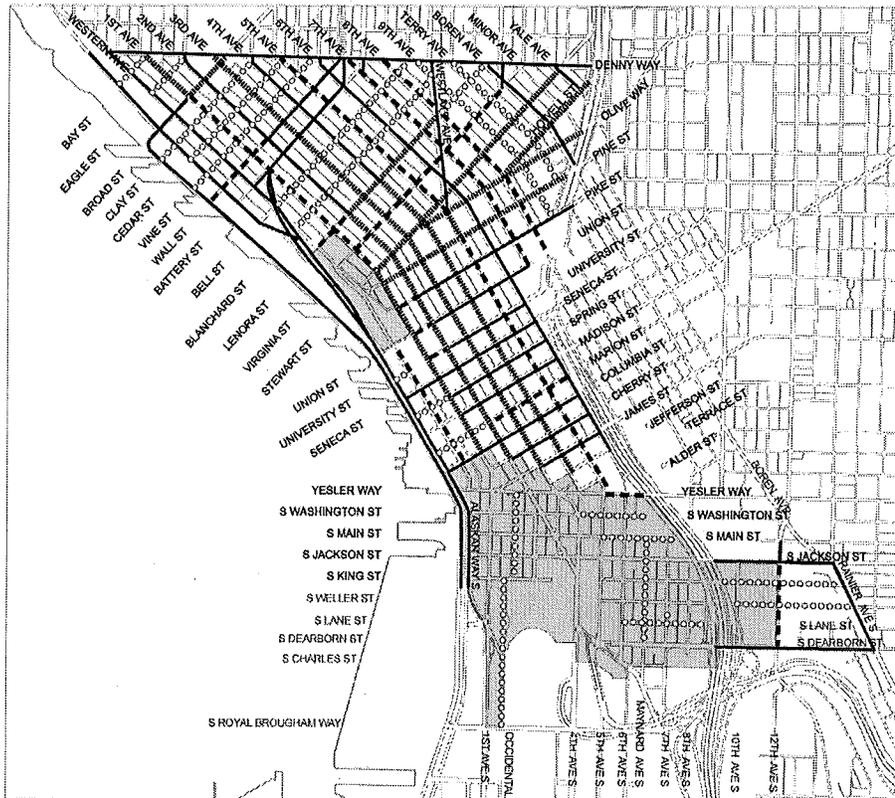


Map 1B Street Classifications

Street Classifications



- Access Street
- Principal Arterial (other than Principal Transit Street)
- Minor Arterial (other than Principal Transit Street)
- Green Street
- Principal Transit Street
- Access to parking regulated by Special Review or Historic District regulations. See Map D for 23.66.170 and Map B for 23.66.326 for street classifications in South Downtown.

Note: This map is only for purposes of Section 23.49.019, the Downtown Amenity Standards, and any other provisions that refer specifically to Map 1B. The Arterials Street Map, SMC Section 11.18.010, should be referred to for a complete identification of arterials for other purposes.

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 Scale in US Feet

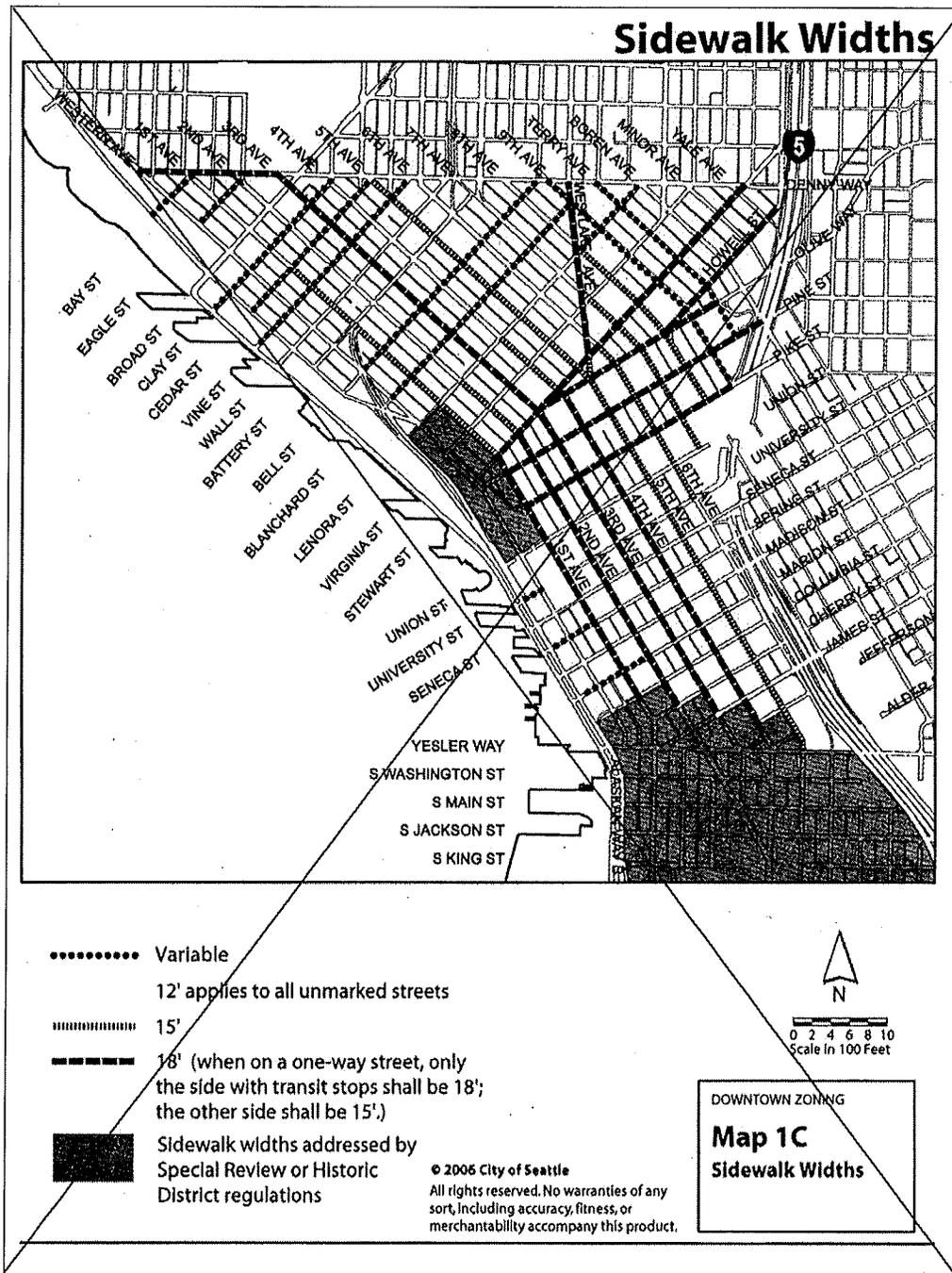
DOWNTOWN ZONING

Map 1B

Street Classifications

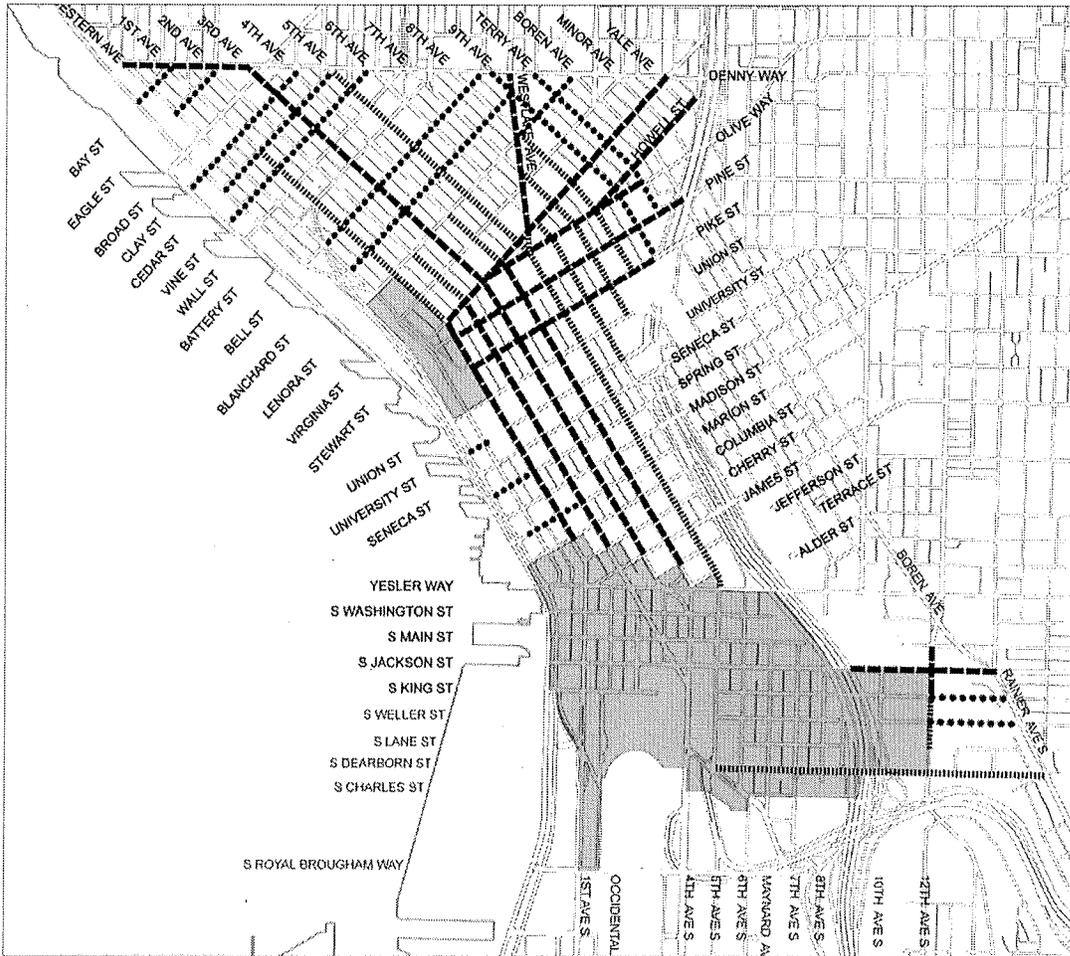


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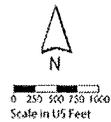


Map 1C Sidewalk Widths

Sidewalk Widths



- Variable
- _____ 12' applies to all unmarked streets
- 15'
- 18' (when on a one-way street, only the side with transit stops shall be 18'; the other side shall be 15'.)
- ▨ Sidewalk widths addressed by Special Review or Historic District regulations



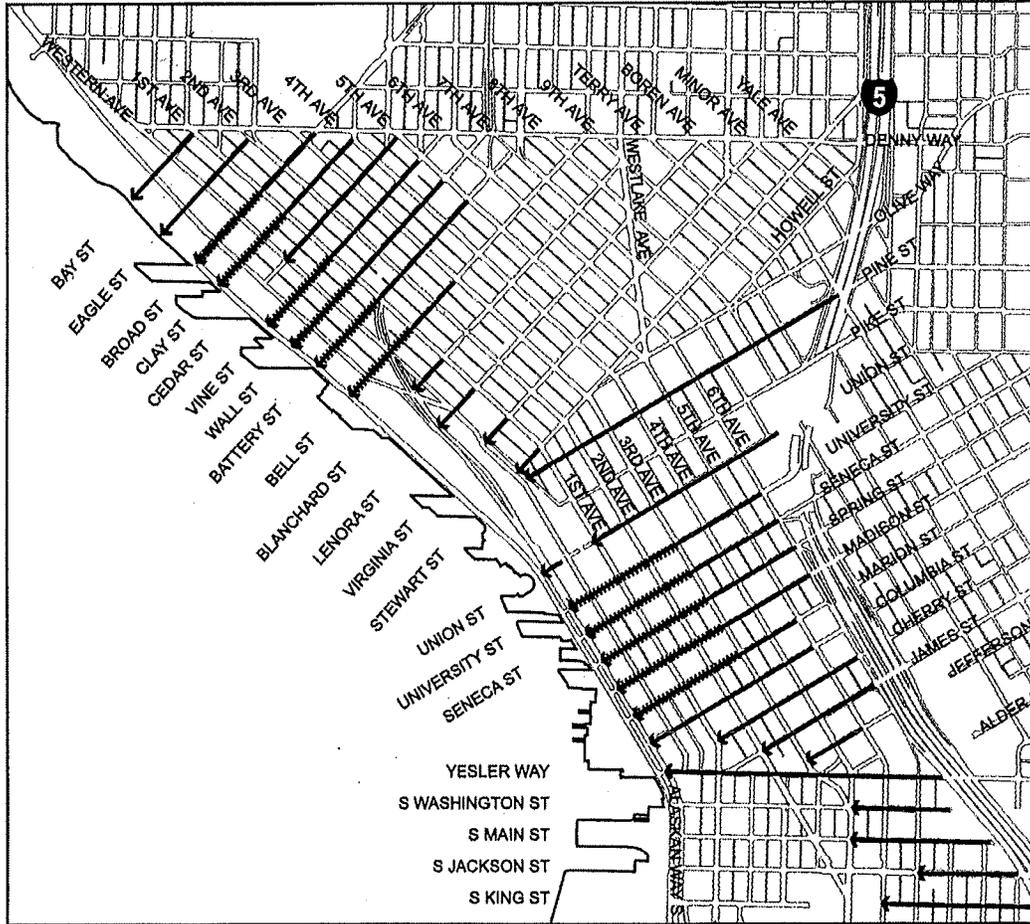
DOWNTOWN ZONING
Map 1C
 Sidewalk Widths

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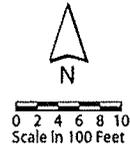


Map 1D
View Corridors

View Corridors



- View Corridors as established in Downtown View Corridor Map, Exhibit 3.5.C of Resolution 30297 (black line indicates extent of View Corridor)
- ▤ Portions of View Corridor requiring View Corridor setbacks according to Section 23.49.024
- ← Arrow indicates direction of View



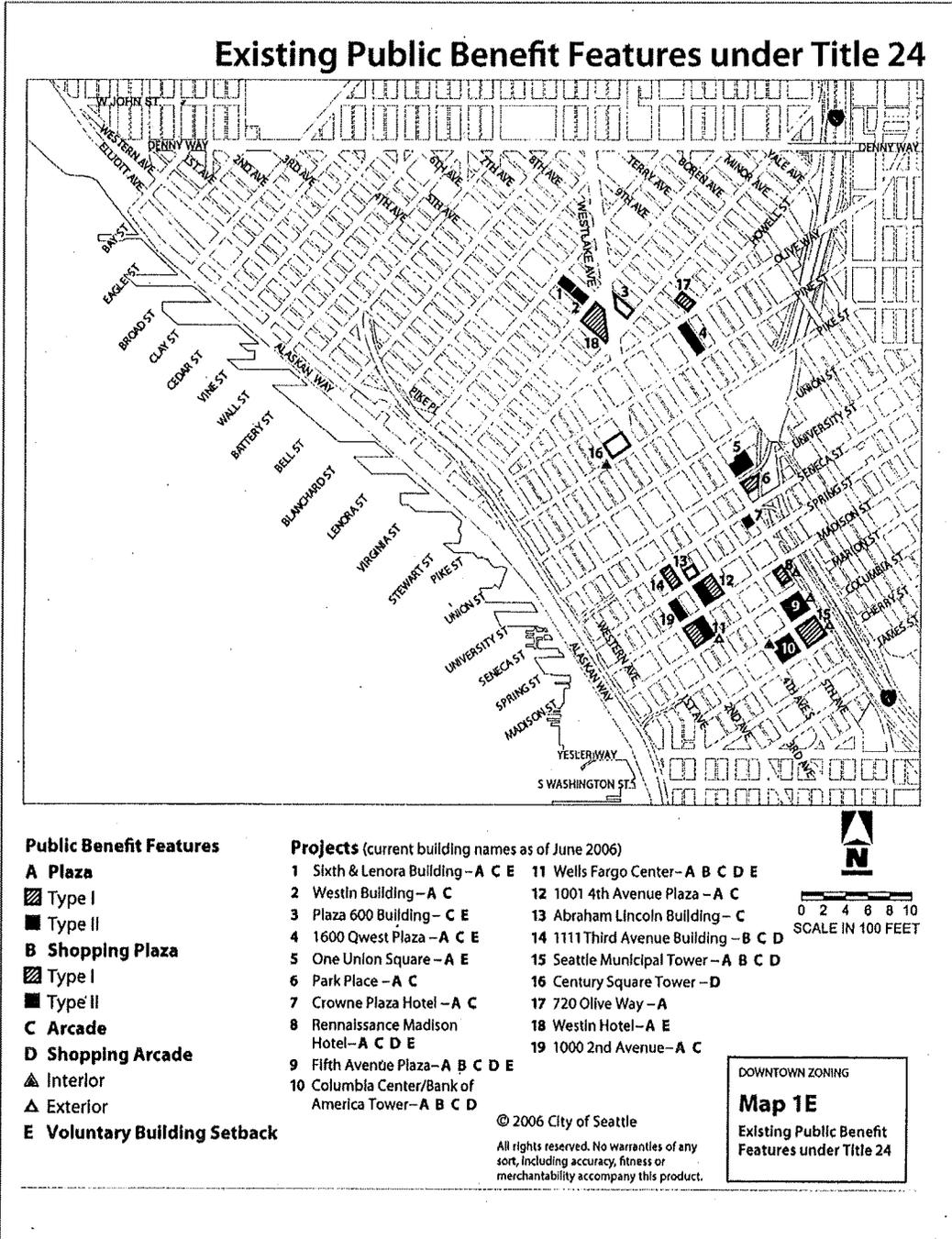
DOWNTOWN ZONING
Map 1D
View Corridors

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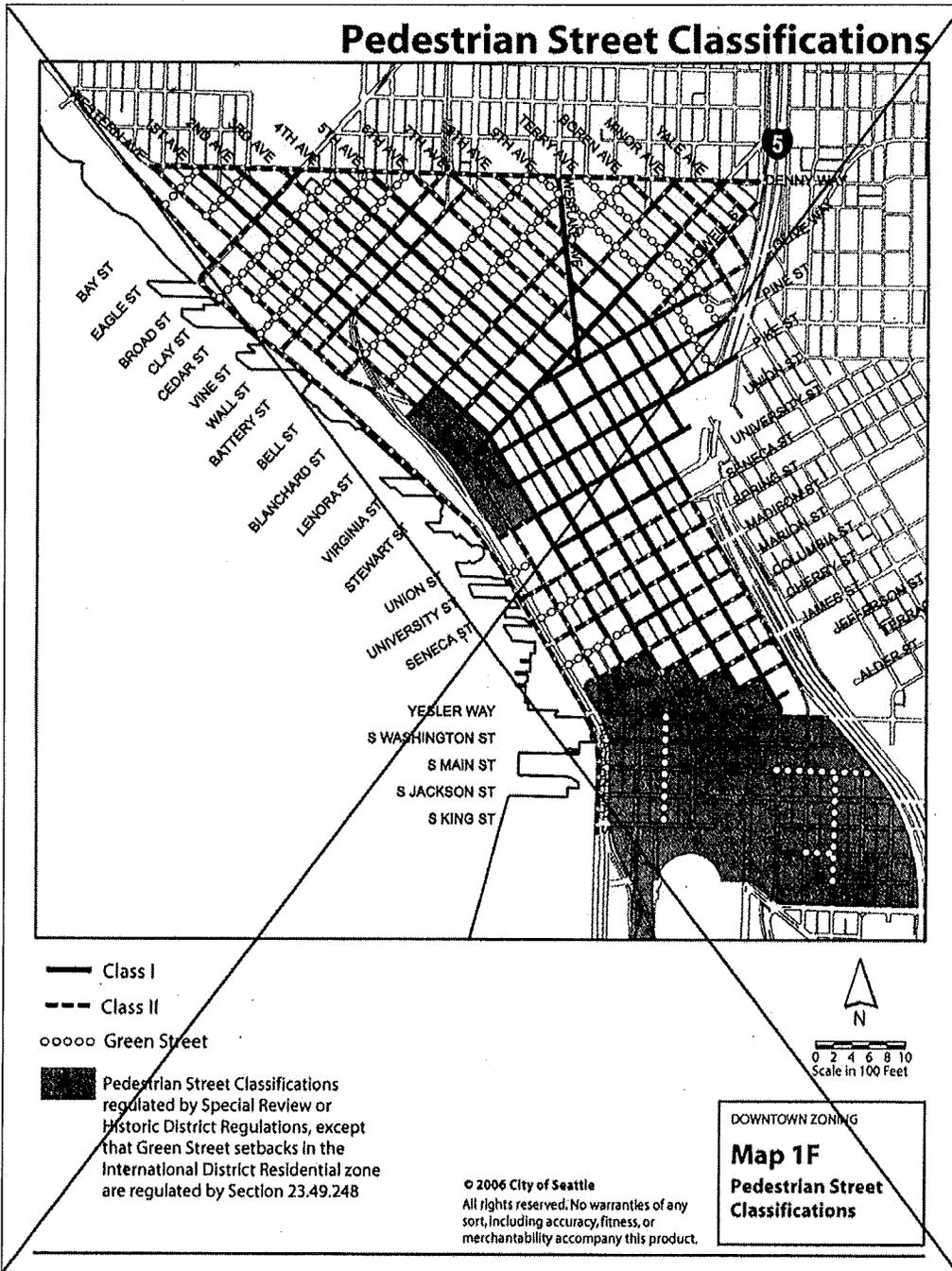
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Map 1E
Existing Public Benefit Features Under Title 24

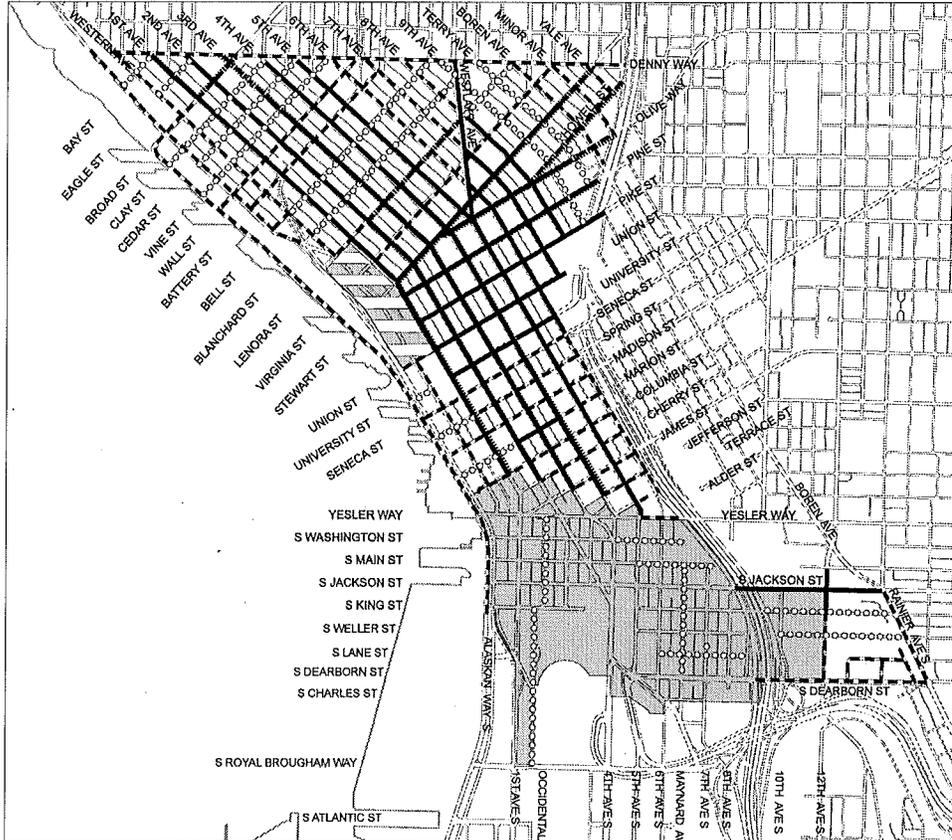


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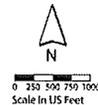


Map 1F Pedestrian Street Classifications

Pedestrian Street Classifications



- Class I
- - - Class II
- oooo Green Street
- Streets with pedestrian street classifications within the Pioneer Square Preservation District and International Special Review District are identified on Map D for 23.66.170 and Map B for 23.66.326.
- Pedestrian Street Classifications may be addressed by Special Review, Historic District or other provisions



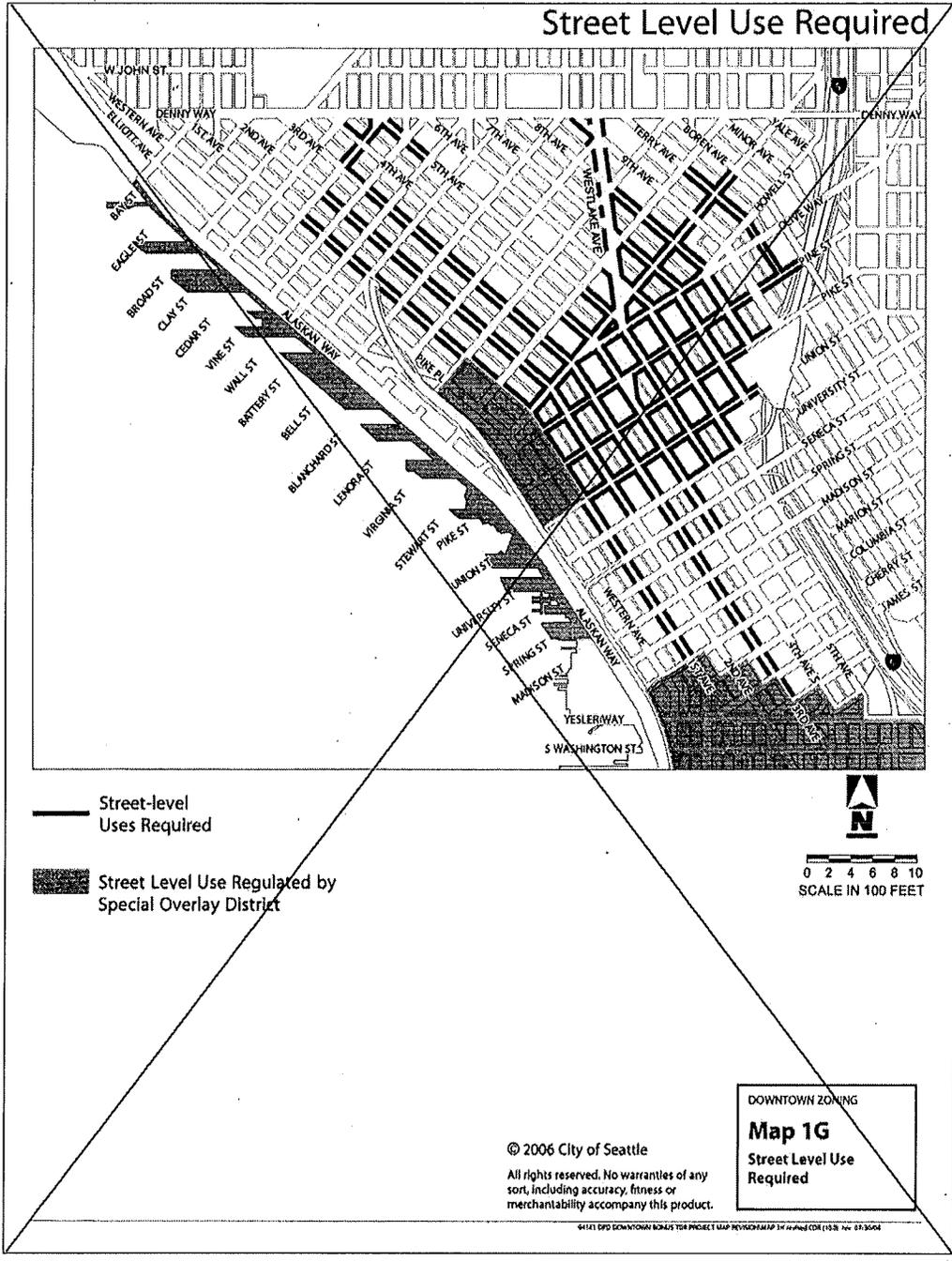
DOWNTOWN ZONING
Map 1F
 Pedestrian Street
 Classifications

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 sort, including accuracy, fitness, or
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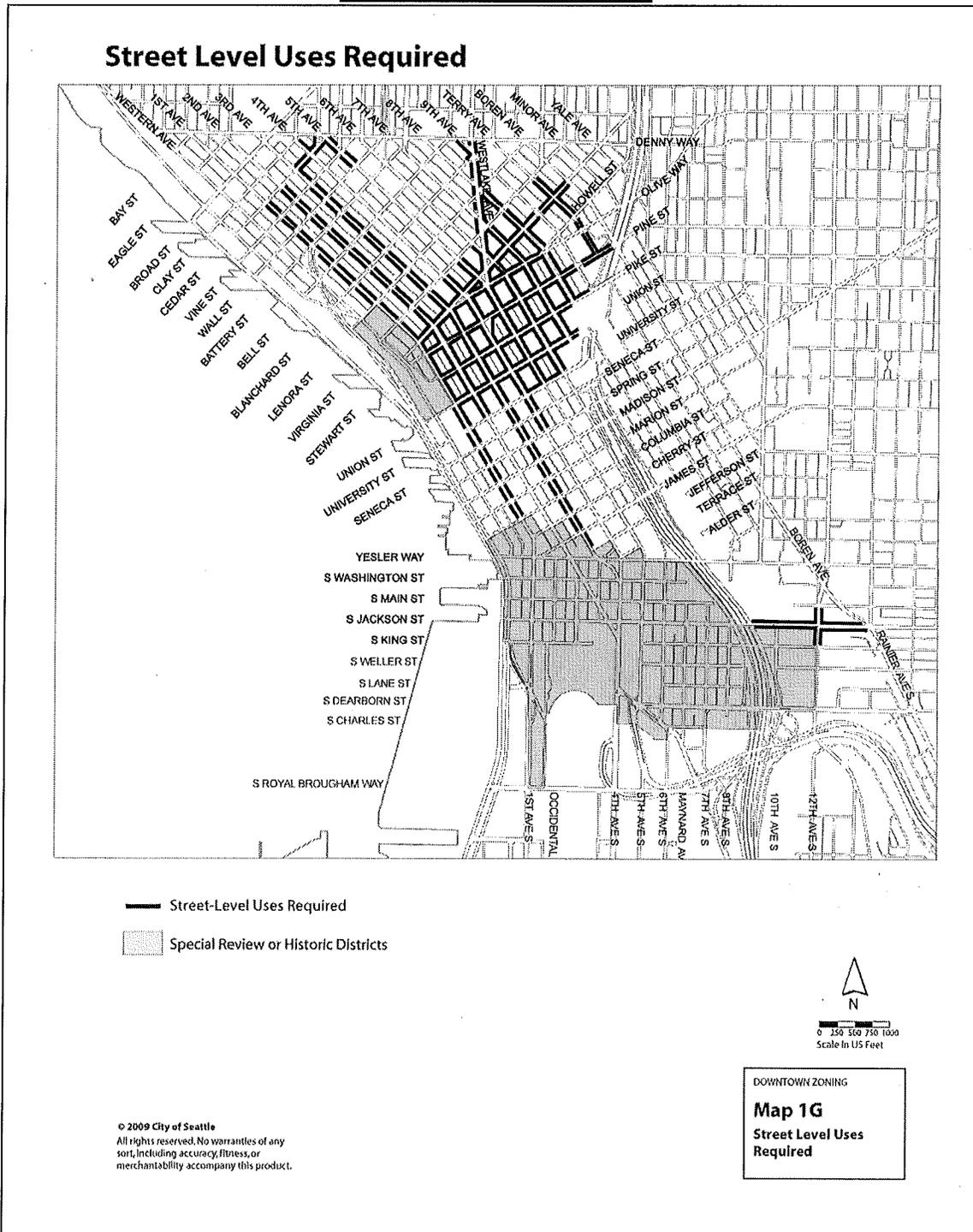


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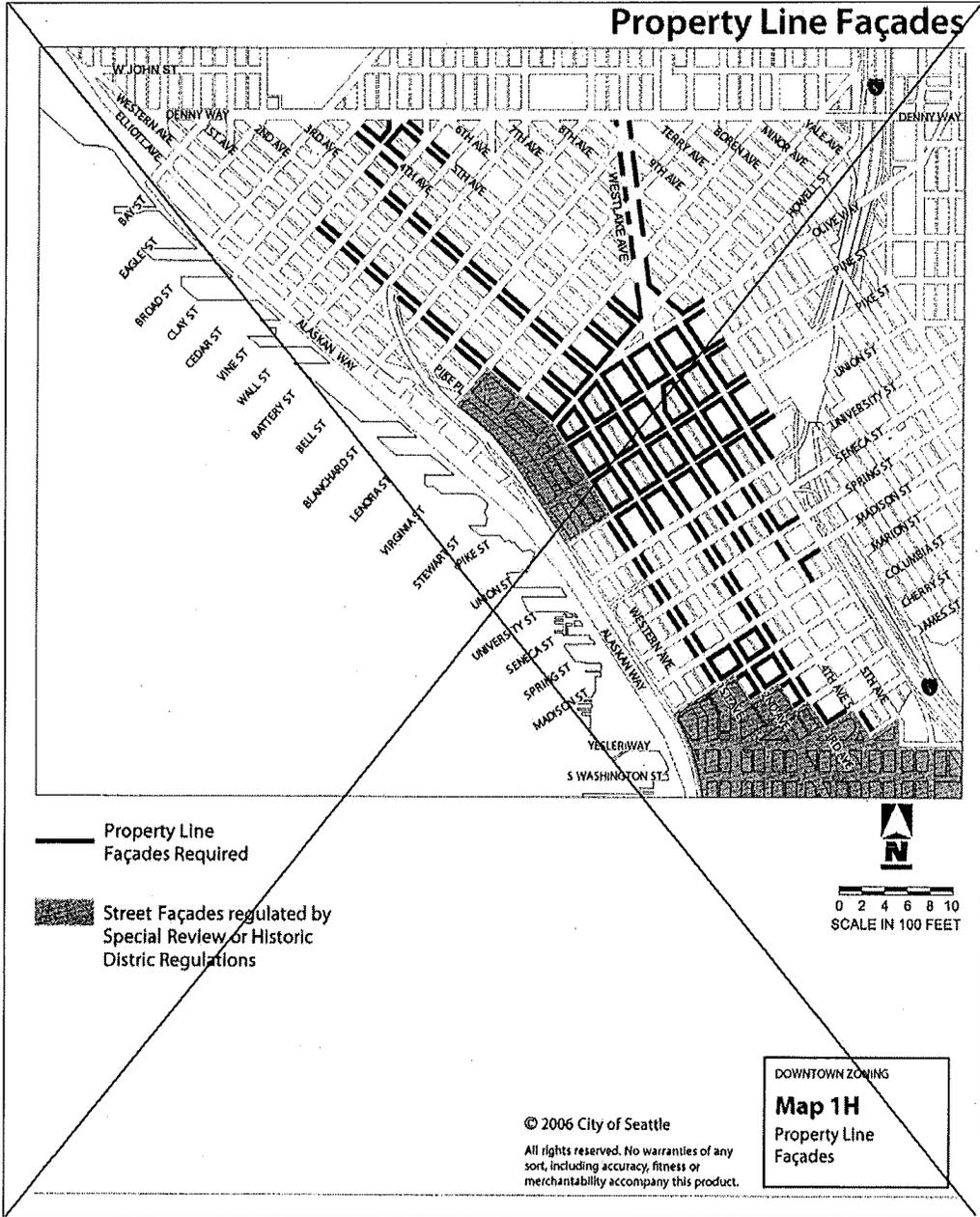
Map 1G Street Level Uses Required



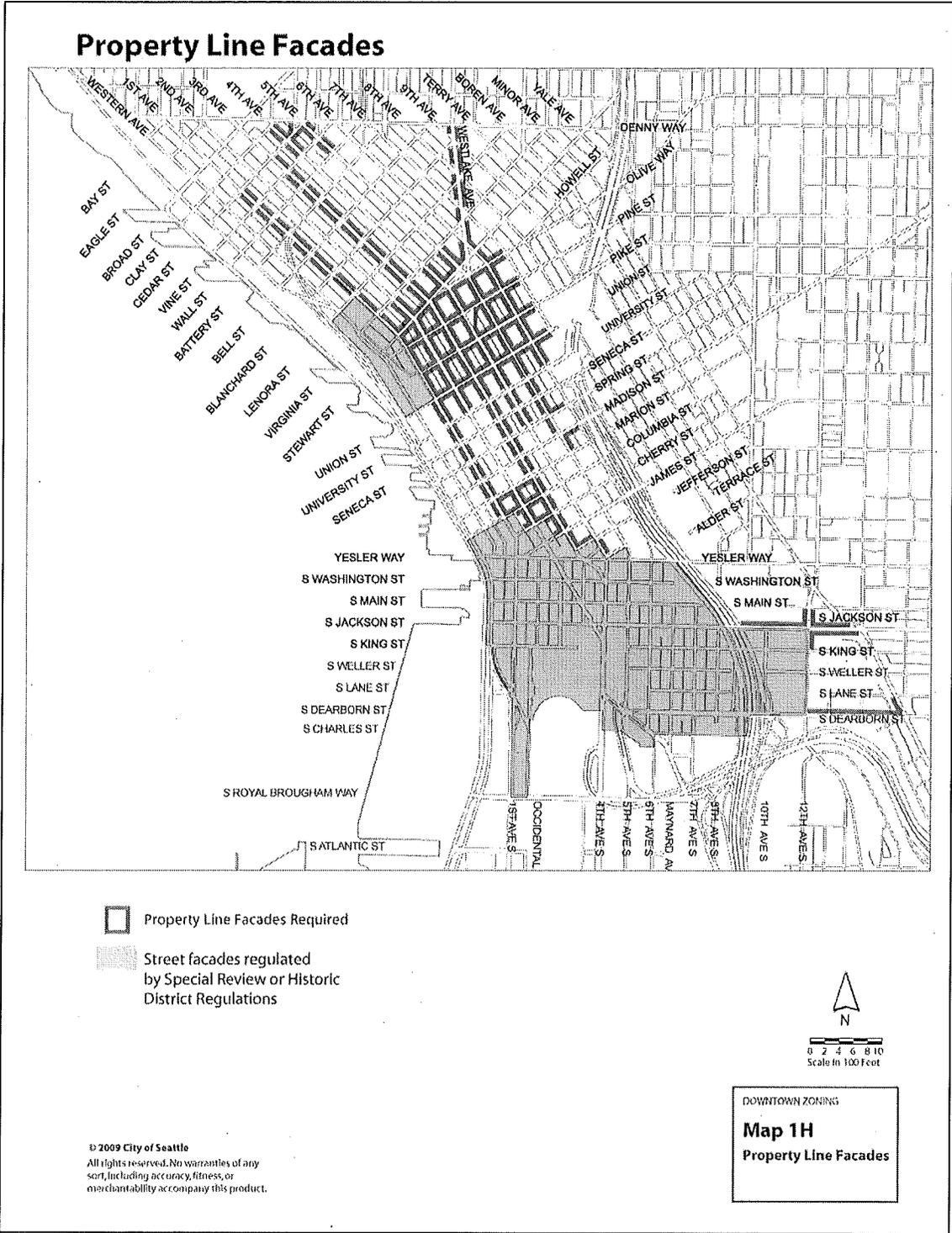
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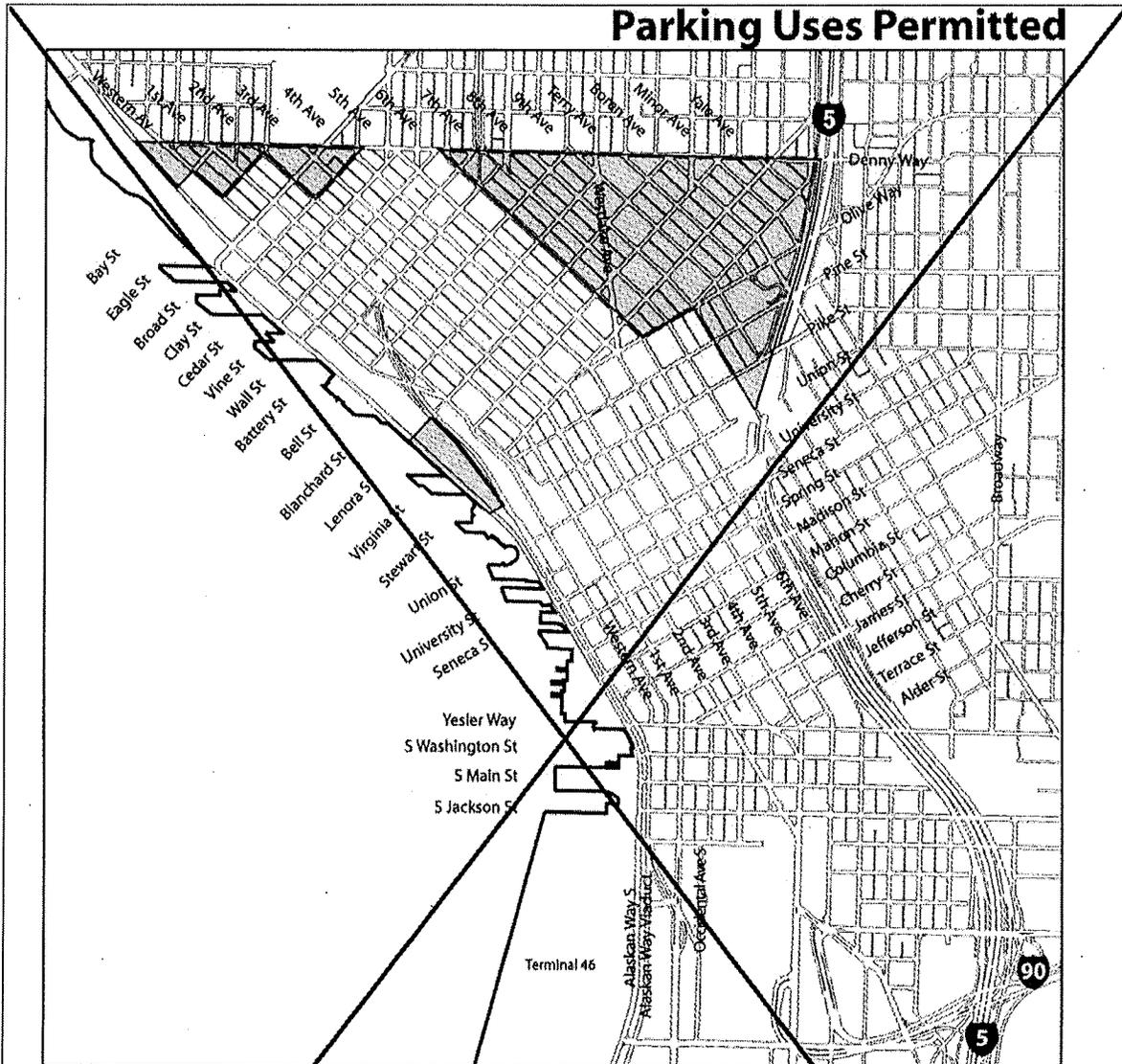
Map 1H
Property Line Facades



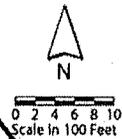
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Parking Uses Permitted



 Accessory and Principal Use
 Surface Parking Areas Permitted
 According to the Parking Use
 Provisions of the Zone



DOWNTOWN ZONING
Map 11
 Parking Uses Permitted

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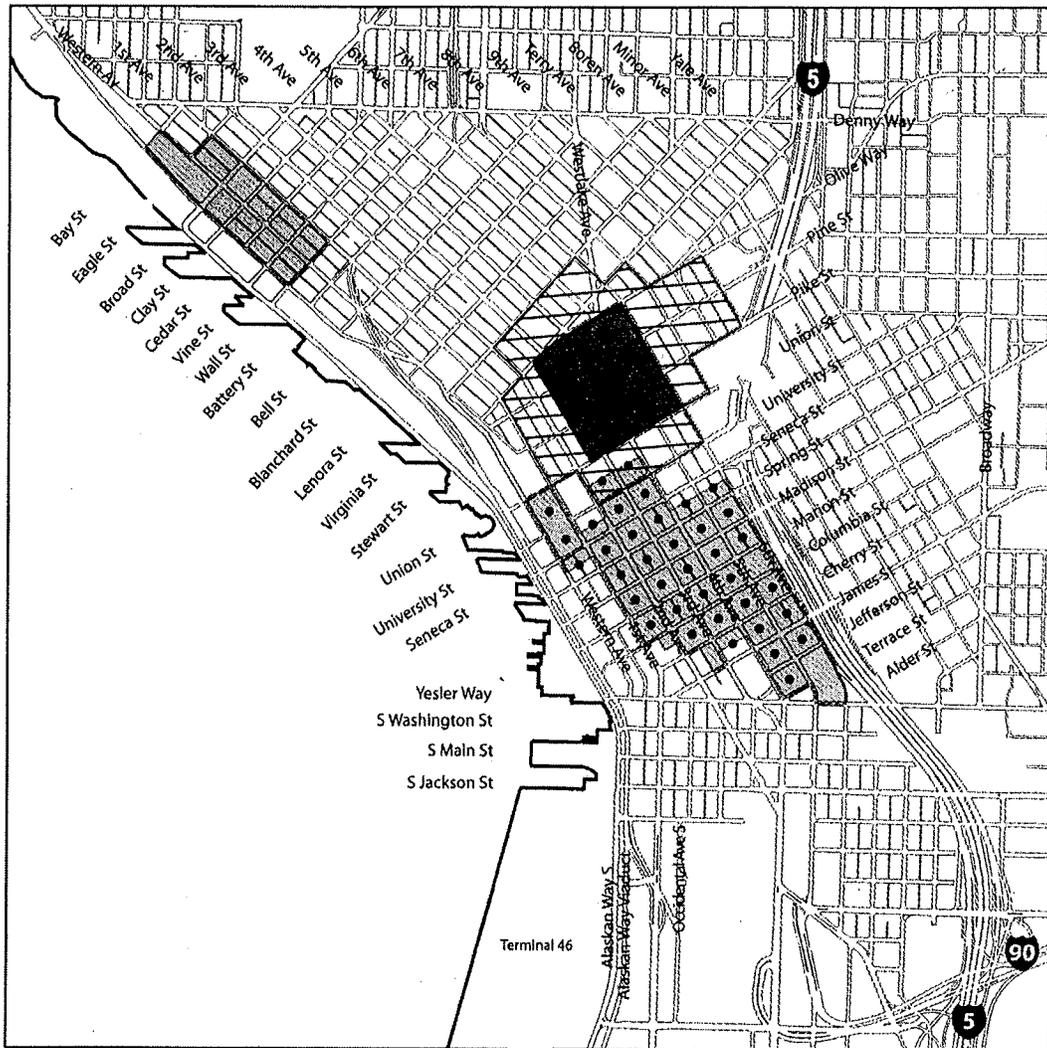
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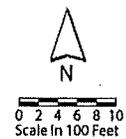
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Map 1J
Public Amenity Features

Public Amenity Features



- Hill Climb Assist
- ▨ Hillside Terrace
- ▨ Major Retail Store and Shopping Atrium (FAR Exemption Only - No Bonus)
- Shopping Corridor Bonus



DOWNTOWN ZONING
Map 1J
 Public Amenity Features

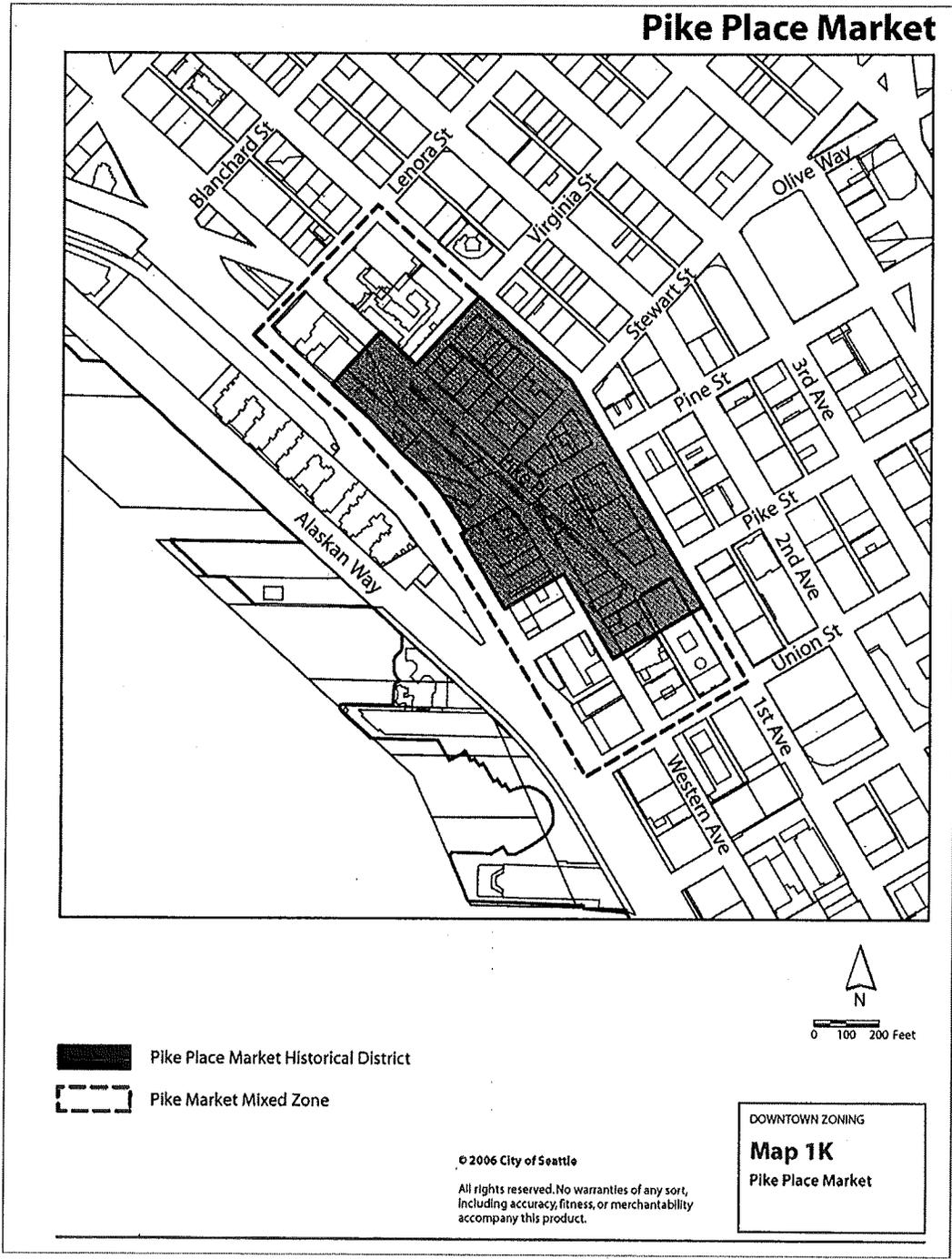
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Map 1K
Pike Place Market



1 Section 54. Section 23.50.012 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 123378, is amended as follows:

3 **23.50.012 Permitted and Prohibited Uses**

4 A. All uses are permitted outright, prohibited or permitted as a conditional use,
5 according to Table A for 23.50.012 and this Section 23.50.012.

6 B. All permitted uses are allowed as either a principal use or ~~((as))~~ an accessory use,
7 unless otherwise indicated in Table A for 23.50.012.

8 C. Public Facilities.

9 1. Similar Uses Permitted. Except as provided in subsections ~~((C2))~~
10 23.50.012.C.2 and ~~((C3))~~ 23.50.012.C.3 ~~((below))~~ and in ~~((SMC))~~ Section 23.50.027, uses in
11 public facilities that are most similar to uses permitted outright or permitted by conditional use in
12 this chapter ~~((shall also be))~~ are also permitted outright or by conditional use, subject to the same
13 use regulations, development standards and administrative conditional use criteria that govern
14 the similar uses.

15 2. ~~((Public Facilities Not Meeting Development Standards Requiring))~~ Waivers
16 or Modification by City Council ~~((Approval))~~ for Similar Uses. The City Council may waive or
17 modify applicable development standards or conditional use criteria for those uses in public
18 facilities that are similar to uses permitted outright or permitted by conditional use according to
19 ~~((the provisions of))~~ Chapter 23.76, Subchapter III, Council Land Use Decisions, with public
20 projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V
21 legislative decisions.



1 3. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses
2 in public facilities that are not similar to uses permitted outright or permitted by a conditional use
3 or special exception under this (~~chapter~~) Chapter 23.50 may be permitted by the City Council.
4 City Council may waive or modify development standards or conditional use criteria according
5 to (~~the provisions of~~) Chapter 23.76, Subchapter III, Council Land Use Decisions, with public
6 projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V
7 legislative decisions.
8

9 4. Uses in public facilities not meeting development standards. In all industrial
10 zones, uses in public facilities not meeting development standards may be permitted by the
11 Council if the following criteria are satisfied:

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

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

16 c. The waiver or modification to the development standards is necessary
17 to meet specific public service delivery needs; and

18 d. The relationship of the project to the surrounding area has been
19 considered in the design, siting, landscaping and screening of the facility.
20

21 5. Expansion of Uses in Public Facilities.

22 a. Major Expansion. Major expansions may be permitted to uses in
23 public facilities allowed (~~in~~) pursuant to subsections (~~(C1)~~) 23.50.012.C.1, (~~(C2)~~)
24 23.50.012.C.2 and (~~(C3 above)~~) 23.50.012.C.3 according to the same provisions and procedural
25
26



1 requirements as described in these subsections. A major expansion of a public facility use is one
2 that ~~((occurs when the expansion that is proposed))~~ would not meet development standards; or
3 one that would exceed the greater of ~~((either seven hundred fifty (750)))~~ 750 square feet or ~~((ten~~
4 ~~(10)))~~ ten percent of its existing area, ~~((whichever is greater,))~~ including gross floor area and
5 areas devoted to active outdoor uses other than parking.

6
7 b. Minor Expansion. ~~((When an))~~ An expansion ~~((falls below the))~~ that is
8 not a major expansion ~~((threshold level, it))~~ is a minor expansion. Minor expansions may be
9 permitted to uses in public facilities allowed ~~((in))~~ pursuant to subsections ~~((C1))~~ 23.50.012.C.1,
10 ~~((C2))~~ 23.50.012.C.2 and ~~((C3 above))~~ 23.50.012.C.3 according to ~~((the provisions of))~~ Chapter
11 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master
12 Use Permit ~~((when))~~ if the development standards of the zone in which the public facility is
13 located are met.

14
15 6. Essential Public Facilities. Permitted essential public facilities shall also be
16 reviewed according to ~~((the provisions of))~~ Chapter 23.80, Essential Public Facilities.

