Susan McLain; Martha Lester; Rebecca Herzfeld

ORDINANCE _____

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.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone properties located on Plat 43E, page 115; Plat 44W, page 116; Plat 44E, page 117 of the Official Land Use Map, as shown on Exhibits A and B attached to this ordinance.

Section 2. A new section 22.900G.015 of the Seattle Municipal Code is added as follows:

22.900G.015 Fees for review by the Office of Housing

A. An applicant for a land use permit who seeks to obtain extra floor area pursuant to Sections 23.48.011, 23.49.012, 23.49.014, 23.49.015, 23.49.181, 23.50.052, 23.50.053,

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23.58A.014 or 23.58A.024 shall pay a fee in the amount of $550 to the Office of Housing for review of the application.

B. This subsection 22.900G.015.B applies to low-income housing units that are subject to an agreement pursuant to Sections 23.48.011, 23.49.012, 23.49.014, 23.49.015, 23.50.052, 23.50.053, 23.58A.014 or 23.58A.024.

1. An owner of such housing shall pay an annual monitoring fee of $65 per unit of low-income rental housing to the Office of Housing to determine compliance with bonus and/or TDR requirements. The fee is not required in any year when, in consideration of the City of Seattle's agreement to make a loan for the purpose of providing long-term affordable housing for low-income households, a regulatory agreement that grants the City of Seattle covenants, restrictions, charges and easements is recorded against the property on which the low-income rental housing is located and is in effect.

2. An owner of an owner-occupied low-income housing unit shall, prior to closing any sale or other transfer of the unit after the initial sale or transfer, pay a fee in the amount of $300 to the Office of Housing to determine compliance with bonus and/or TDR requirements.

C. The fees established in this Section 22.900G.015 shall be collected by the Office of Housing.

Section 3. Section 23.34.108 of the Seattle Municipal Code, which section was enacted by Ordinance 117430, is amended as follows:

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

THIS VERSION IS NOT ADOPTED

Locations appropriate for Downtown Mixed Commercial zone designation ((~~shall be~~)) are consistent with the following:

A. Function. Areas characterized by lower scale office, retail and commercial uses related to activity in the office core, ((~~and~~)) retail core or other moderate-scale commercial cores in the Downtown Urban Center, and with use patterns that may include ((~~mixed with~~)) housing ((~~and associated residential services~~)).

B. Scale and Character of Development. ((~~The scale of~~)) Areas where buildings ((~~shall be~~)) of moderate ((~~in height and mass~~)) scale exist or are appropriate to provide a physical transition between ((~~the high density office~~)) more intensive commercial areas and surrounding lower scale commercial, mixed use ((~~and~~)) or residential districts.

C. Transportation and Infrastructure Capacity. Areas within the Downtown Urban Center having good but comparatively less accessibility to vehicular and transit systems than the ((~~concentrated office districts~~)) Downtown office core. Transportation and other infrastructure capacities ((~~shall be~~)) are capable of accommodating modest growth without major improvement.

D. Relationship to Surrounding Activity. Areas that provide for less intensive activity along the western and northern edges of the ((~~retail and office cores~~)) Downtown retail core and Downtown office core, or at other peripheral locations within the Downtown Urban Center. These areas ((~~shall~~)) provide a buffer to less intensive areas, such as the Harborfront, Pike Place Market, ((~~and Denny Regrade~~)) Belltown residential area, ((~~to the west and the Neighborhood Commercial~~)) or mixed use areas north of Denny Way, or serve as a transition to less intensive commercial, residential or industrial areas near the Downtown Urban Center.

THIS VERSION IS NOT ADOPTED

E. Heights. ((~~Five (5)~~)) Downtown Mixed Commercial height designations ((~~shall~~)) provide desired transitions compatible with adjacent downtown districts and ((~~those~~)) areas outside downtown.

Section 4. Section 23.34.110 of the Seattle Municipal Code, which section was enacted by Ordinance 117430, is amended as follows:

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

Locations appropriate for Downtown Mixed Residential zone designation ((~~shall be~~)) are consistent with the following:

A. Function. Areas that provide a mixed use community where housing and associated services and amenities predominate. Office, retail and other commercial uses ((~~shall be~~)) are compatibly integrated with the predominant residential character at low to moderate densities.

B. Scale and Character of Development. Areas where there is an existing base of housing and the potential exists for establishing a residential community. Areas ((~~shall~~)) have the potential for supporting a wide range of residential building types, ranging from midrise structures closely related to the street to larger tower forms. Opportunities ((~~shall~~)) exist for major public amenities, such as parks and open space, an enhanced pedestrian network, or ((~~and~~)) views of downtown((.)), Elliott Bay ((~~and~~)) or other surrounding ((~~land forms~~)) features.

C. Transportation and Infrastructure Capacity. Areas with ((~~adequate~~)) transportation system and infrastructure system capacity that is sufficient or can be improved to accommodate a substantial residential population. Employment densities ((~~shall be~~)) are related to the ability of the transportation system to accommodate peak hour traffic flow without adversely affecting the residential ((~~development~~)) environment.

THIS VERSION IS NOT ADOPTED

D. Relationship to Surrounding Activity. Areas ((~~where there are~~)) with surrounding mixed use ((~~areas~~)) districts providing transition between ((~~the~~)) primarily residential ((~~community~~)) districts (within or outside downtown) and higher intensity neighborhood core areas ((~~of~~)) within downtown.

E. Mix of Use. Two (((~~(2) mix of use~~)) mix-of-use designations ((~~shall be~~)) are applied to achieve subarea objectives. The DMR/R designation ((~~shall apply~~)) applies to areas predominantly residential in character or containing large amounts of underused land able to accommodate future residential development; non-residential uses may be present but should be of modest scale, likely to change in the future, or neighborhood serving in character. The DMR/C designation ((~~shall apply~~)) applies to those areas containing housing or having housing potential where larger scale, non-residential serving commercial development exists and is likely to remain.

F. Heights. ((~~One (1) of three (3)~~)) Downtown Mixed Residential building height designations may be applied to achieve subarea objectives. The lowest height designation ((~~shall~~)) generally ((~~be centered on~~)) encompasses the Belltown core, in areas characterized by existing modest scale development, buildings of historic character, or topographic features such as the bluff rising from Elliott Bay. The intermediate ((~~area~~)) building height designation ((~~shall~~)) provides transition in height and density to the north and east of the Belltown core and along the bluff where ((~~larger scale commercial buildings~~)) waterfront development divides the area from Elliott Bay. In the Downtown Urban Center east of Interstate 5, the building height designation provides for low to moderate heights. The highest building height designation ((~~and density shall apply~~)) applies to areas ((~~now~~)) characterized by larger residential and commercial

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buildings, generally ((~~north and east of Belltown~~)) along the eastern edge of Belltown, near the higher density mixed commercial areas of downtown.

Section 5. Section 23.34.114 of the Seattle Municipal Code, which section was last amended by Ordinance 119484, is amended as follows:

23.34.114 International District Mixed (IDM) zone, locational criteria((~~,~~))

The International District Mixed zone designation ((~~shall be considered~~)) is appropriate for areas of the International Special Review District designated in Chapter 23.66 of the Land Use Code for mixed use development. The areas designated IDM ((~~shall be~~)) are characterized by a mix of uses contained in low and medium scale structures ((~~and include the area west of Fifth Avenue South bordering Pioneer Square~~)).

Section 6. Section 23.34.116 of the Seattle Municipal Code, which section was last amended by Ordinance 119484, is amended as follows:

23.34.116 International District Residential (IDR) zone, locational criteria((~~,~~))

The International District Residential zone designation ((~~shall be considered~~)) is appropriate for areas of the International Special Review District designated in Chapter 23.66 of the Land Use Code for development as a predominantly residential neighborhood. The areas designated IDR ((~~shall be~~)) are generally located north of the International District core, near the Downtown office core, and contain parcels available for infill development and, east of 5th Avenue, may possess topographic features providing view potential. The IDR/C designation applies to areas where a mix of non-residential uses and residential uses will provide for a transition in use character between the Downtown office core and areas within the International Special Review District designated primarily for residential uses.

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Section 7. Subsection A of Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123282, is amended as follows:

23.41.004 Applicability

A. Design review required.

1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

Table A for 23.41.004: Thresholds for Design Review

Zone		Threshold
a.	Lowrise (LR3)	8 dwelling units
b.	Midrise (MR)	20 dwelling units
c.	Highrise (HR)	20 dwelling units
d.	Neighborhood Commercial (NC1, 2, 3)	4 dwelling units or 4,000 square feet of nonresidential gross floor area
e.	Commercial (C1, C2)	Four dwelling units or 12,000 square feet of nonresidential gross floor area, located on a lot in an urban center or urban village[1], or on a lot that abuts or is across a street or alley from a lot zoned single-family, or on a lot located in the area bounded by: NE 95th St., NE 145th St., 15th Ave. NE, and Lake Washington
f.	Seattle Mixed (SM)	20 units or 12,000 square feet of nonresidential gross floor area
g.	Industrial Commercial (IC) zone within all designated urban villages and centers.	12,000 square feet of nonresidential gross floor area

Footnote to Table A for 23.41.004
[1]Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

2. Design review is required for all new Major Institution development proposals that exceed ((~~thresholds in the zones~~)) <u>any applicable threshold</u> listed in this subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.

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3. Design review is required for all new development proposals located in the following Downtown zones that ((~~equal or~~)) exceed any of the following thresholds:

((~~DOC 1, DOC 2 or DMC Zones~~))

DOC 1, DOC 2 or DMC Zones	
Use	**Threshold**
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

((~~DRC, DMR, DH1 or DH2~~))

DRC, DMR, DH1 or DH2 Zones	
Use	**Threshold**
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Map A for ((~~23.41.006~~)) 23.74.004, and all new development proposals exceeding 12,000 square feet of nonresidential gross floor area and electing to add extra floor area above the base FAR that are located in an IC 85-160 zone.

5. Streamlined administrative design review to protect trees. As provided in Sections 25.11.070 and 25.11.080, streamlined administrative design review pursuant to Section 23.41.018 is required for new multifamily and commercial development proposals in Lowrise, Midrise, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located

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on the lot and is not proposed to be preserved, if design review would not otherwise be required by this subsection 23.41.004.A.

6. New multifamily or commercial development proposals in the zones listed in this subsection 23.41.004.A, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection 23.41.004.A.5 ((~~of this section 23.41.004~~)).

* * *

Section 8. Subsections A, B and C of Section 23.47A.005 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.47A.005 Street-level uses

A. The requirements of this ((~~section~~)) Section 23.47A.005 apply in addition to the other applicable requirements of this ((~~title~~)) Title 23.

B. Mini-warehouses, warehouses, or utility uses may not abut a street-level street-facing facade in a structure that contains more than one residential dwelling unit.

C. Residential uses at street level.

1. Residential uses are generally permitted anywhere in a structure in NC1, NC2, NC3 and C1 zones, except as provided in subsections 23.47A.005.C.2 and 23.47A.005.C.3.

2. Residential uses may not occupy, in the aggregate, more than 20 percent of the street-level street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street;

b. Within the Bitter Lake Village Hub Urban Village; or

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c. Within the Lake City Hub Urban Village, except as provided in subsection 23.47A.005.C.4.

3. Residential uses may not exceed, in the aggregate, 20 percent of the street-level street-facing facade ((~~when~~)) if facing an arterial or within a zone that has a height limit of 85 feet or higher, except that there is no limit on residential uses in the following circumstances or locations:

a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006 on the same site.

b. The residential use is an assisted living facility or nursing home and private living units are not located at street level.

c. Within the Station Area Overlay District, in which case ((~~the provisions of~~)) Chapter 23.61 ((~~apply~~)) applies.

((~~d. Within the International Special Review District east of the Interstate 5 Freeway, in which case the provisions of Section 23.66.330 apply.~~))

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Section 9. Section 23.49.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122582, is amended as follows:

23.49.008 Structure height((~~.~~))

The following provisions regulating structure height apply to all property in ((~~downtown~~)) Downtown zones except the DH1 ((~~, PSM, IDM, and IDR zones~~)) zone. Structure

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height for PSM, IDM and IDR zones is regulated by this Section 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

A. Base and Maximum Height Limits.

1. Except as otherwise provided in this Section, maximum structure heights for ((~~downtown~~)) Downtown zones ((~~, except PMM, are fifty-five (55) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred forty (340) feet, four hundred (400) feet, five hundred (500) feet, and unlimited, as~~)) are as designated on the Official Land Use Map((~~, Chapter 23.32~~)).

In certain zones, as specified in this section, the maximum structure height may be allowed only for particular uses or only on specified conditions, or both. Where height limits are specified for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

2. Except in the PMM zone, the base height limit for a structure is the lowest of the maximum structure height or the lowest other height limit, if any, that applies pursuant to ((~~the provisions of~~)) this ((~~title~~)) Title 23 based upon the uses in the structure, before giving effect to any bonus for which the structure qualifies under this chapter and to any special exceptions or departures authorized under this chapter. In the PMM zone the base height limit is the maximum height permitted pursuant to urban renewal covenants.

3. In zones listed below in this subsection 23.49.008.A.3, ((~~there is a base~~)) the applicable height limit for portions of a structure ((~~containing~~)) that contain nonresidential and

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live-work uses((~~, which~~)) is shown as the first figure after the zone designation (except that there is no such limit in DOC1), and ((a)) the base height limit ((~~that applies to~~)) for portions of a structure in residential use((~~,~~)) is shown as the first figure following the "/". The third figure shown is the ((~~height limit for a structure that uses the bonus available under 23.49.015 and has no nonresidential or live-work use above the first height limit shown for that zone~~)) maximum residential height limit. Except as stated in subsection 23.49.008.D, the base residential height limit is the applicable height limit for portions of a structure in ~~residential~~ use if the structure does not use the bonus available under Section 23.49.015, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure uses the bonus available under Section 23.49.015:

DOC1 Unlimited/450 ((—))unlimited

DOC2 500/300-500

DMC 340/290-400

DMC 240/290-400.

4. A structure in a DMC 340/290-400 zone on a lot comprising a full block that abuts a DOC1 zone along at least one street frontage may gain additional structure height of ((~~thirty (30)~~)) 30 percent above the maximum residential height limit if the structure uses the bonus available under Section 23.49.015, or ((~~thirty-five (35)~~)) 35 percent above 340 feet if that bonus is not used, in either case on the following conditions:

a. Only one tower is permitted on the lot;

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

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

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

e. At least ((~~thirty-five (35)~~)) 35 percent of the lot area, or a minimum of 25,000 square feet, whichever is greater, is in open space use substantially at street level meeting the following standards, and subject to the following allowances for coverage((~~, in this subsection e.~~)):

((~~i.~~)) 1) The location and configuration of the space shall enhance solar exposure, allow easy access to entrances to the tower serving all tenants and occupants from streets abutting the open space, and allow convenient pedestrian circulation through all portions of the open space. The open space shall be entirely contiguous and physically accessible. To offset the impact of the taller structure allowed, the open space must have frontage at grade abutting sidewalks, and be visible from sidewalks, on at least two streets. The elevation of the space may vary, especially on sloping lots where terracing the space facilitates connections to abutting streets, provided that grade changes are gradual and do not significantly disrupt the continuity of the space, and no part of the open space is significantly above the grade

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of the nearest abutting street. The Director may allow greater grade changes, as necessary, to facilitate access to transit tunnel stations.

((~~ii.~~)) 2) Up to ((~~twenty (20)~~)) 20 percent of the area used to satisfy the open space condition to allowing additional height may be covered by the following features: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features approved by the Director that contribute to pedestrian comfort and active use of the space. The following features within the open space area may count as open space and are not subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to public areas and are available for public use, and any similar features approved by the Director.

f. Open space used to satisfy the condition to allowing additional height in this section is not eligible for a bonus under Section 23.49.013.

g. Open space used to satisfy the condition to allowing additional height in this section may qualify as common recreation area to the extent permitted by ((~~SMC~~)) subsection 23.49.011.B and may be used to satisfy open space requirements in ((~~SMC~~)) subsection 23.49.016.C.1 if it satisfies the standards of that subsection.

h. No increase in height shall be granted to any proposed development that would result in significant alteration to any designated feature of a landmark structure, unless a certificate of approval for the alteration is granted by the Landmarks Preservation Board.

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5. In ((~~the~~)) a DRC zone, the base height limit is ((~~eighty-five (85)~~)) 85 feet, except that, subject to the conditions in subsection 23.49.008.A.6 ((~~of this section~~)):

a. The base height limit is ((~~one hundred fifty (150)~~)) 150 feet if any of the following conditions is satisfied:

((~~i.~~)) 1) all portions of a structure above ((~~eighty-five (85)~~)) 85 feet contain only residential use; or

((~~ii.~~)) 2) at least ((~~twenty-five (25)~~)) 25 percent of the gross floor area of all structures on a lot is in residential use; or

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

b. For residential floor area created by infill of a light well on a Landmark structure, the base height limit is the lesser of ((~~one hundred fifty (150)~~)) 150 feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least ((~~three (3)~~)) three sides. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least ((~~three (3)~~)) three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well.

6. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the ((~~eighty-five (85)~~)) 85 foot base height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The

THIS VERSION IS NOT ADOPTED

Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

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

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

c. The restrictions in this subsection 23.49.008.A.6 are in addition to, and not in substitution for, the requirements of the Landmarks Ordinance, ((~~SMC~~)) Chapter 25.12.

7. The applicable height limit for a structure is the base height limit plus any height allowed as a bonus under this chapter and any additional height allowed by special exception or departure, or by subsection 23.49.008.A.4 ((~~of this section~~)). The height of a structure shall not exceed the applicable height limit, except as provided in subsections 23.49.008.B, 23.49.008.C and 23.49.008.D ((~~of this section~~)).

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

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

a. A height limit of 85 feet applies to the portions of a structure that contain nonresidential or live-work uses.

THIS VERSION IS NOT ADOPTED

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

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

d. The applicable height limit is 150 feet if the applicant qualifies for extra floor area on the lot under Section 23.49.023 and Chapter 23.58A; the structure has no nonresidential or live-work use above 85 feet; the lot is at least 40,000 square feet in size and includes all or part of a mid-block corridor that satisfies the conditions of subsection 23.58A.016.C.4.d, except to the extent any waiver of such conditions is granted by the Director; and the standards of Section 23.49.060 are satisfied.

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

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

2. the enclosed space is occupied only by those uses or features otherwise permitted in this Section 23.49.008 as an exception above the height limit. ((~~This~~)) The

THIS VERSION IS NOT ADOPTED

exception in this subsection 23.49.008.B shall not be combined with any other height exception for screening or rooftop features to gain additional height.

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

1. ((~~No portion of a~~)) A structure that contains only nonresidential or live-work uses may not exceed the ((~~lower~~)) lowest height limit established on the Official Land Use Map, except for rooftop features permitted by subsection 23.49.008.D ((~~of this section~~)).

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

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

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

b. The applicable height limit is 150 feet if the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A; the structure has no nonresidential or live-work use above 65 feet; the lot includes all or part of a mid-block corridor that satisfies the conditions of subsection 23.58A.016.C.4.d, except to the extent any waiver of such conditions is granted by the Director; and the standards of subsection 23.49.156.B and Section 23.49.163 are satisfied.

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4. On lots in the DMR/C 65/65-85 zone, the base height limit is 65 feet, and it is the applicable height limit for all structures, except that the applicable height limit is 85 feet if the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A and the structure has no nonresidential or live-work use above 65 feet.

D. Rooftop Features.

1. The following rooftop features are permitted with unlimited rooftop coverage and may not exceed the height limits as indicated:

a. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls up to 4 feet above the applicable height limit;

b. Solar collectors up to 7 feet above the applicable height limit; and

c. The rooftop features listed below shall be located a minimum of 10 feet from all lot lines and may extend up to 50 feet above the roof of the structure on which they are located or 50 feet above the applicable height limit, whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:

1) Religious symbols for religious institutions,

2) Smokestacks, and

3) Flagpoles.

2. The following rooftop features are permitted up to the heights indicated below, as long as the combined coverage of all rooftop features, whether or not listed in this subsection ((~~23.49.009~~))23.49.008.D.2, does not exceed 55 percent of the roof area for structures that are subject to maximum floor area limits per story pursuant to Section 23.49.058, or 35 percent of the roof area for other structures.

THIS VERSION IS NOT ADOPTED

a. The following rooftop features are permitted to extend up to 15 feet above the applicable height limit:

1) Solar collectors;

2) Stair penthouses;

3) Play equipment and open-mesh fencing, as long as the fencing is at least 15 feet from the roof edge;

4) Covered or enclosed common recreation area; and

5) Mechanical equipment.

b. Elevator penthouses as follows:

1) In the PMM zone, up to 15 feet above the applicable height limit;

2) Except in the PMM zone, up to 23 feet above the applicable height limit for a penthouse designed for an elevator cab up to 8 feet high;

3) Except in the PMM zone, up to 25 feet above the applicable height limit for a penthouse designed for an elevator cab more than 8 feet high;

4) Except in the PMM zone, ((~~when~~)) if the elevator provides access to a rooftop designed to provide usable open space, an additional 10 feet above the amount permitted in subsections 23.49.008.D.2.b.2 and ((~~23.49.D.2.b.3~~)) 23.49.008.D.2.b.3 shall be permitted.

c. Minor communication utilities and accessory communication devices, regulated according to Section 23.57.013, shall be included within the maximum permitted rooftop coverage.

THIS VERSION IS NOT ADOPTED

d. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed does not exceed 50 percent of the roof area.

