

considered to be improved shall be as shown on Table B for Section 23.53.030.

Table B for Section 23.53.030: Right-of-Way Width for Alleys Considered to be Improved. Table with 2 columns: Zone Category, Right-of-Way Width.

b. If an alley abuts lots in more than one ((H)) zone category, the minimum alley width shall be determined based on the requirements in Table B for the zone category with the most frontage excluding Zone Category 1 ((the zone category with the most frontage on that block along both sides of the alley, excluding Zone Category 1, determines the minimum width on (the table)).

2. Paving. To be considered improved, the alley shall be paved.

D. Minimum ((W)) widths ((E)) established.

1. The minimum required width for an existing alley right-of-way shall be as shown on Table C for Section 23.53.030.

Table C for Section 23.53.030: Required Minimum Right-of-Way Widths for Existing Alleys. Table with 2 columns: Zone Category, Right-of-Way Width.

2. ((When)) If an alley abuts lots in more than one ((H)) zone category, the minimum alley width shall be determined based on the requirements in Table C for Section 23.53.030 for the zone category with the most frontage excluding Zone Category 1 ((the zone category with the most frontage on that block along both sides of the alley, excluding Zone Category 1, determines the minimum width on (the table)).

Section 64. Tables A, B, and C for Section 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, are amended as follows:

23.54.015 Parking

Table A for Section 23.54.015: PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS. Table with 2 columns: Use, Minimum parking required.

Table A for Section 23.54.015: PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS. Table with 2 columns: Use, Minimum parking required.

Table A for Section 23.54.015: PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS. Table with 2 columns: Use, Minimum parking required.

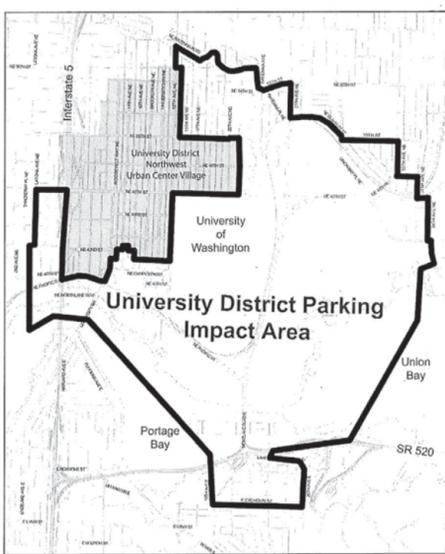
Footnotes for Table A for Section 23.54.015. (1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use.

Table B for ((Section))23.54.015: PARKING FOR RESIDENTIAL USES. Table with 2 columns: Use, Minimum parking required.

Table B for ((Section))23.54.015: PARKING FOR RESIDENTIAL USES. Table with 2 columns: Use, Minimum parking required.

Table B for ((Section))23.54.015: PARKING FOR RESIDENTIAL USES. Table with 2 columns: Use, Minimum parking required.

Map A for 23.54.015: University District Parking Impact Area



Map B for 23.54.015: Alki Area Parking Overlay

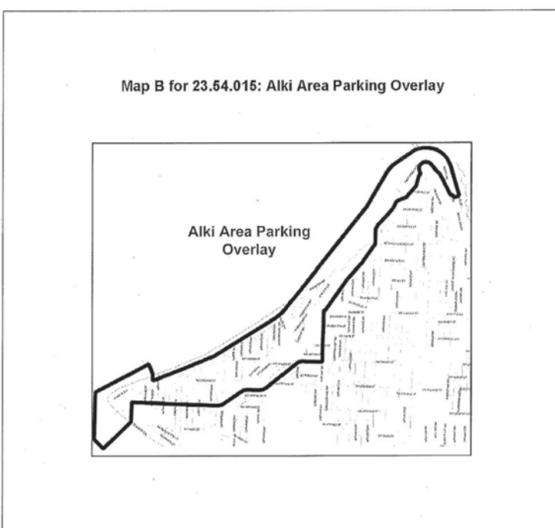


Table C for Section 23.54.015: PARKING FOR PUBLIC USES AND INSTITUTIONS. Table with 2 columns: Use, Minimum parking required.

Footnotes for Table C for Section 23.54.015. (1) When this use is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022.

Section 65. Subsections A, F, M, and N of Section 23.54.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123029, are amended as follows:

23.54.020 Parking quantity exceptions

A. Adding Units to Existing Structures in Multifamily and Commercial Zones. 1. For the purposes of this Section 23.54.020, "existing structures" means those structures that were established under permit, or for which a permit has been granted and has not expired as of the applicable date, as follows:

zone.

3. In locations in a multifamily or commercial zone where there is a minimum parking requirement, the Director may authorize a reduction or waiver of the parking requirement as a Type I decision when dwelling units are proposed to be added either to an existing structure ((in a multifamily or commercial zone)) or on a lot that contains an existing structure, in addition to the exception permitted in subsection 23.54.020.A.2, if the conditions in subsections 23.54.020.A.3.a and b below are met, and either of the conditions in subsections 23.54.020.A.3.c or d below are met:

- The only use of the structure will be residential; and
- The lot is not located in either the University District Parking Overlay Area (Map A for 23.54.015) or the Alki Area Parking Overlay (Map B for 23.54.015); and
- The topography of the lot or location of existing structures makes provision of an off-street parking space physically infeasible in a conforming location; or
- The lot is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all lot lines.

F. Reductions to ((M))minimum ((P))parking ((R))requirements.

1. Reductions to minimum parking requirements permitted by this subsection will be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to required parking as provided in this subsection may not exceed 40 percent

2. Transit ((R))reduction.

a. In multifamily and commercial zones, the minimum parking requirement for all uses ((may-be)) is reduced by 20 percent ((when)) if the use is located within ((800)) 1,320 feet of a street with ((midday)) frequent transit service ((headways-of-15-minutes-or-less-in-each-direction)). This distance will be the walking distance measured from the nearest ((bus)) transit stop to the lot line of the lot containing the use.

b. In industrial zones, the minimum parking requirement for a nonresidential use ((may-be)) is reduced by 15 percent ((when)) if the use is located within ((800)) 1,320 feet of a street with peak transit service headways of 15 minutes or less ((in-each-direction)). This distance will be the walking distance measured from the nearest ((bus)) transit stop to the lot line of the lot containing the use.

3. In locations where there is a minimum parking requirement, the Director may authorize a reduction or waiver of the parking requirement ((as-a-Type-I-decision when)) if dwelling units are proposed to be added to an existing structure in a multifamily or commercial zone, in addition to the exception permitted in subsection 23.54.020.A.2, if the conditions in subsections 23.54.020.A.3.a and b below are met, and either of the conditions in subsections 23.54.020.A.3.c or d below are met:

- The only use of the structure will be residential; and
- The lot is not located in either the University District Parking Overlay Area (Map A for 23.54.015) or the Alki Area Parking Overlay (Map B for 23.54.015); and
- The topography of the lot or location of existing structures makes provision of an off-street parking space physically infeasible in a conforming location; or
- The lot is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all lot lines.

((M-In urban centers or the Station Area Overlay District, no parking for motor vehicles is required for uses in commercial and multifamily zones, except that parking for fleet vehicles is required pursuant to Section 23.54.035.

N. No parking is required for business establishments permitted in multifamily zones.))

Section 66. Section 23.54.025 of the Seattle Municipal Code, which section was enacted by Ordinance 112777, is amended as follows:

23.54.025 ((Parking covenants)) Off-site parking(())

((When parking is provided on a lot other than the lot of the use to which it is accessory, the following conditions shall apply:

A. The owner of the parking spaces shall be responsible for notifying the Director should the use of the lot for covenant parking cease. In this event, the principal use must be discontinued, other parking meeting the requirements of this Code must be provided within thirty (30) days, or a variance must be applied for within fourteen (14) days and subsequently granted.

B. A covenant between the owner or operator of the principal use, the owner of the parking spaces and The City of Seattle stating the responsibilities of the parties shall be executed. This covenant and accompanying legal descriptions of the principal use lot and the lot upon which the spaces are to be located shall be recorded with the King County Department of Records and Elections, and a copy with recording number and parking layouts shall be submitted as part of any permit application for development requiring parking.))

A. Where allowed, Off-site parking may be established by permit on a lot where the type of parking proposed is allowed by the provisions of this Title 23, if the lot's location is an eligible for parking accessory to the use for which the parking is required. If parking and parking access, including the proposed off-site parking, are or will be the sole uses of a lot, or if surface parking outside of structures will comprise more than half of the lot area, or if parking will occupy more than half of the gross floor area of all structures on a lot, then a permit to establish off-site parking may be granted only if principal use parking is a permitted use for such lot.

B. Development standards.

1. Off-site parking shall satisfy the screening and landscaping requirements and other development standards applicable where it is located, except to the extent that it is legally nonconforming to development standards prior to establishment of the off-site parking use. Unless otherwise provided, development standards regarding the relation of parking to structures apply to off-site parking in the same manner as they apply to parking accessory to the uses in such structures.

2. Parking allowed only as temporary surface parking does not qualify as off-site parking.

3. Parking shall not be established as off-site parking for more than one use unless authorized to be shared according to the shared parking provisions of this Chapter 23.54.

4. If maximum parking limits apply to a use, off-site parking permitted for that use shall count against the maximum limit unless otherwise expressly stated in the provisions of this Title 23 applicable to the lot where the use requiring parking is located.

C. Permit requirements.

1. When all or part of the required parking for a use is to be provided on a lot other than the lot on which the use requiring parking is located, a permit must be obtained to establish off-site parking for the use requiring parking as a use on the off-site parking lot.

2. The permit application must be submitted by or on behalf of the owner of the off-site parking lot along with written consent of the owner of the lot on which the use requiring parking is located, or such owner's authorized representative.

3. The permit may be issued only after the applicant has demonstrated that the off-site parking complies with all applicable requirements of this Title 23. An application to establish off-site parking, or to change the use for which off-site parking is provided, may be considered as part of the application to establish, expand or change the use requiring off-site parking.

D. Required notice.

1. When off-site parking is required parking for a use on any lot, notice of this off-site parking arrangement shall be recorded with the King County Recorder for both lots. The notice shall:

a. include legal descriptions of both the lots on which the use requiring parking is located and the off-site parking lot; and

b. identify by an attached drawing the number and location of spaces established as off-site parking for the use requiring parking;

2. A copy of the notice, with attached drawing, shall be submitted as part of any permit application for any use for which the off-site parking is to be used to satisfy all or part of the parking requirement. Once the permit application is complete in every other respect, a copy of the notice, with attached drawing and a recording number assigned by the King County Recorder, shall be submitted prior to issuance of the permit.

E. Termination, change, or suspension of off-site parking use.

1. Except as otherwise provided in subsection F of this Section 23.54.025, in order to terminate any off-site parking use, or to establish a new use for which off-site parking will be provided on the off-site parking lot, a change of use permit is required. Such a change of use permit shall not be issued unless:

a. the owner of the lot on which the use requiring parking is located has been notified in writing of the change of use; and

b. the off-site parking is not required for any reason, which may include one or more of the following:

1) the use requiring parking has been discontinued or reduced in size;

2) the parking is no longer required by this Title 23;

3) other parking meeting the requirements of Title 23 has been provided for the use requiring parking and, if it is off-site parking, established by permit;

4) a variance allowing the use requiring parking to continue without all or part of such off-site parking has been granted.

2. If the owner of a lot where off-site parking is established plans to improve the lot and continue to provide off-site parking for the use requiring parking after completion of the improvements, the owners of such lot and the lot on which the use requiring parking is located, or such owners' authorized representatives, may apply for a temporary suspension of the off-site parking use, by submitting to the Director:

a. a plan, with attached drawings showing the number and location of parking spaces, for providing interim parking for the use requiring parking, satisfying all applicable requirements of this title, until improvements to the off-site parking lot are completed;

b. a plan, with attached drawings showing the number and location of parking spaces, for the provision of permanent parking for the use requiring parking, satisfying all applicable requirements of this title, when the improvements are completed; and

c. such other materials as the Director may require to evaluate the proposal.

3. If the Director approves the plans for purposes of subsection 23.54.025.E.2, then the Director may authorize the suspension of the off-site parking use pending the completion of the proposed improvements, conditioned upon issuance of a building permit for the proposed improvements, issuance of any permits necessary to establish the interim parking use, and the actual provision of the other off-site parking in accordance with applicable development standards.

4. If a use requiring off-site parking is suspended as a result of fire, act of nature, or other causes beyond the control of the owners, or for substantial renovation or reconstruction, then subject to the applicable provisions in the zone or district where the off-site parking is located, the Director may approve the temporary use of the off-site parking to serve one or more other uses, or as general purpose parking, for a period not to exceed 180 days, subject to extensions for not more than 180 days if at the end of the initial period or any extension the use requiring parking has not recommenced.

5. No permit for the demolition of a structure including off-site parking, established under this Section 24.54.025 or of any portion thereof necessary for such off-site parking, shall be issued, except in case of emergency, unless the off-site parking use has been terminated or temporarily suspended pursuant to this Section 23.54.025.E. If any such structure, or such portion thereof, is destroyed as a result of fire, act of nature, or other causes beyond the control of the owners, then the owner of the off-site parking lot may obtain a change of use permit. Upon such destruction of off-site parking, the lot on which the use requiring parking will be subject to Section 23.54.025.G.

F. Off-site parking established by covenant.

1. Off-site parking established by a covenant or other document approved by the Director and recorded in the King County real property records consistent with this Section 23.54.025 as in effect immediately prior to the effective date of this ordinance, if that date is after either the date of vesting under Section 23.76.026 of the Master Use Permit application with which the covenant was submitted or the date when such covenant or other document was approved, may be used as required parking for the use(s) identified in such covenant to the extent to consistent with the Master Use Permit and any other conditions of the Director's approval, without compliance with subsections 23.54.025.C and D, so long as such off-site parking use is not discontinued for a period of 90 days, and subject to compliance with any applicable development standards. The owner of any such off-site

parking spaces and the owner of the use requiring parking each are responsible for notifying the Director should the use of any or all of those spaces as off-site parking for the use requiring parking cease.

2. When maximum parking limits apply to a use requiring off-site parking, off-site parking permitted for that use under this subsection 23.54.025.F shall count against the maximum limit unless otherwise expressly stated in the provisions of this title that apply to the lot where the use requiring parking is located.

3. Off-site parking established by covenant or other document approved by the Director, and not by permit establishing off-site parking use, is not subject to the requirements of subsection E of this section 23.54.025.