17 D. Rooftop Recreational Space in IG1 and IG2 Zones. Recreational space may be
18 located on the rooftop of a building (including the rooftop of an attached parking structure)
19 existing as of December 31, 1998. Rooftop recreational space shall be used only for the purposes
20 of active recreational uses and/or passive open spaces accessory to office uses of at least ~~((one~~
21 ~~hundred thousand (100,000)))~~ 100,000 square feet that are located in the same building or within
22 an attached structure(s) and that are established on or before December 31, 1998. ~~((When))~~ If
23 any portion of the rooftop recreational space is covered by a structure, the following standards
24 ~~((shall))~~ apply:
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1 1. The height of the structure shall not exceed (~~(thirty (30))~~) 30 feet as measured
2 from the existing rooftop elevation and be limited to only one (~~((1))~~) story;

3 2. The height shall not exceed the height of the highest portion or feature of the
4 building or attached structure(s);

5 3. The footprint of the structure shall not exceed (~~(thirty (30))~~) 30 percent of the
6 total roof area on which the structure is located; and

7 4. The structure shall be designed to include a minimum of (~~(thirty (30))~~) 30
8 percent transparent and/or translucent exterior building materials.

9 (~~(Rooftop recreational space meeting the above standards shall not be subject to~~
10 ~~the limits on maximum size of nonindustrial uses, and the gross floor area of the rooftop~~
11 ~~recreational space shall be exempt from FAR calculations.))~~

12 5. The rooftop recreational space permitted under (~~(Section))~~ this subsection
13 23.50.012.D shall be used only for active (~~(or passive))~~ recreational uses and/or passive open
14 spaces accessory to office uses and cannot be used for or converted to (~~(office or))~~ other
15 (~~(nonrecreational))~~ uses:

16 E. Adult Cabarets.

17 1. Any lot line of property containing any proposed new or expanding adult
18 cabaret must be 800 feet or more from any lot line of property on which any of the following
19 uses has been established by permit or otherwise recognized as legally established: community
20 center; child care center; school, elementary or secondary; or public parks and open space use.
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2. Any lot line of property containing any proposed new or expanding adult cabaret must be 600 feet or more from any lot line of property for which a permit has been issued for any other adult cabaret.

3. The analysis required by subsections 23.50.012.E.1 and E.2 shall be based on the facts that exist on the earlier of:

a.(()) the date a complete application is made for a building permit for an adult cabaret for the property proposed to contain the new or expanding adult cabaret, or

b.(()) the date of publication of notice of the Director's decision on the Master Use Permit application to establish or expand an adult cabaret use, if the decision can be appealed to the Hearing Examiner, or the date of the Director's decision if no Hearing Examiner appeal is available.

Table A for 23.50.012 Uses in Industrial Zones					
PERMITTED AND PROHIBITED USES BY ZONE					
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. AGRICULTURAL USES					
A.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Community Garden	P (14)	P (14)	P (14)	P (14)	P (14)
A.4. Horticulture	X	X	X	X	X
A.5. Urban Farm	P (14)	P (14)	P (14)	P (14)	P (14)
B. CEMETERIES	X	X	X	X	X
C. COMMERCIAL USES					



**Table A for 23.50.012
 Uses in Industrial Zones**

		PERMITTED AND PROHIBITED USES BY ZONE				
USES		IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
C.1. Animal Shelters and Kennels		X(1)	P	P	P	P
C.2. Eating and drinking establishments		P	P	P	P	P
C.3. Entertainment Uses						
	C.3.a. Cabarets, adult	P(13)	P(13)	X	X	X
	C.3.b. Motion picture theaters, adult	X	X	X	X	X
	C.3.c. Panorams, adult	X	X	X	X	X
	C.3.d. Sports and recreation, indoor	P	P	P	X	P
	C.3.e. Sports and recreation, outdoor	P	P	P	X	P
C.3.f. Theaters and spectator sports facilities						
	C.3.f.i. Lecture and meeting halls	P	P	P	P	P
	C.3.f.ii. Motion picture theaters	P	P	P	X	X
	C.3.f.iii. Performing arts theaters	P	P	P	X	X
	C.3.f.iv. Spectator sports facilities	P	P	P	X(2)	X(2)
C.4. Food processing and craft work		P	P	P	P	P
C.5. Laboratories, Research and development		P	P	P	P	P



**Table A for 23.50.012
 Uses in Industrial Zones**

PERMITTED AND PROHIBITED USES BY ZONE					
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
C.6. Lodging uses	CU	CU	CU	X	X
C.7. Medical services (3)	P	P	P	P	P
C.8. Offices	P	P	P	P	P
C.9. Sales and services, automotive	P	P	P	P	P
C.10. Sales and services, general	P	P	P	P	P
C.11. Sales and services, heavy	P	P	P	P	P
C.12. Sales and services, marine	P	P	P	P	P
D. HIGH-IMPACT USES	X	X or CU(4)	X or CU(5)	X or CU(5)	X or CU(5)
E. INSTITUTIONS					
E.1. Adult care centers	X	X	X	X	X
E.2. Child care centers	P	P	P	P	P
E.3. Colleges	EB	EB	EB	X(6)	X(6)
E.4. Community centers and Family support centers	EB	EB	EB	P	P
E.5. Community clubs	EB	EB	EB	X	P
E.6. Hospitals	EB	EB	CU(7)	P	P
E.7. Institutes for advanced study	P	P	P	X	X
E.8. Libraries	X	X	X	X	X
E.9. Major institutions subject to ((the provisions of)) Chapter 23.69	EB	EB	EB	EB	EB
E.10. Museums	EB	EB(9)	EB	X(8)	X(8)



**Table A for 23.50.012
 Uses in Industrial Zones**

USES	PERMITTED AND PROHIBITED USES BY ZONE				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
E.11. Private Clubs	EB	EB	EB	X	X
E.12. Religious facilities	P	P	P	P	P
E.13. Schools, elementary or secondary	EB	EB	EB	X	X
E.14. Vocational or fine arts schools	P	P	P	P	P
F. LIVE-WORK UNITS	X	X	X	X	X
G. MANUFACTURING USES					
G.1. Manufacturing, light	P	P	P	P	P
G.2. Manufacturing, general	P	P	P	P	P
G.3. Manufacturing, heavy	CU	X or CU(10)	P or CU(11)	P	P
H. PARKS AND OPEN SPACE	P	P	P	P	P
I. PUBLIC FACILITIES					
I.1. Jails	X	X	X	X	X
I.2. Work-release centers	X	X	X	X	X
I.3. Other public facilities	CCU	CCU	CCU	CCU	CCU
J. RESIDENTIAL USES					
J.1. Residential uses not listed below	X	X	X	X	X
J.2. Artist's studio/dwellings	EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
J.3. Caretaker's quarters	P	P	P	P	P



**Table A for 23.50.012
 Uses in Industrial Zones**

PERMITTED AND PROHIBITED USES BY ZONE						
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center	
J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district	CU	CU	CU	CU	CU	
K. STORAGE USES						
K.1. Mini-warehouses	P	P	P	X	P	
K.2. Storage, outdoor	P	P	P	P	P	
K.3. Warehouses	P	P	P	P	P	
L. TRANSPORTATION FACILITIES						
L.1. Cargo terminals	P	P	P	P	P	
L.2. Parking and moorage						
L.2.a. Boat moorage	P	P	P	P	P	
L.2.b. Dry boat storage	P	P	P	P	P	
L.2.c. Parking, principal use, except as listed below	P	P or X(15)	P	X(2)	X(2)	
L.2.c.i. Park and Pool Lots	P(12)	P(12)	P(12)	CU	CU	
L.2.c.ii. Park and Ride Lots	CU	CU	CU	CU	CU	
L.2.d. Towing services	P	P	P	P	P	
L.3. Passenger terminals	P	P	P	P	P	
L.4. Rail Transit Facilities	P	P	P	P	P	
L.5. Transportation facilities, air						



**Table A for 23.50.012
 Uses in Industrial Zones**

PERMITTED AND PROHIBITED USES BY ZONE						
USES		IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
	L.5.a. Airports (land-based)	X	CCU	CCU	CCU	CCU
	L.5.b. Airports (water-based)	X	CCU	CCU	CCU	CCU
	L.5.c. Heliports	X	CCU	CCU	CCU	CCU
	L.5.d. Helistops	CCU	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance						
	L.6.a. Bus bases	CU	CU	CU	CU	CU
	L.6.b. Railroad switchyards	P	P	P	P	P
	L.6.c. Railroad switchyards with a mechanized hump	X	X	CU	CU	CU
	L.6.d. Transportation services, personal	P	P	P	P	P
M. UTILITY USES						
	M.1. Communication Utilities, major	CU	CU	CU	CU	CU
	M.2. Communication Utilities, minor	P	P	P	P	P
	M.3. Power Plants	X	CCU	P	P	P
	M.4. Recycling	P	P	P	P	P
	M.5. Sewage Treatment Plants	X	CCU	CCU	CCU	CCU
M.6. Solid waste management						
	M.6.a. Salvage yards	X	X	P	P	P



**Table A for 23.50.012
 Uses in Industrial Zones**

PERMITTED AND PROHIBITED USES BY ZONE						
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center	
M.6.b. Solid waste transfer stations	X	CU	CU	CU	CU	
M.6.c. Solid waste incineration facilities	X	CCU	CCU	CCU	CCU	
M.6.d. Solid waste landfills	X	X	X	X	X	
M.7. Utility Services Uses	P	P	P	P	P	

KEY
 CU = Administrative conditional use
 CCU = Council conditional use
 EB = Permitted only in a building existing on October 5, 1987
 EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.
 P = Permitted
 X = Prohibited

NOTES
 (1) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.
 (2) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay ((Area)) District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one ((+)) space per ((six hundred fifty (650))) 650 square feet ratio under the following circumstances:
 (a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and
 (b) The parking is reserved for events in the spectator sports facility or exhibition hall, and
 (c) The reserved parking is outside of the Stadium Transition Area Overlay ((Area)) District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.
 (3) Medical service uses over ((ten thousand (10,000))) 10,000 square feet, within ((two thousand five hundred (2,500))) 2,500 feet of a medical Major Institution Overlay District boundary, ((shall))



**Table A for 23.50.012
 Uses in Industrial Zones**

PERMITTED AND PROHIBITED USES BY ZONE					
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center

require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.

(4) The high-impact uses listed ~~((at))~~ in subsection ~~((B10 of Section))~~ 23.50.014.B.10 may be permitted as conditional uses.

(5) High-impact uses may be permitted as conditional uses as provided ~~((at))~~ in subsection ~~((B5 of Section))~~ 23.50.014.B.5.

(6) A college or university offering a primarily vocational curriculum within the zone is permitted.

(7) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.14.

(8) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.

(9) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street, museums are allowed in new buildings or structures.

(10) The heavy manufacturing uses listed in subsection ~~((B9 of Section))~~ 23.50.014.B.9 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.

(11) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided ~~((at))~~ in subsection ~~((C of Section))~~ 23.50.014.C.

(12) Park and pool lots are not permitted within ~~((three thousand (3,000)))~~ 3,000 feet of the Downtown Urban Center.

(13) Subject to subsection 23.50.012.E.

(14) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as vertical farming.

(15) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.

Section 55. Section 23.50.016 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

23.50.016 Landscaping standards on designated streets~~((;))~~

Uses located on streets ~~((which))~~ that have been designated on the Industrial Streets Landscaping ~~((Maps))~~ Plan Map (Map A for 23.50.016), ~~((Exhibits 23.50.016 A and B,))~~ shall



1 provide landscaping as outlined in subsections 23.50.016.A and 23.50.016.B (~~below~~). (~~See~~
2 ~~Exhibits 23.50.016 A and 23.50.016 B.~~)

3 A. Street Trees. Street trees (~~shall be~~) are required along designated street frontages.
4 Street trees shall be provided in the planting strip according to Seattle Department of
5 Transportation Tree Planting Standards.

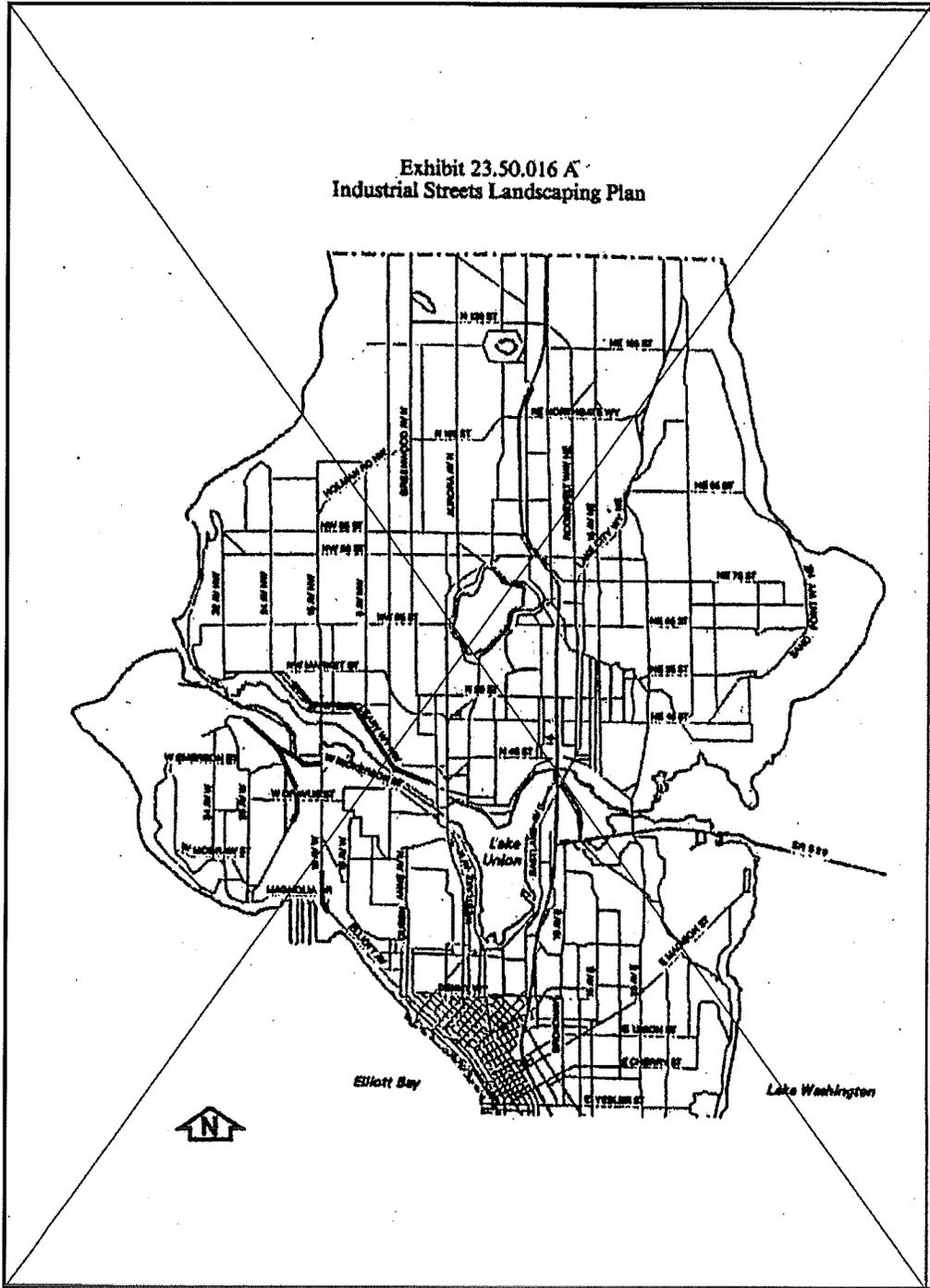
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8 C. Screening. All outdoor storage (~~, including off-street parking for two (2) or more~~
9 ~~fleet vehicles, outdoor~~) areas used for storage for recyclable materials, and outdoor
10 manufacturing, repairing, refuse compacting or recycling activities, shall provide view-obscuring
11 screening along street lot lines unless the outdoor storage or (activity is) outdoor activities are
12 located at least ((fifteen feet (15')) 15 feet above or below the elevation of the street lot line. If
13 ((the specific zone requires)) other provisions applicable to the lot require more extensive
14 landscaping or screening provisions, the more extensive provisions ((shall)) apply.
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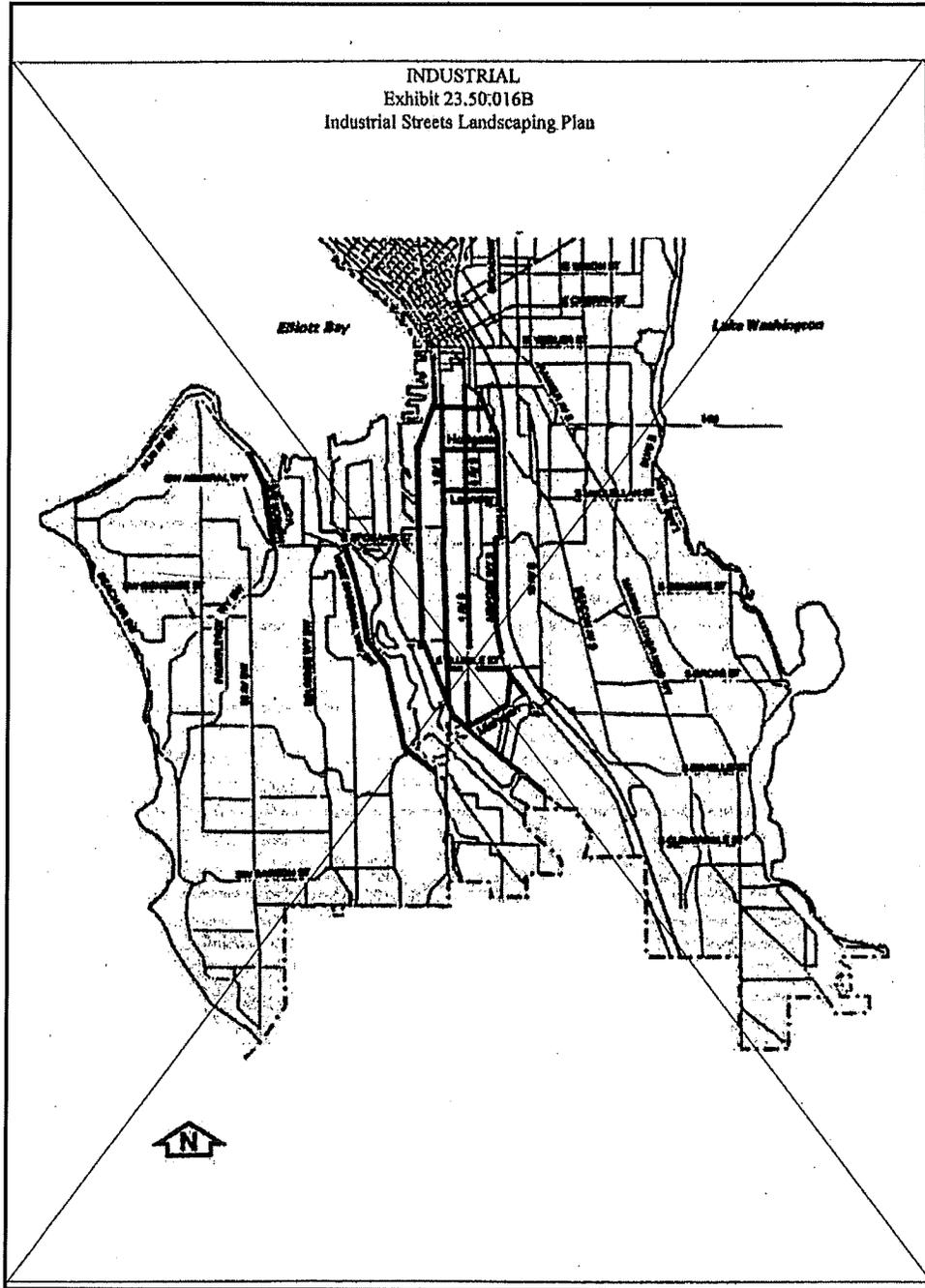


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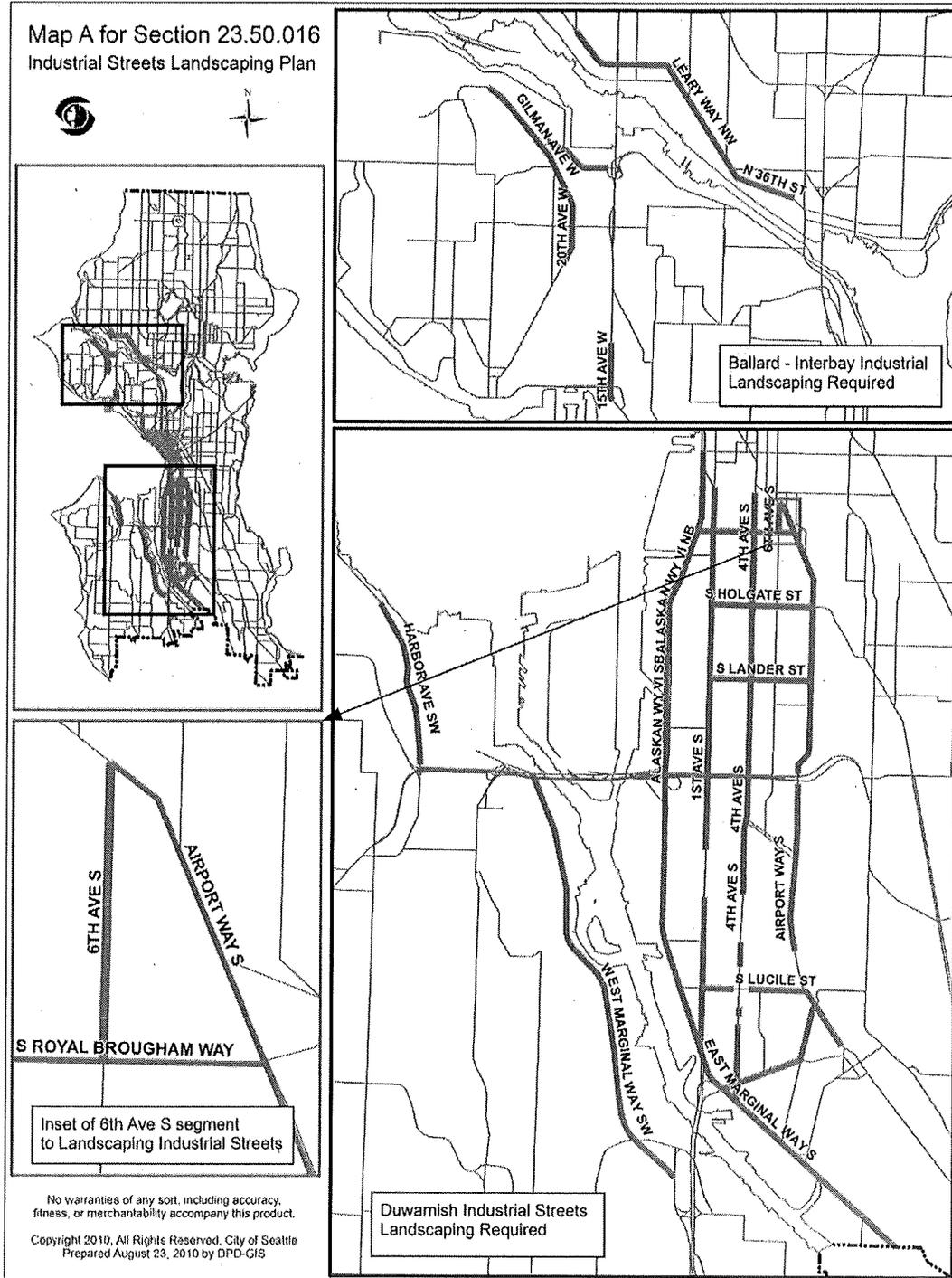
Exhibit 23.50.016 A
Industrial Streets Landscaping Plan



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Map A for Section 23.50.016 Industrial Streets Landscaping Plan



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2 Section 56. The title and subsection A of Section 23.50.020 of the Seattle Municipal
3 Code, which section was last amended by Ordinance 123378, are amended as follows:
4

5 **23.50.020 ((All Industrial zones)) Structure height exceptions and additional restrictions**

6 A. Rooftop Features. Where a height limit applies to a structure, except as provided in
7 subsections 23.50.024.C.4, 23.50.024.D.4, 23.50.024.E.4 and 23.50.024.F.3, the provisions in
8 this subsection 23.50.020.A apply to rooftop features:
9

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

14 2. In all industrial zones, ((Open)) open railings, planters, skylights, clerestories,
15 greenhouses, solariums, parapets and firewalls may extend 4 feet above the applicable height
16 limit with unlimited rooftop coverage.
17

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

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

22 a. The following rooftop features may extend up to 15 feet above the
23 applicable height limit in all industrial zones, subject to subsection 23.50.020.A.4.c((, as long as
24 the combined total coverage of all features listed in this subsection 23.50.020.A.4 does not
25



1 exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes screened
2 mechanical equipment))):

3 ((a-))1) Solar collectors;

4 ((b-))2) Stair and elevator penthouses, except as provided in
5 subsection 23.50.020.A.4.b;

6 ((e-))3) Mechanical equipment; and

7 ((d-))4) Minor communication utilities and accessory
8 communication devices, except that height is regulated according to ((the provisions of)) Section
9 23.57.015.
10

11 b. In an IC 85-160 zone, elevator penthouses may extend up to 25 feet
12 above the applicable height limit, subject to subsection 23.50.020.A.4.c.

13 c. The combined total coverage of all features listed in subsections
14 23.50.020.A.4.a and 23.50.020.A.4.b is limited to 20 percent of the roof area, or 25 percent of
15 the roof area if the total includes screened mechanical equipment.
16

17 5. Greenhouses that are dedicated to food production are permitted to extend 15
18 feet above the applicable height limit if the combined total coverage of all features gaining
19 additional height does not exceed 50 percent of the roof area. Greenhouses allowed under this
20 subsection 23.50.020.A.5((-)) shall be located at least 10 feet from the north edge of the roof
21 unless a shadow diagram is provided that demonstrates that locating such features within 10 feet
22 of the north edge of the roof would not shade property to the north on January 21st at noon more
23 than would a structure built to maximum permitted height and FAR.
24

25 6. Within the South Lake Union Urban Center, at the applicant's option, the
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27
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1 combined total coverage of all features listed in subsections 23.50.020.A.4 and 23.50.020.A.5
2 may be increased to 65 percent of the roof area, provided that all of the following are satisfied:

3 a. All mechanical equipment is screened; and

4 b. No rooftop features are located closer than 10 feet to the roof edge.

5 7. Within an IC 85-160 zone, solar collectors and wind-driven power generators
6 may extend up to 15 feet above the applicable height limit, with unlimited rooftop coverage, and
7 are not subject to a coverage limit under subsection 23.50.020.A.4.c.

8 * * *

9
10 Section 57. Section 23.50.026 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 122611, is amended as follows:

12 **23.50.026 Structure height in IC zones((+))**

13 A. Except as may be otherwise provided in this ~~((title))~~ Title 23, the maximum structure
14 height in IC zones for all uses is ~~((thirty (30) feet, forty five (45) feet, sixty five (65) feet, eighty~~
15 ~~five (85) feet or one hundred twenty five (125) feet,))~~ as designated on the Official Land Use
16 Map, Chapter 23.32. ~~((Only areas in the Stadium Transition Area Overlay District abutting the~~
17 ~~PSM 85/120 zone may be designated for a height limit of one hundred twenty five (125) feet.))~~
18 Maximum structure height may be increased or reduced as provided in this ~~((section))~~ Section
19 23.50.026 or Section 23.50.020. An overlay district may increase or reduce the maximum
20 structure height.
21

22 B. Water-dependent uses within the Shoreline District ~~((shall only be))~~ are subject to
23 only the height limits of the applicable shoreline environment, Chapter 23.60.
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1 C. Within the area shown on Exhibit 23.50.026 A, areas zoned IC(~~(/)~~)_45 are subject to
2 the following height regulations (See Exhibit 23.50.026 A):

3 1. Except as provided in subsection 23.50.026.C.2.c (~~(below)~~), structures with no
4 story at least (~~(fifteen (15))~~) 15 feet in height are limited to a maximum height of (~~(forty (40))~~) 40
5 feet.

6 2. A (~~(sixty five (65))~~) 65 foot structure height is permitted as a special
7 exception provided that:

8 a. Provision is made for view (~~(corridors(s))~~) corridor(s) looking from
9 Elliott Avenue (~~(towards)~~) toward Puget Sound;

10 ((/)) 1) The location of the view corridor(s) shall be determined
11 by the Director upon consideration of such factors as existing view corridors, the location of
12 street rights-of-way, and the configuration of the lot,

13 ((/)) 2) The view corridor(s) shall have a width not less than
14 (~~(thirty five (35))~~) 35 percent of the width of the lot,

15 ((/)) 3) The minimum width of each required view corridor shall
16 be (~~(thirty (30))~~) 30 feet measured at Elliott Avenue West,

17 ((/)) 4) Measurement, modification or waiver of the view
18 corridor(s) shall be according to the Seattle Shoreline Master Program measurement regulations,
19 Chapter 23.60. Where a waiver under these provisions is granted by the Director, the (~~(sixty five~~
20 (~~(65))~~) 65 foot structure height shall still be permitted,
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1 E. Within an IC 85-160 zone, the first figure shown in the zone designation is the base
2 height limit, which is the height limit for all uses, except for a structure that complies with the
3 conditions to extra floor area specified in subsections 23.50.028 and 23.50.033 on a lot that
4 includes extra floor area. Extra floor area means non-residential chargeable floor area allowed in
5 addition to the base FAR under Chapter 23.58A. The second figure is the applicable height limit
6 for all uses, on a lot that includes extra floor area, for a structure that complies with the
7 conditions to extra floor area specified in subsections 23.50.028 and 23.50.033.

8
9 Section 58. Section 23.50.027 of the Seattle Municipal Code, which section was last
10 amended by Ordinance 123266, is amended as follows:

11 **23.50.027 Maximum Size of Nonindustrial Use((~~r~~))**

12 A. Applicability.

13
14 1. Except as otherwise provided in this Section 23.50.027, the maximum size of
15 use limits on gross floor area specified in Table A for 23.50.027 apply to principal uses on a lot,
16 and apply separately to the categories of uses. The total gross floor area occupied by uses limited
17 under Table A for 23.50.027 shall not exceed 2.5 times the area of the lot in an IG1, IG2, IB or
18 IC zone, or three times the lot area in IC zones with 65-foot or 85-foot height limits in the South
19 Lake Union Urban Center.

20
21 2. The combined square footage of any one business establishment located on
22 more than one lot is subject to the size limitations on non-industrial uses specified on Table A for
23 23.50.027.



3. The maximum size of use limits in Table A for 23.50.027 do not apply to the area identified in Exhibit 23.50.027A. In that area no single non-office use listed in Table A for 23.50.027 may exceed 50,000 square feet in size.

4. There is no limit under this Section 23.50.027 on the size of uses in projects that qualify for additional floor area under Section 23.50.051.

Table A for 23.50.027
Size of Use Limits in Industrial Zones

Uses Subject to Size Limits	IG1	IG2	IB	IC Outside the Duwamish MIC	IC Within the Duwamish MIC
Animal Shelters and Kennels*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except <u>75,000 sq. ft. in IC 85-160 zone</u>
Drinking establishments**	3,000 sq. ft.	3,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Entertainment*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except <u>75,000 sq. ft. in IC 85-160 zone</u>
Lodging Uses*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except <u>75,000 sq. ft. in IC 85-160 zone</u>
Medical Services*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except <u>75,000 sq. ft. in IC 85-160 zone</u>
Office	10,000 sq. ft.	25,000 sq. ft.	100,000 sq. ft.	N.S.L.	N.S.L.
Restaurants	5,000 sq. ft.	5,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Retail Sales, Major Durables	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except <u>30,000 sq. ft. in IC 85-160 zone</u>
Sales and Services, Automotive	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.



Table A for 23.50.027
Size of Use Limits in Industrial Zones

Uses Subject to Size Limits	IG1	IG2	IB	IC Outside the Duwamish MIC	IC Within the Duwamish MIC
Sales and Services, General	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L., except 30,000 sq. ft. in IC 85-160 zone

Key for Table A for 23.50.027

N.S.L. = No Size Limit

* Where permitted under Table A for 23.50.012.

** The size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

B. The following exceptions to the size limitations in Table A for 23.50.027 are allowed for a structure existing as of September 26, 2007:

1. A use legally established as of September 26, 2007 that already exceeds the size limitations listed in Table A for 23.50.027 may continue.

2. Subject to the limitations in subsection 23.50.027.E, the gross floor area of a use listed in Table A for 23.50.027 and legally established as of September 26, 2007 may be converted to another category of use listed in Table A for 23.50.027 provided that the combined gross floor area devoted to uses listed in Table A for 23.50.027 does not exceed the total gross floor area of such uses legally established as of September 26, 2007.

3. If ~~((fifty (50)))~~ 50 percent or more of the gross floor area of the structure has been legally established as of September 26, 2007 with a use or uses listed in Table A for 23.50.027, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Table A for 23.50.027 may expand within and occupy the entire structure.



1 b. The structure may be expanded by up to the following amounts and the
2 use or uses may be permitted to expand within and occupy the entire structure:

3 ((f))1) IG1 and IG2 Zones: ((Twenty-(20))) 20 percent of the
4 existing structure's gross floor area or ((ten thousand (10,000))) 10,000 square feet, whichever is
5 less;

6 ((f))2) IB and IC Zones: ((Twenty-(20))) 20 percent of the
7 existing structure's gross floor area or ((twenty thousand (20,000))) 20,000 square feet, whichever
8 is less.
9

10 C. Special Exceptions for Office Use.

11 1. Office Uses that are not Public Facilities Operated for Public Purposes by
12 Units or Instrumentalities of Special or General Purpose Government or the City.

13 a. The Director may permit an office use to exceed the size of use limits
14 as a special exception pursuant to Chapter 23.76, Master Use Permits and Council Land Use
15 Decisions, provided that the total gross floor area devoted to the uses limited in Table A for
16 23.50.027 shall not exceed an area equal to the area of the lot in an IG1 zone or ((two and one-
17 half (2.5))) 2.5 times the area of the lot in an IG2 or IB zone, and either the office is on the same
18 lot as, and accessory to, a permitted use not listed in Table A for 23.50.027; or the office is a
19 principal use on the same or another lot within ((one (1))) 1 mile distance of a permitted use not
20 listed in Table A for 23.50.027 and is directly related to and supportive of that use.
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22 b. The Director shall use the following characteristics to determine
23 whether to approve, approve with conditions or deny a special exception:
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1 ((f))1) Characteristics that make a lot more appropriate for office
2 uses are:

3 ((a)) a) The presence of well-defined boundaries, buffers,
4 edge conditions or circulation patterns ((which)) that separate office uses from industrial activity;

5 ((b)) b) The likelihood that the proposed use will provide
6 or encourage improvements that will directly support industrial activity in the area;

7 ((c)) c) The likelihood that the proposed use, because of
8 its type, size and location, will operate without substantial conflicts with the industrial function
9 of the area;

10 ((d)) d) A sufficiently large industrial area such that the
11 proposed use would not undermine the area's industrial character.

12 ((f)) 2) Characteristics that make a lot less appropriate for office
13 uses are:

14 ((a)) a) The presence of heavy industrial uses ((which))
15 that would conflict with office use;

16 ((b)) b) The presence of any special features, such as
17 access to the water, rail and the regional highway systems, ((which)) that make the land
18 especially well-suited to industrial use.

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22 2. Office Uses in Public Facilities Operated for Public Purposes by Units or
23 Instrumentalities of Special or General Purpose Government or the City in IG1 Zones. The
24 Director may permit office uses in existing vacant structures that were and are to be used as
25 public facilities operated for public purposes by units or instrumentalities of special or general
26



1 purpose government or the City on lots zoned IG1 to exceed the size limits referenced in Table A
2 for 23.50.027 as a special exception pursuant to Chapter 23.76, Master Use Permits and Council
3 Land Use Decisions, under the following circumstances:

4 a. Eligible Sites. To be eligible to apply for this exception the lot must
5 meet the following criteria:

6 ((f)) 1) The lot and its structures (~~((must be))~~) are owned by a unit
7 or instrumentality of special or general purpose government or the City and must have been
8 owned by a unit or instrumentality of special or general purpose government or the City on
9 January 1, 2000;

10 ((f)) 2) The lot is at least (~~((five hundred thousand (500,000)))~~)
11 500,000 square feet;

12 ((f)) 3) The lot contains existing structures with a total gross floor
13 area of at least (~~((three hundred thousand (300,000)))~~) 300,000 square feet that were at least (~~((fifty~~
14 (~~50~~)) 50 percent vacant continuously since September 1, 1997; and

15 ((f)) 4) The lot and the existing structures on the lot must have
16 functioned most recently as a public facility operated for a public purpose by a unit or
17 instrumentality of special or general purpose government or the City, and

18 ((f)) a) The previous public facility must have had at least
19 (~~((ten (10)))~~) ten percent of its gross floor area functioning as accessory or principal offices; and

20 ((f)) b) The previous public facility must have had at least
21 (~~((twenty five (25)))~~) 25 percent of its gross floor area functioning as one (~~((1))~~) or more of the
22 following uses or categories of uses:



- 1 ((f))i((f)). Warehouse,
- 2 ((f))ii((f)). Light, general or heavy manufacturing,
- 3 ((f))iii((f)). Food processing or craft work,
- 4 ((f))iv((f)). Transportation facilities,
- 5 ((f))v((f)). Salvage and recycling, or
- 6 ((f))vi((f)). Utilities other than solid waste

7
8 landfills((f)).

9 b. Development Standards. The proposed public facility must meet the
10 following development standards in order for a special exception to be approved((f));

11 ((f))1) The existing structure or structures will remain on the lot
12 and will be reused for the proposed public facility, except that demolition of up to ((twenty (20)))
13 20 percent of the gross floor area of the existing structures and/or an addition of up to ((twenty
14 (20))) 20 percent of the gross floor area of the existing structures is allowed;

15
16 ((f))2) The total gross floor area to be devoted to office use in the
17 proposed public facility will not exceed the lesser of ((fifty-five (55))) 55 percent of the gross
18 floor area of the existing structures on the lot or an area equal to the area of the lot; and

19
20 ((f))3) At least ((twenty-five (25))) 25 percent of the gross floor
21 area of the structures in the proposed public facility must include one or more of the following
22 uses or categories of uses:

- 23 ((f))a) Warehouse;
- 24 ((f))b) Light, general or heavy manufacturing;
- 25 ((f))c) Food processing or craft work;



1 ((f))d) Transportation facilities;

2 ((f))e) Salvage or recycling; or

3 ((f))f) Utilities other than solid waste landfills.

4 D. Covered rooftop recreational space of a building existing as of December 31, 1998,
5 ((when)) if complying with ((the provisions of Section)) subsection 23.50.012.D, ((shall not be))
6 is not subject to the limits on maximum size of nonindustrial uses contained in subsection
7 23.50.027.A ((of this section)).

8 E. Special Exception to Maximum Sizes for General Sales and Service Use.

9 1. Subject to the procedures set forth in Chapter 23.76, Master Use Permits and
10 Council Land Use Decisions, a general sales and service use within the Duwamish
11 Manufacturing/Industrial Center that satisfies the criteria in this subsection 23.50.027.E may
12 obtain a special exception to expand its gross floor area by a maximum of ((thirty (30))) 30
13 percent above the gross floor area being used for general sales and service use as of October 1,
14 2003. The expansion in gross floor area may occur one time only, either by addition to the
15 existing building or by construction of a replacement building, in which case the gross floor area
16 of the portion of the replacement building to be used for general sales and service use must not
17 exceed the gross floor area of the old building that was used for general sales and service use as
18 of October 1, 2003, plus ((thirty (30))) 30 percent of that gross floor area.

19 2. To be eligible for this special exception an applicant must demonstrate to the
20 Director's satisfaction that:

21 a. The general sales and service use was established on a lot on or before
22 January 1, 1985, the use has continued as an established general sales and service use since that
23



1 date without interruption, and it exceeded the size of use limits in Table A for 23.50.027 as of
2 September 12, 2007;

3 b. At least (~~fifty (50)~~) 50 percent of the gross sales of the general sales
4 and service use are to businesses or business representatives; and

5 c. The use has not previously converted any use listed in Table A for
6 23.50.027 to general sales and service pursuant to subsection 23.50.027.B.2 (~~(of this section)~~) or
7 expanded the gross floor area of the general sales and service use pursuant to subsections
8 23.50.027.B.3.a or 23.50.027.B.3.b (~~(of this section)~~).

9
10 3. The Director shall consider the following and may impose conditions to
11 assure that these criteria are met:

12 a. That well-defined boundaries, buffers, edge conditions or circulation
13 patterns will separate the use, if the gross floor area of the general sales and service use is
14 expanded, from surrounding industrial activity;

15 b. That adverse impacts on nearby industrial uses are minimized; and

16 c. That the proposed expansion of the gross floor area of the general sales
17 and service use will increase the capacity of the existing use to support other businesses by
18 providing goods and services that are used by such businesses as well as by individual
19 consumers in the Duwamish Manufacturing/Industrial Center.

20
21 4. To be eligible for expansion onto a contiguous lot that is not separated by a
22 street, alley or other right-of-way, the applicant also must demonstrate that:
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1 a. The established use on the contiguous lot is a use that is permitted in
2 commercial as well as industrial zones, and that use has been established for at least ten ~~((10))~~
3 years prior to the date of application; and

4 b. The most recent business establishment on the contiguous lot has
5 ceased operations or moved to another location for reasons unrelated to the proposed expansion
6 of the general sales and service use that is applying for the special exception.
7

8 5. Any general sales and service use that has expanded its gross floor area
9 pursuant to a special exception granted pursuant to this ~~((section))~~ Section 23.50.027 may not
10 thereafter convert any use listed in Table A for 23.50.027 to retail pursuant to subsection
11 23.50.027.B.2 ~~((of this section))~~ or ~~((expanded))~~ expand the gross floor area of the general sales
12 and service use pursuant to subsections 23.50.027.B.3.a or 23.50.027.B.3.b ~~((of this section))~~.
13

14 * * *

15 G. Rooftop Recreational Space in IG1 and IG2 Zones. Rooftop recreational space in
16 IG1 and IG2 zones accessory to office use and meeting the standards of subsection 23.50.012.D
17 is not subject to the limits on maximum size of nonindustrial uses.

18 Section 59. Section 23.50.028 of the Seattle Municipal Code, which section was last
19 amended by Ordinance 122611, is amended as follows:

20 **23.50.028 Floor area ~~((ratio))~~ limits**

21 The applicable floor area ratio (FAR), as provided below, determines the permitted chargeable
22 floor area on a lot, except as expressly otherwise provided.
23

24 A. General Industrial 1 and General Industrial 2, Floor Area Ratio. The ~~((total))~~
25 maximum FAR in IG1 and IG2 zones ~~((shall be two and one-half (2.5)))~~ is 2.5.
26



1 B. Industrial Buffer, Floor Area Ratio. ~~The maximum FAR ((for all uses on lots in the~~
2 ~~Industrial Buffer (IB) zone shall be two and one half (2.5))~~ in IB zones is 2.5.

3 C. Industrial Commercial, Floor Area Ratio. The base and maximum FARs in IC zones
4 are set forth on Table A for 23.50.028 ((Except within the South Lake Union Urban Center, the
5 maximum FAR in all Industrial Commercial (IC) zones is two and one half (2.5).))

6 ~~((D. Industrial Commercial/South Lake Union, Floor Area Ratio. Within the South Lake~~
7 ~~Union Urban Center, the maximum FAR in Industrial Commercial zones is three (3) except as~~
8 ~~provided in Section 23.50.051.))~~

9

10

11 **Table A for 23.50.028**
Floor Area Ratios

<u>Zone Designation</u>	<u>Base FAR</u>	<u>Maximum FAR</u>
<u>All IC zones except as otherwise stated in this table</u>	<u>2.5</u>	<u>2.5</u>
<u>IC 65 and IC 85 zones within the South Lake Union Urban Center, except in the area designated in Exhibit 23.50.051A</u>	<u>3</u>	<u>3</u>
<u>IC 65 and IC 85 zones within the portion of the South Lake Union Urban Center designated in Exhibit 23.50.051A</u>	<u>3</u>	<u>7¹</u>
<u>IC 65 and IC 85 zones within the Stadium Transition Area Overlay District</u>	<u>3</u>	<u>3</u>

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Table A for 23.50.028
Floor Area Ratios

<u>IC 85-160 zone</u>	<u>2.5 FAR for all permitted uses, except that the combined chargeable floor area of the following uses is limited to 1 FAR or 50,000 square feet, whichever is greater: entertainment uses; lodging uses; medical services; office; restaurant; major durables retail sales; automotive sales and services; religious facilities; and general sales and services</u>	<u>3.5¹; except that if the total chargeable floor area of uses identified in the base FAR column is greater than 3.5 FAR, that amount of floor area, not to exceed 50,000 square feet, is the maximum FAR.</u>
<u>Footnotes to Table A for 23.50.028</u> ¹ <u>Additional floor area above the base FAR allowed according to subsection 23.50.028.D</u>		

D. Extra floor area.

1. Within a portion of the South Lake Union Urban Center designated in Exhibit 23.50.051A, extra floor area above 3 FAR is allowed pursuant to Section 23.50.051.

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

a. Twenty-five percent of any extra nonresidential floor area shall be gained through the transfer of development rights pursuant to subsection 23.50.053.

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



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

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

10 b. Sidewalk improvements, including sidewalk widening, to
11 accommodate increased pedestrian volumes and streetscape improvements that will enhance
12 pedestrian comfort and safety; and

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

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

18 2) Improvements to facilitate pedestrian wayfinding to and
19 from the Stadium Light Rail Station;

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

22 4) Improved pedestrian and bicycle crossing of Airport Way South



at 6th Avenue South.

1
2 4. In an IC 85-160 zone, in addition to satisfying the conditions of subsections
3 23.50.028.D.2, and 23.50.028.D.3 if applicable, for development to exceed the base FAR and
4 include 85,000 or more square feet of gross office floor area, the Director shall make an
5 individual determination of project impacts on the need for open space resources. The Director
6 may limit floor area or allow floor area subject to conditions, which may include a voluntary
7 agreement between the property owner and the City to mitigate identified impacts, if any. The
8 Director shall take into account the findings of subsection 23.49.016.A in assessing the demand
9 for open space generated by a typical office project in an area permitting high employment
10 densities.

11
12 a. The Director may consider the following as mitigation for open space
13 impacts:

14
15 1) Open space provided on-site or off-site, consistent with the
16 provisions in subsection 23.49.016.C, or provided through payment in lieu, consistent with
17 subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an IC
18 85-160 zone that is accessible to the project occupants, and

19
20 2) Additional pedestrian space through on-site improvements or
21 streetscape improvements provided as mitigation for project impacts on pedestrian facilities
22 pursuant to subsection 23.50.028.D.3.

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



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

4 2) characteristics or features of the project that mitigate the
5 anticipated open space impacts of workers or others using or occupying the project.

6 E. ~~((All Industrial Zones,))~~ Exemptions from FAR Calculations.

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

8 ~~((1))~~a. All gross floor area below grade;

9 ~~((2))~~b. All gross floor area used for accessory parking, except as
10 provided in subsection 23.50.028.F;

11 ~~((3))~~c. All gross floor area located on the rooftop of a structure and used
12 for any of the following: mechanical equipment, stair and elevator penthouses, and
13 communication equipment and antennas; and

14 ~~((4))~~d. All gross floor area used for covered rooftop recreational space of
15 a building existing as of December 31, 1998 in an IG1 or IG2 zone, ~~((when))~~ if complying with
16 ~~((the provisions of Section))~~ subsection 23.50.012.D(; ~~and))~~.

17 ~~((5))~~2. ~~((Within))~~ In addition to areas exempt from FAR calculations in
18 subsection 23.50.028.E.1, within the South Lake Union Urban Center, the following areas are
19 also exempt from FAR calculations:

20 a. Gross floor area occupied by mechanical equipment, up to a maximum
21 of ~~((fifteen (15)))~~ 15 percent of the floor area on the lot. The ~~((allowance))~~ maximum is



1 calculated on the gross floor area of the structure after all other exempt space permitted under
2 this subsection 23.50.028.E is deducted.

3 b. The following uses located at street level:

4 ~~((i.))~~1) General sales and service uses;

5 ~~((ii.))~~2) Eating and drinking establishments;

6 ~~((iii.))~~3) Entertainment uses;~~((and))~~

7 ~~((iv.))~~4) Public libraries; and

8 5) Religious facilities.

9
10 3. In addition to areas exempt from FAR calculations in subsection
11 23.50.028.E.1, within an IC 85-160 zone, the following exemptions from FAR calculations
12 apply:

13
14 a. Three and one-half percent of the total chargeable gross floor area in a
15 structure, as an allowance for mechanical equipment. Calculation of the allowance is based on
16 the remaining gross floor area after all other exempt space permitted in subsection 23.50.028.E is
17 deducted.

18
19 b. For structures built prior to the effective date of this ordinance
20 (introduced as Council Bill 117140), the area covered by new or replacement mechanical
21 equipment placed on the roof.

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

25
26 d. The gross floor area of the following uses located at street level,
27 provided that the conditions of Section 23.50.039 are satisfied:



1 1) General sales and service uses;

2 2) Eating and drinking establishments;

3 3) Entertainment use;

4 4) Public libraries;

5 5) Childcare facilities;

6 6) Religious facilities; and

7 7) Automotive sales and service.

8 4. In addition to areas exempt from FAR calculations in subsection

9
10 23.50.028.E.1, within IG1 and IG2 zones, the gross floor area of rooftop recreational space
11 accessory to office use meeting the standards of subsection 23.50.012.D is exempt from FAR
12 calculations.

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

22 G. Election for Certain Projects. Anything in Section 23.76.026 notwithstanding, the
23 applicant for a Master Use Permit for a project in the South Lake Union Urban Center to which
24
25
26
27
28



1 the Land Use Code in effect prior to ~~((the effective date of the ordinance enacting this subsection~~
2 ~~G applies))~~ January 20, 2008 applies may, by written election, use the exemptions in subsection
3 ~~((E.5b of this section))~~ 23.50.028.E.2.b, provided that subsection 23.50.028.F ~~((of this section))~~
4 also ~~((shall apply))~~ applies.

5 H. Mechanical Equipment. Area covered by mechanical equipment located on the roof
6 of a structure, whether enclosed or not, is included as part of the calculation of floor area, unless
7 expressly exempted by an applicable provision of this Section 23.50.028.

8
9 Section 60. A new Section 23.50.033 of the Seattle Municipal Code is added as follows:

10 **23.50.033 Conditions for extra floor area in an IC 85-160 zone**

11 A. General. Projects in an IC 85-160 zone may add chargeable floor area above the base
12 FAR up to the applicable maximum FAR in Section 23.50.028 if Sections 23.58A.022 and
13 23.58A.024 for extra nonresidential floor area and all the applicable conditions of this Chapter
14 23.50 are satisfied. The provisions of this Section 23.50.033 apply to lots in an IC 85-160 zone,
15 and only to development exceeding the base FAR.
16

17 B. LEED requirement. The applicant shall make a commitment acceptable to the
18 Director that the proposed development will earn a LEED Silver rating or meet a substantially
19 equivalent standard, and shall demonstrate compliance with that commitment, all in accordance
20 with Section 23.49.020.
21

22 C. Quantity of parking, ridesharing and transit incentive program requirements.
23 Maximum parking limits, ridesharing and transit incentive program requirements for
24 nonresidential uses established for Downtown zones in subsections 23.49.019.C and 23.49.019.D
25 apply, and requirements for bicycle parking established in subsection 23.49.019.E apply.
26



1 D. Seattle Green Factor Landscaping Requirement. Development shall achieve a
2 minimum Green Factor score of .30, calculated pursuant to Section 23.86.019.

3 Section 61. Section 23.50.038 of the Seattle Municipal Code, which section was last
4 amended by Ordinance 123547, is amended as follows:

5 **23.50.038 Industrial Commercial--Screening and Landscaping((~~r~~))**

6 A. Screening and landscaping requirements for all uses.

7
8 1. All property zoned Industrial Commercial (IC) and within a designated urban
9 village or urban center shall achieve a Green Factor score of .30 or greater, pursuant to Section
10 23.86.019.

11 2. Standards. All landscaping provided to meet requirements under this Section
12 23.50.038 must meet standards promulgated by the Director to provide for the long-term health,
13 viability and coverage of plantings. The standards may include, but are not limited to, the type
14 and size of plants, number of plants, concentration of plants, depths of soil, use of low water use
15 plants and access to light and air for plants.

16
17 3((2)). All uses shall provide street trees, unless it is determined by the Director to
18 be infeasible. If it is not feasible to plant street trees in the planting strip, then they shall be
19 provided in the required 5-foot deep landscaped area along street ~~((property))~~ lot lines.

20
21 B. Treatment of blank facades.

22 1. Blank facade ~~((requirements shall))~~ limits apply to the area of the facade
23 between 2 and 8 feet above the sidewalk.

24 a. Any portion of a facade that is not transparent shall be considered to be
25 a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be
26



1 considered transparent. Transparent areas shall allow views into the structure or into display
2 windows from the outside.

3 b. Portions of a facade of a structure (~~which~~) that are separated by
4 transparent areas of at least 2 feet in width shall be considered separate facade segments for the
5 purposes of this subsection 23.50.038.B.

6 c. (~~Blank~~) Except as provided for in subsection 23.50.038.C.6, blank
7 segments of facades (~~which~~) that are 60 feet wide and greater, and within 20 feet of the street
8 (~~front~~) lot line shall (~~provide~~) be screened by one of the following:

9 1) A hedge (~~which would~~) that will achieve a height of at least 5
10 feet within 3 years of planting and a height of at least 10 feet at full maturity; or

11 2) Trellises and vining plants attached to the wall up to a
12 minimum height of 10 feet; or

13 3) A landscaped area meeting (~~the provisions of Section~~)
14 subsection 23.50.034.C, landscaped areas or berms.

15 d. The following limits on blank façade segments apply to lots in an IC
16 85-160 zone:

17 1) For facades facing streets that bound the Downtown Urban
18 Center or streets shown on Map A for Section 23.50.016, blank facade segments shall not exceed
19 15 feet in width, except that:

20 a) the width of a blank façade segment that includes a
21 garage door may exceed 15 feet but is limited to the width of the driveway plus 5 feet; and
22



1 screening and landscaping requirement for all or a part of the lot abutting the alley, or may waive
2 only the landscaping requirement, ~~((when))~~ if required parking can only be provided at the rear
3 lot line and the alley is necessary to provide aisle space. In making the determination to waive or
4 reduce the landscaping and screening requirements, the Director shall consider the following
5 criteria:

6 ((f)) 1) Whether the lot width and depth permits a workable plan
7 for the building and parking which would preserve the screening and landscaping; and

8 ((f)) 2) Whether the character of use across the alley, such as
9 multi-family parking structures or single-family garages, make the screening and landscaping
10 less necessary; and

11 ((f)) 3) Whether a topographic break between the alley and the
12 residential zone makes screening less necessary.