3. Screening of Rooftop Features.

a. Measures may be taken to screen rooftop features from public view through the design review process or, if located within the Pike Place Market Historical District, by the Market Historical Commission.

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection 23.49.008.D.2 ((~~of this section~~)).

c. Except in the PMM zone, in no circumstances shall the height of rooftop screening exceed ten percent of the applicable height limit, or 15 feet, whichever is greater. In the PMM zone, the height of the screening shall not exceed the height of the rooftop feature being screened, or such greater height necessary for effective screening as determined by the Pike Place Market Historical Commission.

4. Administrative Conditional Use for Rooftop Features. Except in the PMM zone, the rooftop features listed in subsection 23.49.008.D.1.c ((~~of this section~~)) may exceed a height of 50 feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

THIS VERSION IS NOT ADOPTED

a. The feature shall be compatible with and not adversely affect the downtown skyline.

b. The feature shall not have a substantial adverse effect upon the light, air, solar and visual access of properties within a 300 foot radius.

c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.

d. The increased size is necessary for the successful physical function of the feature, except for religious symbols.

5. Residential Penthouses Above Height Limit in a DRC Zone.

a. A residential penthouse exceeding the applicable height limit shall be permitted in ((~~the~~)) a DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of 50 percent of the total roof surface. Except as the Director may allow under subsection 23.49.008.D.5.b ((~~of this section~~)):

1) A residential penthouse allowed under this subsection shall be set back a minimum of 15 feet from the street lot line.

2) A residential penthouse may extend up to 8 feet above the roof, or 12 feet above the roof ((~~when~~)) if set back a minimum of 30 feet from the street lot line.

b. If the Director determines, after a sight line review based upon adequate information submitted by the applicant, that a penthouse will be invisible or minimally visible from public streets and parks within 300 feet from the structure, the Director may allow one or both of the following in a Type I decision:

THIS VERSION IS NOT ADOPTED

1) An increase of the penthouse height limit under subsection 23.49.008.D.5.a ((~~of this section~~)) by an amount up to the average height of the structure's street-facing parapet; or

2) A reduction in the required setback for a residential penthouse.

c. The Director's decision to modify development standards pursuant to subsection 23.49.008.D.5.b shall be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum structure height in the DRC zone under Section 23.49.008.

e. No rooftop features shall be permitted on a residential penthouse allowed under this subsection 23.49.008.D.5.

6. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.013.

Section 10. Section 23.49.011 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.49.011 Floor area ratio((.))

A. General Standards.

1. The base and maximum floor area ratio (FAR) for each zone is provided in Table A for 23.49.011 ((~~A1~~)).

Table A for 23.49.011 ((~~A1~~)) Base and Maximum Floor Area Ratios (FARs)		
Zone Designation	**Base FAR**	**Maximum FAR**
Downtown Office Core 1 (DOC1)	6	20

THIS VERSION IS NOT ADOPTED

Table A for 23.49.011 ((~~A1~~))
Base and Maximum Floor Area Ratios (FARs)

Zone Designation	Base FAR	Maximum FAR
Downtown Office Core 2 (DOC2)	5	14
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in ((~~65' height district~~))DMC 65 4.5 in ((~~85' height district~~))DMC 85 5 in ((~~125', 160', 240'/290'--400' and 340'/290'--400' height districts~~))DMC 125, DMC 160, DMC 240/290-400, and DMC 340/290-400 3 in DMC 85/65-150	4 in ((~~65' height district~~)) DMC 65 4.5 in ((~~85' height district~~)) DMC 85 7 in ((~~125', 160' and 240'/290'--400' height districts~~))DMC 125, DMC 160, and DMC 240/290-400 10 in ((~~340'/290'--400' height districts~~))DMC 340/290-400 5 in DMC 85/65-150
Downtown Mixed Residential/Residential (DMR/R)	1 in ((~~85'/65' height district~~)) DMR/R 85/65 1 in ((~~125'/65' height district~~)) DMR/R 125/65 1 in ((~~240'/65' height district~~)) DMR/R 240/65	1 in ((~~85'/65' height district~~))DMR/R 85/65 2 in ((~~125'/65' height district~~))DMR/R 125/65 2 in ((~~240'/65' height district~~))DMR/R 240/65
Downtown Mixed Residential/Commercial (DMR/C)	1 in ((~~85'/65' height district~~)) DMR/C 85/65 1 in ((~~125'/65' height district~~)) DMR/C 125/65 2 in ((~~240'/125' height district~~)) DMR/C 240/125 2.5 in DMR/C 65/65-85 2.5 in DMR/C 65/65-150	4 in ((~~85'/65' height district~~))DMR/C 85/65 4 in ((~~125'/65' height district~~))DMR/C 125/65 5 in ((~~240'/125' height district~~))DMR/C 240/125 4 in DMR/C 65/65-85 4 in DMR/C 65/65-150
Pioneer Square Mixed (PSM)	N.A.	N.A.

THIS VERSION IS NOT ADOPTED

Table A for 23.49.011 ((A1)) Base and Maximum Floor Area Ratios (FARs)		
Zone Designation	**Base FAR**	**Maximum FAR**
International District Mixed (IDM)	3, except ((hotels)) as stated below* 6 for hotels** in IDM 75-85 and IDM 75/85-150	3, except ((hotels)) as stated below 6 for hotels** in IDM 75-85 and IDM 75/85-150 6 in IDM 150/85-150
International District Residential (IDR)	1	2 ((when)) if 50% or more of the total gross floor area on the lot is in residential use
International District Residential/Commercial (IDR/C)	3, except hotels 6 for hotels**	3, except hotels 6 for hotels**
Downtown Harborfront 1 (DH1)	N.A.	N.A.
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7
Footnotes: N.A. = Not Applicable. * In the IDM 150/85-150 zone, hotel uses are subject to the base FAR of 3 FAR. ** Hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR.		

2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to ((the provisions of)) this chapter.

a. ((For new structures in)) In DOC1, DOC2, and DMC zones that are located outside of South Downtown, if ((allowing)) chargeable floor area above the base FAR is allowed on a lot for development that includes a new structure, the first increment of chargeable floor area above the base FAR, shown for each zone ((on))in Table B for 23.49.011((A.2)), shall

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be gained by making a commitment satisfactory to the Director that the proposed development will earn a LEED Silver rating or meet a substantially equivalent standard approved by the Director as a Type I decision. In these zones outside of South Downtown, no chargeable floor area above the base FAR is allowed for a project that includes chargeable floor area in a new structure unless the applicant makes such a commitment. ((~~When~~)) If such a commitment is made, ((~~the provisions of SMC~~)) Section 23.49.020 ((~~shall apply~~)) applies. ((~~The Director may establish by rule procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED Silver rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Department of Planning and Development or another City agency with regulatory authority and expertise in green building practices.~~)) This subsection 23.49.011.A.2.a shall expire on May 12, 2011.

Table B for 23.49.011((~~A.2~~))	
Zone	**First increment of FAR above the base FAR achieved through LEED Silver Rating**
All DOC1 zones	1.0
All DOC2 zones	0.75
DMC 340/290-400	0.50
DMC 125, DMC 160, DMC 240/290-400	0.25

b. In DOC1, DOC2, and DMC zones outside of South Downtown, additional chargeable floor area above the first increment of FAR that exceeds the base FAR

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may be obtained only by qualifying for floor area bonuses pursuant to Section 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Section 23.49.014, or both, except as otherwise expressly provided in ((~~subsections~~)) this subsection 23.49.011.A.2((~~e through A2i, A2k, and A2l of this section~~)). After the expiration of subsection 23.49.011.A.2.a ((~~of this section~~)), the first increment of floor area ((~~above~~)) that exceeds the base FAR shall be zero (((~~0~~))).

c. In ((~~the~~)) a DOC1 zone((~~,~~)) additional chargeable floor area over ((~~seventeen (17)~~))) 17 FAR may be obtained only through the transfer of rural development credits, except as provided below in this subsection 23.49.011.A.2.c. No chargeable floor area shall be allowed under this subsection 23.49.011.A.2.c unless, at the time of the Master Use Permit application for the project proposing such floor area, an agreement is in effect between the City and King County, duly authorized by City ordinance, for the implementation of a Rural Development Credits Program. If no such agreement is in effect, the chargeable floor area above ((~~the seventeenth~~)) 17 FAR may be obtained according to ((~~the provisions of Section~~)) subsection 23.49.011.A.2.f.

d. In no event shall the use of bonuses, TDR, or rural development credits, or any combination of them, be allowed to result in chargeable floor area in excess of the maximum as set forth in Table A for 23.49.011((~~A.1~~)), except that a structure on a lot in a planned community development pursuant to Section 23.49.036 or a combined lot development pursuant to Section 23.49.041((~~,~~)) may exceed the floor area ratio otherwise permitted on that lot, provided the chargeable floor area on all lots included in the planned community development or

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combined lot development as a whole does not exceed the combined total permitted chargeable floor area.

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

f. Except as otherwise permitted under subsections 23.49.011.A.2.h, ((~~or~~)) 23.49.011.A.2.i, or 23.49.011.A.2.m ((~~of this section~~)), on any lot outside of South Downtown except a lot in a DMR zone, the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any housing TDR and Landmark housing TDR used for the same project, shall equal ((~~seventy-five (75)~~)) 75 percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the base FAR, as determined under this section and Section 23.49.032 if applicable, plus (ii) any chargeable floor

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area gained on the lot pursuant to subsections 23.49.011.A.2.a, 23.49.011.A.2.c, 23.49.011.A.2.h, 23.49.011.A.2.i, 23.49.011.A.2.k, and 23.49.011.A.2.l ((~~of this section~~)). ((~~At~~))Except in South Downtown, at least half of the remaining ((~~twenty-five (25)~~)) 25 percent shall be gained by using TDR from a sending lot with a major performing arts facility, to the extent available((~~. The~~)), and the balance of ((~~such twenty-five (25)~~)) the 25 percent shall be gained through bonuses under Section 23.49.013 or through TDR other than housing TDR, or both, consistent with this ((~~chapter~~))Chapter 23.49. TDR from a sending lot with a major performing arts facility shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering such TDR for sale, at a price per square foot not exceeding the prevailing market price for TDR other than housing TDR, as determined by the Director.

g. In order to gain chargeable floor area on any lot in a DMR zone outside of South Downtown, an applicant may (i) use any types of TDR eligible under this chapter in any proportions, or (ii) use bonuses under Section 23.49.012 or 23.49.013, or both, subject to the limits for particular types of bonus under Section 23.49.013, or (iii) combine such TDR and bonuses in any proportions.

h. On any lot in a DMC zone allowing a maximum FAR of seven (((~~7~~))), in addition to the provisions of subsection 23.49.011.A.2.f ((~~above~~)), an applicant may gain chargeable floor area above the first increment of FAR above the base FAR through use of DMC housing TDR, or any combination of DMC housing TDR with floor area gained through other TDR and bonuses as prescribed in subsection 23.49.011.A.2.f.

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i. ((~~When~~)) If the amount of bonus development sought in any permit application does not exceed ((~~five thousand (5,000)~~)) 5,000 square feet of chargeable floor area, the Director may permit such floor area to be achieved solely through the bonus for housing and child care.

j. No chargeable floor area above the base FAR shall be granted to any proposed development that would result in significant alteration to any designated feature of a Landmark structure, unless a ((~~C~~))certificate of ((~~A~~))approval for the alteration is granted by the Landmarks Preservation Board.

k. On a lot entirely in a DOC1 zone, additional chargeable floor area equal to 1.0 FAR may be permitted above the increment achieved through a commitment as prescribed in subsection 23.49.011.A.2.a, or above the base FAR after expiration of that subsection, on a lot that includes one or more qualifying Landmarks, subject to the following conditions:

((~~i~~))1) the structure is rehabilitated to the extent necessary so that all features and characteristics controlled or designated by ordinance pursuant to SMC Chapter 25.12 or Ordinance 102229 are in good condition and consistent with the applicable ordinances and with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of Neighborhoods; and

((~~i~~))2) a notice shall be recorded in the King County real estate records, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this chapter. For purposes of this ((~~section~~)) Section 23.49.011, a "qualifying Landmark" is a structure that (i) has a gross floor area above grade of at least ((~~five thousand~~

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~~(5,000)~~)) 5,000 square feet; (ii) is separate from the principal structure or structures existing or to be developed on the lot, except that it may abut and connect with one such structure along one exterior wall; (iii) is subject, in whole or in part, to a designating ordinance pursuant to SMC Chapter 25.12, or was designated pursuant to Ordinance 102229; and (iv) is on a lot on which no improvement, object, feature or characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any designating ordinance. A qualifying Landmark for which a bonus is allowed under this subsection shall be considered a public benefit feature, but shall not be considered an amenity for purposes of Section 23.49.013. For so long as any of the chargeable floor area allowed under this subsection 23.49.011.A.2.k remains on the lot, each qualifying Landmark for which such bonus was granted shall remain designated as a Landmark under Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying Landmark in good condition and repair and in a manner that preserves the features and characteristics that are subject to designation or controls by ordinance, and that maintains compliance with all applicable requirements of federal, state and local laws, ordinances, regulations, and restrictions.

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

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

(((i))) a) the gross floor area of the structure above grade is a minimum of ((~~five thousand (5,000)~~)) 5,000 square feet and does not exceed ((~~fifty thousand (50,000)~~)) 50,000 square feet;

(((ii))) b) the height of the structure is ((~~one hundred and twenty-five (125)~~)) 125 feet or less, not including rooftop features as specified in subsection 23.49.008.((d))D;

(((iii))) c) the structure was not constructed or substantially structurally modified since July 13, 1982; and

(((iv))) d) the structure is not occupied by parking above the ground floor.

((f))2) If the structure is removed from the lot or ceases to be a qualifying small structure, then any development on the portion of the lot previously occupied by the structure, defined by a rectangle enclosing the exterior walls of the structure as they exist at the time the bonus is granted and extended to the nearest street frontage, shall be limited to a maximum floor area of ((~~fifty thousand (50,000)~~))50,000 square feet for all uses and a maximum height of ((~~one hundred and twenty-five (125)~~))125 feet, excluding any rooftop features as specified in subsection 23.49.008.((d))D.

((f))3) A notice shall be recorded in the King County real estate records, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this chapter.

THIS VERSION IS NOT ADOPTED

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

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

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

1) For a new structure, the applicant makes a commitment, approved by the Director as a Type I decision, that the proposed development will earn a LEED Silver rating or meet a substantially equivalent standard. If such a commitment is made, Section 23.49.020 applies.

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

3) Twenty five percent of the chargeable floor area in excess of base FAR shall be gained by one or any combination of transferable development rights or

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public open space amenities, subject to the conditions and limits of this Section 23.49.011, Section 23.49.013 and Section 23.49.014:

a) TDR that may be used on a lot in South Downtown are limited to South Downtown Historic TDR, open space TDR from within South Downtown, or any combination of these consistent with this chapter.

b) Amenities eligible for a bonus on a lot in South Downtown are limited to public open space amenities pursuant to Section 23.49.013.

3. The Master Use Permit application to establish any bonus development under this section shall include a calculation of the amount of bonus development sought and shall identify the manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving any such bonus development, issue a Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with ((~~the provisions of~~)) this ((~~section~~)) Section 23.49.011 and any other conditions of the permit, including Design Review if applicable.

B. Exemptions and Deductions from FAR Calculations.

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

a. Retail sales and service uses and entertainment uses in ((~~the~~)) a DRC zone, up to a maximum FAR of two (((~~2~~))) for all such uses combined;

THIS VERSION IS NOT ADOPTED

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

((f))1) The street level of the structure containing the exempt space must have a minimum floor to floor height of ((~~thirteen (13)~~)) 13 feet;

((f))2) The street level of the structure containing the exempt space must have a minimum depth of ((~~fifteen (15)~~)) 15 feet; and

((f))3) Overhead weather protection is provided satisfying ((~~the provisions of~~)) Section 23.49.018.

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

((f))1) The minimum area of the shopping atria ((~~shall be four thousand (4,000)~~)) is 4,000 square feet;

((f))2) The eligibility conditions of the Downtown Amenity Standards are met; and

((f))3) The maximum area eligible for a floor area exemption ((~~shall be twenty thousand (20,000)~~)) is 20,000 square feet;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones, and provided that allowable residential floor area is limited on lots from which TDP is transferred in accordance with Chapter 23.58A;

THIS VERSION IS NOT ADOPTED

g. Live-work units, except in the PMM and DH2 zones;

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

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

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

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

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

j. Performing arts theaters;

k. Floor area below grade;

l. Floor area that is used only for short-term parking or parking accessory to residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory to residential uses of one ((~~(1)~~)) parking space for each dwelling unit on the lot with the residential use served by the parking;

m. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located, other than a Landmark structure eligible pursuant to subsection 23.49.011.A.2.k or a small structure eligible pursuant to subsection 23.49.011.A.2.l.

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The exemption applies regardless of whether a floor area bonus is obtained, and regardless of ((~~maximum bonusable area limitations~~)) limits on the maximum area eligible for a bonus;

n. Public restrooms;

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

((~~(~~))1) The minimum lot area for a major retail store development ((~~shall be twenty thousand (20,000)~~)) is 20,000 square feet;

((~~(~~))2) The minimum area of the major retail store ((~~shall be eighty thousand (80,000)~~)) is 80,000 square feet;

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

((~~(~~))4) The maximum area eligible for a floor area exemption ((~~shall be two hundred thousand (200,000)~~)) is 200,000 square feet; and

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

p. Shower facilities for bicycle commuters; ((~~and~~))

q. Floor area, excluding floor area otherwise exempt, up to a maximum of ((~~twenty-five thousand (25,000)~~)) 25,000 square feet on any lot, within one or more Landmark structures for which a floor area bonus has been granted pursuant to subsection 23.49.011.A.2.k, or within one or more small structures for which a floor area bonus has been granted pursuant to subsection 23.49.011.A.2.l, or within any combination of such Landmark structures and such

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small structures, in each case only to the extent that the floor area satisfies the following criteria as determined by the Director:

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

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

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

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

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

2. As an allowance for mechanical equipment, ((~~three and one-half (3 1/2)~~)) 3.5 percent shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection 23.49.011.B.1 has been deducted.

C. Rooftop mechanical equipment. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the

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structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

Section 11. Section 23.49.013 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.49.013 Bonus floor area for amenities((.))

A. An applicant may achieve a portion of the chargeable floor area to be established in addition to base FAR through bonuses for amenities, subject to the limits in this chapter. Amenities for which bonuses may be allowed are limited to:

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

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

3. Human services uses as follows:

a. Information and referral for support services;

b. Health clinics;

c. Mental health counseling services;

d. Substance abuse prevention and treatment services;

e. Consumer credit counseling;

THIS VERSION IS NOT ADOPTED

f. Day care services for adults;

g. Jobs skills training services;

4. Public restrooms;

5. For projects in a DOC1, DOC2, or DMC 340((!))/290-400((!)) zone, ((~~restoration~~)) rehabilitation and preservation of Landmark performing arts theaters, provided that the following conditions are met:

a. the theater contains space that was designed for use primarily as, or is suitable for use as, a performing arts theater;

b. the theater is located in a DOC1, DOC2, DRC, or DMC zone;

c. the theater is a designated Landmark pursuant to Chapter 25.12;

d. the theater is subject to an ordinance establishing an incentive and controls, or the owner of the theater executes, prior to the approval of a floor area bonus under any agreement with respect to such theater, an incentives and controls agreement approved by the City Landmarks Preservation Board;

e. the theater has, or will have upon completion of a proposed plan or rehabilitation, a minimum floor area devoted to performing arts theater space and accessory uses of at least ((~~twenty thousand (20,000)~~)) 20,000 square feet; and

f. The theater will be available, for the duration of any commitment made to qualify for a floor area bonus, for live theater performances no fewer than ((~~one hundred eighty (180)~~)) 180 days per year; and

6. Transit station access for fixed rail transit facilities.

B. Standards for Amenities

THIS VERSION IS NOT ADOPTED

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

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

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

((~~f~~))1) The open space must be open to the general public without charge, must meet the eligibility conditions of the Downtown Amenity Standards, and must be one of the open space features cited in subsection 23.49.013.A.1 ((~~of this section~~)).

((~~f~~))2) The open space must be within ((~~one-quarter (1/4)~~)) ¼ mile of the lot using the bonus, except as may be permitted pursuant to subsection 23.49.013.B.1.b.((~~f~~))4((~~f~~)).

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

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

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((f))5) The owner of any lot on which off-site open space is provided to meet the requirements of this ((~~section~~)) Section 23.49.013 shall execute and record an easement or other instrument in a form acceptable to the Director assuring compliance with the requirements of this ((section)) Section 23.49.013, including applicable conditions of the Downtown Amenity Standards.