4. Any replacement off-site parking established by covenant in compliance with subsection 23.54.025.G.1.e shall be considered to have been established as described in subsection 23.54.025.F.1.

G. Effect of loss of required off-site parking.

1. If, for any reason, any off-site parking used to satisfy the minimum required parking for any use requiring parking is not available for off-site parking for such use in conformity with the applicable use permit, then it shall be unlawful to continue the use requiring parking unless:

a. other parking meeting the requirements of this Title 23 is provided on the same lot as the use requiring parking within 30 days; or

b. other off-site parking is secured, a permit is applied for to establish the off-site parking use within 30 days, such permit is obtained within 180 days, and the other off-site parking is completed in accordance with all applicable requirements and is in use within 180 days unless the Director, upon finding that substantial progress toward completion has been made and that the public will not be adversely affected by the extension, grants an extension in writing; or

c. the loss of off-site parking is caused by damage to or destruction of a structure, and either

1) the owners of the off-site parking and of the lot of the use requiring parking apply for a permit to establish other existing spaces on the off-site parking lot as parking for such use within 90 days, and such permit is granted within 180 days; or

2) the owner of the off-site parking lot applies for any permit necessary to repair or rebuild the structure so as to provide the off-site parking within 90 days, the off-site parking is completed in accordance with all applicable requirements within 180 days, unless the Director, upon finding that substantial progress toward completion has been made and that the public will not be adversely affected by the extension, grants an extension in writing, and if the location on the lot of the off-site parking is modified, the owner executes and records within 180 days an amendment to the notice identifying the location of the off-site parking in the rebuilt or repaired structure; or

d. a variance is applied for within 30 days and subsequently granted;

or

e. the off-site parking was exempt, under subsection 23.54.025.F, from the requirements of subsections C, D, and E of this section 23.54.025, and within 30 days substitute off-site parking, on a lot where such parking is permitted by the provisions of this Title 23 and consistent with all applicable development standards, is provided and established by recorded covenant consistent with the terms of this Section 23.54.025 as in effect immediately prior to the effective date of this ordinance.

2. Unless a variance is applied for within such 30 day period and not denied, upon the expiration of any applicable period in subsections 23.54.025.G.1.a, G.1.b or G.1.c without the completion of the action or actions required, the use requiring parking shall be discontinued to the extent necessary so that the remaining parking for that use satisfies the applicable minimum parking requirement. Upon the denial of a variance from parking requirements the use requiring parking must be discontinued to that extent, unless the conditions of subsection 23.54.025.G.1.a, G.1.b, G.1.c, or G.1.e are then satisfied. Each period stated in this subsection 23.54.025.G runs from the first date upon which spaces established as off-site parking are not available for use as off-site parking.

H. Signage.

Signage for off-site parking is required, subject to the applicable restrictions in the zone or district, both on the same lot as the use requiring parking and on the off-site parking lot, as follows:

1. One or more signs, each of a size and at a location to be approved by the Director, must be placed on the same lot as the use requiring parking indicating the address of the off-site parking and that it is available to one or more user groups (e.g., customers, employees, residents).

2. One or more signs, each of a size and at a location to be approved by the Director, must be placed on the off-site parking lot identifying the use(s) served by the parking spaces, and sufficient signage shall be provided to clearly specify the spaces that are reserved for each use requiring parking and, if applicable, the days and times when the spaces are so reserved.

3. The Director may allow the use of temporary signage for off-site parking serving spectator sports facilities.

I. Management and operation of off-site parking. If a party other than the owner of the off-site parking lot is responsible for its management and operation, the Director may require verification from the owner of the off-site parking lot that the party responsible for its management and operation has been apprised of the requirements of this section 23.54.025 and any applicable permits.

Section 67. Subsections B, D, F, and G of Section 23.54.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, are amended as follows:

23.54.030 Parking space standards

B. Parking ((S))space ((R))requirements. The required size of parking spaces shall be determined by whether the parking is for a residential, nonresidential or live-work use. In structures containing both residential and either nonresidential uses or live-work units, parking that is clearly set aside and reserved for residential use shall meet the standards of subsection 23.54.030.B.1; otherwise, all parking for the structure shall meet the standards of subsection 23.54.030.B.2. All uses shall provide barrier-free accessible parking if required by the Building Code, Subtitle 1 of Title 22, or the Residential Code, Subtitle 1a of Title 22.

1. Residential ((U))uses.

a. When five or fewer parking spaces are provided, the minimum required size of a parking space shall be for a medium car, as described in subsection A,2 of this Section 23.54.030, except as provided in subsection 23.54.030.B.1.d.

b. When more than five parking spaces are provided, a minimum of 60 percent of the parking spaces shall be striped for medium vehicles. The minimum size for a medium parking space shall also be the maximum size. Forty percent of the parking spaces may be striped for any size, provided that when parking spaces are striped for large vehicles, the minimum required aisle width shall be as shown for medium vehicles.

c. Assisted ((H))living ((F))facilities. Parking spaces shall be provided as in subsections 23.54.030.B.1.a and B.1.b above, except that a minimum of two spaces shall be striped for a large vehicle.

d. Townhouse units. For an individual garage serving a townhouse unit, the minimum required size of a parking space shall be for a large car, as described in subsection 23.54.030.A.

2. Nonresidential ((U))uses and ((L))live-work ((U))units.

a. When ten or fewer parking spaces are provided, a maximum of 25 percent of the parking spaces may be striped for small vehicles. A minimum of 75 percent of the spaces shall be striped for large vehicles.

b. When between 11 and 19 parking spaces are provided, a minimum of 25 percent of the parking spaces shall be striped for small vehicles. The minimum required size for these small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

c. When 20 or more parking spaces are provided, a minimum of 35 percent of the parking spaces shall be striped for small vehicles. The minimum required size for small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

d. The minimum vehicle clearance shall be at least 6 feet 9 inches on at least one floor, and there shall be at least one direct entrance from the street that is at least 6 feet 9 inches in height for all parking garages accessory to nonresidential uses and live-work units and for all principal use parking garages.

D. Driveways. Driveway requirements for residential and nonresidential uses are described below. When a driveway is used for both residential and nonresidential parking, it shall meet the standards for nonresidential uses described in subsection 23.54.030.D.2.

1. Residential ((U))uses.

a. Driveway width. ((Driveways shall be at least 10 feet wide.)) Driveways less than 100 feet in length that serve 30 or fewer parking spaces shall be a minimum of 10 feet in width for one-way or two-way traffic. ((Driveways with a turning radius of more than 35 degrees shall conform to the minimum turning path radius shown in Exhibit B for 23.54.030.))

((b. Vehicles may back onto a street from a parking area serving five or fewer vehicles, provided that:

1) The street is not an arterial as defined in Section 11.18.010 of the Seattle Municipal Code;

2) The slope of a driveway shall be 15 percent on average, measured from high to low points. The ends of a driveway shall be adjusted to accommodate an appropriate crest and sag.

3) For one single family structure, the Director may waive the requirements of subsections 23.54.030.D.1.b.(1) and (2) above, and may modify the parking access standards based upon a safety analysis, addressing visibility, traffic volume and other relevant issues.

c. Driveways less than 100 feet in length that serve 30 or fewer parking spaces((,)) shall be a minimum of 10 feet in width for one-way or two-way traffic.

d. Except for driveways serving one single family dwelling, driveways more than 100 feet in length that serve 30 or fewer parking spaces shall either:

1) Be a minimum of 16 feet wide, tapered over a 20 foot distance to a 10 foot opening at the lot line; or

2) Provide a passing area at least 20 feet wide and 20 feet long. The passing area shall begin 20 feet from the lot line, with an appropriate taper to meet the 10 foot opening at the lot line. If a taper is provided at the other end of the passing area, it shall have a minimum length of 20 feet.

e. Driveways serving more than 30 parking spaces shall provide a minimum 10 foot wide driveway for one-way traffic or a minimum 20 foot wide driveway for two-way traffic.))

b. Except for driveways serving one single family dwelling unit, driveways more than 100 feet in length that serve 30 or fewer parking spaces shall either:

1) be a minimum of 16 feet wide, tapered over a 20 foot distance to a 10 foot opening at the lot line; or

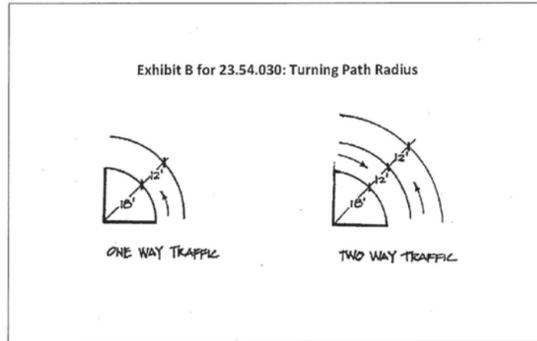
2) be a minimum of 10 feet wide and provide a passing area at least 20 feet wide and 20 feet long. The passing area shall begin 20 feet from the lot line, with an appropriate taper to meet the 10 foot opening at the lot line. If a taper is provided at the other end of the passing area, it shall have a minimum length of 20 feet.

c. Driveways of any length that serve more than 30 parking spaces shall be at least 10 feet wide for one-way traffic and at least 20 feet wide for two-way traffic.

d. Driveways for two attached rowhouse or townhouse units may be paired so that there is a single curb cut providing access. The maximum width of the paired driveway is 18 feet.

e. Driveways with a turning radius of more than 35 degrees shall conform to the minimum turning path radius shown in Exhibit B for 23.54.030.

Exhibit B for 23.54.030: Turning Path Radius



f. Vehicles may back onto a street from a parking area serving five or fewer vehicles, provided that either:

- 1) The street is not an arterial as defined in Section 11.18.010; or
2) For one single-family dwelling unit, the Director may permit

backing onto an arterial based on a safety analysis that addresses visibility, traffic volume, and other relevant issues.

((f))g. Nonconforming ((D))driveways. The number of parking spaces served by an existing driveway that does not meet the standards of this subsection 23.54.030.D.1 shall not be increased. This prohibition may be waived by the Director after consulting with the Director of the Seattle Department of Transportation, based on a safety analysis.

2. Nonresidential Uses.

a. Driveway Widths.

1) The minimum width of driveways for one way traffic shall be 12 feet and the maximum width shall be 15 feet.

2) The minimum width of driveways for two way traffic shall be 22 feet and the maximum width shall be 25 feet.

b. Driveways shall conform to the minimum turning path radius shown in Exhibit B for 23.54.030.

3. Driveway ((S))slope for all uses. No portion of a driveway, whether located on a lot or on a right-of-way, shall exceed a slope of ((20)) 15 percent, except as provided in this subsection 23.54.030.D.3. The maximum ((20)) 15 percent slope shall apply in relation to both the current grade of the right-of-way to which the driveway connects, and to the proposed finished grade of the right-of-way if it is different from the current grade. The ends of a driveway shall be adjusted to accommodate an appropriate crest and sag. The Director((, as a Type I decision,)) may permit a driveway slope of more than ((20)) 15 percent if it is found that:

a. The topography or other special characteristic of the lot makes a ((20)) 15 percent maximum driveway slope infeasible;

b. The additional amount of slope permitted is the least amount necessary to accommodate the conditions of the lot; and

c. The driveway is still useable as access to the lot.

F. Curb cuts. The number of permitted curb cuts is determined by whether the parking served by the curb cut is for residential or nonresidential use, and by the zone in which the use is located. If a curb cut is used for more than one use or for one or more live-work units, the requirements for the use with the largest curb cut requirements shall apply.

1. Residential uses.

a. Number of curb cuts.

1) For lots not located on a principal arterial designated on the Arterial street map, Section 11.18.010, curb cuts are permitted according to Table A for 23.54.030:

Table A for 23.54.030: Curb Cuts for Non-Arterial Street or Easement Frontage

Table with 2 columns: Street or Easement Frontage of the Lot, Number of Curb Cuts Permitted. Rows include 80 feet or less (1), Greater than 80 feet up to 160 feet (2), Greater than 160 feet up to 240 feet (3), Greater than 240 feet up to 320 feet (4).

2) For lots on principal arterials designated on the Arterial street map, Section 11.18.010, curb cuts are permitted according to Table B for 23.54.030:

Table B for 23.54.030: Curb Cuts for Principal Arterial Street Frontage

Table with 2 columns: Street or Easement Frontage of the Lot, Number of Curb Cuts Permitted. Rows include 160 feet or less (1), Greater than 160 feet up to 320 feet (2), Greater than 320 feet up to 480 (3).

3) On a lot that has both principal arterial and non-principal arterial street frontage, the total number of curb cuts on the principal arterial is calculated using only the length of the street lot line on the principal arterial.

4) If two adjoining lots share a common driveway, the combined frontage of the two lots will be considered as one in determining the maximum number of permitted curb cuts.

b. Curb cut width. Curb cuts shall not exceed a maximum width of 10 feet except that:

1) For lots on principal arterials designated on the Arterial street map, Section 11.18.010, the maximum curb cut width is 23 feet;

2) One curb cut greater than 10 feet but in no case greater than 20 feet in width may be substituted for each two curb cuts permitted by subsection 23.54.030.F.1.a; ((and))

((2))3) A greater width may be specifically permitted by the development standards in a zone; ((and))

((3))4) If subsection D of this Section 23.54.030 requires a driveway greater than 10 feet in width, the curb cut may be as wide as the required width of the driveway((,)) and

5) A curb cut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

((e. For lots on principal arterials designated on the Arterial street map, Section 11.18.010, curb cuts of a maximum width of 23 feet are permitted on the principal arterial according to Table B for 23.54.030:

Table B for 23.54.030: Curb Cuts for Principal Arterial Street Frontage

Table with 2 columns: Street or Easement Frontage of the Lot, Number of Curb Cuts Permitted. Rows include 160 feet or less (1), Greater than 160 feet up to 320 (2), Greater than 320 feet up to 480 (3).

1) For lots with street frontage in excess of 480 feet, the pattern established in Table B for 23.54.030 continues.

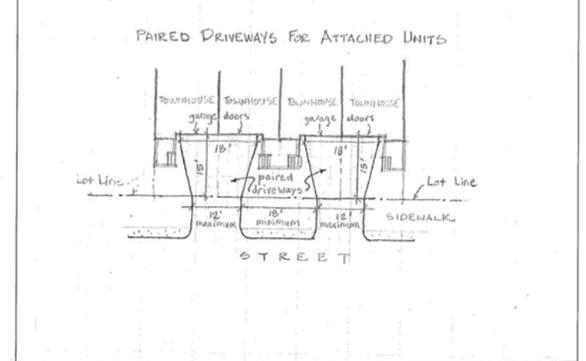
2) On a lot that has both principal arterial and non-principal arterial street frontage, the total number of curb cuts on the principal arterial is calculated using only the length of the street lot line on the principal arterial.))

