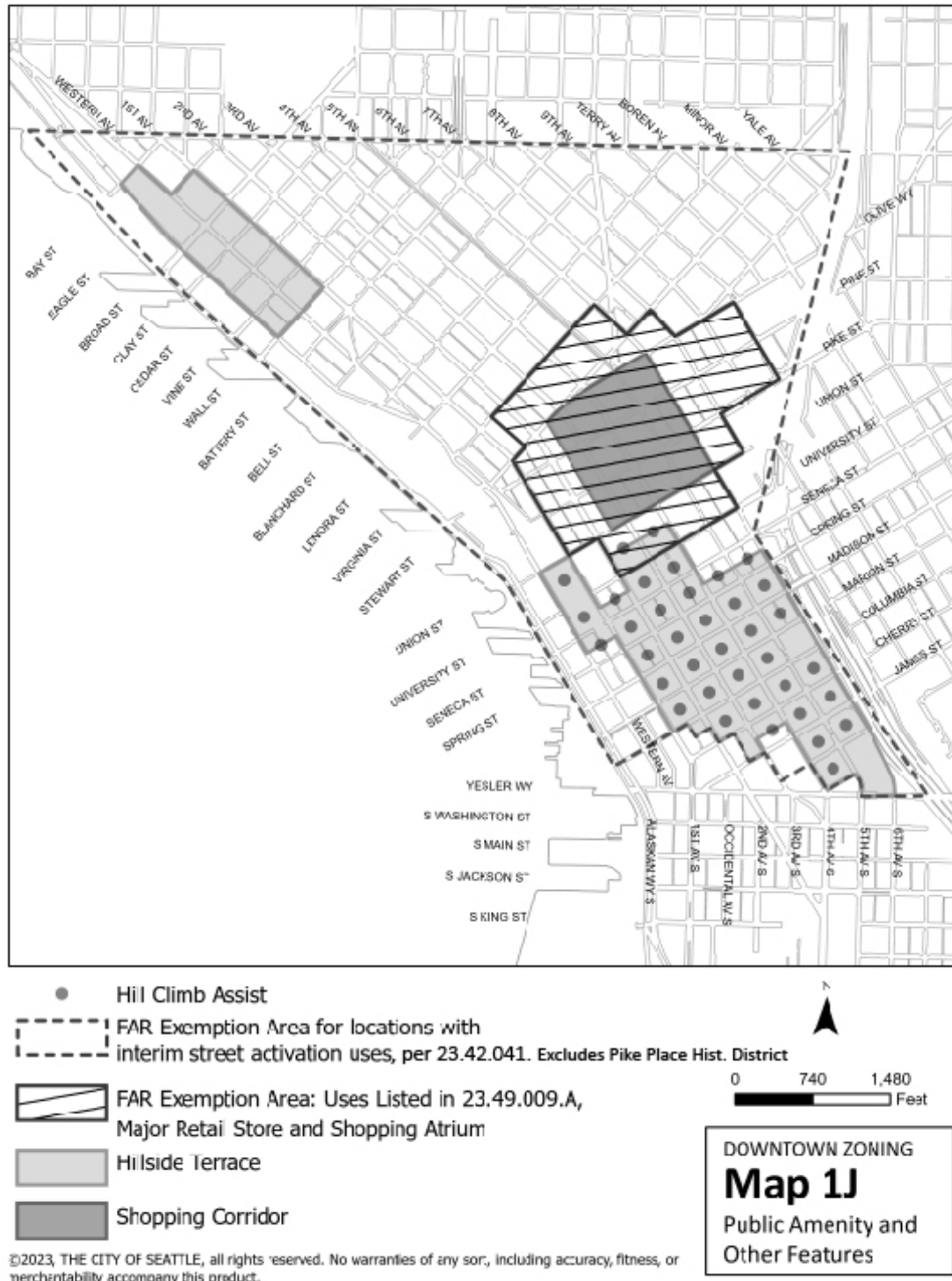
Map 1J

Public Amenity and
Other Features

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2

Public Amenity and Other Features



Section 11. Table A for Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance 126821, is amended as follows:

23.76.004 Land use decision framework

* * *

**Table A for 23.76.004
LAND USE DECISION FRAMEWORK¹**

Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020²)	
• Application of development standards for decisions not otherwise designated Type II, III, IV, or V	
• Uses permitted outright	
• Temporary uses, four weeks or less	
• Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction	
• Intermittent uses	
• <u>Interim street activation use pursuant to Section 23.42.041</u>	
<u>***</u>	

Footnotes for Table A for 23.76.004

¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types.

² Type I decisions may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020.

³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

Section 12. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 126821, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II, and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

2. Establishment or change of use for uses permitted outright, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction;

3. The following street use approvals:

a. Curb cut for access to parking, whether associated with a development proposal or not;

b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

c. Structural building overhangs associated with a development proposal;

d. Areaways associated with a development proposal;

4. Lot boundary adjustments;

5. Modification of the following features bonused under Title 24:

a. Plazas;

b. Shopping plazas;

c. Arcades;

d. Shopping arcades; and

e. Voluntary building setbacks;

6. Determinations of Significance (determination that an Environmental Impact Statement is required) for Master Use Permits and for building, demolition, grading, and other construction permits (supplemental procedures for environmental review are established in

Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;

8. Waiver or modification of required right-of-way improvements;

9. Reasonable accommodation;

10. Minor amendment to Major Phased Development Permit;

11. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;

12. Shoreline special use approvals that are not part of a shoreline substantial development permit;

13. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

14. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;

15. Determination of requirements according to subsections 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and 23.58C.030.A.2.c;

16. Decision to increase the maximum height of a structure in the DOC2 500/300-550 zone according to subsection 23.49.008.F;

17. Decision to increase the maximum FAR of a structure in the DOC2 500/300-550 zone according to subsection 23.49.011.A.2.n;

18. Minor revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G;

19. Building height departures for minor communication facilities in downtown zones, pursuant to Section 23.57.013;

20. Application of tree provisions pursuant to Chapter 25.11; ~~((and))~~

21. Interim street activation uses pursuant to Section 23.42.041; and

((21)) 22. Other Type I decisions.

* * *

Section 13. This ordinance shall automatically expire 36 months after its effective date unless the Council takes action to either extend it as provided by statute or terminate it sooner.

Section 14. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 15. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2024,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2024.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)