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

2. Options for Provision of Amenities.

a. Amenities must be provided by performance except as expressly permitted in this Section 23.49.013. The Director may accept a cash payment for green street improvements and a related voluntary agreement from the applicant, subject to ((~~the provisions of~~)) this ((~~section~~)) Section 23.49.013, the Downtown Amenity Standards and the Green Street Director's Rule, DR 11-2007, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully ((~~one (1)~~)) 1 square foot of green street space for

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each ((~~five (5)~~)) 5 square feet of bonus floor area allowed for such payment. The cash payment shall be maintained in a restricted account and shall be used to improve a green street abutting or in the vicinity of the lot.

b. ((~~Restoration~~))Rehabilitation and preservation of a Landmark performing arts theater may consist of financial assistance provided by the applicant for rehabilitation work on a Landmark performing arts theater, or for retirement of the cost of improvements made after February 5, 1993, if:

((~~f~~))1) The assistance is provided pursuant to a linkage agreement between the applicant and the owner of the Landmark performing arts theater satisfactory to the Director, in which such owner agrees to use such financial assistance to complete such rehabilitation and agrees that the applicant is entitled to all or a portion of the bonus floor area that may be allowed therefor;

((~~f~~))2) The owner of the Landmark performing arts theater executes and records covenants enforceable by the City, agreeing to maintain the structure and the performing arts theater use, consistent with the Downtown Amenity Standards; and

((~~f~~))3) Prior to the issuance of any building permit after the first building permit for the project using the bonus, and in any event before any permit for any construction activity other than excavation and shoring issued for that project, unless the rehabilitation work has then been completed, the applicant posts security for completion of that work, consistent with the Downtown Amenity Standards.

3. Ratios and limits.

THIS VERSION IS NOT ADOPTED

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

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Table A for 23.49.013((A)) Downtown Amenities

Amenity	Zone Location of Lots Eligible to Use Bonus							Bonus Ratio	Maximum square feet (SF) of floor area eligible for a bonus or maximum floor area gain
	DOC1	DOC2	DMC 340/290-400	DMC 125, DMC 160, DMC 85/65-150, and DMC 240/290-400	DRC	DMR	IDM		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	6,000 SF
Urban Plaza	X	X	X					5:1	15,000 SF
Commercial Parcel Park	X	X	X	X			X	5:1	7,000 SF
Residential Parcel Park			X	X		X	X	5:1	12,000 SF
Green Street Parcel Park	Eligible for bonus only on lots abutting a designated green street							5:1	7,000 SF
Public Atrium	X	X	X					5:1	5,500 SF
Green Street Improvement	Eligible for bonus only on lots abutting a designated green street							5:1	No limit
Green Street Setback	Eligible for bonus only on lots abutting a designated green street that are not ((~~Lots abutting designated green street not~~)) subject to a property line street wall requirement							1:1	10 times the length of lot's green street frontage
Hillclimb Assist	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							Not applicable	Maximum gain of 0.5 FAR
Shopping Corridor	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	7,200 SF
Transit Station Access	X	X	X	X	X	X		Not applicable	Maximum gain of 1.0 FAR

THIS VERSION IS NOT ADOPTED

Table A for 23.49.013((A)) Downtown Amenities									
Amenity	**Zone Location of Lots Eligible to Use Bonus**							**Bonus Ratio**	**Maximum square feet (SF) of floor area eligible for a bonus or maximum floor area gain**
	DOC1	**DOC2**	**DMC 340/290-400**	**DMC 125, DMC 160, DMC 85/65-150, and DMC 240/290-400**	**DRC**	**DMR**	**IDM**		
Public Restroom	X	X	X	X	X	X		7:1	No limit
Human Services	X	X	X	X	X	X		7:1	10,000 SF
Preservation of Landmark Theater	X	X	X					Variable; maximum of 12:1	Maximum gain of 1.0 FAR
"X" indicates that bonus is potentially available.									

b. Any bonus for ((~~restoration~~)) rehabilitation and preservation of a Landmark performing arts theater shall not exceed a maximum of one (((~~1~~))) FAR. Such bonus may be allowed at a variable ratio, as described in the Downtown Amenity Standards, of up to ((~~twelve (12)~~))) 12 square feet of floor area granted per ((~~one (1)~~))) 1 square foot (12:1) of performing arts theater space rehabilitated by the applicant, or previously rehabilitated so as to have a useful life at the time the bonus is allowed of no less than ((~~twenty (20)~~))) 20 years, in each case consistent with any controls applicable to the Landmark performing arts theater and any certificates of approval issued by the Landmarks Preservation Board. For purposes of this subsection, performing arts theater space shall consist only of the following: stage; audience

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seating; theater lobby; backstage areas such as dressing and rehearsal space; the restrooms for audience, performers and staff; and areas reserved exclusively for theater storage. For any Landmark performing arts theater from which TDR has been transferred, or that has received any public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited, pursuant to a subsidy review, to the lowest ratio, as determined by the ((~~Housing Director~~)) Director of Housing, such that the benefits of the bonus, together with the value of any TDR and any public funding or subsidy, are no more than the amounts reasonably necessary to make economically feasible:

((~~f~~))1) The rehabilitation and preservation of the Landmark performing arts theater; and

((~~f~~))2) Any replacement by the owner of such theater of low-income housing that is reasonably required to be eliminated from the lot of the Landmark performing arts theater to make rehabilitation, preservation and operation of the performing arts theater economically feasible.

4. Downtown Amenity Standards.

a. The Director shall approve a feature for a bonus if the Director determines that the feature satisfies the eligibility conditions of the Downtown Amenity Standards, and that the feature carries out the intent of this ((~~section~~)) Section 23.49.013 and the guidelines in the Downtown Amenity Standards.

b. The Director may allow departures from the eligibility conditions in the Downtown Amenity Standards as a Type I decision, if the applicant can demonstrate that the amenity better achieves the intent of the amenity as described in this ((~~chapter~~)) Chapter 23.49

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and the Downtown Amenity Standards, and that the departure is consistent with any applicable criteria for allowing the particular type of departure in the Downtown Amenity Standards.

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

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

5. Open Space Amenities. Open space amenities must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this chapter and the Downtown Amenity Standards.

6. Declaration. ((~~When~~)) If amenities are to be provided on-site for purposes of obtaining bonus floor area, the owner shall execute and record a declaration in a form acceptable to the Director identifying the features and the fact that the right to develop and occupy a portion of the gross floor area on the site is based upon the long-term provision and maintenance of those amenities.

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

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Section 12. The title and Section 23.49.014 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.49.014 Transfer of development rights ((~~(TDR)~~))

A. General Standards.

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

a. Housing TDR;

b. DMC housing TDR;

c. Landmark housing TDR;

d. Landmark TDR; ((~~and~~))

e. Open space TDR;((~~.~~)) and

f. South Downtown Historic TDR.

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

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

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

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

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possession of TDR is demonstrated according to rules promulgated by the Director to implement this section.

Table A for 23.49.014((A))

Zones[1]	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks				
	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	R
DRC	S, R [2]	S, R [2]	X	S, R [2]	S, R [2]	R
DMC zones with maximum 10 FAR	S, R	S, R	S	S, R	S, R	R
DMC zones with maximum 7 FAR	S [3]	S, R	S, R	S, R	S, R	R
DMC 85((/))	X	S, R	X	S, R	S, R	R
DMC 65((/)) and DMC 85/65-150	X	S	X	S	S	R
DMR	X	S, R [4]	X	S, R [4]	S, R [4]	R[4]
((~~IDM,~~)) IDR ((~~and PSM~~))	X	S	X	X	((~~X~~))S	S
IDR/C	X	S	X	X	S, R [5]	S
IDM	X	S, R	X	X	S, R [5]	S, R
PSM	X	S	X	X	S [5]	S, R

S = Eligible sending lot.
R = Eligible receiving lot.
X = Not permitted.
NOTES
[1] Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.
[2] Transfers to lots in ((~~the~~)) a DRC zone are permitted only from lots that also are zoned DRC.
[3] Transfers are permitted only from lots zoned DMC to lots zoned DOC1.
[4] Transfers to lots in ((~~the~~)) a DMR zone are permitted only from lots that also are zoned DMR except that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.
[5] Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

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B. Standards for Sending Lots.

1. Maximum transferable floor area except from lots in South Downtown. This subsection 23.49.014.B.1 applies to sending lots that are not in South Downtown.

a. The maximum amount of floor area that may be transferred, except as open space TDR, Landmark TDR, or Landmark housing TDR, from an eligible sending lot((~~, except a sending lot in the PSM or IDM zones~~)), is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of any chargeable gross floor area existing or, if a DMC housing TDR site, to be developed on the sending lot, plus any TDR previously transferred from the sending lot.

b. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of (a) any existing chargeable gross floor area that is built on or over the portion of the sending lot that is not made ineligible by ((~~Section~~)) subsection 23.49.017.C, plus (b) the amount, if any, by which the total of any other chargeable floor area on the sending lot exceeds the product of the base FAR of the sending lot, as provided in Section 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus (c) any TDR previously transferred from the sending lot.

c. The maximum amount of floor area that may be transferred from an eligible Landmark housing TDR site is the amount by which the product of the eligible lot area

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times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds TDR previously transferred from the sending lot, if any.

d. The maximum amount of floor area that may be transferred from an eligible Landmark TDR site, ((~~when~~)) if the chargeable floor area of the landmark structure is less than or equal to the base FAR permitted in the zone, is equivalent to the base FAR of the sending lot, minus any TDR that have been previously transferred. For landmark structures having chargeable floor area greater than the base FAR of the zone, the amount of floor area that may be transferred is limited to an amount equivalent to the base FAR of the sending lot minus the sum of (((~~i~~)))(a) any chargeable floor area of the landmark structure exceeding the base FAR and (((~~ii~~)))(b) any TDR that have been previously transferred.

e. For purposes of this subsection 23.49.014.B.1, the eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over 1/4 of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by the area of any portion of the lot ineligible under ((~~Section~~))subsection 23.49.017.C.

2. TDR from lots in South Downtown. This subsection 23.49.014.B.2 applies to sending lots in South Downtown.

a. If the sending lot is located in ((~~the~~)) a PSM or IDM zone, then subject to any lower limit under this subsection 23.49.014.B.2, the gross floor area that may be transferred is ((~~6 FAR~~)) six times the lot area, minus the sum of any existing chargeable floor area ((~~and any floor area in residential use on the sending lot,~~)) and further reduced by any TDR previously transferred from the sending lot.

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b. If the sending lot is not located in a PSM or IDM zone, then subject to any lower limit under this subsection 23.49.014.B.2, the gross floor area that may be transferred is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of any chargeable floor area existing on the sending lot, plus any TDR previously transferred from the sending lot.

c. The cumulative amount of housing TDR transferred from any lot in South Downtown shall not exceed three times the lot area.

d. The cumulative amount of open space TDR transferred from any lot in South Downtown shall not exceed three times the lot area.

e. The cumulative amount of South Downtown Historic TDR transferred from any lot shall not exceed three times the lot area.

f. The cumulative combined amount of TDR and TDP transferred from any lot in South Downtown shall not exceed six times the lot area.

g. For purposes of this subsection 23.49.014.B.2, the eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over 1/4 of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by any portion of the lot ineligible under subsection 23.49.017.C.

3. Effect of transfer in zones with base FAR limits. If TDR are transferred from a sending lot in a zone with a base FAR limit, except an IDM zone, the amount of chargeable ((~~gross~~)) floor area that may then be ((~~built~~)) established on the sending lot is equal to the

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amount by which the area of the lot, multiplied by the applicable base FAR limit set in Section 23.49.011, ((~~minus~~)) exceeds the total of:

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

b. The amount of gross floor area transferred from the lot.

4. Effect of transfer in PSM and IDM zones.

a. If TDR are ((~~sent~~)) transferred from a sending lot in a PSM zone, the ((~~combined maximum~~)) amount of chargeable floor area ((~~and residential floor area~~)) that may then be established on the sending lot is equal to the amount by which the total gross floor area that could have been built on the sending lot consistent with applicable development standards as determined by the Director had no TDR been transferred((~~, less~~)) exceeds the sum of:

((~~a.~~)) 1) The existing chargeable floor area on the lot; plus

((~~b.~~)) 2) The ((~~amount of~~)) gross floor area ((~~that was~~)) of TDR transferred from the lot.

b. If TDR are transferred from a sending lot in an IDM zone, the amount of chargeable floor area that may then be established on the sending lot shall not exceed the amount by which the applicable base FAR limit in Section 23.49.011 multiplied by the lot area exceeds the sum of:

1) The existing chargeable floor area on the lot; plus

2) The gross floor area of TDR transferred from the lot.

5. TDR from lots with more than base FAR not allowed; exception. Gross floor area allowed above base FAR under any bonus provisions of this ((~~title~~))Title 23 or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be

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transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only if the TDR are from an eligible Landmark TDR site, consistent with subsection 23.49.014.B.1.c ((~~above~~)), or to the extent, if any, that:

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

b. Those TDR, together with the base FAR under Section 23.49.011, exceed the chargeable floor area on the lot and any additional chargeable floor area for which any permit has been issued or for which any permit application is pending; and

c. The excess amount of TDR previously transferred to such lot would have been eligible for transfer from the original sending lot under ((~~the provisions of~~)) Section 23.49.014 at the time of their original transfer from that lot.

6. Rehabilitation of Landmark structures and contributing structures. Landmark structures on sending lots from which Landmark TDR or Landmark housing TDR are transferred shall be ((~~restored~~)) rehabilitated and maintained as required by the Landmarks Preservation Board. Contributing structures under Section 23.66.032 on sending lots from which South Downtown Historic TDR are transferred shall be rehabilitated and maintained as required by the Director of Neighborhoods upon recommendation by the International Special Review District Board or the Pioneer Square Preservation Board.

7. Rehabilitation of housing. Housing on lots from which housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable conditions, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least 50 years from the time of the TDR transfer, as approved by the Director of ((~~the~~

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~~Office of~~)) Housing. Landmark buildings on lots from which Landmark housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable housing, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least 50 years from the time of the TDR transfer, as approved by the Director of ((~~the Office of~~)) Housing and ((~~the Landmarks Preservation Board~~)) Director of Neighborhoods. If housing TDR or Landmark housing TDR are proposed to be transferred prior to the completion of work necessary to satisfy this subsection 23.49.014.B.7, the Director of ((~~the Office of~~)) Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

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

9. Standards for eligibility as a South Downtown Historic TDR sending lot.

a. In order to be eligible to transfer South Downtown Historic TDR, a lot must contain a structure that includes at least 5,000 gross square feet in above-grade space and was finally determined to be a contributing structure under Section 23.66.032.

b. Contributing structures on a sending lot from which South Downtown Historic TDR are transferred shall be rehabilitated and maintained as required by the Director of Neighborhoods.

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c. As a condition to finally allow the transfer of South Downtown Historic TDR from a lot, the applicant must certify that the contributing structure continues to meet any conditions identified by the Director of Neighborhoods pursuant to subsection 23.66.032.C within no more than three years prior to the recordation of the deed conveying the TDR from the sending lot.

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

C. Limit on within-block TDR. Any receiving lot is limited to a gain of ((~~fifteen (15)~~)) 15 percent of the floor area above the first increment of FAR above the base FAR, as specified in subsection 23.49.011.A.2.a, from TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot.

D. Transfer of Development Rights Deeds and Agreements.

1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDR from a housing TDR site, Landmark housing TDR site or DMC housing TDR site) such consent is waived by the Director ((~~of the Office~~)) of Housing for good cause, which deed shall be recorded in the King County real property records. ((~~When~~)) If TDR are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or not a structure using such TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall

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require the written consent of all parties holding any interest in or lien on the receiving lot from which the conveyance is made. If the TDR are transferred other than directly from the sending lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed. Any deed conveying any South Downtown Historic TDR from the sending lot shall include a sworn certification by the grantor to the effect that one or more structures on the sending lot have been finally determined to be contributing structures pursuant to Section 23.66.032, and that since the date of such determination there have been no material changes to any contributing structure on the sending lot, except pursuant to a certificate of approval specifically stating that the authorized change will not affect the status of the structure as a contributing structure. Any false certification by the grantor in a deed under this subsection 23.49.014.D.1 is a violation of this title.

2. Any person may purchase any TDR that are eligible for transfer by complying with the applicable provisions of this ((~~section~~)) Section 23.49.014, whether or not the purchaser is then an applicant for a permit to develop downtown real property. Any purchaser of such TDR (including any successor or assignee) may use such TDR to obtain chargeable floor area above the applicable base on a receiving lot to the extent such use of TDR is permitted under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDR. The Director may require, as a condition of processing any permit application using TDR or for the release of any security posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot demonstrate that the TDR have been validly transferred of record to

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the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDR are not available for retransfer.

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

4. For transfers of Landmark TDR or Landmark housing TDR, the owner of the sending lot shall execute and record an agreement in form and content acceptable to the Landmarks Preservation Board providing for the ((~~restoration~~)) rehabilitation and maintenance of the historically significant features of the structure or structures on the lot.

5. For transfers of South Downtown Historic TDR, the owner of the sending lot shall execute and record an agreement in form and content acceptable to the Director of Neighborhoods in consultation with the International Special Review District Board or the Pioneer Square Preservation Board providing for the rehabilitation and maintenance of historically or architecturally significant features of a contributing structure or structures on the lot.

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

THIS VERSION IS NOT ADOPTED

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

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

((~~6~~))7. Any agreement governing the use or development of the sending lot shall provide that its covenants or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

E. TDR Sales Before Base FAR Increases and Changes in Exemptions. Except for transfers of TDR from a sending lot with a major performing arts facility, transfers of TDR from any lot from which a TDR transfer was made prior to August 26, 2001 ((~~the effective date of Ordinance 120443~~)) are limited to the amount of TDR available from such lot immediately prior to ((~~such~~)) that date.

F. Projects Developed Under Prior Code Provisions.

1. Any project that is developed pursuant to a master use permit issued under the provisions of this title as in effect prior to August 26, 2001 ((~~the effective date of Ordinance 120443~~)), which permit provides for the use of TDR, may use TDR that were transferred from the sending lot consistent with such prior provisions prior to August 26, 2001 ((~~such effective date~~)).

THIS VERSION IS NOT ADOPTED

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot on or after ((~~the effective date of Ordinance 120443~~)) August 26, 2001.

3. The use of TDR by any such project must be consistent with the provisions of ((~~this title~~)) Title 23 applicable to the project, including any limits on the range of FAR in which a type of TDR may be used, except that open space TDR may be used by such a project in lieu of any other TDR or any bonus, or both, allowable under such provisions.

G. TDR Satisfying Conditions to Transfer Under Prior Code.

1. If the conditions to transfer Landmark TDR, as in effect immediately prior to ((~~the effective date of Ordinance 120443~~)) August 26, 2001, ((~~are~~))were satisfied on or before December 31, 2001, such TDR may be transferred from the sending lot in the amounts eligible for transfer as determined under the provisions of this ((~~title~~)) Title 23 in effect immediately prior to ((~~the effective date of Ordinance 120443~~)) August 26, 2001. If the conditions to transfer housing TDR ((~~are~~)) were satisfied prior to ((~~the effective date of Ordinance 120443~~)) August 26, 2001 under the provisions of this ((~~title~~)) Title 23 then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that ((~~effective~~)) date. If the conditions to transfer TDR from a major performing arts facility ((~~are~~))were satisfied prior to ((~~the effective date of Ordinance 120443~~)) August 26, 2001 under the provisions of this Title 23 then in effect, such TDR may be transferred from the sending lot after that ((~~effective~~)) date, for use on any receiving lots in zones where housing TDR may be used according to Table A for 23.49.014 ((~~A~~)) or as provided in Section 23.50.053, in an amount as determined under subsection 23.49.014.B ((~~of this section~~)), provided that the cumulative

THIS VERSION IS NOT ADOPTED

amount of TDR that may be transferred after June 1, 2005 from any sending lot based on the presence of a major performing arts facility is limited to ((~~one hundred fifty thousand (150,000)~~)) 150,000 square feet.

2. For purposes of this subsection, conditions to transfer include, without limitations, the execution by the owner of the sending lot, and recording in the King County real property records, of any agreement required by the provisions of this ((~~title~~)) Title 23 or the Public Benefit Features Rule in effect immediately prior to ((~~the effective date of Ordinance 120443~~)) August 26, 2001, but such conditions do not include any requirement for a master use permit application for a project intending to use TDR, or any action connected with a receiving lot. TDR transferable under this subsection 23.49.014.G are eligible either for use consistent with the terms of Section 23.49.011 or Section 23.50.051 or for use by projects developed pursuant to permits issued under the provisions of this ((~~title~~)) Title 23 in effect prior to ((~~the effective date of Ordinance 120443~~)) August 26, 2001. The use of TDR transferred under this subsection 23.49.014.G on the receiving lot shall be subject only to those conditions and limits that apply for purposes of the master use permit decision for the project using the TDR.

H. Time of Determination of TDR Eligible for Transfer. Except as stated in subsection 23.49.014.G, the eligibility of a sending lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the date of transfer from the sending lot and shall not be affected by the date of any application, permit decision or other action for any project seeking to use such TDR.

I. Use of Previously Transferred TDR by New Projects. Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR

THIS VERSION IS NOT ADOPTED

that were transferred from the sending lot consistent with the provisions of this ((~~title~~))Title 23 in effect at the time of such transfer. For purposes of this subsection 23.49.014.I, the owner of TDR that were transferred based upon a housing commitment accepted by the City shall be entitled to have such TDR considered as housing TDR.