((d)) e. Distance between curb cuts. ((There must be at least 30 feet))

1) The minimum distance between any two curb cuts located on a lot is 30 feet.

2) For rowhouse and townhouse developments located on more than one lot, the minimum distance between curb cuts is 18 feet (See Exhibit C for 23.54.030).

Exhibit D for Section 23.54.030



((e. A curb cut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

f. If two adjoining lots share a common driveway according to the provisions of Section 23.54.030.D.1, the combined frontage of the two lots will be considered as one in determining the maximum number of permitted curb cuts.))

2. Nonresidential uses in all zones except industrial zones.

a. Number of Curb cuts.

1) In RC zones and within Major Institution Overlay Districts, two-way curb cuts are permitted according to Table C for 23.54.030:

Table C for 23.54.030: Number of Curb Cuts in RC Zones and Major Institution Overlay Districts

Table with 2 columns: Street Frontage of the Lot, Number of Curb cuts Permitted. Rows include 80 feet or less (1), Greater than 80 feet up to 240 feet (2), Greater than 240 feet up to 360 feet (3), Greater than 360 feet up to 480 feet (4).

For lots with frontage in excess of 480 feet, one curb cut is permitted for every 120 feet of street frontage.

2) The Director may allow two one-way curb cuts to be substituted for one two-way curb cut, after determining, as a Type I decision, that there would not be a significant conflict with pedestrian traffic.

3) The Director shall, as a Type I decision, determine the number and location of curb cuts in C1, C2 and SM zones.

((3))4) In downtown zones, a maximum of two curb cuts for one way traffic at least 40 feet apart, or one curb cut for two way traffic, shall be permitted on each street front where access is permitted by Section 23.49.019.H. No curb cut shall be located within 40 feet of an intersection. These standards may be modified by the Director as a Type I decision on lots with steep slopes or other special conditions, to the minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

((4))5) For public schools, the Director shall permit, as a Type I decision, the minimum number of curb cuts that the Director determines is necessary.

((5))6) In NC zones, curb cuts shall be provided according to subsection 23.47.032.A, or, when 23.47A.032.A does not specify the maximum number of curb cuts, according to subsection 23.54.030F.2.a.1).

((6))7) For police and fire stations the Director shall permit the minimum number of curb cuts that the Director determines is necessary to provide adequate maneuverability for emergency vehicles and access to the lot for passenger vehicles.

b. Curb cut widths.

1) For one way traffic, the minimum width of curb cuts is 12 feet, and the maximum width is 15 feet.

2) For two way traffic, the minimum width of curb cuts is 22 feet, and the maximum width is 25 feet, except that the maximum width may be increased to 30 feet if truck and auto access are combined.

3) For public schools, the maximum width of a curb cut is 25 feet. Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

4) For fire and police stations, the Director may allow curb cuts up to, and no wider than, the minimum width necessary to provide access for official emergency vehicles that have limited maneuverability and that must rapidly respond to emergencies. Curb cuts for fire and police stations are considered curb cuts for two-way traffic

5) If one of the following conditions applies, the Director may require a curb cut of up to 30 feet in width, if it is found that a wider curb cut is necessary for safe access:

i. The abutting street has a single lane on the side that abuts the lot; or

ii. The curb lane abutting the lot is less than 11 feet wide; or

iii. The proposed development is located on an arterial with an average daily traffic volume of over 7,000 vehicles; or

iv. Off-street loading berths are required according to subsection G of Section 23.54.035.

c. The entrances to all garages accessory to nonresidential uses or live-work units and the entrances to all principal use parking garages shall be at least 6 feet 9 inches

- high.
3. All uses in industrial zones.
 - a. Number and location of curb cuts. The number and location of curb cuts will be determined by the Director.
 - b. Curb cut width. Curb cut width in Industrial zones shall be as follows:
 - 1) If the curb cut provides access to a parking area or structure, it must be a minimum of 15 feet wide and a maximum of 30 feet wide.
 - 2) If the curb cut provides access to a loading berth, the maximum width may be increased to 50 feet.
 - 3) Within the minimum and maximum widths established by this subsection 23.54.030.F.3, the Director shall determine the size of the curb cuts.
 4. Curb cuts for access easements.
 - a. If a lot is crossed by an access easement serving other lots, the curb cut serving the easement may be as wide as the easement roadway.
 - b. The curb cut serving an access easement shall not be counted against the number or amount of curb cuts permitted to a lot if the lot is not itself served by the easement.
 5. Curb cut flare. A flare with a maximum width of 2.5 feet is permitted on either side of curb cuts in any zone.
 6. Replacement of unused curb cuts. When a curb cut is no longer needed to provide access to a lot, the curb and any planting strip must be replaced.

G. Sight Triangle.

1. For exit-only driveways and easements, and two way driveways and easements less than 22 feet wide, a sight triangle on both sides of the driveway or easement shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk or curb intersection if there is no sidewalk, as depicted in Exhibit D for 23.54.030.

Exhibit ((D)) E for 23.54.030: Sight Triangle

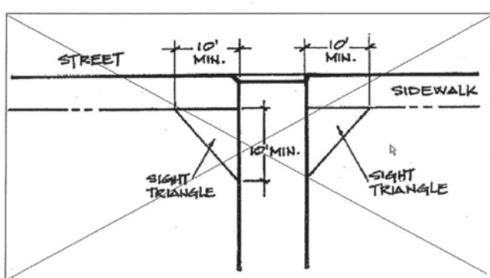
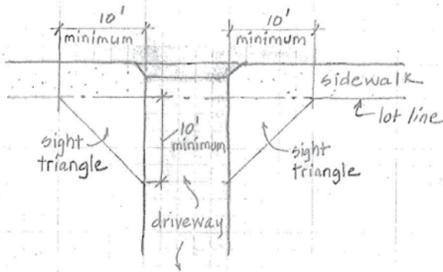


Exhibit E for 23.54.030: Sight Triangle



2. For two way driveways or easements 22 feet wide or more, a sight triangle on the side of the driveway used as an exit shall be provided, and shall be kept clear of any obstruction for a distance of 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk, or curb intersection if there is no sidewalk. The entrance and exit lanes shall be clearly identified.
3. The sight triangle shall also be kept clear of obstructions in the vertical spaces between 32 inches and 82 inches from the ground.
4. When the driveway or easement is less than 10 feet from the lot line, the sight triangle may be provided as follows:
 - a. An easement may be provided sufficient to maintain the sight triangle. The easement shall be recorded with the King County ((Department of Records and Elections)) Recorder; or
 - b. The driveway may be shared with a driveway on the neighboring lot; or
 - c. The driveway or easement may begin 5 feet from the lot line, as depicted in Exhibit E for 23.54.030.

Exhibit ((E)) F for 23.54.030: Sight Triangle Exception

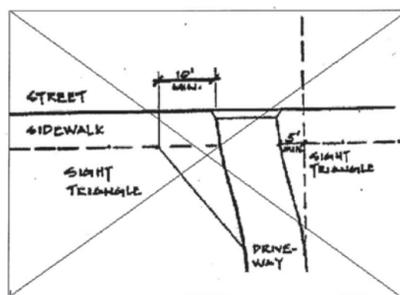
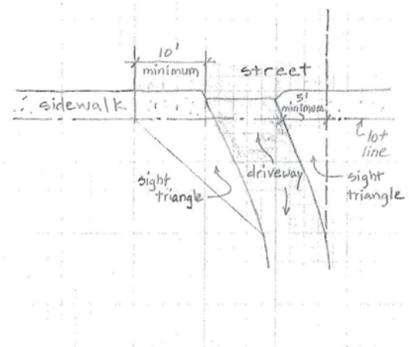


Exhibit F for 23.54.030: Sight Triangle Exception



5. An exception to the sight triangle requirement may be made for driveways serving lots containing only residential uses and fewer than three parking spaces, when providing the sight triangle would be impractical.
6. In all downtown zones, the sight triangle at a garage exit may be provided by mirrors and/or other approved safety measures.
7. Sight triangles shall not be required for one-way entrances into a parking garage or surface parking area.

Section 68. The Title of Chapter 23.54 of the Seattle Municipal Code, which Chapter was last amended by Ordinance 123209, is amended as follows:

Chapter 23.54 Quantity and Design Standards for Access, ((and))Off-Street Parking, and Solid Waste Storage

Section 69. A new Section 23.54.040 of the Seattle Municipal Code is added as follows:

23.54.040 Solid waste and recyclable materials storage and access

A. Except as provided in subsection I of this Section 23.54.040, in downtown, multifamily, and commercial zones, storage space for solid waste and recyclable materials containers shall be provided as shown in Table A for 23.54.040 for all new structures, and for existing structures to which two or more dwelling units are added.

1. Residential uses proposed to be located on separate platted lots, for which each dwelling unit will be billed separately for utilities, shall provide one storage area per dwelling unit that has minimum dimensions of 2 feet by 6 feet.
2. Residential development for which a home ownership association or other single entity exists or will exist as a sole source for utility billing may meet the requirement in subsection 23.54.040.A.1, or the requirement in Table A for 23.54.040.
3. Nonresidential development shall meet the requirement in Table A for 23.54.040.

Table A for 23.54.040: Shared Storage Space for Solid Waste Containers	
Residential Development	Minimum Area for Shared Storage Space
2-8 dwelling units	84 square feet
9-15 dwelling units	150 square feet
16-25 dwelling units	225 square feet
26-50 dwelling units	375 square feet
51-100 dwelling units	375 square feet plus 4 square feet for each additional unit above 50
More than 100 dwelling units	575 square feet plus 4 square feet for each additional unit above 100, except as permitted in subsection 23.54.040.C
Nonresidential Development (Based on gross floor area of all structures on the lot)	Minimum Area for Shared Storage Space
0--5,000 square feet	82 square feet
5,001--15,000 square feet	125 square feet
15,001--50,000 square feet	175 square feet
50,001--100,000 square feet	225 square feet
100,001--200,000 square feet	275 square feet
200,001 plus square feet	500 square feet
Mixed use development that contains both residential and nonresidential uses, shall meet the requirements of subsection 23.54.040.B.	

B. Mixed use development that contains both residential and nonresidential uses shall meet the storage space requirements shown in Table A for 23.54.040 for residential development, plus 50 percent of the requirement for nonresidential development. In mixed use developments, storage space for garbage may be shared between residential and nonresidential uses, but separate spaces for recycling shall be provided.

C. For development with more than 100 dwelling units, the required minimum area for storage space may be reduced by 15 percent, if the area provided as storage space has a minimum horizontal dimension of 20 feet.

D. The storage space required by Table A for 23.54.040 shall meet the following requirements:

1. For developments with 8 or fewer dwelling units, the minimum horizontal dimension (width and depth) for required storage space is 7 feet. For developments with 9 dwelling units or more, the minimum horizontal dimension of required storage space is 12 feet;
2. The floor of the storage space shall be level and hard-surfaced, and the floor beneath garbage or recycling compactors shall be made of concrete; and
3. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

E. The location of all storage spaces shall meet the following requirements:

1. The storage space shall be located on the lot of the structure it serves and, if located outdoors, shall not be located between a street-facing facade of the structure and the street;
2. The storage space shall not be located in any required driveways, parking aisles, or parking spaces;
3. The storage space shall not block or impede any fire exits, any public rights-of-way, or any pedestrian or vehicular access;
4. The storage space shall be located to minimize noise and odor impacts on building occupants and beyond the lot lines of the lot;
5. The storage space shall meet the contractor safety standards promulgated by the Director of Seattle Public Utilities; and
6. The storage space shall not be used for purposes other than solid waste and recyclable materials storage and access.

F. Access for service providers to the storage space from the collection location shall meet the following requirements:

1. For containers 2 cubic yards or smaller:
 - a. Containers to be manually pulled shall be placed no more than 50 feet from a curb cut or collection location;
 - b. Collection location shall not be within a bus stop or within the right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;
 - c. Access ramps to the storage space shall not exceed a grade of 6 percent; and
 - d. Any gates or access routes for trucks shall be a minimum of 10 feet wide.
2. For containers larger than 2 cubic yards and all compacted refuse containers:
 - a. Direct access shall be provided from the alley or street to the containers;
 - b. Any gates or access routes for trucks shall be a minimum of 10 feet wide;
 - c. Collection location shall not be within a bus stop or within the street right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

d. If accessed directly by a collection vehicle, whether into a structure or otherwise, a 21 foot overhead clearance shall be provided.

G. Access for occupants to the storage space from the collection location shall meet the following requirements:

1. Direct access shall be provided from the alley or street to the containers;
2. A pick-up location within 50 feet of a curb cut or collection location shall be designated that minimizes any blockage of pedestrian movement along a sidewalk or other right-of-way;
3. If a planting strip is designated as a pick-up location, any required landscaping shall be designed to accommodate the solid waste and recyclable containers within this area.

H. The solid waste and recyclable materials storage space, access and pick-up specifications required in this Section 23.54.040, including the number and sizes of containers, shall be included on the plans submitted with the permit application for any development subject to the requirements of this Section 23.54.040.

I. The Director, in consultation with the Director of Seattle Public Utilities, has the discretion to grant departures from the requirements of this Section 23.54.040 if the applicant proposes alternative, workable measures that meet the intent of this Section 23.54.040 and if either:

1. The applicant can demonstrate difficulty in meeting any of the requirements of this Section 23.54.040; or
2. The applicant proposes to construct or expand a structure, and the requirements of this Section 23.54.040 conflict with opportunities to increase residential densities and/or retain ground-level retail uses.