13 c. ~~((When))~~ If a surface parking area or off-street loading area is directly
14 across a street ~~((right-of-way eighty feet (80')))~~ 80 feet or less in width from a lot in a residential
15 zone, a ~~((five-foot (5')))~~ 5 foot deep landscaped setback area from the street lot line, including
16 street trees, shall be provided. Three-foot ~~((3'))~~ high screening along the edge of the setback,
17 with the landscaping on the street side of the screening, shall be provided.

18 d. ~~((When))~~ If a surface parking area or off-street loading area abuts a lot
19 in a residential zone, view-obscuring screening and a ~~((five-foot (5')))~~ 5 foot deep landscaped
20 setback area on the inside of the screening shall be provided.

21 e. Surface parking areas for ten ~~((10))~~ or fewer cars shall be screened
22 by ~~((three-foot (3')))~~ 3 foot high screening along the street lot line.



1 f. Surface parking areas for more than ten (~~((10))~~) cars shall be screened
2 by (~~((three-foot (3'))~~) 3 foot high screening and street trees along the street lot lines.

3 g. Surface parking areas for more than (~~((fifty (50))~~) 50 cars shall provide
4 (~~((three-foot (3'))~~) 3 foot high screening and street trees along the street lot lines, as well as
5 interior landscaping.

6 2. Parking Structures.

7 a. (~~((When))~~) If a parking structure is directly across a street (~~((right-of-way~~
8 ~~eighty-foot (80'))~~) 80 feet or less in width from a lot in a residential zone, a (~~((five-foot (5'))~~) 5
9 foot deep landscaped setback area from the street lot line, including street trees, shall be
10 provided. The street-facing facade of each floor of parking shall have an opaque screen at least
11 (~~((three and one-half feet ((3 1/2'))~~) 3.5 feet high.

12 b. (~~((When))~~) If a parking structure abuts a lot in a residential zone, a (~~((five~~
13 ~~foot (5'))~~) 5 foot deep landscaped setback area from the lot line shall be provided unless the
14 parking structure is completely enclosed except for driveway areas. In addition to the landscaped
15 setback, view-obscuring screening shall be provided along abutting (~~((property))~~) lot line(s).

16 (~~((When))~~) If the parking structure is enclosed by a solid wall, any setback area provided within
17 (~~((five feet (5'))~~) 5 feet of the abutting lot lines shall be landscaped. The abutting facade of each
18 floor of parking not enclosed by a solid wall shall have an opaque screen at least (~~((three and one~~
19 ~~half feet (3-1/2'))~~) 3.5 feet high.

20 c. (~~((When))~~) If a parking structure is across an alley from a lot in a
21 residential zone, a (~~((five-foot (5'))~~) 5 foot deep landscaped setback area from the alley lot line
22 shall be provided, unless the parking structure is completely enclosed, except for driveway areas.



1 Three-foot (~~((3'))~~) high screening along the facade facing the alley with the landscaping on the
2 alley side of the screening shall be provided. (~~((When))~~) If the parking structure is enclosed by a
3 solid wall, any setback area provided within (~~((five feet (5'))~~) 5 feet of the alley lot line shall be
4 landscaped. The abutting or alley facade of each floor of parking shall have an opaque screen at
5 least (~~((three and one half feet (3 1/2'))~~) 3.5 feet high.

6
7 d. (~~((When))~~) If a parking structure is directly across a street (~~((right-of-~~
8 ~~way))~~) wider than (~~((eighty feet (80'))~~) 80 feet (~~((in width))~~) from a lot in a residential zone, street
9 trees shall be provided.

10 e. (~~((When))~~) If a parking structure is directly across a street (~~((right-of-way~~
11 ~~((eighty feet (80'))~~) 80 feet or less in width from a lot in a commercial zone, street trees shall be
12 provided.

13
14 3. Outdoor Sales and Outdoor Display of Rental Equipment.

15 a. (~~((When))~~) If an outdoor sales area or outdoor display of rental
16 equipment is across an alley from a lot in a residential zone, or abutting a lot in a residential or
17 commercial zone, view-obscuring screening shall be provided along the abutting or alley lot
18 lines.

19 b. (~~((When))~~) If an outdoor sales area or outdoor display of rental
20 equipment is directly across the street from a lot in a residential or commercial zone, street trees
21 and (~~((three))~~) 3 foot (~~((3'))~~) high screening along the street front shall be provided.

22
23 4. Drive-in Businesses Including Gas Stations.

24 a. Drive-in businesses across an alley from a lot in a residential zone
25 shall provide view-obscuring screening along the alley lot lines.
26



1 b. Drive-in businesses in which the drive-in portion of the business is
2 directly across a street (~~(right-of-way eighty feet (80'))~~) 80 feet or less in width from a lot in a
3 residential zone shall provide 3 foot (~~((3'))~~) high screening for the drive-in portion and street
4 trees.

5 c. (~~(When)~~) If a drive-in business is directly across a street (~~(right-of-~~
6 ~~way))~~ wider than (~~(eighty feet (80'))~~) 80 feet (~~(in-width)~~) from a lot in a residential zone, street
7 trees shall be provided.
8

9 d. Drive-in businesses abutting a lot in a residential zone shall provide
10 view-obscuring screening and a (~~(five foot (5'))~~) 5 foot deep landscaped setback area inside the
11 screening.
12

13 5. Outdoor Storage and Outdoor Loading Berths.

14 a. Outdoor storage and outdoor loading berths directly across a street
15 (~~(right-of-way eighty feet (80'))~~) 80 feet or less in width from a lot in an NC1, NC2, NC3 or C1
16 zone shall provide view-obscuring screening along the street lot lines and street trees.

17 b. (~~(When)~~) If the outdoor storage or outdoor loading berth is directly
18 across a street (~~(right-of-way eighty feet (80'))~~) 80 feet or less in width from a lot in a residential
19 zone, view-obscuring screening shall be provided. A (~~(five)~~) 5 foot (~~((5'))~~) deep landscaped area
20 including street trees shall be provided between the lot line and the view-obscuring screening.
21

22 c. (~~(When)~~) If outdoor storage or an outdoor loading berth is directly
23 across a street (~~(right-of-way)~~) wider than (~~(eighty feet (80'))~~) 80 feet (~~(in-width)~~) from a lot in a
24 residential zone, view-obscuring screening and street trees shall be provided.
25
26
27
28



1 d. ~~((When))~~ If outdoor storage or an outdoor loading berth is across an
2 alley from a lot in a residential zone, view-obscuring screening shall be provided. A ~~((five-foot~~
3 ~~(5'))~~ 5 foot deep landscaped area shall be provided between the lot line and the view-obscuring
4 screening, ~~((except when))~~ unless the industrial lot is at least ~~((fifteen feet (15'))~~ 15 feet above
5 the elevation of the residential lot or ~~((when))~~ the screen is a solid wall.

6
7 e. ~~((When))~~ If the outdoor storage or outdoor loading berth abuts a lot in a
8 residential zone, view-obscuring screening and a ~~((fifteen-foot (15'))~~ 15 foot deep landscaped
9 area inside the screening shall be provided along the abutting lot line.

10 6. Solid waste transfer stations.

11 a. All solid waste transfer stations shall provide landscaping
12 meeting a minimum Green Factor score of 0.40, pursuant to Section 23.86.019. If the transfer
13 station is part of a development located on separate parcels within 200 feet of each other, Green
14 Factor scoring may be calculated for the multiple parcels considered as a whole. If the parcels
15 are in zones having different Green Factor minimum scores, the development considered as a
16 whole shall meet the highest applicable, minimum Green Factor score.

17
18 b. Solid waste transfer stations abutting or across the street from
19 a lot in a commercial or residential zone, shall provide screening pursuant to Section
20 23.50.034.B.

21
22 7. Fences or free-standing walls associated with utility services uses may
23 obstruct or allow views to the interior of a site. Where site dimensions and site conditions allow,
24 applicants are encouraged to provide both a landscaped setback between the fence or wall and
25 the right-of-way , and a fence or wall that provides visual interest facing the street lot line,
26



1 through the height, design or construction of the fence or wall, including the use of materials,
2 architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. If
3 abutting or across the street from a lot in a residential, commercial, or downtown zone, fences or
4 free-standing walls for a utility services use must provide either:

5 a((9)). A 5-foot-deep landscaped area between the wall or fence
6 and the street lot line; or

7 b((9)). Architectural detailing, artwork, vegetated trellises,
8 decorative fencing, or similar features to provide visual interest facing the street lot line, as
9 approved by the Director.

10 8. Screening and location of parking in an IC 85-160 zone. Those developments
11 that gain extra floor area above the base FAR in an IC 85-160 zone are subject to the following,
12 in addition to any other applicable parking screening requirements in this subsection

13 23.50.038.C.

14 a. All parking permitted on the lot shall be provided below grade or
15 enclosed within a structure.

16 b. Parking at street level.

17 1) Parking is not permitted at street level within a structure along a
18 lot line abutting a street bounding the Downtown Urban Center or a street shown on Map A for
19 23.50.016, Industrial Streets Landscaping Plan, unless separated from the street by other uses,
20 except that garage and loading doors and access to parking need not be separated.



1 and, through the use of materials, fenestration, or other architectural treatment, the screening
2 shall be designed to provide visual interest and to integrate the screened portions of the building
3 façade with the overall design of the structure's street-facing facades.

4 4) The Director may permit, as a Type I decision, exceptions to
5 subsection 23.50.038.C.6.c to permit more parking above street level than otherwise allowed, if
6 the Director finds that locating permitted parking below grade is infeasible due to physical site
7 conditions such as a high water table, contaminated soil conditions, or proximity to a tunnel. In
8 such cases, the Director shall determine the maximum feasible amount of parking that can be
9 provided below grade, if any, and the amount of additional parking to be permitted above street
10 level.

11
12 Section 62. A new Section 23.50.039 of the Seattle Municipal Code is added as
13 follows:

14
15 **23.50.039 Street-level use requirements in an IC 85-160 zone**

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

- 19 1. General sales and service uses;
- 20 2. Automotive sales and service
- 21 3. Eating and drinking establishments;
- 22 4. Entertainment uses;
- 23 5. Child care facilities;
- 24 6. Public libraries;
- 25
- 26
- 27
- 28



1 purposes of applying any section of Chapter 23.48 referred to in this ~~((section))~~ Section
2 23.50.051, Class 2 Pedestrian Streets are as designated on Exhibit 23.50.051A. ~~((For the~~
3 ~~purposes of this section, the applicable FAR limit in subsection 23.50.028D is called the “base~~
4 ~~FAR.”)) As a condition to any floor area above the base FAR, a project must conform to all the~~
5 provisions of subsections 23.50.051.C through 23.50.051.M of this section, inclusive. As a
6 further condition, any floor area above ~~((four and a half (4.5)))~~ 4.5 FAR is allowed only to the
7 extent gained in accordance with the bonus and TDR provisions of subsection 23.50.051.N ~~((of~~
8 ~~this section))~~.

10 B. Maximum FAR. The maximum chargeable floor area permitted on a lot pursuant to
11 this ~~((section))~~ Section 23.50.051 is ~~((seven (7)))~~ 7 FAR.

12 * * *

14 Section 64. Section 23.50.053 of the Seattle Municipal Code, which section was last
15 amended by Ordinance 123046, is amended as follows:

16 **23.50.053 Transfer of development rights within the South Lake Union Urban Center and**
17 **within an IC 85-160 zone((=))**

18 A. General Standards for the transfer of development rights to lots in the South Lake
19 Union Urban Center.

21 1. In order to achieve a portion of the floor area above ~~((five (5)))~~ five FAR that
22 may be allowed in an IC zone within the South Lake Union Urban Center pursuant to Section
23 23.50.051, an applicant may use transferable development rights to the extent permitted in Table
24 A for 23.50.053~~((A))~~, subject to the limits and conditions in this Chapter 23.50:



((Table 23.50.053A))

Table A for 23.50.053
Eligibility for TDR Sending and Receiving in IC and SM Zones

Zones	Types of TDR			
	Within-block TDR	Landmark TDR	Arts Facility TDR	Housing TDR
IC	S, R	S, R	S, R	S, R
SM with a mapped height limit lower than 85((-)) feet	X	X	X	X
SM/R	X	X	X	X
SM/85	S	S	S	S
SM/125	S	S	S	S

Key for Table A for 23.50.053

S = Eligible sending lot, if in the South Lake Union Urban Center.
 R = Eligible receiving lot, if in the area eligible for added floor area under Section 23.50.051.
 X = Not permitted.

2. TDR may be transferred as within-block TDR only from a lot to another lot on the same block that is eligible for added floor area under Section 23.50.051, to the extent permitted in Table A for 23.50.053((A)), subject to limits and conditions in this ((chapter)) Chapter 23.50.

3. The eligibility of a lot in the South Lake Union Urban Center to be either a sending or receiving lot is regulated by Table A for 23.50.053((A)).

4. TDR eligible to be transferred from a major performing arts facility under ((Section)) subsection 23.49.014.G((;)) may be transferred from a Downtown zone to a lot eligible as a receiving site for arts facility TDR under Table A for 23.50.053((A)). No other TDR



1 from a Downtown zone may be used in the South Lake Union Urban Center under this

2 ~~((section))~~ Section 23.50.053.

3 5. Except as expressly permitted pursuant to this ~~((chapter))~~ Chapter 23.50,
4 development rights or potential floor area may not be transferred from one lot to another.

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

9 7. For purposes of this Section 23.50.053, the base FAR ~~((of any lot is the total~~
10 ~~maximum FAR allowable for chargeable floor area pursuant to the provisions of this Chapter,~~
11 ~~excluding Section 23.50.051,))~~ and maximum FAR are as identified in Table A for 23.50.028, or
12 pursuant to Chapter 23.48, as applicable to the sending lot, in each case not including any
13 additional FAR that may be permitted pursuant to any exception, departure or waiver.

14 8. The Director may promulgate rules to implement this section.

15 B. Standards for Sending Lots in the South Lake Union Urban Center.

16 1. This subsection 23.50.053.B applies to sending lots in the South Lake Union
17 Urban Center. Eligibility as a sending lot for a type of TDR is specified by zone in Table A for
18 23.50.053.

19 a. The maximum amount of floor area that may be transferred from a
20 sending lot in the South Lake Union Urban Center is the amount by which the product of the
21 eligible lot area times the base FAR of the sending lot exceeds the sum of any chargeable floor
22 area on the lot plus any TDR previously transferred from the sending lot.



1 b. For purposes of this subsection 23.50.053.B.1, the eligible lot area is
2 the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface
3 parking over one-quarter (~~((1/4))~~) of the total area of the footprints of all structures on the
4 sending lot.

5 2. ~~((When))~~ If TDR are transferred from a sending lot in a zone with a FAR limit
6 that applies to nonresidential uses, the amount of chargeable floor area that may then be built on
7 the sending lot shall be equal to the area of the lot multiplied by the base FAR, minus the total
8 of:
9

10 a. The chargeable floor area on the lot; plus

11 b. The amount of chargeable floor area transferred from the lot.

12 3. Chargeable floor area allowed above the base FAR under any provisions of
13 this ~~((title))~~ Title 23, or allowed under any exceptions or waivers of development standards, may
14 not be transferred. TDR may be transferred from a lot that contains chargeable floor area
15 exceeding the base FAR only to the extent, if any, that:

16 a. TDR were previously transferred to such lot in compliance with the
17 Land Use Code provisions and applicable rules then in effect;

18 b. Those TDR, together with the base FAR set forth in ~~((Section))~~
19 subsection 23.48.016.B or in Section 23.50.028, exceed the chargeable floor area on the lot and
20 any additional chargeable floor area for which any permit has been issued or for which any
21 permit application is pending; and
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1 c. The excess amount of TDR previously transferred to such lot would
2 have been eligible for transfer from the original sending lot under ~~((the provisions of))~~ this
3 ~~((section))~~ Section 23.50.053 at the time of their original transfer from that lot.

4 ~~((6.))~~ 4. Landmark structures on sending lots from which Landmark TDR are
5 transferred shall be restored and maintained as required by the Landmarks Preservation Board.

6 ~~((7.))~~ 5. Housing on lots from which housing TDR are transferred shall be
7 rehabilitated to the extent required to provide decent, sanitary and habitable conditions, in
8 compliance with applicable codes, and so as to have an estimated minimum useful life of at
9 least~~((fifty (50)))~~ 50 years from the time of the TDR transfer, as approved by the Director of
10 Housing. If housing TDR are proposed to be transferred prior to the completion of work
11 necessary to satisfy this subsection ~~((B7))~~ 23.50.053.B.5, the Director ~~((of the Office))~~ of
12 Housing may require, as a condition to such transfer, that security be deposited with the City to
13 ensure the completion of such work.

14 ~~((8.))~~ 6. The housing units on a lot from which housing TDR are transferred, and
15 that are committed to low-income housing as a condition to eligibility of the lot as a TDR
16 sending site, shall be generally comparable in their average size and quality of construction to
17 other housing units in the same structure, in the judgment of the ~~((Housing))~~ Director of
18 Housing, after completion of any rehabilitation or construction undertaken in order to qualify as
19 a TDR sending lot.

20 ~~((9.))~~ 7. Structures on an arts facility TDR site shall be built or rehabilitated to the
21 extent required to be in compliance with applicable codes, and so as to have an estimated
22 minimum useful life of at least ~~((fifty (50)))~~ 50 years from the time of the TDR transfer.



1 C. General standards for the transfer of development rights to lots in an IC 85-160 zone
2 outside the South Lake Union Urban Center.

3 1. To achieve extra nonresidential floor area above the base FAR that may be
4 allowed in an IC 85-160 zone pursuant to subsection 23.50.028.D, an applicant may use TDR to
5 the extent permitted under this subsection 23.50.053.C.

6 2. South Downtown Historic TDR, open space TDR from zones within South
7 Downtown, and housing TDR eligible to be transferred from a lot under Section 23.49.014 may
8 be transferred from a Downtown zone to a lot eligible as a receiving site in an IC 85-160 zone.
9 No other TDR may be used in an IC 85-160 zone under this Section 23.50.053.

10 3. Except as expressly permitted pursuant to subsection 23.50.053.C, development
11 rights or potential floor area may not be transferred to a lot in an IC 85-160 zone.

12 4. No permit after the first building permit, and in any event, no permit for any
13 construction activity other than excavation and shoring or for occupancy of existing floor area by
14 any use based upon TDR, will be issued for development that includes TDR until the applicant's
15 possession of TDR is demonstrated to the satisfaction of the Director.

16 D. Limit on within-block TDR. Any receiving lot may use TDR from sending lots that
17 are eligible to send TDR solely because they are on the same block as the receiving lot for a
18 maximum of ((fifteen (15))) 15 percent of all floor area gained through bonus and TDR on the
19 receiving lot.

20 ~~((D))~~E. Transfer of Development Rights Deeds and Agreements. This subsection
21 23.50.053.E applies to sending lots in IC zones, and to the use of TDR on receiving lots in IC
22 zones regardless of whether the TDR are from a sending lot in an IC zone. If TDR from other

1 zones are used on a receiving lot in an IC zone, then the provisions applicable to sending lots in
2 the chapter(s) of this Title 23 for the zone(s) in which the sending lots are located apply.

3 1. The fee owners of the sending lot shall execute a deed, and shall obtain the
4 release of the TDR from all liens of record and the written consent of all holders of
5 encumbrances on the sending lot other than easements and restrictions, unless such release or
6 consent is waived by the Director for good cause. The deed shall be recorded in the King County
7 real property records. ~~((When))~~ If TDR are conveyed to the owner of a receiving lot described in
8 the deed, then unless otherwise expressly stated in the deed or any subsequent instrument
9 conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or not a
10 structure using such TDR shall have been permitted or built prior to any conveyance of the
11 receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall
12 require the written consent of all parties holding any interest in or lien on the receiving lot from
13 which the conveyance is made. If the TDR are transferred other than directly from the sending
14 lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also
15 shall be by deed, duly executed, acknowledged and recorded, each referring by King County
16 recording number to the prior deed.
17
18

19 2. Any person may purchase any TDR that are eligible for transfer by complying
20 with the applicable provisions of this ~~((section))~~ Section 23.50.053, whether or not the purchaser
21 is then an applicant for a permit to develop real property. Any purchaser of such TDR (including
22 any successor or assignee) may use such TDR to obtain floor area above the applicable base on a
23 receiving lot to the extent such use of TDR is permitted under the Land Use Code provisions in
24 effect on the date of vesting, under applicable law, of such person's rights with respect to the
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1 issuance of permits for development of the project intended to use such TDR. The Director may
2 require, as a condition of processing any permit application using TDR or for the release of any
3 security posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot
4 demonstrate that the TDR have been validly transferred of record to the receiving lot, and that
5 such owner has recorded in the real estate records a notice of the filing of such permit
6 application, stating that such TDR are not available for retransfer.
7

8 3. For transfers of Landmark TDR, the owner of the sending lot shall execute
9 and record an agreement in form and content acceptable to the Landmarks Preservation Board
10 providing for the restoration and maintenance of the historically significant features of the
11 structure or structures on the lot.
12

13 4. For transfers of arts facility TDR from an arts facility TDR site, the owner of
14 the sending lot shall execute and record an agreement in form and content acceptable to the
15 Director of the Office of Arts and Cultural Affairs providing for the construction, improvement
16 and/or maintenance of structure(s) on the lot and the use of the arts facility sending site for at
17 least (~~fifty (50))~~ 50 years by one or more non-profit organizations dedicated to the creation,
18 display, performance or screening of art by or for members of the general public. Such
19 agreements shall commit to improvements, maintenance, limits on occupancy and other
20 measures to maintain the long-term use of the structure(s) for artistic activities consistent with
21 the definition of arts facility TDR site and acceptable to the Director of the Office of Arts and
22 Cultural Affairs.
23

24 5. For transfers of housing TDR, the owner of the sending lot shall execute and
25 record an agreement, with the written consent of all holders of encumbrances on the sending lot,
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1 unless such consent is waived by the Director of the Office of Housing for good cause, to
2 provide for the maintenance of the required housing on the sending lot for a minimum of ~~((fifty~~
3 ~~(50)))~~ 50 years. Such agreement shall commit to limits on rent and occupancy consistent with the
4 definition of housing TDR site and acceptable to the Director of ~~((the Office of))~~ Housing.

5 6. A deed conveying TDR may require or permit the return of the TDR to the
6 sending lot under specified conditions, but notwithstanding any such provisions:

7 a. The transfer of TDR to a receiving lot shall remain effective so long as
8 any portion of any structure for which a permit was issued based upon such transfer remains on
9 the receiving lot; and

10 b. The City shall not be required to recognize any return of TDR unless it
11 is demonstrated that all parties in the chain of title have executed, acknowledged and recorded
12 instruments conveying any interest in the TDR back to the sending lot and any lien holders have
13 released any liens thereon.

14 7. Any agreement governing the use or development of the sending lot shall
15 provide that its covenants or conditions shall run with the land and shall be specifically
16 enforceable by The City of Seattle.

17 ~~((E))~~F. Time of Determination of TDR Eligible for Transfer. The eligibility of a sending
18 lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the
19 date of transfer from the sending lot and shall not be affected by the date of any application,
20 permit decision or other action for any project seeking to use such TDR.

21 ~~((F))~~G. Use of Previously Transferred TDR by New Projects. Any project using TDR
22 according to applicable limits on TDR in Sections 23.50.051 and 23.50.053 may use TDR that
23



1 were transferred from the sending lot consistent with the provisions of this ((title)) Title 23 in
2 effect at the time of such transfer.

3 H. Rules. The Director may promulgate rules to implement this Section 23.50.053.

4 Section 65. A new Section 23.50.055 of the Seattle Municipal Code is added as follows:

5 **23.50.055 Street-facing façade requirements and upper level development standards in an**
6 **IC 85-160 zone**

7 The following development standards apply to all lots within an IC 85-160 zone.

8 A. Street-facing facade requirements. For purposes of this Section 23.50.055, balcony
9 railings and other non-structural features or non-structural walls are not considered parts of the
10 facade.
11 facade.

12 1. Minimum façade height. A minimum façade height of 25 feet is required for
13 facades that face streets shown on Map A for 23.50.016, Industrial Streets Landscaping Plan.

14 The minimum façade height for facades facing other streets is 15 feet. A minimum façade height
15 does not apply if all portions of a structure are lower than the applicable minimum façade height.
16

17 2. Façade setback limits. The total area of street-level setbacks between the street
18 lot line and the street-facing façade is limited to the area determined by multiplying the
19 averaging factor by the width of the structure measured parallel to the abutting street.
20

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

23 b. For all other street-facing facades, the averaging factor is ten.
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1 c. The maximum width, measured along the street lot line, of any setback
2 area exceeding a depth of 15 feet from the street lot line is 80 feet, or 30 percent of the lot
3 frontage on that street, whichever is less.

4 d. For all lots subject to façade setback limits, the following conditions
5 apply:

6 1) Parking is prohibited between the facade and the street lot line.
7

8 2) The maximum setback of the facade from street lot lines within
9 20 feet of an intersection is 10 feet.

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

17 3. Principal pedestrian entrances. A principal pedestrian entrance to a structure is
18 required on façades facing streets shown on Map A for 23.50.016, Industrial Streets Landscaping
19 Plan.
20

21 4. Facade transparency requirements. Facade transparency requirements apply to
22 the area of the façade between 2 feet and 8 feet above the sidewalk. Only clear or lightly tinted
23 glass in windows, doors, and display windows is considered to be transparent. Transparent areas
24 shall allow views into the structure or into display windows from the outside.
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1 a. For facades facing a street shown on Map A for 23.50.016, Industrial
2 Streets Landscaping Plan, a minimum of 60 percent of a street-facing facade shall be transparent.

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

5 B. Upper Level Development Standards.

6 1. Facade Modulation.

7 a. For structures exceeding 85 feet in height, modulation is required for the
8 portion of a street-facing facade above 65 feet in height if any part of the facade above that
9 height is located less than 15 feet from street lot lines. No modulation is required for portions of
10 a facade set back 15 feet or more from street lot lines.

11 b. For portions of structures subject to the modulation requirements of
12 subsection 23.50.055.B, the maximum length of a street-facing facade without modulation is
13 prescribed in Table A for 23.50.055. For purposes of this subsection 23.50.055.B, length is
14 measured parallel to each street lot line, and includes projections from the street-facing facade,
15 such as balconies, within 15 feet of street lot lines or their projection.
16
17
18

19 **Table A for 23.50.055**
20 **Facade Modulation in an IC 85-160 Zone for Structures**
21 **Exceeding 85 Feet in Height**

22 Height of portion of structure	23 Maximum length of un-modulated facade if less than 15 feet from street lot line
24 65 feet or less	No limit
25 Greater than 65 feet up to 125 feet	155 feet
26 Greater than 125 feet	125 feet



c. Any portion of a facade subject to modulation under subsection

23.50.055.B.1.a that exceeds the maximum length of facade prescribed in Table A for 23.50.055 must include a portion set back a minimum depth of 15 feet from street lot lines for a minimum length of 60 feet. .

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

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

Section 66. Subsection D of Section 23.53.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.53.006 Pedestrian access and circulation

* * *

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F

1. In any zone with a pedestrian designation, sidewalks are required ~~((whenever))~~ if new lots are created through the platting process including full and short subdivisions and unit lot subdivisions, and ~~((whenever))~~ if development is proposed.

2. On streets designated on ~~((the Industrial Streets Landscaping Maps, Exhibits 23.50.016.A and 23.50.016.B,))~~ Map A for 23.50.016, sidewalks are required ~~((whenever))~~ if new lots are created through the platting process, including full and short subdivisions and unit



1 lot subdivisions, and ~~((whenever))~~ if development is proposed. Sidewalks are required only for
2 the portion of the lot that abuts the designated street.

3 3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not
4 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are
5 required ~~((whenever))~~ if new lots are created through the platting process, including full and
6 short subdivisions and unit lot subdivisions, and ~~((whenever))~~ if development is proposed.
7 Sidewalks are required only for the portion of the lot that abuts the arterial.

8 4. In SF and LR1 zones, sidewalks are required ~~((whenever))~~ if ten or more lots
9 are created through the platting process, including full and short subdivisions and unit lot
10 subdivisions, or ~~((whenever))~~ if ten or more dwelling units are developed.

11 5. Outside of SF and LR1 zones, except in IG1 and IG2 zones and on lots in IB
12 zones that are not directly across the street from or abutting lot in a residential or commercial
13 zone, sidewalks are required ~~((whenever))~~ if six or more lots are created through the platting
14 process, including full and short subdivisions and unit lot subdivisions, or ~~((whenever))~~ if six or
15 more dwelling units are developed.

16 6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not
17 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are
18 required ~~((whenever))~~ if the following nonresidential uses are developed:

19 a. 750 square feet or more of gross floor area of major and minor vehicle
20 repair uses and multipurpose retail sales; or

21 b. 4,000 square feet or more of nonresidential uses not listed in
22 subsection 23.53.006.D.6.a.
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1
2 Section 67. Subsection B of Section 23.53.020 of the Seattle Municipal Code, which
3 section was last amended by Ordinance 123046, is amended as follows:

4 **23.53.020 Improvement requirements for existing streets in industrial zones**

5 * * *

6
7 B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones,
8 except as provided in subsection 23.53.020.E, if a lot abuts a street designated on the Industrial
9 Streets Landscaping Map((s)), ((Exhibits)) Map A for 23.50.016 ((A and 23.50.016 B)), the
10 following on-site improvements shall be provided:

11 1. Dedication Requirement. If the street right-of-way is less than the minimum
12 width established in subsection 23.53.020.A.6, dedication of additional right-of-way equal to half
13 the difference between the current right-of-way and the minimum right-of-way width established
14 in subsection 23.53.020.A.6 is required; provided, however, that if right-of-way has been
15 dedicated since 1982, other lots on the block are not required to dedicate more than that amount
16 of right-of-way.
17

18 2. Improvement Requirements. A paved roadway with a concrete curb,
19 pedestrian access and circulation as required by Section 23.53.006 and drainage facilities shall be
20 provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-
21 Way Improvements Manual.
22

23 3. Street Trees.

24 a. Street trees shall be provided along designated street frontages. Street
25 trees shall be provided in the planting strip as specified in City Tree Planting Standards.
26



b. Exceptions to Street Tree Requirements.

1
2 1) Street trees required by subsection 23.53.020.B.3.a may be
3 located on the lot at least 2 feet from the street lot line instead of in the planting strip if:

4 ((i-)) a) Existing trees and/or landscaping on the lot provide
5 improvements substantially equivalent to those required in this Section 23.53.020;

6 ((ii-)) b) It is not feasible to plant street trees according to
7 City standards. A 5 foot deep landscaped setback area is required along the street property lines
8 and trees shall be planted there. If an on-site landscaped area is already required, the trees shall
9 be planted there if they cannot be placed in the planting strip.
10

11 * * *

12 Section 68. Subsection A of Section 23.58A.002 of the Seattle Municipal Code, which
13 section was last amended by Ordinance 122882, is amended as follows:
14

15 **23.58A.002 Scope of chapter; general rules**

16 A. This chapter contains rules for workforce housing and other incentive programs in
17 areas for which the provisions of the zone specifically refer to this chapter. This chapter does not
18 apply to Downtown zones, except in South Downtown. The provisions in this chapter specify
19 conditions under which extra floor area may be allowed, as exceptions to the otherwise
20 applicable floor area or base height limit, or both, subject to the maximum limits stated in the
21 provisions of the zone and to all other applicable requirements and approvals. Nothing in this
22 chapter authorizes allowance of extra floor area, or the construction or use of any structure,
23 contrary to any other provisions of this ((title)) Title 23 or Title 25. Projects for which extra floor
24 area is sought may be subject to conditions under other chapters and titles of this Code, including
25
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1 without limitation conditions imposed pursuant to Chapter 25.05, Environmental Policies and
2 Procedures.

3 * * *

4 Section 69. Subsection B of Section 23.58A.004 of the Seattle Municipal Code, which
5 section was last amended by Ordinance 123209, is amended as follows:

6 **23.58A.004 Definitions**

7 ***

8 B. Defined Terms – General.

9 "Affordable housing" means a unit or units of low-income housing provided as a
10 condition to bonus floor area.
11

12 "Base FAR" or "Base floor area ratio" means the nonresidential floor area that may be
13 allowed under the provisions of the zone limiting floor area, expressed as a multiple of the lot
14 area, without use of any bonuses, transfer of development capacity, other incentive provisions, or
15 any departures, waivers, variances or special exceptions.
16

17 "Base residential floor area" means:

18 1. For a lot in South Downtown in a PSM, IDM, IDR, DMR or DMC zone from
19 which TDP is transferred, six times the lot area; and
20

21 2. For all other lots, the amount of residential floor area allowable on ((a)) the lot
22 under the provisions of the zone that expressly limit floor area, excluding any floor area
23 exempted from the limits, without use of any bonuses, transfer of development capacity, other
24 incentive provisions, or any departures, waivers, variances or special exceptions, and before
25 giving effect to any transfer of residential development potential to another lot.
26



1 "Base height limit" means the height limit that would apply under the provisions of the
2 zone based upon the proposed uses in a structure, if the applicant did not qualify for any
3 additional height dependent on the provisions of this ((chapter)) Chapter 23.58A, after giving
4 effect to any additional height that is actually allowed for the pitched roof of a structure and any
5 additional height that is or would be allowed under the provisions of the zone because of the
6 slope of the lot, but before giving effect to any allowance for rooftop features or any departure,
7 waiver, variance or special exception.
8

9 "Bonus floor area" means bonus residential floor area or bonus nonresidential floor area.

10 "Bonus nonresidential floor area" means extra nonresidential floor area allowed pursuant
11 to any bonus provisions in subchapter III of this ((chapter)) Chapter 23.58A. It does not include
12 extra floor area gained through TDR.

13 "Bonus residential floor area" means extra residential floor area allowed pursuant to the
14 bonus provisions in subchapter II of this ((chapter)) Chapter 23.58A. It includes, without
15 limitation, housing bonus residential floor area. It does not include extra floor area gained
16 through TDP.
17

18 "Certificate of occupancy" means the first certificate of occupancy issued by the City for
19 a project, whether temporary or permanent, unless otherwise specified.
20

21 "Extra floor area" means extra residential floor area or extra nonresidential floor area.

22 "Extra residential floor area" means the gross floor area of all residential development
23 allowed in addition to a base height limit or base floor area limit, or both, under the provisions of
24 this ((chapter)) Chapter 23.58A or under any other provisions of this ((title)) Title 23 referring to
25 this ((chapter)) Chapter 23.58A that allow a bonus or a transfer of development rights or
26



1 development capacity. It includes, without limitation, gross floor area in residential use in all
2 stories wholly or in part above the base height limit, and all bonus residential floor area. In the
3 IDM 75/85-150 zone, hotel use in a mixed use project may be counted as extra residential floor
4 area subject to subsection 23.49.023.A and subsection 23.49.208.E.

5 "Extra nonresidential floor area" means the nonresidential floor area of all nonresidential
6 development allowed in addition to base FAR or to a base height limit for nonresidential use, or
7 both, under the provisions of this ~~((chapter))~~ Chapter 23.58A or under any other provisions of
8 this ~~((title))~~ Title 23 referring to this ~~((chapter))~~ Chapter 23.58A that allow a bonus or a transfer
9 of development rights or development capacity. It includes, without limitation, gross floor area in
10 nonresidential use in all stories wholly or in part above the base height limit for nonresidential
11 use, and all bonus nonresidential floor area.

12 "Housing bonus residential floor area" means extra residential floor area allowed on
13 condition that low-income housing be provided, or that a payment in lieu thereof be made, under
14 subchapter II of this ~~((chapter))~~ Chapter 23.58A.

15 "Housing and child care bonus nonresidential floor area" means extra nonresidential floor
16 area allowed under subchapter III of this Chapter 23.58A on condition that low-income housing
17 be provided or a payment in lieu of low-income housing be made and that a child care facility be
18 provided or a payment in lieu of a child care facility be made.

19 "Income-eligible households" means:

20 1. ~~((1))~~ In the case of rental housing units, households with incomes no higher than
21 the lower of (a) 80 percent of median income as defined in Section 23.84A.025; or (b) the
22



1 maximum level permitted for rental housing by RCW 36.70A.540 as in effect when the
2 agreement for the housing to serve as ((affordable)) low-income housing is executed.

3 2. In the case of owner occupancy housing units, households with incomes no
4 higher than the lesser of (a) median income, as defined in Section 23.84A.025, or (b) the
5 maximum level permitted for owner-occupied housing by RCW 36.70A.540 as in effect when
6 the agreement for the housing to serve as ((affordable)) low-income housing is executed.
7

8 "Landmark TDP" means TDP transferred from, or transferable from, a Landmark TDP
9 site.

10 "Landmark TDP site" means a lot, in an area where the applicable provisions of the zone
11 permit Landmark TDP to be transferred from a lot, that includes one or more structures
12 designated wholly or in part as a landmark under Chapter 25.12 or its predecessor ordinance,
13 ((when)) if the owner of the landmark has executed and recorded an agreement acceptable in
14 form and content to the Landmarks Preservation Board, providing for the restoration and
15 maintenance of the historically significant features of the structure, and which lot includes no
16 other structure that is not accessory to one or more of such structures.
17

18 Low-income housing" means a unit or units of housing affordable to and occupied by
19 "income-eligible households((-))," provided as a condition to bonus floor area.
20

21 "Net bonus residential floor area" means gross square footage of "housing bonus
22 residential floor area," multiplied by an efficiency factor of 80 percent.

23 "Open space TDP" means TDP transferred from, or transferable from, a lot based on its
24 status as an open space TDP site.
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1 "Open space TDP site" means a lot, in an area where the provisions of the zone permit
2 open space TDP to be transferred from a lot, that satisfies the applicable standards for an open
3 space TDP site in this ~~((chapter))~~ Chapter 23.58A and the provisions of the zone to the extent
4 that an exception from those standards has not been granted.

5 "Payment option" means making a payment to the City in lieu of providing low-income
6 housing, child care, or any amenity or feature, in order to qualify for bonus floor area.

7 "Performance option" means providing or committing to provide a physical facility, or a
8 portion or feature of a project, such as low-income housing, in order to qualify for bonus floor
9 area.
10

11 "~~((Provision))~~ Provisions of the zone" means ~~((a))~~ one or more provisions of another
12 chapter of this ~~((title))~~ Title 23 relating to allowable floor area or height, or to the allowance of
13 extra floor area or additional height, ~~((or both,))~~ or to the transfer of development capacity, for
14 the area in which the lot on which extra floor area is used or proposed is located or the location
15 from which TDR or TDP may be transferred.

16 "TDP" or "transferable development potential" means base residential floor area that may
17 be transferred from one lot to another pursuant to provisions of the zone that refer to this
18 ~~((chapter))~~ Chapter 23.58A, measured in square feet.
19

20 "TDP, South Downtown Historic" means TDP transferred from, or transferable from, a
21 lot based on its status as a South Downtown Historic TDP site.

22 "TDP Site, South Downtown Historic" means a lot within the Pioneer Square
23 Preservation District or the International Special Review District that satisfies the conditions to
24 be a sending lot for South Downtown Historic TDP under Section 23.58A.018.
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1 Section 70. Section 23.58A.008 of the Seattle Municipal Code, which section was
2 enacted by Ordinance 122882, is amended as follows:

3 **23.58A.008 Limits on use of incentives((:))**

4 No extra floor area under this ((chapter)) Chapter 23.58A shall be granted to any
5 proposed development that would result in significant alteration to any designated feature of a
6 Landmark structure or significant alteration to a contributing structure, as defined in Section
7 23.66.032, unless a Certificate of Approval for the alteration is granted by the Landmarks
8 Preservation Board in the case of a Landmark structure, or by the Director of Neighborhoods in
9 the case of a contributing structure.

10
11 Section 71. Section 23.58A.012 of the Seattle Municipal Code, which section was
12 enacted by Ordinance 122882, is amended as follows:

13 **23.58A.012 Methods to achieve extra residential floor area((:))**

14 All or a percentage of the extra residential floor area on a lot shall be housing bonus
15 residential floor area pursuant to Section 23.58A.014. Unless otherwise expressly provided in the
16 provisions of the zone:

17
18 A. If the maximum height limit for residential use is 85 feet or ((less)) lower, all extra
19 residential floor area shall be housing bonus residential floor area.

20
21 B. If the maximum height limit for residential use is ((greater)) higher than 85 feet, the
22 applicant shall use housing bonus residential floor area to achieve at least 60 percent of ((total
23 the)) the total extra residential floor area on the lot, and, to the extent permitted under the
24 provisions of the zone or this subchapter II of Chapter 23.58A, ((shall)) may use other bonus
25 residential floor area pursuant to Section 23.58A.016 or transfer of residential development
26



1 potential pursuant to Section 23.58A.018, or both, for the balance of the extra residential floor
2 area.

3 Section 72. Subsection B and subsection C of Section 23.58A.016 of the Seattle
4 Municipal Code, which section was enacted by Ordinance 123209, are amended as follows:

5 **23.58A.016 Bonus residential floor area for amenities**

6 * * *

7
8 B. Voluntary agreements for amenities. Where expressly permitted by the provisions of
9 the zone, an applicant may achieve bonus residential floor area in part through a voluntary
10 agreement for provision of amenities to mitigate impacts of the project, subject to the limits in
11 this chapter.

12 1. Amenities that may be provided for bonus residential floor area include:

- 13 a. neighborhood open space, ((and))
14 b. green street setbacks on lots abutting designated green streets((-)),
15 c. mid-block corridor, and
16 d. residential hillside terrace.

17
18 2. The amenities listed in subsection 23.58A.016.B.1 are referred to as "open
19 space amenities" in this Section 23.58A.016. Mitigation of impacts identified in subsection
20 23.58A.016.A above may be achieved by the performance option, by the payment option, or by a
21 combination of the performance and payment options.
22

23 C. Performance option.

24 1. General provisions.



1 a. An applicant electing to use the performance option shall provide the
2 amenity on the same lot as the development using the bonus floor area, except to the extent a
3 combined lot development is expressly permitted by the provisions of the zone. The maximum
4 area of any amenity or combination of amenities provided on a lot eligible for a bonus is
5 established in this subsection 23.58A.016.C and may be further limited by Section 23.58A.012 or
6 the provisions of the zone. Open space amenities must meet the standards of this subsection
7 23.58A.016.C in order to qualify for bonus residential floor area, except as may be authorized by
8 the Director under subsection 23.58A.016.C.4. An open space amenity may also qualify as a
9 required residential amenity to the extent permitted by the provisions of the zone.
10

11 b. Amenities in Downtown zones in South Downtown.

12 1) In Downtown zones in South Downtown, in order to qualify for
13 bonus residential floor area, amenity features must satisfy the eligibility conditions of the
14 Downtown Amenity Standards, except as provided in subsection C.1.b.2), and shall be consistent
15 with the guidelines of the Downtown Amenity Standards.

16 2) The Director may allow departures from the eligibility
17 conditions of the Downtown Amenity Standards as a Type I decision, if the applicant
18 demonstrates that the amenity better achieves the intent of the Downtown Amenity Standards for
19 that amenity feature, and that the departure is consistent with any applicable criteria for allowing
20 the particular type of departure in the Downtown Amenity Standards.

21 3) The Director may condition the approval of an amenity as
22 provided in the Downtown Amenity Standards.
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1 2. Maximum open space amenity for bonus. Unless otherwise specified in the
2 provisions of the zone, the amount of open space amenity for which bonus residential floor area
3 may be allowed shall not exceed the lesser of the amount required to mitigate the impact created
4 by the total bonus residential floor area in the project, or 15,000 square feet. For purposes of this
5 Section 23.58A.016, the amount of open space required to mitigate that impact is 0.14 square
6 feet of open space amenity per square foot of bonus residential floor area, unless the Director
7 determines, as a Type I decision, that a different ratio applies based on consideration of one or
8 both of the following:
9

10 a. the overall number or density of people anticipated to use or occupy the
11 structure(s) in which bonus residential floor area will be located, in relation to the total floor area
12 of the structure(s), is different from the density level of approximately 1.32 persons per 1,000
13 gross square feet, which was used to establish the ratio in subsection 23.58A.016.C, such that a
14 different amount of open space is needed to mitigate the project impacts;
15

16 b. characteristics or features of the project mitigate the impacts that the
17 anticipated population using or occupying the structure(s) in which bonus residential floor area
18 will be located would otherwise have on open space needs.
19

20 3. Bonus Ratio. Neighborhood amenities may be used to gain bonus residential
21 floor area according to the following ratios and subject to the limits of this Section 23.58A.016:

22 a. For a neighborhood open space, 7 square feet of bonus residential floor
23 area per 1 square foot of qualifying neighborhood open space area (7:1).

24 b. For a green street setback, 5 square feet of bonus residential floor area
25 per 1 square foot of qualifying green street setback area (5:1).
26



1 c. For a mid-block corridor, 7 square feet of bonus residential floor area
2 per 1 square foot of qualifying mid-block corridor area (7:1).

3 d. For a residential hillside terrace, 5 square feet of bonus residential floor
4 area per 1 square foot of qualifying residential hillside terrace area (5:1).

5 4. Standards for open space amenities. The following standards apply to all open
6 space amenities identified in this subsection 23.58A.016.C.4 except as otherwise specifically
7 stated in this subsection 23.58A.016.C.4 or in the provisions of the zone.

8 a. Public Access.

9 1) Public access for open space amenities in Downtown zones is
10 regulated pursuant to subsection 23.58A.016.C.1.b.

11 2) ~~((The open))~~ Open space amenities not in Downtown zones
12 must be open ~~((during daylight hours and accessible))~~ to the ~~((general))~~ public, without charge,
13 ~~each day of the year ((for reasonable and predictable hours,))~~ for a minimum of ~~((10))~~ ten hours
14 each day ~~((of the year))~~ for a neighborhood open space and 24 hours each day of the year for a
15 green street setback~~((, except that access may be limited temporarily as required for public safety~~
16 and maintenance reasons)). The hours of public access identified above shall be during daylight
17 hours, unless there are insufficient daylight hours, in which case the open space shall also be
18 open during nighttime hours for the balance of the hours the open space is to remain open.
19 Public access may be limited temporarily during hours that are otherwise required to be open to
20 the public for necessary maintenance or for reasons of public safety.

21 3) Within the open space, property owners, tenants and their agents
22 shall allow members of the public to engage in activities allowed in the public sidewalk



1 environment, except that those activities that would require a street use permit if conducted on
2 the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature
3 gathering, and holding signs, all without obstructing access to the space, any building, or other
4 adjacent features, and without unreasonably interfering with the enjoyment of the space by
5 others, shall be allowed. While engaged in allowed activities, members of the public may not be
6 asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment
7 of the space by others unless the space is being closed to the general public consistent with this
8 subsection 23.58A.016.C. No parking, storage or other use may be established on or above the
9 surface of the open space except as provided in subsection 23.58A.016.C.4.b.6. Use by motor
10 vehicles of open space for which bonus residential floor area is granted is not permitted. The
11 open space shall be identified clearly with the City's public open space logo on a plaque placed at
12 a visible location at each street entrance providing access to the ((feature)) amenity. The plaque
13 shall indicate, in letters legible to passersby, the nature of the bonus ((feature)) amenity, its
14 availability for general public access, and additional directional information as needed.
15
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17 b. Standards for Neighborhood Open Space.

18 1) Neighborhood open space in Downtown zones in South

19 Downtown are regulated pursuant to subsection 23.58A.016.C.1.b.
20

21 2) Neighborhood open space not in Downtown zones used to

22 qualify for bonus floor area must ((satisfy)) meet the conditions in this subsection
23 23.58A.016.C.4.b.2), unless an exception is granted by the Director as a Type I decision, based
24 on the Director's determination that, relative to the strict application of the standards, the
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1 exception will result in improved public access and use of the space or a better integration of the
2 space with surrounding development((:)).

3 ((1))a) The open space must be improved in compliance with the
4 applicable provisions of this Section 23.58A.016. The open space must consist of one
5 continuous area with a minimum of 3,000 square feet and a minimum horizontal dimension of 10
6 feet.

7
8 ((2))b) A minimum of 35 percent of the open space must be
9 landscaped with grass, ground cover, bushes and/or trees.

10 ((3))c) Either permanent or movable seating in an amount
11 equivalent to 1 lineal foot for every 200 square feet of open space shall be available for public
12 use during hours of public access.

13
14 ((4))d) The open space shall be located and configured to
15 maximize solar exposure to the space, allow easy access from streets or other abutting public
16 spaces, including access for persons with disabilities, and allow convenient pedestrian circulation
17 through all portions of the open space. The open space must have a minimum frontage of 30 feet
18 at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

19
20 ((5))e) The open space shall be provided at ground level, except
21 that in order to provide level open spaces on steep lots, some separation of multiple levels may
22 be allowed, provided they are physically and visually connected.

23 ((6))f) Up to 20 percent of the open space may be covered by
24 ((features)) elements accessory to public use of the open space, including: permanent,
25 freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural
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1 overhangs; overhead arcades or other forms of overhead weather protection; and any other
2 features approved by the Director that contribute to pedestrian comfort and active use of the
3 space. The following ~~((features))~~ elements within the open space area may count as open space
4 and are not subject to the percentage coverage limit: temporary kiosks and pavilions, public art,
5 permanent seating that is not reserved for any commercial use, exterior stairs and mechanical
6 assists that provide access to public areas and are available for public use, and any similar
7 features approved by the Director. Seating or tables, or both, may be provided and reserved for
8 customers of restaurants or other uses abutting the open space, but the area reserved for customer
9 seating shall not exceed 15 percent of the open space area or 500 square feet, whichever is less.

11 c. Standards for ~~((green street setbacks))~~ Green street setbacks.

12 1) Green street setbacks in Downtown zones in South Downtown
13 are regulated pursuant to subsection 23.58A.016.C.1.b.

14 2) Green street setbacks not in Downtown zones shall meet the
15 following standards:

16 ~~((1))~~a) Where permitted by the provisions of the zone, bonus
17 residential floor area may be gained for green street setbacks by development on lots abutting
18 those street segments that are listed or shown as green streets in the provisions of the zone.

19 ~~((2))~~b) A green street setback must be provided as a setback from a
20 lot line abutting a designated green street. The setback must be continuous for the length of the
21 frontage of the lot abutting the green street, and a minimum of 50 percent of the setback area
22 eligible for a bonus shall be landscaped. The area of any driveways in the setback area is not
23 included in the bonusable area. For area eligible for a bonus, the average setback from the
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1 abutting green street lot line shall not exceed 10 feet, with a maximum setback of 15 feet. The
2 design of the setback area shall allow for public access, such as access to street level uses in
3 abutting structures or access to areas for seating. The Director may grant an exception to the
4 standards in this subsection 23.58A.016.C.4.c as a Type I decision, based on the Director's
5 determination that the exception is consistent with a green street concept plan, if one exists,
6 established in accordance with DR 11-2007, or a successor rule.

7
8 d. Standards for Mid-Block Corridor. Mid-block corridors used to qualify
9 for bonus floor area in Downtown zones in South Downtown are regulated pursuant to
10 subsection 23.58A.016.C.1.b.

11 e. Standards for Residential Hillside Terrace. A residential hillside
12 terrace used to qualify for bonus floor area in Downtown zones in South Downtown are
13 regulated pursuant to subsection 23.58A.016.C.1.b.

14
15 ~~((d))~~f. Declaration. ~~((When))~~ If open space is to be provided for purposes
16 of obtaining bonus residential floor area, the owner(s) of the lot using the bonus residential floor
17 area, and of the lot where the open space is provided, if different, shall execute and record a
18 declaration and voluntary agreement in a form acceptable to the Director identifying the
19 ~~((features))~~ bonus amenities; acknowledging that the right to develop and occupy a portion of the
20 gross floor area on the lot using the bonus residential floor area is based upon the long-term
21 provision and maintenance of the open space and that development is restricted in the open
22 space; and committing to provide and maintain the open space.

23
24 ~~((e.))~~g. Identification.



1) ~~((The open space))~~ Amenities in Downtown zones in South

Downtown shall meet the identification conditions of the Downtown Amenity Standards.

2) Open space amenities not in Downtown zones shall be identified

clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the ~~((feature))~~ amenity. The plaque shall indicate, in letters legible to passersby, the nature of the bonus ~~((feature))~~ amenity, its availability for general public access, and additional directional information as needed.

~~((f))~~ h. Duration; Alteration. Except as provided for in this subsection ~~((23.58A.016.C.4.f))~~ 23.58A.016.C.4.h, the owners of the lot using the bonus residential floor area and of the lot where the open space amenity is located, if different, including all successors, shall provide and maintain the open space amenities for which bonus residential floor area is granted, in accordance with the applicable provisions of this Section 23.58A.016, for as long as the bonus residential floor area gained by the open space amenities exists. An open space amenity for which bonus residential floor area has been granted may be altered or removed only to the extent that either or both of the following occur, and alteration or removal may be further restricted by the provisions of the zone and by conditions of any applicable permit:

1) The bonus residential floor area permitted in return for the specific open space amenity is removed or converted to a use for which bonus residential floor area is not required under the provisions of the zone; or

2) An amount of bonus residential floor area equal to that allowed for the open space amenity that is to be ~~((diminished or discontinued))~~ altered or removed is



1 provided through alternative means consistent with the provisions of the zone and provisions for
2 allowing bonus residential floor area in this (~~chapter~~) Chapter 23.58A.

3 * * *

4 Section 73. Section 23.58A.018 of the Seattle Municipal Code, which section was
5 enacted by Ordinance 123209, is amended as follows:

6 **23.58A.018 Transfer of residential development potential**

7 A. Scope and Applicability.

8
9 1. This Section 23.58A.018 contains rules for transfer of residential development
10 potential to lots in areas for which other provisions of this (~~title~~) Title 23 specifically refer to
11 provisions of this Section 23.58A.018. The provisions of this Section 23.58A.018 are subject to
12 the applicable provisions of the zone.