Section 13. The title and subsection A.1 of Section 23.49.015 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.49.015 Bonus residential floor area in DOC1, DOC2 and DMC zones outside South Downtown for voluntary agreements for low-income housing and moderate-income housing((,))

A. General Provisions.

1. The purpose of this ((~~section~~)) Section 23.49.015 is to encourage residential development in addition to that authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts from the bonus development are mitigated. This Section 23.49.015 does not apply within South Downtown. "Basic zoning regulations" for purposes of this ((~~section~~)) Section 23.49.015 are the provisions of Section 23.49.008 that determine base height limits for residential use in ((~~DOC 1~~)) DOC1, ((~~DOC 2~~)) DOC2 and DMC zones, and for DMC zones, the provisions of Section 23.49.058 that determine the maximum average floor area per story. The City has determined that one impact of high-rise residential development is an increased need for low-income housing and moderate-income housing ((~~downtown~~)) to house the families of workers having lower paid jobs who serve the residents of such development. The City also finds that ((~~DOC 1~~))DOC1, ((~~DOC 2~~))DOC2, and DMC zones are areas in which increased residential development will assist in achieving local growth management and housing

THIS VERSION IS NOT ADOPTED

policies, and has determined that increased residential development capacity and height of residential structures can be achieved within these zones, subject to consideration of other regulatory controls on development. The City Council finds that in the case of affordable housing for rental occupancy, use of the income level for low-income housing rather than a lower level is necessary to address local housing market conditions, and that in the case of affordable housing for owner occupancy, higher income levels than those for low-income housing are needed to address local housing market conditions. The City hereby adopts the extension of the authority of ((~~Chapter 149, Laws of 2006 of the State of Washington, to the bonus development program under this Section 23.49.015~~)) RCW 36.70A.540, as amended, and enacts this Section 23.49.015 pursuant to such authority, in addition to the City's preexisting authority. To the extent that any provision of this Section 23.49.015 or the application thereof to any project for which a Master Use Permit application is considered under the Land Use Code as in effect after ((~~the effective date of Section 2 of Chapter 149, Laws of 2006~~)) June 7, 2006 would conflict with any requirement of ((~~that statute~~)) RCW 36.70A.540, as it may be amended, the terms of this Section 23.49.015 shall be deemed modified to conform to the applicable requirements of ((~~Section 2 of Chapter 149, Laws of 2006~~)) RCW 36.70A.540.

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Section 14. Subsections C and H of Section 23.49.019 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.49.019 Parking quantity, location and access requirements, and screening and landscaping of surface parking areas.

* * *

THIS VERSION IS NOT ADOPTED

C. Maximum Parking Limit for Nonresidential Uses.

1. Except as provided in subsections 23.49.019.C.2, 23.49.019.C.3, and 23.66.342.B((~~below~~)), parking for nonresidential uses is limited to a maximum of one parking space per ((~~one thousand (1,000)~~)) 1,000 square feet.

2. Parking for nonresidential uses in excess of the maximum quantities identified in subsections 23.49.019.C.1 and 23.49.019.C.3 ((~~More than one (1) parking space per one thousand (1,000) square feet of nonresidential use~~)) may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of parking demand and alternative means of transportation, including but not limited to the following:

a. Whether the additional parking will substantially encourage the use of single occupancy vehicles;

b. Characteristics of the work force and employee hours, such as multiple shifts that end when transit service is not readily available;

c. Proximity of transit lines to the lot and headway times of those lines;

d. The need for a motor pool or large number of fleet vehicles at the site;

e. Proximity to existing long-term parking opportunities downtown which might eliminate the need for additional parking on the lot;

f. Whether the additional parking will adversely affect vehicular and pedestrian circulation in the area;

g. Potential for shared use of additional parking as residential or short-term parking((~~.~~));

THIS VERSION IS NOT ADOPTED

h. The need for additional short-term parking to support shopping in the retail core or retail activity in other areas where short-term parking is limited((.));

i. Whether the area is located at the edge of the Downtown Urban Center where available short-term parking and transit service is limited.

3. In the area east of Interstate 5, parking for general sales and service uses and for eating and drinking establishments is limited to a maximum of 2 parking spaces per 1,000 square feet.

* * *

H. Standards for location of access to parking. This subsection does not apply to Pike Market Mixed, Pioneer Square Mixed, International District Mixed, and International District Residential zones except that subsection 23.49.019.H.1 applies to International District Mixed and International District Residential zones to the extent stated in subsection 23.66.342.D.

1. Curb cut Location.

a. ((When)) If a lot abuts an alley, alley access ((shall be)) is required, unless the Director otherwise determines under subsection 23.49.019.H.1.c.

b. ((When)) If a lot does not abut an alley and abuts more than one (((1))) right-of-way, the location of access ((shall be)) is determined by the Director as a Type I decision after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection 23.49.019.H.1.c, access ((shall be)) is allowed only from a right-of-way in the category, determined by the classifications shown on Map 1B and Map 1F or another map identified in a note to Map 1F, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth below, from most to least preferred (a portion

THIS VERSION IS NOT ADOPTED

of a street that is included in more than one ((~~of the categories in subsections i – vii below shall be~~)) category is considered as belonging only to the least preferred of the categories in which it is included):

((~~i.~~)) 1) Access street;

((~~ii.~~)) 2) Class II pedestrian street-Minor arterial;

((~~iii.~~)) 3) Class II pedestrian street-Principal arterial;

((~~iv.~~)) 4) Class I pedestrian street-Minor arterial;

((~~v.~~)) 5) Class I pedestrian street-Principal arterial;

((~~vi.~~)) 6) Principal transit street;

((~~vii.~~)) 7) Designated green street.

c. The Director may allow or require access from a right-of-way other than one indicated by subsection 23.49.019.H.1.a or 23.49.019.H.1.b if, after consulting with the Director of Transportation on whether and to what extent alternative locations of access would enhance pedestrian safety and comfort, facilitate transit operations, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize hazards, the Director finds that an exception to the general policy is warranted. Curb_cut controls on designated green streets shall be evaluated on a case-by-case basis, but generally access from green streets is not allowed if access from any other right-of-way is possible.

2. Curb_cut Width and Number. The width and number of curbcuts shall comply with ((~~the provisions of~~)) Section 23.54.030, Parking space standards.

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THIS VERSION IS NOT ADOPTED

Section 15. Section 23.49.020 of the Seattle Municipal Code, which section was last amended by Ordinance 122611, is amended as follows:

23.49.020 Demonstration of LEED Silver rating((.))

A. Applicability. This section applies ((~~whenever~~)) if a commitment to earn a LEED Silver rating or substantially equivalent standard is a condition of a permit.

B. The Director is authorized to determine, as a Type I decision, whether the applicant has demonstrated that a new structure has earned a LEED Silver rating or met a substantially equivalent standard. The Director may establish by rule procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED Silver rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Department of Planning and Development or another City agency with regulatory authority and expertise in green building practices.

((~~B~~))C. Demonstration of Compliance; Penalties.

1. The applicant shall demonstrate to the Director the extent to which the applicant has complied with the commitment to earn a LEED Silver rating no later than ((~~ninety (90)~~)) 90 days after issuance of final Certificate of Occupancy for the new structure, or such later date as may be allowed by the Director for good cause, by submitting a report analyzing the extent credits were earned toward such rating from the U.S. Green Building Council or another independent entity approved by the Director. For purposes of this ((~~section~~)) Section 23.49.020, if the Director shall have approved a commitment to achieve a substantially equivalent standard, the term "LEED Silver rating" shall mean such other standard.

THIS VERSION IS NOT ADOPTED

2. Failure to submit a timely report regarding a LEED Silver rating from an approved independent entity by the date required is a violation of the Land Use Code. The penalty for such violation ((~~shall be Five Hundred Dollars ($500)~~)) is $500 per day from the date ((~~when~~)) that the report was due to the date it is submitted, without any requirement of notice to the applicant.

3. Failure to demonstrate, through an independent report as provided in this subsection, full compliance with the applicant's commitment to earn a LEED Silver rating, is a violation of the Land Use Code. The penalty for each violation is an amount determined as follows:

$$P = [(LSM-CE)/LSM] \times CV \times 0.0075,$$

where:

P is the penalty;

LSM is the minimum number of credits to earn a LEED Silver rating;

CE is the number of credits earned as documented by the report; and

CV is the Construction Value as set forth on the building permit for the new structure.

Example:

Construction Value	$200,000,000.00
Minimum LEED Credits for Silver rating	33
Credits Earned	32
Penalty = [(33-32)/33] × 200,000,000 × .0075 =	$45,454.55

4. Failure to comply with the applicant's commitment to earn a LEED Silver rating is a violation of the Land Use Code independent of the failure to demonstrate compliance;

THIS VERSION IS NOT ADOPTED

however, such violation shall not affect the right to occupy any chargeable floor area, and if a penalty is paid in the amount determined under subsection 23.49.020.C.3 ((~~B3 of this section~~)), no additional penalty shall be imposed for the failure to comply with the commitment.

5. If the Director determines that the report submitted provides satisfactory evidence that the applicant's commitment is satisfied, the Director shall issue a certificate to the applicant so stating. If the Director determines that the applicant did not demonstrate compliance with its commitment to earn a LEED Silver rating in accordance with this section, the Director may give notice of such determination, and of the calculation of the penalty due, to the applicant.

6. If, within ((~~ninety (90)~~)) 90 days, or such longer period as the Director may allow for good cause, after initial notice from the Director of a penalty due under this subsection 23.49.020.C, the applicant shall demonstrate, through a supplemental report from the independent entity that provided the initial report, that it has made sufficient alterations or improvements to earn a LEED Silver rating, or to earn more credits toward such a rating, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so re-determined shall be final. If the applicant does not submit a supplemental report in accordance with this subsection 23.49.020.C by the date required under this subsection 23.49.020.C, then the amount of the penalty as set forth in the Director's original notice shall be final.

7. Any owner, other than the applicant, of any lot on which the bonus development was obtained or any part thereof, shall be jointly and severally responsible for compliance and liable for any penalty due under this subsection 23.49.020.C.

THIS VERSION IS NOT ADOPTED

((~~C~~))D. Use of Penalties. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsection ((~~B of this section~~)) 23.49.020.C. Revenue from penalties under that subsection shall be allocated to activities or incentives to encourage and promote the development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated.

Section 16. Subsection A of Section 23.49.022 of the Seattle Municipal Code, which section was last amended by Ordinance 118409, is amended as follows:

23.49.022 Minimum sidewalk and alley width.

A. ((~~Except in PMM, PSM, IDM, and IDR zones, minimum~~)) Minimum sidewalk widths are established for certain streets by Map 1C. ((~~When~~))

1. If a new structure is proposed on lots abutting these streets, sidewalks shall be widened, if necessary, to meet the minimum standard. The sidewalk may be widened into the right-of-way if approved by the Director of Transportation.

2. Sidewalk widths for certain streets within PMM, PSM, IDM, and IDR zones are addressed by Special Review or Historic District regulations. On a street within the International Special Review District for which a sidewalk width is designated on Map 1C, the minimum sidewalk width identified by Map 1C may be reduced if it is determined that a reduced sidewalk width would better meet the goals and objectives of the International Special Review District identified in Section 23.66.302. Final approval for the reduced sidewalk width will be made by the Director of Transportation upon recommendation by the Director of Neighborhoods.

* * *

THIS VERSION IS NOT ADOPTED

Section 17. A new Section 23.49.023 is added to Subchapter I of Chapter 23.49 of the Seattle Municipal Code, as follows:

23.49.023. Extra residential floor area and hotel floor area in South Downtown; transferable development potential (TDP); limits on TDP sending sites

A. Zones where extra residential floor area may be allowed. In South Downtown, extra residential floor area, as defined in subsection 23.58A.004.B, is permitted in DMC, DMR, IDM, and IDR zones and in PSM zones except the PSM 100 and PSM 85-120 zones according to this Section 23.49.023 and Chapter 23.58A.

B. Means to achieve extra residential floor area. If the maximum height limit for residential use is 85 feet or lower, the applicant shall use housing bonus residential floor area, as defined in subsection 23.58A.004.B, to achieve all extra residential floor area on the lot. If the maximum height limit for residential use is greater than 85 feet, the applicant shall use housing bonus residential floor area, as defined in subsection 23.58A.004.B, to achieve 60 percent of the total extra residential floor area on the lot. To the extent permitted under the provisions of the zone, the applicant shall achieve 40 percent of extra residential floor area through one or more of the following programs:

1. bonus residential floor area for amenities pursuant to Section 23.58A.016; and/or

2. transfer of residential development potential pursuant to Section 23.58A.018; and/or

3. bonus residential floor area for contributing structures pursuant to subsection 23.49.023.C.

THIS VERSION IS NOT ADOPTED

C. Bonus floor area for contributing structures in IDM and IDR zones. On a lot that is located within an IDM or IDR zone and that includes one or more contributing structures under Section 23.66.032, an amount of floor area up to the equivalent gross floor area within the contributing structure or structures, including floor area below grade that is rehabilitated as part of the structure, but not to exceed 40 percent of the total extra residential floor area to be gained on the lot, is allowed as bonus floor area if all the following conditions are met:

1. No South Downtown Historic TDR or TDP has been previously transferred from the lot of the contributing structure.

2. The structure has been determined to be contributing within no more than three years prior to using the bonus residential floor area under this section 23.49.023.C.

3. As a condition to the using the bonus residential floor area under this section 23.49.023.C, except from a City-owned sending lot, the fee owner of the lot shall execute and record an agreement running with the land, in form and content acceptable to, and accepted in writing by, the Director of Neighborhoods, providing for the rehabilitation and maintenance of the historically significant structure or structures on the lot. The Director may require evidence that each holder of a lien has effectively subordinated the lien to the terms of the agreement, and that any holders of interests in the property have agreed to its terms. To the extent that the contributing structure requires restoration or rehabilitation for the long-term preservation of the structure or its historically or architecturally significant features, the Director of Neighborhoods may require, as a condition to acceptance of the necessary agreement, that the owner of the lot apply for and obtain a certificate of approval from the Director of Neighborhoods after review by the International Special Review District Board, as applicable, for the necessary work, or post

THIS VERSION IS NOT ADOPTED

security satisfactory to the Director of Neighborhoods for the completion of the restoration or rehabilitation, or both.

D. Transferable Development Potential (TDP).

1. Open space TDP may be transferred from a lot in any zone in South Downtown, subject to Section 23.58A.018, but only to a lot in South Downtown that is eligible to use TDP.

2. South Downtown Historic TDP may be transferred from a lot in any zone within the Pioneer Square Preservation District or the International Special Review District, subject to Section 23.58A.018, but only to a lot in South Downtown that is eligible to use TDP.

E. Limits on TDP Sending Sites.

1. Development on any lot from which TDP is transferred is limited pursuant to Section 23.58A.018, any other provision of this Title 23 notwithstanding.

2. Lot coverage on any lot from which open space TDP is transferred is limited pursuant to subsection 23.58A.018.E.3.

F. LEED Silver rating. For new structures in PSM, IDM, DMR and DMC zones within South Downtown that include extra residential floor area pursuant to Chapter 23.58A, the applicant shall make a commitment satisfactory to the Director that the proposed development shall earn a LEED Silver rating or meet a substantially equivalent standard approved by the Director as a Type I decision. If such commitment is made, Section 23.49.020 applies.

G. Extra floor area for hotel use in IDM 75/85-150. In a mixed use development that includes residential use and hotel use in an IDM 75/85-150 zone, extra floor area for hotel use above base height limits may be gained under this Section 23.49.023 on the same terms and

THIS VERSION IS NOT ADOPTED

conditions as extra residential floor area if the structure otherwise qualifies to exceed base height limits under subsection 23.49.208.E. If extra residential floor area is gained for the same development, it shall be combined with any such extra floor area in hotel use for all purposes under this Section 23.49.023 and under Chapter 23.58A.

Section 18. A new Section 23.49.031 of the Seattle Municipal Code is added as follows:

23.49.031 Green Factor Landscaping in South Downtown

In South Downtown, a lot on which there is new construction of 20,000 square feet or more in gross floor area shall meet a minimum Green Factor score of 0.30, calculated pursuant to Section 23.86.019, except that the Green Factor requirement may be modified by the Director, as a Type I decision, in consultation with the Director of Neighborhoods if the Director determines that the requirement would adversely affect historically or architecturally significant features of a contributing structure.

Section 19. Section 23.49.044 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.49.044 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial prohibited uses((.))

The following uses are prohibited as both principal and accessory uses in DOC1, DOC2, and DMC zones, or where a single zone classification is specified, in zones with that classification only:

A. Drive-in businesses, except gas stations located in parking garages;

B. Outdoor storage;

C. All general and heavy manufacturing uses;

THIS VERSION IS FILED

D. Solid waste management;

E. Recycling, except in DMC zones in South Downtown;

F. All high-impact uses;

G. In DMC zones, adult motion picture theaters and adult panorams; and

H. Principal use parking garages for long-term parking.

Section 20. Section 23.49.045 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

23.49.045 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial principal and accessory parking((.))

The provisions of this ((~~section~~)) Section 23.49.045 apply in DOC1, DOC2, and DMC zones. DMC zoned areas within the International Special Review District are also subject to Chapter 23.66. If there is any conflict between this Section 23.49.045 and Chapter 23.66, Chapter 23.66 applies.

A. Principal Use Parking.

1. Principal use parking garages for short-term parking may be permitted as conditional uses, pursuant to Section 23.49.046.

2. In DOC1 zones, principal use long-term and short-term surface parking areas are prohibited. In DOC2 and DMC zones, principal use long-term and short-term surface parking areas may be permitted as administrative conditional uses in areas shown on Map 1I, pursuant to Section 23.49.046.

B. Accessory Parking.

THIS VERSION IS NOT ADOPTED

1. Accessory parking garages for both long-term and short-term parking are permitted outright, up to the maximum parking limit established by Section 23.49.019 ((~~,Parking quantity, access and screening/landscaping requirements~~)).

2. Accessory surface parking areas are:

a. Permitted outright in areas shown on Map 1I ((~~when containing~~)) if they contain a total of ((~~twenty 20~~))) 20 or fewer parking spaces on the lot; and

b. Permitted outside South Downtown as administrative conditional uses pursuant to Section 23.49.046 ((~~when~~)) if located in areas shown on Map 1I on a lot containing more than ((~~twenty (20)~~))) 20 parking spaces; and

c. Prohibited in areas not shown on Map 1I ((~~.~~)); and

d. Notwithstanding the maximum parking limit in Section 23.49.019, permitted outright for replacement of a short-term surface parking area with more than 20 parking spaces in existence on December 31, 2009, if the original location and new location are both located in a DMC zone in South Downtown, and if the existing and replacement parking are accessory to the same principal use.

3. Temporary principal and accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.046.

Section 21. Subsections G and H of Section 23.49.046 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.49.046 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial conditional uses and Council decisions((~~.~~))

THIS VERSION IS NOT ADOPTED

The provisions of this ((~~section~~)) Section 23.49.046 apply in DOC1, DOC2 and DMC zones.

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G. Work-release centers may be permitted as Council conditional uses, except where prohibited in the International Special Review District, based on the following criteria:

1. Maximum Number of Residents. No work-release center shall house more than ((~~fifty (50)~~)) 50 persons, excluding resident staff.

2. Dispersion Criteria.

a. The lot line of any new or expanding work-release center shall be located ((~~six hundred (600)~~)) 600 feet or more from any residential zone, any lot line of any special residence, and any lot line of any school.

b. The lot line of any new or expanding work-release center shall be located ((~~one (1)~~)) 1 mile or more from any lot line of any other work-release center.

c. The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers and special residences. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

3. The Council's decision shall be based on the following criteria:

a. The extent to which the applicant can demonstrate the need for the new or expanded facility in the City, including a statement describing the public interest in establishing or expanding the facility;

THIS VERSION IS NOT ADOPTED

b. The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but is not limited to, the following:

((~~i.~~)) 1) Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

((~~ii.~~)) 2) Staff numbers, level of responsibilities, and scheduling, and

((~~iii.~~)) 3) Compliance with the security standards of the American Corrections Association;

c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure security is maintained;

d. The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include:

THIS VERSION IS NOT ADOPTED

landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

f. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

g. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

h. Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets DOC standards for such facilities, and that the facility will meet State laws and requirements.

H. Jails may be permitted as Council conditional uses, except where prohibited within the International Special Review District. The Council's decision shall be based on the following criteria:

1. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

2. The extent to which the applicant can demonstrate that the proposed location is functionally necessary to the criminal justice system;

3. The extent to which the applicant can demonstrate that the new or expanding facility does not create or further advance a level of institutionalization which is harmful to the surrounding community.

THIS VERSION IS NOT ADOPTED

Section 22. Section 23.49.056 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows, with the intent, as to subsection E, which is an amended version of what was subsection F prior to Ordinance 122054, to clarify the intent of that ordinance to continue that subsection in effect as subsection E, in light of the repeal of former subsection E as shown in that ordinance:

23.49.056 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial street facade, landscaping, and street setback requirements((.))

Standards ((~~for the street facades of structures~~)) are established in this section for DOC1, DOC2, and DMC zones, for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits;

Street trees; and

Setback and Landscaping Requirements in the Denny Triangle Urban Village.

These standards apply to each lot line that abuts a street designated on Map 1F or another map identified in a note to Map 1F as having a pedestrian classification, except lot lines of open space TDR sites, and apply along other lot lines and to circumstances as expressly stated in this Section 23.49.056. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1F or another map identified in a note to Map 1F, and whether property line facades are required by Map 1H. Standards for street landscaping and setback

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requirements in subsection 23.49.056.F ((~~G of this section~~)) also apply along lot lines abutting streets in the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F.

A. Minimum Facade Height.

1. Minimum facade height(s) are prescribed in ((~~the table below,~~))Table A for 23.49.056 and Exhibit 23.49.056 A, but minimum facade heights ((~~shall~~))do not apply ((~~when~~)) if all portions of the structure are lower than the elevation of the required minimum facade height ((~~listed below~~)).