Section 70. Subsection C.1 of Section 23.57.011, which section was last amended by Ordinance 123209, is amended as follows:

23.57.011 Lowrise, Midrise and Highrise zones((c))

C. Development ((S))standards.

1. Location. Minor communication utilities and accessory communication devices regulated pursuant to Section 23.57.002 and amateur radio towers:

- a. Are prohibited in a required front or side setback.
- b. May be located in a required rear setback, except for transmission towers.

c. In all Lowrise, Midrise and Highrise zones, minor communication utilities and accessory communication devices may be located on rooftops of buildings, including sides of parapets and penthouses above the roofline. Rooftop space within the following parameters shall not count toward meeting open space or ((residential)) amenity area requirements: the area 8 feet from and in front of a directional antenna and at least 2 feet from the back of a directional antenna, or, for an omnidirectional antenna, 8 feet away from the antenna in all directions. The Seattle-King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

Section 71. Subsection C.1 of Section 23.57.012, which section was last amended by Ordinance 122311, is amended as follows:

23.57.012 Commercial zones((c))

C. Development ((S))standards.

1. Location and ((H))height. Facilities in special review, historic, and landmark districts are subject to the standards of Section 23.57.014. On sites that are not in special review, historic, or landmark districts, antennas may be located on the rooftops of buildings, including sides of parapets and equipment penthouses above the roofline, subject to the height limits in ((Paragraphs)) subsections 23.57.012.C.1.a and C.1.b, as limited by ((Paragraph)) subsection 23.57.012.C.1.c. below:

a. Utilities and devices located on a rooftop of a building nonconforming as to height may extend up to ((fifteen-))15((o)) feet above the height of the building legally existing as of the effective date of Ordinance 120928.¹

b. Utilities and devices located on a rooftop of a building that conforms to the height limit may extend up to ((fifteen-))15((o)) feet above the zone height limit or above the highest portion of a building, whichever is less.

c. Any height above the underlying zone height limit permitted under subsections 23.57.012.C.1.a and C.1.b, shall be allowed only if the combined total coverage by communication utilities and accessory communication devices, in addition to the roof area occupied by rooftop features listed in Section 23.47A.012.D.4, does not exceed ((twenty)) 20 percent ((20%)) of the total rooftop area, or ((twenty-five)) 25 percent ((25%)) of the rooftop area ((when)) if mechanical equipment is screened.

d. The following rooftop areas shall not be counted towards ((residential)) amenity area requirements:

((#))1 The area ((eight-))8((o)) feet from and in front of a directional antenna and the area ((two-))2((o)) feet from and in back of a directional antenna.

((#))2 The area within ((eight-))8((o)) feet in any direction from an omnidirectional antenna.

((#))3 Such other areas in the vicinity of paging facilities as determined by the Seattle-King County Health Department after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

Section 72. Subsection B of Section 23.71.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.71.012 Special ((L))landscaped ((A))arterials((c))

B. ((When)) If an owner proposes substantial development on lots abutting special landscaped arterials, the owner shall provide the following:

1. Street trees meeting standards established by the Director of Seattle Department of Transportation((c)),
2. A ((six-))6((o)) foot planting strip and ((six-))6((o)) foot sidewalk if the lot is zoned SF, ((LDT)) LR1, or LR2((c)),
3. A ((six-))6((o)) foot planting strip and a ((six-))6((o)) foot sidewalk, or, at the owner's option, a ((twelve-))12((o)) foot sidewalk without a planting strip, if the lot is zoned

NC2, NC3, RC, ((L4)) LR3, or MR((s)).

4. Pedestrian improvements, as determined by the Director of the Seattle

Department of Transportation, such as, but not limited to special pavers, lighting, benches and planting boxes.

Section 73. Subsection B of Section 23.71.030, which section was enacted by Ordinance 116795, is amended as follows:

23.71.030 Development standards for transition areas within the Northgate Overlay

District((s))

B. The requirements of this ((section)) Section 23.71.030 apply to development on lots in the more intensive zones under the following conditions:

1. Where a lot zoned ((Lowrise 4(L4))) Lowrise 3, (LR3), Midrise (MR),

Midrise/85 (MR/85) or Highrise (HR) abuts or is across a street or alley from a lot zoned Single-Family (SF), ((Lowrise Duplex-Triplex(LDT))) Lowrise 1 (LR1), or Lowrise 2 (LR2); and

2. Where a lot zoned Neighborhood Commercial 2 or 3 (NC2, NC3) with a height

limit of ((forty-)40((f))) feet or greater abuts or is across a street or alley from a lot zoned Single-Family (SF), ((Lowrise Duplex-Triplex(LDT))) Lowrise 1 (LR1), or Lowrise 2 (LR2).

Section 74. Section 23.71.036 of the Seattle Municipal Code, which section was enacted by Ordinance 116795, is amended as follows:

23.71.036 Maximum width and depth of structures((s))

The maximum width and depth requirements of this ((section)) Section 23.71.036 shall apply only to portions of a structure within ((fifty-)50((f))) feet of a lot line abutting, or directly across a street right-of-way ((which)) that is less than ((eighty-)80((f))) feet in width, from a less intensive residential zone as provided in Table A for 23.71.036((A)).

Table A for 23.71.036((A)); Structure Width and Depth Standards for Transition Areas

Table with 4 columns: Subject ((Site))Lot, Abutting Residential zone (or) zone across a street right-of-way less than ((eighty)80((f))) feet in width, Maximum Width, Maximum Depth. Rows include ((L4)) LR3, MR, MR/85, and HR; NC2 and NC3 ((w/)) with 40 ((feet)) foot or greater height limits ((in-width));

Section 75. Subsection A of Section 23.76.004, and Exhibit 23.76.004 A of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended to read as follows:

23.76.004 Land use decision framework((s))

A. Land use decisions are classified into five ((5)) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five ((5)) different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in ((Exhibit A)) Table A for 23.76.004.

Table with 3 columns: TYPE I Director's Decision (No Administrative Appeal), TYPE II Director's Decision (Appealable to Hearing Examiner*), TYPE III HEARING Examiner's Decision (No Administrative Appeal). Rows describe various decision types and their criteria.

Table with 3 columns: TYPE I Director's Decision (No Administrative Appeal), TYPE II Director's Decision (Appealable to Hearing Examiner*), TYPE III HEARING Examiner's Decision (No Administrative Appeal). Rows describe various decision types and their criteria.

Section 76. Subsections B and C of Section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance 122824, are amended to read as follows:

23.76.006 Master Use Permits required((s))

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, temporary uses for

four weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for 24 months or less;

3. The following street use approvals associated with a development proposal:

- a. Curb cut for access to parking((s));
b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving((s));
c. Structural building overhangs((s));
d. Areaways;

4. Lot boundary adjustments;

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

- a. Plazas((s));
b. Shopping plazas((s));
c. Arcades((s));
d. Shopping arcades((s));
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 Section 23.55.042D;

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

9. Special accommodation pursuant to Section 23.44.015;

10. Reasonable accommodation;

11. Minor amendment to Major Phased Development Permit;

12. Determination of public benefit for combined lot development;

13. Streamlined design review pursuant to Section 23.41.018, if no development standard departures are requested pursuant to Section 23.41.012; and

((13))14. Other Type I decisions that are identified as such in the Land Use Code.

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, Environmental Policies and Procedures):

- a. Determinations of Nonsignificance (DNSs), including mitigated DNSs;
b. Determination that a final environmental impact statement (EIS) is adequate; and
c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations, which are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040.F((E)), but excepting temporary relocation of police and fire stations for 24 months or less;

- b. Short subdivisions;
c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;
d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;
e. Design review, including streamlined design review pursuant to Section 23.41.018 if development standard departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses; provided that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

- ((f))1) Shoreline substantial development permits,
((f))2) Shoreline variances,
((f))3) Shoreline conditional uses;

h. Major Phased Development;

i. Determination of project consistency with a planned action ordinance and EIS;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

k. Establishment of monorail transit facilities necessary to operate and maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and Section 15.54.020; and

l. Downtown planned community developments.

Section 77. Section 23.76.011 of the Seattle Municipal Code, which Section was last amended by Ordinance 122054, is amended as follows:

23.76.011 Notice of ((early)) design guidance and planned community development process((s))

A. The Director shall provide the following notice for the required early design guidance process or streamlined administrative design review (SDR) guidance process for design review projects subject to any of Sections 23.41.014, 23.41.016, and 23.41.018, and for the preparation of priorities for planned community developments:

- 1. Publication of notice in the Land Use Information Bulletin; and
2. Mailed notice; and

B. The applicant shall post one ((H)) land use sign visible to the public at each street frontage abutting the site except ((-when)) that if there is no street frontage or the site abuts an

unimproved street, the Director shall require either more than one ((H)) sign and/or an alternative posting location so that notice is clearly visible to the public.

C. For the required meeting for the preparation of priorities for a planned community development, and for a public meeting required for early design guidance, the time, date, location and purpose of the meeting shall be included with the mailed notice.

D. The land use sign may be removed by the applicant the day after the public meeting.

Section 78. Subsection B of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.76.012 Notice of application((s))

B. Types of ((N))notice ((R))required.

1. For projects subject to environmental review, or design review ((-except administrative design review)) pursuant to Section 23.41.014, the department shall direct the installation of an environmental review sign on the site, unless an exemption or alternative posting as set forth in this subsection 23.76.012.B is applicable. The environmental review sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall be removed at the direction of the department after final City action on the application has been completed.

a. In the case of submerged land, the environmental review sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection 23.76.012.B.1.c.

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical area, are exempt from the environmental review sign requirement.

c. When use of an environmental review sign is neither feasible nor practicable to assure that notice is clearly visible to the public, the Director shall post ten ((H)) placards within ((three-hundred-)300((f))) feet of the site and at the closest street intersections when one ((H)) or more of the following conditions exist:

- (1) The project site is over ((five-)5((f))) acres;
(2) The applicant is not the property owner, and the property owner does not consent to the proposal;

(3) The site is subject to physical characteristics such as steep slopes or is located such that the environmental review sign would not be highly visible to neighboring residents and property owners or interested citizens.

d. The Director may require both an environmental review sign and the alternative posting measures described in subsection 23.76.012.B.1.c, or may require that more than one ((H)) environmental review sign be posted, when necessary to assure that notice is clearly visible to the public.

2. For projects that are categorically exempt from environmental review, the department shall post one ((H)) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director may post more than one ((H)) sign and/or an alternative posting location so that notice is clearly visible to the public. The land use sign may be removed by the applicant within ((fourteen-)14((f))) days after final action on the application has been completed.

3. For all projects requiring notice of application, the Director shall provide notice in the Land Use Information Bulletin. For projects subject to the environmental review, notice in the Land Use Information Bulletin shall be published after installation of the environmental review sign.

4. In addition, for variances, administrative conditional uses, temporary uses for more than ((four-)4((f))) weeks, shoreline variances, shoreline conditional uses, short plats, early design guidance process, School Use Advisory Committee (SUAC) formation and school development standard departure, the Director shall provide mailed notice.

5. Mailed notice of application for a project subject to design review, ((or administrative design review)) except streamlined design review pursuant to Section 23.41.018 for which no development standard departure pursuant to Section 23.41.012 is requested, shall be provided to all persons establishing themselves as parties of record by attending an early design guidance public meeting for the project or by corresponding with the Department about the proposed project before the date of publication.

6. Additional notice for subdivisions shall include mailed notice and publication in at least one ((H)) community newspaper in the area affected by the subdivision.

Section 79. Section 23.76.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 122611, is amended as follows:

23.76.026 Vesting ((of-development-rights))

A. Master Use Permit ((C))components ((G))other ((F))than ((S))subdivisions and ((S))short ((S))subdivisions. Except as otherwise provided in this Section 23.76.026 or otherwise required by law, ((A))applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date:

1. Notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or the Director's decision if no Hearing Examiner appeal is available; or

2. A fully complete building permit application, ((meeting-the-requirements-of)) as determined under Section 106 of the Seattle Building Code or Section R105 of the Seattle Residential Code, is filed.

B. Subdivision and ((S))short ((S))subdivision ((C))components of Master Use Permits. An application for approval of a subdivision or short subdivision of land shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete ((Master-Use-Permit)) application for such approval that satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

C. Design ((R))review ((C))component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, no design review component ((shall-be)) is required.

2. A complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the ((design-review)) early design guidance

process or SDR guidance process is submitted to the Director, provided that such Master Use Permit application is filed within ((ninety-0)90(0)) days of the date of the early design guidance public meeting if an early design guidance public meeting is required, or within 90 days of the date the Director provided guidance if no early design guidance public meeting is required.

D. ((Notwithstanding any other provision of this section or this chapter, no application for a permit for development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section 25.09.020 B1a, shall vest during the term of the ordinance codified in this section unless the Director permits the work pursuant to subsections A, B, C, D, or E of Section 25.09.010.)) (RESERVED)

E. ((Notwithstanding any other provision of this section or this chapter, all development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section 25.09.020 B1a, shall have its vested rights suspended as follows during the term of the ordinance codified in this section:

- 1. No notice of the Director's decision on an application for a Master Use Permit shall be published unless the Director is satisfied that no significant changes in conditions at the site or surrounding area have occurred that render invalid or out of date the analysis and recommendations contained in the technical reports and other application materials previously submitted to DPD as part of the application for the Master Use Permit;
2. No building permit shall issue; and
3. No approval of the foundation and site of a building or structure, as required by Section 108.5.2 of the Seattle Building Code, shall be granted. This suspension of vested rights shall not apply to the extent that development is permitted by the Director pursuant to subsections A, B, C, D, or E of Section 25.09.010.)) (RESERVED)

F. Applicants whose applications vest after the effective date of the ordinance introduced as Council Bill 117014, but prior to the expiration of 180 days after the effective date of that ordinance, may elect to have Section 23.86.006, Structure height, as it existed prior to the effective date of that ordinance applied to their application. The applicant shall make the election in writing and file it with the Director prior to the expiration of the 180 day period.

Section 80. Subsection B of Section 23.76.040 of the Seattle Municipal Code, which section was last amended by Ordinance 122497, is amended as follows:

23.76.040 Applications for Council land use decisions((0))

B. All applications for Council land use decisions shall be made to the Director on a form provided by the Department. ((The Director shall:))

1. ((for)) For Council land use decisions that do not include a design review component and are not applications for Major Institution Master Plans, the Director shall transmit notice of the application to the City Clerk for filing with the City Council promptly after the application is first submitted.

2. ((for)) For Council land use decisions that include a design review component the Director shall:

- a. For applications subject to design review by the Design Review Board, transmit notice of the early design guidance public meeting to the City Clerk for filing with the City Council promptly at the same time public notice is provided.
b. For applications subject to ((administrative)) design review pursuant to Sections 23.41.016 or 23.41.018, transmit notice of the application to the City Clerk for filing with the City Council promptly after the applicant applies to begin the early design guidance or SDR design guidance process.
3. ((for)) For applications for Major Institution Master Plans, the Director shall transmit the notice of intent to prepare a master plan to the City Clerk for filing with the City Council promptly after the notice of intent is received.

Section 81. Section 23.84A.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended to add definitions, to be inserted in alphabetical order, and to amend a definition, as follows:

23.84A.002 "A"

"Amenity area" means space that provides opportunity for active or passive recreational activity for residents of a development or structure, including landscaped open spaces, decks and balconies, roof gardens, plazas, courtyards, play areas, and sport courts.