13
14 2. Whether a lot may be eligible as a TDP sending site is determined by the
15 provisions of the zone in which the lot is located. To be eligible as a sending lot for a specific
16 category of TDP defined in this Chapter 23.58A, the lot must satisfy the applicable conditions of
17 this Section 23.58A.018 except to the extent otherwise expressly stated in the provisions of the
18 zone. Whether a lot is eligible as a TDP receiving lot, and whether the lot may receive TDP from
19 another lot, and what categories of TDP the lot may receive, are determined by the provisions of
20 the zone. The transfer of TDP and use of TDP on any receiving lot is subject to the limits and
21 conditions in this (~~chapter~~) Chapter 23.58A, the provisions of the zone, and all other applicable
22 provisions of this title.
23

24 B. TDP Required Before Construction. No permit after the first building permit, and in
25 any event; no permit for any construction activity other than excavation and shoring, and no
26



1 permit for occupancy of existing floor area by any use based upon TDP, will be issued for
2 development that includes TDP until the applicant's possession of TDP is demonstrated to the
3 satisfaction of the Director.

4 C. General Standards for Sending Lots.

5 1. TDP Calculation. The maximum amount of floor area that may be transferred is
6 the amount by which the base residential floor area of the sending lot exceeds the sum of:

7 a. any nonexempt residential floor area existing on the sending lot; plus
8 b. any existing floor area of uses accessory to nonexempt residential uses,
9 except to the extent that floor area is exempt from floor area limits under the provisions of the
10 zone; plus
11

12 c. any TDP previously transferred from the sending lot.

13 2. Floor Area Limit After Transfer. ~~((After))~~ Except as provided in subsection
14 23.58A.018.C.3, after TDP is transferred from a sending lot the amount of residential floor area
15 that may then be established on the sending lot, other than floor area exempt from limits on
16 residential floor area under the provisions of the zone, shall be equal to the base residential floor
17 area, plus any net amount of TDP previously transferred to that lot, minus the total of (a) the
18 existing residential floor area on the lot, plus (b) the amount of TDP transferred from the lot.
19

20 3. Sending Lot in Zone Without Base Residential FAR. If TDP are sent from a
21 sending lot in a zone without a base residential FAR limit, the maximum residential floor area
22 that may then be established on the sending lot shall be equal to the excess, if any, of
23



1 e. No more than 20 percent of the ~~((lot))~~ open space may be occupied by
2 any above grade structures.

3 f. A minimum of 35 percent of the open space must be landscaped with
4 grass, ground cover, bushes, or trees.

5 g. Either permanent or movable seating in an amount equivalent to 1 lineal
6 foot for every 200 square feet of open space shall be available for public use during hours of
7 public access.

8 h. The open space shall be located and configured to maximize solar
9 exposure to the space, allow easy access from streets or other abutting public spaces, including
10 access for persons with disabilities, and allow convenient pedestrian circulation through all
11 portions of the open space.

12 ~~((f))~~i. The lot shall be located a minimum of 0.25 mile from the closest lot
13 approved by the Director as a separate open space TDP site, unless the lot is abutting another
14 TDP site and is designed to integrate with the other TDP site.

15 ~~((g))~~j. The open space shall be open ~~((during daylight hours and~~
16 ~~accessible))~~ to the ~~((general))~~ public, without charge, each day of the year ~~((for reasonable and~~
17 ~~predictable hours,))~~ for a minimum of ~~((10))~~ten hours each day ~~((of the year, except that access~~
18 ~~may be limited temporarily as required for public safety and maintenance reasons.))~~ during
19 daylight hours, unless there are insufficient daylight hours, in which case the open space shall
20 also be open during nighttime hours for the balance of the hours the open space is to remain
21 open. Public access may be limited temporarily during hours that are otherwise required to be
22 open to the public for necessary maintenance or for reasons of public safety.



1 k. Within the open space, property owners, tenants and their agents shall
2 allow members of the public to engage in activities allowed in the public sidewalk environment,
3 except that those activities that would require a street use permit if conducted on the sidewalk
4 may be excluded or restricted. Free speech activities such as hand billing, signature gathering,
5 and holding signs, all without obstructing access to the space, any building, or other adjacent
6 features, and without unreasonably interfering with the enjoyment of the space by others, shall be
7 allowed. While engaged in allowed activities, members of the public may not be asked to leave
8 for any reason other than conduct that unreasonably interferes with the enjoyment of the space
9 by others unless the space is being closed to the general public consistent with this subsection
10 23.58A.018.E.1.~~((g))~~k.

11 ~~((h))~~l. The open space shall be identified clearly with the City's public
12 open space logo on a plaque placed at a visible location at each street entrance providing access
13 to the ~~((feature))~~ amenity. The plaque shall indicate, in letters legible to passersby, the nature of
14 the bonus ~~((feature))~~ amenity, its availability for general public access, and additional directional
15 information as needed.

16 ~~((i))~~m. Unless the open space will be in public ownership, the applicant
17 shall make adequate provision to ensure the permanent maintenance of the open space.

18 2. Special exception for open space TDP sites. The Director may grant, or grant
19 with conditions, an exception to the standards for open space TDP sites in this subsection
20 23.58A.018.E and any applicable Director's Rule(s), as a special exception pursuant to Chapter
21 23.76, Procedures for Master Use Permit and Council Land Use Decisions. In determining
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1 whether to grant, grant with conditions, or deny a request for special exception under this
2 subsection 23.58A.018.E.2, the Director shall consider:

3 a. the extent to which the exception would result in an open space TDP
4 site that better meets the intent of the provisions of this subsection 23.58A.018.E; and

5 b. the extent to which the exception would allow the design of the open
6 space to take advantage of unusual site characteristics or conditions in the surrounding area, such
7 as views and relationship to surroundings.
8

9 3. After any TDP is transferred from an open space TDP site, lot coverage by
10 structures shall be permanently limited to 20 percent, or any greater amount that was allowed as
11 a special exception prior to the transfer, and no development shall be permitted that would be
12 inconsistent with the standards under which it was approved as an open space TDP sending site.
13

14 F. Standards and Limits for TDP Sending Lots in South Downtown. This subsection
15 23.58A.018.F applies to TDP sending lots in South Downtown, in addition to the general
16 provisions in this Section 23.58A.018.

17 1. Limit on Open Space TDP. The maximum amount of open space TDP that
18 may be transferred from a sending lot is the amount by which three times the lot area exceeds the
19 total gross floor area of all uses on the lot.
20

21 2. South Downtown Historic TDP.

22 a. Only lots in the Pioneer Square Preservation District or the
23 International Special Review District may qualify as sending lots for South Downtown Historic
24 TDP.
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1 **b. In order to be eligible to send South Downtown Historic TDP, a lot**
2 **must contain a structure that includes at least 5,000 gross square feet in above-grade floor area**
3 **and has been finally determined to be a contributing structure under Section 23.66.032 within no**
4 **more than three years prior to the recording of the deed conveying the TDP from the sending lot.**

5 **c. Contributing structures on a sending lot from which South Downtown**
6 **Historic TDP are transferred shall be rehabilitated and maintained in accordance with an**
7 **agreement pursuant to subsection 23.58A.018.I.3.**

8 **d. South Downtown Historic TDP shall not be transferred from a lot from**
9 **which South Downtown Historic TDR have been transferred or from a lot on which any bonus**
10 **floor area has been established based on the presence of a contributing structure.**

11 **3. Limit on Combined TDR and TDP. A cumulative combination of TDR and**
12 **TDP exceeding a total of six times the lot area may not be transferred from any lot.**

13 **G. Time of Determination of TDP Eligible for Transfer.** The eligibility of a sending lot to
14 transfer TDP, and the amount transferable from a sending lot, shall be determined as of the date
15 of transfer from the sending lot and shall not be affected by the date of any application, permit
16 decision or other action for any project seeking to use the TDP.
17

18 **((G))H. Reservation in Deed.** Any TDP eligible for transfer may instead be reserved in
19 the conveyance of title to an eligible sending lot, by the express terms of the deed or other
20 instrument of conveyance reserving a specified amount of TDP, provided that an instrument
21 acceptable to the Director is recorded binding the lot to the terms and conditions for eligibility to
22 send TDP under this **((section))Section 23.58A.018.** Any TDP so reserved shall be considered
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1 transferred from that lot and later may be conveyed by deed without participation of the owner of
2 the lot.

3 ((H))I. TDP Deeds and Agreements.

4 1. The fee owners of the sending lot shall execute a deed, and shall obtain the
5 release of the TDP from all liens of record and the written consent of all holders of
6 encumbrances on the sending lot other than easements and restrictions, unless the requirement
7 for a release or consent is waived by the Director for good cause. The deed shall be recorded in
8 the King County real property records. ((When)) If TDP is conveyed to the owner of a receiving
9 lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent
10 instrument conveying the lot or the TDP, the TDP shall pass with the receiving lot whether or not
11 a structure using the TDP shall have been permitted or built prior to any conveyance of the
12 receiving lot. Any subsequent conveyance of TDP previously conveyed to a receiving lot shall
13 require the written consent of all parties holding any interest in or lien on the receiving lot from
14 which the conveyance is made. If the TDP is transferred other than directly from the sending lot
15 to the receiving lot using the TDP, then after the initial transfer, all subsequent transfers also
16 shall be by deed, duly executed, acknowledged and recorded, each referring by King County
17 recording number to the prior deed.
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21 2. Any person may purchase any TDP that is eligible for transfer by complying
22 with the applicable provisions of this Section 23.58A.018, whether or not the purchaser is then
23 an applicant for a permit to develop real property or is the owner of any potential receiving lot.
24 Any purchaser of the TDP (including any successor or assignee) may use the TDP to obtain floor
25 area above the applicable base height limit or base floor area limit on a receiving lot to the extent
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1 that use of TDP is permitted under the Land Use Code provisions applicable with respect to the
2 issuance of permits for development of the project intended to use the TDP. The Director may
3 require, as a condition of processing any permit application using TDP or for the release of any
4 security posted in lieu of a deed for TDP to the receiving lot, that the owner of the receiving lot
5 demonstrate that the TDP has been validly transferred of record to the receiving lot, and that the
6 owner has recorded in the real estate records a notice of the filing of such permit application,
7 stating that the TDP is not available for retransfer.
8

9 3. As a condition to the effective transfer of Landmark TDP or South Downtown
10 Historic TDP, except from a City-owned sending lot, the fee owner of the sending lot shall
11 execute and record an agreement running with the land, in form and content acceptable to, and
12 accepted in writing by, the Director (~~(of the Department)~~) of Neighborhoods, providing for the
13 rehabilitation and maintenance of the historically significant or other relevant features of the
14 structure or structures on the lot and acknowledging the restrictions on future development
15 resulting from the transfer. The Director may require evidence that each holder of a lien has
16 effectively subordinated the lien to the terms of the agreement, and that any holders of interests
17 in the property have agreed to its terms. To the extent that a Landmark structure on the sending
18 lot, or (~~(an historically significant)~~) a contributing structure on a sending lot in a special review
19 district, the presence of which is a condition to eligibility to transfer TDP under the provisions of
20 the zone, requires restoration or rehabilitation for the long-term preservation of the structure or
21 its historically or architecturally significant features, the Director (~~(of the Department)~~) of
22 Neighborhoods may require, as a condition to acceptance of the necessary agreement, that the
23 owner of the sending site apply for and obtain a certificate of approval from the Landmarks
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1 Preservation Board, or from the ((Department))Director of Neighborhoods((Director)) after
2 review by the Pioneer Square Preservation Board or International Special Review District Board,
3 as applicable, for the necessary work, or post security satisfactory to the Director of ((the
4 ~~Department of~~))Neighborhoods for the completion of the restoration or rehabilitation, or both.

5 Section 74. A new Subchapter III is added to Chapter 23.58A of the Seattle Municipal
6 Code, which includes new Sections 23.58A.020, 23.58A.022, 23.58A.023, and 23.58A.024, as
7 follows:
8

9 ***Subchapter III Extra Nonresidential Floor Area***

10 **23.58A.020 Scope of subchapter**

11 This subchapter III includes provisions under which applicants may gain extra
12 nonresidential floor area in development for which the applicable provisions of the zone
13 expressly refer to this Chapter 23.58A.
14

15 **23.58A.022 Methods to achieve extra nonresidential floor area**

16 A. All or a percentage of the extra nonresidential floor area on a lot shall be housing and
17 child care bonus nonresidential floor area pursuant to Section 23.58A.024, or housing TDR, or a
18 combination of the foregoing unless otherwise expressly provided in the provisions of the zone.
19

20 B. If the maximum height limit for nonresidential use is 85 feet or less, all extra
21 nonresidential floor area shall be housing and child care bonus nonresidential floor area, or
22 housing TDR, or any combination thereof.

23 C. If the maximum height limit for nonresidential use is greater than 85 feet, the applicant
24 shall use housing and child care bonus nonresidential floor area pursuant to Section 23.58A.024,
25 or housing TDR, or any combination thereof, to achieve 75 percent of total extra nonresidential
26



1 floor area on the lot, and, to the extent permitted under the provisions of the zone and this
2 subchapter, shall use other bonus nonresidential floor area or TDR or both, for the balance of the
3 extra nonresidential floor area.

4 **23.58A.023 Affordable housing incentive programs: purpose and findings**

5 A. Purpose; Scope of Provisions; State Law Controlling. The provisions of this Chapter
6 23.58A related to housing and child care bonus nonresidential floor area, except to the extent
7 they relate to child care, are intended to implement affordable housing incentive programs
8 authorized by RCW 36.70A.540, as it may be amended. In case of any irreconcilable conflict
9 between the terms of this Chapter 23.58A related to the housing bonus and child care bonus
10 nonresidential floor area, except to the extent they relate to child care, and the authority granted
11 in RCW 36.70A.540, as it may be amended, the provisions of RCW 36.70A.540, as it may be
12 amended, shall supersede and control. Unless the context otherwise clearly requires, references
13 to RCW 36.70A.540 in this subchapter mean that section as in effect on the date as of which the
14 provisions of this title apply to the application for a use permit for the project using the bonus
15 floor area.
16
17

18 B. Findings. Pursuant to the authority of RCW 36.70A.540, the City finds that the higher
19 income levels specified in the definition of "income-eligible households" in Section 23.58A.004,
20 rather than those stated in the definition of "low-income households" in RCW 36.70A.540, are
21 needed to address local housing market conditions throughout the city for purposes of affordable
22 housing incentive programs implemented through this subchapter.
23

24 **23.58A.024 Bonus nonresidential floor area for low-income housing and child care**



1 A. Scope; General Rule. This Section 23.58A.024 applies to bonus nonresidential floor
2 area allowed on lots for which applicable sections of this Title 23 expressly refer to this Chapter
3 23.58A. Bonus nonresidential floor area may be allowed if the applicant qualifies by using the
4 performance option, the payment option, or a combination of these options, in accordance with
5 this Section 23.58A.024 and subject to the provisions of the zone.

6 B. Performance Option.

7 1. Housing.

8 a. An applicant using the housing performance option shall provide
9 housing serving income-eligible households in an amount equal to 15.6 percent of gross bonus
10 nonresidential floor area obtained under the performance option pursuant to this Section
11 23.58A.024.
12

13 b. An applicant may provide low-income housing as part of the project
14 using extra floor area or by providing or contributing to a low-income housing project at another
15 location, subject to the requirements in subsection 23.58A.024.B.1.e and subject to approval of
16 the low-income housing project in writing by the Director of Housing prior to issuance of the
17 first building permit for the development using the bonus nonresidential floor area.
18

19 c. The low-income housing shall serve only income-eligible households
20 for a minimum period of 50 years from the later of the date when the agreement between the
21 housing owner and the City, as required by subsection 23.58A.024.B.1.e.3 and described in
22 subsection 23.58A.024.B.1.e, if applicable, is recorded, or the date when the low-income housing
23 becomes available for occupancy as determined by the City. For rental housing, rent shall be
24 limited so that housing costs, including rent and basic utilities, shall not exceed 30 percent of the
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1 income limit for income-eligible households, all as determined by the Director of Housing, for a
2 minimum period of 50 years. For owner-occupied housing, the initial sale price shall not exceed
3 an amount determined by the Director of Housing to be consistent with low-income housing for
4 an income-eligible household with the average family size expected to occupy the unit based on
5 the number of bedrooms, and the units shall be subject to recorded instruments satisfactory to the
6 Director of Housing providing for sales prices on any resale consistent with affordability on the
7 same basis for at least 50 years. The low-income housing shall be provided in a range of sizes
8 consistent with RCW 36.70A.540 and shall comply with all requirements of RCW 36.70A.540.

9
10 d. If the low-income housing is developed within the project using the
11 bonus floor area:

12 1) The low-income housing must serve income-eligible households
13 for the minimum time period referred to in this Section 23.58A.024.

14 2) The low-income housing shall be completed and ready for
15 occupancy at or before the time when a certificate of occupancy is issued for any chargeable
16 floor area in the project using the bonus nonresidential floor area, and as a condition to any right
17 of the applicant to such a certificate of occupancy.
18

19 e. If the low-income housing is not being developed within the project
20 using the bonus nonresidential floor area:

21 1) Proposals for low-income housing are subject to approval by the
22 Director of Housing. Approval requires a determination by the Director of Housing that the low-
23 income housing will (a) be located within the same neighborhood where the project using the
24 bonus nonresidential floor area is located, except as otherwise provided in subsection
25
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1 23.58A.024.B.1.e.2; (b) provide a public benefit; and (c) be more affordable than market rents or
2 sale prices, as applicable, for housing in the neighborhood in which the low-income housing is
3 located.

4 2) If the applicant demonstrates to the satisfaction of the Director
5 of Housing that it is infeasible for the off-site low-income housing to be located within the same
6 neighborhood where the development using the bonus nonresidential floor area is located, then
7 (a) the Director of Housing may allow the low-income housing to be provided elsewhere within
8 the Seattle city limits, which is deemed the general area of the development using the bonus
9 nonresidential floor area in accordance with RCW 36.70A.540, provided that the low-income
10 housing is within 0.5 mile of a light rail or bus rapid transit station on a route serving the
11 neighborhood where the development using the bonus nonresidential floor area is located, or (b)
12 if the applicant demonstrates that providing the low-income housing in such a location is also
13 infeasible, then the Director of Housing may allow the low-income housing to be provided in the
14 city within 0.25 mile of a bus or streetcar stop.
15

16 3) The low-income housing must be committed to serve income-
17 eligible households for the minimum time period referred to in this Section 23.58A.024 pursuant
18 to an agreement between the housing owner and the City, and any agreements with other parties
19 that the Director of Housing finds necessary.
20

21 4) The agreement required by subsection 23.58A.024.B.1.e.3 must
22 be executed and recorded prior to issuance, and as a condition to issuance, of the first building
23 permit for the project using the bonus nonresidential floor area, and in any event before any
24 permit for any construction activity other than excavation and shoring is issued.
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1 City, shall be used in the same manner as cash payments for housing made under this Section
2 23.58A.024. To the extent the City receives payment through a letter of credit or other security,
3 the obligation of the applicant to provide low-income housing will be deemed satisfied and the
4 applicant shall be deemed to have elected the payment option. The applicant shall not be entitled
5 to any refund based on later completion of low-income housing.
6

7 6) If the Director of Housing certifies to the Director that either (a)
8 the applicant has provided the City with a letter of credit or other sufficient security pursuant to
9 subsection 23.58A.024.B.1.e.5; or (b) there have been recorded one or more agreements or
10 instruments satisfactory to the Director of Housing providing for occupancy and affordability
11 restrictions on low-income housing with the minimum floor area determined under this Section
12 23.58A.024, all low-income housing has been completed, and the low-income housing is on a
13 different lot from the bonus nonresidential floor area or is in one or more condominium units
14 separate from the bonus development under condominium documents acceptable to the Director
15 of Housing, then any failure of the low-income housing to satisfy the requirements of this
16 subsection 23.58A.024.B.1 shall not affect the right to maintain or occupy the bonus
17 nonresidential floor area.
18

19
20 7) Unless and until the Director of Housing shall certify as set forth
21 in clause (a) or (b) of subsection 23.58A.024.B.1.e.6, it shall be a continuing permit condition,
22 whether or not expressly stated, for each project obtaining bonus nonresidential floor area based
23 on the provision of housing to which this Section 23.58A.024 applies, that the low-income
24 housing shall be maintained in compliance with the terms of this Section 23.58A.024 and any
25 applicable provisions of the zone, as documented to the satisfaction of the Director of Housing.
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f. No subsidies for bonused housing; Exception.

1
2 1) The Director of Housing may require, as a condition of any
3 bonus nonresidential floor area under the performance option, that the owner of the lot upon
4 which the low-income housing is located agree not to seek or accept any subsidies, including
5 without limitation those items referred to subsection 23.58A.024.B.1.f.2, related to housing,
6 except for any subsidies that may be allowed by the Director of Housing under that subsection
7 23.58A.024.B.1.f.2. The Director may require that such agreement provide for the payment to
8 the City, for deposit in an appropriate subfund or account, of the value of any subsidies received
9 in excess of any amounts allowed by such agreement.
10

11 2) In general, and except as may be otherwise required by
12 applicable federal or state law, no bonus nonresidential floor area may be earned by providing
13 housing if:
14

15 a) Any person is receiving or will receive with respect to
16 the housing any charitable contributions or public subsidies for housing development or
17 operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or
18 grants, City of Seattle housing loans or grants, county housing funds, and State of Washington
19 housing funds; or
20

21 b) The housing is or would be, independent of the
22 requirements for the bonus nonresidential floor area, subject to any restrictions on the income of
23 occupants, rents or sale prices.
24

25 3) For the purpose of this subsection 23.58A.024.B.1.f, the
26 qualification for and use of property tax exemptions pursuant to SMC Chapter 5.73, or any other
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1 program implemented pursuant to RCW Chapter 84.14, does not constitute a subsidy, and any
2 related conditions regarding incomes, rent or sale prices do not constitute restrictions.

3 4) As an exception to the restriction on subsidies, the Director of
4 Housing may allow the building or buildings in which the low-income housing is located to be
5 financed in part with subsidies based on the determination that (a) the total amount of low-
6 income housing is at least 300 net residential square feet greater than the amount otherwise
7 required through the performance option under this section; (b) the public benefit of the low-
8 income housing net of any subsidies, as measured through an economic analysis, exceeds the
9 amount of the payment-in-lieu that would otherwise be paid; and (c) the subsidies being allowed
10 would not be sufficient to leverage private funds for production of the low-income housing,
11 under restrictions as required for the performance option, without additional City subsidy in an
12 amount greater than the payment-in-lieu amount that would otherwise be paid.
13
14

15 g. The Director of Housing is authorized to accept and execute agreements
16 and instruments to implement this Section 23.58A.024. Issuance of the certificate of occupancy
17 for the project using the bonus nonresidential floor area may be conditioned on such agreements
18 and instruments.
19

20 h. The housing owner, in the case of rental housing, shall provide annual
21 reports and pay an annual monitoring fee to the Office of Housing for each low-income housing
22 unit. In the case of low-income housing for owner-occupancy, the applicant shall pay an initial
23 monitoring fee to the Office of Housing as specified under Chapter 22.900G, and the recorded
24 resale restrictions shall include a provision requiring payment to the City, on any sale or other
25 transfer of a unit after the initial sale, of a fee in the amount of \$500, to be adjusted in proportion
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1 to changes in the consumer price index from 2008 to the year in which the sale or transfer is
2 made, for the review and processing of documents to determine compliance with income and
3 affordability restrictions.

4 2. Child Care.

5 a. For each square foot of nonresidential bonus floor area allowed under
6 this Section 23.58A.024, in addition to providing housing or an alternative cash contribution
7 pursuant to subsection 23.58A.024.B.1 or 23.58A.024.C, an applicant using the child care
8 performance option shall provide fully improved child care facility space sufficient for 0.000127
9 of a child care slot. The minimum interior space in the child care facility for each child care slot
10 shall comply with all applicable state and local regulations governing the operation of licensed
11 childcare providers. Child care facility space shall be deemed provided only if the applicant
12 causes the space to be newly constructed or newly placed in child care use after the submission
13 of a permit application for the project intended to use the bonus floor area, except as provided in
14 subsection 23.58A.024.B.2.c.6. If any contribution or subsidy in any form is made by any public
15 entity to the acquisition, development, financing or improvement of any child care facility, then
16 any portion of the space in such facility determined by the Human Services Director to be
17 attributable to such contribution or subsidy shall not be considered as provided by any applicant
18 other than that public entity.
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22 b. Child care space shall be provided on the same lot as the project using
23 the bonus nonresidential floor area, or on another lot within a distance of 0.25 mile of the project
24 using the bonus nonresidential floor area.
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1 c. Child care space shall be contained in a child care facility satisfying the
2 following standards:

3 1) The child care facility and accessory exterior space must be
4 approved for licensing by the State of Washington Department of Early Learning and any other
5 applicable state or local governmental agencies responsible for the regulation of licensed child
6 care providers.

7
8 2) At least 20 percent of the number of child care slots for which
9 space is provided as a condition of bonus nonresidential floor area must be reserved for, and
10 affordable to, families with annual incomes at or below the U.S. Department of Housing and
11 Urban Development Low Income Standard for Section 8 Housing based on family size (or, if
12 such standard shall no longer be published, a standard established by the Human Services
13 Director based generally on 80 percent of the median family income of the Metropolitan
14 Statistical Area, or division thereof, that includes Seattle, adjusted for family size). Child care
15 slots shall be deemed to meet these conditions if they serve, and are limited to, (a) children
16 receiving child care subsidy from the City of Seattle, King County or State Department of Early
17 Learning, and/or (b) children whose families have annual incomes no higher than the above
18 standard who are charged according to a sliding fee scale such that the fees paid by any family
19 do not exceed the amount it would be charged, exclusive of subsidy, if the family were enrolled
20 in the City of Seattle Child Care Assistance Program.

21
22 3) Child care space provided to satisfy bonus conditions shall be
23 dedicated to child care use, consistent with the terms of this Section 23.58A.024, for 20 years.
24 The dedication shall be established by a recorded covenant, running with the land, and
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1 enforceable by the City, signed by the owner of the lot where the child care facility is located, or
2 the long-term lessee of the child care space under terms acceptable to the Human Services
3 Director, and by the owner of the lot where the bonus floor area is used, if different from the lot
4 of the child care facility. The child care facility shall be maintained in operation, with adequate
5 staffing, at least 11 hours per day, five days per week, and 50 weeks per year.

6
7 4) Space for which a bonus is or has been allowed under any other
8 section of this Title 23 or under former Title 24 shall not be eligible to satisfy the conditions of
9 this section 23.58A.024.

10 5) Unless the applicant is the owner of the child care space and is a
11 duly licensed and experienced child care provider approved by the Human Services Director, the
12 applicant shall provide to such Director a signed agreement, acceptable to such Director, with a
13 duly licensed child care provider, under which the child care provider agrees to operate the child
14 care facility consistent with the terms of this Section 23.58A.024 and of the recorded covenant,
15 and to provide reports and documentation to the City to demonstrate such compliance.

16
17 6) One child care facility may fulfill the conditions for a bonus for
18 more than one project if it includes sufficient space, and provides sufficient slots affordable to
19 limited income families, to satisfy the conditions for each such project without any space or child
20 care slot being counted toward the conditions for more than one project. If the child care facility
21 is located on the same lot as one of the projects using the bonus, then the owner of that lot shall
22 be responsible for maintaining compliance with all the requirements applicable to the child care
23 facility; otherwise responsibility for such requirements shall be allocated by agreement in such
24 manner as the Human Services Director may approve. If a child care facility developed to qualify
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1 for bonus floor area by one applicant includes space exceeding the amount necessary for the
2 bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted
3 by the Human Services Director from that applicant so provides, such excess space may be
4 deemed provided by the applicant for a later project pursuant to a new voluntary agreement
5 signed by both such applicants and by any other owner of the child care facility, and a
6 modification of the recorded covenant, each in form and substance acceptable to such Director.
7

8 d. The Human Services Director shall review the design and proposed
9 management plan for any child care facility proposed to qualify for bonus floor area to determine
10 whether it will comply with the terms of this Section 23.58A.024. The allowance of bonus floor
11 area is conditioned upon approval of the design and proposed management plan by such
12 Director. The child care facility shall be constructed consistent with the design approved by such
13 Director and shall be operated for the minimum 20 year term consistent with the management
14 plan approved by such Director, in each case with only such modifications as shall be approved
15 by such Director. If the proposed management plan includes provisions for payment of rent or
16 occupancy costs by the provider, the management plan must include a detailed operating budget,
17 staffing ratios, and other information requested by such Director to assess whether the child care
18 facility may be economically feasible and able to deliver quality services.
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21 e. The Human Services Director is authorized to accept a voluntary
22 agreement for the provision of a child care facility to satisfy bonus conditions and related
23 agreements and instruments consistent with this Section 23.58A.024. The voluntary agreement
24 may provide, in case a child care facility is not maintained in continuous operation consistent
25 with this subsection 23.58A.024.B.2 at any time within the minimum 20 year period, for the
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1 City's right to receive payment of a prorated amount of the alternative cash contribution that then
2 would be applicable to a new project seeking bonus nonresidential floor area, with any
3 adjustments for changes in costs that the Human Services Director may deem appropriate. The
4 Human Services Director may require security or evidence of adequate financial responsibility,
5 or both, as a condition to acceptance of an agreement under this subsection 23.58A.024.B.2.
6 Review and approval of any proposed facilities, plans or other matters by the Human Services
7 Director is in the interest of the City and the general public and not for the particular benefit of
8 any persons or class, and shall not constitute any assurance to any person that any facility or its
9 operations will satisfy any health, safety or other standards or criteria.
10

11 C. Payment Option.

12 1. Amount of payments. In lieu of all or part of the performance option for low-
13 income housing, an applicant may provide a cash contribution to the City of \$18.75 per square
14 foot of bonus nonresidential floor area, if the Director of Housing determines that the payment
15 achieves a result equal to or better than providing the low-income housing on-site and the
16 payment does not exceed the approximate cost of developing the same number and quality of
17 housing units that would otherwise be developed. In lieu of all or part of the performance option
18 for child care, the applicant may provide a cash contribution to the City of \$3.25 per square foot
19 of bonus nonresidential floor area to be used for child care facilities, to be administered by the
20 Human Services Department.
21

22 2. Timing of payments. Cash payments shall be made prior to issuance, and as a
23 condition to issuance, of any building permit after the first building permit for a project, and in
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1 any event before any permit for any construction activity other than excavation and shoring is
2 issued.

3 3. Deposit and use of payments. Payments in lieu of low-income housing and
4 child care facilities shall be deposited in special accounts established solely to support the
5 development of low-income housing and child care facilities. Earnings on balances in the special
6 accounts shall accrue to those accounts.

7
8 a. The Director of Housing shall use cash payments in lieu of low-income
9 housing and any earnings thereon to support the development of low-income housing in any
10 manner now or hereafter permitted by RCW 36.70A.540, including renter or owner housing for
11 income-eligible households. Uses of funds may include the City's costs to administer projects,
12 not to exceed ten percent of the payments into the special accounts. Low-income housing funded
13 wholly or in part with cash payments shall be located within eligible areas within the Seattle city
14 limits. Eligible areas shall be prioritized in the following order: (1) within the same
15 neighborhoods where the developments using the bonus nonresidential floor area are located; (2)
16 within 0.5 mile of a light rail station or bus rapid transit station on a route serving the
17 neighborhoods where the developments using the bonus nonresidential floor area are located;
18 and (3) within 0.25 mile of a bus or streetcar stop on a route serving the neighborhoods where
19 the developments using the bonus nonresidential floor area are located.
20
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22 b. The Human Services Director shall use cash payments in lieu of child
23 care and any earnings thereon to support the development or expansion of child care facilities
24 within 0.5 mile of the project using the bonus nonresidential floor area, or in another location,
25 consistent with an applicable voluntary agreement, where the child care facility addresses the
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1 additional need created by that project. Child care facilities supported with cash payments may
2 be publicly or privately owned, and if privately owned shall be committed to long-term use as
3 child care under such agreements or instruments as the Human Services Director shall determine
4 are appropriate. The Human Services Director shall require that child care facilities supported
5 with cash payments and their operators satisfy applicable licensing requirements, and may
6 require compliance with other provisions applicable to child care facilities provided under the
7 performance option, with such modifications as the Human Services Director deems appropriate.
8

9 4. The Director and the Director of Housing are authorized jointly to adopt rules
10 to interpret and implement the provisions of this subsection 23.58A.024.C, in addition to rules
11 that may be adopted by the Director of Housing independently as authorized in this Section
12 23.58A.024.

13
14 Section 75. Section 23.66.018 of the Seattle Municipal Code, which section was enacted
15 by Ordinance 118012, is amended as follows:

16 **23.66.018 Director of the Department of Neighborhoods((=))**

17 As used in this chapter, "Director of Neighborhoods", "Department of Neighborhoods
18 Director" and "Director of the Department of Neighborhoods" mean the Director of the
19 department or the Director's designee.
20

21 Section 76. A new Section 23.66.032 of the Seattle Municipal Code is added as follows:

22 **23.66.032 Contributing structures; determination of architectural or historic significance**

23 A. The owner of a lot in the Pioneer Square Preservation District or the International
24 Special Review District may apply to the Director of Neighborhoods for a determination that a
25 structure on the lot contributes, and is expected to continue to contribute, to the architectural
26



1 and/or historic character of the District. A structure for which that determination is made is
2 considered a contributing structure for purposes of this Section 23.66.032 and for purposes of the
3 eligibility of the lot to send South Downtown Historic TDR or South Downtown Historic TDP
4 pursuant to Sections 23.49.014 and 23.58A.018. The determination is made by the Director of
5 Neighborhoods, after recommendation by the Pioneer Square Preservation Board or the
6 International Special Review District Board. A structure for which an application for demolition
7 approval has been granted or is pending is not eligible for a determination under this Section
8 23.66.032. The Director of Neighborhoods may defer consideration of an application under this
9 Section 23.66.032 until final action is taken on any application for a certificate of approval, and
10 any appeals have been resolved.
11

12 B. In making a recommendation and decision under subsection 23.66.032.A, the relevant
13 Board and the Director of Neighborhoods shall take into account the reasons for designating the
14 District as set forth in Section 23.66.100 or 23.66.302 and how they apply to the structure;
15 whether the structure was identified as historic or as contributing, or both, for purposes of listing
16 in the National Register of Historic Places or the local special review district; and the state of
17 historic integrity, repair, maintenance, and useful life of the structure. The Director of
18 Neighborhoods and the relevant Board may rely on information submitted by the owner,
19 information provided by members of the public, other information available in public records,
20 and site visits. The Director of Neighborhoods may determine that the structure is contributing;
21 that it cannot be contributing; or that it will be contributing conditioned upon specific
22 rehabilitation or maintenance work.
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1 C. If the Director of Neighborhoods determines that the structure will be contributing
2 conditioned upon rehabilitation or maintenance work, then the owner shall not be entitled to a
3 final determination, and the structure shall not be considered contributing for purposes of this
4 Title 23, until either (1) the work is completed to the satisfaction of the Director of
5 Neighborhoods, or (2) a certificate of approval for the work is issued and the owner provides a
6 bond or other security acceptable to the Director of Neighborhoods for the completion of the
7 work.
8

9 D. The owner shall submit to the Director of Neighborhoods, in support of a request for
10 a determination under this Section 23.66.032, a historic resource report prepared by a historic
11 preservation consultant approved by the Director of Neighborhoods. The historic resource report
12 shall include the information described in this subsection 23.66.032.D, except that the Director
13 of Neighborhoods may allow the omission of information not necessary for a particular
14 application:
15

- 16 1. History of the structure, including significant historical events, persons and
17 uses associated with the structure;
- 18 2. Ownership history;
- 19 3. Construction history, including original plans and subsequent alterations to the
20 exterior; a chronology of historical documentation; site work, references to craftsmen, builders,
21 and architects associated with the structure; early views, photographs, and other materials
22 showing appearance at different periods; and results of physical investigation;
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1 4. Architectural evaluation, including an assessment of all exterior features and
2 finishes and identification of those architectural features, materials, finishes and construction
3 techniques that are character-defining.

4 5. An analysis of existing conditions, damage, structural problems, and materials
5 deterioration.

6 6. Bibliography and references.

7
8 E. There is no administrative appeal of the decision of the Director of Neighborhoods.
9 Any judicial review must be commenced within 21 days of issuance of the Director of
10 Neighborhoods' decision, as provided by RCW 36.70C.040.

11 Section 77. Section 23.66.100 of the Seattle Municipal Code, which section was last
12 amended by Ordinance 119484, is amended as follows:

13
14 **23.66.100 Creation of district, legislative findings and purpose((~~7~~))**

15 A. During the City of Seattle's relatively brief history, it has had little time in which to
16 develop areas of consistent historical or architectural character. It is recognized that the Pioneer
17 Square area of Seattle contains many of these rare attributes and consequently is an area of great
18 historical and cultural significance. Further, the ~~((King County domed stadium (Kingdome)))~~
19 regional sports stadiums, constructed in and near the Pioneer Square area, and the traffic and
20 activities ~~((which it generates has))~~ that they generate have resulted in adverse impacts upon the
21 social, cultural, historic and ethnic values of the Pioneer Square area. To preserve, protect, and
22 enhance the historic character of the Pioneer Square area and the buildings therein; to return
23 unproductive structures to useful purposes; to attract visitors to the City; to avoid a proliferation
24 of vehicular parking and vehicular-oriented uses; to provide regulations for existing on-street and
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1 off-street parking; to stabilize existing housing, and encourage a variety of new and rehabilitated
2 housing types for all income groups; to encourage the use of transportation modes other than the
3 private automobile; to protect existing commercial vehicle access; to improve visual and urban
4 relationships between existing and future buildings and structures, parking spaces and public
5 improvements within the area; and to encourage pedestrian uses, there is established as a special
6 review district, the Pioneer Square Preservation District. The boundaries of the District are
7 shown on Map A for 23.66.100 and on the Official Land Use Map.
8

9 B. The District is depicted on Map A for 23.66.100. All property in the entire District
10 shall be developed and used in accordance with the use and development standards established in
11 this ~~((chapter))~~ Chapter 23.66 and the use and development standards for the underlying zone in
12 which the property is located. In the event of irreconcilable differences between the use and
13 development standards of this ~~((chapter))~~ Chapter 23.66 and other provisions of this Land Use
14 Code, ~~((the provisions of))~~ this ~~((chapter))~~ Chapter 23.66 ~~((shall apply))~~ applies, except that
15 nothing in this Chapter 23.66 shall permit any use or development on a lot from which TDR or
16 TDP are transferred that is inconsistent with the restrictions applicable as a result of such transfer
17 pursuant to Chapter 23.49 or Chapter 23.58A.
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20 C. Reasons for Designating the Pioneer Square Preservation District.

21 1. Historic Significance. The Pioneer Square Preservation District is unique
22 because it is the site of the beginning of The City of Seattle. The area also retains much of the
23 original architecture and artifacts of its early history. The District has played a significant role in
24 the development of Seattle, the Puget Sound region and The State of Washington. It was the first
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1 location of industry, business and homes in early Seattle and the focus of commerce and
2 transportation for more than a half century.

3 2. Architectural Significance. As a collection of late nineteenth and early
4 twentieth-century buildings of similar materials, construction techniques and architectural style,
5 the District is unique, not only to the City but to the country as well. Most of the buildings within
6 the District embody the distinctive characteristics of the Late Victorian style. Many buildings are
7 the work of one architect, Elmer H. Fisher. For these and other reasons, the buildings combine to
8 create an outstanding example of an area that is distinguishable in style, form, character and
9 construction representative of its era.
10

11 3. Social Diversity. The District represents an area of unique social diversity
12 where people from many income levels and social strata live, shop and work. It is an area in
13 which social services, including missions, low-income housing and service agencies exist.
14

15 4. Business Environment. The District is an area of remarkable business
16 diversity. The street level of the area north of S. King Street is pedestrian-oriented, with its
17 storefronts occupied primarily by specialty retail shops, art galleries, restaurants and taverns. The
18 upper floors of buildings in the historic core are occupied by professional offices, various types
19 of light manufacturing, and housing for persons of many income groups. The area south of S.
20 King Street includes the ((~~North Kingdome~~)) stadium's north parking lot, a number of structures
21 occupied by light manufacturing and warehousing use, and several structures converted to office,
22 residential and mixed use. The ((~~north Kingdome~~)) stadium's north parking lot may be
23 redeveloped to accommodate a mix of uses, including a substantial amount of housing. The
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1 ongoing restoration and sensitive rehabilitation of many District structures, combined with
2 proposed compatible new construction, will continue to enhance the District's economic climate.

3 5. Educational Value. The restoration and preservation of the District will yield
4 information of educational significance regarding the way of life and the architecture of the late
5 nineteenth-century as well as adding interest and color to the City. Restoration of the District will
6 preserve the environment (~~((which))~~ that was characteristic of an important era of Seattle's
7 history.
8

9 6. Geographic Location. The District is uniquely situated adjacent to Seattle's
10 waterfront, the central business district, the International District, and (~~((the King County~~
11 ~~domed))~~ sports stadium and exhibition center facilities.

12 Section 78. Section 23.66.150 of the Seattle Municipal Code, which section was last
13 amended by Ordinance 123034, are amended as follows:

14 **23.66.150 Structure setbacks**

15 Except as allowed through the provisions of subsection 23.49.180.G for the PSM 85-120
16 zone in the area shown on Map A for 23.49.180(~~((the maximum permitted setbacks for~~
17 ~~structures are))~~):
18

19 A. Structures located within Subarea A on Map C for 23.66.122 and 23.66.150 shall
20 cover the full width of the lot along street lot lines and (~~((shall abut street lot lines))~~)have street-
21 facing facades that abut street lot lines for the full width of portions of a structure that are up to
22 100 feet in height.
23

1 B. Structures located within Subarea B on Map C for 23.66.122 and 23.66.150 shall abut
2 street lot lines for the full width of the structure's street-facing façade, except as provided for in
3 23.49.180.

4 C. New structures or portions of structures located within Subarea C on Map C for
5 23.66.122 and 23.66.150 shall cover the full width of the lot along street lot lines and have street-
6 facing facades that abut street lot lines for the full width of portions of a structure that are up to
7 100 feet in height. For structures that exceed 100 feet in height, all portions that exceed 100 feet
8 in height shall be set back at least 15 feet from street lot lines.

10 D. For ~~((both))~~ all Subareas, modifications to setback standards may be permitted by the
11 ~~((Department of Neighborhoods))~~ Director of Neighborhoods following review and
12 recommendation by the Preservation Board ~~((when))~~ if the following criteria are met:

13 1. A larger or smaller setback will be compatible with and not adversely affect
14 the streetscape or publicly-owned open space; and

15 2. A larger or smaller setback will be compatible with other design elements,
16 such as bulk, size and profile, of the proposed building.

17 Section 79. Subsections A, B and C of Section 23.66.160 of the Seattle Municipal Code,
18 which section was last amended by Ordinance 120466, are amended as follows:

19 **23.66.160 Signs((-))**

20 A. Signs.

21 1. On-premises signs that comply with the provisions of this Section 23.66.160
22 are allowed.



1 2. The following signs (~~shall be~~) are prohibited throughout the Pioneer Square
2 Preservation District:

3 Permanently affixed, freestanding signs (except those used to identify
4 areas such as parks and those authorized for surface parking lots under subsection
5 23.66.160.C.7);

6 Roof signs;

7 (~~Billboards~~) Off-premises signs;

8 Electric signs and signs using video display methods, excluding neon
9 signs (~~(-)~~);

10 Signs with messages that appear to be in motion;

11 Changing image signs;

12 Signs with flashing, running or chaser lights.

13 3. The Preservation Board and the Director of Neighborhoods may delegate to the
14 Director the determination whether a proposed sign is a sign prohibited under subsection
15 23.66.160.A. If the Director determines a proposed sign is a sign prohibited under subsection
16 23.66.160.A, the Director of Neighborhoods shall not send the application to the Board and shall
17 deny the application.

18 4. Each owner of an existing off-premises sign that is lawfully authorized in the
19 District shall comply with the requirements in subsection 23.55.014.F to register the sign, pay the
20 registration fee, and display the sign registration number, and is subject to the penalty provisions
21 of that subsection 23.55.014.F.

1 ~~((B. All flags and banners shall be subject to Preservation Board review, and approval of~~
2 ~~the Department of Neighborhoods Director.))~~

3 ~~((C.))~~ B. To ensure that flags, banners and signs are of a scale, color, shape and type
4 compatible with the Pioneer Square Preservation District objectives stated in Section 23.66.100
5 and with the character of the District and the buildings in the ~~((d))~~District, to reduce driver
6 distraction and visual blight, ~~((and))~~ to ensure that the messages of signs are not lost through
7 undue proliferation, ~~((or competition with other signs,))~~ and to enhance views and sight lines into
8 and down streets, the overall design of a sign, flag, or banner, including size, shape, typeface,
9 texture, method of attachment, color, graphics and lighting, and the number and location of
10 signs, flags, and banners, shall be reviewed by the Board and are regulated as set out in this
11 Section 23.66.160. Building owners ~~((shall be))~~ are encouraged to develop an overall signage
12 plan for their ~~((entire))~~ buildings.

13 C. In determining the appropriateness of signs, including flags and banners used as signs
14 as defined in Section 23.84A.036, the Preservation Board shall consider the following:

15 1. Signs Attached or Applied to Structures.

16 a. The relationship of the shape of the proposed sign to the architecture of
17 the building and with the shape of other approved signs located on the building or in proximity to
18 the proposed sign;

19 b. The relationship of the texture of the proposed sign to the building for
20 which it is proposed, and with other approved signs located on the building or in proximity to the
21 proposed sign;

1 c. The possibility of physical damage to the structure and the degree to
2 which the method of attachment would conceal or disfigure desirable architectural features or
3 details of the structure (~~(The)~~) (the method of attachment shall be approved by the Director);

4 d. The relationship of the proposed colors and graphics with the colors of
5 the building and with other approved signs on the building or in proximity to the proposed sign;

6 e. The relationship of the proposed sign with existing lights and lighting
7 standards, and with the architectural and design motifs of the building;

8 f. Whether the proposed sign lighting will detract from the character of the
9 building; and
10

11 g. The compatibility of the colors and graphics of the proposed sign with
12 the character of the District.

13 2. Wall signs painted on or affixed to a building shall not exceed ten (~~((10%))~~)
14 percent of the total area of the façade or (~~((two hundred forty (240)))~~) 240 square feet, whichever
15 is less. Area of original building finish visible within the exterior dimensions of the sign (e.g.,
16 unpainted brick) shall not be considered when computing the sign's area.
17

18 3. Signs not attached to structures shall be compatible with adjacent structures and
19 with the District generally.
20

21 4. When determining the appropriate size of a sign the Board and the
22 (~~(Department))~~ Director of Neighborhoods (~~(Director))~~ shall also consider the (~~(purpose))~~)
23 function of the sign and the character and scale of buildings in the immediate vicinity, the
24 character and scale of the building for which the sign is proposed, the proposed location of the
25 sign on the building's exterior, and the total number and size of signs proposed or existing on the
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1 building(~~(, as well as the type of sign proposed (e.g., informational, theater marquees, building~~
2 ~~identification, business identification, address or hours open signing)))~~).

3 5. ~~((Signing))~~ Information displayed on the valance of awnings, canopies or
4 marquees shall be limited to identification of the name or address of the building or of an
5 establishment located in the building.

6 6. Projecting signs(~~(,))~~ and neon signs(~~(, signs which appear to be in motion, and~~
7 ~~signs with flashing, running or chaser lights))~~) may be recommended only if the Preservation
8 Board determines that all other criteria for permitted signs have been met and that historic
9 precedent, locational or visibility concerns of the business for which the signing is proposed
10 warrant such signing.

11 7. Surface Parking Lot Signage.

12 a. The total signage area permitted for each accessory surface parking lot
13 shall not exceed 1 square foot per parking space up to a maximum of 24 square feet per surface
14 parking lot. The total signage area permitted for each existing principal use surface parking lot
15 shall not exceed 1/2 square foot per parking space in the lot, up to a maximum of 18 square feet
16 per principal use surface parking lot.

17 b. Surface parking lots shall display a sign, counted against the total
18 permitted signage area, with one of the following messages, if applicable:

19 1) For accessory surface parking lots, or portions thereof, intended
20 only for customer use: "Customer Parking for (Principal User/s) Only." The sign also may
21 contain the address of the principal user or users and mention validation of parking, if applicable.



1 The sign also may contain the information required by state law to lawfully impound
2 unauthorized vehicles.

3 2) For accessory or principal use surface parking lots, or portions
4 thereof, intended only for reserved parking: "Reserved Parking." The sign also may contain the
5 name and telephone number of the owner. The sign also may contain the information required by
6 state law to lawfully impound unauthorized vehicles.

7 c. Small on-premises directional signs, such as those designating the
8 entrance to or exit from accessory surface parking areas, are permitted if they are three or fewer
9 square feet in area and are located at a height four or fewer feet above grade at points of egress or
10 ingress. Such signs shall not count against the total permitted sign area.

11 * * *

12 Section 80. Section 23.66.302 of the Seattle Municipal Code, which section includes
13 Map A for 23.66.302 and was enacted by Ordinance 112134, is amended as follows, including:
14 revisions to the boundary of the International Special Review District on Map A for 23.66.302:
15 **23.66.302 International Special Review District goals and objectives((=))**

16 The International District is the urban focal point for the Asian American community.
17 The International Special Review District is established to promote, preserve and perpetuate the
18 cultural, economic, historical, and otherwise beneficial qualities of the area, particularly the
19 features derived from its Asian heritage, by:
20

21 A. Reestablishing the District as a stable residential neighborhood with a mixture of
22 housing types;
23

1 B. Encouraging the use of street-level spaces for pedestrian-oriented retail ((speciality))
2 specialty shops with colorful and interesting displays;

3 C. Protecting the area and its periphery from the proliferation of parking lots and other
4 automobile-oriented uses;

5 D. Encouraging the rehabilitation of existing structures;

6 E. Improving the visual and urban design relationships between existing and future
7 buildings, parking garages, open spaces and public improvements within the International
8 District;

9 F. Exercising a reasonable degree of control over site development and the location of
10 off-street parking and other automobile-oriented uses; and

11 G. Discouraging traffic and parking resulting from ((Kingdome)) athletic stadium events
12 and commuters working outside the District.

13 All property within the International Special Review District, as designated on the
14 Official Land Use Map, shall be subject to the use and development standards of the underlying
15 zoning and the applicable use and development standards of this ((chapter)) Chapter 23.66. In the
16 event of irreconcilable differences between the use and development standards of this ((chapter))
17 Chapter 23.66 and the provisions of the underlying zone or other chapters of the Seattle
18 Municipal Code or other City ordinances, ((the provisions of)) this ((chapter)) Chapter 23.66
19 ((shall apply)) applies, except that nothing in this Chapter 23.66 shall permit any use or
20 development on a lot from which TDR or TDP are transferred that is inconsistent with the
21 restrictions applicable as a result of such transfer pursuant to Chapter 23.49 or Chapter 23.58A.

22 The boundaries of the International Special Review District are shown on the Official Land Use
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1 Map, and on Map A for 23.66.302~~((A,1 International Special Review District Boundaries))~~,
2 included at the end of this ~~((subchapter))~~ Chapter 23.66.

3 Section 81. Section 23.66.306 of the Seattle Municipal Code, which section was last
4 amended by Ordinance 112519, is amended as follows:

5 **23.66.306 International District Residential (IDR) Zone goals and objectives**~~(())~~

6 The International District residential area shall be predominantly a residential
7 neighborhood with primarily residential uses. Other compatible uses shall be permitted to the
8 extent that they reinforce and do not detract from the primary use of the area. The IDR
9 designation and the regulations of the International Special Review District shall recognize and
10 promote the area's unique social and urban design character. Special objectives include:
11

12 A. The establishment of the International District ~~((hilltop))~~ area north of South Jackson
13 Street as one of downtown's predominant residential neighborhoods;

14 B. The development of flexible land use controls, regulations and guidelines to address
15 present conditions and those which may develop in the future;

16 C. The design, siting, and construction of structures ~~((which))~~ that minimize view
17 blockage from Kobe Terrace Park and from existing structures ~~((which))~~ that are used primarily
18 for residential purposes;
19

20 D. The design, siting and construction of structures ~~((which insure))~~ in a manner that
21 allows reasonable solar exposure and air circulation to adjacent properties;
22

23 E. The design, siting and construction of structures that are aesthetically compatible with
24 the area's steep topography and/or nearby public open spaces.
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1 Section 82. Section 23.66.308 of the Seattle Municipal Code, which section was enacted
2 by Ordinance 112134, are amended as follows:

3 **23.66.308 International ~~((district goals and objectives))~~ District preferred uses east of ((the
4 interstate)) Interstate 5 ((Freeway.))**

5 Preferred uses for that portion of the International District that lies east of ~~((the))~~
6 Interstate 5 ~~((Freeway))~~ include restaurants, retail shops, residential uses, and other small- and
7 medium-scale commercial ~~((processing of food for human consumption, and custom and craft~~
8 work. Processing of food and the production of arts and crafts)) uses. Commercial businesses and
9 uses with an Asian product, service or trade emphasis are preferred. ~~((Permitted))~~ Preferred uses
10 should contribute to the International District's business core or to the function and purposes of
11 the International District east of Interstate 5.

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13
14 Section 83. Section 23.66.310 of the Seattle Municipal Code, which section was last
15 amended by Ordinance 116744, is amended as follows:

16 **23.66.310 Union Station Corridor goals and objectives~~((:))~~**

17 The Union Station Corridor is that area bounded by Yesler Way, Fifth Avenue South,
18 Airport Way South, and Fourth Avenue South. The City, in cooperation with King County
19 Metro, local property owners and the affected community, ~~((should attempt to formulate))~~
20 formulated a strategy for the redevelopment of the Union Station Corridor in coordination with
21 the Downtown Transit Project. Specific objectives for a Planned Community Development in the
22 Union Station Corridor include the following:

23
24 A. Preservation. The historic Union Station structure should be retained and rehabilitated
25 with consideration given to a mix of private and public uses.
26

1 B. Uses. Development in the Corridor should incorporate a mix of uses, such as office,
2 housing, hotel and retail uses in conformance with ~~((the IDM Zone designation))~~ its International
3 District zoning and the regulations of the International Special Review District. Retention of
4 existing low-income housing should be given a high priority. Consideration should be given to
5 the inclusion of public open space and public uses serving the community.

6 C. Planned Community Development. The provisions of Section 23.49.036, Planned
7 Community Developments, ~~((shall))~~ apply in the area. This procedure ~~((shall allow))~~ allows
8 projects to modify the provisions of the IDM designation as long as the entire project is in
9 conformance. All planned community developments shall be reviewed by the International
10 Special Review District Board which shall make a recommendation to the ~~((Department of~~
11 ~~Neighborhoods))~~ Director of Neighborhoods.

12 D. Open Space. Public open space ~~((should be))~~ has been included in ~~((the))~~
13 development ~~((plan for))~~ in the area, and if applicable to future development proposals, ((-
14 Consideration)) consideration should be given to the ~~((development))~~ retention and enhancement
15 of a linear open space along Fifth Avenue south of Jackson Street, as an open space resource and
16 ~~((of))~~ a major focal point at the west end of King Street.