Table A for 23.49.056: Minimum Façade Height

Street Classification	**Minimum Facade Height* within Designated Zone**
Streets Requiring Property Line Facades	DOC1, DOC2, DMC: 35 feet
Class I Pedestrian Streets	DOC 1, DOC 2: 35 feet DMC: 25 feet
Class II Pedestrian Streets	DOC 1, DOC 2: 25 feet DMC: 15 feet
Designated Green Streets	DOC1, DOC2, DMC: 25 feet
*Except as provided in subsection ((~~A2~~)) 23.49.056.A.2 regarding view corridor requirements.	

2. On designated view corridors specified in Section 23.49.024, the minimum facade height is the maximum height permitted in the required setback, ((~~when~~)) if it is less than the minimum facade height required in subsection ((~~A1 of this section~~)) 23.49.056.A.1.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits ((~~shall~~)) apply to all streets designated on Map 1H as requiring property line facades.

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a. The facades of structures ((~~fifteen (15)~~)) 15 feet or less in height shall be located within ((~~two (2)~~)) 2 feet of the street ((~~property~~)) lot line.

b. Structures greater than ((~~fifteen (15)~~)) 15 feet in height ((~~shall be~~)) are governed by the following criteria:

(((~~f~~))1) No setback limits ((~~shall~~)) apply up to an elevation of ((~~fifteen (15)~~)) 15 feet above sidewalk grade.

(((~~f~~))2) Between the elevations of ((~~fifteen (15)~~)) 15 and ((~~thirty-five (35)~~)) 35 feet above sidewalk grade, the facade shall be located within ((~~two (2)~~)) 2 feet of the street ((~~property~~)) lot line, except that:

((~~i.~~)) a) Any exterior public open space that satisfies the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, ((~~shall not be~~)) is not considered part of the setback.

((~~ii.~~)) b) Setbacks between the elevations of ((~~fifteen (15)~~)) 15 and ((~~thirty-five (35)~~)) 35 feet above sidewalk grade at the ((~~property~~)) street lot line ((~~shall be~~)) are permitted according to the following standards, as depicted in Exhibit 23.49.056 B:

-- The maximum setback ((~~shall be ten (10)~~)) is 10 feet.

-- The total area of a facade that is setback more than ((~~two (2)~~)) 2 feet from the street ((~~property~~)) lot line shall not exceed ((~~forty (40)~~)) 40 percent of the total facade area between the elevations of ((~~fifteen (15)~~)) 15 and ((~~thirty-five (35)~~)) 35 feet.

-- No setback deeper than ((~~two (2)~~)) 2 feet shall be wider than ((~~twenty (20)~~)) 20 feet, measured parallel to the street ((~~property~~)) lot line.

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-- The facade of the structure shall return to within ((~~two (2)~~)) 2 feet of the street ((~~property~~)) lot line between each setback area for a minimum of ((~~ten (10)~~)) 10 feet. Balcony railings and other nonstructural features or walls ((~~shall not be~~)) are not considered the facade of the structure.

c. ((~~When~~)) If sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street ((~~property~~)) lot line.

2. General Setback Limits. The following setback limits apply on streets not requiring property line facades, as shown on Map 1H:

a. The portion of a structure subject to setback limits shall vary according to the structure height and required minimum facade height, as follows:

((~~f~~))1) Except as provided in subsection 23.49.056.B.2.a.3 ((~~C2a(3) of this section~~)), ((~~when~~)) if the structure is greater than ((~~fifteen (15)~~)) 15 feet in height, the setback limits apply to the facade between an elevation of ((~~fifteen (15)~~)) 15 feet above sidewalk grade and the minimum facade height established in subsection 23.49.056.A ((~~A of this section~~)) and illustrated in Exhibit 23.49.056 C.

((~~f~~))2) ((~~When~~)) If the entire structure is ((~~fifteen (15)~~)) 15 feet or less in height, the setback limits apply to the entire street-facing facade.

((~~f~~))3) ((~~When~~)) If the minimum facade height is ((~~fifteen (15)~~)) 15 feet, the setback limits apply to the portion of the street-facing facade that is ((~~fifteen (15)~~)) 15 feet or less in height.

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b. The maximum area of all setbacks between the street lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.056 D). The averaging factor ((~~shall be~~)) is five (((~~5~~))) on Class I pedestrian streets and ten (((~~10~~))) on Class II pedestrian streets and designated green streets.

c. The maximum width, measured along the street ((~~property~~)) lot line, of any setback area exceeding a depth of ((~~fifteen (15)~~)) 15 feet from the street ((~~property~~)) lot line shall not exceed ((~~eighty (80)~~)) 80 feet, or ((~~thirty 30~~))) 30 percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.056 D.)

d. The maximum setback of the facade from the street ((~~property~~)) lot lines at intersections ((~~shall be ten (10)~~)) is 10 feet. The minimum distance the facade must conform to this limit ((~~shall be twenty (20)~~))) is 20 feet along each street. (See Exhibit 23.49.056 E.)

e. Any exterior public open space that meets the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.056 C.)

f. ((~~When~~)) If a sidewalk ((~~widening is required by Section 23.49.022~~)) is widened into the lot as a condition to development, setback standards shall be measured to the line established by the new sidewalk width rather than the street ((~~property~~)) lot line.

C. Facade Transparency Requirements.

1. Facade transparency requirements apply to the area of the facade between ((~~two (2)~~))) 2 feet and ((~~eight (8)~~))) 8 feet above the sidewalk, except that ((~~when~~)) if the slope

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along the street frontage of the facade exceeds ((~~seven and one-half (7 1/2)~~)) 7.5 percent, the transparency requirements apply to the area of the facade between ((~~four (4)~~)) 4 feet and ((~~eight (8)~~)) 8 feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows is considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do not apply to portions of structures in residential use.

3. ((~~When~~)) If the transparency requirements of this subsection 23.49.056.C are inconsistent with the glazing limits in the Energy Code, this subsection 23.49.056.C ((shall apply)) applies to the extent permitted by applicable law.

4. Transparency requirements are as follows:

a. Class I pedestrian streets and designated green streets: A minimum of ((~~sixty (60)~~)) 60 percent of the street level street-facing facade shall be transparent.

b. Class II pedestrian streets: A minimum of ((~~thirty (30)~~)) 30 percent of the street level street-facing facade shall be transparent.

c. Where the slope along the street frontage of the facade exceeds ((~~seven and one-half (7 1/2)~~)) 7.5 percent, the required amount of transparency shall be reduced to ((~~fifty (50)~~)) 50 percent on Class I pedestrian streets and designated green streets and ((~~twenty-five (25)~~)) 25 percent on Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

THIS VERSION IS NOT ADOPTED

a. Blank facade limits apply to the area of the facade between ((~~two~~)) (((~~2~~))) 2 feet and ((~~eight (8)~~)) 8 feet above the sidewalk, except that where the slope along the street frontage of the facade exceeds ((~~seven and one-half (7 1/2)~~)) 7.5 percent, blank facade limits apply to the area of the facade between ((~~four (4)~~)) 4 feet and ((~~eight (8)~~)) 8 feet above sidewalk grade.

b. Any portion of a facade that is not transparent shall be considered to be a blank facade.

c. Blank facade limits do not apply to portions of structures in residential use.

2. Blank Facade Limits for Class I Pedestrian Streets and ((~~d~~))Designated Green Streets.

a. Blank facades shall be no more than ((~~fifteen (15)~~)) 15 feet wide except ((~~for~~)) segments with garage doors ((~~which~~)) may exceed ((~~fifteen (15)~~)) a width of 15 feet and may be as wide as the driveway plus 5 feet. Blank facade segment width may be increased to ((~~thirty (30)~~)) 30 feet if the Director in a Type I decision determines that the facade segment is enhanced by features with visual interest such as architectural detailing, artwork, landscaping, or similar features. ((~~that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.~~))

b. Any blank segments of the facade shall be separated by transparent areas at least ((~~two (2)~~)) 2 feet wide.

c. The total width of all blank facade segments, including garage doors, shall not exceed ((~~forty (40)~~)) 40 percent of the street-facing facade of the structure on each

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street frontage, or ((~~fifty (50)~~)) 50 percent if the slope of the street frontage of the facade exceeds ((~~seven and one-half (7 1/2)~~)) 7.5 percent.

3. Blank Facade Limits for Class II Pedestrian Streets.

a. Blank façade((s)) segments shall be no more than ((~~thirty (30)~~)) 30 feet wide, except for garage doors, which may exceed ((~~thirty (30)~~)) 30 feet. Blank facade segment width may be increased to ((~~sixty (60)~~)) 60 feet if the Director in a Type I decision determines that the facade segment is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus ((~~five (5)~~)) 5 feet.

b. Any blank segments of the facade shall be separated by transparent areas at least ((~~two (2)~~)) 2 feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed ((~~seventy (70)~~)) 70 percent of the street facade of the structure on each street frontage; or ((~~seventy-five (75)~~)) 75 percent if the slope of the street frontage of the facade exceeds ((~~seven and one-half (7 1/2)~~)) 7.5 percent.

E. Street Tree Requirements. Street trees are required on all streets that have a pedestrian classification and abut a lot. If areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to street tree planting standards in the Right-of-Way Improvements Manual.

F. Setback and Landscaping Requirements for Lots Located Within the Denny Triangle Urban Village.

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1. Landscaping in the Street Right-of-Way for All Streets Other Than Those With Green Street Plans Approved by Director's Rule. All new development in DMC zones in the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F, shall provide landscaping in the sidewalk area of the street right-of-way, except on streets with a ((~~Green Street~~))green street plan approved by Director's Rule. The square footage of landscaped area provided shall be at least ((~~one and one-half (1-1/2)~~)) 1.5 times the length of the street ((~~property~~)) lot line (in linear feet). The following standards apply to the required landscaped area:

a. The landscaped area shall be at least ((~~eighteen (18)~~)) 18 inches wide and shall be located in the public right-of-way along the entire length of the street ((~~property~~)) lot line, except for building entrances, vehicular access or other connections between the sidewalk and the lot, provided that the exceptions may not exceed ((~~fifty (50)~~)) 50 percent of the total length of the street ((~~property~~)) lot line(s).

b. As an alternative to locating the landscaping at the street ((~~property~~)) lot line, all or a portion of the required landscaped area may be provided in the sidewalk area within ((~~five (5)~~)) 5 feet of the curb line.

c. Landscaping provided within ((~~five (5)~~)) 5 feet of the curb line shall be located and designed in relation to the required street tree planting and be compatible with use of the curb lane for parking and loading.

d. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the ground is not feasible. A minimum of ((~~fifty (50)~~)) 50 percent of the plant material shall be perennial.

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2. Landscaping on a Designated Green Street. ((~~Where~~)) If required landscaping is on a designated ((~~Green Street~~))green street with a green street plan approved by Director's Rule , ((~~or on a street with urban design and/or landscaping guidelines promulgated by Seattle Department of Transportation,~~)) the planting shall ((~~conform to those provisions~~)) be consistent with designs identified in that green street plan.

3. Landscaping in Setbacks.

a. In the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F at least ((~~twenty (20)~~)) 20 percent of the total square footage of all areas abutting the street ((~~property~~)) lot line that are not covered by a structure, have a depth of ((~~ten (10)~~)) 10 feet or more from the street ((~~property~~)) lot line and are larger than ((~~three hundred (300)~~)) 300 square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022 is exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the ground is not feasible. A minimum of ((~~fifty (50)~~)) 50 percent of the plant material shall be perennial and shall include trees ((~~when~~)) if a contiguous area, all or a portion of which is landscaped pursuant to subsection ((~~G1a~~)) 23.49.056.F.1.a ((~~above~~)), exceeds ((~~six hundred (600)~~)) 600 square feet.

4. Terry and 9th Avenues Green Street Setbacks.

a. In addition to the requirements of subsections ((~~G2 and G3~~)) 23.49.056.F.2 and 23.49.056.F.3 ((~~of this section~~)), a ((~~two (2)~~)) 2 foot wide setback from the street ((~~property~~)) lot line is required along the Terry and 9th Avenue Green Streets within the

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Denny Triangle Urban Village as shown on Exhibit 23.49.056 F. The Director may allow averaging of the setback requirement of this subsection to provide greater conformity with an ((~~adopted Green Street~~)) approved green street plan.

b. Fifty (((~~50~~))) percent of the setback area must be landscaped.

Section 23. A new subsection G is added to Section 23.49.058 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, as follows:

23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards((~~.~~))

* * *

G. Structure Separation Requirements for Mid-Block Corridors in a DMC Zone in South Downtown. On a lot in a DMC zone in South Downtown, the following standards apply:

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

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

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

Section 24. A new Section 23.49.059 of the Seattle Municipal Code is added to Subchapter II of Chapter 23.49 as follows:

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23.49.059 Downtown Mixed Commercial, standards for lots abutting green streets in South Downtown

In South Downtown, lots zoned DMC abutting a designated green street are subject to the following standards:

A. Any grocery store use greater than 50,000 square feet and any other retail use greater than 25,000 square feet in size must be separated from the green street by another use for a minimum of 75 percent of the lot frontage abutting the green street.

B. For grocery stores greater than 50,000 square feet and other retail uses greater than 25,000 square feet, the following features are prohibited within 25 feet of the lot line abutting a green street except as provided in subsection 23.49.059.C:

1. loading facilities or access to loading facilities;

2. access to vehicle parking.

C. As a Type I decision, the Director may allow one or more of the features identified in subsection 23.49.059.B to be located within 25 feet of the lot line abutting a green street if the feature is within 300 feet of Rainier Avenue South and no feasible alternative location is available due to the slope of the lot, and the feature is designed to minimize impacts on pedestrian use of the green street.

Section 25. A new Section 23.49.060 of the Seattle Municipal Code is added as follows:

23.49.060 Downtown Mixed Commercial, standards for facades along mid-block corridors

In a DMC zone in South Downtown where a mid-block corridor is used to gain extra floor area or additional height, or both, a facade that faces the mid-block corridor is subject to the following standards:

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A. The facade shall include at least one entrance to the predominant use in the structure or an entrance to a use listed in Section 23.49.009 for every 100 lineal feet of building façade facing the corridor. If the façade is less than 100 feet in width, then at least one entrance shall be provided.

B. Blank façade limits apply to the area of the façade facing the mid-block corridor between 2 feet and 8 feet above the grade of the corridor; except that where the slope along the corridor exceeds 7.5 percent measured at any segment of at least 20 feet, the blank façade limits apply to the area of the façade between 4 feet and 8 feet above grade within that segment. Where blank façade limits apply:

1. Blank façade segments are limited to segments of 30 feet or less in width, except that the width of a blank façade segment may be increased to up to 60 feet if the Director determines, as a Type I decision, that the façade is enhanced by features with visual interest such as architectural detailing, artwork, landscaping, or similar features.

2. Any blank segments of the façade shall be separated by segments at least 2 feet wide.

3. The total width of all blank façade segments, including garage doors, shall not exceed 70 percent of the façade of the structure facing the mid-block corridor; or 75 percent if the slope of the corridor along the frontage of the façade exceeds 7.5 percent measured at any segment of at least 20 feet.

Section 26. A new Section 23.49.143 of the Seattle Municipal Code is added as follows:

23.49.143 Downtown Mixed Residential, size of use limits in South Downtown

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In a DMR zone in South Downtown, each general sales and services business establishment and eating and drinking establishment is limited to a maximum size of 25,000 square feet, except that the size limit for a grocery store is 50,000 square feet.

Section 27. Section 23.49.146 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

23.49.146 Downtown Mixed Residential, principal and accessory parking((.))

A. Principal Use Parking.

1. Principal use parking garages for long-term and short-term parking ((~~shall be~~)) are prohibited in a DMR zone except that principal use parking garages for short-term parking may be permitted either as an administrative conditional use in South Downtown outside the International Special Review District pursuant to Section 23.49.148, or within the International Special Review District pursuant to Section 23.66.324.

2. Principal use surface parking areas ((~~shall be~~)) are prohibited, except that temporary principal use surface parking areas in DMR/C areas may be permitted as conditional uses pursuant to Section 23.49.148.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are permitted outright, ((~~when~~)) if located on the same lot as the use that they serve, up to the maximum parking limit established by Section 23.49.019((~~, Parking quantity, access and screening/ landscaping requirements~~)). Parking garages providing accessory parking for residential uses, which include the residential portion of live-work units, located on another lot

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may be permitted as conditional uses pursuant to Section 23.49.148. Parking garages providing accessory parking for nonresidential uses located on another lot are prohibited.

2. Accessory surface parking areas are:

a. Prohibited in DMR/R areas;

b. Permitted ((~~outright~~)) in DMR/C areas ((~~when containing twenty (20)~~)) outside the International Special Review District if they contain 20 or fewer parking spaces; or

c. Permitted as a conditional use in DMR/C areas ((~~when containing~~)) outside the International Special Review District if they contain more than ((~~twenty (20)~~)) 20 parking spaces, pursuant to Section 23.49.148; ((.)) or

d. Permitted in a DMR/C zone in the International Special Review District, pursuant to Section 23.66.324.

Section 28. Subsections A and B of Section 23.49.148 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.49.148 Downtown Mixed Residential, conditional uses and Council decisions

A. All conditional uses shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest. The Director or Council shall deny the conditional use, if it is determined that the negative impacts cannot be mitigated satisfactorily.

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B. Parking garages providing accessory parking for residential uses located on another lot, and principal use parking garages providing short-term parking in South Downtown outside of the International Special Review District, may be permitted as conditional uses, if the Director finds that:

1. Unserved parking demand associated with existing or forecast future ((~~residential~~)) development within ((~~one thousand (1,000)~~)) 1,000 feet of the proposed parking facility is sufficient to warrant construction of the facility; and

2. The garage will be operated in a manner such that substantial traffic associated with uses not located within the DMR zone will not be generated; and

3. The vehicular entrances to the garage are located so that they will not disrupt traffic or transit routes; and

4. The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.

* * *

Section 29. Section 23.49.156 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

23.49.156 Downtown Mixed Residential, minimum lot size((,))

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

1. The ((~~There shall be a~~)) minimum lot size ((~~of nineteen thousand (19,000)~~)) is 19,000 square feet for any structure over ((~~one hundred twenty-five (125)~~)) 125 feet high.

((~~B~~))2. To meet the minimum lot size requirement, a lot may be combined with one (((~~1~~))) or more abutting lots, whether occupied by existing structures or not, provided that:

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((~~1~~))a. The total area of the combined lots meets the minimum lot size requirement;

((~~2~~))b. All lots have frontage on the same avenue;

((~~3~~))c. Any existing structure does not exceed a height of ((~~one hundred twenty-five (125)~~)) 125 feet;

((4))d. The lot coverage of both the proposed and any existing structures ((~~meets the~~)) does not exceed applicable lot coverage limits ((~~established~~)) in Section 23.49.158; and

((~~5~~))e. The fee owners of the abutting lot(s) ((~~shall~~)) execute a deed or other agreement, ((~~which shall be~~)) recorded ((~~with the title to the lots~~)) with the County Recorder as an encumbrance on the abutting lot(s), ((~~which~~)) that restricts future development of the abutting lot(s) to a maximum height of ((~~one hundred twenty-five (125)~~)) 125 feet for the life of the proposed structure((~~;~~)), and ((~~which~~)) that precludes the use of the abutting lot(s) in combination with any other abutting lots for purposes of meeting the minimum lot size requirements ((~~of this section~~)) for any other lot.

B. This subsection 23.49.156.B applies within DMR zones in South Downtown.

1. The minimum lot size for any structure greater than 85 feet in height is 40,000 square feet.

2. To meet the minimum lot size requirement, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that the total area of the combined lots meets the minimum lot size requirement and the lot coverage of the proposed

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and any existing structures does not exceed the applicable lot coverage limits in Section 23.49.158.

Section 30. Section 23.49.158 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

23.49.158 Downtown Mixed Residential, coverage and floor size limits((.))

A. Coverage.

1. Except on lots located in ((~~the~~)) DMR/R ((~~eighty-five (85) foot height district~~)) 85/65 zones , and except as provided in subsection 23.49.158.C, portions of structures above ((~~an elevation of sixty-five (65)~~)) 65 feet shall ((~~meet~~)) not exceed the ((~~following~~)) coverage limits in Table A for 23.49.158:

((~~Percent of Coverage Permitted By Lot Size~~))

Table A for 23.49.158
Percent Coverage Permitted by Lot Size

((~~Elevation~~)) **Height of Portion of Structure (in feet)**	**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 feet or less	100%	100%	100%	100%
((~~66-85~~)) Greater than 65 feet up to 85 feet	75%	65%	55%	45%
((~~86-125~~)) Greater than 85 feet up to 125 feet	65%	55%	50%	40%
((~~126-240~~)) Greater than 125 feet up to 240 feet	Not applicable	45%	40%	35%

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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~~)) does not exceed any of the applicable limits set in this subsection 23.49.158.A; and

b. The fee owners of the abutting lot(s) ((~~shall~~)) execute a deed or other agreement, ((~~which shall be~~)) recorded with ((~~the title to~~)) the King County Recorder as an encumbrance on the lots, ((~~which~~)) that restricts future development so that in combination with the other lots, the coverage limits ((~~shall~~)) will not be exceeded.

B. ((~~Floor~~)) Story Size. Each ((~~floor~~)) story in portions of structures above ((~~an elevation of one hundred twenty-five (125)~~))) 125 feet shall have a maximum gross floor area of ((~~eight thousand (8,000)~~))) 8,000 square feet.