"Amenity area, common" means amenity area that is available for use by all occupants of a residential use.

"Amenity area, private " means amenity area that is intended to be used only by the occupants of one dwelling unit.

"Apartment" ((means a multi-family structure in which one (1) or more of the dwelling units is not ground-related)) See "Residential use".

"Assisted living unit" is a dwelling unit in an assisted living facility that meets the size and physical requirements required by WAC 388-110-140.

Section 82. Section 23.84A.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended to add definitions, to be inserted in alphabetical order, to delete a definition, and to amend a definition, as follows:

23.84A.006 "C"

"Carriage house" means a dwelling unit in a carriage house structure.

"Carriage house structure" means a structure within a cottage housing development, in which one or more dwelling units are located on the story above an enclosed parking garage at ground level that either abuts an alley and has vehicle access from that alley, or is located on a corner lot and has access to the parking in the structure from a driveway that abuts and runs parallel to the rear lot line of the lot. See also "Carriage house".

(("Cluster development" means a development containing two (2) or more principal structures on one (1) lot, except that a cottage housing development is not considered a cluster development. In Highrise zones, two (2) or more towers on one (1) base structure will be considered a cluster development.))

"Cottage" means a single-family dwelling unit located in a cottage housing development.

"Cottage housing development". See "Residential use". ((means a development consisting of at least four (4) cottages that are single-family dwelling units arranged on at least two (2) sides of a common open space with a maximum of twelve (12) cottages per development.))

Section 83. Section 23.84A.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122411, is amended to delete a definition as follows:

23.84A.010 "E"

(("Elevated walkway" means a pedestrian walkway connecting structures within a cluster development and located above existing grade.))

Section 84. Section 23.84A.012 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended to add a definition, to be inserted in alphabetical order, to delete a definition, and to amend two definitions, as follows:

23.84A.012 "F"

"Facade, interior" means any facade of a structure ((within a cluster development.)) that faces, or portions of which face, the facade(s) of another structure(s) ((within the same development)) located on the same lot.

(("Façade, perimeter" means any facade of a structure within a cluster development, that is either a front, rear or side facade.))

"Facade, street-facing" means for any street lot line, all portions of the facade, measured from grade to the eaves of a sloping roof, or to the top of the parapet on a flat roof, ((including modulations.)) that are:

- 1. oriented at less than a ((ninety-0)90(0)) degree angle to the street lot line; and
2. not separated from the street lot line by another lot, or any structure except a fence, ramp, solar collector, or sign ((or another lot)).

"Frequent transit service." See "Transit service, frequent."

Section 85. Section 23.84A.014 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended to delete two definitions as follows:

23.84A.014 "G"

(("Ground-related dwelling unit" means a dwelling unit with direct access to private ground-level usable open space. The open space may be located at the front, sides or rear of the structure, and not more than ten (10) feet above or below the unit. Access to the open space shall not go through or over common circulation areas, common or public open spaces, or the open space of another unit.

"Ground-related structure" means a structure containing only ground-related dwelling units.))

Section 86. Section 23.84A.024 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended to add a definition as follows:

23.84A.024 "L"

"Lot grade, existing" means the natural surface contour of a lot, as modified by minor adjustments to the surface of the lot in preparation for construction. For purposes of this definition, on a lot where excavation has occurred for previous development, the interpolated grade based on existing grade elevations at the lot lines may be considered the natural surface contour of the lot. Where an area in excess of two acres has been legally regraded, the resulting grade shall be considered the existing lot grade.

"Lot line, alley" means a lot line that abuts upon an alley.

Section 87. Section 23.84A.025 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended, as follows:

Section 23.84A.025 "M"

"Multifamily residential structure((0))" ((See "Residential use.)) means a structure containing only multifamily residential uses and permitted uses accessory to the multifamily residential uses.

Section 88. Section 23.84A.032 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended to delete definitions, amend definitions, and add new definitions, to be inserted in alphabetical order, as follows:

23.84A.032 "R."

(("Residential amenity" means an area that provides opportunity for recreational activity for residents of a development or structure.))

"Residential district identification sign" means an off-premises sign that gives the name of the group of residential structures, such as a subdivision ((or cluster development)).

"Residential use" means any one or more of the following:

- 1. "Accessory dwelling unit" means ((a residential use in an additional room or set of)) one or more rooms that (a) are located within an owner-occupied ((single-family residence)) dwelling unit, or within an accessory structure on the same lot as an owner-occupied ((single-family residence)) dwelling unit; ((b)) ((meeting)) meet the standards of Section 23.44.041 or 23.45.545; ((and)) (c) are designed, arranged, and ((occupied or)) intended to be occupied by not more than one household as living accommodations independent from any other household; and (d) are so occupied or vacant.
2. "Adult family home" means ((a residential use as)) an adult family home defined and licensed as such by The State of Washington in a dwelling unit.
3. "Apartment" means a multifamily residential use that is not a cottage housing

development, rowhouse development, or townhouse development.

((3))4. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

((4))5. "Assisted living facility" means a use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, that contains at least two assisted living units for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. ((An "assisted living facility" contains multiple assisted living units. An assisted living unit is a dwelling unit permitted only in an assisted living facility.)) See "Assisted living unit."

((5))6. "Caretaker's quarters" means a use accessory to a nonresidential use consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a caretaker or watchperson.

((6. "Carriage House" means a residential use in a carriage house structure.))

((7))7. "Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family ((residences)) dwelling units for which special or reasonable accommodation has been granted.

8. "Cottage housing development" means a use consisting of cottages arranged on at least two sides of a common open space or a common amenity area. A cottage housing development may include a carriage house structure. See "Cottage," "Carriage house," and "Carriage house structure."

((8))9. "Detached accessory dwelling unit" means ((a residential use in an additional room or set of rooms located within an accessory structure on the same lot as an owner-occupied single-family residence meeting the standards of Section 23.44.041 and designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household)) an accessory dwelling unit in an accessory structure.

((9))10. "Domestic violence shelter" means a dwelling unit managed by a nonprofit organization, which unit provides housing at a confidential location and support services for victims of ((family)) domestic violence.

((10))11. "Floating home" means a dwelling unit constructed on a float that is moored, anchored or otherwise secured in the water.

((11))12. "Mobile home park" means ((a use in which)) a tract of land that is rented for the use of more than one mobile home occupied as a dwelling unit.

((12))13. "Multifamily residential use" means a use consisting of two or more dwelling units in a structure or ((that)) portion of a structure ((containing two or more dwelling units)), excluding ((single-family residences and)) accessory dwelling units.

((13))14. "Multifamily residential use, low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act and who constitute a low-income household.

((14))15. "Multifamily residential use, low-income elderly" means a residential use in which at least 90 percent of the dwelling units are occupied by one or more persons ((sixty-two)) 62 or more years of age who constitute a low-income household.

((15))16. "Multifamily residential use, low-income elderly/low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units (not including vacant units) are occupied by a low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendment Act or a person ((sixty-two)) 62 years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

((16. "Multifamily residential use, very low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendment Act and who constitute a very low-income household."

17. "Multifamily residential use, very low-income elderly" means a residential use in which at least 90 percent of the dwelling units are occupied by one or more persons sixty-two or more years of age who constitute a very low-income household.

18. "Multifamily residential use, very low-income elderly/very low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units (not including vacant units) are occupied by a very low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendments Act or a person sixty-two years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.))

((19))17. "Nursing home" means a ((residence, licensed by the state.)) use licensed by The State of Washington as a nursing home, which provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or sanitariums.

19. "Rowhouse Development" means a multifamily residential use in which: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit occupies space above or below another dwelling unit, except for dwelling units constructed over a shared parking garage; (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line; (d) the front of each dwelling unit faces a street; (e) each dwelling unit provides pedestrian access directly to the street that it faces; and (f) there is no intervening principal structure between any dwelling unit and the street, or between any dwelling unit and a lot line.

((20))20. "Single-family ((residence)) dwelling unit" means ((a residential use in)) a detached structure having a permanent foundation, containing one dwelling unit, except that the ((The)) structure may also contain an accessory dwelling unit where expressly authorized pursuant to this ((title)) Title 23. A detached accessory dwelling unit is not considered a single-family ((residence)) dwelling unit for purposes of this ((chapter)) Chapter 23.84A.

21. "Townhouse Development" means a multifamily residential use that is not a rowhouse development, and in which: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit occupies space above or below another dwelling unit, except for dwelling units constructed over a shared parking garage; and (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line.

"Rowhouse development." See "Residential use."

"Rowhouse unit" means a dwelling unit in a rowhouse development.

Section 89. Section 23.84A.036 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended to add a definition, to be inserted in alphabetical order, as follows:

Section 23.84A.036 "S"

"Structure, multifamily residential." See "Multifamily residential structure."

Section 90. Section 23.84A.038 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended to add definitions, to be inserted in alphabetical order, delete definitions, and amend definitions, as follows:

23.84A.038 "T"

"Tandem houses" means two ((2)) unattached ((ground-related)) single-family dwelling units occupying the same lot.

((("Terraced housing" means a multi-family structure located on a sloping site in which a series of flat rooftops at different heights function as open space for abutting units.))

"Townhouse" ((means a form of ground-related housing in which individual dwelling units are attached along at least one (1) common wall to at least one (1) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.)) See "Residential use."

"Townhouse unit" means a dwelling unit in a townhouse development.

"Transit service, frequent" means transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and 30 minutes or less for at least 18 hours every day.

Section 91. Section 23.84A.040 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.84A.040 "U."

"Underground" means entirely below the surface of the earth, measured from existing or finished grade, whichever is lower, excluding access.

Section 92. Section 23.84A.044 of the Seattle Municipal Code, which section was last amended by Ordinance 123021, is amended to add a new definition to be inserted in alphabetical order, as follows:

23.84A.044 "W"

"Woonerf" means a common space shared by pedestrians, bicyclists and vehicles, used for vehicular access, in which amenities such as trees, planters, and seating serve to impede vehicular movement and provide opportunities for outdoor use by occupants of abutting structures. A woonerf is intended and designed to prioritize pedestrian movement and safety, through features such as pavers and pervious ground surfaces that slow vehicular movement.

Section 93. Section 23.84A.048 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.84A.048 "Z"

"Zone, lowrise" means a zone with a classification that includes any of the following: ((Lowrise Duplex/Triplex)) Lowrise 1, Lowrise 2, or Lowrise 3 ((and Lowrise 4 multifamily residential zones)), which classification also may include one or more suffixes.

"Zone, multifamily" means a zone with a classification that includes any of the following: ((Lowrise Duplex/Triplex (LDT))) Lowrise 1 (LR1), Lowrise 2 (LR2), Lowrise 3 (LR3), ((Lowrise 4 (L4))) Midrise (MR), Midrise/85 (MR/85), or Highrise (HR), which classification also may include one or more suffixes.

"Zone, residential" means a zone with a classification that includes any of the following: SF9600, SF7200, SF5000, RSL, ((LDT, L1, L2, L3, L4)) LR1, LR2, LR3, MR, HR, RC, DMR, and IDR, which classification also may include one or more suffixes, but not including any zone with an RC designation.

Section 94. The title of Section 23.86.006 of the Seattle Municipal Code, and subsections A and D of Section 23.86.006, which section was last amended by Ordinance 123206, are amended as follows:

23.86.006 Structure height measurement

A. ((Height measurement technique in)) In all zones except downtown zones and zones within the South Lake Union ((Hub Urban Village)) Urban Center, and except for the Living Building Pilot Program authorized by Section 23.40.060((c)), unless otherwise specified, the height of structures shall be measured according to this subsection 23.86.006.A.

1. General rule. Except as otherwise specified, the height of a structure is the difference between the elevation of the highest point of the structure not excepted from applicable height limits and the average grade level. In this subsection 23.86.006.A, "average grade level" means the average of the elevation of existing lot grades at the midpoints, measured horizontally, of each exterior walls of the structure, except as provided in subsection 23.86.006.A.2.

2. Height measurement on sloping lots.

a. The calculation of structure height in subsection 23.86.006.A.1 may be modified, at the discretion of the applicant, on sloping lots for which the elevation at the higher corner of at least one exterior wall is at least 20 feet higher than the elevation at the lower corner of that wall.

b. If the condition of subsection 23.86.006.A.2.a is satisfied, then the height measurement method may be modified as follows:

1) Draw the smallest rectangle that encloses the principal structure.

2) Divide one side of the rectangle into equal segments at least 15 feet in length.

3) The lines used to divide the length of the structure into individual segments shall be perpendicular to the side of the rectangle used to determine the difference in elevation in subsection 23.86.006.A.2.a and extend as a vertical plane from the ground to the sky.

4) The maximum height for each segmented portion of the structure shall be measured from the average grade level for each segmented portion of the structure, which shall be calculated as the average elevation of existing lot grades at the midpoints of the two opposing exterior walls of each segmented portion of the structure.

((1-The height shall be measured at the exterior walls of the structure.

Measurement shall be taken at each exterior wall from the existing or finished grade, whichever is lower, up to a plane essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plane above it shall not exceed the maximum height of the zone.

2-When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical plane as a lower portion, it must be set back from the lower portion a distance equal to two (2) times the difference between existing and finished grade on the lower portion of the wall (Exhibit 23.86.006.A1).

3-Depressions such as window wells, stairwells for exits required by other codes, "barrier-free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent (50%) of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grade on either side of the depression.

4-No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plane of the maximum height limit.

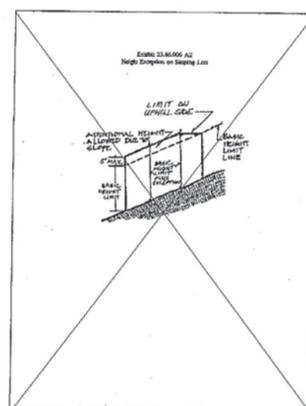
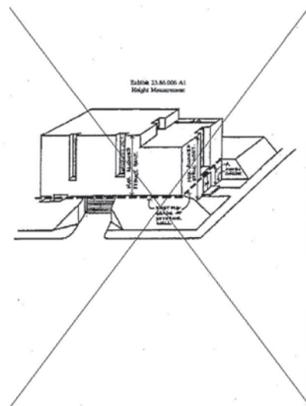
5-Underground portions of structures are not included in height calculations. The height of structures shall be calculated from the point at which the sides meet the surface of the ground.))