17 E. Parking. ~~((A major parking facility should be considered for development in the area~~
18 ~~south of the Union Station building.))~~ The number of parking spaces provided in the corridor
19 should be sufficient to meet the requirements for development in the corridor, as well as to
20 contribute to the long-range needs of the International District.
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1 F. Scale. Building height and bulk should conform to the IDM Zone designation and the
2 regulations of the International Special Review District. Development south of Jackson Street
3 should preserve the Union Station building as the dominant structure.

4 G. View Corridors. Views from Jackson and King Streets should be retained.

5 H. Pedestrian Environment. To ~~((integrate Union Station and the Kingdome and))~~
6 provide a pedestrian link between the International District retail core and Pioneer Square, a
7 pedestrian connection should be ~~((developed))~~ retained south of King Street. Consideration
8 should be given to pedestrian improvements along Jackson Street and along Fifth Avenue
9 between Jackson Street and Airport Way South such as streetscaping, widened sidewalks and
10 benches, to "humanize" what are now vehicular-oriented streets.
11

12 Section 84. Section 23.66.318 of the Seattle Municipal Code, which section was last
13 amended by Ordinance 120157, is amended as follows:
14

15 **23.66.318 Demolition approval~~(-)~~**

16 A. To discourage the unnecessary demolition of useful existing structures ~~((which))~~ that
17 contribute to the District's cultural and social character, an assessment of the structure proposed
18 to be demolished shall be prepared and circulated to the Board prior to its consideration of a
19 certificate of approval. Among other factors, the economic, social and physical consequences
20 and benefits of the requested demolition and any alternatives to demolition shall be assessed.
21 Except as provided in subsection 23.66.318.B ~~((below))~~, a certificate of approval may be granted
22 only ~~((when))~~ if the requested demolition will not adversely affect the District and no reasonable
23 alternatives to demolition exist, and ~~((when))~~ if:
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1 1. The Director of Neighborhoods, ~~((following))~~ after receiving a
2 recommendation by the Special Review Board, determines that the building or structure has no
3 important architectural or historic significance; and

4 2. Use and design of a replacement structure have been approved by the
5 ~~((Department of Neighborhoods))~~ Director of Neighborhoods; and

6 3. Proof acceptable to the ~~((Department of Neighborhoods))~~ Director of
7 Neighborhoods of a valid commitment for interim and long-term financing for the replacement
8 structure has been secured. In addition to other proof, the ~~((Department of Neighborhoods))~~
9 Director of Neighborhoods may accept a bond, letter of credit, or cash deposit as a demonstration
10 that the project has adequate financial backing to ensure completion; and

11 4. Satisfactory arrangements have been made for retention of any part of the
12 structure's facade ~~((which))~~ that the ~~((Department of Neighborhoods))~~ Director of
13 Neighborhoods and Special Review Board determine to be significant; and

14 5. Satisfactory assurance is provided that new construction will be completed
15 within two ~~((2))~~ years of demolition.

16 B. ~~((When))~~ If demolition or removal of a building or other structure in the District is
17 essential to protect the public health, safety and welfare or ~~((when))~~ if the purposes of this
18 ~~((chapter))~~ Chapter 23.66 will be furthered by the demolition or removal, then the Director of
19 Neighborhoods, following review and recommendation by the Board, may authorize such
20 demolition or removal whether the prerequisites of this ~~((section))~~ Section 23.66.318 are satisfied
21 or not.



1 C. Pursuant to RCW 36.70B.140, the (~~Department of Neighborhoods~~) Director of
2 Neighborhoods' decision is exempt from the time limits and other requirements of RCW
3 36.70B.060 through 36.70B.080 and the requirements of RCW 36.70B.110 through 36.70B.130.

4 D. There is no administrative appeal of the decision of the Director (~~of the Department~~)
5 of Neighborhoods. The (~~Department of Neighborhoods~~) Director of Neighborhoods' decision
6 shall be final. Any judicial review must be commenced within (~~twenty-one (21)~~) 21 days of
7 issuance of the (~~Department of Neighborhoods~~) Director of Neighborhoods' decision, as
8 provided by RCW 36.70C.040.

10 Section 85. Section 23.66.322 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 122311, is amended as follows:

12 **23.66.322 Prohibited uses(~~(r)~~)**

14 A. The following uses are prohibited as both principal and accessory uses in the entire
15 International Special Review District:

16 Adult motion picture theaters;

17 Adult panorams;

18 All general and heavy manufacturing uses;

19 All high-impact uses;

20 Solid waste management;

21 Recycling uses;

22 Automotive sales and service;

23 Bowling lanes;

24 Major communication utilities;



- 1 Heavy commercial sales;
- 2 Drive-in businesses;
- 3 Frozen food lockers;
- 4 Heavy commercial services;
- 5 Marine sales and services;
- 6 Medical testing laboratories;
- 7 Mortuary services;
- 8 Motels;
- 9 Outdoor storage;
- 10 Plant nurseries;
- 11 Retail ice dispensaries;
- 12 Shooting galleries;
- 13 Skating rinks;
- 14 Mobile home parks;
- 15 Transportation facilities except: passenger terminals, rail transit facilities, and parking
- 16 and moorage uses;
- 17 Animal shelters and kennels;
- 18 ((Veterinary offices;))
- 19 ((Pet grooming;))
- 20 Jails;
- 21 Work-release centers.
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1 B. In addition to the prohibited uses listed in subsection 23.66.322.A, light manufacturing
2 uses that occupy more than ~~((ten thousand (10,000)))~~ 10,000 square feet are prohibited in that
3 portion of the International Special Review District west of ~~((the))~~ Interstate 5 ~~((Freeway))~~.

4 C. All light manufacturing uses are prohibited in that portion of the District in ~~((the))~~ an
5 IDR ~~((Zone))~~ zone.

6 Section 86. Section 23.66.324 of the Seattle Municipal Code, which section was last
7 amended by Ordinance 121145, is amended as follows:

8 **23.66.324 Uses subject to special review~~((:))~~**

9 A. Uses subject to special review require approval of the Department of Neighborhoods
10 Director after review and recommendation by the Board. Approval may be granted, conditioned
11 or denied based on consideration of the recommendation and the criteria in this Section
12 23.66.324 and in Section 23.66.326, if applicable. The following uses ~~((shall be))~~ are subject to

13 special review by the Board:

14 Formula fast food restaurants;

15 Hotels;

16 Planned community developments;

17 Principal use parking garages;

18 Street-level uses subject to special review as provided in ~~((Subsection))~~ subsection
19 23.66.326.C~~((:))~~

20 Accessory surface parking areas, if located in a Downtown Mixed Residential zone
21 within the International Special Review District.

22 B. Nature of Review.

1 1. The evaluation of applications for uses subject to special review shall be based
2 upon the proposal's impacts on the cultural, economic, social, historical and related
3 characteristics of the International District, particularly those characteristics derived from its
4 Asian heritage; existing and potential residential uses; the pedestrian environment; traffic and
5 parking in the District; noise and light and glare.

6 2. In addition to the criteria in subsection 23.66.324.B.1, in reviewing
7 applications in a Downtown Mixed Residential zone for principal-use parking garages or
8 accessory surface parking areas, the Board shall also consider the potential of the proposal to
9 serve the particular parking needs of the International District. The Board shall encourage
10 participation in an area-wide merchants' parking association.

11 ~~((C. The Board may recommend to the Director that an application for special review be~~
12 ~~approved, approved with conditions, or denied.))~~

13 Section 87. Section 23.66.326 of the Seattle Municipal Code, which section was last
14 amended by Ordinance 122311, is amended as follows:

15 **23.66.326 Street-level uses~~((+))~~**

16 A. To retain and strengthen the King Street business core as a pedestrian-oriented retail
17 shopping district, street-level uses ~~((shall be))~~ are required on streets within the Retail Core
18 designated on Map B for 23.66.326~~((,1 the International District Retail Core))~~. Required street-
19 level uses shall satisfy the standards of this ~~((section))~~ Section 23.66.326.

20 B. Preference shall be given to pedestrian-oriented retail shopping and service businesses
21 that are highly visible or prominently display merchandise in a manner that contributes color and
22 activity to the streetscape, including but not limited to:

1 Apparel shops;

2 Asian arts, crafts, and specialty goods shops;

3 Bakeries;

4 Banks;

5 Barbecue shops;

6 Bookstores;

7 Coffee shops;

8 Floral shops;

9 Groceries;

10 Museums;

11 ~~((Oriental crafts shops;))~~

12 Personal services such as beauty shops and barbershops;

13 Restaurants;

14 Sidewalk cafes;

15 Tea shops;

16 Travel agencies;

17 Variety stores.

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21 C. The Board may, following a special review of potential impacts, including, but not
22 limited to traffic, parking, noise and the scale and character of the pedestrian environment,
23 recommend to the ~~((Department of Neighborhoods))~~ Director of Neighborhoods that the
24 following uses at street level be approved ~~((when))~~ if the impacts of such uses are not
25 significantly adverse:
26

1 Appliance repair shops;

2 Research and development laboratories;

3 Radio and television studios;

4 Residential uses;

5 Taxidermy shops;

6 Upholstery establishments;

7 Vocational or fine arts schools;

8 Warehouses or wholesale showrooms, especially ~~((when including))~~ if they include
9 storage of jewelry, optical or photographic goods, pharmaceuticals, cosmetics, and other similar
10 high-value, low-bulk articles.
11

12 The Board may recommend, and the Director may impose, conditions to mitigate the
13 impacts of approved uses.
14

15 D. Standards for Required Street-level Uses.

16 1. Street-level uses within the Retail Core designated on Map B(~~(r)~~) for 23.66.326
17 ~~((Retail Core,))~~ shall not exceed ~~((fifty (50)))~~ 50 feet of street frontage per use ~~((when))~~ if
18 located within the interior portion of a block, or ~~((one hundred forty five (145)))~~ 145 feet of
19 street frontage per use ~~((when))~~ if located on a corner.
20

21 2. Street-level uses shall comply with exterior building finish requirements of
22 Section 23.66.336 ~~((of this Land Use Code))~~.

23 E. ~~((Nonpedestrian))~~ Within the Retail Core, nonpedestrian-oriented uses and businesses
24 that are not typically visible from the sidewalk may not exceed ~~((twenty five (25)))~~ 25 feet of
25 street frontage per use ~~((when))~~ if located within the interior portion of a block, or ~~((one hundred~~
26

1 ~~forty five (145))~~ 145 feet of street frontage per use ~~((when))~~ if located on a corner.

2 Nonpedestrian-oriented uses include but are not limited to:

3 Community clubs or centers;

4 Family associations;

5 Human service uses;

6 Nonprofit community service organizations;

7 Theaters and spectator sports facilities.

8 F. Outside the Retail Core, development on lots abutting S. Jackson Street east of
9 Interstate 5 and/or 12th Avenue S. as shown on Map B for 23.66.326 shall comply with the street-
10 level use requirements set forth in Section 23.49.009.

11 G. To promote street-level activity in commercial structures outside the Retail Core,
12 street level uses identified in subsection 23.66.326.B are required along a minimum of 50 percent
13 of each street frontage of any structure that contains no residential uses and that is in an IDR
14 zone or is in an IDM 75/85-150 zone. This standard may be waived by the Director of
15 Neighborhoods, after consultation with the Board, if it is determined that the proposed uses and
16 design of the structure at street-level are compatible with the character of the surrounding
17 neighborhood and the goals and objectives of the International Special Review District and of the
18 zone in which the structure is located.

19 Section 88. Section 23.66.328 of the Seattle Municipal Code, which section was last
20 amended by Ordinance 112777, is amended as follows:

21 **23.66.328 Uses above street level((-))**

1 A. To encourage and facilitate the rehabilitation and renovation of existing structures for
2 housing or other uses not preferred at street level, uses above street level on streets within the
3 Retail Core designated on Map B for 23.66.326,~~((Retail Core),))~~ shall meet the standards of this
4 ~~((section))~~ Section 23.66.328.

5 B. Residential uses and non-vehicular-oriented commercial uses ~~((which))~~ that primarily
6 serve the District and are in operation throughout the day ~~((shall be))~~ are preferred. Preferred
7 uses above street level include but are not limited to:
8

9 Community clubs and centers;

10 Expansion of existing retail sales and service uses at street level;

11 Medical services, such as offices for doctors or dentists;

12 Offices;

13 Hotels;

14 Vocational or fine arts schools;

15 Wholesale showrooms.

16 Section 89. Section 23.66.330 of the Seattle Municipal Code, which section was enacted
17 by Ordinance 112134, is repealed.
18

19 ~~((23.66.330 Residential Uses east of Interstate 5.~~

20 ~~Residential uses shall be permitted in those parts of the International Special Review~~
21 ~~District east of the Interstate 5 Freeway. This provision shall supersede any prohibition of~~
22 ~~residential use and Floor Area Ratio established in the underlying zoning for the area.))~~
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1 Section 90. Section 23.66.332 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 120928, is amended as follows:

3 **23.66.332 Height and Rooftop Features ((:))**

4 A. Maximum structure height ~~((shall be))~~ is as designated on the Official Land Use Map,
5 Chapter 23.32, ~~((for that portion of the International District located west of the Interstate 5~~
6 ~~Freeway))~~ except as provided in this Section 23.66.332.

7
8 ~~((B. For that portion of the International District located east of the Interstate 5 Freeway,~~
9 ~~maximum structure height shall be sixty five (65) feet.))~~

10 ~~((C.))~~ B. Rooftop Features.

11 1. The Special Review Board and the ~~((Department of Neighborhoods))~~ Director
12 of Neighborhoods shall review rooftop features to preserve views from Kobe Terrace Park.

13
14 2. Religious symbols for religious institutions, smokestacks and flagpoles are
15 exempt from height controls, except as regulated in Chapter 23.64 ~~((of this Land Use Code)),~~
16 provided they are at least ~~((ten (10)))~~ 10 feet from all lot lines.

17
18 3. Open railings, planters, clerestories, skylights, play equipment, parapets and
19 firewalls may extend up to ~~((four (4)))~~ 4 feet above the maximum height limit and may have
20 unlimited rooftop coverage.

21
22 4. Solar collectors excluding greenhouses may extend up to ~~((seven (7)))~~ 7 feet
above the maximum height limit and may have unlimited rooftop coverage.

23
24 5. The following rooftop features may extend up to ~~((fifteen (15)))~~ 15 feet above
25 the maximum height limit provided that the combined coverage of all features listed below does
26 not exceed ~~((fifteen (15)))~~ 15 percent of the roof area:

- 1 a. Solar collectors, excluding greenhouses;
- 2 b. Stair and elevator penthouses;
- 3 c. Mechanical equipment that is set back at least ~~((fifteen (15)))~~ 15 feet
- 4 from the roof edge;
- 5 d. Minor communication utilities and accessory communication devices,
- 6 except that height is regulated according to ~~((the provisions of))~~ Section 23.57.014.
- 7

8 Additional combined coverage of these rooftop features, not to exceed ~~((twenty-~~
9 ~~five (25)))~~ 25 percent of the roof area, may be permitted subject to review by the Special Review
10 Board and ~~((approved))~~ approval by the ~~((Department of Neighborhoods))~~ Director of
11 Neighborhoods.

12 6. Structures existing prior to June 1, 1989 may add new or replace existing
13 mechanical equipment up to ~~((fifteen (15)))~~ 15 feet above the existing roof elevation of the
14 structure as long as it is set back at least ~~((fifteen (15)))~~ 15 feet from the roof edge subject to
15 review by the Special Review Board and approval by the ~~((Department of Neighborhoods))~~
16 Director of Neighborhoods.

17 7. Screening of Rooftop Features. Measures may be taken to screen rooftop
18 features from public view subject to review by the Special Review Board and approval by the
19 ~~((Department of Neighborhoods))~~ Director of Neighborhoods. The amount of roof area enclosed
20 by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop
21 features listed in subsection ~~((C5 above))~~ 23.66.332.B.5. In no circumstances shall the height of
22 rooftop screening exceed ~~((fifteen (15)))~~ 15 feet above the maximum height limit.
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1 8. For height exceptions for communication utilities and devices, see Section
2 23.57.014.

3 Section 91. Section 23.66.334 of the Seattle Municipal Code, which section was last
4 amended by Ordinance 116744, is amended as follows:

5 **23.66.334 Streets and sidewalks((:))**

6 Review by the Special Review ((District)) Board and approval by the ((Department of
7 Neighborhoods)) Director of Neighborhoods ((shall be)) are required before any changes may be
8 made to sidewalk prism lights, sidewalk furniture, sidewalk widths, or street paving and curbs.

9 Review by the Special Review Board and the Director of Neighborhoods, with respect to the
10 International Special Review District goals and objectives in Section 23.66.302 as applicable, are
11 required for any street design concept plan prior to inclusion in the Right-of-Way Improvements
12 Manual.

13
14
15 Section 92. Section 23.66.336 of the Seattle Municipal Code, which section was last
16 amended by Ordinance 116744, is amended as follows:

17 **23.66.336 Exterior building finishes((:))**

18 A. General Requirements. To retain and enhance the visual order of the District, which is
19 created by existing older buildings that provide unique character and form through their subtle
20 detailing and quarter-block and half-block coverage, new development, including exterior
21 remodeling, should respect the architectural and structural integrity of the building in which the
22 work is undertaken, through sympathetic use of colors, material and style. Exterior building
23 facades shall be of a scale compatible with surrounding structures. Window proportions, floor
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1 height, cornice line, street elevations and other elements of the building facades shall relate to the
2 scale of the existing buildings in the immediate area.

3 B. Asian Design Character District. The boundaries of the Asian Design Character
4 District of the International District (~~((shall be the same as the ID Retail Core, as illustrated))~~) are
5 as shown on Map B for 23.66.326. To strengthen and preserve the existing Asian architectural
6 character of the Asian Design Character District, tiled awnings, recessed balconies, heavy timber
7 construction, and materials and colors as specified below are encouraged.

8
9 1. Materials. Building facades (~~((shall be))~~) are limited to earthen materials such as
10 brick, concrete, stucco and wood. Other materials (~~((such as anodized aluminum,))~~) may be used
11 if approved by the (~~((Board))~~) Director of Neighborhoods. Brick and concrete may not be painted
12 unless approved by the (~~((Board))~~) Director of Neighborhoods. Stucco may be used in conjunction
13 with other contrasting materials such as dark stained wood. Decorative ceramic glazed roof tiles
14 are encouraged, as are tiled awnings and marquees (~~((when))~~) if appropriately integrated into the
15 overall design.
16

17 2. Colors. Building facade colors must be reviewed by the Special Review Board
18 and approved by the (~~((Department of Neighborhoods))~~) Director of Neighborhoods. Colors shall
19 be compatible with those of adjacent buildings.
20

21 3. Surfaces. Textured concrete, brick and wood surfaces are preferred over non-
22 textured surfaces. Recesses and voids (~~((which))~~) that break up monotonous surface areas and
23 create visual relief are encouraged. The design and location of mechanical equipment visible
24 from the street must be reviewed by the Board and approved by the (~~((Department of~~
25 ~~Neighborhoods))~~) Director of Neighborhoods.
26

1 4. Transparency Requirement. Street-level uses shall have highly visible linkages
2 with the street. Transparent surfaces shall be provided for at least ~~((fifty (50)))~~ 50 percent of the
3 exposed street-facing facade measured between sidewalk level and a height of ~~((ten (10)))~~ 10 feet
4 or the height of the second floor level, whichever is less. The average height of window sills
5 shall be no greater than ~~((three (3)))~~ 3 feet above the sidewalk. A decrease in the percentage of
6 required transparency may be permitted by the Board ~~((when))~~ if:

7 a. There is a design constraint, such as permanent wainscoting, and
8 removal or alteration would detract from the structural or architectural integrity of the building;
9 or
10

11 b. The existing layout of the building or other physical constraints such as
12 the placement of load bearing walls or columns creates a hardship. ~~((Whenever))~~ If transparency
13 requirements are reduced, wall murals, landscaping, colored awnings, display cases, or other
14 means appropriate to the setting shall be provided to create visual interest.
15

16 5. Awnings. Awnings shall be functional, serving as weather protection for
17 pedestrians at street level. Awnings over sidewalks shall overhang the sidewalk a minimum of
18 five ~~((5))~~ feet. All awnings shall be of a design compatible with the architecture of the area.
19

20 C. Exterior Building Design Outside the Asian Design Character District. Outside the
21 Asian Design Character District, earthen colors and masonry construction with nonmetallic
22 surfaces are preferred. Concrete construction will also be permitted ~~((when))~~ if treated in a
23 manner or incorporated into a design that provides visual interest and avoids large unbroken
24 surface areas.
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1 Section 93. Section 23.66.338 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 120466, are amended as follows:

3 **23.66.338 (~~(Business identification signs.)~~) Signs**

4 ~~((To ensure that the scale, shape, color and type of signs within the International Special
5 Review District are consistent with permitted uses and are in keeping with the Asian character of
6 the area, the following sign controls shall apply:))~~

7
8 A. The intent of the standards in this section is:

9 1. To encourage signs that by their design, location and number are consistent
10 with the goals and objectives of the International Special Review District, and the Union Station
11 Corridor where applicable, and in particular the Asian character of the area;

12 2. To promote effective communication of sign messages by avoiding undue
13 proliferation;

14 3. To enhance views and sightlines into and down streets; and

15 4. To reduce driver distraction and visual blight.

16
17 B. Business establishments may erect signs, including banners and flags that are signs as
18 defined in subsection 23.84A.036 if the Director of Neighborhoods determines the proposed sign
19 meets the standards in this Section 23.66.338 and issues a certificate of approval, except as
20 provided in subsection 23.66.338.H.

21
22 ~~((A-))~~ C. Message. ((Signs shall be))

23 1. Except as otherwise provided in this Section 23.66.338, signs are
24 limited to;

1 a. ~~((those))~~ Business signs that identify the name of the
2 establishment, its street address, and/or the primary business or service provided ~~((by it))~~ or signs
3 with a noncommercial message; and/or

4 b. Business signs displaying a product name, if (a) the sign is
5 incidental to other signs on the premises and (b) the establishment or use on the premises is the
6 sole distributor of the product in the District.

7
8 2. Except as provided in subsection 23.66.338.C.1, ~~((Advertising))~~ advertising
9 related to businesses or services not provided on the premises or products not manufactured on
10 the site ~~((are))~~ is prohibited. ~~((; provided, that product name signs that are incidental to other~~
11 signs on the premises may be permitted when the establishment or use on the premises is the sole
12 distributor of the product in the District.))

13
14 ~~((B.))~~ D. Permitted Signs.

15 1. ~~((Permitted))~~ The types of signs ~~((include))~~ that may be approved are banners
16 and flags, projecting and non-projecting signs integrated into the building façade, marquee,
17 awning and window signs ~~((that are approved by the Department of Neighborhoods Director~~
18 following a recommendation by the Board)).

19
20 2. Banners and flags bearing emblems, symbols or messages ~~((shall be))~~ are
21 permitted ~~((on an interim basis only and shall be))~~ and are subject to periodic review ~~((and~~
22 approval)) to ensure that their appearance is maintained and that they comply with the
23 requirements of this Code.

24
25 3. Signs with messages displaying only time or temperature, or both, are allowed
26 to change display if, in addition to complying with the standards set out in this Section

1 23.66.338, the message does not flash, display a message for less than ten seconds at a time, or
2 use a video display method.

3 ((C-)) E. Prohibited Signs.

4 1. The following signs are prohibited throughout the International Special Review

5 District:

6 Freestanding signs (except signs in parks ((ø#)) and those authorized for
7 surface parking lots in subsection 23.66.338.F.1)((5));

8 roof signs((5));

9 portable signs((5));

10 off-premises ((advertising)) signs (((billboards));); ((and))

11 product advertising signs of a permanent nature except as allowed in
12 subsection 23.66.338.C;

13 flashing signs;

14 changing-image signs (including video display methods) except as
15 allowed in subsection 23.66.338.D; and

16 signs with messages that appear to be in motion or that make a noise. ((are
17 prohibited. Flashing signs or signs that appear to be in motion shall be prohibited unless of a
18 public service nature, such as signs indicating the temperature or time of day.))

19 2. The Board and the Director of Neighborhoods may delegate to the Director the
20 determination whether a proposed sign is a sign prohibited under subsection 23.66.338.E.1. If the

21 Director determines a proposed sign is a sign prohibited under subsection 23.66.338.E.1, the
22

1 Director of Neighborhoods shall not send the application to the Board and shall deny the
2 application.

3 3. Each owner of an existing off-premises sign that is lawfully authorized in the
4 District shall comply with the requirements in subsection 23.55.014.F to register the sign, pay the
5 registration fee, and display the sign registration number, and is subject to the penalty provisions
6 of that subsection 23.55.014.F.

7
8 ((D.)) F. ((Permitted Sign Area)) Surface Parking Lot Signage.

9 ((1. Asian Character Signs. Asian character signs are Asian bilingual or
10 multilingual business identification signs at street level in which at least forty (40) percent of the
11 message area is in a non-English medium, or signs that have recognizable Asian symbols or
12 designs that have been reviewed by the Board and approved by the Department of
13 Neighborhoods Director. The total message area of all such signs for an individual use shall not
14 exceed the area indicated on Table 338 D. For street frontages not listed on Table 338 D, the
15 Maximum Sign Area column shall be interpolated proportionally.
16

17 2. Non-Asian Character Signs. The total message area of non-Asian character
18 signs for each street level use shall not exceed seventy (70) percent of the area authorized in
19 subsection D1 and indicated on Table 338 D.
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TABLE 338D SIGN AREA PERMITTED

	Street Frontage	Maximum Sign Area Permitted
1		
2	15	59
3	16	61
4	17	62
5	18	64
6	19	65
7	20	66
8	21	68
9	22	69
10	23	70
11	24	71
12	25	72
13	26	74
14	27	75
15	28	76
16	29	77
17	30	78
18	35	83
19	40	87
20	45	92
21	50	96
22	55	99
23	60	103
24	65	106
25	70	109
26	75	112
27	80	115
28	85	118
29	90	121
30	95	124
31	100	126
32	110	131
33	120	136
34	130	140
35	140	144
36	150	148
37	160	152
38	170	156
39	180	160
40	190	163
41	200	167
42	220	173



1	240	179
2	260	185
3	280	190
4	300	196
5	320	201
6	340	206
7	360	211
8	380	215
9	400	220
10	420	224
11	440	228
12	460	232
13	480	236
14	500	240

15 3. The total number of signs permitted per use is not limited; provided, that the
16 total area of all signs for an individual use shall not exceed the area authorized in subsections D1
17 and D2. The maximum size for any single sign face for Asian and non-Asian character signs at
18 street level shall be seventy-five (75) square feet for a single-faced sign and one hundred and
19 fifty (150) square feet for a double-faced sign, unless the Department of Neighborhoods
20 Director, after review and recommendation by the Board, approves a greater sign area because of
21 hardships resulting from location, topography or similar conditions.

22 4. Businesses located on or above the second floor may have business
23 identification signs with a total sign area that does not exceed one-half (1/2) of the area
24 authorized in subsection D1 and indicated on Table 338 D. The maximum size for any single
25 sign face above the second floor shall be forty (40) square feet for a single-faced sign and eighty
26 (80) square feet for a double-faced sign unless the Department of Neighborhoods Director, after
27 review and recommendation by the Board, approves a greater sign area because of hardships
28 resulting from location, topography or similar conditions.



1 5. ~~The total illuminated area of theater marquees shall not exceed eighty (80)~~
2 ~~square feet in addition to the sign area authorized in subsections D1 and D2.)~~

3 ~~((6-))~~ 1. ((Parking Lot Signage-)) The total signage area permitted for each
4 accessory surface parking lot shall not exceed ~~((one (1)))~~ 1 square foot ~~((for each))~~ per parking
5 space up to a maximum of ~~((twenty-four (24)))~~ 24 square feet per surface parking lot. The total
6 signage area permitted for each ((Existing)) existing principal use surface parking ((lots)) lot
7 shall ((have a maximum total sign area of one-half (1/2))) not exceed 1/2 square foot per parking
8 space in the lot, up to a maximum of ((eighteen (18))) 18 square feet per principal use surface
9 parking lot.

10
11 ~~((a-))~~ 2. Surface ((Parking)) parking lots shall display a sign, counted against the
12 total permitted signage area, with one of the following messages, if applicable:

13 ~~((1))~~ a. For ((customer)) accessory surface parking lots, or portions
14 thereof, intended only for customer use: "Customer Parking for (Principal ((User or
15 Users))User/s) Only." ((Other cars will be impounded (location)-)) The sign also may ~~((also))~~
16 contain the ~~((name and))~~ address of the principal user or users and mention validation of parking
17 if applicable. The sign also may contain the information required by state law to lawfully
18 impound unauthorized vehicles.

19
20 ~~((2))~~ b. For accessory or principal use surface parking lots, or portions
21 thereof, intended only for ((long-term)) reserved parking ((lots)): "Reserved Parking" ((Under
22 Contract. Other cars will be impounded (location)-)). The sign also may ~~((also))~~ contain the
23 name and telephone number of the owner. The sign also may contain the information required by
24 state law to lawfully impound unauthorized vehicles.



1 ~~((b-))~~ 3. Small on-premises directional signs, such as those designating the
2 entrance to or exit from accessory surface parking areas, ~~((that))~~ are permitted if they are ~~((three~~
3 ~~(3)))~~ 3 or fewer square feet in area and are located at a height ~~((four-(4)))~~ 4 or fewer feet above
4 grade at points of egress or ingress ~~((are permitted))~~. Such signs shall not ~~((be counted))~~ count
5 against the total permitted sign area.

6 ~~((7. Sign size shall be calculated according to the provisions of Section 23.86.004~~
7 ~~of this Land Use Code.))~~

8 ~~((E-))~~ G. Illumination.

9 1. Neon-lit signs are encouraged to create an exciting and enhanced visual image
10 in the retail core.

11 ~~((1. No sign or light shall move, flash or make noise. Exceptions may be granted~~
12 ~~by the Department of Neighborhoods Director for indicators of time or temperature, after review~~
13 ~~and recommendation by the Board.))~~

14 2. Illuminated signs shall be designed and sited in a manner to minimize glare on
15 floors above grade in nearby residences.

16 ~~((3. Signs using video display methods are prohibited.))~~

17 ~~((F. Exceptions for))~~ H. Miscellaneous Signs.

18 1. Signs that are hand painted, gold leafed or decaled onto the glass area of a
19 building façade ~~((shall be))~~ and that comply with the standards of this Section 23.66.338 are
20 permitted without the approval of the ~~((Department of Neighborhoods))~~ Director of
21 Neighborhoods or review by the Board ~~((when))~~ if the total area of all such signs does not
22 exceed ~~((four-(4)))~~ 4 square feet per business. Signs on glass in excess of ~~((four-(4)))~~ 4 square
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1 feet per business are ~~((shall be))~~ subject to review by the Board and approval by the
2 ~~((Department of Neighborhoods))~~ Director of Neighborhoods for visual interest and
3 compatibility with the surrounding area. ~~((, and shall be calculated against the total permitted~~
4 ~~signable area.))~~

5 2. Non-illuminated ~~((symbolic))~~ signs consisting of Asian language symbols
6 painted on wood or other non-glass exterior surfaces ~~((that are four (4) square feet or less))~~ of
7 structures ~~((shall be))~~ and that comply with the standards of this Section 23.66.338 are permitted
8 ~~((outright))~~ without the approval of the Director of Neighborhoods or review by the Board if the
9 total area of all such signs is 4 square feet or less per business, and are subject to Board review
10 and approval by the Director of Neighborhoods for visual interest and compatibility with the
11 surrounding area if the total area of all such signs is more than 4 square feet per business.

12
13 ~~((2.))~~ 3. Graphics and paintings are permitted on building walls that do not abut a
14 street lot line only if such graphics and paintings are not ~~((primarily))~~ used to advertise or
15 identify businesses or products and comply with the building façade provisions of Section
16 23.66.336 ~~((of this chapter))~~. All graphics and paintings on building walls ~~((shall be))~~ are subject
17 to review by the Board and approval by the ~~((Department of Neighborhoods))~~ Director of
18 Neighborhoods.

19
20
21 ~~((3.))~~ 4. Temporary Signs.

22 a. The following signs are permitted at all times:

23 ~~((1.))~~ 1) Real estate “for sale,” “for rent” and “open house” signs,
24 and signs identifying the architect, engineer or contractor for work currently under construction.
25 The total area for these types of signs in the aggregate shall not exceed ~~((twenty-four (24)))~~ 24
26



1 square feet per ~~((sixty (60)))~~ 60 linear feet of street frontage, provided that the design, location,
2 shape, size, color and graphics are approved by the ~~((Department))~~ Director of Neighborhoods
3 ~~((Director))~~ after review and recommendation by the ~~((Review))~~ Board, and provided further that
4 ~~((the))~~ such Director may approve up to ~~((thirty-six (36)))~~ 36 square feet if there is more than one
5 user of real estate signs or if the building abuts more than two ~~((2))~~ streets; and

6 ~~((f))2~~ Noncommercial signs. The total area for noncommercial
7 signs in the aggregate shall not exceed ~~((twenty-four (24)))~~ 24 square feet per ~~((sixty (60)))~~ 60
8 linear feet of street frontage, but where there are multiple users of the building, each business
9 establishment and dwelling unit shall be allowed a minimum of ~~((eight (8)))~~ 8 square feet of
10 signage, regardless of the ~~((twenty-four (24)))~~ 24 square foot limitation.

11
12 b. The following signs are permitted for ~~((fourteen (14)))~~ 14 consecutive
13 days ~~((four (4)))~~ 4 times a calendar year:

14
15 ~~((f))1~~ On-premises commercial signs. The total area for on-
16 premises commercial signs in the aggregate shall not exceed ~~((twenty-four (24)))~~ 24 square feet
17 per ~~((sixty (60)))~~ 60 linear feet of street frontage, provided that the design, location, shape, size,
18 color and graphics are approved by the ~~((Department))~~ Director of Neighborhoods ~~((Director))~~
19 after review and recommendation by the ~~((Review))~~ Board; and

20
21 ~~((f))2~~ Noncommercial signs. The total area for noncommercial
22 signs in the aggregate shall not exceed ~~((thirty-two (32)))~~ 32 square feet per ~~((sixty (60)))~~ 60
23 linear feet of street frontage, provided that each dwelling unit shall be allowed ~~((thirty-two (32)))~~
24 32 square feet of signage.

1 c. All temporary signs authorized by this section are subject to the
2 following:

3 ((f))1) Wind-animated objects other than flags, search lights and
4 devices of a carnival nature are not allowed.

5 ((f))2) No individual sign shall exceed ~~((twelve-12))~~ 12 square
6 feet.

7
8 d. Temporary signs required by law shall be permitted without review or
9 approval.

10 ((G-)) I. Criteria for Approval.

11 1. ~~((The overall design of a sign including size, shape, texture, method of~~
12 ~~attachment, color and lighting, shall be compatible with the use to which the sign refers, with the~~
13 ~~architecture of the building upon which it is to be installed, and with the District.))~~ When
14 reviewing proposed signs, the Board and the Director of Neighborhoods shall consider the
15 intents set out in subsection 23.66.338.A, the function of the sign, the character, color and scale
16 of buildings in the immediate vicinity, the character, color and scale of the building for which the
17 sign is proposed, the proposed location of the sign on the building's exterior, and the total
18 number and size of signs proposed or existing on the building.

19
20
21 2. The overall design of a sign including size, shape, texture, method of
22 attachment, graphics, color and lighting, shall be compatible with the use to which the sign
23 refers, with the colors, architectural and design motifs of the building upon which it is to be
24 installed, and with the District.



1 3. Signs that incorporate recognizable Asian designs or Asian language symbols
2 in at least 40 percent of their message area, or are multilingual, are preferred.

3 ~~((2-))~~ 4. Signs shall be affixed to structures so that they do not conceal, damage,
4 or disfigure desirable architectural features or details of the structure.

5 ~~((3-))~~ 5. Projecting signs shall be sited in a manner that minimizes view blockage
6 of abutting business signs.

7 ~~((4-))~~ 6. All projecting signs shall be installed or erected so that there are no
8 visible angle iron sign supports above the roof, building face or wall.

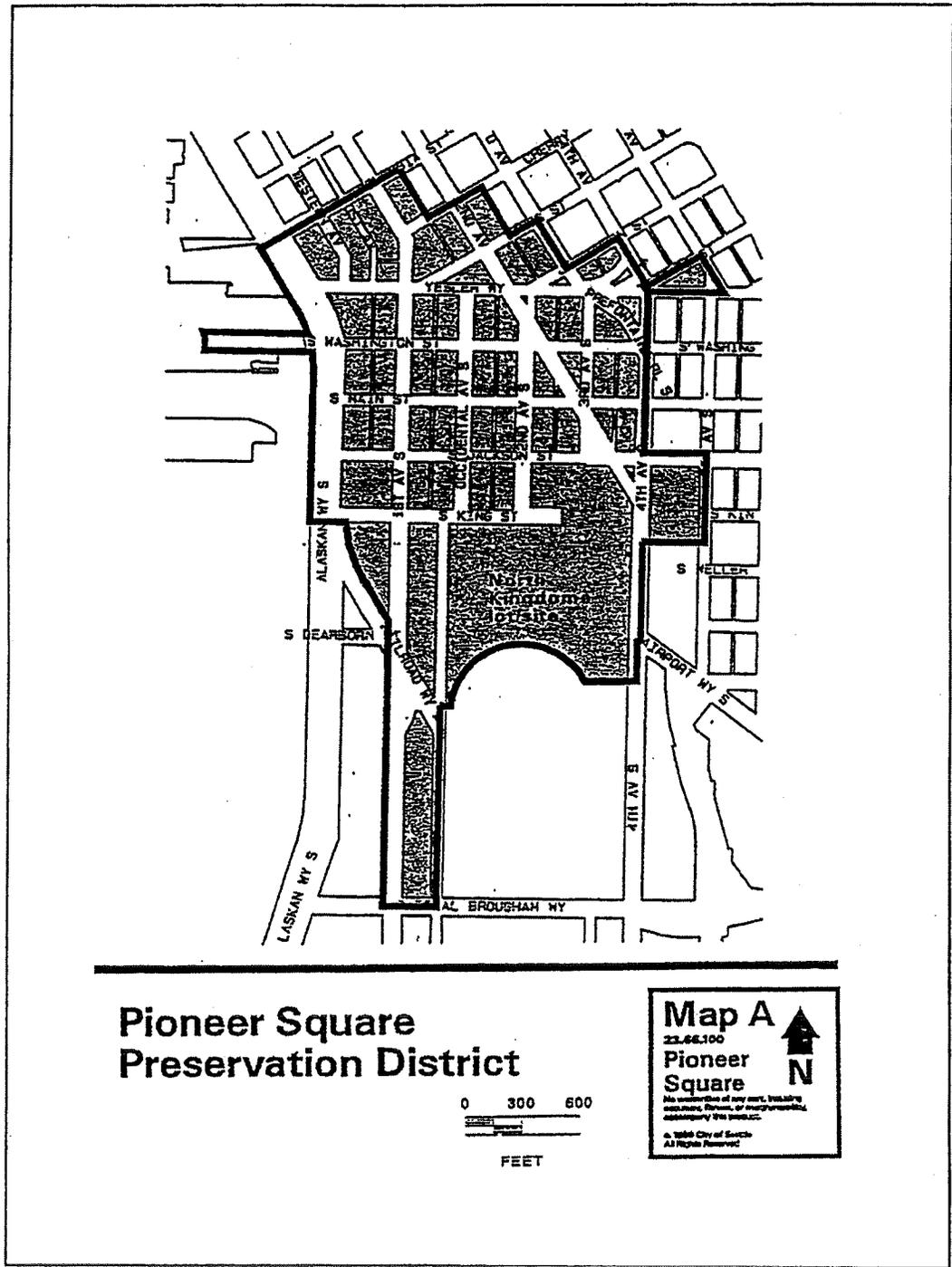
9 J. Measurement of Sign Area. Sign area is calculated according to subsection
10 23.86.004.A.

11 Section 94. Maps C 23.66.122 and .150, Map D 23.66.170, Map A International Special
12 Review District and Map B International District in Chapter 23.66 of the Seattle Municipal Code
13 are repealed; Map C for 23.66.122 and 23.66.150, Map D for 23.66.170, Map A for 23.66.302,
14 and Map B for 23.66.326 are enacted to be codified at the end of Chapter 23.66; and the labels
15 for Map A for 23.66.100 and Map B for 23.66.130 at the end of Chapter 23.66 are amended, as
16 follows:
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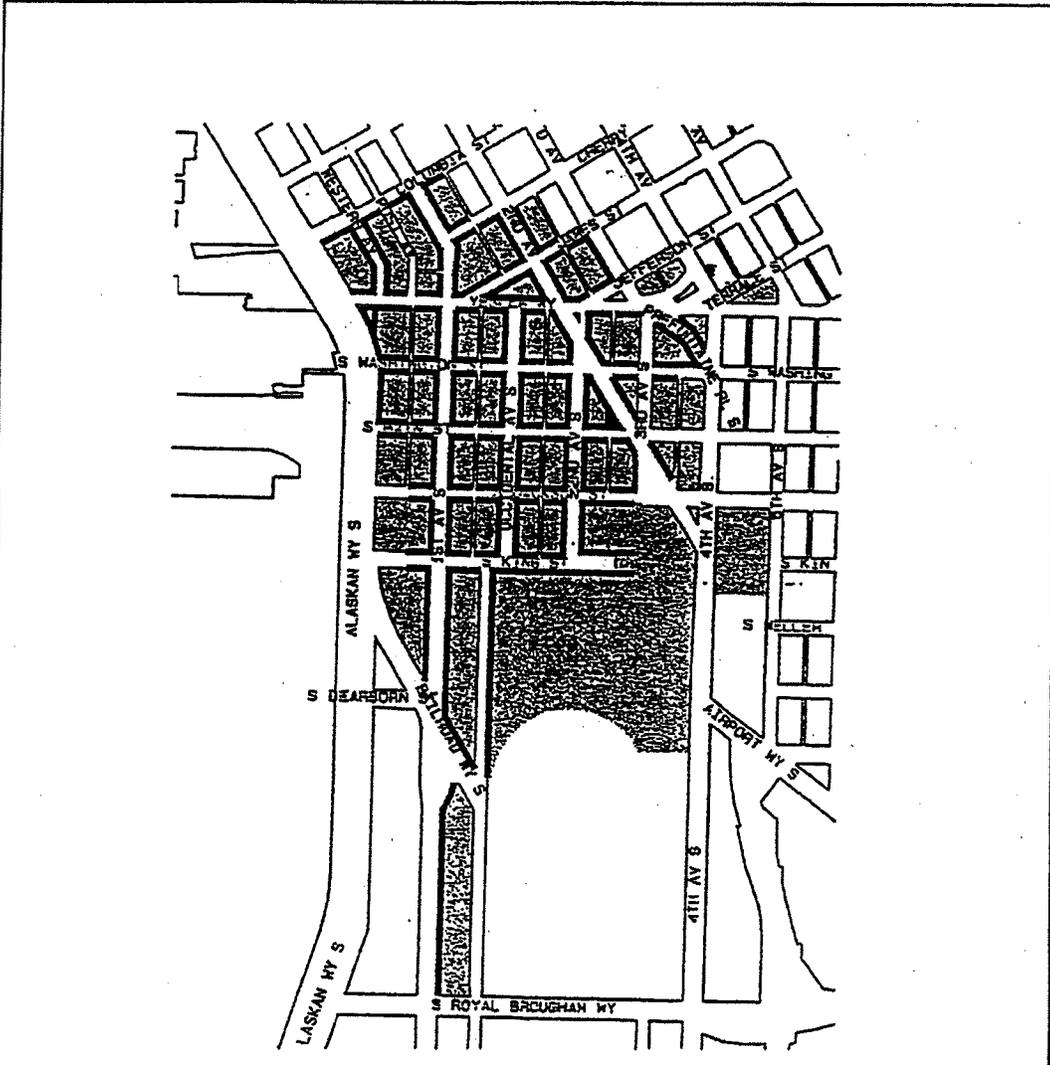
Map A for 23.66.100

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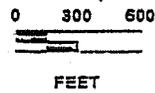
Map B for 23.66.130

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Pioneer Square

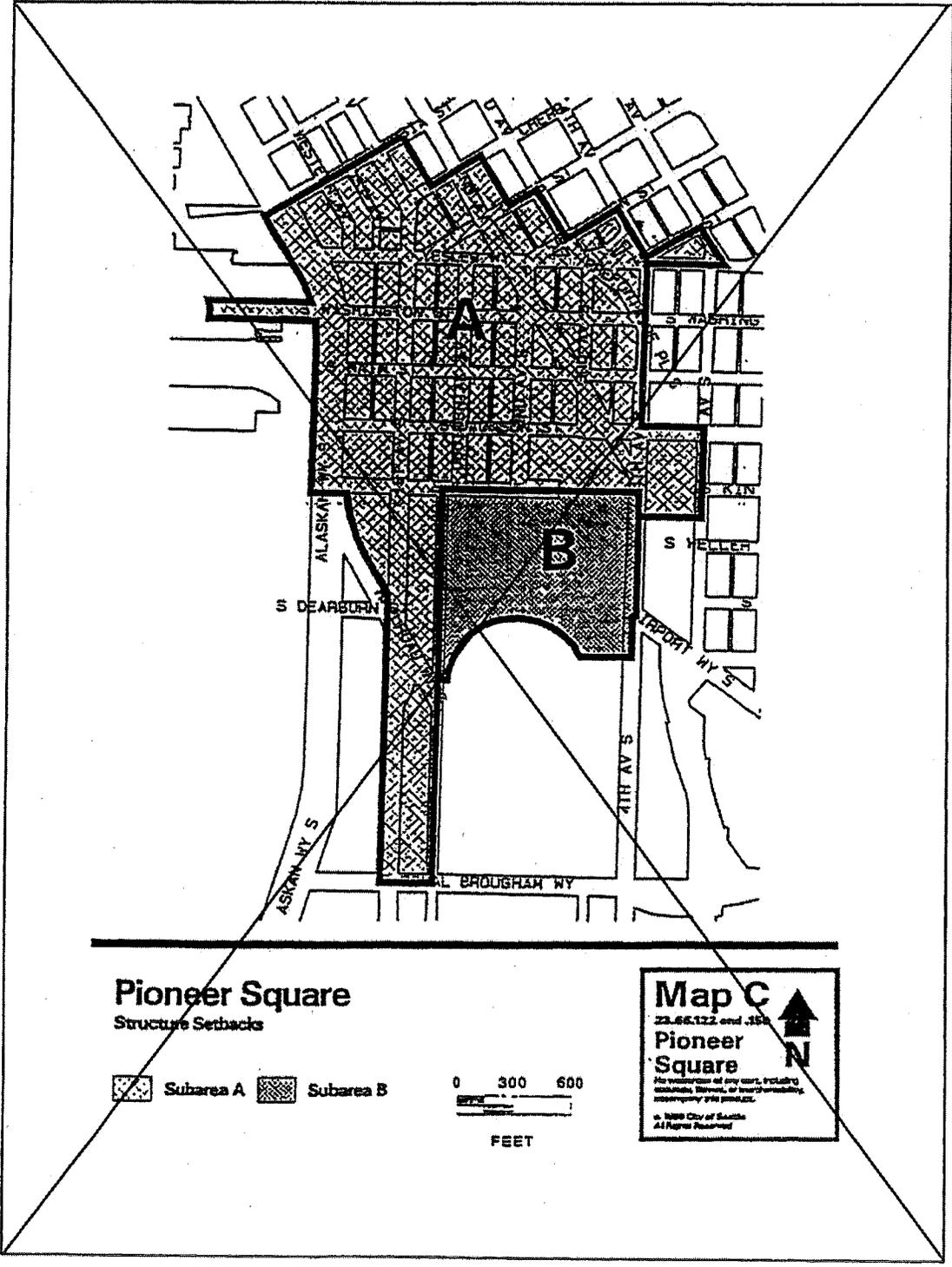
N Approval of street level uses required on lots with frontage on designated streets and alleys.