C. In South Downtown, the following coverage limits apply:

1. For structures up to 85 feet in height, coverage limits are shown in Table B for 23.49.158:

Table B for 23.49.158
Percent Coverage Permitted by Height Range
For Structures Up To 85 Feet in Height in South Downtown

Height of portion of structure	**Percent of lot coverage permitted**
65 feet or less	No limit
Greater than 65 feet up to 85 feet	75%

2. For buildings greater than 85 feet in height, portions of structures above 65 feet in height are limited to 50 percent lot coverage.

THIS VERSION IS NOT ADOPTED

Section 31. Section 23.49.162 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

23.49.162 Downtown Mixed Residential, street facade requirements((.))

Standards for the facades of structures are established for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits; and

Landscaping.

These standards shall apply to each lot line that abuts a street designated on Map 1F or another map identified in a note to Map 1F as having a pedestrian classification, except lot lines of open space TDR sites. The standards on each street frontage shall vary according to the pedestrian classification of the street on Map 1F or another map identified in a note to Map 1F, and whether property line facades are required by Map 1H.

* * *

F. Landscaping Requirements.

1. Street Tree Requirements. Street trees ((~~shall be~~)) are required on all streets that have a pedestrian classification and ((~~abutting~~)) abut a lot. ((~~When~~)) If areaways ((~~are~~)) are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to ((~~Seattle Department of Transportation Tree Planting Standards~~)) street tree planting standards in the Right-of-Way Improvements Manual.

THIS VERSION IS NOT ADOPTED

2. Landscaping in the Street Right-of-way if Green Factor standards do not apply. ((~~All new~~)) New development that is not required to achieve a Green Factor score shall provide landscaping in the sidewalk area of the street right-of-way. The square feet of landscaped area provided shall be at least ((~~one and one-half (11/2)~~)) 1.5 times the length of the street ((~~property~~)) lot line. The following standards ((~~shall~~)) apply to the required landscaped area:

a. The landscaped area shall be at least ((~~eighteen (18)~~)) 18 inches wide and shall be located in the public right-of-way along the entire length of the street ((~~property~~)) lot line.

b. Exceptions shall be allowed for building entrances, vehicular access or other connections between the sidewalk and the lot, but ((~~in no case shall~~)) exceptions shall not exceed ((~~fifty (50)~~)) 50 percent of the total length of the street ((~~property~~)) lot line(s).

c. As an alternative to locating the landscaping at the street lot ((~~property~~)) line, all or a portion of the required landscaped area may be provided ((~~in the sidewalk~~)) within ((~~five (5)~~)) 5 feet of the curb line.

d. Landscaping provided within ((~~five (5)~~)) 5 feet of the curb line shall be located and designed in relation to the required street tree planting and take into consideration use of the curb lane for parking and loading.

e. ((~~A minimum~~)) Landscaping shall not reduce unobstructed sidewalk width ((~~of five (5)~~)) to less than 5 feet on east/west streets ((~~and eight (8)~~)) or less than 8 feet on avenues ((~~shall be provided.~~)), except that in South Downtown, landscaping shall not reduce unobstructed sidewalk width to less than 8 feet on east/west streets or less than 5 feet on avenues.

THIS VERSION IS NOT ADOPTED

f. All plant material shall be planted directly in the ground. A minimum of ((~~fifty (50)~~)) 50 percent of the plant material shall be perennial.

g. ((~~Where the required landscaping is on a green street or street with urban design and/or landscaping guidelines promulgated by Seattle Department of Transportation, the planting shall be in conformance with those~~ provisions)) Landscaping shall be consistent with applicable landscaping guidelines for designated green streets or approved street design concept plans identified in the Right-of-Way Improvements Manual.

3. Landscaping in Setbacks if Green Factor standards do not apply. This subsection 23.49.162.F.3 applies to development that is not required to achieve a Green Factor score.

a. ((~~Twenty (20)~~)) At least 20 percent of areas on the street ((~~property~~))lot line that are not covered by a structure, ((~~which~~)) have a depth of ((~~ten (10)~~)) 10 feet or more from the street ((~~property~~)) lot line, and are larger than ((~~three hundred (300)~~)) 300 square feet, shall be landscaped. Any area under canopies or marquees ((~~shall be~~)) is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022((~~, shall be~~)) is exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters. A minimum of ((~~fifty (50)~~)) 50 percent of the plant material shall be perennial and shall include trees ((~~when~~)) if the setback area exceeds ((~~six hundred (600)~~)) 600 square feet.

Section 32. A new Section 23.49.163 of the Seattle Municipal Code is added as follows:

23.49.163 Downtown Mixed Residential, standards for facades along mid-block corridors

THIS VERSION IS NOT ADOPTED

On a lot where a mid-block corridor is used to gain extra floor area or additional height, or both, a facade that faces the mid-block corridor is subject to the following standards:

A. The facade shall include at least one entrance to the predominant use in the structure or an entrance to a use listed in Section 23.49.009 for every 100 lineal feet of building façade facing the corridor. If the façade is less than 100 feet in width, then at least one entrance shall be provided.

B. Blank façade limits apply to the area of the façade facing the mid-block corridor between 2 feet and 8 feet above the grade of the corridor; except that where the slope along the corridor exceeds 7.5 percent measured at any segment of at least 20 feet, the blank façade limits apply to the area of the façade between 4 feet and 8 feet above grade within that segment. Where blank façade limits apply:

1. Blank façade segments are limited to segments of 30 feet or less in width, except that the width of a blank façade segment may be increased to up to 60 feet if the Director determines, as a Type I decision, that the façade is enhanced by features with visual interest such as architectural detailing, artwork, landscaping, or similar features.

2. Any blank segments of the façade shall be separated by segments at least 2 feet wide.

3. The total width of all blank façade segments, including garage doors, shall not exceed 70 percent of the façade of the structure facing the mid-block corridor; or 75 percent if the slope of the corridor along the frontage of the façade exceeds 7.5 percent measured at any segment of at least 20 feet.

THIS VERSION IS NOT ADOPTED

Section 33. Section 23.49.164 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

23.49.164 Downtown Mixed Residential, maximum ((~~wall dimensions.~~)) width, depth and separation requirements

A. Width and Depth Limits. Except as provided in subsections 23.49.164.B, ((~~and~~)) 23.49.164.C, and 23.49.164.D, a maximum ((~~wall length shall be established~~)) width and depth for the portion of a structure above 65 feet in height is established in Table A for 23.49.164, and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot above 65 feet in height by at least 20 feet at all points. ((~~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~~)) The maximum ((~~length shall be~~)) applies to the width and depth of portions of structures as measured parallel to ((~~all~~)) any street ((~~property lines~~)) lot line ((~~, and shall be as follows:~~)).

((~~Maximum Length by Lot Size~~))

Table A for 23.49.164
Maximum Width and Depth by Lot Size

((~~Elevation~~)) Height of Portion of Structure (in feet)	**0--19,000 Square Feet**	**Greater Than 19,000 Square Feet**
((~~66 – 125~~))Greater than 65 up to 125	90((~~'~~)) feet on avenues 120((~~'~~)) feet on east/west streets	120((~~'~~)) feet
((~~126 – 240~~)) Greater than 125 up to 240	Not applicable	100((~~'~~)) feet

THIS VERSION IS NOT ADOPTED

B. ((~~DMR/R Eighty-Five Foot Height District. The length of walls~~)) In a DMR/R 85/65 zone, width of portions of structures above ((~~an elevation~~)) a height of ((~~sixty-five (65)~~)) 65 feet ((~~shall not be~~)) is not limited ((~~in the DMR/R eighty-five (85) foot district~~).

C. Housing Option.

1. On lots with structures that contained low-income housing on or before ((~~the effective date of Ordinance 114079~~)) September 11, 1988, and that meet the requirements of subsection 23.49.164.C.4, the ((~~maximum length of portions of structures~~)) width above ((~~an elevation~~)) a height of ((~~sixty-five (65)~~)) 65 feet of portions of structures that are located less than ((~~twenty (20)~~)) 20 feet from a street ((~~property~~)) lot line shall not exceed ((~~one hundred twenty (120)~~)) 120 feet per block front. This maximum ((~~length shall be~~)) applies to the width as measured parallel to the street ((~~property~~)) lot line. Portions of structures, measured parallel to the street ((~~property~~)) lot line, that are located ((~~twenty (20)~~)) 20 feet or more from the street ((~~property~~)) lot line, ((~~shall~~)) have no maximum limit.

2. ((~~When~~)) If the housing option is used, no portions of the structure may be located in the area within ((~~twenty (20)~~)) 20 feet of the intersection of street ((~~property~~)) lot lines between ((~~elevations~~)) heights of ((~~sixty-five (65)~~)) 65 feet and ((~~one hundred twenty-five (125)~~)) 125 feet.

3. ((~~When~~)) If the housing option is used, each ((~~floor~~)) story in portions of structures between ((~~elevations~~)) heights of ((~~sixty-five (65)~~)) 65 feet and ((~~one hundred twenty-five (125)~~)) 125 feet shall have a maximum gross floor area of ((~~twenty-five thousand (25,000)~~)) 25,000 square feet or the lot coverage limitation, whichever is less. The 25,000 square foot limit shall apply separately to portions of the same structure that are not connected above 65 feet.

THIS VERSION IS NOT ADOPTED

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

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

b. If the housing is or was rental housing on or before ((~~the effective date of Ordinance 114079~~)) September 11, 1988, it shall be used as rental housing for not less than ((~~fifty (50)~~)) 50 years from the date a final certificate of occupancy is issued for the commercial development of the lot; and

c. The structure will be brought up to and maintained in conformance with the Housing and Building Maintenance Code; and

d. Housing that is or was low-income housing on or before ((~~the effective date of ordinance 114079~~)) September 11, 1988, shall be maintained as low-income housing for not less than ((~~fifty (50)~~)) 50 years from the date a final certificate of occupancy is issued for the commercial development on the lot.

((~~e.~~)) 5. Housing that is preserved according to ((~~the provisions of~~)) this ((~~section~~)) Section 23.49.164 ((~~shall~~)) does not qualify for a downtown housing bonus or for transfer of development rights.

D. Façade Width Limits and Separation Requirements in South Downtown. On a lot in a DMR/C zone in South Downtown, the following standards apply:

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

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

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

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

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

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

Section 34. A new Section 23.49.165 of the Seattle Municipal Code is added as follows:

23.49.165 Downtown Mixed Residential, Façade Modulation Requirement - South Downtown

This Section 23.49.165 applies only in DMR zones in South Downtown. For a structure that exceeds 85 feet in height, façade modulation is required for the portion of a street-facing

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facade above 45 feet in height if any part of the façade above that height is located less than 10 feet from street lot lines and the façade above that height exceeds a length of 110 feet measured parallel to street lot lines. Projections from the street-facing façade or any other façade, such as balconies, within 10 feet of street lot lines or their projection, are included in this measurement of length. If façade modulation is required, a portion of the façade with a minimum length of 30 feet must be set back a minimum of 10 feet from street lot lines at all levels above 45 feet.

Section 35. Section 23.49.166 of the Seattle Municipal Code, which section was last amended by Ordinance 120443, are amended as follows:

23.49.166 Downtown Mixed Residential, side setback and green street setback requirements((.))

A. Side Setbacks. ((~~Except on lots located in the DMR/R eighty-five (85) foot height district~~))

1. In DMR zones outside South Downtown, except in DMR/R 85/65 zones, setbacks ((~~shall be~~)) are required from side lot lines that are not street ((~~side~~)) lot lines as established in Table A for 23.49.166. The setback ((~~shall occur~~)) requirement applies to all portions of the structure above ((~~an elevation~~)) a height of ((~~sixty-five (65)~~)) 65 feet. The amount of the setback ((~~shall be~~)) requirement is determined by the length of the frontage of the lot on ((~~avenues~~)) an avenue ((~~, as follows~~)):

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Table A for 23.49.166 Required Side Setbacks Above 65 Feet, DMR Zones Outside South Downtown Except DMR/R 85/65 Zones	
Frontage on Avenue	**Required Setback Above 65 Feet**
120 feet or less	Not required
((~~121 feet~~))Greater than 120 feet up to 180 feet	20 feet
((~~181 feet or more~~))Greater than 180 feet	40 feet

2. In DMR zones within South Downtown, setbacks of 10 feet are required from side lot lines that are not street lot lines, for portions of structures above a height of 65 feet.

B. Green Street Setbacks. ((~~Except on lots located~~)) In DMR zones outside South Downtown, except in DMR/R ((~~eighty-five (85) foot height districts~~)) 85/65 zones, a setback is required from the street ((~~property~~))lot line abutting a green street((~~shall be required on green streets~~))designated on Map 1B ((~~G at an elevation of sixty-five (65 feet)~~)). The setback shall be as follows:

((~~Elevation of Portion of Structure~~	~~Required Setback~~
~~65' to 85'~~	~~10'~~
~~86' to 240'~~	~~(H - 85') x .2 + 10' where H equals the highest point of the portion of the structure located within one hundred twenty (120) feet of the green street lot line, in feet.~~))

1. Ten feet for portions of structures above 65 feet in height to a maximum of 85 feet; and

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2. For each portion of a structure above 85 feet in height, an additional setback is required at a rate of one foot of setback for every five feet that the height of such portion exceeds 85 feet.

C. Green Street Setbacks in South Downtown. In DMR zones in South Downtown, a setback from the street lot line is required on designated green streets for buildings greater than 65 feet in height. The required setback is determined by Table C for 23.49.166:

Table C for 23.49.166
Required Setbacks on Designated Green Streets For Buildings Greater Than 65 Feet in Height in DMR Zones in South Downtown

Height of Portion of Structure	Required Setback in Feet
Greater than 45 feet up to 85 feet	10
Greater than 85 feet up to 150 feet	15

Section 36. Section 23.49.178 of the Seattle Municipal Code, which section was last amended by Ordinance 123034, is amended as follows:

23.49.178 Pioneer Square Mixed, structure height((.))

A. Maximum structure height is the applicable height limit designated on the Official Land Use Map, Chapter 23.32 except as provided in this Section 23.49.178.

B. Rooftop features and certain additions to structures are allowed to exceed the applicable height limit according to ((~~the provisions of~~)) subsection 23.66.140.C.

C. ((~~In the PSM 100 zone :~~

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~~1. Except as expressly allowed in this subsection 23.49.178.C a structure shall not exceed by more than 15 feet the height of the tallest structure on the block or the adjacent block front (s);~~

~~2. A structure within which a streetcar maintenance base has been established may attain a maximum height of 130 feet if the structure has, in residential or hotel use, gross floor area equal to the gross floor area in the structure above 100 feet.~~

~~D. In the PSM 100 to 120 zone, structure height over 100 feet to a maximum of 120 feet is permitted if a minimum of 75 percent of the gross floor area of the structure is in residential use.~~)) In the PSM 100/100-120, PSM 100/100-130, PSM 100/100-140, and PSM 100/120-150 zones, the applicable height limit is determined as set forth in this subsection 23.49.178.C. The base height limit for nonresidential or live-work uses is the first figure after the "PSM" designation, and is the height limit for all portions of a structure that contain those uses unless all of the conditions of subsections 23.49.178.C.1-5 are satisfied. The base height limit for residential use, shown as the first figure following the "/", is the applicable height limit for a structure that contains residential uses and does not satisfy the conditions to exceed the base height limit under this subsection 23.49.178.C. Subject to any limit imposed under Section 23.66.140, the third figure shown is the applicable height limit for a structure if all of the conditions to exceeding base height limits under this subsection 23.49.178.C are satisfied. A structure may exceed the base height limits only if:

1. Construction does not involve the demolition or removal of any building or structure except as approved pursuant to Section 23.66.115;

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2. No building or structure has been demolished or removed from the lot within the ten years immediately preceding application for a building permit for the structure or addition that would exceed an applicable base height limit unless the Director of Neighborhoods determines that the demolished or removed building or structure did not contribute to the architectural or historic character of the Pioneer Square Preservation District;

3. No portion of the structure has been determined to be "contributing" pursuant to Section 23.66.032, except that additional height for contributing structures is permitted if the applicant can demonstrate, to the satisfaction of the Director of Neighborhoods, that the proposed height is no greater than the maximum height to which the contributing structure was built.

4. The gross floor area of the portion of the structure in residential use will equal or exceed the gross floor area in the portion of the structure above 100 feet;

5. The structure will use extra residential floor area available under Section 23.49.023 to gain all additional floor area above the base height limit for residential uses; and

6. The lot area is at least 7,200 square feet.

((~~E~~))D. In the PSM 85-120 zone:

1. The applicable height limit is 85 feet except as provided in subsections ((~~23.49.178.E.2 and 23.49.178.E.3~~)) 23.49.178.D.2 and 23.49.178.D.3.

2. The applicable height limit is 120 feet if a minimum of 75 percent of the gross floor area of the structure is in residential use, except as provided in subsection ((~~23.49.178.E.3~~)) 23.49.178.D.3.

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3. The applicable height limit is 240 feet for structures located within the area identified on Map A for 23.49.180 if the structures comply with the provisions of Section 23.49.180.

Section 37. Subsection A of Section 23.49.180, which section was enacted by Ordinance 123034, is amended as follows:

23.49.180 Additional height in the Pioneer Square Mixed 85-120 zone

A. General Intent. This section applies to the area identified on Map A for 23.49.180 within the Pioneer Square Preservation District if an applicant elects to develop a project using the height limits in ((~~Section 23.49.178.E.3~~)) subsection 23.49.178.D.3. The purpose of this section is to provide added flexibility through an increase in the maximum height limit to promote a high density, mixed use, and mixed income development that can contribute to the vitality of Pioneer Square.

* * *

Section 38. Subsection A of Section 23.49.081 of the Seattle Municipal Code, which section was enacted by Ordinance 123034, is amended as follows:

23.49.181 Bonus floor area for affordable housing in the PSM 85-120 zone

A. Purpose; Scope of provisions; State law controlling. This ((~~section~~)) Section 23.49.181 establishes an affordable housing incentive program for development on lots zoned PSM 85-120 that are subject to FAR limits pursuant to the provisions of Section 23.49.180. Chargeable floor area in addition to the base FAR is allowed for development that includes residential use, to the extent that the applicant qualifies by providing low-income housing ((~~as part of the development~~)), in accordance with this ((~~section~~)) Section 23.49.181 and subject to the provisions of ((~~section~~)) Section 23.49.180. In case of any irreconcilable conflict between the

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terms of this ((~~section~~)) Section 23.49.181 and the authority granted in RCW 36.70A.540, as it may be amended, the provisions of RCW 36.70A.540, as it may be amended, shall supersede and control. Unless the context otherwise clearly requires, references to RCW 36.70A.540 in this ((~~section~~)) Section 23.49.181 mean that section in effect on the date as of which the provisions of this ((~~title~~)) Title 23 apply to the application for a use permit for the project using the bonus floor area.

B. Permitting Conditions

1. Master Use Permit. The Master Use Permit application to establish any bonus floor area under this ((~~section~~)) Section 23.49.181 shall include a calculation of the total amount of bonus floor area sought and shall identify the quantity and type of affordable housing to be provided to satisfy the conditions to such bonus floor area. The application shall include the proposed location of the affordable housing((~~, including~~)). If any of the affordable housing is proposed to be within the area defined on Map A for Section 23.49.180 where additional height is permitted, the application shall include the location ((~~or~~))of the affordable housing within that area and its distribution within the proposed building(s). If any of the affordable housing is not to be provided within the area defined on Map A for Section 23.49.180 where additional height is permitted, the application shall include the address, legal description, dimensions and ownership of the other lot(s), and the approval of the Director of Housing for the affordable housing to be provided on the other lot(s), pursuant to subsection 23.49.181.E.3. The Director shall, at the time of issuance of any Master Use Permit decision approving any bonus floor area, issue a Type I decision as to the amount of bonus floor area to be allowed and the conditions to such bonus floor area. A declaration signed by the applicant and any other owners of the lot(s) on which the

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project using the bonus floor area is to be built and any other owners of the lot(s) where the affordable housing will be located, on a form approved by the Director, specifying the amount of bonus floor area((~~and the~~)), the legal descriptions of the lot where the bonus floor area will be used and each other lot where affordable housing will be located, and the conditions, must be executed and recorded as a condition to issuance of the Master Use Permit for a development to include bonus floor area. ((~~The declaration may be amended, with the written approval of the Director, if~~)) If a change in the total bonus floor area to be developed, or a change in the location of the affordable housing approved by the Director of Housing pursuant to subsection 23.49.181.E.3, results in adjustment to one or more conditions, the declaration and any related conditions of the Master Use Permit may be amended, with the written approval of the Director, as a Type I decision. In requesting amendment of a declaration under this subsection 23.49.181.B and any related conditions of the Master Use Permit, the applicant may elect, consistent with subsection 23.76.026.F, that the provisions of this Section 23.49.181 as in effect on the date of the Director's action on that request, rather than any earlier date applicable under Section 23.76.026, apply for purposes of the amendment to the Master Use Permit.