((D-Additional Height on Sloped Lots:

1-In certain zones, additional height shall be permitted on sloped lots at the rate of one foot (1') for each six percent (6%) of slope. For the purpose of this provision, the slope shall be measured from the exterior wall with the greatest average elevation at existing grade, to the exterior wall with the lowest average elevation at existing grade. The slope shall be the difference between the existing grade average elevations of the two (2) walls, expressed as a percentage of the horizontal distance between the two (2) walls.

2-This additional height shall be permitted on any wall of the structure, provided that on the uphill side(s) of the structure, the height of the wall(s) shall be no greater than the height limit of the zone (Exhibit 23.86.006.A2).

3-Structures on sloped lots shall also be eligible for the pitched roof provisions applicable in the zone.))



Section 95. Section 23.86.007 of the Seattle Municipal Code, which section was last amended by Ordinance 115326, is amended as follows:

23.86.007 Gross floor area and floor area ratio measurement((c))

A. Certain items may be exempted from calculation of gross floor area of a structure. ((When)) Except as otherwise expressly provided in this Title 23, if gross floor area of underground stories or portions of stories ((below grade)) is exempted, the amount of below-grade gross floor area ((shall be)) is measured as follows:

1. ((The existing grade of the lot shall be established by the elevations of the perimeter lot lines of the lot.)) An underground story is that story or portion of a story for which the finished floor next above, or the roof surface if there is no next floor above, is at or below the abutting existing or finished grade, whichever is lower (See Exhibit A for 23.86.007).

2. To determine the amount of gross floor area ((which)) that is below grade,((find the point where the ceiling of each floor intersects the existing grade elevation. Draw a line

perpendicular to the point of intersection. All gross floor area behind this line shall be considered below-grade (see Exhibit 23.86.007-A)).

a. determine the elevation of the finished floor of the story next above the underground story, or the roof surface if there is no next floor above the underground story;

b. determine the points along the exterior wall of the story where the finished floor elevation or roof surface elevation above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

c. draw a straight line across the story connecting the two points on the exterior walls;

d. the gross floor area of an underground story or portion of an underground story is the area that is at or below the straight line drawn in step 23.86.007.A.2.c above.

Exhibit A for 23.86.007: Floor Area Below Grade

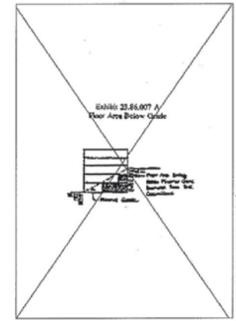
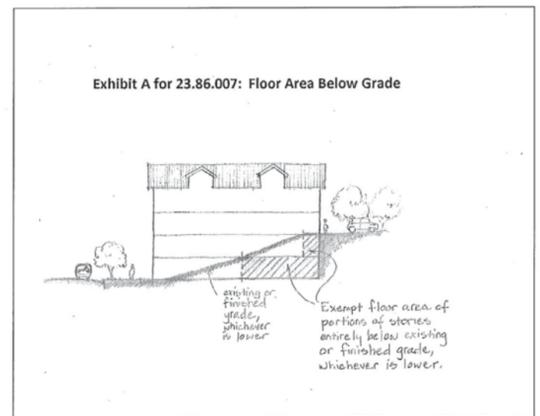


Exhibit A for 23.86.007: Floor Area Below Grade



B. Pursuant to subsection 23.45.510.F, for certain structures in multifamily zones,

portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt gross floor area of such partially below-grade stories is measured as follows:

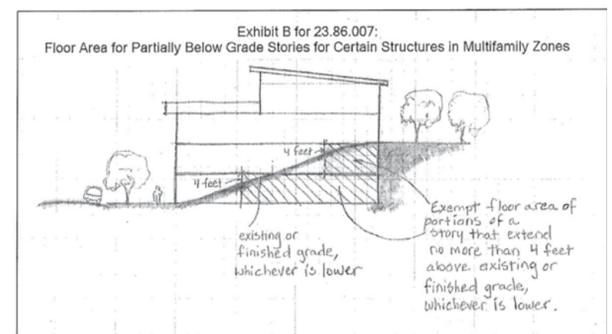
1. determine the elevation 4 feet above the finished floor of the story next above the partially below-grade story, or 4 foot above the roof surface if there is no next floor above the partially below-grade story;

2. determine the points along the exterior wall of the story where the elevation determined in step 23.86.007.B.1 above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

3. draw a straight line across the story connecting the two points on the exterior walls;

4. the gross floor area of the partially below-grade story or portion of a partially below-grade story is the area of the story that is at or below the straight line drawn in step 23.86.007.B.3 above (See Exhibit B for 23.86.007).

Exhibit B for 23.86.007: Floor Area for Partially Below Grade Stories for Certain Structures in Multifamily Zones



C. Public rights-of-way ((shall not be)) are not considered part of a lot when calculating floor area ratio; ((provided)) except that ((when)) if dedication of right-of-way is required as a condition of a proposed development, the area of dedicated right-of-way is included ((permitted floor area ratio shall be calculated before the dedication is made)).

D. 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.

E. In LR zones, if more than one category of residential use is located on a lot, the FAR limit for each category of residential use is based on each category's percentage of total structure footprint area, as follows:

1. Calculate the footprint, in square feet, for each category of residential use. For purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior walls of the structure.

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

3. Divide the square footage of the footprint for each category of residential structure (subsection 23.86.007.D.1 above) by the total square feet of footprints of all residential uses (subsection 23.86.007.D.2 above).

4. Multiply the percentage calculated in subsection 23.86.007.D.3 for each housing category by the area of the lot. The result is the area of the lot devoted to each housing category.

5. The FAR limit for each category of residential use is the applicable one for that use multiplied by the percentage calculated in subsection 23.86.007.E.4.

Section 96. Section 23.86.012 of the Seattle Municipal Code, which section was last amended by Ordinance 115326, is amended as follows:

23.86.012 Multifamily zone setback measurement ((Setbacks in multifamily zones.))

A. Setback Averaging. In multifamily zones, certain required setbacks may be averaged. In such cases the following provisions apply:

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

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

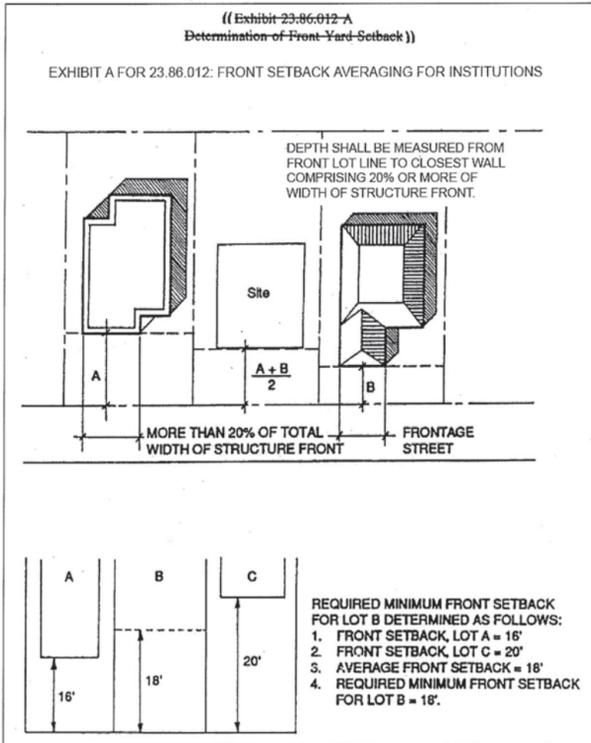
c. Setbacks are measured horizontally from the lot line to the facade of the structure, at the point that the structure meets the ground.

(A) B. Determining (F)ront (S)etbacks for institutions.

(1. Determining Front Setback Requirements. Front setback requirements are presented in the development standards for each zone. Where) In LR zones, the minimum required front setback for institutions is (to be) determined by averaging the setbacks of structures on either side of the subject lot, as follows (the following provisions shall apply):

(a) 1. The required (depth of the) front setback (shall be) is the average of the distances between principal structures and front lot lines of the nearest principal structures on each side of the subject lot if each of those structures is on the same block front as the subject lot and is within 100 feet of the side lot lines of the subject lot (Exhibit A for 23.86.012(A)).

Exhibit A for 23.86.012: Front Setback Averaging for Institutions



(b. The setbacks used for front setback averaging shall be on the same block front as the subject lot, and shall be the front setbacks of the nearest principal structures within one hundred (100) feet of the side lot lines of the subject lot.)

2. If the first principal structure within 100 feet of a side lot line of the subject lot is not on the same block front or there is no principal structure within 100 feet of the side lot line, the setback depth used for averaging purposes on that side is 7 feet.

(e) 3. For averaging purposes, the front setback (depth shall be) is (measured) the shortest distance from the front lot line to the nearest wall or, where there is no wall, the plane between supports (which) that span (comprises twenty (20)) percent or more of the width of the front facade of the principal structure (on either side). Attached garages and enclosed porches (shall be) are considered part of the principal structure for measurement purposes. Decks less than (eighteen (18)) 18 inches above existing grade, uncovered porches, eaves, attached solar collectors and other similar parts of the structure (shall not be) are not considered part of the principal structure. (When the front facade of the principal structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes.)

(d) 4. (When) If there is a dedication of street right-of-way to bring the street abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging purposes the amount of dedication (shall be) is subtracted from the front setbacks of the structures on either side.

(e. When the first principal structure within one hundred feet (100') of a side lot line of the subject lot is not on the same block front or when there is no principal structure within one hundred feet (100') of the side lot line, the setback depth used for averaging purposes on that side shall be ten feet (10').)

(f) 5. (When) If the front setback of the first principal structure within (one hundred feet (100')) 100 feet of the side lot line of the subject lot exceeds (twenty feet (20')) 20 feet, the setback depth used for averaging purposes on that side (shall be) is (twenty feet (20')) 20 feet.

(g) 6. In cases where the street is very steep or winding, the Director (shall) will determine which adjacent structures should be used for averaging purposes.

(h) 7. In the case of a through lot, the (requirement for) front setback (shall be) is determined independently for each street frontage. The measurement techniques of this section 23.86.012 (shall be applied for) apply to each street frontage separately.

(i) 8. For (cluster development) multiple structures on the same lot, the front setback of a principal structure on the same lot may be used for averaging purposes.

(2. Front Setback Averaging. In certain zones the required front setback may be averaged. In such cases the following provisions shall apply:

a. The average distance from the front lot line to the facade shall satisfy the minimum front setback requirement. The front setback shall be averaged for the entire width of the structure, except that areas which are farther than three (3) times the required front setback from the front lot line shall not be calculated in the front setback.

b. Portions of the facade at existing grade shall be used in determining the average setback.

e. Projections of the front facade which begin at least eight feet (8') above finished grade and project four feet (4') or less from the lower portion of the facade shall not be included in the setback averaging. For such projections which project more than four feet (4') from the lower portion of the facade, only the first four feet (4') shall be exempt from the averaging calculation. This provision applies to such features as cantilevered floor area, decks

and bay windows. Eaves, gutters and cornices are permitted to project eighteen inches (18") beyond any front facade without being counted in averaging.)

(3. Measuring Street-facing Setbacks for Institutions and Public Facilities in Multifamily Zones.

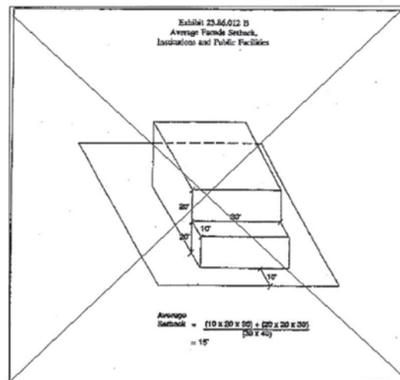
a. In multifamily zones, the depth of setback from a street lot line may be averaged along the width and height of the facade for institutions and public facilities, as an alternative providing greater design flexibility than standard modulation requirements.

b. This average setback shall be calculated by dividing the three (3) dimensional volume of setback by the area of the structure facade:

(1) Find the sum of volumes within the space defined by extension of the roof line, the planes of the side walls, and the vertical extension of the front lot line; and

(2) Divide this sum by the area of the street-facing facade, calculated as the product of facade height and facade width (Exhibit 23.86.012 B)).

(Exhibit B for 23.86.012: Average Façade Setback, Institutions and Public Facilities)



(B. Rear Setbacks. In Midrise zones applicants are given an option in multifamily zones to provide a minimum rear setback of ten feet (10') which must be modulated, or an averaged rear setback of at least fifteen feet (15'). The following provisions shall apply when the applicant has chosen to provide an averaged rear setback of at least fifteen feet (15'):

1. All projections of the facade shall be included in averaging the rear setback; with the exception of eaves, gutters and cornices which project eighteen inches (18") or less from the facades.

2. The rear setback shall be averaged for the entire width of the structure.

C. Side Setbacks.

(1. Side setbacks requirements are presented in the standard development requirements for each zone. Side setback requirements are based on the height and the depth of a structure. Where two (2) or more structures are connected by elevated walkways, structure depth shall be determined by the combined depth of the structures connected by the elevated walkway, not including the walkway itself.

2. Side Setback Averaging. In certain cases where specifically permitted, the side setback requirement may be satisfied by averaging the distance from side lot line to structure facade for the depth of the structure. In those cases the following provisions shall apply:

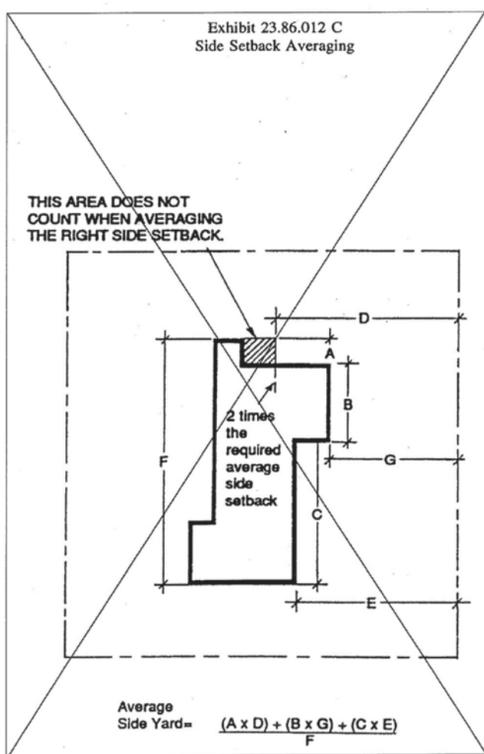
a. The side setback shall be measured horizontally from side lot line to the side facade of the structure.

b. The side setback shall be averaged for the entire depth of the structure, except that areas which are farther than two (2) times the required average side setback from the side lot line shall not be counted as part of the side setback (Exhibit 23.86.012 C.)