Map B
23.66.130
Pioneer Square
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existing, future, or unpublished,
accompany this project.
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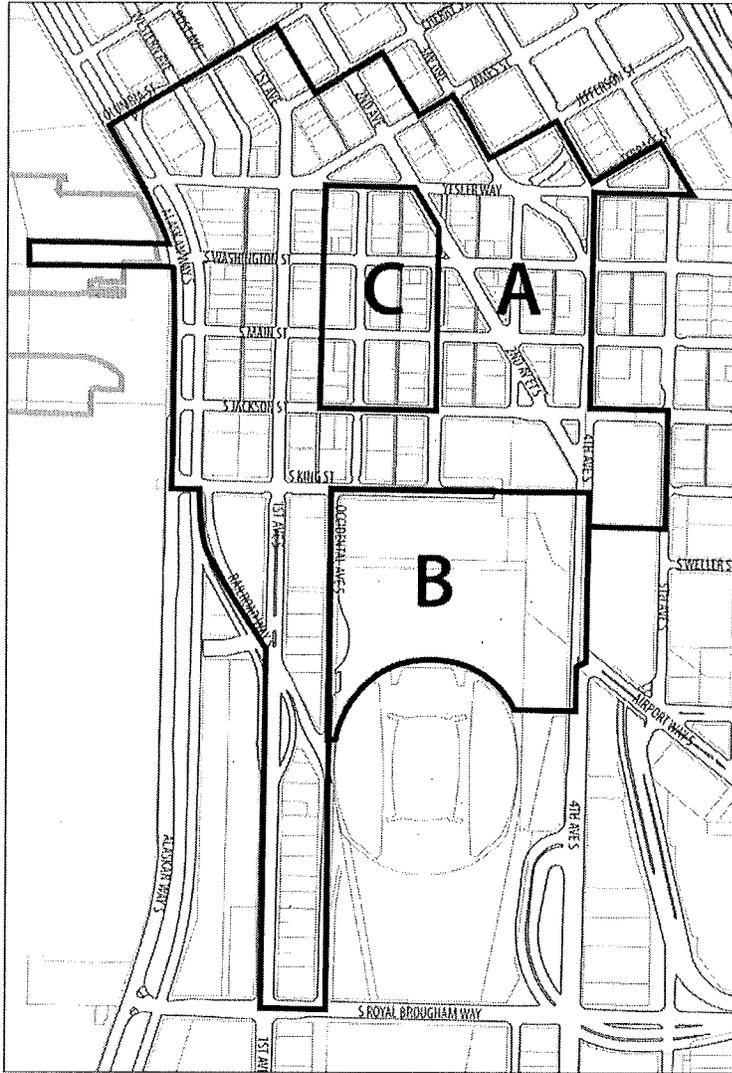


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Map C for 23.66.122 and 23.66.150

Map C for 23.66.122 and 23.66.150



Pioneer Square

Areas for Structure Setbacks

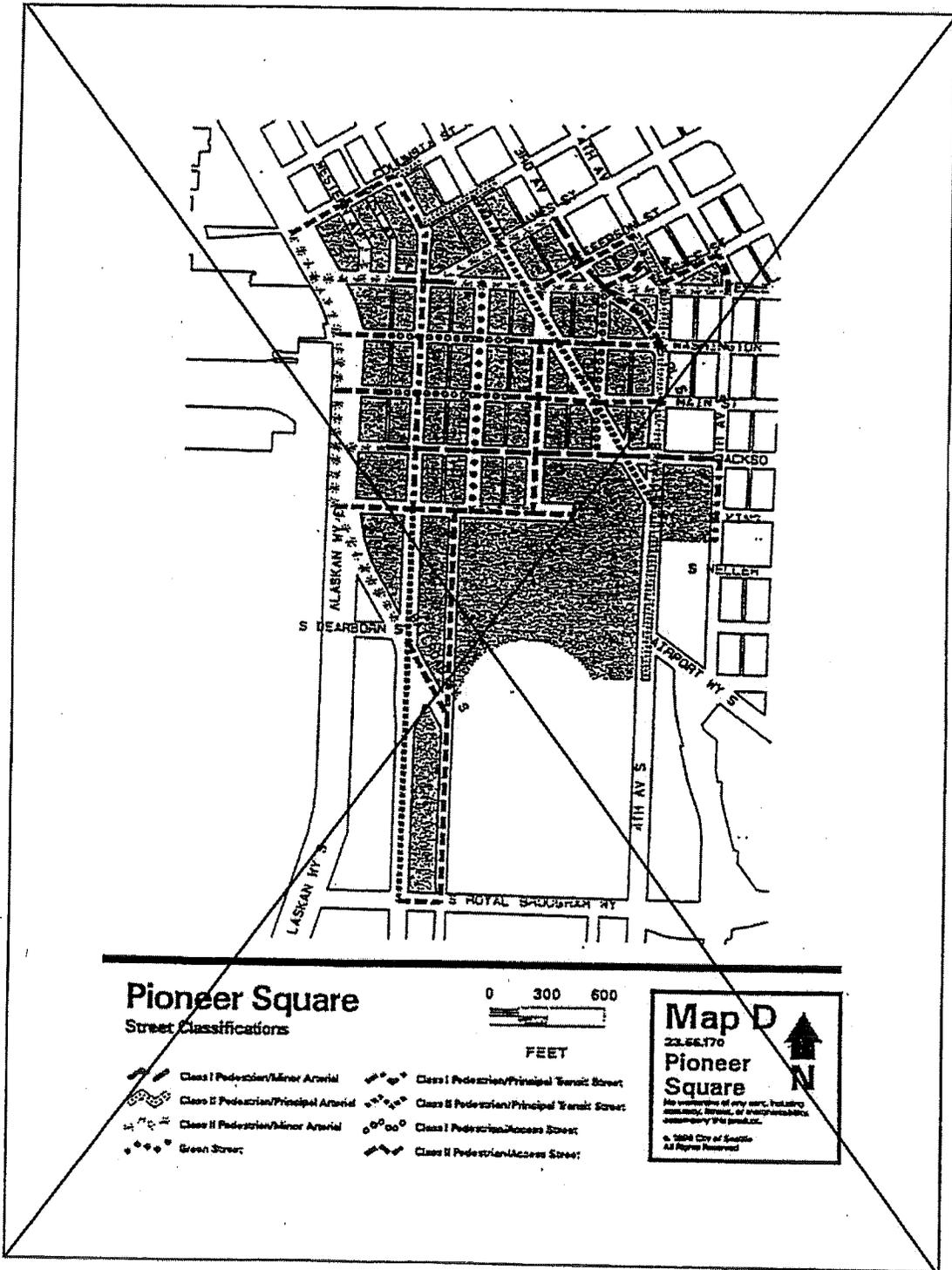
- A** Subarea A
- B** Subarea B
- C** Subarea C

Map C
23.66.122 and 23.66.150
Pioneer Square

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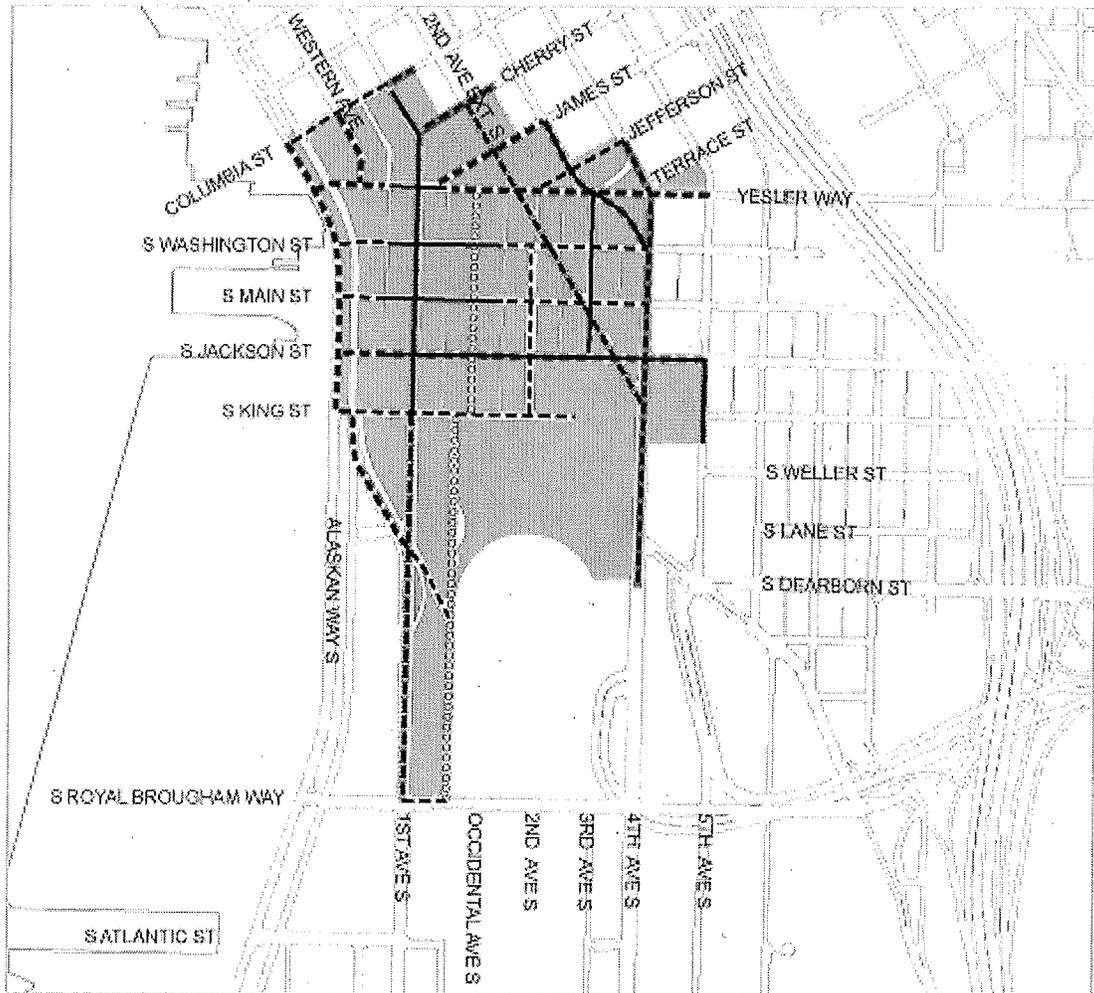


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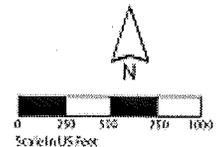


Map D for 23.66.170

Map D for 23.66.170



- | | |
|---|--|
| Class I Pedestrian / Access Street | Class II Pedestrian / Access Street |
| Class I Pedestrian / Minor Arterial | Class II Pedestrian / Minor Arterial |
| Class I Pedestrian / Principal Transit Street | Class II Pedestrian / Principal Transit Street |
| Green Street | Class II Pedestrian / Principal Arterial |
| Pioneer Square Preservation District | |



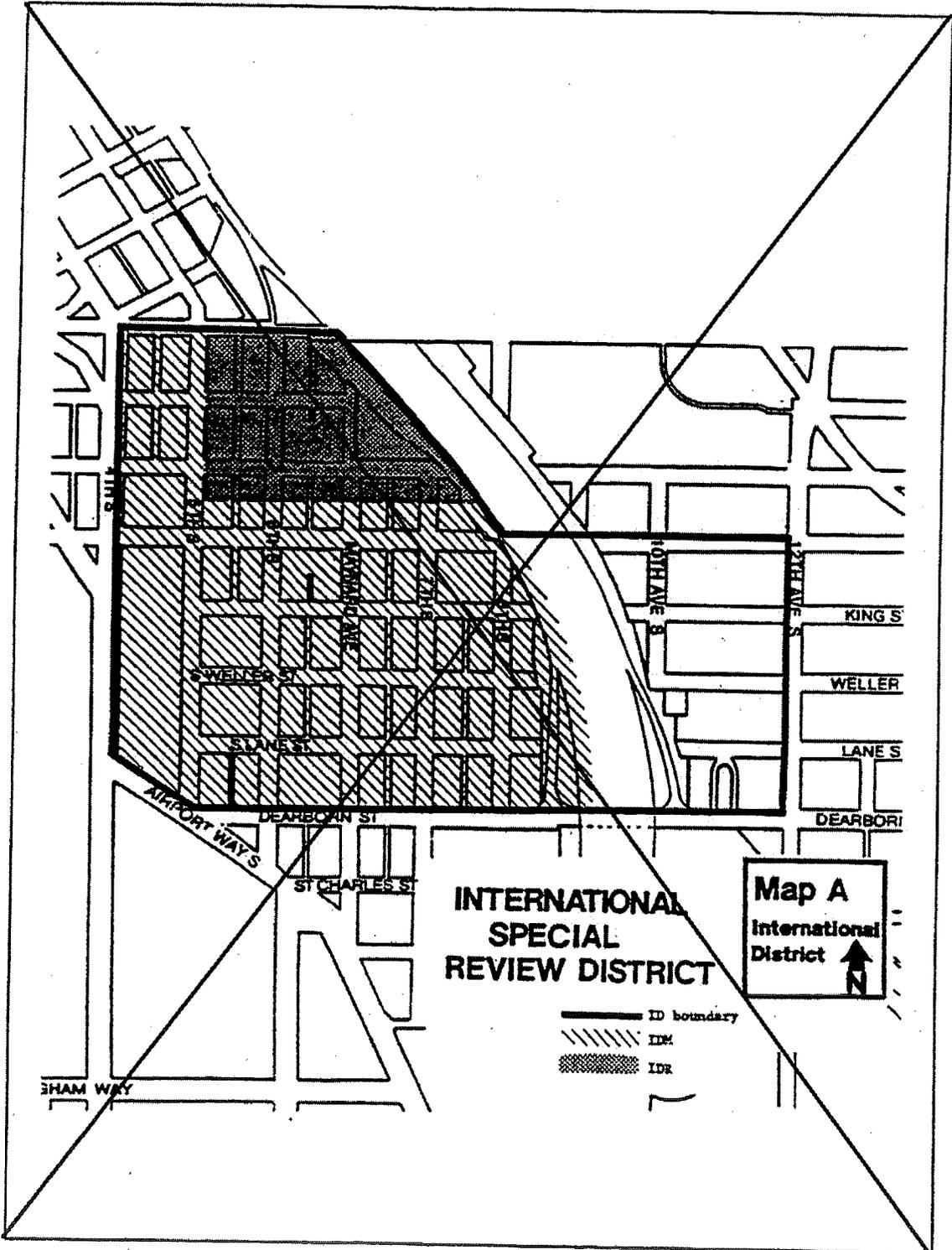
DOWNTOWN ZONING
Map D
 for 23.66.170
 Pioneer Square
 Street Classifications

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 sort, including accuracy, fitness, or
 merchantability accompany this product.

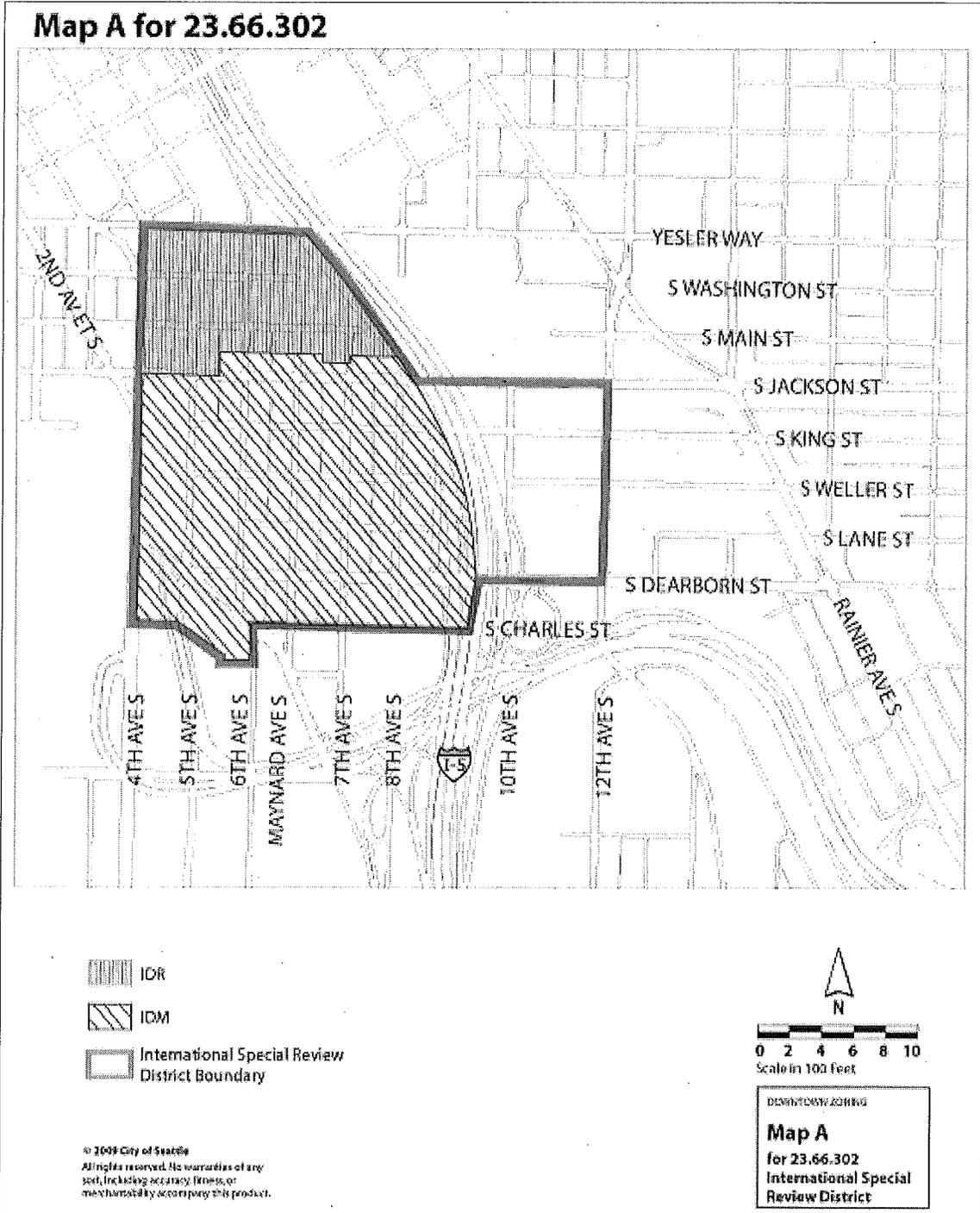
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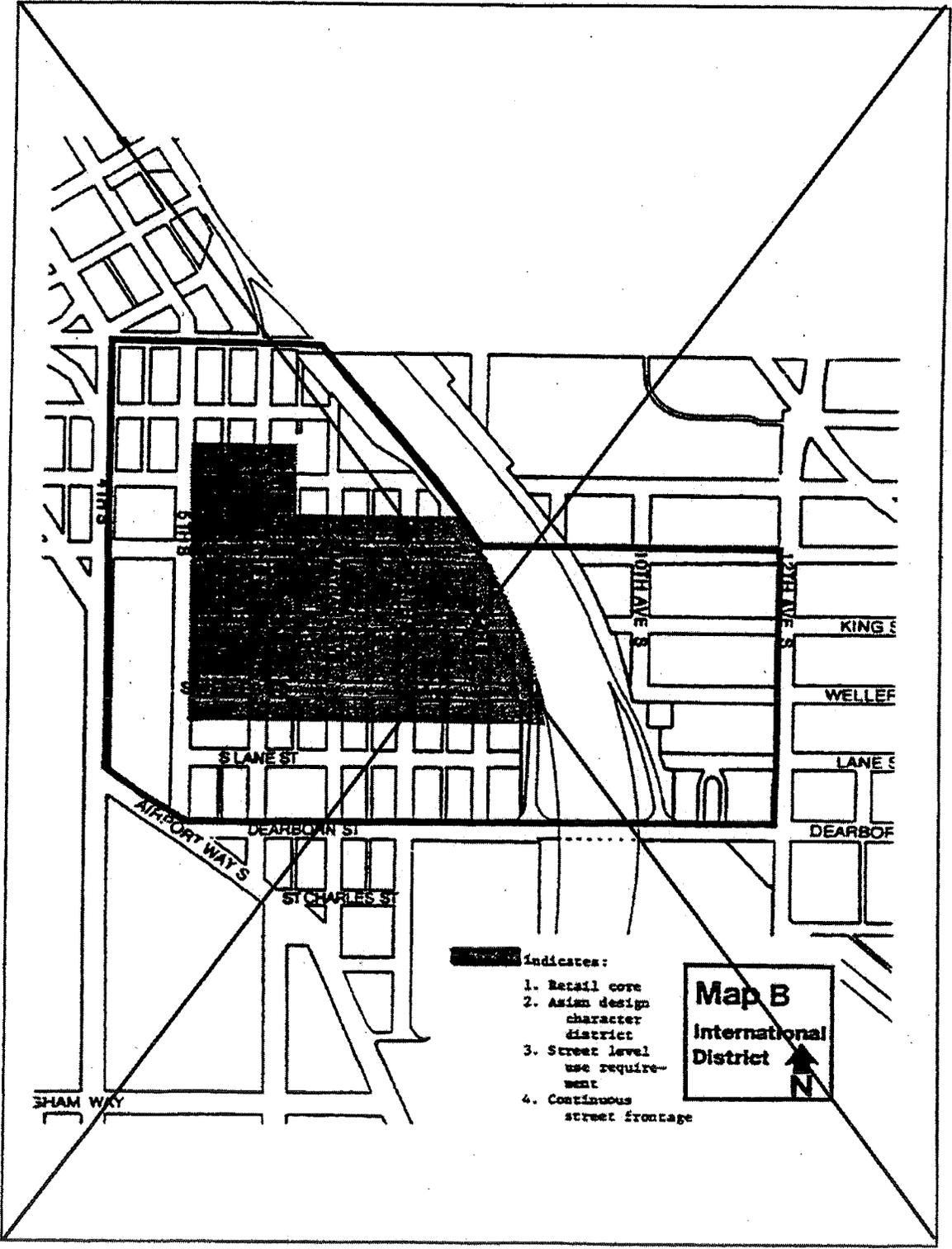
Map A for 23.66.302



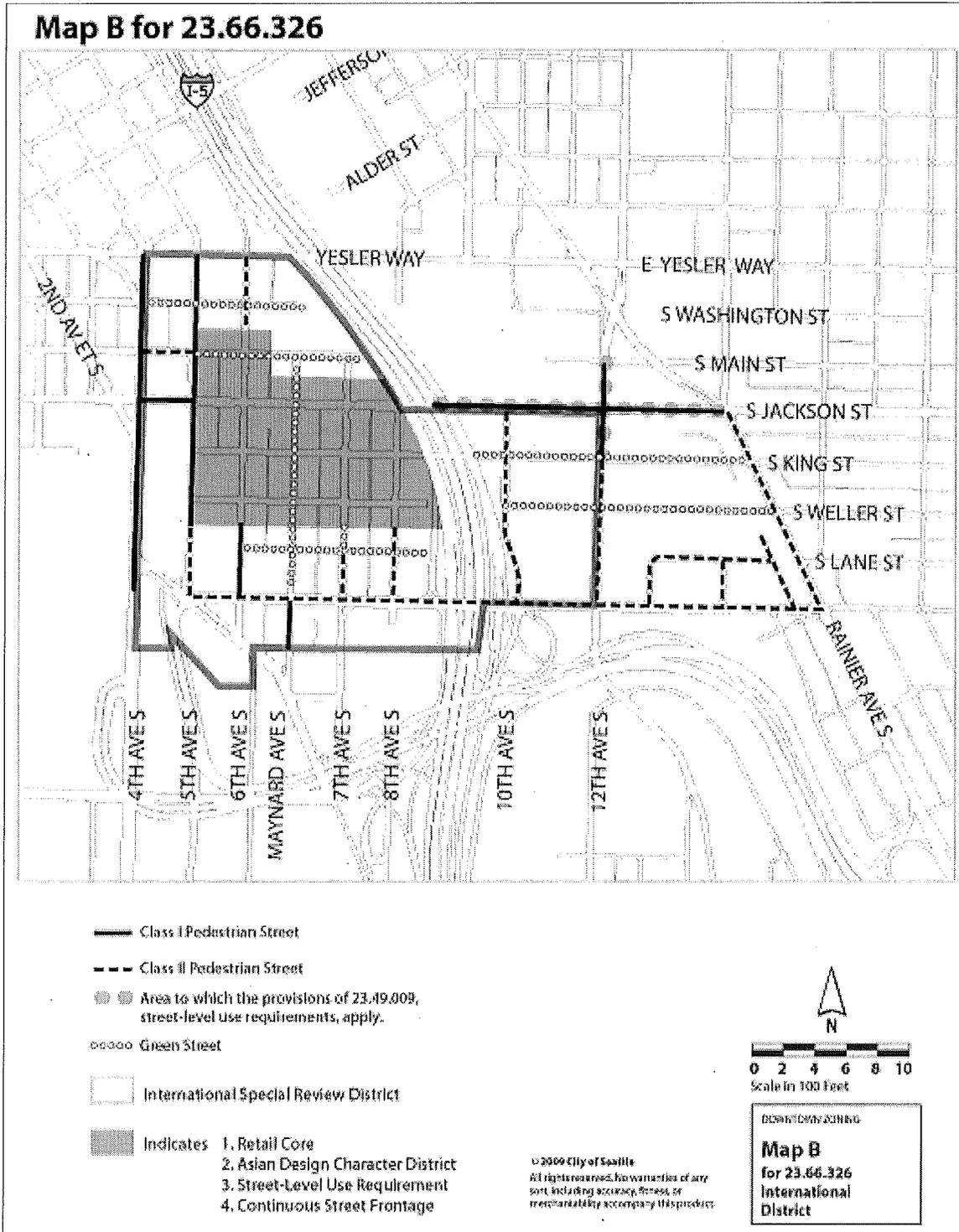
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Map B for 23.66.326



1 Section 95. Subsection D of Section 23.66.342 of the Seattle Municipal Code, which
2 section was last amended by Ordinance 122311, is amended as follows:

3 **23.66.342 Parking and access.**

4 ***

5 D. Access to Parking.

6 1. Access to parking shall be reviewed by the Board on a case-by-case basis,
7 according to the following criteria:

8 a. Alley access (~~(shall be)~~) is preferred.

9 b. Conflicts with pedestrian traffic, with efforts to provide continuous
10 street facades, and with transit access shall be minimized.

11 2. The number and width of curbcuts shall be as required in Section 23.54.030
12 ~~((of this Land Use Code))~~.

13 3. Outside the International District Retail Core, if a lot does not abut an alley and
14 abuts more than one right-of-way, the location of access to parking shall be determined
15 according to subsection 23.49.019.H.1.

16 ~~((3))~~4. The Board may recommend, and the Department of Neighborhoods
17 Director may require, changes to proposed access to parking in order to meet the criteria
18 of this ~~((section))~~ Section 23.66.342.

19 ***

20 Section 96. Subsection C of Section 23.74.010 of the Seattle Municipal Code, which
21 section was last amended by Ordinance 123266, is amended as follows:

22 **23.74.010 Development Standards**



* * *

1
2 C. The following development standards apply to each use and structure, except spectator
3 sports facilities, to the extent that the use or structure either is on a lot fronting on Railroad Way
4 South, ((1st)) First Avenue South, South Holgate between ((1st)) First Avenue South and
5 Occidental Avenue South, or Occidental Avenue South, or is within a 40 foot radius measured
6 from any of the block corners of ((1st)) First Avenue South or Occidental Avenue South
7 intersecting with the following streets: Railroad Way South, South Royal Brougham, South
8 Atlantic, South Massachusetts, South Holgate and any other streets intersecting with ((1st)) First
9 Avenue or Occidental Avenue South that may be established between South Holgate Street and
10 Railroad Way South, as depicted in ((Exhibit)) Map A for 23.74.010. Railroad Way South, First
11 Avenue South, South Holgate Street and Occidental Avenue South within the Stadium Transition
12 Area Overlay District, and all street areas within a 40 foot radius of any of those block corners
13 described above, are referred to in this ((section)) Section 23.74.010 as the "pedestrian
14 environment," except that in applying this ((section)) Section 23.74.010 to a through lot abutting
15 on Occidental Avenue South and on ((1st)) First Avenue South, Occidental Avenue South is not
16 considered part of the pedestrian environment.
17
18

19
20 1. Street Facade Requirements. The following requirements apply to facades or
21 portions thereof facing streets or portions of streets in the pedestrian environment:

22 a. Minimum Facade Height. Minimum facade height ((shall be twenty five
23 (25))) is 25 feet, but minimum facade heights ((shall)) do not apply ((when)) if all portions of the
24 structure are lower than the elevation of the required minimum facade height.
25

26 b. Facade Setback Limits.
27
28



1 ((~~+~~)) 1) Within the first ((~~twenty five (25)~~)) 25 feet of height
2 measured from sidewalk grade, all building facades must be built to within ((~~two (2)~~)) 2 feet of
3 the street property line for the entire facade length. For purposes of this subsection ((~~(C)(1)(b)~~))
4 23.74.010.C.1.b, balcony railings and other nonstructural features or nonstructural walls are not
5 considered parts of the facade of the structure.

6 ((~~ii~~)) 2) Above ((~~twenty five (25)~~)) 25 feet measured from
7 sidewalk grade, the maximum setback is ((~~ten (10)~~)) 10 feet, and no single setback area that is
8 deeper than ((~~two (2)~~)) 2 feet shall be wider than ((~~twenty (20)~~)) 20 feet, measured parallel to the
9 street property line.
10

11 ((~~iii~~)) 3) The facade shall return to within ((~~two (2)~~)) 2 feet of the
12 street property line for a minimum of ((~~ten (10)~~)) 10 feet, measured parallel to the street property
13 line, between any two setback areas that are deeper than ((~~two (2)~~)) 2 feet.
14

15 2. Outdoor Service Areas. Gas station pumps, service islands, queuing lanes, and
16 other service areas related to fueling are not allowed between any structure and the pedestrian
17 environment area described in this ((~~section~~)) Section 23.74.010. Gas station pumps, service
18 islands, queuing lanes, and other service areas related to fueling must be located behind or to the
19 side of a gas station, as viewed from any street in such pedestrian environment and are not
20 allowed between any structure on the same lot and the pedestrian environment area described in
21 this ((~~section~~)) Section 23.74.010.
22

23 3. Screening and Landscaping. The requirements of Sections 23.50.016,
24 23.50.034, and 23.50.038, including requirements contingent on location near a commercial
25 zone, apply to all new uses and structures. Requirements in Section 23.50.038 contingent on
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1 location near a residential lot do not apply. In addition, the screening and landscaping
2 requirements for outdoor storage in subsection 23.47A.016.D.2 apply, with respect to street lot
3 lines abutting the pedestrian environment, to the following uses, where a principal or accessory
4 use is located outdoors: outdoor storage (except for outdoor storage associated with florists and
5 horticultural uses), sales and rental of motorized vehicles, towing services, sales and rental of
6 large boats, dry boat storage, heavy commercial sales except fuel sales, heavy commercial
7 services, outdoor sports and recreation, wholesale showrooms, mini-warehouse, warehouse,
8 transportation facilities except rail transit facilities, utilities (except for utility service uses), and
9 light and general manufacturing.

11 4. Blank Facades and Transparency Requirements. In addition to the blank facade
12 requirements of (~~Section 23.50.038 A2~~) subsection 23.50.038.B, the blank facade limits and
13 transparency and street tree requirements of (~~Section~~) subsections 23.49.056 C, D, and E, and
14 the screening of parking requirements of (~~Section~~) subsection 23.49.019 B apply to facades or
15 portions thereof facing streets in the pedestrian environment, except that requirements for Class I
16 Pedestrian Streets and designated green streets do not apply.

18 5. Principal Pedestrian Entrances. A principal pedestrian entrance to a structure
19 having a facade along Railroad Way South, (~~1st~~) First Avenue South, or Occidental Avenue
20 South shall be located on Railroad Way South, (~~1st~~) First Avenue South, or Occidental Avenue
21 South, respectively. If the structure has facades along both (~~1st~~) First Avenue South and
22 Occidental Avenue South, a principal pedestrian entrance is required only on (~~1st~~) First Avenue
23 South.
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1 Section 97. Section 23.84A.002 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 123495, is amended as follows:

3 **23.84A.002 "A"**

4 * * *

5 "Avenue," ~~((when))~~ if used with reference to a downtown zone, means one of the
6 following public rights-of-way (including if designated with the directional "South"): Elliott,
7 Western, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh,
8 Twelfth, Thirteenth, Terry, Boren, Minor, ~~((and))~~ Yale, ~~((Avenues and))~~ Occidental, ~~((and))~~
9 Maynard, ~~((Avenue South))~~ and Rainier Avenues.

10 ***

11 Section 98. Section 23.84A.006 of the Seattle Municipal Code, which section was last
12 amended by Ordinance 123495, is amended as follows:

13 **23.84A.006 "C"**

14 ***

15 "Contributing structure" means a structure that the Director of Neighborhoods has
16 determined contributes and will contribute to the architectural and/or historic character of the
17 Pioneer Square Preservation District or the International Special Review District pursuant to
18 Section 23.66.032, and for which any conditions to a final determination to that effect have been
19 satisfied.

20 ***

21 Section 99. Section 23.84.024 of the Seattle Municipal Code, which section was last
22 amended by the Ordinance introduced as Council Bill 117117, is amended as follows:



23.84A.024 "L"

* * *

"Lot" means, except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, a sending lot for South Downtown Historic TDR or South Downtown Historic TDP, and a sending lot for open space TDR, one or more platted or unplatted parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley (Exhibit A for 23.84A.024((-A))).

1. For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel described in the ordinance approving controls for the sending lot.

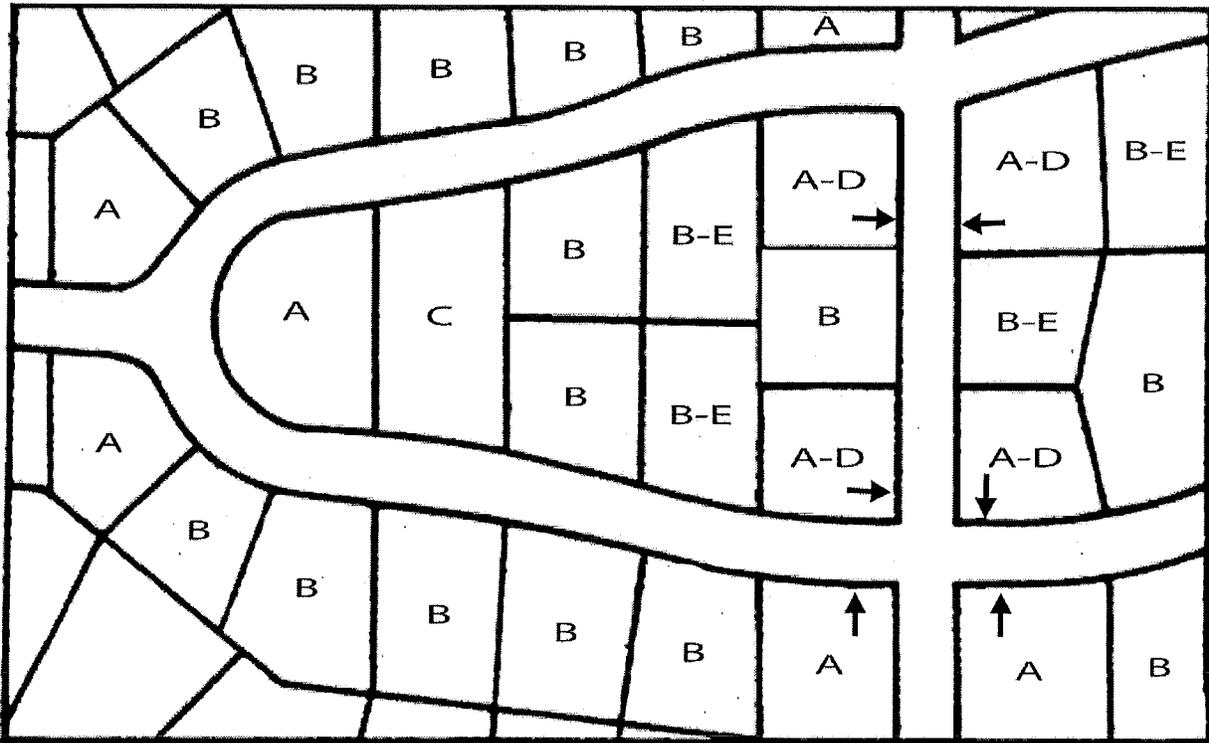
2. For purposes of a sending lot for housing TDR, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after January 4, 1993, that contain the structure or structures that make the TDR eligible for transfer.

3. For purposes of a sending lot for South Downtown Historic TDR or South Downtown Historic TDP, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after March 31, 2011, that contain the contributing structure or structures that make the TDR or TDP eligible for transfer.

4. For purposes of a sending lot for open space TDR, the definition of lot in Section 23.49.017 applies.

Exhibit A for 23.84A.024((-A)): Lot Types

((Exhibit 23.84A.024 A)) Exhibit A for 23.84A.024: Lot Types



- A = Corner lot
- B = Interior lot
- C = Through (or double frontage) lot
- D = Reversed corner lot
- E = Key lot
- = Indicates front lot line

Section 100. Section 23.84A.025 of the Seattle Municipal Code, which section was enacted by Ordinance 123495, is amended as follows:

23.84A.025 "M"



1 Section 103. Section 23.84A.038 of the Seattle Municipal Code, which section was
2 enacted by Ordinance 123495, is amended as follows:

3 **23.84A.038 "T"**

4 ***

5 "TDR, Landmark" means TDR that are eligible for transfer based on the ((~~landmark~~
6 ~~status of~~)) fact that the sending lot or a structure on such lot is designated as a landmark or as
7 part of a landmark under Chapter 25.12 or its predecessor ordinance, except Landmark housing
8 TDR.

9
10 * * *

11 "TDR, South Downtown Historic" means TDR, except Landmark TDR, that are eligible
12 for transfer based on the status of a structure on the sending lot as contributing to the
13 architectural or historic character of the Pioneer Square Preservation District or the International
14 Special Review District pursuant to Section 23.66.032.

15
16 * * *

17 "TDR site, South Downtown Historic" means a lot eligible to transfer South Downtown
18 Historic TDR, located within the Pioneer Square Preservation District or the International
19 Special Review District, that includes one or more structures determined to be contributing to the
20 architectural or historic character of the district pursuant to Section 23.66.032.

21
22 * * *

23 Section 104. Subsections B, C and D of Section 23.90.018 of the Seattle Municipal
24 Code, which section was last amended by Ordinance 123495, are amended as follows:

25 **23.90.018 Civil enforcement proceedings and penalties(())**



* * *

1
2 B. Specific violations.

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

5 2. Violations of the requirements of subsection 23.44.041.C are subject to a civil
6 penalty of \$5,000, which shall be in addition to any penalty imposed under subsection
7 23.90.018.A.
8

9 3. Violations of Section 23.49.011, 23.49.015, 23.49.023, or 23.50.051 with
10 respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings
11 under applicable sections are subject to penalty in amounts determined under Section 23.49.020,
12 and not to any other penalty, but final determination and enforcement of penalties under that
13 Section 23.49.020 are subject to subsection 23.90.018.C.
14

15 4. Violations of Sections 23.45.510 and 23.45.526 with respect to failure to
16 demonstrate compliance with commitments to earn a LEED Silver rating or a 4-Star rating
17 awarded by the Master Builders Association of King and Snohomish Counties or other eligible
18 green building ratings systems under applicable sections are subject to penalty in amounts
19 determined under subsection 23.90.018.E, and not to any other penalty.
20

21 5. Violation of ((Section)) subsection 23.40.007.B with respect to failure to
22 demonstrate compliance with a waste diversion plan for a structure permitted to be demolished
23 under subsection 23.40.006.C is subject to a penalty in an amount determined as follows:
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1 D. Except in cases of violations of Sections 23.45.510, 23.45.526, 23.49.011, 23.49.015,
2 23.49.023, or 23.50.051 with respect to failure to demonstrate compliance with commitments to
3 earn LEED Silver, Built Green 4-Star, or ESDS ratings or satisfy alternative standards, the
4 violator may show as full or partial mitigation of liability:

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

7
8 2. That correction of the violation was commenced promptly upon receipt of the
9 notice thereof, but that full compliance within the time specified was prevented by inability to
10 obtain necessary materials or labor, inability to gain access to the subject structure, or other
11 condition or circumstance beyond the control of the defendant.

12 * * *

13
14 Section 105. Subsection B of Section 23.90.020 of the Seattle Municipal Code, which
15 section was last amended by Ordinance 123209, is amended as follows:

16 **23.90.020 Alternative criminal penalty((~~r~~))**

17 * * *

18 B. A criminal penalty, not to exceed \$5,000 per occurrence, may be imposed:

- 19 1. For violations of ~~((Section))~~ subsection 23.90.002.D;
- 20
21 2. For any other violation of this Code for which corrective action is not possible,
22 other than violations with respect to commitments to earn LEED Silver ratings, Built Green 4-
23 Star ratings, or ESDS ratings or satisfy alternative standards ~~((under Sections 23.45.526,~~
24 23.49.011, 23.49.015, or 23.50.051)); and



1 3. For any willful, intentional, or bad faith failure or refusal to comply with the
2 standards or requirements of this Code.

3 Section 106. The provisions of this ordinance are declared to be separate and severable.
4 The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall
5 not affect the validity of any other provision or the application of the particular provision in other
6 circumstances. The repeal or modification of various sections of Title 23 of the Seattle
7 Municipal Code by this ordinance shall not relieve any person of the obligation to comply with
8 the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect
9 prior to such repeal, nor shall it relieve any person or property of any obligations, conditions or
10 restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the
11 provisions of such Title in effect prior to such repeal.
12

13 Section 107. This ordinance is intended in part to adopt affordable housing incentive
14 programs for residential development and for nonresidential development in certain areas of
15 South Downtown and in certain Industrial Commercial zones in accordance with RCW
16 36.70A.540. To the extent any performance or payment related to affordable housing under
17 Section 23.58A.014 or 23.58A.024 or any related provisions of this ordinance may constitute a
18 tax under applicable law, this ordinance enacts that tax pursuant to the authority in RCW
19 36.70A.540.
20

21 Section 108. The Downtown Amenity Standards are amended as shown on Attachment F
22 to this ordinance. The amended Downtown Amenity Standards shall be filed with this ordinance
23 with the City Clerk in Clerk File 311418.
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1 Section 109. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 25th day of April, 2011, and
5 signed by me in open session in authentication of its passage this 25th day of
6 April, 2011.

7
8 
9 President _____ of the City Council

10 Approved by me this 2nd day of May, 2011.

11
12 
13 Michael Patrick McGinn, Mayor

14 Filed by me this 3rd day of May, 2011.

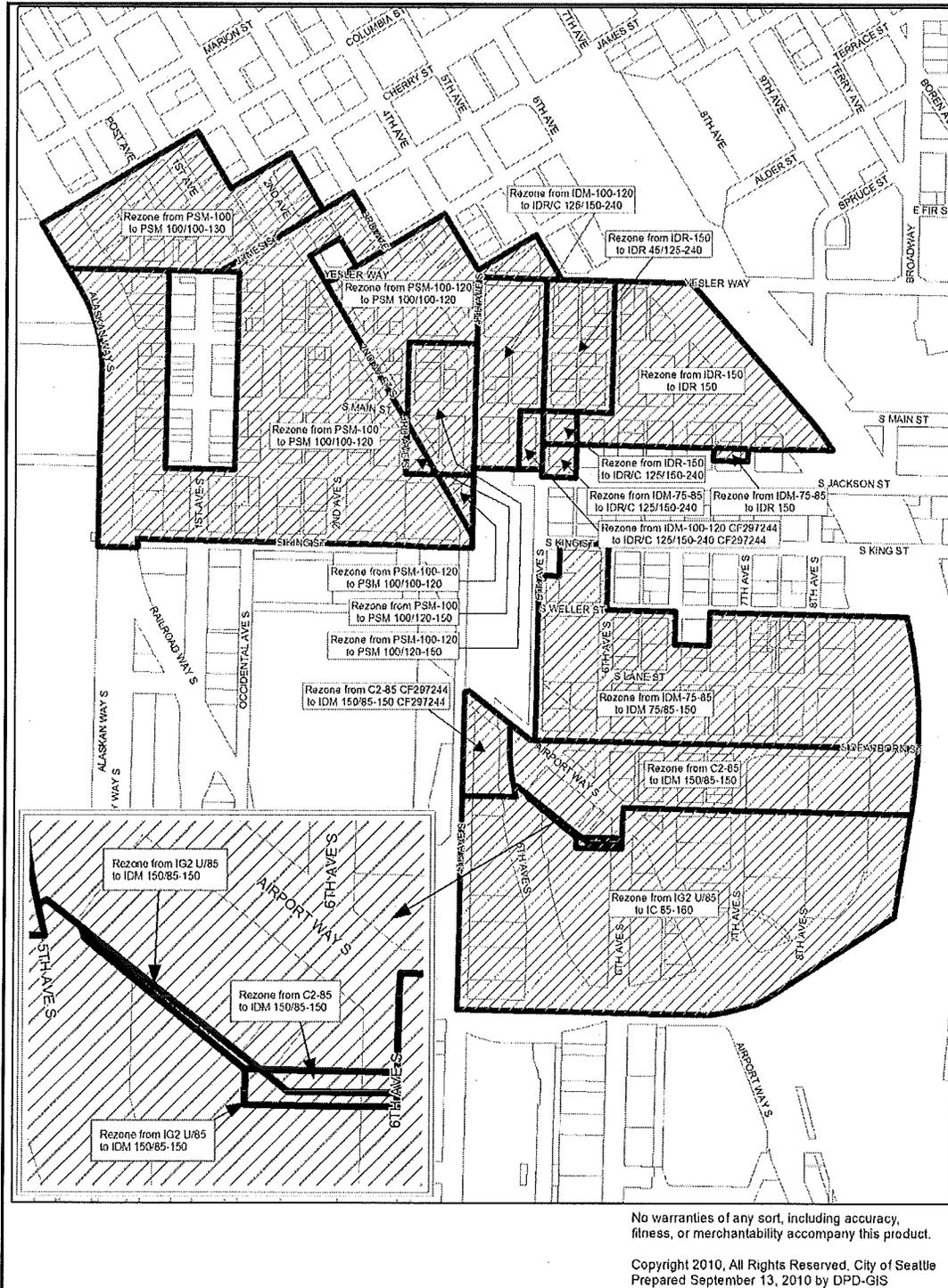
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21 Exhibits

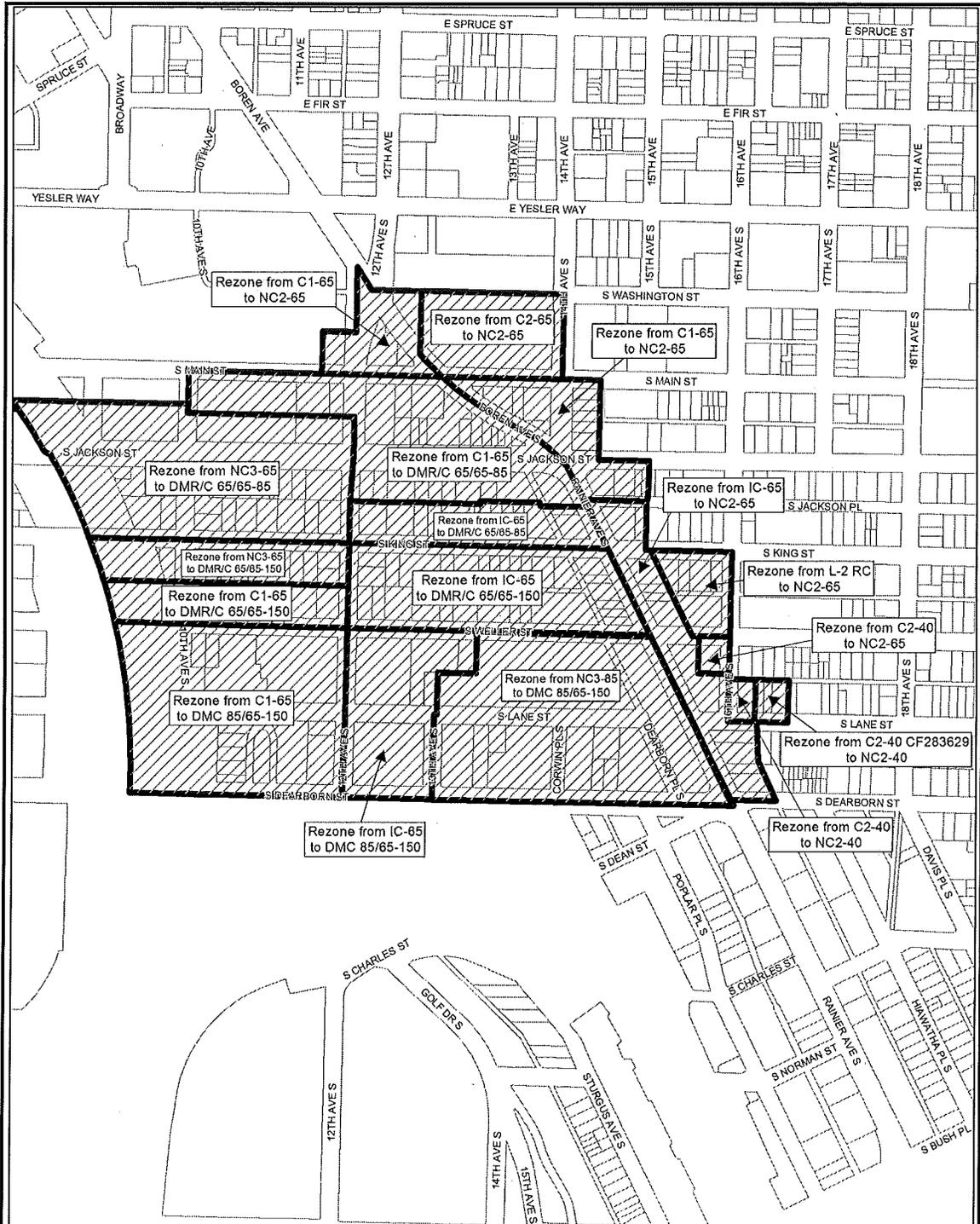
- 22 Exhibit A: Rezones West of Interstate 5
23 Exhibit B: Rezones East of Interstate 5
24 Exhibit C: Repealed Section 23.49.244
25 Exhibit D: Repealed Section 23.49.246
26 Exhibit E: Repealed Section 23.49.248
27 Exhibit F: Amendments to Downtown Amenity Standards

EXHIBIT A REZONES WEST OF INTERSTATE 5



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EXHIBIT B REZONES EAST OF INTERSTATE 5



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EXHIBIT C
REPEALED SECTION 23.49.244

23.49.244 International District Residential, coverage and floor size limits.

A. Coverage.

1. Portions of structures above a height of sixty-five (65) feet shall meet the following coverage limits:

Percent of Coverage Permitted By Lot Size

Elevation of Portion of Structure (in feet)	Lot Size			
	0-19,000 Square Feet	19,001-25,000 Square Feet	25,001-38,000 Square Feet	Greater Than 38,000 Square Feet
0—65	100%	100%	100%	100%
66—85	75%	65%	55%	45%
86—125	65%	55%	50%	40%
126--150	Not applicable	45%	40%	35%

2. In order to meet the coverage limits, a lot may be combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots meets the limits set in this subsection A; and

b. The fee owners of the abutting lots shall execute a deed or other agreement, which shall be recorded with the title to the lots, which restricts future development so that in combination with the other lots, the coverage limits shall not be exceeded.

B. Floor Size. Each floor in portions of structures above an elevation of one hundred twenty-five (125) feet shall have a maximum gross floor area of eight thousand (8,000) square feet.



EXHIBIT D
REPEALED SECTION 23.49.246

23.49.246 International District Residential, maximum wall dimensions.

A maximum wall length shall be established for each portion or portions of a structure above an elevation of sixty-five (65) feet. The maximum wall length shall be measured separately for each portion or portions of a structure that are separated by at least twenty (20) feet at all points. This maximum length shall be measured parallel to all street property lines, and shall be as follows:

Elevation of Portion of Structure (in feet)	Maximum Length by Lot Size	
	0—19,000 Square Feet	Greater Than 19,000 Square Feet
66—125	90' on avenues 120' on streets	120'
126—150	Not applicable	100'



EXHIBIT E
REPEALED SECTION 23.49.248

23.49.248 International District Residential, side setback and green street setback requirements.

A. Side Setbacks. Setbacks shall be required from side lot lines that are not street side lot lines. The setback shall occur above an elevation of sixty-five (65) feet. The amount of the setback shall be determined by the length of the frontage of the lot on avenues, as follows:

Frontage on Avenue	Required Setback at 65 Feet
120 feet or less	Not required
121 feet to 180 feet	20 feet
181 feet or more	40 feet

B. Green Street Setbacks. A setback from the street lot line shall be required on green streets, Map 1F, at an elevation of forty (40) feet. The setback shall be as follows:

Elevation of Portion of Structure	Required Setback
40' to 85'	10'
86' to 240'	$(H-85') \times .2 + 10'$

where H = Total structure height in feet.



((INTRODUCTION))

Downtown Amenity ((Features and)) Standards April 2011

((The standards in this document supplement provisions in the Downtown chapter of the Land Use Code related to the amenity features that can help a project qualify for a floor area bonus or that are exempt from the definition of chargeable floor area. These features are listed below under general categories related to the function and public purpose each is intended to serve.))

TABLE of CONTENTS

Introduction.....
Legislative History.....

Section I General Eligibility Conditions for Amenity Features.....

Section II Specific Eligibility Conditions and Guidelines for Amenity Features to Qualify for a Bonus.....

Interior ((Amenities))Amenity Features

A. Hillclimb ((Assist)) assist.....
((Museum))
B. Public ((Atrium)) atrium.....
C. Public ((Restrooms)) restrooms.....

Open Space ((Amenities))Amenity Features

D. Commercial, residential, and green street parcel parks.....
((Green street parcel park)).
E. Neighborhood open space.....
F. Residential ((parcel park)) Hillside terrace.....
G. Green street setback.....
H. Mid-block corridor.....

Retail-related ((Amenities))Amenity Feature

((Major retail store))
I. Shopping ((atrium)) corridor.....
((Shopping corridor))

Streetscape and Circulation-related((Amenities))Amenity Features

J. Green Street Improvement.....
((Green Street Setback))
K. Hillside ((Terrace)) terrace.....
L. Urban ((Plaza)) plaza.....



Transit-related((Amenities))Amenity Features

- M. Transit ((Station Access Easement)) station access easement.....
- N. Transit ((Station Access: Grade Level)) station access: mechanical.....
- O. Transit ((Station Access: Mechanical)) station access: grade level.....

Other ((Amenities))Amenity Features

- P. Human ((Services)) services.....
- Q. Restoration and ((Preservation of Landmark Performing Arts Theatre)) preservation of landmark performing arts theater.....

Section III Specific Eligibility Conditions and Guidelines for Amenity Features Eligible for Floor Area

Exemption Only.....

- R. Museum.....
- S. Major retail store.....
- T. Shopping atrium.....

((Contents)) Introduction

In some Downtown zones, increases in ((chargeable)) floor area above the base Floor Area Ratio (FAR) limit or base height limit of the zone may be allowed ((as bonus development or by the use of transferable development rights (TDR), or both,)) subject to specified conditions. SMC Chapters 23.49 and 23.58A establish the amenity features eligible for a bonus in each zone, together with the other conditions and limits that govern the amount of floor area that may be obtained for each amenity feature. SMC 23.49.011 addresses the amenity features that may be exempted from the calculation of chargeable floor area. ((See Seattle Municipal Code (SMC) 23.49.011-.014)).

~~((These standards address all the amenity features that may be provided for floor area increases allowed above the Base FAR. Seattle Municipal Code Chapter 23.49 establishes the features eligible for a bonus in each zone, with the bonus ratio and other conditions and limits governing the floor area that may be obtained for each feature. These standards also address the amenity features that may be exempted from chargeable floor area as provided in SMC 23.49.011)).~~

These ((standards)) Downtown Amenity Standards ("Standards") supplement the provisions of the Land Use Code with additional, detailed eligibility criteria that the Department of Planning and Development (DPD) ((shall use)) uses ((in the review of proposed amenity features)) to determine whether a floor area bonus or exemption will be allowed for ((such features)) an amenity feature. ((These standards)) The Standards include requirements for the ongoing operation of amenity features, which apply to the successor owners and operators of the buildings ((using the bonuses)) and lots where the amenity features are located.

The Downtown Amenity Standards are presented in the following three ((parts)) sections:

((Part))Section I General Eligibility Conditions for Amenity Features.

~~((This part)) Section I ((focuses)) sets forth general eligibility conditions that focus on the procedures, operation((s)), mandatory ((features)) elements, maintenance, identification, and ((leasing)) other requirements generally associated with ((bonusable amenity features and)) amenity features that are eligible for a floor area or height bonus or floor area exemption. Some conditions apply to all amenity features((-such as hours that they must~~



remain open to the public,) while others apply only to specific amenity features((, such as requirements for active street-level uses)). These general eligibility conditions must be satisfied for the amenity feature to qualify for a bonus or exemption((, unless an exception is expressly granted by the Director)). Pursuant to SMC Sections 23.49.013 and 23.58A.016, the Director has the authority to grant departures from the general eligibility conditions as a Type I decision. In some instances, there are specified criteria for particular types of departures.

((Part)) Section II Specific Eligibility Conditions and Guidelines for ((Bonusable)) Amenity Features.

This section of the ((document-part)) Standards provides the basis for reviewing each ((bonusable)) proposed amenity feature to determine eligibility for a bonus. It states ((stating)) the intended function and public benefit of each amenity feature, and ((setting)) sets forth specific eligibility conditions and guidelines.

- ((Specific)) Eligibility Conditions. ((Eligibility)) Specific eligibility conditions ((represent)) are basic requirements in addition to any set forth in the Land Use Code ((—)). These conditions relate primarily ((related)) to the ((location-and)) size of the amenity feature and its location on the lot ((that must be met for a floor area bonus to be granted)). Pursuant to SMC Sections 23.49.013 and 23.58A.016, the Director has the authority to grant departures from the specific eligibility conditions in these Standards. In some instances, there are specified criteria for particular types of departures.
- Guidelines. The guidelines are more flexible statements about the characteristics desired for each amenity feature. They provide direction for the siting and design of ((a)) an amenity feature, while allowing the flexibility to respond to the special circumstances of individual projects and development sites.

((Part)) Section III Specific Eligibility Conditions and Guidelines for Amenity Features Eligible for Floor Area Exemption Only.

((This section of the document)) Section III of the Standards contains specific eligibility conditions and guidelines for exemption of certain amenity features from the ((definition)) calculation of chargeable floor area.

((Relationship of Downtown Amenity Standards to Other Downtown Codes/Policies

Relationship to Design Review Guidelines:

Most if not all projects using TDR or floor area bonuses for public amenities are required to go through the City's Design Review Program as established by SMC Chapter 23.41. Further information about design review is in Client Assistance Memo 238 and the Design review web page at www.seattle.gov/designreview. Except for the Design Review Guidelines, such information is unofficial.

The Design Review Program involves public meetings early on in the process with the Design Review Board (DRB). DPD uses the DRB to recommend priority guidelines for each project from the 21 adopted *Guidelines for Downtown Development, April 1999*. These Guidelines cover Site Planning, Architectural Expression, The Street Façade, Public Amenities and Vehicular Access and Parking. The Board also makes recommendations to DPD regarding departures from the Land Use development standards and may be requested by DPD to make recommendations on any requested modifications to "eligibility conditions" for the public amenity standards in order to assist the DPD staff in reaching a decision on such modifications.

As part of the review of the proposed amenities, the Director of DPD may consider comments from the Design Review Board to inform recommendations to DPD regarding the quality of the proposed amenities.



The analysis of how the public amenities and FAR incentives proposed meet the criteria of the Code and the Downtown Amenity Standards will be included in the Master Use Permit (MUP) decision by DPD. If there are requests for departures from eligibility conditions, the MUP decision will describe the proposed departures, analyze the rationale for them, summarize input received from other City departments and/or the Design Review Board, and state the Director's determination, including any conditions to allowance of departures.

Modification of provisions for public amenity features. Pursuant to SMC Section 23.49.013, the Director has the authority to grant departures from Eligibility Conditions. In some instances there are specified criteria in these Standards for particular types of departures. DPD staff may present the analysis of requested departures to the DRB as part of the recommendation phase of the DR/MUP process for the DRB's input on the decision by the DPD director.)

Legislative History

- The Downtown Amenity Standards were originally adopted by Ordinance 122054 on April 3, 2006. The Standards replaced DPD Director's Rule 20-93.
- The Standards were amended by Ordinance 122235 on September 18, 2006, to change the introduction to the subsection about Landmark Performing Arts Theatres.
- This version of the Standards was adopted by the Ordinance introduced as Council Bill XXXXX on X, 2011.