2. First Building Permit.

a. Prior to issuance, and as a condition to issuance, of the first building permit for a structure using bonus floor area, the owner of ((~~the portion of the~~)) each lot that will include the affordable housing for that bonus floor area shall execute and record an agreement in a form acceptable to the Director of Housing that shall commit to provide that affordable housing, and shall run with the land to bind successors. The applicant shall submit an acceptable agreement, fully signed, as part of the building permit application, and if there is any change in

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ownership or if the location at which any affordable housing is to be provided is modified pursuant to subsection 23.49.181.B.1 prior to the issuance of the building permit, the new owners or any other owners of the lot(s) where the affordable housing is to be provided, or both, as applicable, shall execute the agreement or an addendum((~~or~~)), substitute or separate agreement, acceptable to the Director of Housing.

b. If the affordable housing is to be located on any lot(s) not owned by the applicant, then the applicant shall demonstrate that the applicant is providing the affordable housing on the other lot(s) in connection with the applicant's project, as set forth below in this subsection 23.49.181.B.2.b. Prior to issuance, and as a condition to issuance, of the first building permit for a structure using bonus floor area, the applicant shall provide to the Director of Housing a copy of a signed and binding linkage agreement with the owner(s) of those lots, acceptable to the Director of Housing, pursuant to which only the applicant has the right to claim such housing for purposes of bonus development under this Section 23.49.181 or any other bonus or benefit under this Title 23, and shall demonstrate that the applicant has made a financial contribution to the affordable housing, or has promised such contribution in that linkage agreement and has provided to the City an irrevocable, unconditional letter of credit to ensure its payment, in form and content satisfactory to the Director of Housing, in either case in an amount determined by the Director of Housing to be, when reduced by the value of any expected benefits to be received for such contribution other than the bonus development, approximately equal to the subsidy gap for construction in South Downtown of at least the minimum amount of affordable housing determined under this Section 23.49.181 for the amount of bonus floor area sought by the applicant. The Director of Housing may require that one or more parties to a

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linkage agreement enter into an agreement with the City to establish performance criteria to be met in the development of the affordable housing, to provide for control of the financial contribution from the applicant to ensure its use for the affordable housing, and to provide for its use for alternative affordable housing if performance criteria are not met.

3. Effect of Certification by Director of Housing. If the Director of Housing certifies to the Director that either (a) the applicant has provided the City with (i) a satisfactory linkage agreement; (ii) evidence of a sufficient financial contribution, a letter of credit, or other sufficient security pursuant to subsection 23.49.181.B.2.b; and (iii) such other agreements as the Director of Housing requires pursuant to subsection 23.49.181.B.2.b, all sufficient for purposes of providing a specified amount of affordable housing consistent with this Section 23.49.181; or (b) there have been recorded one or more agreements or instruments satisfactory to the Director of Housing providing for occupancy and affordability restrictions on affordable housing with the minimum floor area determined under this Section 23.49.181 for the amount of bonus floor area sought by the applicant, all affordable housing has been completed, and the affordable housing either is on a different lot from the bonus floor area or is located in one or more condominium units separate from the bonus floor area under condominium documents acceptable to the Director of Housing; then any failure of the affordable housing to be completed or to satisfy the requirements of subsection 23.49.181.E shall not affect the right to maintain or occupy the bonus floor area and shall not cause the applicant or owner of the lot with the bonus floor area to be in violation of this Title 23.

C. Findings. Pursuant to the authority of RCW 36.70A.540, the City finds that the higher income levels specified in the definition of "income-eligible households" in this ((~~section~~))

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Section 23.49.181, rather than those stated in the definition of "low-income households" in RCW 36.70A.540, are needed to address local housing market conditions in the area to which this ((~~section~~)) Section 23.49.181 applies.

D. Defined Terms. For purposes of this ((~~section~~)) Section 23.49.181:

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

2. "Base FAR" or "base floor area ratio" means a FAR of 4.

3. "Bonus floor area" means all chargeable floor area allowed in addition to the base FAR.

4. "Income-eligible households" means:

a. In the case of rental housing, households with incomes no higher than 80 percent of median income as defined in Section 23.84A.025.

b. In the case of owner occupancy housing units, households with incomes no higher than the median income as defined in Section 23.84A.025.

5. "Low-income housing" means housing that serves income-eligible households as determined in subsection 23.49.181.E.

6. "Net bonus floor area" means gross square footage of bonus floor area, multiplied by an efficiency factor of 80 percent.

E. Affordable Housing

1. Amount. An applicant using bonus floor area shall provide an amount of net rentable floor area of low-income housing, applicable to units for sale or rent, equal to at least 17.5 percent of the net bonus floor area obtained.

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2. Serving income-eligible households. For the purposes of this ((~~section~~)) Section 23.49.181, a housing unit serves income-eligible households only if either:

a. For a period of 50 years beginning upon the issuance of a final certificate of occupancy by the Department of Planning and Development for a structure using the bonus floor area for which that affordable housing is provided, the housing is used as rental housing solely for income-eligible households at rent limited so that annual housing costs, including rent and basic utilities, do not exceed 30 percent of 80 percent of median income, and the housing unit and the structure in which it is located are maintained in decent and habitable condition, including basic appliances in the housing unit; or

b. The unit is sold for owner-occupancy to an income-eligible household at an initial sale price limited so that the annual housing costs, including mortgage principal and interest, real estate taxes, insurance, plus homeowner dues if applicable, are not expected to exceed 35 percent of median income, according to a calculation based on reasonable assumptions and approved by the Director of Housing, and the unit is subject to a recorded instrument satisfactory to the Director of Housing with a term extending until 50 years after the issuance of a final certificate of occupancy by the Department of Planning and Development for the structure using the bonus floor area for which that affordable housing is provided, providing for sales prices on any resale consistent with affordability on the same basis as the initial sale, allowing resales only to income-eligible households, and requiring that upon any resale, the housing unit be in decent and habitable condition, including adequate basic appliances in the housing unit.

3. Location, size and other requirements. Affordable housing ((~~shall~~)) may be provided within the area defined on Map A for Section 23.49.180 where additional height is

THIS VERSION IS NOT ADOPTED

permitted ((~~on the same lot as the project using the bonus floor area~~)). Alternatively, affordable housing may be provided on one or more different lots within South Downtown, subject to approval by the Director of Housing under the criteria in this subsection 23.49.181.E and to the conditions in subsection 23.49.181.B.2. Approval requires a determination by the Director of Housing that the affordable housing will (a) provide a public benefit; and (b) be more affordable than market rents or sale prices, as applicable, for housing in South Downtown. The affordable housing shall be provided in a range of unit sizes consistent with RCW 36.70A.540((~~. The affordable housing shall~~)) and comply with all requirements of RCW 36.70A.540.

4. Time of completion. Unless affordable housing is to be provided on a lot other than that of the project using the bonus and the Director of Housing has made all approvals described in subsection 23.49.181.B.2 and 23.49.181.E.3, ((~~The~~)) the affordable housing shall be completed and ready for occupancy at or before the time when a certificate of occupancy is issued for any bonus floor area that is based on the affordable housing and as a condition to any right of the applicant to such a certificate of occupancy.

5. No Subsidies for affordable housing; exceptions.

a. In general, and except as may be otherwise required by applicable federal or state law, no bonus floor area may be earned by providing affordable housing if:

1) Any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, low-income housing tax credits, federal loans or grants, City of Seattle housing loans or grants, county housing funds, and State of Washington housing funds; or

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2) The housing is or would be, independent of the requirements for the bonus floor area, subject to any restrictions on the income of occupants, rents or sale prices.

b. As exceptions to the general rule in subsection 23.49.181.E.5.a:

1) All ((~~Affordable~~)) affordable housing provided as a condition to bonus floor area ((~~may~~)) within the area defined on Map A for Section 23.49.180 where additional height is permitted may consist wholly or in part of the same units used to satisfy terms under which the lot or a portion thereof was transferred by a public body, and up to seventy units of affordable housing provided as a condition to bonus floor area on a lot outside the area defined on Map A for Section 23.49.180 where additional height is permitted, may consist wholly or in part of the same units used to satisfy terms under which the lot or a portion thereof was transferred by a public body;

2) The improvements on the lot may qualify for, and affordable housing provided as a condition to bonus floor area may consist wholly or in part of the same units used to satisfy conditions of, property tax exemptions pursuant to Chapter 5.73 SMC; and

3) The prohibition on public subsidies for affordable housing does not include Internal Revenue Code Section 45D, New Markets Tax Credits.

c. The Director of Housing may require, as a condition of any bonus floor area, that the owner of the lot upon which the affordable housing is located agree not to seek or accept any subsidies, other than as described in subsection 23.49.181.E.5.b, related to housing. The Director of Housing may require that such agreement provide for the payment to the City, for deposit in an appropriate sub-fund or account, of the value of any subsidies received in excess of any amounts allowed by such agreement.

THIS VERSION IS NOT ADOPTED

d. As an exception to the restriction on subsidies, the Director of Housing may allow the building or buildings in which the affordable housing is located to be financed in part with subsidies based on determinations that:

1) the total amount of affordable housing is at least 300 net residential square feet greater than the minimum amount of affordable housing that would be needed to satisfy the conditions of this ((~~section~~)) Section 23.49.181;

2) the public benefit of the affordable housing net of those subsidies, as measured through an economic analysis, exceeds the public benefit from the minimum amount of affordable housing; and

3) the subsidies being allowed would not be sufficient to leverage private funds for production of the affordable housing, under restrictions required in this ((~~section~~)) Section 23.49.181, without additional City subsidy.

6. Agreements and approvals. The Director of Housing is authorized to accept and execute agreements and instruments to implement this ((~~section~~)) Section 23.49.181. Issuance of the Master Use Permit, building permit, or certificate of occupancy for the project using the bonus floor area may be conditioned on satisfactory agreements and instruments signed by applicants and other owners. An applicant or prospective applicant may request, and the Director of Housing may provide, a determination that a linkage agreement or security arrangement, or both, would satisfy specific provisions of this Section 23.49.181, whether or not an applicant has proposed a specific development to use bonus floor area, but no such approval or agreement shall affect the determination, under Chapter 23.76 or other applicable law, of the date as of which any development regulations apply to a permit application.

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

F. Identification of bonus floor area. The floor area that constitutes bonus floor area under this ((~~section~~)) Section 23.49.181 shall be determined according to the order in which Master Use Permits are issued to establish the chargeable floor area, with the base FAR allocable to the earlier Master Use Permits. Within a structure or structures developed under a single Master Use Permit that involves both base floor area and bonus floor area:

1. If the complete applications for building permits for construction, not including any permits limited to excavation and shoring, are submitted at different times, then unless otherwise specifically identified in the Master Use Permit application and approved by the Director, the base floor area shall be allocated first to the structure or structures for which the earlier complete building permit applications are submitted; and

2. If the complete applications for building permits for construction, not including any permits limited to excavation and shoring, are submitted at the same time, then unless otherwise specifically identified in the Master Use Permit application and approved by the

THIS VERSION IS NOT ADOPTED

Director, the bonus floor area shall be the chargeable floor area, excluding any affordable housing, in the highest stories in the structure or structures, and if only a portion of a story consists of bonus floor area, it shall be allocated to each portion of that story in proportion to its chargeable floor area, excluding any affordable housing, within that story.

G. Obligation of Owners.

1. Except as otherwise expressly provided in subsection 23.49.181.B.3, any owner of bonus floor area shall be in violation of this ((~~title~~)) Title 23 if:

((~~1~~))) a. any housing units to be provided as affordable housing for that bonus floor area are not timely completed and ready for occupancy, or are not subject to a recorded instrument binding on the owner thereof as provided in this ((~~section~~)) Section 23.49.181; or

((~~2~~)))b. at any time during the period specified in subsection 23.49.180.E.2, any rental housing unit provided or to be provided under this ((~~section~~)) Section 23.49.181 for that bonus floor area does not serve income-eligible households; or

((~~3~~)))c. any housing unit provided or to be provided as affordable housing for owner occupancy for that bonus floor area under subsection 23.49.181.E.2.b is initially transferred other than in a sale to an income-eligible household, and subject to a recorded instrument, consistent with that subsection 23.49.181.E.2.b.

((~~b.~~))2. Any owner of a housing unit provided or to be provided as affordable housing in accordance with this ((~~section~~)) Section 23.49.181 shall be in violation of this ((~~title~~)) Title 23 if either:

THIS VERSION IS NOT ADOPTED

((~~1~~))a. for a rental housing unit, at any time during the period specified in subsection 23.49.181.E.2 it does not serve income-eligible households((~~; or~~)) within the meaning of that subsection 23.49.181.E.2; or

((~~2~~)))b. in the case of a unit provided or to be provided for owner occupancy, the owner causes or permits the transfer of the unit, or of the right to occupy the unit, or any offer for any transfer, contrary to the terms of a recorded instrument then in effect pursuant to this ((~~section~~)) Section 23.49.181.

H. Rules. The Director, in consultation with the Director of Housing, is authorized to adopt rules to interpret and implement provisions of this ((~~section~~)) Section 23.49.181.

Section 39. Section 23.49.198 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

23.49.198 Chapter 23.66 provisions apply((~~,~~))

All property located in ((~~the~~)) International District Mixed (IDM) zones ((~~shall be~~)) is subject to the use and development standards of the International ((~~District~~)) Special Review District, Chapter 23.66, in addition to the use and development standards contained in this ((~~chapter~~)) Chapter 23.49. ((~~In the event that~~)) If there is a conflict between the use and development standards of this ((~~chapter~~)) Chapter 23.49 and the provisions of the International ((~~District~~)) Special Review District, the provisions of Chapter 23.66 ((~~shall~~)) apply.

Section 40. Section 23.49.200 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

23.49.200 International District Mixed, permitted uses((~~,~~))

THIS VERSION IS NOT ADOPTED

The Overlay District regulations of the International ((~~District~~)) Special Review District, Chapter 23.66, contain the use provisions for the IDM zones.

Section 41. Section 23.49.208 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

23.49.208 International District Mixed, structure height((~~.~~))

A. ((~~Maximum structure height shall be as~~)) Height limits in the International District Mixed (IDM) zones are designated on the Official Land Use Map, Chapter 23.32.

B. Rooftop features ((~~may be~~)) are permitted to exceed the applicable height limit according to ((~~the provisions of~~)) Section 23.66.332.

C. Except as otherwise expressly provided in this Section 23.49.208, the applicable height limit in an IDM zone is determined as set forth in this subsection 23.49.208.C. The base height limit for nonresidential and live-work uses is the first figure after the "IDM" designation. The base height limit for residential uses, shown as the first figure following the "/", is the applicable height limit for a structure that contains residential uses and does not qualify for extra floor area under Section 23.49.023. The third figure shown, if any, is the applicable height limit for a structure that qualifies for extra residential floor area under Section 23.49.023 or for a structure that includes hotel use in a mixed use development consistent with subsection 23.49.208.E.

((~~C.~~)) D. In the ((~~seventy-five (75) to eighty-five (85) foot height district~~)) IDM 75-85 zone, structures in excess of ((~~seventy-five (75)~~)) 75 feet in height, to a maximum of ((~~eighty-five (85)~~)) 85 feet, ((~~shall be~~)) are permitted only if ((~~fifty (50)~~)) 50 percent or more of the gross

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floor area on the lot, excluding parking and street-level retail uses meeting the standards of Section 23.66.326, is in residential use.

((~~D.~~)) E. ((~~In the one hundred (100) to one hundred twenty (120) foot height district, structures in excess of one hundred (100) feet, to a maximum of one hundred twenty (120) feet, shall be permitted if seventy-five (75) percent or more of the gross floor area, excluding parking, is in residential use, or may be permitted as part of a planned community development, pursuant to Section 23.49.036, Planned community developments.~~)) In an IDM 75/85-150 zone, the applicable height limit is 75 feet unless:

1. all floor area above a height of 75 feet is in residential use; or

2. in a mixed-use development that includes hotel use, the following conditions are met:

a. the mixed-use development is on a lot with at least 40,000 square feet of the lot area located in an IDM 75/85-150 zone;

b. fifty percent or more of the gross floor area on the lot, excluding parking, is in residential use; and

c. hotel use is the only type of non-residential use located above 75 feet.

((~~E.~~))F. In the ((~~sixty-five (65) to one hundred twenty (120) foot height district~~)) IDM 65-120 zone, structures in excess of ((~~sixty-five (65)~~)) 65 feet, to a maximum of ((~~one hundred twenty (120)~~)) 120 feet, may be permitted only as a part of a planned community development, pursuant to Section 23.49.036, Planned community developments.

Section 42. A new Section 23.49.210 is added to Subchapter VI of Chapter 23.49 of the Seattle Municipal Code, as follows:

THIS VERSION IS NOT ADOPTED

23.49.210 International District Mixed, street façade requirements

A. Façade transparency requirements, blank façade limits and landscaping standards set forth in this Section 23.49.210 apply to the street-facing facades that face Class I and Class II Pedestrian Streets and designated green streets in IDM zones, as shown on Map B for 23.66.326, on lots abutting those streets, unless waived or modified pursuant to subsection 23.49.210.B.

B. Waiver or modification of requirements, limits and standards. The Director may waive or modify the requirements, limits and standards referred to in subsection 23.49.210.A as a Type I decision if, upon consultation with the Director of Neighborhoods, the Director determines that waiving or modifying a requirement, limit or standard will better meet the goals and objectives of Section 23.66.302 and Section 23.66.304.

C. If there is a conflict between the requirements, limits and standards of Chapter 23.66 and subsection 23.49.210.A, Chapter 23.66 applies.

D. Façade transparency requirements.

1. Façade transparency requirements apply to the area of the façade between 2 feet and 8 feet above the sidewalk, except that where the average slope along the entire street frontage of a façade exceeds 7.5 percent, the façade transparency requirements apply to the area of the façade between 4 feet and 8 feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows is considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Façade transparency requirements do not apply to portions of structures in residential use.

THIS VERSION IS NOT ADOPTED

3. If the transparency requirements of this subsection 23.49.210.D are inconsistent with the glazing limits in the Energy Code, this subsection 23.49.210.D applies to the extent permitted by applicable law.

4. Transparency requirements are as follows:

a. Class I pedestrian streets: A minimum of 60 percent of the street-level façade shall be transparent.

b. Class II pedestrian streets and designated green streets: A minimum of 30 percent of the street-level façade shall be transparent.

c. If the slope of the street frontage of the façade exceeds 7.5 percent, the required amount of transparency is reduced to 50 percent on Class I pedestrian streets and 25 percent on Class II pedestrian streets and designated green streets.

E. Blank Façade Limits.

1. General provisions.

a. Blank façade limits apply to the area of the façade between 2 feet and 8 feet above the sidewalk, except where the slope along the street frontage of the façade exceeds 7.5 percent, in which case the blank façade limits apply to the area of the façade between 4 feet and 8 feet above sidewalk grade.

b. Any portion of a façade that is not transparent is considered to be a blank façade.

c. Blank façade limits do not apply to portions of structures in residential use.

2. Blank Façade Limits for Class I Pedestrian Streets.

THIS VERSION IS NOT ADOPTED

a. Blank façade segments are limited to 15 feet in width, except for segments with garage doors, which may exceed a width of 15 feet and may be as wide as the driveway plus 5 feet. Blank façade segment width may be increased to 30 feet if the Director determines that the façade segment is enhanced by features with visual interest such as architectural detailing, artwork, landscaping, or similar features.

b. Any blank segments of the façade shall be separated by transparent areas at least 2 feet wide.

c. The total width of all blank façade segments, including garage doors, shall not exceed 40 percent of the width of the street-facing façade of the structure on each street frontage; or 50 percent of the width if the slope of the street frontage of the façade exceeds 7.5 percent.

3. Blank Façade Limits for Class II Pedestrian Streets and Designated Green Streets.

a. Blank façade segments are limited to 30 feet in width, except for garage doors which may exceed 30 feet. Blank façade segment width may be increased to 60 feet if the Director determines that the façade segment is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors is limited to the width of the driveway plus 5 feet.

b. Any blank segments of the façade shall be separated by transparent areas at least 2 feet wide.

c. The total width of all blank façade segments, including garage doors, shall not exceed 70 percent of the width of the street-facing façade of the structure on each street

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frontage; or 75 percent of the width if the slope of the street frontage of the façade exceeds 7.5 percent.

F. Landscaping Standards.

1. Street Tree Requirements. Street trees are required on all streets that have a pedestrian classification and abut a lot. If areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to street tree planting standards in the Right-of-Way Improvements Manual.

2. Landscaping in the Street Right-of-way if Green Factor Standards Do Not Apply. New development that is not required to achieve a Green Factor score shall provide landscaping in the street right-of-way. The square feet of landscaped area provided shall be at least 1.5 times the length of the street lot line. The following standards apply to the required landscaped area:

a. The landscaped area shall be at least 18 inches wide and shall be located in the public right-of-way abutting the entire length of the street lot line.

b. Exceptions shall be allowed for building entrances, vehicular access or other connections between the sidewalk and the lot, but exceptions shall not exceed 50 percent of the total length of the street lot line(s).

c. As an alternative to locating the landscaping abutting the street lot line, all or a portion of the required landscaped area may be provided within 5 feet of the curb line.

THIS VERSION IS NOT ADOPTED

d. Landscaping provided within 5 feet of the curb line shall be located and designed in relation to the required street tree planting and take into consideration use of the curb lane for parking and loading.

e. Landscaping shall not reduce unobstructed sidewalk width to less than 5 feet on east/west streets or less than 8 feet on avenues.

f. All plant material shall be planted directly in the ground. A minimum of 50 percent of the plant material shall be perennial.

g. Landscaping shall be consistent with applicable landscaping guidelines for designated green streets or approved street design concept plans identified in the Right-of-Way Improvements Manual.

3. Landscaping in Setbacks if Green Factor Standards Do Not Apply. This subsection 23.49.210.F.3 applies to development that is not required to achieve a Green Factor score.

a. At least 20 percent of areas on the street lot line that are not covered by a structure, that have a depth of 10 feet or more from the street lot line, and are larger than 300 square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022 is exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters. A minimum of 50 percent of the plant material shall be perennial. Plants shall include trees if the setback area exceeds 600 square feet.