C. Setbacks Between Structures in Cluster Developments. Required setbacks in cluster developments are specified in each multifamily zone. In certain cases, the setback requirement may be satisfied by averaging the distance between the portions of the facades which face each other. In those cases the following provisions apply:

1. The setback shall be measured horizontally from one (1) facade to the other.

2. The setback shall be averaged across the width of those portions of the facades which face each other.)



Section 97. Section 23.86.014 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, is amended as follows:

23.86.014 Structure (W)idth measurement(3)

A. Structure width is measured as follows; (shall be measured by the following method(s))

1. Draw (a) the smallest rectangle that encloses the principal structure.
2. Structure width (shall be) is the length of the side of that rectangle most closely parallel to the front lot line (Exhibit A for 23.86.014(A)).

Exhibit A for 23.86.014: Structure Width

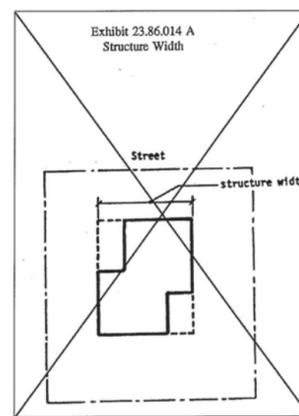
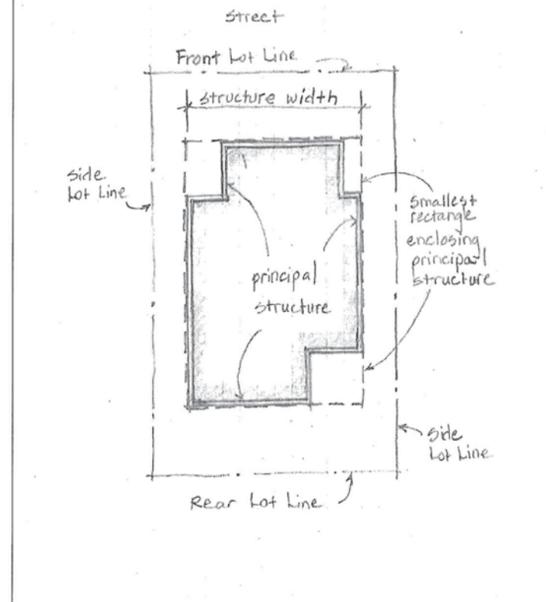


Exhibit A for 23.86.014: Structure Width



B. Portions of a structure (which shall be) considered part of the principal structure for the purpose of measuring structure width are as follows:

1. Carports and garages attached to the principal structure, unless they are attached by a structural feature not counted in structure width under subsection 23.86.014.C;
2. Accessory structures, other than carports and garages, that are not listed in subsection 23.86.014.C, if they are less than 3 feet from the principal structure at any point;
- (2) 3. Exterior corridors, hallways, and (or) open, above-grade walkways (except portions which are elevated walkways connecting structures in a cluster development);
- (3) 4. Enclosed porches, decks, balconies and other enclosed projections; and
- (4. Chimneys used to meet modulation requirements);
5. (Modulated and projecting) Projecting segments of a facade unless (excluded) they are not counted in structure width in subsection 23.86.014.C.

C. Portions of a structure (which shall not be) that are not considered part of the principal structure for the purpose of measuring structure width are as follows:

1. The first 4 feet of eaves (Eaves), cornices, and gutters (provided) that project (when such features project more than eighteen (18") inches) from an exterior wall (only eighteen (18) inches shall be excluded in the measurement of structure width);
- (2. The portion of elevated walkways connecting buildings in cluster developments);
- (3) 2. (Chimneys not used to meet modulation requirements) The first (provided that only eighteen (18) (3) inches of chimneys that project from an exterior wall (shall be excluded in the measurement of structure width);
- (4) 3. Attached solar greenhouses meeting minimum energy standards administered by the Director;
- (5) 4. (Unenclosed) The first 4 feet of unenclosed decks, balconies and porches, (ten (10) feet or less above existing grade,) unless located on the roof of an attached garage or carport included in structure width in subsection 23.86.014.B.1 (of this section);
- (6. Unenclosed decks, balconies and porches, more than ten (10) feet above existing grade, provided that when such features project more than four (4) feet from an exterior wall, only four (4) feet shall be excluded in the measurement of structure width. Such features shall be excluded whether or not used to meet modulation requirements); and
- (7) 5. Arbors, trellises, and similar features (3); and
6. In Lowrise zones, portions of a structure that are exempt from FAR limits pursuant to subsection 23.45.510.E.5.

Section 98. A new Section 23.86.015 is added to the Seattle Municipal Code as follows: **23.86.015 Maximum façade length measurement**

A. In Lowrise zones, the length of certain façades is limited by development standards. Façade length is measured as follows:

1. Draw a line parallel to, and 15 feet from, the lot line along which the length of a façade is limited.
2. For each portion of a structure that is located between the line drawn in subsection 23.86.015.A.1 and the lot line, mark the points at which that portion of the structure crosses the line drawn in subsection 23.86.015.A.1, and measure the distance between those points.
3. The façade length limit applies to the sum of the lengths of the portions of structure(s) measured in subsection 23.86.015.A.2 (see Exhibit A and Exhibit B for 23.86.015).

required-side setbacks, but shall in no case exceed the maximum width permitted for the housing type and zone. In Lowrise 3 zones, apartments no more than thirty (30) feet in height may have a maximum depth of one hundred (100) feet.

2. Maximum depth shall be considered to be the percentage of lot depth permitted for the proposed housing type.

3. The area of minimum required modulation shall be subtracted from the calculation to determine maximum lot coverage permitted.

4. Eaves, and unenclosed decks, balconies and porches, shall not be calculated as part of lot coverage, provided that when such features project more than four (4) feet from an exterior wall only four (4) feet shall be excluded from the lot coverage calculation.

Section 100. A new Section 23.86.017 of the Seattle Municipal Code is added to read as follows:

23.86.017 Amenity area measurement

Certain zones require a minimum amount of amenity area to be provided on the lot. If amenity area is required, the following provisions shall apply:

A. If the applicable development standards specify a minimum contiguous amenity area, areas smaller than the minimum contiguous area are not be counted toward fulfilling amenity area requirements.

1. Driveways and vehicular access easements, whether paved or unpaved, shall be considered to separate the amenity areas they bisect, except for woonerfs permitted to qualify as required amenity area.

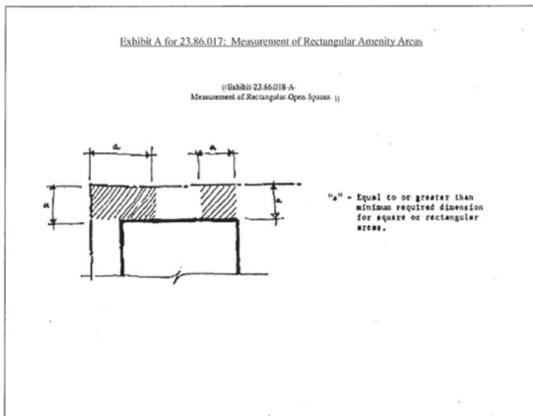
2. Pedestrian access areas shall not be considered to break the contiguity of amenity area on each side.

B. In shoreline areas, when determining the amount of amenity area required or provided, no land waterward of the ordinary high water mark shall be included in the calculation.

C. In cases where the shape or configuration of the amenity area is irregular or unusual, the Director shall determine whether amenity area requirements have been met, notwithstanding the following provisions, based on whether the proposed configuration would result in amenity area that is truly usable for normal residential recreational purposes. For the purpose of measuring the minimum horizontal dimension of the amenity area, if one is specified, the following provisions shall apply:

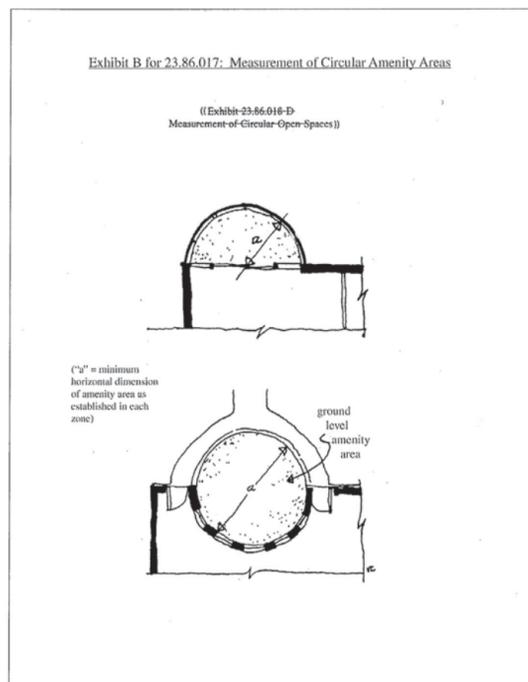
1. For rectangular or square areas, each exterior dimension of the area shall meet the minimum dimension (Exhibit A for 23.86.017).

Exhibit A for Section 23.86.017: Measurement of Regular Amenity Area



2. For circular areas, the diameter of the circle shall meet the minimum dimension; for semicircular areas, the radius of the area shall meet the minimum dimension (Exhibit B for 23.86.017).

Exhibit B for 23.86.017: Measurement of Circular Amenity Areas



Section 101. Section 23.86.019 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

23.86.019 Green Factor measurement

A. Development standards for certain areas require landscaping that meets a minimum Green Factor score. All required landscaping shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth and quality of soil, use of drought-tolerant plants, and access to light and air for plants. The Green Factor score shall be calculated as follows:

1. Identify all proposed landscape elements, sorted into the categories presented in Table A for Section 23.86.019.

2. Multiply the square feet, or equivalent square footage where applicable, of each landscape element by the multiplier provided for that element in Table A for Section 23.86.019, according to the following provisions:

a. If multiple elements listed on Table A for Section 23.86.019 occupy the same area (for example, groundcover under a tree), count the full square footage or equivalent square footage of each element.

b. Landscaping elements in the right-of-way between the lot line and the

roadway may be counted, provided that they are approved by the Director of the Department of Transportation.

c. Elements listed in Table A for Section 23.86.019 that are provided to satisfy any other requirements of this Code may be counted.

d. For trees, large shrubs, and large perennials, use the equivalent square footage of each tree or shrub according to Table B for Section 23.86.019.

e. For vegetated walls, use the square footage of the portion of the wall covered by vegetation. All vegetated wall structures, including fences counted as vegetated walls, shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage.

f. For all elements other than trees, large shrubs, large perennials, and vegetated walls, square footage is determined by the area of the portion of a horizontal plane that lies over or under the element.

g. All permeable paving and structural soil credits together may not count for more than one third of the lot's Green Factor score ((for a lot)).

3. Add together all the products calculated under subsection 23.86.019.A.2 to determine the Green Factor numerator.

4. Divide the Green Factor numerator by the lot area to determine the Green Factor score.

Table A for Section 23.86.019: Green Factor Landscape Elements. Table with columns: Green Factor Landscape Elements, Multiplier. Rows include: A. Planted Areas (1. Planted areas with a soil depth of less than 24 inches: 0.1; 2. Planted areas with a soil depth of 24 inches or more: 0.6; 3. Bioretention facilities meeting standards of the Stormwater Code, Title 22 Subtitle VIII of the Seattle Municipal Code: 1.0); B. Plants (1. Mulch, ground covers or other plants normally expected to be less than 2 feet tall at maturity: 0.1; 2. Large shrubs or other perennials at least 2 feet tall at maturity: 0.3; 3. Small trees: 0.3; 4. Small/medium trees: 0.3; 5. Medium/large trees: 0.4); C. Green roofs (1. Planted over at least 2 inches but less than 4 inches of growth medium: 0.4; 2. Planted over at least 4 inches of growth medium: 0.7); D. Vegetated walls: 0.7; E. Water features using harvested rainwater and under water at least six months per year: 0.7; F. Permeable paving (1. Installed over at least 6 inches and less than 24 inches of soil and/or gravel: 0.2; 2. Installed over at least 24 inches of soil and/or gravel: 0.5); G. Structural soil: 0.2; H. Bonuses applied to Green Factor landscape elements: (1. Landscaping that consists entirely of drought-tolerant or native plant species: 0.1; 2. Landscaping that receives at least 50 percent of its irrigation through the use of harvested rainwater: 0.2; 3. Landscaping visible from adjacent rights-of-way or public open space: 0.1; 4. Landscaping in food cultivation: 0.1).

Table B for Section 23.86.019: Equivalent square footage of trees and large shrubs. Table with columns: Landscape Elements, Equivalent Square Feet. Rows include: Large shrubs or large perennials: ((16)) 12 square feet per plant; Small trees: ((50)) 75 square feet per tree; Small/medium trees: ((100)) 150 square feet per tree; Medium/large trees: ((150)) 250 square feet per tree; Large trees: ((200)) 350 square feet per tree; Existing large trees: ((15)) 20 square feet per inch of trunk diameter 4.5 feet above grade.

Section 102. Section 23.86.020 of the Seattle Municipal Code, relating to the measurement of modulation for institutions in multifamily zones, which section was last amended by Ordinance 110570, and as shown in Attachment A, is repealed.

Section 103. Subsection B and D of Section 23.90.018 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, are amended as follows:

23.90.018 Civil Enforcement Proceedings and Penalties

B. Specific ((V))violations.

1. Violations of Section 23.71.018 are subject to penalty in the amount specified in subsection 23.71.018.H.

2. Violations of the requirements of subsection 23.44.041.C are subject to a civil penalty of \$5,000, which shall be in addition to any penalty imposed under subsection 23.90.018.A.

3. Violations of Section 23.49.011, 23.49.015 or 23.50.051 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings under applicable sections are subject to penalty in amounts determined under Section 23.49.020, and not to any other penalty, but final determination and enforcement of penalties under that Section are subject to subsection 23.90.018.C.

4. Violations of Sections 23.45.510 and 23.45.526 with respect to failure to demonstrate compliance with commitments to earn a LEED Silver rating or a 4-Star rating awarded by the Master Builders Association of King and Snohomish Counties or other eligible green building ratings systems under applicable sections are subject to penalty in amounts determined under ((this)) subsection 23.90.018.E, and not to any other penalty.

5. Violation of Section 23.40.007.B with respect to failure to demonstrate compliance with a waste diversion plan for a structure permitted to be demolished under subsection 23.40.006.C is subject to a penalty in an amount determined as follows:

P = SF x .02 x RDR,

where:

P is the penalty;

SF is the total square footage of the structure for which the demolition permit was issued; and

RDR is the refuse disposal rate, which is the per ton rate established in SMC Chapter 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and disposal stations by the largest class of vehicles.