SECTION I: GENERAL ELIGIBILITY CONDITIONS FOR AMENITY FEATURES

The following eligibility conditions apply to all amenity features for which a floor area bonus is sought under SMC Sections 23.49.013 and 23.58A.016 and to specific amenity features for which a floor area exemption is allowed as described in these Standards. The categories of general eligibility conditions are:

- A. Installation Timeframes
- B. Public Access and Hours of Operation
- C. Maintenance
- D. Combination of Amenity Features
- E. Art in Bonused Public Spaces
- F. Use of Bonused Public Spaces
- G. Landscaping and Furnishings
- H. Safety
- I. Identification
- J. Required Street Level Uses
- K. Information in Permit Application and Recording Conditions

A. Installation Timeframes

The required elements of amenity features shall be installed within the timeframe shown on Table A. If an element is not installed when required, further occupancy of the building will not be allowed until the element of the amenity feature is provided. The Director may extend the time allowed when installation is not feasible due to construction scheduling or other good cause, but in no case shall the Final Certificate of Occupancy be issued until all the elements of all amenity features in the project have been provided.

Table A: Timing of Installation for Required Elements of Amenity Features

	Prior to Issuance of any C of O* for chargeable (space) floor area	6 months from issuance of first C of O* for chargeable (space) floor area	2 years from issuance of first C of O* for chargeable (space) floor area
Art Installation**	X		
Seating and Furnishings	X		
Identification Signs		X	
Performing Arts Theatre Signs			X
Required (Active) Street Level Uses Are In Operation***			X
Green Street(s) Improvements			X
Mechanical Conveyance for Hillclimb Assist	X		
Lease or Plan for a Museum Eligible for a Floor Area Exemption			X



Footnotes for Table A:

~~((Note: Timing of Human Services, Child Care, and Housing are included in Director's Rule X and Y.))~~

* C of O stands for Certificate of Occupancy

**A Preliminary Plan for the art installation is required at the time of MUP ~~((Application))~~ application; the Final Plan is required prior to MUP issuance.

***Applies for the following amenity features with frontage where street level uses are required by SMC 23.49.009: Shopping ~~((Corridor))~~ corridor, Hillside ~~((Terrace))~~ terrace, Urban ~~((Plaza))~~ plaza, Commercial ~~((Parcel Park))~~ parcel park, and Residential and Green ~~((Street Parcel Parks))~~ street parcel parks ~~((with frontage on a street that requires street level uses)).~~

B. Public Access and Hours of Operation

1. Hours of Operation. ~~((Bonused public spaces are provided for public use and enjoyment.))~~ The amenity features listed in this subsection B.1 provide open spaces for public use and enjoyment. These open spaces shall ~~((They should))~~ be easily recognized as available for use by the general public, and ~~((they))~~ shall generally ~~((should))~~ be as accessible to the public as publicly provided open space. Standards for hours of operation are as follows:

~~((4))~~**a. Interior** ~~((Amenities))~~**Amenity Features:** Amenity features integrated with interior spaces ~~((of private development))~~ are required to be open and accessible to the general public without charge during normal operating hours of the building. These amenity features ~~((include))~~ are:

- Hillclimb ~~((A))~~assist
- Museum
- Public ~~((A))~~atrium
- Public ~~((R))~~restrooms

~~((2))~~**b. Open Space** ~~((Amenities))~~**Amenity Features:** Amenity features ~~((functioning primarily as public parks))~~ listed in this subsection B.1.b must be open and accessible to the general public, without charge, for reasonable and predictable hours ~~((, such as those for other City parks)),~~ for a minimum of 10 hours each day of the year, except that mid-block corridors must be open for a minimum of 16 hours each day of the year. The hours of public access for these amenity features shall be during daylight, except that when there are insufficient daylight hours, the open space must also be open for all daylight hours and also during nighttime hours for the balance of the hours that the open space is to remain open. These amenity features ~~((include))~~ are:

- Commercial ~~((P))~~parcel ~~((P))~~park
- Green Street ~~((P))~~parcel ~~((P))~~park
- Residential ~~((P))~~parcel ~~((P))~~park
- Neighborhood open space
- Residential hillside terrace
- Green street setback
- Mid-block corridor

~~((Within these spaces, property owners, tenants and their agents shall allow individuals to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by~~



~~others, shall be allowed. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others.))~~

~~((3))~~**c. Retail-related ((Amenities)) Amenity Features:** Amenity features listed in this subsection B.1.c that support ((supporting)) retail activity Downtown shall be open and accessible to the general public during normal shopping hours, which at a minimum shall be **five days a week for at least eight hours a day**. These amenity features ((include))are:

- Major ((R))retail ((S))store
- Shopping ((A))atrium
- Shopping ((G))corridor

~~((4))~~**d. Streetscape and Circulation-related ((Amenities)) Amenity Features:** The following amenity features, which are integrated with the public street environment and intended to function as part of the outdoor pedestrian circulation network, are required to be open and accessible to the general public without charge **24 hours a day, every day throughout the year**. These amenity features ((include))are:

- Green ((S))Street ((I))improvement
- ((Green-Street-Setback-))
- Hillside ((T))terrace
- Urban ((P))plaza

~~((Within these spaces, property owners, tenants and their agents shall allow individuals to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others.))~~

~~((5))~~**e. Transit-related ((Amenities)) Amenity Features:** Amenity features integrated with public transportation facilities shall provide free public access at **all times the transportation facility is in operation**. These amenity features ((include))are:

- Transit ((S))station ((A))access ((E))easement
- Transit ((S))station ((A))access: ((G))grade ((L))level
- Transit ((S))station ((A))access: ((M))mechanical assist

2. Public Access.

a. Within the open space amenity features in subsection B.1.b and the streetscape and circulation-related amenity features in subsection B.1.d, during the hours of operation set in subsection B.1, except for seating reserved for customers of restaurants or other uses permitted pursuant to subsection G.2.a, property owners, tenants, and their agents shall allow individuals to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the



space, the building, or other adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others.

b. Public access may be limited temporarily for necessary maintenance or for reasons of public safety during hours when an amenity feature is otherwise required to be open to the public.

((Chart B: Summary of Public Access and Hours of Operation Conditions

		24 hrs per day/365 days per year	Min. 10 hrs per day/365 days a year	Min 8hrs per day/5 days a week	Normal bldg operating hrs	Same hours as transit facility
Interior Amenities	Hillclimb Assist				X	
	Museum				X	
	Public Atrium				X	
	Public Restrooms				X	
Open Space-related Amenities	Commercial parcel park		X			
	Residential parcel park		X			
	Green street parcel park		X			
Retail-related Amenities	Major retail store			X		
	Shopping atrium			X		
	Shopping corridor			X		
Streetscape and Circulation-related Amenities	Green Street Improvement	X				
	Green Street Setback	X				
	Hillside Terrace	X				
	Urban Plaza	X				
Transit-related Amenities	Transit Station Access Easement					X
	Transit Station Access: Grade Level					X
	Transit Station Access: Mechanical					X))

C. Maintenance

Unless otherwise stated in the specific conditions for an ((public)) amenity feature, the property owner shall maintain all elements of ((bonus)) the amenity feature((s)), including but not limited to landscaping, seating, and lighting, in a safe, clean, and well-maintained condition.

D. Combination of Amenity Features

((Projects using the)) Some projects earning a floor area bonus ((system)) may incorporate several ((public)) amenity features, including features that are exempt from FAR limits((-within the limits established by the



~~Land Use Code~~). ~~((The))~~ In these cases, the intent is to encourage the integration of the various amenity features within ~~((a))~~ the project design. Should conflicts among requirements arise when combining ~~((public))~~ amenity features in one project, the Director may resolve the conflict by granting departures from eligibility conditions, provided the intent of each amenity feature is fulfilled.

E. Art In Bonused ~~((Public Spaces))~~ Amenity Features

1. **Definition:** For the purposes of ~~((this ordinance))~~ these Standards, art ~~((shall be))~~ is broadly defined to encourage high-quality, imaginative interpretations of the various media, and ~~((shall include))~~ includes works that are ~~((merely))~~ only decorative, or are both decorative and functional. Over time, new materials and art forms may be developed. Therefore, such innovations in form and media are included in this definition of art.

2. ~~((Amenities))~~ **Amenity Features Requiring Art:** To make a positive contribution to the identity of the public space, ~~((artwork))~~ art is required in the following amenity features:
 - Commercial, Residential, and Green ~~((S))~~street ~~((P))~~parcel ~~((P))~~parks
 - Green ~~((S))~~street Improvement
 - Neighborhood open space
 - Residential hillside terrace
 - Mid-block corridor
 - Hillclimb ~~((A))~~assist
 - Hillside ~~((T))~~terrace
 - Public ~~((A))~~atrium
 - Green street improvement
 - Hillside terrace
 - Urban plaza
 - Shopping ~~((G))~~corridor
 - Transit ~~((S))~~station ~~((A))~~access—all types
 - Urban ~~((P))~~plaza

3. **General Requirements**
 - a. When more than one ~~((of the listed bonused public spaces))~~ amenity feature is incorporated in a project, the requirement for artwork may be filled in a variety of ways, such as providing one major work as a focal point, or several smaller works, as appropriate to the design of the public spaces, and commensurate with the amount of bonused public space.

 - b. Artwork may include but need not be limited to two or three dimensional works in all media, such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Artwork may also include fountains, mobiles, special wall or paving surfaces, bas-reliefs, mosaics, murals, landscaping elements, and other decorative ~~((features))~~ elements. Interdisciplinary projects and collaborations are encouraged, as are works that are not only visual, but engage other senses, such as sound and touch.

 - c. The artwork shall be clearly visible to people using the public space, and, wherever possible, should be visible from the street. If it is not visible from the street, it shall be visible from primary circulation paths adjacent to or through the public space. However, it shall not impede circulation in the open space.



- d. The setting for the artwork shall be designed to provide comfort ~~((and amenity))~~ and accommodate people viewing the art by incorporating such ~~((features))~~ elements as steps, ledges, benches, and other seating or by providing rails or other architectural features to lean against.
- e. The property owner is responsible for the maintenance of all ~~((art features))~~ artwork for the life of the building.
- f. The selection of artists to work as members of design teams along with building architects, landscape architects and/or engineers is encouraged. The intent is to promote art that is an integral part of the design of the public space and compatible in bulk, scale, design, texture, color, and shape with the space in which it is located.

4. Artwork Plan Process

- a. To encourage integration of the artwork into the overall design of the project, the Master Use Permit application shall include a Preliminary Artwork Plan, which shall be submitted to the Seattle Arts Commission who will review it, advise the applicant and the DPD Director, and make recommendations on the proposal. The Preliminary Artwork Plan shall include the following elements:
 - Concept Statement - Outline of the art proposal in terms of proposed location(s) and type(s) of art, e.g., sculpture, two-dimensional work, interdisciplinary process, etc.
 - Proposed budget
 - Proposed process for selection of artist(s)
 - Schedule for implementation
- b. Before a building permit for the project is issued, a ~~((final))~~ Final Artwork Plan shall be submitted by the applicant to the Seattle Arts Commission, who will review it and make recommendations to the ~~((DPD))~~ Director. The Final Artwork Plan shall be a refinement of the Preliminary Artwork Plan, and include the following elements:
 - Selected ~~((Artist(s)))~~ artist(s)
 - Drawings indicating location, size, placement of artwork
 - Technical documents outlining in detail the materials and method of attachment of the proposed art
 - Maintenance, safety and security considerations
 - Final budget
 - Final schedule for installations
- c. The final Certificate of Occupancy shall not be issued until the artwork is complete and installed.

5. Removal or Modification of Art in Bonused Spaces

- a. Proposed alterations to or removal of artwork in ~~((bonused public spaces))~~ amenity features that have earned a bonus may be subject to the Visual Artists Rights Act. Therefore, such alteration or removal ~~((shall))~~ requires review by the Seattle Arts Commission. The Commission will advise the ~~((DPD))~~ Director if, in its opinion, the proposed alterations would constitute destruction of the artwork, and would thus require replacement artwork to satisfy the bonus requirements. The Director may require replacement artwork.
- b. Proposals for replacement artwork in bonused public spaces shall be reviewed by the Seattle Arts Commission, who will make a recommendation to the ~~((DPD))~~ Director. The recommendation~~((s-))~~ will be based on the



~~((applicability))~~ suitability of the new artwork, taking into account the ~~((original))~~ Final Artwork Plan and any changed conditions since the original installation of the artwork. The Director may approve, condition, or deny the placement of the replacement artwork.

F. Use of Bonused Public Spaces

No amenity feature may be used for storage, or for a driveway, parking area, or loading berth, except as provided in these Standards.

(F) G. Landscaping and Furnishing

1. ~~((Amenities))~~ Amenity Features Requiring Landscaping: ~~((To be eligible for a bonus or floor area exemption, landscaping))~~ Landscaping is required for the following amenity features ~~((;-))~~ to be eligible for a bonus or floor area exemption. The landscaping must be consistent with the applicable guidelines specified for each amenity feature in ~~((Part))~~ Section II:

- ~~((Green Street Improvement~~
- ~~Green Street Setback))~~
- Hillclimb ~~((Assist))~~ assist
- ~~((Hillside Terrace))~~
- ~~((Parcel Park, including Commercial, Residential and Green Street Parcel Parks))~~
- Public ~~((Atrium))~~ atrium
- ~~((Shopping Atrium))~~
- Commercial, residential, and green street parcel parks
- Neighborhood open space
- Residential hillside terrace
- Green street setback
- Mid-block corridor—in additional abutting open space only
- Shopping ~~((Corridors))~~ corridors with bonus for natural light
- Green street improvement
- Hillside terrace
- Urban ~~((Plaza))~~ plaza
- Shopping atrium

2. **Types of Landscaping and Furnishings:** Required landscaping is subject to the review and approval of the Director, and shall be provided consistent with the Landscape Standards Director's Rule (DR ~~((13-92))~~ 6-2009 or successor rule). It may include a wide variety of living trees, shrubs, and ground covers, as well as fountains and planters, and should include seasonal plantings. ~~((Art required in Section E))~~ Required public art may be located in a landscaped area. All required landscaping shall be located in permanently installed beds or planters, or in large containers that, while movable, cannot be readily removed.

a. **Seating and tables.** All ~~((bonused public spaces))~~ amenity features that require landscaping shall also provide seating for use by the general public at all times the space is open. Tables may also be provided for use by the general public. The type and amount of seating should reflect the intended function of the space and anticipated volume of users, with a desired minimum amount indicated in the guidelines for each amenity feature. The seating may be either permanent or movable. Additional seating, and/or tables, may



be reserved for customers of restaurants or other uses. To avoid dominating the space and conflicting with its intended public use, the area reserved for such seating ~~((should))~~ shall not exceed 15 percent of the bonused area, or 500 square feet, whichever is less. The location, size and delineation of the area used for reserved seating ~~((is))~~ are subject to the review and approval of the Director.

b. Perimeter walls. Non-transparent perimeter walls ~~((, excluding windows,))~~ ~~((should))~~ shall be decoratively finished or lined with continuous planting to a minimum height of ~~((about))~~ approximately one story, or to the top of the wall(s), whichever is less. Exterior perimeter walls ~~((should))~~ shall be light in color to reflect light into outdoor open spaces.

c. Temporary ~~((features))~~ elements. Temporary kiosks, displays, art exhibits, and retail stalls may be permitted, provided they are portable and do not restrict public access and use of the ~~((park))~~ amenity feature or restrict pedestrian circulation.

~~((G))~~ H. Safety

~~((4-))~~ To increase public safety and security, ~~((public open spaces))~~ the amenity features listed in subsection G.1 shall be designed to avoid creation of isolated areas, and to maintain lines of sight into the space from streets and major pedestrian walkways ~~((whenever))~~ if possible.

a. Landscaping: Trees and shrubs shall be planted and maintained so as to avoid public safety problems that could arise when vegetation interferes with normal lines of sight or negates the effects of nighttime security lighting.

b. Lighting: Lighting shall be provided in ~~((bonused public open spaces))~~ amenity features with public open spaces that are required to be accessible at night, and adequate lighting shall be provided along street edges of ~~((bonused))~~ such amenity features.

~~((H))~~ I. Identification

Each ~~((bonused))~~ amenity feature ~~((public space))~~ listed in subsection G.1 shall be identified clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the amenity feature. The plaque shall indicate, in letters legible to passersby, the nature of the ~~((bonused))~~ amenity feature, its availability for general public access, and additional directional information as ~~((needed))~~ required by the Director.

~~((I))~~ J. Required ~~((Active))~~ Street Level Uses

1. ~~((Amenities))~~ Amenity Features Requiring ~~((Active))~~ Street Level Uses: To enliven the space and promote public use, ~~((active))~~ street level uses identified in Section 23.49.009 of the Land Use Code are required along frontages of public areas for the following amenity features:

- ~~((a-))~~ Commercial ~~((P))~~ parcel ~~((P))~~ park
- ~~((b-))~~ Green ~~((S))~~ street ~~((S))~~ setbacks on street frontages where such uses are required, as indicated on Map 1G in the Downtown ~~((Section))~~ Chapter of the Land Use Code.
- ~~((c-))~~ Hillside ~~((T))~~ terrace
- ~~((d-))~~ Residential ~~((P))~~ parcel ~~((P))~~ park and Green ~~((S))~~ street ~~((P))~~ parcel ~~((P))~~ park with frontage on a street requiring street level uses, as identified on Map 1G in the Downtown Chapter of the Land Use Code



- ~~((e.))~~ Shopping ~~((A))~~ atrium
- ~~((f.))~~ Shopping ~~((C))~~ corridor
- ~~((g.))~~ Urban ~~((P))~~ plaza

~~((2. Qualifying Uses: Uses that qualify as active street level uses and related standards are identified in 23.49.009 of the Land Use Code.))~~

2. **Frontage:** The amount of frontage to be occupied by ~~((these))~~ qualified street level uses is specified in Section II under the guidelines for each amenity feature.

~~((J))~~ **K. Information in Permit Application~~((;))~~ and Recording of Conditions**

1. **MUP Application Requirements:** The application for a Master Use Permit for the project shall include schematic drawings and ~~((Floor Area Ratio--))~~ FAR~~((;))~~ calculations showing how the ~~((public))~~ amenity feature will be incorporated into the building design or, if it is off-site, showing how it meets the criteria of the Land Use Code~~((;))~~ and ~~((the))~~ these ~~((Downtown Amenity))~~ Standards~~((, and applicable Directors Rules))~~. The application to establish chargeable floor area based on a bonus for amenity features shall include diagrams that identify the location and dimensions of all amenity features being provided for a floor area bonus, and identify the use of any space for which a floor area exemption is claimed, and shall include a floor area calculation identifying the additional bonus floor area anticipated to be generated by each amenity feature, along with other bonuses, transfers of development potential TDPs, and transfers of development rights (TDRs), if applicable, to be used for floor area increases.
2. **Summary of Applicable Conditions:** A document summarizing applicable conditions related to each amenity feature, including but not limited to time commitment, maintenance, public access, and hours of operation, shall be signed by the applicant and recorded ~~((at))~~ with the King County Recorder ~~((Department of Records and Elections))~~ by DPD.
3. **Notification Requirement:** If an amenity feature is operated by a lessee, the property owner shall notify the Director in writing if the lessee no longer occupies the leased space.

~~((Chart C: Summary of General Eligibility Conditions for Amenity Features~~

	Amenity Feature	Required for All Amenity Features							Required for Selected Amenity Features		
		Installation and time commitment	Public access and hours of operation	Maintenance	Combination of features	Safety	Information in permit app; recording of	Identification	Art in-bonused public spaces	Landscaping and furnishing	Required active street level uses
Interior Amenities	Hillclimb Assist		X	X	X	X	X	X			
	Museum		X	X	X	X	X	X			
	Public Atrium		X	X	X	X	X	X	X	X	
	Public Restrooms		X	X	X	X	X	X			



Public Park-related Amenities	Commercial Parcel Park		X	X	X	X	X	X	X	X	X
	Green Street Parcel Park		X	X	X	X	X	X	X	X	X
	Residential Parcel Park		X	X	X	X	X	X	X	X	X
Retail-related Amenities	Major retail store		X	X	X	X	X	X			
	Shopping atrium		X	X	X	X	X	X		X	X
	Shopping corridor		X	X	X	X	X	X	X	X	X
Streetscape and Circulation-related Amenities	Green Street Improvement		X	X	X	X	X	X		X	
	Green Street Setback		X	X	X	X	X	X		X	X
	Hillside Terrace		X	X	X	X	X	X	X	X	X
	Urban Plaza		X	X	X	X	X	X	X	X	X
Transportation-related Amenities	Transit Station Access Easement		X	X	X	X	X	X	X		
	Transit Station Access: Grade Level		X	X	X	X	X	X	X		
	Transit Station Access: Mechanical		X	X	X	X	X	X	X))



SECTION II: SPECIFIC ELIGIBILITY CONDITIONS AND GUIDELINES FOR AMENITY FEATURES ELIGIBLE FOR A FLOOR AREA BONUS

~~((Amenity features eligible for a floor area bonus:~~

~~((Interior Amenities~~

- ~~A. Hillclimb Assist (Map 1J)~~
- ~~B. Public Atrium~~
- ~~C. Public Restrooms~~

~~Open Space-Related Amenities~~

- ~~D. Commercial Parcel Park, Green Street Parcel Park, Residential Parcel Park~~

~~Retail-Related Amenities~~

- ~~E. Shopping Corridor (Map 1J)~~

~~Streetscape and Circulation-Related Amenities~~

- ~~F. Green Street Improvement~~
- ~~G. Green Street Setback (frontage on Green Street designated on Map 1F)~~
- ~~H. Hillside Terrace (Map 1J)~~
- ~~I. Urban Plaza~~

~~Transit-Related Amenities~~

- ~~J. Transit Station Access Easement~~
- ~~K. Transit Station Access: Grade Level~~
- ~~L. Transit Station Access: Mechanical~~

~~Other Amenities~~

- ~~M. Human Services~~
- ~~N. Preservation of Landmark Performing Arts Theatre~~

A. Hillclimb Assist

Hillclimb assists facilitate pedestrian movement in steeply sloping areas in Downtown with high concentrations of employment and heavy pedestrian traffic.

Eligibility Conditions

1. Continuous and direct route: The hillclimb assist must provide a continuous direct route across the block connecting parallel Avenues.

2. Accessibility: The assist corridor must be accessible from the street or from a public open space that opens directly onto the sidewalk. Access to the corridor shall be at the same grade level as the sidewalk or a public open space that provides access to the sidewalk level without requiring the use of stairs. Any change in elevation shall be accommodated by ramps or gradual level changes in the floor of the open space.



3. Mechanical ((feature)) conveyance: The hillclimb assist shall incorporate a mechanical ((feature)) conveyance, such as an escalator, for conveying pedestrians up at least eighty percent of the vertical distance between the elevations of the two avenues it connects. The mechanical ((feature)) conveyance shall be in operation during the normal operating hours of the building.

4. Independent system: The mechanical conveyance of the assist shall be independent of the main internal circulation system of the project. Elevators do not qualify as the required conveyance, although a supplementary assist providing access for the physically disabled may be part of the internal circulation system of the building.

Guidelines

1. **Area and dimensions:** The hillclimb assist corridor should comfortably accommodate heavy volumes of pedestrians and be aligned and designed to visually communicate that a direct passageway is provided across the site for use by the general public.
 - a. Excluding mechanical conveyances, the minimum clear dimensions of the corridor connecting the Avenues should be approximately ((twelve)) 12 feet wide and ((approximately ten feet high for)) any covered portion of the corridor should have at least 10 feet of vertical clearance.
 - b. Most of the travel path between Avenues should be covered to provide protection from inclement weather. Covering of the corridor outside the principal structure should be transparent.
2. **Street orientation:** Through the location of access points and orientation on the block, integrate the hillclimb assist with pedestrian circulation patterns in the surrounding area. Promote maximum pedestrian use by providing a direct, visible path across the lot logically aligned to link with the local pedestrian network.
 - a. Align the assist with other through-block assists or existing pedestrian crosswalks, and, whenever possible, link with transit stations to develop an integrated network of pedestrian routes and assists.
 - b. Consider major pedestrian destinations in the surrounding area to orient hillclimb corridors with likely paths of pedestrian movement.
3. **Access:** Entrances to the assist should be clearly visible, inviting and directly accessible from the street.
 - a. Access points may be completely open or may be enclosed with clear, transparent doors and glazing. Identification of public access to the assist should be prominently displayed.
 - b. The minimum height of ((access points within a structure)) entrances to the hillclimb assist should be approximately twelve feet, and the minimum width approximately 15 feet.
4. **Landscaping and furnishings:** Required landscaping within the assist corridor, including artwork, should enhance the space without conflicting with pedestrian movement. The major ((feature)) element of the hillclimb assist is the mechanical conveyance, which should be visually prominent. Wherever possible, opportunities for views from the assist should be considered in the design and siting of the assist route.



1. Excluding the area occupied by the mechanical conveyance, ((At)) a minimum((;)) of approximately fifteen percent of the area of the hillclimb assist corridor should be landscaped ((, excluding the area occupied by the mechanical conveyance)).
 2. Provide seating along the hillclimb assist corridor, with approximately one lineal foot of seating for every 30 square feet of ((bonusable)) area eligible for a bonus.
5. **Natural lighting:** To enhance the quality of the space and avoid a tunnel effect, the corridor should have as much access to natural light as possible. At a minimum, approximately one quarter of the length of the corridor should have access to natural light, either through transparent covering, windows, and/or skylights.

B. Public Atrium

Public atriums provide weather protected spaces within concentrated employment areas for passive recreation, as well as events and public gatherings that are best accommodated indoors. Atriums are appropriate for Seattle's climate because they provide an alternative to outdoor public spaces during inclement weather, and, when integrated with transit stations, provide protected public space for the comfort and convenience of transit riders.

Eligibility Conditions

1. **Location:** To ensure strategic locations in relation to the street environment and other public amenities, lots eligible for a public atrium bonus must be approved by the Director according to the following criteria:
 - a. Public atriums are limited to locations where they will reinforce the use of nearby open spaces and not detract from activity in streets and other outdoor public areas, or where they will enhance conditions for transit riders around high volume transit stations or stops.
 - b. Only one atrium per block is eligible for a bonus, unless the Director determines that, because the atrium serves a transit station or major transfer point or is integrated with another amenity feature that generates a high volume of pedestrian activity, such as a hillclimb assist, there will be sufficient activity to support the additional indoor space.
2. **Minimum size:** To provide sufficient space to accommodate intended functions, the minimum area of an atrium shall be 2,000 square feet.
3. **Accessibility and visibility:** The indoor space of the atrium shall be directly accessible and visible from the street or from ((a public bonus)) another amenity feature providing direct access to the street. The Director may waive these requirements for atriums integrated with transit stations, provided that, if the space is at a grade substantially above or below street level, it is connected to the street by a mechanical assist, the path to the atrium is direct and clearly marked, and the atrium is open to the public during hours of transit system operation.
4. **Natural lighting:** To improve the quality of the space, support interior landscaping, and increase the overall sense of spaciousness, access to natural light is required as a major ((feature)) element of the atrium. ((The Director shall use the following guidelines for requiring skylights or clerestory windows, alone or in combination, to ensure sufficient access to natural light))
 - a. In order to provide sufficient access to natural light, one of the following three options is required:



- i. At least half of the roof of the space is open to the sky except for a covering of transparent or translucent material. Systems allowing the space to be open to the sky in good weather are desirable; or
- ii. A minimum of half the perimeter of the atrium has clerestory windows at least eight feet in height; or
- iii. A combination of skylights and clerestory windows, or similar ~~((features))~~ elements, admits ~~((ample))~~ at least as much natural light as the options in subsections 4.a.i and 4.a.ii above.

b. Where glass walls or skylights are exposed to direct sunlight, heat loss~~((A))~~ and gain ~~((may))~~ shall be controlled by overhangs, mechanical venting, or mechanically operating shading devices, such as blinds. Such mechanical systems shall be specified in the application and a program for their operation included.

c. For atriums integrated with transit stations, since the space may be below grade, the Director may ~~((waive))~~ allow departures from the provisions for transparent perimeter walls.

- a. **Public restrooms:** Public restroom facilities are required at a location easily accessible to the atrium, with directional signs placed in the atrium.

Guidelines

1. **Area and dimensions:** The atrium should be arranged as one large, contiguous space with horizontal and vertical dimensions sufficient to create a sense of openness while providing flexible space adaptable to a variety of activities.

- a. The minimum horizontal dimension unobstructed by any permanent ~~((feature))~~ element over ~~((three))~~ 3 feet in height should be approximately 30 feet.
- b. The height of the atrium should be generous, with most of the ~~((bonusable))~~ area eligible for bonus at least two stories in height.
- c. The elevation of the atrium floor should generally be level, but may vary, provided that grade changes are gradual and do not significantly disrupt the continuity of the space.

2. **Street orientation:** While frontage on high volume pedestrian and transit corridors is desirable, the length of the atrium's street frontage should be minimized to avoid disruption of street level activity.

- a. Maximize the transparency of atrium façades abutting a street or public open space.
- b. The treatment of street frontages should be consistent with applicable street facade development standards.
- c. Frontage on a Class I Pedestrian Street identified on Map 1F of the Downtown Chapter of the Land Use Code should generally not exceed 60 feet.
- d. On street frontages where street level uses are required, the atrium space should be separated from the street with street level uses as much as possible while still maintaining clear, direct access to the space from the street.

3. **Access:** The space should be designed as a functionally independent area within the building, separate from the building lobby. However, it should be visible and directly accessible from the lobby and major internal circulation routes.

- a. If integrated with a hillclimb assist, access from the assist should be at the same level as a landing along the assist route.



- b. The atrium space should be directly accessible, with minimal change of grade, from a prominent entrance on an abutting street or public open space.

4. Landscaping and furnishing: Incorporate landscaping and required art into the design of the space to enhance comfort and aesthetic quality, while also accommodating flexible use. The design of the atrium should be conducive to temporary arts events and gatherings and should include electrical outlets, open areas for performers or exhibits, and seating.

- a. Design of the space should encourage a range of activities determined to be of a public benefit, such as designing the atrium floor to serve as amphitheater seating for public entertainment.
- b. Approximately one lineal foot of seating should be provided for every 30 square feet of ~~((bonusable))~~ area eligible for bonus.

5. Limits on retail use: The amount of retail space accessible inside the atrium should be limited to prevent the space from assuming a retail character that detracts from outdoor street activity. However, the treatment of the atrium's street frontages should minimize interruptions in the continuity of street-oriented retail activity by including retail space, which may or may not have access to the atrium.

C. Public Restrooms

Public restrooms enhance the public environment Downtown by providing for the comfort and convenience of pedestrians.

Eligibility Conditions

1. **Use and Access:** Public restrooms eligible for a bonus are rooms, separated by gender except as expressly permitted in this subsection C, containing toilets and lavatories for the use of the general public. For purposes of personal safety, limited control of access shall be allowed, such as required use of a key, provided that an attendant is available to ensure access. If access to the public restroom is monitored by a person located at the restroom facility during the normal operating hours of the building in which the restroom is located, separation by gender is not required.
2. **Location:** To serve the general public, the location of bonused public restrooms must be easily recognizable and accessible from either the street or other public areas. ~~((Public restrooms must be directly accessible from either the street, from))~~
 - a. Public restrooms must be directly accessible from the street, from an outdoor public area directly accessible from the street, from an outdoor public area easily accessible from the street, or from interior public spaces that qualify as ~~((bonusable-public-benefit))~~ amenity features.
 - b. Public restrooms may be located above or below street level if they are directly accessible from:
 - i. public areas providing connections to transportation facilities located above or below grade, such as transit station mezzanines, or
 - ii. ~~((bonusable))~~ interior public spaces eligible for bonus, such as public atriums, that may include public areas above or below street level. These areas must meet ADA accessibility standards.
 - c. The location of public restrooms shall be designated by signs sufficient to enable pedestrians on abutting streets or public open spaces to readily locate them.



- d. Access to public restrooms may be monitored by a person located at the restroom facility. Where such an attendant is available to provide access, restroom facilities may be locked when not in use.
 - e. The Director may determine that public restrooms directly accessible from building lobbies qualify for a bonus, provided that signage visible from the street indicates the presence of the restroom facility, and clear and direct access is provided.
 - f. The Director may allow restrooms serving the street level uses of a project to qualify for a bonus if signage clearly visible from the street is provided to indicate availability for general public use.
3. **Hours of operation:** Public restrooms shall be open to the general public during the hours that the structure is open to the general public. If access is provided from ~~((a public benefit))~~ an amenity feature that receives a floor area bonus, the restroom shall remain open during the time of required access to the bonused feature.

~~((4. **Special conditions:** Public restrooms shall be maintained by the owner of the structure for the life of the structure that includes the bonused space.))~~

D. Parcel Park

Parcel parks are small open spaces adaptable to a wide variety of site conditions and open space needs. Their design and character vary in response to the different open space functions they serve in different Downtown environments. To provide amenities best suited to varying needs and locations, three types of parcel parks are eligible for floor area bonuses, including: 1) commercial parcel parks, 2) residential parcel parks, and 3) Green ~~((Street))~~ street parcel parks.

- **Commercial parcel parks** provide protected enclaves of open space designed as quiet retreats to provide enclosure and refuge from surrounding activity in high density employment and mixed use areas. While relatively small open spaces, through flexible design, passive recreational activities as well as temporary events and small public gatherings can be accommodated, with some retail activity to serve those using the space.
- **Residential parcel parks** reinforce the residential character of Downtown neighborhoods and provide landscaped public space for residents to engage in passive and active recreational activities.
- **Green ~~((Street))~~ street parcel parks** expand the amount of public open space along an abutting designated Green Street, thereby increasing the open space value of these amenities. Because Green Streets are quieter streets with relatively low traffic volumes and a greater pedestrian orientation, abutting parcel parks need not provide the same level of enclosure and sense of refuge desired for Commercial Parcel Parks at other locations.

Eligibility Conditions

1. **Space Size, Configuration, and ~~((Features))~~ Elements:** For all types of parcel parks, the area eligible for a bonus shall be one contiguous space, with elements such as landscaping, fountains, seating, and public art counted as part of the contiguous space. In addition, the following conditions apply:
 - a. A parcel park must have a minimum area of 3,000 square feet.
 - b. Except on designated Green Streets, only one parcel park is eligible for a bonus on a block front, unless the Director determines an additional parcel park can be designed and integrated as an extension of an existing



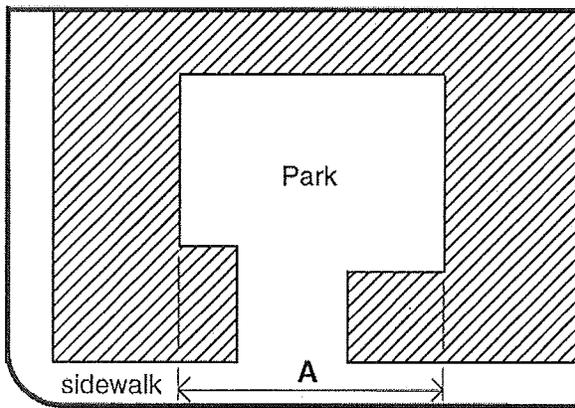
parcel park. A maximum of two parcel parks are eligible for a bonus on any individual lot. Green ~~((Street))~~ street parcel parks are ~~((bonusable))~~ eligible for bonus on any lot abutting a designated Green Street.

2. **Allowable Departures:** To accommodate transit station access and to account for the different relationship required between the street level and the level of a parcel park, the Director may allow departure from these ~~((standards))~~ Standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

Guidelines

1. **Area and dimensions:** Parcel parks should be large enough to accommodate a variety of activities and small gatherings of users while also providing more intimate spaces for retreat from activity.
~~((a. accessible and best suited to accommodating the parks intended function.))~~
 - ~~((b))~~a. The area of the principal space should be at least 2,000 square feet, or 60 percent of the total park area, whichever is greater.
 - ~~((e))~~b. No dimension of the principal space should be less than 30 feet.
 - ~~((d))~~c. In general, the principal space should be:
 - i. directly accessible from the sidewalk,
 - ii. within approximately three feet of average sidewalk grade at the primary entrance to the park, (exceptions may be appropriate for steeply sloping streets in the office core)
 - iii. no further from the sidewalk than the width of the access to the park, and
 - iv. a level surface, except with grade changes required for drainage.
 - ~~((e))~~d. The accessory spaces of the park should accommodate complementary activities in a more flexible manner and may be at different levels from the principal space and from each other, as long as they are physically and visually connected.
2. **Street orientation and relationship to adjacent development:** Parcel parks should be highly visible from adjacent sidewalks and public areas and directly and easily accessible to abutting streets.
 - a. Parcel parks should be sited or designed to prevent topography from presenting a significant barrier to public access.
 - b. Parcel park locations should maximize direct or reflected solar access and increase light and air to the public street environment. Preferable locations are south of tower development and where the siting of the park would improve solar access to the sidewalk.
 - c. To promote safety and security, residential parcel parks should be located where they can be seen and actively used by nearby residents. Because these spaces are intended for more localized public use, locations on neighborhood Green Streets or within residential "enclaves" are most desirable, while locations on principal transit streets identified on Map 1B of the Downtown ~~((Section))~~ Chapter of the Land Use Code are less desirable.
 - d. The siting and design of parcel parks should minimize interruptions to street level activity and the physical continuity of the street wall, especially along streets where heavy pedestrian traffic is anticipated and/or active street level uses are required. For the purposes of this guideline, street frontage shall be the maximum width of the parcel park measured parallel to the street, projected to the street ~~((property))~~ lot line, Figure A.

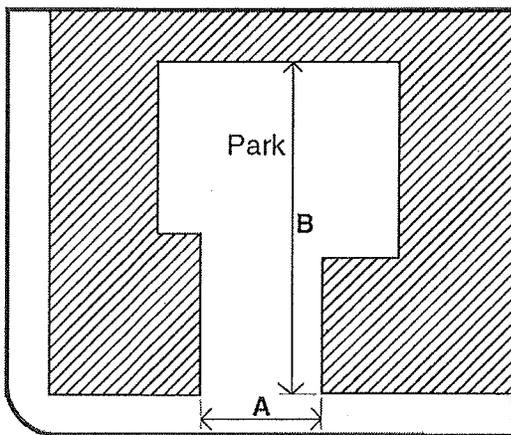




A = Street Frontage

Figure A

- i. On Class I Pedestrian Streets, parcel parks should be oriented to minimize interruptions to street level uses. The total opening to the street of any parcel park should generally be less than the depth of the park measured perpendicular to the street ((property))lot line, Figure B.



A = opening to street

B = depth of park

A shall not exceed B

Figure B

- ii. Where street level uses are required, the width of street openings should be further minimized to generally no more than forty feet by separating areas of the park from the sidewalk by a structure(s) containing required street level uses. However, for parcel parks with frontage on Green Streets, no separation is needed if the required uses are located within about 40 feet of the ((property))lot line of the abutting designated Green Street and are easily accessible from the Green Street.
- e. Corner locations are generally less desirable for commercial parcel parks because of the potential for eroding a well defined streetscape and interrupting the continuity of street level activity. However, in some situations, a corner location may be optimal in terms of solar exposure or for other reasons. To protect the integrity of the streetscape, on corners where property line street ((walls)) facades are required on both streets on Map 1H of the Downtown Chapter of the Land Use Code, parcel parks



should be enclosed by structural elements provided along the street edges, except at access points, consistent with the property line street ((wall)) facade requirements established in the Land Use Code. Access to commercial parcel parks at corner locations should generally be at least 30 feet from any intersecting street, with a structural element, such as a retail pavilion, placed at the corner.

- f. To add interest and increase the security of the space, the design of the walls, uses, colonnade, or other elements separating a parcel park from the street to provide enclosure should ensure that the interior park space is highly visible from the street.
 - g. Transparent materials or openings to permit views and light should be used on walls enclosing any parcel park along street ~~((property))~~ lot lines. When a parcel park is separated from the street by a structure containing retail uses, the structure should meet the street facade requirements, except height, for the zone in which the park is located.
3. **Treatment of required ~~((active))~~ street-level uses:** Required ~~((active))~~ street level uses should be convenient to park users and add interest and activity to the space. Where ~~((active))~~ street level uses are required, at least twenty percent of the perimeter of the parcel park should be occupied by ~~((active))~~ street level uses having direct access to the park.
4. **Access**
- a. Parcel parks should be directly accessible from the sidewalk or another public open space, and should be highly visible from the street.
 - b. Parcel parks should not serve primarily as a forecourt to a project's principal entrance. When a parcel park is located between the street and the principal building entrance, pedestrian access to the development should not disrupt the passive nature of the park. The path from the street to the project entrance should be located to the edge of the park, and an area along this path approximately fifteen feet wide should not be bonused.
 - c. Where the street frontage exceeds ~~((forty))~~ 40 feet on more than one street, access generally should be provided from both streets.
 - d. Through siting and design, residential parcel parks on lots with housing should complement and be well integrated with the residential use, taking advantage of the added security of having "eyes" on the space, while also promoting access and use by the general public.
5. **Landscaping and furnishings:** To provide relief from the "hardscape" of the surrounding urban environment, parcel parks should provide sufficient greenery, including trees, to give the space a strong, landscaped character. In addition to reinforcing the desired function of different types of parcel parks, landscaping and furnishings, including required art, should lend identity and interest to the space and provide for the comfort of park users. Design elements such as walls, structures containing retail uses, low planters or benches, and seating should be used as appropriate to minimize interruptions in the street wall and breaks in retail activity.
- a. **Commercial Parcel Park.** The landscaping and design of commercial parcel parks should enhance the feeling of intimacy and quiet. Along with other design elements of the space, landscaping should provide enclosure, and minimize disruption to the street wall and street level activity. Approximately one lineal foot of seating should be provided for every 30 square feet of ~~((bonusable))~~ area eligible for bonus.
 - b. **Residential Parcel Park.** The design and landscaping of residential parcel parks, should introduce greenery into the neighborhood, while allowing for flexible use of the space to accommodate recreational activities of the nearby residential population. Approximately one lineal foot of seating should be provided for every 60 square feet of ~~((bonusable))~~ area eligible for bonus.



- c. **Green Street Parcel Park.** The design and landscaping of Green Street parcel parks should reinforce the concept plan for the abutting Green Street, if one exists, or otherwise ensure integration of the space with the Green Street. The Director should evaluate the status of design for the abutting Green Street to determine the appropriate landscaping and seating for the abutting park area. Where a design concept plan is not available to guide landscaping decisions, the Director should consider the intended use of the parcel park based on the intended function of the area where it is located and the surrounding development context.
6. **Coverage:** All parcel parks should be open to the sky, except that portions may be covered to accommodate activities that complement use of the space and make ~~((them))~~ it more comfortable and usable. This coverage may include retail kiosks or overhead weather protection. While kiosks and temporary overhead weather protection may be located within the principal space, no portion of the principal space should be permanently covered

E. Neighborhood Open Space

Neighborhood open spaces are intended to provide relatively level and open areas that introduce greenery into downtown residential neighborhoods, and provide opportunities for passive recreational activities for those who live nearby.

Eligibility Conditions

1. The area eligible for a bonus shall be one contiguous space, with elements such as landscaping, fountains, seating, retail kiosks, and public art counted as part of the contiguous space.
2. A neighborhood open space shall have a minimum area of 3,000 square feet.
3. The minimum horizontal dimension for a neighborhood open space is 10 feet.
4. The neighborhood open space shall be provided at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected.

Guidelines

1. Landscaping and Furnishings

- a. Approximately 35 percent of the neighborhood open space should be landscaped.
- b. Approximately 1 lineal foot of seating should be provided for every 200 square feet of neighborhood open space.
- c. All neighborhood open spaces should be open to the sky, except that up to 20 percent of the neighborhood open space may be covered to accommodate activities that complement use of the space and make it more comfortable and usable, such as retail kiosks or overhead weather protection.

2. Access

- a. The neighborhood open space should be located and configured to maximize solar exposure to the space, allow easy access from streets or other abutting public spaces, including access for persons with disabilities, and allow convenient pedestrian circulation through all portions of the open space.
- b. The neighborhood open space should have a minimum frontage of approximately 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.



F. Residential Hillside Terrace

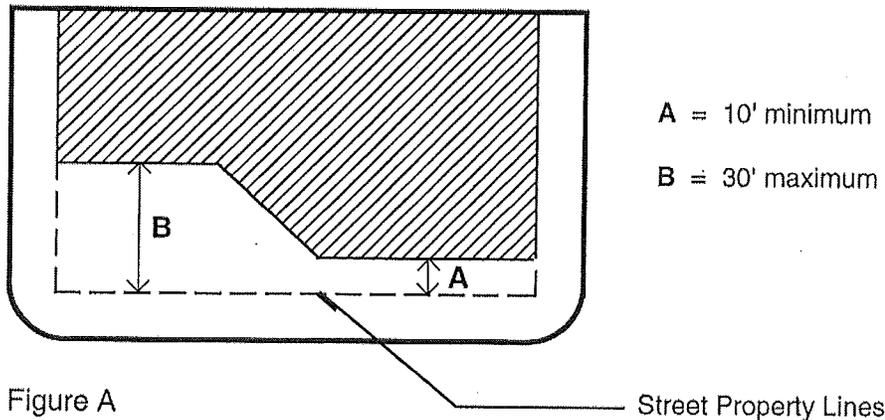
Residential hillside terraces are open spaces adapted to conditions in steeply sloping downtown residential areas, as opposed to hillside terraces located in commercial areas. They enhance pedestrian movement on steep streets and better integrate development with the street environment on sloping lots. They contribute to a more spacious street environment, and, if located along east/west streets, afford opportunities to expand views to Elliott Bay.

Eligibility Conditions

1. Minimum standards:

- a. A residential hillside terrace must be located on a street that slopes at least 7 percent, and must abut the street for at least half of the length of the side of the block where it abuts the street, after deducting from that length the width of an alley, if one exists, where it bisects that side of the block.
- b. The area eligible for a bonus must be one contiguous space, except that a driveway may separate parts of the terrace but is not included in the area eligible for a bonus. Landscaping, fountains, seating and art are considered part of the contiguous space.

2. **Minimum dimensions:** The minimum depth of the residential hillside terrace measured at any point from the street lot line is 10 feet, and the maximum depth of any terrace area eligible for a bonus is 30 feet from the street lot line (see Figure A).



3. The terrace shall be accessible to persons with disabilities.

Guidelines

1. **Access:** The residential hillside terrace should facilitate pedestrian movement up and down the hillside by integrating the sidewalk with the project site.
 - a. Minimize obstructions separating the sidewalk from the terrace.

- b. Maximize direct connections across the space from the sidewalk to abutting development, for example by providing at least one entrance to a retail use or to the predominant use in the structure for every 100 feet of building frontage along the terrace.
 - c. Limit vehicular access across the hillside terrace to abutting development. Vehicular access to the lot from other street frontages is preferable, consistent with development standards for access to parking in the Land Use Code.
 - d. The residential hillside terrace may be on several different levels.
1. Landscaping and furnishings: Use landscaping and furnishings, including required art, to integrate the terrace area with the sidewalk and abutting structures, as well as provide for the comfort and visual enjoyment of pedestrians.
 - a. The arrangement of seating and landscaping should enhance the quality of the space and allow a variety of passive recreational activities without obstructing pedestrian movement.
 - b. Approximately one lineal foot of seating should be provided for every 30 square feet of terrace area.
3. Coverage: To remain open to the street environment and maximize opportunities for views, residential hillside terraces should be open to the sky. However, limited coverage may be permitted in order to increase comfort, encourage activity, and better integrate the space with abutting development, provided that the space maintains its overall character as an extension of the sidewalk. Permitted coverage may be permitted in the form of permanent, free-standing elements, such as retail kiosks or pedestrian shelters, or as permanent or temporary overhead weather protection associated with abutting development.

G. Green Street Setback

A Green ~~((Street))~~ street setback extends the improvements of the public right-of-way ~~((improvements to))~~ area of a designated Green Street onto one or more abutting lots to provide additional space for landscaping and ~~((amenities))~~ other elements that will enhance the open space character of the Green Street.

Eligibility Conditions

~~((1. Eligibility restriction: Green Street setbacks are not eligible for a bonus on street frontages requiring lot line street walls.))~~

1. Location: A green street setback may be eligible for a bonus only if located on a lot line that abuts a Green Street designated on Downtown zoning Map 1F. Green street setbacks are not eligible for a bonus on streets designated on Downtown zoning Map 1H as streets where property line facades are required.

2. Minimum length: A green street setback must be continuous for the length of the street lot line that abuts the Green Street.

~~((2))~~3. ((Bonusable area))Areas eligible for bonus: On designated Green Streets ((requiring)) where street level setbacks are required, the required setback area may be included as area eligible for a bonus if the

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~~((improvements))~~ green street setback overall meets ~~((the required conditions of this Rule))~~ these Downtown Amenity Standards.

~~((3))~~**4. Size requirements:** ~~((The intent of this section is that the setback area be of sufficient size to accommodate a variety of landscaping treatments and amenities, but limited in depth to better integrate activity in abutting development with the Green Street.))~~

- a. The minimum setback from the Green Street ~~((property))~~ lot line is ~~five~~ 5 feet.
- b. The maximum setback area ~~((from the street property line of area))~~ eligible for a bonus is ~~((is ten feet.))~~ the area that is set back from the abutting Green Street lot line by an average of not more than 10 feet, and a maximum of 15 feet.
- c. The Director may ~~((modify))~~ allow departures from ~~((these standards))~~ the conditions in this subsection G.4 to provide more usable space or special landscaping treatments within the green street setback area, ~~((especially))~~ if such treatments are consistent with ~~((a))~~ the concept plan for the abutting Green Street ((concept plan)).

~~((4))~~**5. Configuration:** The green street setback area shall be open to the sky ~~((and free and clear of overhead obstructions))~~, except that the Director may allow some encroachments, such as bay windows, balconies, building cornices, and other architectural ~~((features))~~ elements that add visual interest to the abutting building facades and/or ~~((increase the "eyes on the street"))~~ enhance public safety by making the Green Street more visible to building occupants.

- a. No more than ~~((ten))~~ 10 percent of the setback area may be occupied by any temporary use for more than five days.
- b. Permanent coverage of the setback area is not permitted unless approved as part of the Green Street concept plan.

Guidelines

1. Street orientation: ~~((Facades facing))~~ Building facades that face the setback area along the Green Street should provide visual interest for pedestrians and complement the landscaped treatment of the setback area. Façade design should encourage integration of activities at the ground floor of the abutting structure with the setback area and the Green Street.

2. Access: The design of the setback area should allow for public access, such as access to street level uses in abutting structures or access to areas for seating.

3. Street Level Uses: For green street setbacks on street frontages where street level uses are required, the amount of required street level uses is determined by SMC 23.49.009.

~~((2))~~**4. Landscaping and furnishings:** Provide sufficient landscaping within the setback area to enhance the open space character of the Green Street, and coordinate landscaping, paving, and furnishings with improvements in the abutting Green Street right-of-way.

- a. At least 50 percent of the setback area ~~((eligible for a bonus must))~~ should be landscaped.
- b. Temporary elements, such as kiosks, ((displays,)) art exhibits, and retail use of the setback area may be permitted, provided such ~~((features))~~ elements are compatible with the Green Street concept plan.

H. Mid-block Corridor

Mid-block corridors are intended to provide open space and pedestrian circulation across extremely long blocks located in the Downtown Urban Center east of Interstate 5.

Eligibility Conditions

1. **Location:** The mid-block corridor must be located a minimum of 200 feet from the nearest street that is oriented generally north-south.
2. **Access**
 - a. Each end of the corridor must be directly accessible from the sidewalk, including access for persons with disabilities.
 - b. The corridor must be improved with a surface and necessary drainage so as to be suitable for pedestrian use in all seasons.
3. **Size Requirements:**
 - a. The average width of the corridor must be at least 25 feet, and its minimum width must be at least 15 feet. Any corridor segment that is fully covered from side to side must be at least 20 feet in width.
 - b. There must be at least one additional open space area on the lot that abuts the mid-block corridor and has an area of at least 1,500 square feet and a minimum horizontal dimension of 30 feet.
4. **Configuration:** The mid-block corridor shall be provided at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected and there is access for persons with disabilities through the entire corridor.
5. **Coverage:** At least 65 percent of the mid-block corridor must be open to the sky; and any covered portions of the corridor must have a minimum height of 13 feet between the ground and any overhead projection or overhanging structure.

Guidelines

1. Landscaping and Furnishings

- a. Approximately 35 percent of the open space area required in subsection H.3.b above should be landscaped.
- b. Approximately 1 lineal foot of seating should be provided for every 200 square feet of the open space required in subsection H.3.b above.
- c. The open space required in subsection H.3.b above should be open to the sky, except that up to 20 percent of the it may be covered to accommodate activities that complement use of the space and make it more comfortable and usable, such as retail kiosks or overhead weather protection.

2. **Lighting:** The corridor must include sufficient lighting to provide visible and safe passage for pedestrians during all hours that the corridor is available for public use.

((E)) I. Shopping Corridor

Shopping corridors provide weather protected, through-block pedestrian connections with retail frontage to reinforce retail activity and enhance pedestrian circulation in areas of concentrated shopping activity and heavy pedestrian



traffic. Shopping corridors expand the pedestrian network in these areas by creating additional "pedestrian streets" through private development that are well integrated with adjacent streets and complement street-oriented retail activity.

Eligibility Conditions

1. **Location:** Shopping corridors shall be located near the middle of the long, rectangular blocks (360 feet along the Avenue frontage) in the retail core area and shall provide a continuous connection between two Avenues.
2. **Access:** Entrances to the corridor must be at the same grade as the sidewalk.
3. **Number of bonused corridors per block:** The number of shopping corridors eligible for a bonus shall be limited to two on a block to avoid a significant diversion of pedestrian activity from the street.

Guidelines

1. **Location:** Site shopping corridors to improve pedestrian circulation and provide additional retail frontage without detracting from sidewalk activity.
 - a. The shopping corridor should generally not be closer than 120 feet to any parallel street ((property)) lot line, and the minimum distance between corridors should be 60 feet.
 - b. Where possible, align shopping corridors with mid-block pedestrian crosswalks or entries to other pedestrian corridors on adjacent blocks to better integrate them with pedestrian circulation patterns.
2. **Area and dimensions:** The shopping corridor should provide an apparent and convenient connection between Avenues, as well as a pleasant space for pedestrian movement and shopping. Limit the overall area of the block occupied by corridor space to maximize the amount of street level floor area available for retail use.
 - a. The minimum height of the corridor should generally be twelve feet, although additional height for at least portions of the corridor is desirable to prevent a tunnel-like space.
 - b. The unobstructed width of the corridor connecting the Avenues should generally be at least 20 feet.
 - c. To accommodate pedestrian movement through the block while ensuring easy access to shops on both sides of the corridor, the width of the corridor should not exceed 30 feet.
3. **Access:** Shopping corridor entrances should be highly visible from the street, easily accessible, and inviting.
 - a. Permit changes in the level of the corridor route to accommodate changes in grade, although avoid level changes that require the use of stairs or mechanical assists.
 - b. The height and width of entrances should be prominent to signify the corridor's function as a public access route through the block.
4. **Treatment of required ((active)) uses:** To ensure the intended retail function, the frontages of the shopping corridor should be occupied by ((active)) street level uses similar to conditions established for streets where street level uses are required. These uses should have entrances directly onto the corridor, except that uses abutting a street should also have access to the street.

5. **Facade treatment and furnishings:** Design the facades and furnishings of shopping corridors to enhance the shopping environment and increase pedestrian comfort without detracting from the corridor's function as a through-block connection.
 - a. Temporary kiosks, displays, art exhibits, and retail use of the corridor space may be permitted provided they don't obstruct the use, access, and circulation through the space by the general public is not obstructed. Temporary structures are those that are movable or designed to be easily dismantled. Any temporary use of the space should not reduce the circulation path to a width less than ten feet.
 - b. To promote visual interest and enhance retail activity, transparency and blank walls along shopping corridor walls should be treated similarly to facades along a Class 1 Pedestrian Street.
6. **Natural light:** Access to natural light is desirable and should be provided through skylights and/or clerestory windows to prevent a tunnel-like space and to increase the overall quality of the corridor.

~~((F))~~J. Green Street Improvement

A Green ~~((S))~~S street improvement implements a portion of the concept plan for the street right-of-way design of a designated Green Street. Such improvements, which might include sidewalk widening, landscaping, traffic calming, street furniture, and pedestrian oriented lighting, enhance the public use of the Green Street right-of-way for pedestrian circulation and open space.

Eligibility Conditions

1. **Eligible streets:** Green Streets improvements shall be in accordance with the Green Street Director's Rule 11-~~((93))~~ 2007 or successor Rules. The improvements must be to a designated Green Street abutting or in the vicinity of the lot ~~((seeking the bonus))~~ for which a bonus is sought, and must be made within a reasonable amount of time, as determined by the Director.
2. **Requirements:** The following conditions must be met to ensure an integrated design for the length of the Green Street:
 - a. Paving and landscaping improvements and other ~~((amenities))~~ elements specified in the Green Street concept plan for the public right-of-way are required along the entire Green Street frontage of the lot, extending to the centerline of the street or other location approved in the Green Street concept plan.
 - b. Art shall be incorporated, as set forth in ~~((Part))~~ subsection I.E. The nature of the artwork and locations shall be determined as part of the Green Street review process specified in the Green Street Director's Rule 11-~~((93))~~ 2007 or successor Rules.
 - c. The area of the public right-of-way developed as a Green Street shall remain in the public domain.
3. **Maintenance**
 - a. All areas separated from the vehicular right-of-way by a curb, and all nonstandard ~~((features))~~ elements located between curbs, shall be maintained by the property owner for the life of the project or as specified in the Master Use Permit decision.



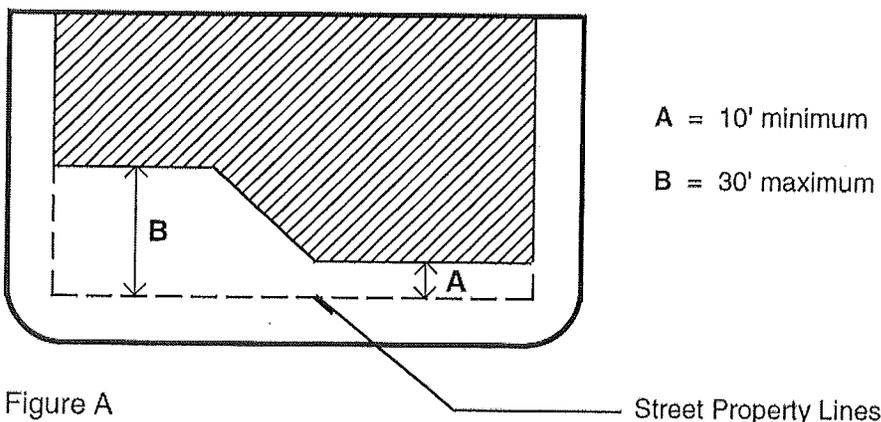
- b. On Green Streets without a curb, the Director shall determine ~~((a determination shall be made regarding))~~ the area for which the property owner will assume maintenance responsibility or the amount of reimbursement required to cover the cost to the City or other party for maintaining the area.

~~((H))~~ K. Hillside Terrace

Hillside terraces are open spaces adapted to conditions in steeply sloping downtown areas. They enhance pedestrian movement on steep streets and better integrate development with the street environment on sloping lots. They contribute to a more spacious street environment, and, when located along east/west streets, afford opportunities to expand views to Elliott Bay.

Eligibility Conditions

1. **Minimum standards:** To provide usable open space, accommodate continuous pedestrian movement along the sloping street, and integrate sidewalk activity with abutting development, the following standards apply:
 - a. ~~((The minimum frontage of the terrace along the sloping street is one-half block, excluding the alley, if one exists.))~~ A hillside terrace must be located on a street that slopes at least 7 percent, and must abut the street for at least half of the length of the side of the block where it abuts the street, after deducting from that length the width of an alley, if one exists, where it bisects that side of the block.
 - b. The area eligible for a bonus must be one contiguous space, ~~((but may be on several different levels; landscaping,))~~ except that a driveway may separate parts of the terrace but is not included in the area eligible for a bonus. Landscaping, fountains, seating, and art are considered part of the contiguous space.
~~((c. Any driveway area crossing the terrace is not bonusable.))~~
 - ~~((d))~~c. The minimum depth of the terrace measured at any point from the street ~~((property))~~ lot line is ~~((ten))~~ 10 feet, Figure A.



- ~~((e))~~d. The maximum depth from the street lot line of any ~~((bonusable))~~ hillside terrace area ~~((from the street property line))~~ eligible for a bonus is ~~((thirty))~~ 30 feet.



2. Transit access: To accommodate transit station access and to account for the different relationship required between the street level and the level of the hillside terrace, the Director may allow departure from these standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

Guidelines

1. **Access:** Integrate the sidewalk with the project site by designing the hillside terrace to facilitate pedestrian movement up and down the hillside along the sidewalk.
 - a. **Maximize direct connections** across the space from the sidewalk to abutting development and minimize obstructions separating the sidewalk from the terrace.
 - b. ~~((Limit vehicular))~~ **Vehicular access** across the hillside terrace to abutting development should be limited. Access to the lot from other street frontages is preferable, consistent with development standards for access to parking in the Land Use Code.
2. **Treatment of required ~~((active))~~ street-level use:** Locate ~~((active))~~ street level uses in structures abutting the hillside terrace to activate the space and provide visual interest. Frontage equivalent to about half of the length of the hillside terrace, measured along the street ~~((property))~~ lot line, should be occupied by qualifying uses that are directly accessible from the terrace.
3. **Landscaping and furnishings:** Use landscaping and furnishings, including required art, to integrate the terrace area with the sidewalk and abutting structures, as well as provide for the comfort and visual enjoyment of pedestrians.
 - a. The arrangement of seating and landscaping should enhance the quality of the space and allow a variety of passive recreational activities without obstructing pedestrian movement.
 - b. Approximately one lineal foot of seating should be provided for every 30 square feet of ~~((bonusable))~~ area eligible for bonus.
4. **Coverage:** To remain open to the street environment and maximize opportunities for views, hillside terraces should be open to the sky. However, limited coverage may be permitted to increase comfort, encourage activity, and better integrate the space with abutting development, provided that the space maintains its overall character as an extension of the sidewalk.

Permitted coverage may occur as permanent, free-standing elements, such as retail kiosks or pedestrian shelters, or as an overhead arcade or other form of permanent or temporary overhead weather protection associated with abutting development.

~~((H))~~ L. Urban Plaza

Urban plazas are relatively large, strategically located open spaces that denote important downtown places, create a public focus for surrounding development, increase access to light and air at street level, and provide points of orientation within downtown. As key elements of the streetscape, urban plazas are especially beneficial when sited to complement the transit network by physically denoting major transit facilities, facilitating access to station entrances for large volumes of pedestrians, and providing amenities that contribute to the comfort and convenience of transit riders.



Eligibility Conditions

1. **Minimum size:** To ensure that the urban plaza is large enough to function as intended, and that the overall streetscape remains well-defined, the minimum size of a plaza shall be 6,000 square feet.
2. **Wind and solar access:** If required by the Director, the design shall include special measures to reduce downdraft wind impacts from abutting development and to increase solar access to the plaza.
3. **Transit access:** To accommodate transit station access and to account for the different relationship required between the street level and the level of the plaza, the Director may allow departure from these standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.
4. **Exceptions:** An urban plaza is **not** eligible for a bonus on any block containing an existing plaza bonused under Title 24 that exceeds 6,000 square feet, or an existing urban plaza bonused under Title 23, unless the Director determines that:
 - a. the existing and proposed spaces can be integrated to create the appearance of a larger, unified space, provide a more prominent public focus, and increase public use by providing more activity, usable space and better pedestrian connections;
 - b. the intensity of surrounding activity and volume of pedestrian traffic will ensure active use of the space; and
 - c. the interruptions to the street edge created by relatively large open spaces will not detract from street activity or substantially erode the streetscape.

Guidelines

1. **Street orientation and relationship to surrounding development:** To denote their locations as transit access points and gateways, urban plazas should provide highly visible openings in the street façade, in contrast to the more enclosed character of adjacent streets with uninterrupted facades. However, the plaza space itself should be well defined by abutting structures, and interruptions to street level activity and the physical continuity of the streetscape should be minimized.
 - a. The opening of a plaza onto a Class 1 Pedestrian Street should not exceed 120 feet.
 - b. To minimize breaks in activity along streets requiring street level uses, the maximum plaza frontage open to the street should generally not exceed 80 feet, with structures containing street level uses separating other areas of the plaza from the sidewalk.
 - c. Plazas at corner locations should be open and accessible from both streets, with the corner area clear of permanent structures.
 - d. Siting and design of the plaza in relation to the rest of the project and surrounding development should maximize direct and/or reflected solar access. Preferable plaza locations are to the south of tower development, or where the siting of the plaza would improve solar access to the sidewalk.
2. **Area and dimensions:** Urban plazas should be large enough to provide a prominent open space focus and accommodate a high level of pedestrian activity. Some areas within the plaza should be of sufficient size and designed to allow heavy volumes of pedestrian movement through the space, while other areas should accommodate more passive use.
 - a. Provide a principal space that is a relatively large and open area to serve as the focus of the plaza. The principal space should be open to the sky, with a minimum area of about 4,000 square feet or 60

percent of the total plaza area, whichever is greater, and a minimum horizontal dimension of approximately 40 feet.

- b. The principal space should be directly accessible from the sidewalk and located no further from the sidewalk than the clear, unobstructed width of access along the street. This space should be generally at one level.
- c. The elevation of the plaza floor should generally be level, but may vary, provided that grade changes are gradual and do not significantly disrupt the continuity of the space. Greater grade changes may be allowed, as necessary, to provide access to transit tunnel stations.
- d. Variations to these conditions may be appropriate to improve access to transit stations or to respond to other special conditions of a particular lot.

3. Access: The urban plaza should function as an extension of the public sidewalk, with minimal obstruction between the plaza and the sidewalk. On steeply sloping lots, the plaza should be designed to assist pedestrian movement up and down the hillside.

4. Treatment of required ((active)) street-level uses: The urban plaza should promote a high level of activity complementing that of the abutting street. Frontage equivalent to at least fifty percent of the perimeter of the plaza should be occupied by uses qualifying as required active street level uses and having direct access onto the plaza.

5. Landscaping and furnishings: Incorporate landscaping and special elements, including required public art, into the design of the plaza to create an aesthetically pleasing space that is well integrated with the surrounding street environment.

- a. ((Features)) Elements of the plaza should establish an identity for the space and provide for the comfort of those using it, while also maintaining the desired sense of openness and easy street access. ((Features)) Elements, including trees and artwork, should be of a scale appropriate for the size and prominence of these spaces.
- b. Landscaping and other furnishings should be arranged to enhance the quality of the space and allow a variety of passive recreational activities. A significant portion of the plaza area should be landscaped to soften the paved surfaces and other "hardscape" characteristics of these active, urban spaces.
- c. To ensure year round vegetation and color, seasonal plantings should be included.
- d. Approximately one lineal foot of seating should be provided for every 30 square feet of ((bonusable)) area eligible for bonus.

6. Coverage: To maximize access to light and air and the sense of openness within the public street environment, plazas should be predominantly open to the sky. However, limited coverage may be appropriate to increase activity in the space and provide for the comfort of users, while maintaining the overall character of the space as an extension of the outdoor public street environment.

TRANSIT STATION ACCESS

Lots including amenity features that improve public access to stations serving major transit facilities may be eligible for a floor area bonus. To accommodate a variety of access conditions related to differences in the type, operation, and location of these facilities, the following station access improvements may be provided: 1) access easements, 2) mechanical assists, and 3) grade level access to transit stations.

((L))M. Transit Station Access((=Access)) Easement



~~((Lots including features that improve public access to stations serving major transit facilities may be eligible for a floor area bonus. To accommodate a variety of access conditions related to differences in the type, operation, and location of these facilities, the following station access improvements may be provided: 1) mechanical assists, 2) grade level access to transit stations, and 3) access easements.))~~

Access easements increase opportunities for direct access to transit stations from the street level. The easement defines a volume of space adjacent to a transit station on a lot, either inside or outside of a structure, or both, in which the transit provider would construct a station entrance. An easement may be combined with bonused hillside terraces, urban plazas, shopping atriums, and shopping corridors to integrate public open space amenities with access to transit stations.

Eligibility Conditions

1. ~~((**Location and size**))~~ **Transit provider approval:** The size of the access, and location, and suitability of the easement shall be subject to approval by the transit provider. The configuration and all vertical and horizontal dimensions of the easement shall allow for construction and maintenance of the station access and include sufficient space to accommodate both mechanical and a non-mechanical means of travel to the station.
 2. **Incorporation with other amenities:** To increase visibility and comfort and convenience for transit riders, the access easement may, upon approval by the Director, be incorporated as part of bonused hillside terraces, urban plazas, public atriums and shopping corridors.
 3. ~~((**Area and dimensions:** The configuration and all vertical and horizontal dimensions of the easement shall allow for construction and maintenance of the station access and include sufficient space to accommodate both mechanical and a non-mechanical means of travel to the station.))~~
- ~~((4. **Locational criteria**))~~ **3. Location:** ~~((The Director shall use the following criteria to evaluate the eligibility of a lot for the station access bonus:))~~
- a. Lots on which the easement for access to the transit station is provided shall abut a station mezzanine or be located within a 300 foot radius of the station mezzanine.
 - b. The maximum distance from the public sidewalk adjacent to the transit station access easement to the station mezzanine shall be 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.



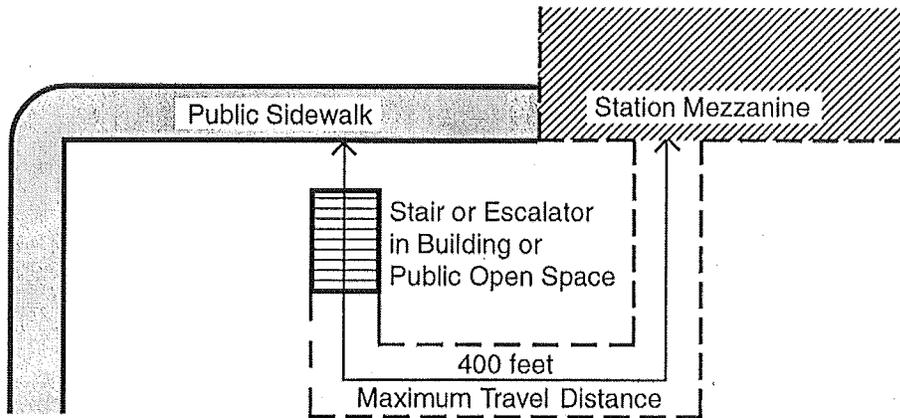


Figure A

- c. The minimum distance from the proposed access point in the easement area to the nearest existing or proposed station entrance on the same block, measured along the street ~~((property))~~ lot line, shall be 180 feet.
 - d. The Director may approve a proposed access easement ~~((which))~~ that uses a public right-of-way to reach a station mezzanine only ~~((when it has been determined))~~ if the Director determines that the connection will not adversely affect other uses of the right-of-way including utilities.
 - e. ~~((The location of the easement shall be approved by the transit provider before a bonus may be granted.))~~
5. **Construction of station access:** The design and construction of the station access within the easement area shall be the responsibility of the transit provider. The property owner shall deliver ~~((to the Director, prior to))~~ a signed commitment from the transit provider ~~((, acceptable to the Director,))~~ for the construction of the station access to the Director, in a form acceptable to the Director. The property owner shall cooperate as necessary during construction to facilitate installation of the station access, including but not limited to the potential temporary closure of some areas of the site or structure adjacent to the defined easement.
6. **Access and hours of operation**
- a. The area and location of the easement shall be configured to allow direct access from the sidewalk or public open space to the station.
 - b. All portions of the easement area that are part of the path of travel for access to the transit station shall be open to the public for the purpose of access to and from the transit station at all times when the station is open.
7. **Maintenance of landscaping and furnishings**
- a. When landscaping, furnishings or other amenities are provided within an easement area, the owner is responsible for maintenance except when the area is under the exclusive regulation of the transit provider.



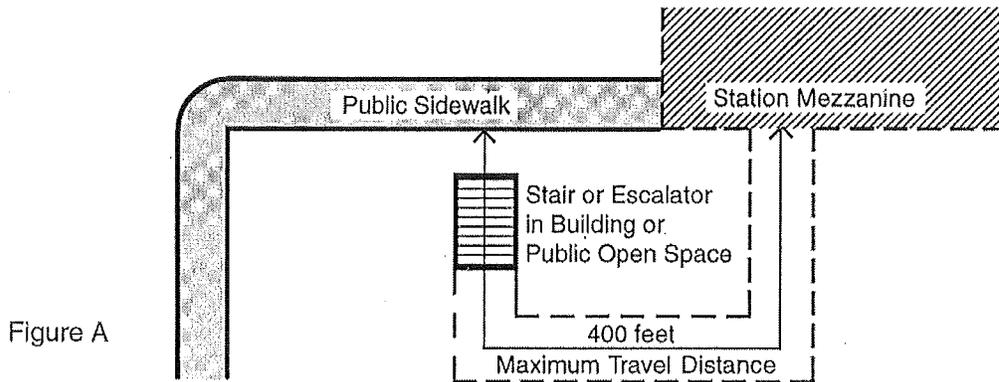
- b. The owner shall maintain all landscaping, furnishings, or other elements in the easement area that are also a part of another ~~((bonused))~~ amenity feature that earns a bonus, in accordance with the requirements of the particular ~~((public benefit))~~ amenity feature.
8. **Special Conditions:** The property owner and the transit provider shall execute an agreement specifying the area and all dimensions of the easement. The property owner shall grant in favor of the transit provider, and the transit provider shall accept, a permanent easement for public use of the station access in connection with transit operations. The easement shall be recorded with the King County ~~((Department of Records and Elections))~~ Recorder.

~~((J))~~ **N. Transit Station Access: Mechanical Assists**

~~((Lots including features that improve public access to stations serving major transit facilities may be eligible for a floor area bonus. To accommodate a variety of access conditions related to differences in the type, operation, and location of these facilities, the following station access improvements may be provided: 1) mechanical assists, 2) grade level access to transit stations, and 3) access easements.))~~ Mechanical assists facilitate pedestrian access to transit stations located above or below grade by providing direct access from the street level.

Eligibility Conditions

1. **Eligible locations:** Mechanically assisted transit station access shall be eligible for a bonus at locations approved by the transit provider and the Director.
2. **Size:** The size of the access shall be determined by the transit provider. The access may be located partially in the street right-of-way.
3. **Evaluation criteria:** The Director shall use the following locational criteria to evaluate the eligibility of a lot for the station access bonus:
 - a. Lots from which the mechanical access to the transit station is provided shall abut a station mezzanine or be located within a 300-foot radius of the station mezzanine.
 - b. The maximum distance from the public sidewalk adjacent to the transit station access to the station mezzanine is 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.
 - c. The minimum distance from a bonused access to the nearest existing or proposed station entrance on the same block, measured along the street ~~((property))~~ lot line, is 180 feet, unless the Director and transit provider determine that additional access is warranted.
 - d. The Director may approve a proposed access that uses a public right-of-way to reach a station mezzanine only when the Director determines that the connection will not adversely affect other uses of the right-of-way, including utilities.



- e. Queuing and circulation space off the existing sidewalk, in the form of a widened sidewalk, arcade, or public open space, shall be provided at both ends of the assist and shall have minimum dimensions as required by the Director after consultation with the transit provider.
 - f. To increase visibility and comfort and convenience for transit riders, the mechanical assist may, upon approval by the Director, be incorporated as part of a bonused hillside terrace, urban plaza, public atrium, or shopping corridor.
4. **Visibility and accessibility:** Mechanical assists shall be visible and directly accessible from the street. The assist entrance shall be immediately adjacent and accessible to a public sidewalk or public open space without any obstruction.
 5. **Access times:** The assist shall provide free access to the public at all times when the station is open.
 6. **Vertical circulation elements:** The vertical circulation elements of the access shall include stairways, escalators, and/or elevators, as determined by the transit provider. These elements shall meet the transit provider's standards for the following: escalator widths, stair rise and tread relationships, handrails; passageways, ramps, lighting, finishes and materials, ventilation, and information signage.
 7. **Disabled access:** Convenient access for the physically disabled shall be provided from the street level to the station, as determined by the transit provider.
 8. **Special conditions**
 - i. The applicant shall submit a plan and commitment, acceptable to the Director after consultation with the transit provider, binding the applicant to construct the access in accordance with the plan, prior to issuance of any building permit that is required to build the access.
 - ii. The property owner shall grant in favor of the transit provider, and the transit provider shall accept a permanent easement for public use of the assist in connection with transit operations. The easement shall be recorded with the King County ((Department of Records and Elections)) Recorder.

Guidelines

1. **Area and dimensions:** Access ways should provide sufficient space to comfortably move large volumes of pedestrians between the transit station and the street without conflicting with sidewalk activity.
 - a. Where access is not directly from the public sidewalk, the transit provider should determine the minimum width of the circulation path from the sidewalk to stairs and escalators to ensure adequate space to accommodate anticipated pedestrian volumes.
 - b. All below-grade passages of the assist and all covered areas at or above grade should have a minimum height from finished floor to finished ceiling, including all lighting fixtures and signs, as required by the transit operator.
2. **Access**
 - a. The assist should connect, either directly or via an underground or above grade passageway, the sidewalk level with the transit station. When directly connected to the station mezzanine, portions of the station access above or below grade may be constructed within the street right-of-way.
 - b. The assist entrance may be within a building, provided that hours of access are the same as the operating hours of the transit system.
3. **Landscaping and furnishing:** Design of the station access should incorporate ~~((features))~~ elements that establish an identity for the facility and help orient transit riders. ~~((Features))~~ Elements that add interest to the space without conflicting with pedestrian movement are encouraged, as well as measures to increase access to natural light and reduce noise.
 - a. Non-transparent walls should be architecturally finished in an interesting way. Advertising shall be permitted in conformance with the transit provider's standards for size, area and location.
 - b. Temporary kiosks, retail uses such as bookstalls, flower stands and newsstands, displays and exhibits are permitted provided they do not obstruct pedestrian movement and width of the main circulation path is no less than required by the transit provider.
4. **Lighting:** Increasing access to natural light should be encouraged as much as possible through the siting of openings at street level and the use of transparent coverings.

~~((K))~~ O. **Transit Tunnel Station Access: Grade Level**

~~((Lots including features that improve public access to stations serving major transit facilities may be eligible for a floor area bonus. To accommodate a variety of access conditions related to differences in the type, operation, and location of these facilities, the following station access improvements may be provided: 1) mechanical assists, 2) grade level access to transit stations, and 3) access easements.))~~ Topographic conditions along the transit tunnel alignment present opportunities for admitting natural light and providing pedestrian access to transit stations at approximately the same level as station mezzanines. The intent of grade level transit station access is to improve the accessibility and the quality of station environments by increasing daylight access into stations and integrating station connections with public open spaces.

Eligibility Conditions

1. **Integration with open space:** Grade Level Transit Tunnel Station Access must be integrated with public open space. The location of the access is subject to the approval of the transit provider and the Director.



2. **Size:** The size of the access must be approved by the transit provider. The access shall be on multiple levels, and may be located partially in the street right-of-way.
3. **Locational criteria:** The Director shall use the following locational criteria to evaluate the eligibility of a lot for the station access bonus:
 - a. Lots from which grade level access to transit stations is provided shall abut a station mezzanine or be located within a 300-foot radius of the station mezzanine.
 - b. The maximum distance from the public sidewalk adjacent to the transit station access to the station mezzanine shall be 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.

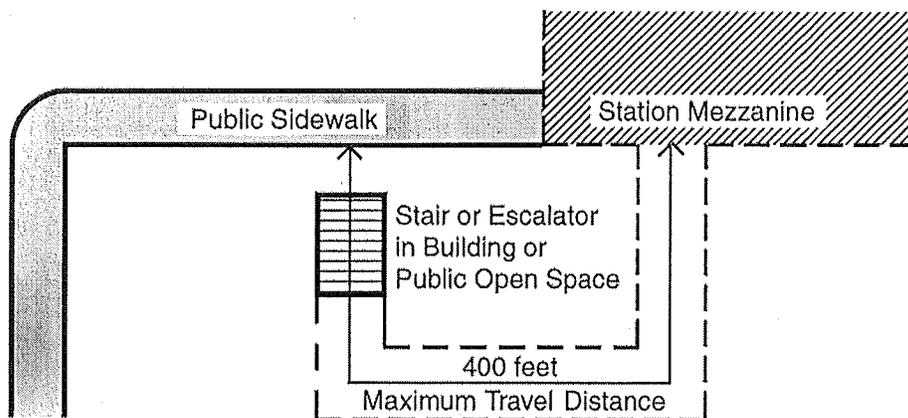


Figure A

- c. The minimum distance from a bonused access to the nearest existing or proposed station entrance on the same block, measured along the street ((property)) lot line, shall be 180 feet.
 - d. The Director may approve a proposed access using a public right-of-way to reach a station mezzanine only when the Director determines that the connection will not adversely affect other uses of the right-of-way including utilities.
4. **Access:** A physically and visually direct path through the required open space integrated with the Transit Tunnel Station Access shall connect the street with the station access and shall meet the following conditions established by the transit provider and the Director:
 - a. A clear path with a minimum width established by the Director after consultation with the transit provider shall be required between the transit station frontage and a public sidewalk. Stairs may be a part of the path, but the difference in grade between the station access frontage and the elevation of the street providing access to the station shall be accommodated by ramps or gradual level changes in the floor of the open space.
 - b. Signage indicating the location of the transit station shall be provided at the entrance to the open space on the street front.



- c. The public shall have unobstructed, well lighted access through the open space at all hours that the station mezzanine is open.

5. Special conditions

- a. Approval of any building permit required to build the access shall depend upon approval of a plan submitted by the developer to the Director and the transit provider binding the developer to construct the access in accordance with the plan.
- b. An agreement shall be required between the property owner and the transit provider granting a permanent easement for public use of the access in connection with transit operations. The easement shall be recorded with the deed to the property at the King County ((Department of Records and Elections)) Recorder.

Guidelines

1. **Access:** ((Bonused public open space)) Amenity features eligible for a bonus that are adapted to accommodate station access should provide a relatively level route between the street and the mezzanine or concourse of the transit station.
 - a. Providing open space at the same elevation as a transit station mezzanine may require portions of the ((open space)) amenity feature to be substantially below some street elevations. Departure from provisions regarding the elevation of a particular ((open space)) amenity feature may be permitted. However, changes in grade between the sidewalk and abutting depressed portions of open space should not create the effect of a precipice along the sidewalk edge.
 - b. The level of the ((open space)) amenity feature should generally not be more than ((five)) 5 feet below the street elevation along the sidewalk edge. ((Where)) If portions of the ((open space)) amenity feature are ((is)) more than ((five)) 5 feet below the street elevation, ((it)) they should be separated from the sidewalk by another use or a landscaped area directly accessible from the sidewalk and extending a minimum of ((ten)) 10 feet from the sidewalk onto the lot.
2. **Landscaping and furnishing:** ((Public amenity)) Amenity features providing access to transit stations should be designed to reinforce clear and direct connections from the street through the space to the station, while also serving their intended function as public open space. In both overall design and details, the treatment of station areas and public open space areas should be coordinated to produce a cohesive whole.
 - a. Any ((bonused public open space area)) amenity feature eligible for a bonus that is used to provide access to the transit station should conform to the applicable landscaping standards and guidelines for that particular amenity feature. However, at the discretion of the Director, ((modifications)) departures may be allowed to better adapt the space to specific conditions associated with its relationship to the transit station.
 - b. Non-transparent walls should be architecturally finished in an interesting way. Advertising shall be permitted in conformance with standards of the transit provider for size, area, and location.
 - c. Temporary kiosks, retail uses such as bookstalls, flower stands and newsstands, displays, and exhibits may be permitted provided they do not obstruct pedestrian movement and the width of the main circulation path is no less than required by the transit provider.



3. **Natural Lighting:** To enhance conditions in the transit station, the ~~((open-space))~~ amenity feature should be sited and designed to increase as much as possible the amount of natural light reaching access areas and the mezzanine level.

~~((M))~~ P. Human Services

The human services bonus is intended to provide space for human service uses at locations easily accessible to ~~((target))~~ client populations.

Eligibility Conditions

1. **Location.** Space for human service uses shall be ~~((bonused))~~ eligible for a bonus in all downtown ~~((areas))~~ zones where ~~((public-benefit-features-are-permitted))~~ such a bonus is authorized by SMC 23.49.013.
~~((Alternatively, at the discretion of the Director, a bonus may be granted for a voluntary agreement to contribute funds to the City for a downtown health and human services endowment fund, which shall support such facilities at appropriate locations throughout downtown.))~~
2. **Street orientation.** The location of a human service must be evident from the street, either as a result of frontage at street level or through exterior and interior signage clearly visible from the street.
3. **Area and dimensions.** The minimum area shall be 1,000 square feet or interior space.
4. **Special conditions:** The applicant shall secure at least a five year lease with a qualified human service agency.
 - a. Any additional improvements beyond the minimum requirements needed for specific service activities may be provided either by the applicant or the agency. The specifics shall be included in the lease agreement. Depending on the terms of the agreement, the tenant may be required to pay for utilities, insurance, taxes, and maintenance expenses. In addition, the tenant may be required to pay for development costs specifically required to meet the needs of the lessee.
 - b. Rent shall not be charged for use of the space.
 - c. On an interim basis (not to exceed six months from any time the space is vacated by a qualifying human service use), if the space remains unoccupied, it may be used for non-profit purposes as a community and/or public area, under the following conditions:
 - i. The space shall be made available to community and charitable organizations (not to be used for profit-making activities).
 - ii. The space shall be made available for both day and evening use.
 - iii. The space shall be made available on a first come, first serve basis to community~~((/))~~ and charitable organizations.
 - iv. There shall be no charge for use of the space, except for any costs that may be necessary by the interim use.
 - v. The space shall be accessible to the elderly and disabled.
 - vi. Availability of the space and the contact persons shall be made known to community~~((/))~~ and charitable groups through means such as newspaper articles, radio announcements, flyers to organizations, and contacts with umbrella organizations such as the Downtown Human Services Council and the Central Seattle Community Council Federation.



5. **Access:** The human services space must either have direct access to the street or be accessible along a well marked route that leads from a building entrance located on a street and does not require the use of steps.
6. **Finishings:** The applicant shall finish the space with ceilings, walls, floors, and utility connections.

((N)) Q. Restoration and Preservation of Landmark Performing Arts Theatre

The landmark performing arts theater (LPAT) bonus is intended to contribute to the city's architectural, historic and cultural heritage by encouraging the preservation, rehabilitation and use of landmark performing arts theaters.

Eligibility Conditions

1. **Application Process:** Proposals that include a LPAT bonus require a Certificate of Approval from the Seattle Landmarks Preservation Board for any modifications to the LPAT in accordance with the requirements of Part 6 of the Seattle Landmarks Preservation Ordinance (Seattle Municipal Code, Sections 25.12.670-.790), unless the plan of rehabilitation is incorporated in the controls and incentives approved by City Council pursuant to SMC 25.12.510. If the owner of a LPAT is also applying to transfer development rights, or for public subsidies, subsidy review will be performed by the Office of Housing (OH). Use of this bonus is subject to completion of subsidy review by OH. Application for the LPAT bonus is made at the Department of Planning and Development (DPD) using application forms provided by DPD in conjunction with OH. The forms will describe the financial and other documentation required for the OH subsidy review.
2. **Security:** If a LPAT bonus is sought, the applicant for a permit for the project proposing to use the bonus will be required to provide security for the completion of the rehabilitation of the landmark theater. Security may be provided in the form of cash in a restricted escrow account, letter of credit or other form acceptable to the City. Security shall be posted when the final building permit is issued for the project using the bonus FAR. A waiver from the security requirement may be permitted for an on-site LPAT at time of issuance of building permit. The Landmarks Preservation Board may modify this requirement to allow for a phased rehabilitation program and/or a phased occupancy for the landmark theater. Funds may be drawn from the security by the owner of the theater during the course of the rehabilitation work with prior approval of the OH Director.
3. **Duration:** The theater is required to be available for the duration of any commitment made to qualify for a Floor Area Ratio (FAR) bonus for at least 180 days a year for live theater performances. An annual report by the theater owner to DPD shall specify the number of days when live performances took place, number of days not open, and number of days when other types of entertainment were provided.

The use of the theater primarily as a performing arts theater for at least 40 years* shall be ensured by binding covenants between the theater owner and the City. The recipient of the bonus (unless also the theater owner) shall have no obligation for the operation of the theater.

**and for so long thereafter as any of the interior features of the theater portion of the structure remains subject to controls under the Landmarks Ordinance or successor provisions, unless after the minimum 40 year period the owner demonstrates to the satisfaction of the Landmarks Board that a change in use is required to allow the owner a sufficient economic return under the standards then applicable to proceedings for removal or modification of such controls.*



4. **Restrictive Covenant:** A restrictive covenant approved by DPD in consultation with OH and DON shall be recorded by DPD with the King County Department of Records and Elections on the property on which the LPAT is located. If other bonuses or TDRs are used, the restrictive covenant may be combined with a Performance Agreement, as approved by OH. The covenant will include the terms, duration, priority of commitment, commitment to repair and maintain the structure and right to access by City staff.

If the requirements of the covenant are not met, then in addition to other remedies, the City may apply to a court for appointment of a receiver to manage the theater.

5. **Variable Bonus Ratio:** The Land Use Code permits a variable bonus ratio (maximum of 12). It is intended to be set at a ratio which makes the LPAT bonus competitive with other bonuses available for use by the project. Determination of the exact bonus ratio will depend upon the cost of rehabilitation, the cost per square foot of ((bonusable)) theater space eligible for bonus of obtaining a linkage (market conditions), other subsidies available for the theater rehabilitation and a comparative analysis of costs per square foot of using other bonuses. DPD shall request documentation of sources and uses of funds for theater rehabilitation. DPD will review information, and consult with other departments and determine what bonus ratio is appropriate.



SECTION III: ((PUBLIC BENEFIT)) SPECIFIC ELIGIBILITY CONDITIONS AND GUIDELINES FOR AMENITY FEATURES ELIGIBLE FOR FLOOR AREA EXEMPTION ONLY

((P))R. Museum

Museums add to the mix of Downtown activity and provide educational, cultural and/or recreational opportunities by establishing permanent interior areas for viewing objects, programs or presentations of natural, scientific, historical, cultural or literary interest.

Eligibility Conditions for Floor Area Exemption

1. **Eligibility criteria:** Museum space eligible for a floor area exemption must meet the following criteria:
 - a. The museum does not have a commercial character or is not used for commercial purposes, although associated uses, such as a museum shop or snack bar, may be permitted.
 - b. The use of the space has significant, long term educational, cultural and/or recreational value and interest to the public.
 - c. Information is available to enhance public enjoyment and knowledge of items on display. Presentations that encourage public participation or direct interaction with the display are desirable.
 - d. Ample space is provided to ensure that displayed items can be viewed to best advantage. Renderings illustrating typical ~~((features))~~ elements of the display area shall be available for review by the Director.
2. **Use proposal:** The developer must present a proposal for the use of the museum identifying the nature of items to be displayed or programs to be presented as well as examples of typical design and layout of exhibits in the space.
3. **Lease requirements:** If the operator of the museum is not the same as the developer, a ten year lease from the operator of the museum identifying the use of the space shall be secured by the developer for review by the Director. The lease shall be secured within two years of the date that the first Certificate of Occupancy is issued for the project with the museum, or when the final Certificate of Occupancy is issued, whichever is first.

Guidelines

1. **Area and Dimensions:** Adequate space should be provided for exhibits and public viewing, as well as necessary storage and support facilities. All such support spaces may be exempted from calculations of chargeable floor area.
2. **Street orientation:** The street level treatment of museums should provide pedestrian interest and attraction.
 - a. To minimize disruption of street level activity, the museum's street frontage should be limited. Separating museum space from the street by other more active street level uses may be appropriate.
 - b. Either transparent frontage sufficient to allow views into the exhibition area, or exterior signage and display cases visible from the street or a public open space shall be provided.
3. **Access**

- a. Access to the museum should be apparent to pedestrians through signs or direct visibility from the street or public open space.
- b. The museum should be functionally separate from other areas of the project. While access to the major circulation areas of a building, such as elevator lobbies, is desirable, and may be provided, the display space should be independent of these circulation areas. If needed, walls or other enclosure should be provided.

QS. Shopping Atrium

Shopping atriums provide enclosed, weather protected public spaces in concentrated shopping areas to enhance shopping activity while maintaining active and visually interesting retail streets. The enclosed space of the atrium may be on multiple levels and must be of sufficient size to accommodate public gatherings and events where shoppers can rest, relax, and enjoy surrounding activity.

Eligibility Conditions for Floor Area Exemption

1. **Pedestrian access:** A pedestrian entrance with direct access from the sidewalk shall be provided on each street frontage of the atrium.
2. **Uses:** Shopping atriums should intensify retail activity within shopping areas by increasing available retail frontage on streets and public areas. ((Active-uses)) Uses that help activate the space are required on the perimeter of the atrium ((space)), ((consistent with the applicable guidelines below.)) as follows:
 - a. At least 75 percent of the perimeter of each level of the entire exempt area of the atrium space shall be occupied by uses that qualify as street level uses in SMC 23.49.009. All of these uses shall have direct access to the atrium.
 - b. Any street level uses on the perimeter of the shopping atrium with frontage on a street shall also be accessible from the street.

~~((3. Required features: Landscaping and furnishings, including art, are required, consistent with the applicable guidelines below.))~~

~~((4))~~3. **Natural Lighting:** To improve the quality of the space, support interior landscaping and increase the overall sense of openness, the principal space of the shopping atrium must have access to natural light, consistent with the applicable guidelines below.

Guidelines

1. **Area and dimensions:** Shopping atriums should be spacious to accommodate a high level of activity and multiple uses, including public gatherings. Interior spaces should be arranged to integrate the shopping atrium with both the exterior street environment and the internal circulation of the project.
 - a. The shopping atrium should include a principal space of at least 2,400 square feet that provides the public focus and is proportionally the largest and most prominent ~~((feature))~~ element of the atrium. Other areas may accommodate functions and activities that support the principal space and further integrate the atrium with the rest of the project and the street environment.
 - b. The entire floor area of the principal space should generally be level with the average sidewalk grade at the main entrance to the shopping atrium. The principal space should be at one level,



- with minor adjustments of levels permitted, provided that the difference in elevation between the highest and lowest points is generally within four feet.
- c. The exempt floor area may be on multiple levels. All exempt floor area should be directly accessible by escalator, walkway, or stairs to the principal space. All exempt floor area should have visual access to the principal space.
 - d. Exempt floor area should generally be clear and unobstructed by walls or other elements exceeding approximately three feet in height, except that escalators; artwork; and free standing retail kiosks may be permitted. The height and the total area covered by these elements should be limited to ensure the desired sense of spaciousness and unobstructed pedestrian circulation.
2. **Access and street orientation:** The location of a shopping atrium should be highly apparent from the street and easily accessible and inviting to pedestrians. Wherever possible, the atrium and its connections to the street should be designed to improve overall pedestrian circulation on the block.
- a. The main entrance to the atrium should be at sidewalk grade.
 - b. For lots with frontage on two Avenues, the atrium should provide a clear direct connection between the Avenues.
 - c. Because shopping atriums are located in active shopping areas, the street frontage of the atrium space should be limited to avoid disrupting the continuity of retail activity along the street. The maximum street frontage of the shopping atrium space, including entrances, but not including retail uses with access to the street, should be approximately sixty feet on any one street.
 - d. The principal space of the atrium should be visible from adjacent sidewalks. Visual and physical access to the space should be provided along as much of the atrium's street frontage as possible.

~~((3. **Required active uses:** Shopping atriums should intensify retail activity within shopping areas by increasing available retail frontage on streets and public areas.~~

- a. ~~Frontage generally equivalent to at least seventy-five percent of the perimeter of each level of the entire exempt area of the atrium space should be occupied by uses meeting the definition of active street level uses. All of these uses should have direct access to the atrium.~~
- b. ~~Any street level uses on the perimeter of the shopping atrium with frontage on a street should also be accessible from the street.)~~

~~((4))3. **Landscaping and furnishings:** Landscaping and furnishings of the shopping atrium, including required art, should create an attractive and comfortable atmosphere for shoppers. ~~((Features))~~ Such elements should add interest and activity while allowing flexible use of the space, especially for public gatherings and events. Landscaping and other design treatments should reinforce the prominence of the principal space, while ensuring a cohesive relationship between the principal space and abutting accessory space.~~

~~((5))4. **Natural lighting:** The Director shall use the following guidelines for required skylights and/or clerestory windows to ensure sufficient natural light:~~

- a. Skylights that, at a minimum, provide access to natural light for approximately ~~((twenty-five))~~ 25 percent of the roof area above the principal space; or
- b. Windows or clerestory windows at a height of approximately ~~((eight))~~ 8 feet or more that, at a minimum, allow access to natural light through approximately ~~((twenty-five))~~ 25 percent of the perimeter of the principal space; or



- c. ~~((Some))~~ A combination of ~~((a. and b. above))~~ skylights and clerestories, or similar ~~((features))~~ elements, ~~((admitting))~~ admits at least as much natural light as the options in subsections 4.a and 4.b above ~~((ample light))~~.

~~((O))~~ I. Major Retail Store

Major retail stores, including full service department stores, provide retail anchors that reinforce shopping activity in the Downtown retail core and increase the area's regional draw for customers. These facilities expand the range of goods and services available to Downtown shoppers and, as retail "magnets," support other uses necessary to the health and vitality of the area. One way to help offset the cost of accommodating the large amount of floor area a major retail store requires is to include them as part of the mix in a larger development with more revenue generating uses. Allowing a floor area exemption will enable major retail stores to be accommodated in mixed use developments, without reducing the amount of ~~((chargeable))~~ floor area allowed for other commercial uses.

Eligibility Conditions for Floor Area Exemption

1. **Access:** Direct access to the street is required, although exempt retail space may be provided above and below the street level as long as all areas are connected and function as a single retail establishment.
2. **Management structure:** The store must function as a single retail establishment, under the management of a single retail operation.

Guidelines

~~((4.))~~ **Access:** The store should be oriented to activity on the street and, wherever possible, provide opportunities for through block circulation. At least one major entrance should be provided directly from the sidewalk of each street frontage, with at least one principal entrance at the same elevation as the sidewalk. Multiple access points are desirable, as well as protected areas set back from the sidewalk at entrances to accommodate pedestrian flow and provide shelter.



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Planning and Development	C. Susan McLain, 4-0432	Joe Regis, 5-0087

Legislation Title:

AN ORDINANCE relating to land use and zoning, modifying locational criteria for various downtown zones and industrial zones; creating new zone classifications; modifying use provisions and development standards; enacting and amending affordable housing incentive programs; enacting and amending provisions for height and density bonuses and transfer of development capacity; amending Seattle Municipal Code Sections 23.34.108, 23.34.110, 23.34.114, 23.34.116, 23.41.004, 23.47A.005, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.015, 23.49.019, 23.49.020, 23.49.022, 23.49.044, 23.49.045, 23.49.046, 23.49.056, 23.49.058, 23.49.146, 23.49.148, 23.49.156, 23.49.158, 23.49.162, 23.49.164, 23.49.166, 23.49.178, 23.49.180, 23.49.181, 23.49.198, 23.49.200, 23.49.208, 23.49.223, 23.49.226, 23.49.236, 23.49.242, 23.50.012, 23.50.016, 23.50.020, 23.50.026, 23.50.027, 23.50.028, 23.50.038, 23.50.051, 23.50.053, 23.53.006, 23.53.020, 23.58A.002, 23.58A.004, 23.58A.008, 23.58A.012, 23.58A.016, 23.58A.018, 23.66.018, 23.66.100, 23.66.150, 23.66.160, 23.66.302, 23.66.306, 23.66.308, 23.66.310, 23.66.318, 23.66.322, 23.66.324, 23.66.326, 23.66.328, 23.66.332, 23.66.334, 23.66.336, 23.66.338, 23.66.342, 23.74.010, 23.84A.002, 23.84A.006, 23.84A.024, 23.84A.025, 23.84A.032, 23.84A.036, 23.84A.038, 23.90.018, 23.90.020; enacting new Sections 22.900G.015, 23.49.023, 23.49.031, 23.49.059, 23.49.060, 23.49.143, 23.49.163, 23.49.165, 23.49.210, 23.49.212, 23.49.220, 23.49.250, 23.50.033, 23.50.039, 23.50.055, 23.58A.020, 23.58A.022, 23.58A.023, 23.58A.024, 23.66.032; repealing maps for Chapter 23.49 and enacting new maps to replace them; repealing maps for Chapter 23.66 and enacting new maps to replace them; repealing sections 23.49.244, 23.49.246, 23.49.248 and 23.66.330; amending Downtown Amenity Standards; and amending the Official Land Use Map, Chapter 23.32, at pages 115, 116, and 117 to rezone areas within the South Downtown planning area and to expand the International Special Review District.

Summary of the Legislation:

The proposed Council Bill amends the Seattle Land Use Code for areas within South Downtown, including areas within the Downtown Urban Center and at the northern edge of the Greater Duwamish Manufacturing Industrial Center.

Key recommendations include:

1. Rezone areas within the greater South Downtown Planning area to various Downtown, Industrial, and Commercial zones;
2. Revise development standards in certain zones to address conditions associated with greater allowed height and density;



3. Modify locational criteria for Downtown zones to apply within "South Downtown" as defined within the Land Use Code;
4. Apply incentive zoning provisions to development in South Downtown, and add new amenity features to the Land Use Code;
5. Introduce new "South Downtown Historic" Transfer of Development Rights (TDR) and Transfer of Development Potential (TDP) programs;
6. Identify "base" and "maximum" development capacity (FAR and/or height) in zones within the South Downtown planning area;
7. Require new development to conform to LEED Silver if it exceeds base development rights, and Green Factor requirements if over 20,000 square feet;
8. Apply design review to certain projects in IC zones within the South Downtown planning area;
9. Amend sign regulations that apply to the International Special Review District and Pioneer Square Preservation District (Chapter 23.66);
10. Extend the International Special Review District one block south;
11. Apply pedestrian-oriented standards;
12. Amend other sections of the Land Use Code as they relate to development conditions in South Downtown, and in order to make administrative revisions and correct references.

Background:

The Livable South Downtown Planning Study was initiated to study and implement land use changes in the South Downtown planning area to encourage investment and enhance neighborhood character. The South Downtown planning area includes Pioneer Square, Chinatown/ International District, neighborhood areas east of Interstate 5 including Little Saigon, and areas at the northern periphery of the Greater Duwamish Manufacturing Industrial Center inclusive of the Stadium Transition Area.

Specific objectives of the Livable South Downtown Planning Study included:

- Evaluation of development opportunities and constraints, particularly with regard to housing and jobs;
- Identification of desired development character through extensive consultation with members of the community and neighborhood plans;
- Evaluation of environmental impacts;
- Recommendation and implementation of City land use actions to support emerging residential/ employment communities; and
- Recommendation of improvements and investments that will contribute to a well-balanced community in South Downtown.



The Bill is a result of a four-year project that included extensive community engagement, an Environmental Impact Statement, transportation analysis, economic studies, urban design analyses, and coordination with other City departments.

Please check one of the following:

This legislation does not have any financial implications.
(Stop here and delete the remainder of this document prior to saving and printing.)

This legislation has financial implications. (Please complete all relevant sections that follow.)

Increased staffing needs at the Department of Planning and Development (DPD)

Additional staff time may be necessary to review permit applications as a result of the South Downtown proposals when compared to review time associated with administering existing Land Use Code requirements. In general, those impacts are assumed to be offset by permit fees. To the extent that the South Downtown changes stimulate future development, the City generally would benefit by adding to the tax base and invigorating the economy in South Downtown neighborhoods.

As part of the South Downtown Final Environmental Impact Statement (FEIS) analysis, a development scenario was evaluated that represented likely development to occur between the baseline year (2008) and the year 2030. The development scenario was based on the preferred (proposed) zoning alternative. Thirty one theoretical projects were identified as part of the development scenario, including 23 projects that take advantage of incentive zoning provisions.

In general, "base" development capacity approximates existing zone standards, and would not result in fiscal impacts above and beyond those that are anticipated by DPD today, with the exception of requiring an acceptable Green Factor score and design review in proposed IC-zones. Project applicants that take advantage of incentive zoning provisions and propose development above the base are assumed to more likely have fiscal impacts.

Following is a description of other assumptions that were used to identify how the proposed amendments would affect permit administration and DPD resources. Projected staff time was obtained through calculations by DPD's permit review staff.

LEED Silver. LEED Silver is proposed to be required of all development projects that exceed base development rights in South Downtown. It is estimated that 30 minutes of added staff review per project would be needed to apply this standard to 23 projects in South Downtown over the coming 20 years.

Calculation of Bonus Projects. An estimated 75 additional minutes per project is anticipated to calculate requirements relating to extra floor area for the 23 projects that the FEIS development scenario anticipated would occur over the next 20 years.



Green Factor. The proposal to apply the Green Factor to future development projects in the South Downtown planning area that exceed 20,000 square feet in gross floor area of new construction could affect up to 31 projects over the next 20 years. Within South Downtown today, most existing zones do not require landscaping plans. It is estimated that calculating the proposed green factor requirement would require an additional 30 minutes of staff time per project.

Design Review. In two areas of South Downtown design review is proposed for projects where it is not currently required: the IC 85-160 zone and an area east of I-5 currently zoned IC 65, and proposed to be rezoned to DMC and DMR/C. According to DPD design review staff, each project would likely require up to 74 hours of staff time to undergo design review by DPD and the Design Review Board. DPD estimates that up to 9 additional projects would require design review within the coming 20 years.

New Development Standards for Larger Projects. The Livable South Downtown proposal would require new calculations for projects that exceed base development capacity. FAR requirements, and larger or taller projects, subject to modulation requirements, width and depth standards and other bulk controls, would likely add a minimum of 30 minutes to calculate FAR and up to 60 additional minutes to review those projects subject to new standards such as modulation and other bulk controls.

Special Review District Historic-Contributing Properties. As part of the South Downtown legislation, new programs are proposed for South Downtown Historic Transfer of Development Rights (TDR, nonresidential floor area) and South Downtown Historic Transfer of Development Potential (TDP, residential floor area). The following table assumes that ten properties over a 20 year period may seek historic-contributing property status in order to seek certification for the transfer of South Downtown Historic TDR or TDP. Review is estimated to add 4 hours of DPD staff time per project.



**Summary of Projected Fiscal Impacts
 Livable South Downtown Legislation**

New Proposed Standard	Estimated Staff Time Required	Total Estimated Staff Hours	Average Estimated Staff Hours per Year (20 years)
Green Factor applied to projects exceeding 20,000 square feet	30 minutes per each of 31 projects	16	1
Design Review applied to projects exceeding 12,000 square feet IC 85-160, DMC and a portion of DMR/C.	74 hours per each of 9 projects	666	33
LEED Silver applied to bonus projects	30 minutes per each of 23 projects	12	1
Bonus Calculations for any project that exceeds base development capacity.	75 minutes per each of 23 projects	29	1
Modulation, width and depth standards as applied to projects exceeding base development capacity.	60 minutes per each of 23 projects	23	1
Floor Area Calculations, as applied to nonresidential development above base development capacity.	30 minute per each of 14 projects	7	0
Designation of historic-contributing building for certification as a South Downtown Historic TDR/TDP sending site.	4 hours per each of projected ten projects	40	2
		792	40

Appropriations: Not applicable

Anticipated Revenue/Reimbursement: Resulting from this Legislation:



Fund Name and Number	Department	Revenue Source	2010 Revenue	2011 Revenue
Planning and Development Fund 15700	DPD	Fees	Not Applicable	\$5,000
TOTAL				

Revenue/Reimbursement Notes: Assuming passage of the South Downtown bill in April 2011, it is expected that approximately 20 hours of additional review time may be required in 2011, or approximately \$5,000 in revenue. This figure is derived from an estimate of 792 hours of additional staff time over a 20 year period (see table on page 5). The Department of Planning and Development charges \$250 per hour for permit review.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position Notes: No positions will be created as a result of this legislation.

Additional review associated with South Downtown Land Use Code amendments would generate about 40 new billable hours of DPD staff time annually, or .02 full time equivalent positions.

Do positions sunset in the future? Not applicable.

Spending/Cash Flow: Not applicable.

Spending/Cash Flow Notes: Not applicable.

What is the financial cost of not implementing the legislation?
 No financial costs would result from not implementing the legislation.

Does this legislation affect any departments besides the originating department?
 No.

What are the possible alternatives to the legislation that could achieve the same or similar objectives?

Alternatives to the proposed regulations that achieve a similar objective would require staff review and result in similar impacts as compared to the proposed bill.

Is the legislation subject to public hearing requirements?

Yes, the legislation is subject to public hearing requirements. A hearing was held on a draft of the bill on June 2, 2010, and a second hearing on Version 11 of the bill was held on November 22, 2010.

Other Issues: Long term, the bill is expected to result in additional jobs and residents in South



Downtown. Along with this added density, the bill will contribute to an increased in the number of public open spaces, higher environment performance in buildings, streetscapes that meet neighborhood objectives for pedestrian access and mobility, and renovation and preservation of historic resources,

List attachments to the fiscal note below:

None.