6. Violations of Section 23.40.060.E.2 by failing to submit the report required by Section 23.40.060.E.2 by the date required is subject to a penalty of \$500 per day from the date the report was due to the date it is submitted.

7. Violation of Section 23.40.060.E.1 by failing to demonstrate full compliance with the standards contained in Section 23.40.060.E.1 is subject to a maximum penalty of 5 percent of the construction value set forth in the building permit for the structure and a minimum penalty of 1 percent of construction value, based on the extent of compliance with standards contained in Section 23.40.060.E.1.

D. Except in cases of violations of Section 23.45.510, 23.45.526, 23.49.011, 23.49.015, or 23.50.051 with respect to failure to demonstrate compliance with commitments to earn LEED Silver, Built Green 4-Star, or ESDS ratings or satisfy alternative standards, the violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or

2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

Section 104. Section 25.05.675 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

25.05.675 Specific environmental policies((t))

M. Parking.

1. Policy ((B))background.

a. Increased parking demand associated with development projects may adversely affect the availability of parking in an area.

b. Parking regulations to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of providing additional parking may have an adverse effect on the affordability of housing.

2. Policies.

a. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.

b. Subject to the overview and cumulative effects policies set forth in Sections 25.05.665 and 25.05.670, the decision maker may condition a project to mitigate the effects of development in an area on parking; provided that:

1) No SEPA authority is provided to mitigate the impact of development on parking availability in the ((downtown-zones)) Downtown and South Lake Union Urban Centers;

2) ((In Seattle Mixed (SM) zones, and-))No SEPA authority is provided for the decision maker to ((require more parking than the minimum required by the Land Use Code))mitigate the impact of development on parking availability for residential uses located within:

i. the Capitol Hill/First Hill Urban Center, the Uptown Urban Center, and the University District ((Northwest))Urban Center ((Village)), except the portion of the Ravenna urban village that is not within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot;

ii. ((and)) the Station Area Overlay District; and
iii. portions of urban villages within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot ((no SEPA authority is provided for the decision maker to require more parking than the minimum required by the Land Use Code));

3) Outside of the areas listed in subsection 25.05.675.M.2.b, ((Parking)) parking impact mitigation for multifamily development, except in the Alki area, as described in subsection 25.05.675.M.2.c ((below)), may be required only where on-street parking is at capacity, as defined by the Seattle Department of Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

c. For the Alki area, as identified on Map B for ((23.45.015)) 23.54.015, a higher number of spaces per unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse parking impacts of specific multifamily projects. Projects that generate a greater need for parking and that are located in places where the street cannot absorb that need -- for example, because of proximity to the Alki Beach Park -- may be required to provide additional parking spaces to meet the building's actual need. In determining that need, the size of the development project, the size of the units and the number of bedrooms in the units shall be considered.

d. If parking ((Parking)) impact mitigation is authorized by this subsection 25.05.675.M, it ((for projects outside of downtown zones)) may include but is not limited to:

- 1) Transportation management programs;
- 2) Parking management and allocation plans;
- 3) Incentives for the use of alternatives to single-occupancy vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;
- 4) Increased parking ratios((except for projects located within Seattle Mixed (SM) zones, and residential uses located in, the Capitol Hill/First Hill Urban Center, the University District Northwest Urban Center Village, and the Station Area Overlay District)); and

5) Reduced development densities to the extent that it can be shown that reduced parking spillover is likely to result; provided, that parking impact mitigation for multifamily development may not include reduction in development density.

Section 105. Subsection A of Section 25.05.800 of the Seattle Municipal Code, which section was last amended by Ordinance 122670, is amended as follows:

25.05.800 Categorical exemptions

The proposed actions contained in this subchapter are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor ((N))new ((C))construction--((F))flexible ((F))thresholds.

1. The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this ((section)) Section 25.05.800, the project ((must)) shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection A.2 of this ((s))Section 25.05.800 shall control. If the proposal is located in more than one ((t))city((f)) or county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally critical areas (Section 25.05.908):

a. The construction or location of residential structures containing no more than the number of dwelling units identified in ((part-)) Table A for 25.05.800, except ((as modified by the provisions of part (ii) 25.05.800.A.2.a.(ii) (ii) For)) for lots located in an Urban Center or a SAOD, if the proposed construction or location is on a lot in an ((LDF)) LR1 or LR2 zone, and if the lot abuts any portion of another lot that is zoned SF or RSL, or is across an alley of any width from a lot that is zoned SF or RSL, or is across a street from a lot zoned SF or RSL ((where)) if that street does not meet minimum width requirements in ((SMC)) Section 23.53.015.A, then the level of exempt construction is 4 dwelling units for lots in an ((LDF-)) LR1 zone, and 6 dwelling units for lots in an LR2 zone((:));

Table A for 25.05.800: Exemptions for Residential Uses. Table with columns for Zone, Residential Uses, and Exempt Dwelling Units. Rows include SF, RSL, LR1, LR2, LR3(L4), NC1, NC2, NC3, C1, C2, MR, HR, SM, Downtown zones, and Industrial zones.

Notes for Table A for 25.05.800(i) SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ((ten thousand-))10,000((i)) square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service or storage buildings, containing no more than the gross floor area listed in the ((table)) Table B for 25.05.800 below:

Table B for 25.05.800: Exemptions for Non-Residential Uses. Table with columns for Zone, Non-Residential Uses, and Exempt Area of Use. Rows include SF, RSL, LR1, LR2, LR3(L4), MR, HR, NC1, NC2, NC3, C1, C2, SM, Industrial zones, and Downtown zones.

Notes((i)) for Table B for 25.05.800 SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

d. The construction of a parking lot designed for ((forty-))40((i)) or fewer automobiles, as well as the addition of spaces to existing lots up to a total of ((forty-))40((i)) spaces;

e. Any landfill or excavation of ((five hundred-))500((i)) cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations there under;

f. Mixed-use construction, including but not limited to projects combining residential and commercial uses, is exempt if each use, ((when)) if considered separately, is exempt under the criteria of subsections 25.05.800.A.2.a through A.2.d above, unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see Section 25.05.305((:)),A.2,b);

g. In zones not specifically identified in this subsection 25.05.800.A, the standards for the most similar zone addressed by this subsection apply.

Section 106. Subsections A and B of Section 25.09.260 of the Seattle Municipal Code, which section was last amended by Ordinance 122050, is amended as follows:

25.09.260 Environmentally Critical Areas Administrative Conditional Use((:))

A. When the applicant demonstrates it is not practicable to comply with the requirements of Section 25.09.240((:)),B considering the parcel as a whole, the applicant may apply for an administrative conditional use permit, authorized under Section 23.42.042, under this section to allow the Director to count environmentally critical areas and their buffers that would otherwise be excluded in calculating the maximum number of lots and units allowed on the parcel under Section 25.09.240((:)),E.

B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one ((H)) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:

- 1. Environmental ((E))impacts on ((C))ritical ((A))reas.
a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.
b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.
c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180((:)),B.2,a, b, or c.

(1) The preference is to cluster units away from steep slope areas and buffers.

(2) The Director shall require clear and convincing evidence that the provisions of this subsection 25.09.260.B are met ((when)) if units are clustered ((clustering units)) on steep slope areas and steep slope area buffers with these characteristics:

- (a) a wetland over ((fifteen hundred-))1,500((i)) square feet in size or a watercourse designated part of a riparian corridor; or
(b) an undeveloped area over ((five-))5((i)) acres characterized by steep slopes; or
(c) areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.

d. The proposal protects Washington State Department of Fish and

Wildlife priority species and maintains wildlife habitat.

e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.

f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.

g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.

2. General ((E))environmental ((I))impacts and ((S))ite ((C))haracteristics.

a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.

b. The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.

3. Neighborhood ((C))ompatibility.

a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.

b. Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 ((L-1)) (LR1) zone.

c. The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.

Section 107. Section 25.11.070 of the Seattle Municipal Code, which section was enacted by Ordinance 120410, is amended as follows:

25.11.070 Tree protection on sites undergoing development in Lowrise ((Duplex/Triplex, Lowrise 1, Lowrise 2, and Lowrise 3)) zones((:))

The provisions in this Section 25.11.070 apply in Lowrise zones.

A. Exceptional ((F))rees((:))

1. If ((it is determined)) the Director determines that there is an exceptional tree located on the ((site)) lot of a proposed development and the tree is not proposed to be preserved, the ((project)) development shall go through ((administrative)) streamlined design review as provided in Section ((23.41.046)) 23.41.018 ((even)) if the project ((would normally)) falls below the thresholds for design review ((as contained)) established in Section 23.41.004.

2. The Director may permit the exceptional tree to be removed only if the total floor area that could be achieved within the maximum permitted ((development coverage)) FAR and ((the)) height limits of the applicable ((L))owrise zone according to SMC Title 23, the Land Use Code, cannot be achieved while avoiding the tree protection area through the following:

a. Development standard adjustments permitted in Section 23.41.018 or the departures permitted in Section 23.41.012.

b. An increase in the permitted height as follows under subsection 25.11.070.A.3((:))

((i. In ((Lowrise Duplex/Triplex,)) Lowrise 1((:)) and Lowrise 2 zones, the basic height limit of twenty-five (25) provided for in Section 23.45.009A may be increased up to thirty (30) feet; the pitch-roof provisions of Section 23.45.009 C1 may be modified to permit the ridge of pitched roofs on principal structures with a minimum slope of ((six to twelve (6:12)) to extend up to ((forty (40)) feet, and the ridge of pitched roofs on principal structures with a minimum slope of ((four to twelve (4:12)) may extend up to ((thirty-five (35)) feet.

ii. In Lowrise 3 zones the height of the pitched roof provided for in Section 23.45.009C3 may extend up to ten (10) feet above the maximum height limit.))

3. In order to preserve an exceptional tree, for a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of Section 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet ((-iii. The increase in height permitted in this ((section)) shall only be approved)) if ((it can be demonstrated that it)) the increase is needed to accommodate, on an additional ((floor)) story, the amount of floor area lost by avoiding development within the tree protection area ((-The maximum)) and the amount of floor area on ((an)) the additional ((floor)) story ((shall be)) is limited to the amount of floor area lost by avoiding development within the tree protection area. ((This provision for increased height shall not be permitted if the development is granted a departure from the development standards for setbacks.))

c. Parking Reduction. A reduction in the parking quantity ((of)) required by Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an exceptional tree if the reduction would result in a project that would avoid the tree protection area. ((The reduction shall be limited to a maximum of ten (10) percent of the number of required parking spaces)).

B. Trees ((O))ver ((Two-))2((i)) ((F))eet in ((D))iameter ((Measured Four and One-half (4 1/2) Feet Above the Ground)).

1. Trees over ((two-))2((i)) feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.

2. In order to protect trees over ((two-))2((i)) feet in diameter an applicant may request and the Director may allow modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.070.A ((of this section, above)).

((C. The development shall meet the tree requirements in landscaped areas of Section 23.45.015C)).

Section 108. Section 25.11.080, which section was enacted by Ordinance 120410, is amended as follows:

25.11.080 Tree protection on sites undergoing development in ((Lowrise 4,)) Midrise((:)) and Commercial Zones((:))

The standards in this Section 25.11.080 apply in Midrise and Commercial zones.

A. Exceptional ((F))rees.

1. If ((it is determined)) the Director determines that there is an exceptional tree located on the ((site)) lot of a proposed project and the tree is not proposed to be preserved, the project shall go through ((administrative)) streamlined design review as provided in Section ((23.41.046)) 23.41.018 ((even)) if the project ((would normally)) falls below the thresholds for design review ((as contained)) established in Section 23.41.004.

2. The Director may permit an exceptional tree to be removed only if the applicant demonstrates that protecting the tree by avoiding development in the tree protection area could not be achieved through the development standard adjustments permitted in Section 23.41.018 or the departures permitted in Section 23.41.012, ((and/or)) a reduction in the parking requirements of Section 23.54.015, ((up to a maximum reduction of ten (10) percent of the number of required parking spaces)) and/or a reduction in the standards of Section 23.54.030.

B. Trees ((O))ver ((Two-))2((i)) ((F))eet in ((D))iameter ((M))easured ((Four and One-half (4 1/2) Feet Above the ground)).

1. Trees over ((two-))2((i)) feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.

2. In order to protect trees over ((two-))2((i)) feet in diameter an applicant may request and the Director may permit modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.080.A ((of this section)), above.

Section 109. The Council requests that the Department of Planning and Development (DPD) establish a specific target for review time for permit applications subject to the streamlined administrative design review (SDR) process. DPD will report on the target in the online permit turnaround data that the Department updates monthly, and will report on the number of applications and the turnaround times as part of the regular Department presentations to the Committee on the Built Environment or its successor Committee. In addition, the Council requests that the DPD submit a written report evaluating the SDR process to all Councilmembers two months after Master Use Permit decisions for ten SDR projects have been published. In the report, DPD will provide an evaluation of the per unit cost of SDR, the amount of staffing required for SDR to the applicant, DPD performance in meeting the review targets, the amount and purpose of any adjustments granted by DPD through the SDR process, the effects on project design and development capacity, and potential program improvements. The report should provide this information by zone category. The Council will reevaluate the SDR process based on the DPD report findings if necessary to address efficiency, cost, and/or quality of project design.

Section 110. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances. To the extent that sections of this ordinance recodify or are incorporated into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the provisions of such Title in effect prior to such repeal.

Section 111. Sections 1 through 106 of this ordinance shall take effect 90 days after the effective date of this ordinance.

Section 112. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within 10 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 13th day of December, 2010 and signed by me in open session in authentication of its passage this 13th day of December, 2010.

RICHARD CONLIN, President of the City Council. Approved by me this 20th day of December, 2010. MICHAEL MCGINN, Mayor. Filed by me this 20th day of December, 2010. (Seal) MONICA MARTINEZ-SIMMONS, City Clerk. Attachment A: Repealed Code Sections. Attachment B: Official Land Use Map amendments. Date of publication in the Seattle Daily Journal of Commerce, December 29, 2010.

2/29(264928)

Public Notice Resource Center. The City Council of Anytown, USA will hold a public hearing regarding the use of eminent domain in your neighborhood. At the meeting, plans will be discussed that may result in your house being taken by the government. If you have an opinion, please attend the hearing at the City Hall on Tuesday at 7:30 PM. Notices are meant to be noticed. Read your public notices and get involved!