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Section 43. A new Section 23.49.212 of the Seattle Municipal Code is added to Subchapter VI of Chapter 23.49 as follows:

23.49.212 International District Mixed, upper level development standards

A. In an IDM 75/85-150 zone, upper level development standards include upper level setbacks and façade modulation.

1. Upper level setbacks south of S. Weller Street. For structures south of S. Weller Street exceeding a height of 85 feet, an upper level setback with an average depth of at least 15 feet from abutting street lot lines along the entire street frontage of the structure is required above a height of 45 feet. The minimum depth permitted for any portion of a setback required under this subsection 23.49.212.A.1 is 10 feet. The maximum depth of a setback that can be used for calculating the average setback is 30 feet.

2. Upper level setbacks north of S. Weller Street. North of S. Weller St., a continuous setback of at least 15 feet from abutting street lot lines is required for portions of a structure above 85 feet in height, except that no setback is required from street lot lines abutting S. Weller Street.

3. Green street upper level setback. If a lot abuts a designated green street, a continuous upper level setback of at least 20 feet is required for all portions of structures above a height of 45 feet along the green street lot line.

4. Façade modulation. For a structure that exceeds 85 feet in height, modulation is required for the portion of a street-facing façade above 45 feet in height if any part of the façade above that height is located less than 15 feet from street lot lines and the façade above that height exceeds a length of 110 feet measured parallel to the street lot line. Projections from the

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street-facing façade or any other facade, such as balconies, within 15 feet of street lot lines or their projection, are included in this measurement of length. If façade modulation is required, a portion of the façade with a minimum length of 30 feet must be set back a minimum depth of 15 feet from street lot lines at all levels above 45 feet.

B. In the IDM 150/85-150 zone, upper level development standards include upper level setbacks and façade modulation.

1. Upper level setback. For lots abutting Maynard Avenue S., a continuous upper-level setback of at least 15 feet from the lot line abutting Maynard Avenue S. is required for portions of a structure above 45 feet in height.

2. Façade modulation. For structures exceeding 85 feet in height, modulation is required for portions of the street-facing facade exceeding 65 feet in height and located less than 10 feet from a street lot line. The maximum length of a street-facing façade without modulation is 110 feet, measured parallel to the street lot line. Projections from the street-facing façade, such as balconies, are included in the measurement of length. Where façade modulation is required, a portion of the façade must set back a minimum depth of 10 feet from street lot lines for a minimum length of 30 feet.

Section 44. A new Section 23.49.220 of the Seattle Municipal Code is added to Subchapter VII of Chapter 23.49 as follows:

23.49.220 International District Residential/Commercial

Property zoned International District Residential (IDR) may be further designated with a "C" suffix, as International District Residential/Commercial (IDR/C), on the Official Land Use Map, Chapter 23.32.

THIS VERSION IS NOT ADOPTED

Section 45. Section 23.49.223 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

23.49.223 Chapter 23.66 provisions apply((.))

All property located in ((~~the International District Residential (IDR)~~)) an IDR or IDR/C zone is ((~~shall be~~)) subject to the use and development standards of the International ((~~District~~)) Special Review District, Chapter 23.66, in addition to the use and development standards contained in this ((~~chapter~~)) Chapter 23.49. ((~~In the event that~~)) If there is a conflict between the use and development standards of this ((~~chapter~~)) Chapter 23.49 and the provisions of the International ((~~District~~)) Special Review District, the provisions of Chapter 23.66 ((~~shall~~)) apply.

Section 46. Section 23.49.226 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

23.49.226 International District Residential, permitted uses((.))

The Overlay District regulations of Subchapter III of Chapter 23.66, the International ((~~District~~)) Special Review District, ((~~Chapter 23.66,~~)) contain use provisions for IDR zones.

Section 47. Section 23.49.236 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

23.49.236 International District Residential, structure height((.))

A. ((~~Maximum structure height shall be as~~)) Height limits in International District Residential (IDR) zones are designated on the Official Land Use Map, Chapter 23.32.

B. Except as otherwise expressly provided in this Section 23.49.236, the applicable height limits in an IDR zone are determined as set forth in this subsection 23.49.236.B:

1. Where there are multiple height limits listed, the applicable height limit for

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structures containing only nonresidential and live-work uses is the first figure after the "IDR" designation, and is the height limit for all portions of a structure that contain those uses. The base height limit for portions of a structure that contain residential use, shown as the first figure following the "/", is the applicable residential height limit for portions of a structure that contain residential uses if the structure does not qualify for extra floor area under Section 23.49.023. The third figure shown, if any, is the applicable height limit for portions of a structure that contain residential uses if the structure qualifies for extra residential floor area under Section 23.49.023.

2. Where only one height limit is listed, the limit applies to all uses.

C. Rooftop features and certain additions to structures are allowed to exceed the applicable height limit according to subsection 23.66.332.B.

Section 48. Section 23.49.242 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

23.49.242 International District Residential, ((~~minimum lot size.~~)) development standards

((~~A. There shall be a minimum lot size of nineteen thousand (19,000) square feet for any structure over one hundred twenty-five (125) feet high.~~

~~B. To meet the minimum lot size requirement, a lot may be combined with one (1) or more abutting lots whether occupied by existing structures or not, provided that:~~

~~1. The total area of the combined lots meets the minimum lot size requirement;~~

~~2. All lots have frontage on the same street;~~

~~3. Any existing structure does not exceed a height of one hundred twenty-five (125) feet;~~

THIS VERSION IS NOT ADOPTED

~~4. The coverage of both the proposed and any existing structures meets the coverage limits established in Section 23.49.244; and~~

~~5. The fee owners of the abutting lot(s) shall execute a deed or other agreement, which shall be recorded with the title to the lots, which restricts future development to a maximum height of one hundred twenty-five (125) feet for the life of the proposed structure; and which precludes the use of the lot(s) in combination with any abutting lots for purposes of meeting the minimum size requirements of this section.~~))

A. Scope: application to mixed-use structures. The provisions of this Section 23.49.242 apply in IDR and IDR/C zones. If residential and non-residential uses are combined in the same structure, the standards specified for the respective categories of use apply to that portion of the structure occupied by those uses. If uses subject to different standards are combined on the same story of a structure, the standards for the predominant use in the story apply. For purposes of this Section 23.49.242, live/work uses are considered entirely nonresidential.

B. Minimum lot size requirement. The minimum lot size is 21,000 square feet for any structure exceeding a height of 150 feet excluding rooftop features.

C. Coverage limits.

1. Upper level coverage limits do not apply to structures 85 feet in height or less excluding rooftop features on lots of 8,000 square feet or less in IDR zones, or to structures 125 feet in height or less excluding rooftop features on lots of any size in IDR/C zones, or to rooftop features that are identified in Section 23.66.332.

2. For structures 150 feet in height or less, coverage limits are shown in Table A for 23.49.242.

THIS VERSION IS NOT ADOPTED

Table A for 23.49.242 Coverage Limits Per Story for Structures 150 Feet in Height or Less		
Height of story[1]	**Floor area permitted per story**	
	Stories with residential uses as the predominant use	**Stories with non-residential/live-work uses as the predominant use**
65 feet or less	No limit	No limit
Greater than 65 feet up to 125 feet	75% of lot area	No limit
Greater than 125 feet up to 150 feet	65% of lot area	Not applicable
[1] If any part of a story is above a given height, the limit applies as if the entire story were above that height.		

3. For structures exceeding 150 feet in height excluding rooftop features that include non-residential uses as the predominant use on any story wholly or in part above 45 feet in height, coverage limits are shown in Table B for 23.49.242.

THIS VERSION IS NOT ADOPTED

Table B for 23.49.242
Coverage Limits Per Story for Structures Exceeding 150 Feet in Height With Stories in Predominantly Non-Residential/Live-Work Use Above 45 feet in Height

Height of story[1]	Floor area permitted per story
45 feet or less	No limit
Greater than 45 feet up to 125 feet	For stories with nonresidential uses as the predominant use: no limit For stories predominantly in residential use: 35% of lot area, or an average gross floor area of 9,000 square feet, whichever is greater, provided that no single story exceeds a gross floor area of 11,500 square feet[2]
Greater than 125 feet up to 240 feet	35% of lot area or an average gross floor area per story of 9,000 square feet, whichever is greater, provided that no single story exceeds a gross floor area of 11,500 square feet[2]

[1] If any part of a story is above a given height, the limit applies as if the entire story were above that height.
[2]The stories eligible for coverage limit averaging are all of those that have floor areas predominantly in residential use. Averaging rules and further restrictions are in subsection 23.49.242.C.5

4. For structures exceeding 150 feet in height excluding rooftop features that include residential uses as the predominant use on every story wholly or in part above 45 feet in height, coverage limits are shown in Table C for 23.49.242:

THIS VERSION IS NOT ADOPTED

Table C for 23.49.242
Coverage Limits Per Story for Structures Exceeding 150 Feet in Height With All Stories in Residential Use Above 45 feet in Height

Height of story[1]	Floor area permitted per story
45 feet or less	No limit
Greater than 45 feet up to 85 feet	75% of lot area
Greater than 85 feet up to 240 feet	35% of lot area, or an average gross floor area of 9,000 square feet per story, whichever is greater, provided that no single story exceeds a gross floor area of 11,500 square feet[2]

[1] If any part of a story is above a given height, the limit applies as if the entire story were above that height.
[2]The stories eligible for coverage limit averaging are those that are above 85 feet. Averaging rules and further restrictions are in subsection 23.49.242.C.5

5. For any structure greater than 150 feet in height excluding rooftop features, gross floor area of any story that is eligible for coverage limit averaging under Table B for 23.49.242 or Table C for 23.49.242 shall not exceed 35 percent of the lot area, unless the average gross floor area of all stories eligible for averaging is no more than 9,000 square feet per story; and in any case no single story above a height of 85 feet shall exceed a gross floor area of 11,500 square feet. For purposes of this subsection 23.49.242.C.5, gross floor area for any story of less than 4,000 square feet is assigned a value of 4,000 square feet for the purpose of calculating average floor area.

D. Setbacks.

1. The following minimum setbacks are required for structures on lots abutting a green street designated on Map 1F or another map identified in a note to Map 1F:

THIS VERSION IS NOT ADOPTED

a. In an IDR zone, a continuous upper-level setback of 15 feet is required from the green street lot line for all portions of the structure above 45 feet in height. This setback is not required if a structure is 65 feet in height or less, except on Maynard Avenue S.

b. In an IDR/C zone, a continuous setback of 6 feet is required at street level from the green street lot line. For a structure exceeding 85 feet in height, a continuous upper-level setback of 16 feet is required from the green street lot line for all portions of the structure above a height of 65 feet.

2. For a structure exceeding 85 feet in height, a continuous upper-level setback of 15 feet is required from each side lot line that is not a street or alley lot line for all portions of the structure above a height of 65 feet.

E. Façade modulation.

1. For structures 150 feet or less in height excluding rooftop features, modulation is required for the portion of a street-facing facade above 65 feet in height and located less than 15 feet from street lot lines. No modulation is required for portions of a façade set back 15 feet or more from street lot lines.

2. For structures exceeding 150 feet in height, modulation is required for the portion of a street-facing facade in non-residential use between 65 feet and 125 feet in height and located less than 15 feet from street lot lines. No modulation is required for portions of a façade set back 15 feet or more from street lot lines.

3. For portions of structures subject to the modulation requirements of this subsection 23.49.242.E, the maximum length of a street-facing façade without modulation is prescribed in Table D for 23.49.242. For purposes of this subsection 23.49.242.E, length is

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measured parallel to each street lot line and includes projections from the street-facing façade, such as balconies.

Table D for 23.49.242: Façade Modulation	
Height of portion of structure	**Maximum length of un-modulated facade if less than 15 feet from street lot line**
65 feet in height or less	No limit
Greater than 65 feet up to 125 feet	155 feet
Greater than 125 up to 150 feet[1]	125 feet
[1]Applies only to structures 150 feet in height or less	

4. Any portion of a facade subject to modulation under subsection 23.49.242.E.1 or 2 that exceeds the maximum length of façade prescribed in Table D for 23.49.242 must include a portion set back a minimum depth of 15 feet from street lot lines for a minimum length of 30 feet .

F. Maximum Width. For any story predominantly in residential use above 85 feet in height in a structure that exceeds 150 feet in height not including rooftop features, the maximum width along the general north/south axis of a lot (parallel to the avenues) is 100 feet. The projection of unenclosed decks and balconies, and architectural features such as cornices, is disregarded in calculating maximum width.

Section 49. Section 23.49.244 of the Seattle Municipal Code, titled "International District Residential, coverage and floor size limits," which section was last amended by Ordinance 112303, is repealed. The repealed contents of this Section 23.49.244 are included as Exhibit C.

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Section 50. Section 23.49.246 of the Seattle Municipal Code, titled "International District Residential, maximum wall dimensions," which section was last amended by Ordinance 113279, is repealed. The repealed contents of this Section 23.49.246 are included as Exhibit D.

Section 51. Section 23.49.248 of the Seattle Municipal Code, titled "International District Residential side setback and green street setback requirements," which section was last amended by Ordinance 122235, is repealed. The repealed contents of this Section 23.49.248 are included as Exhibit E.

Section 52. A new Section 23.49.250 is added to Subchapter VII of Chapter 23.49 of the Seattle Municipal Code, as follows:

23.49.250 International District Residential, street façade requirements

A. Street façade requirements, limits and standards. Street façade requirements, limits and standards in Section 23.49.210 for International District Mixed zones also apply to the street-facing facades that face Class I and Class II Pedestrian Streets and designated green streets in IDR zones, as shown on Map B for 23.66.326, on lots abutting those streets, unless waived or modified pursuant to subsection 23.49.250.B.

B. Waiver or modification of requirements, limits and standards. The Director may waive or modify the requirements, limits and standards referred to in subsection 23.49.210.A as a Type I decision if, upon consultation with the Director of Neighborhoods, the Director determines that waiving or modifying a requirement, limit or standard will better meet the goals and objectives of Section 23.66.302 and Section 23.66.306.

Section 53. Maps 1A, 1B, 1C, 1F, 1G, 1H, and 1I in Chapter 23.49 of the Seattle Municipal Code are repealed; Maps 1A, 1B, 1C, 1F, 1G, 1H, and 1I are enacted to be codified at

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the end of Chapter 23.49; and the labels for Maps 1D, 1E, 1J and 1K at the end of Chapter 23.49 are amended, as follows:

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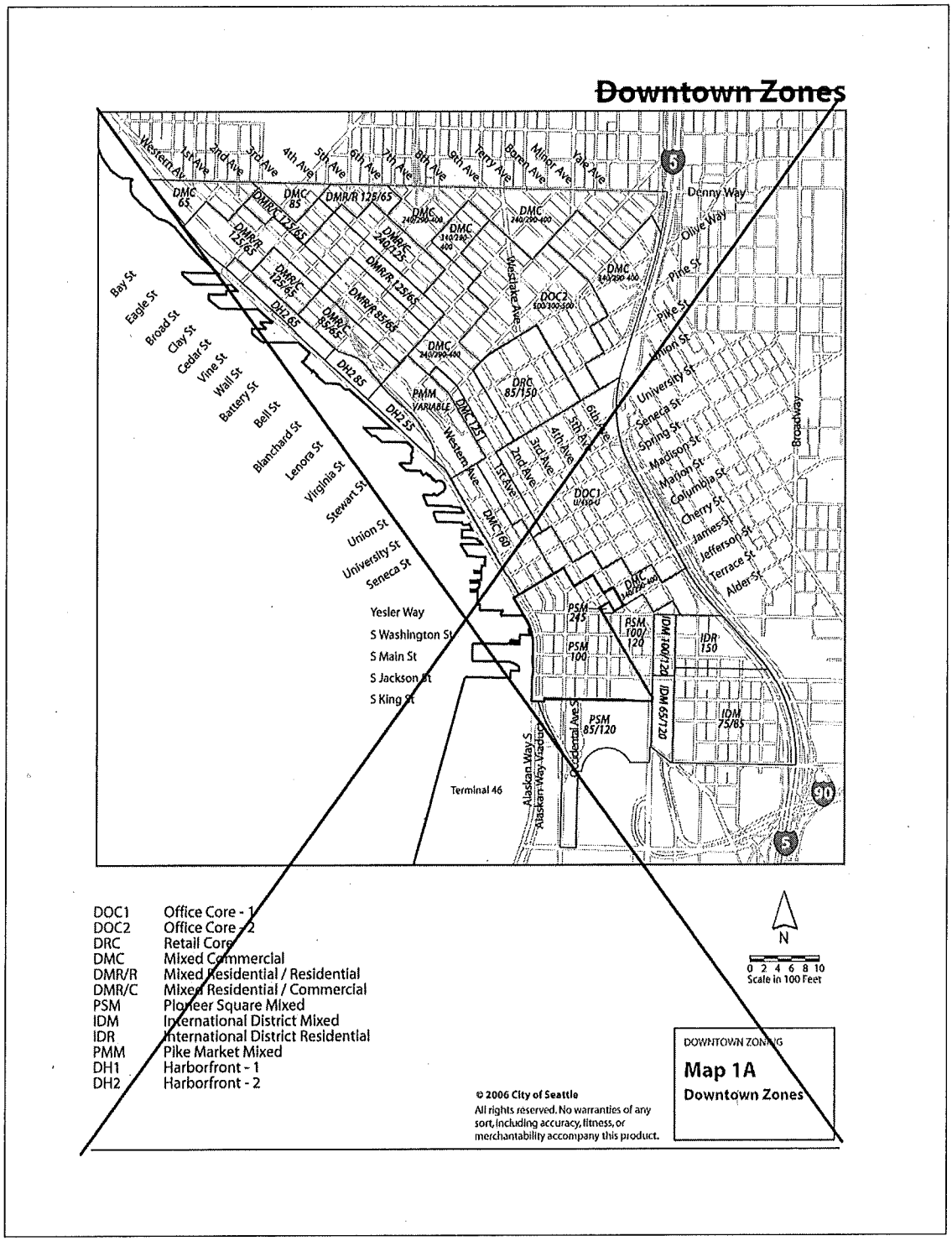

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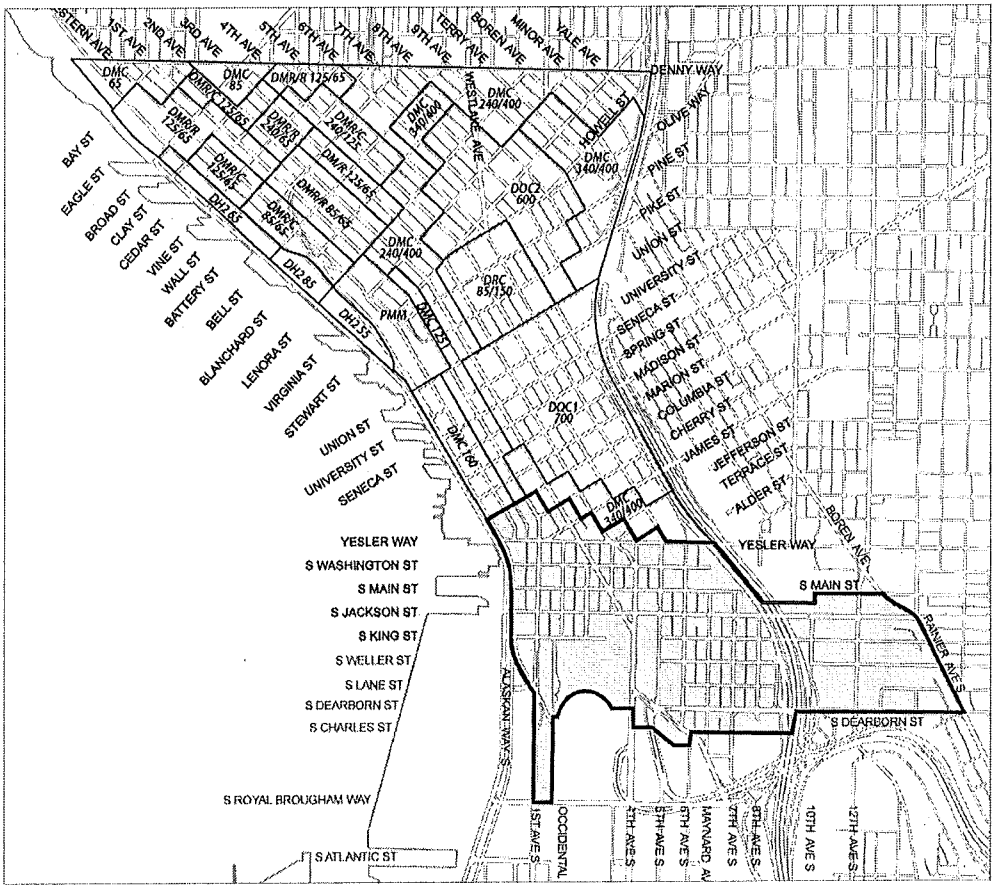
Map 1A
Downtown Zones and South Downtown Boundary



DOC1	Office Core - 1
DOC2	Office Core - 2
DRC	Retail Core
DMC	Mixed Commercial
DMR/R	Mixed Residential / Residential
DMR/C	Mixed Residential / Commercial
PMM	Pike Market Mixed
DH1	Harborfront - 1
DH2	Harborfront - 2

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

N

0 250 500 750 1000
Scale in US Feet

DOWNTOWN ZONING
Map 1A
Downtown Zones and South Downtown Boundary

Zone designations and zone boundaries shown are for general information and are unofficial. Zone designations and boundaries on the Official Land Use Map are controlling and may be modified from time to time without any change to this map.

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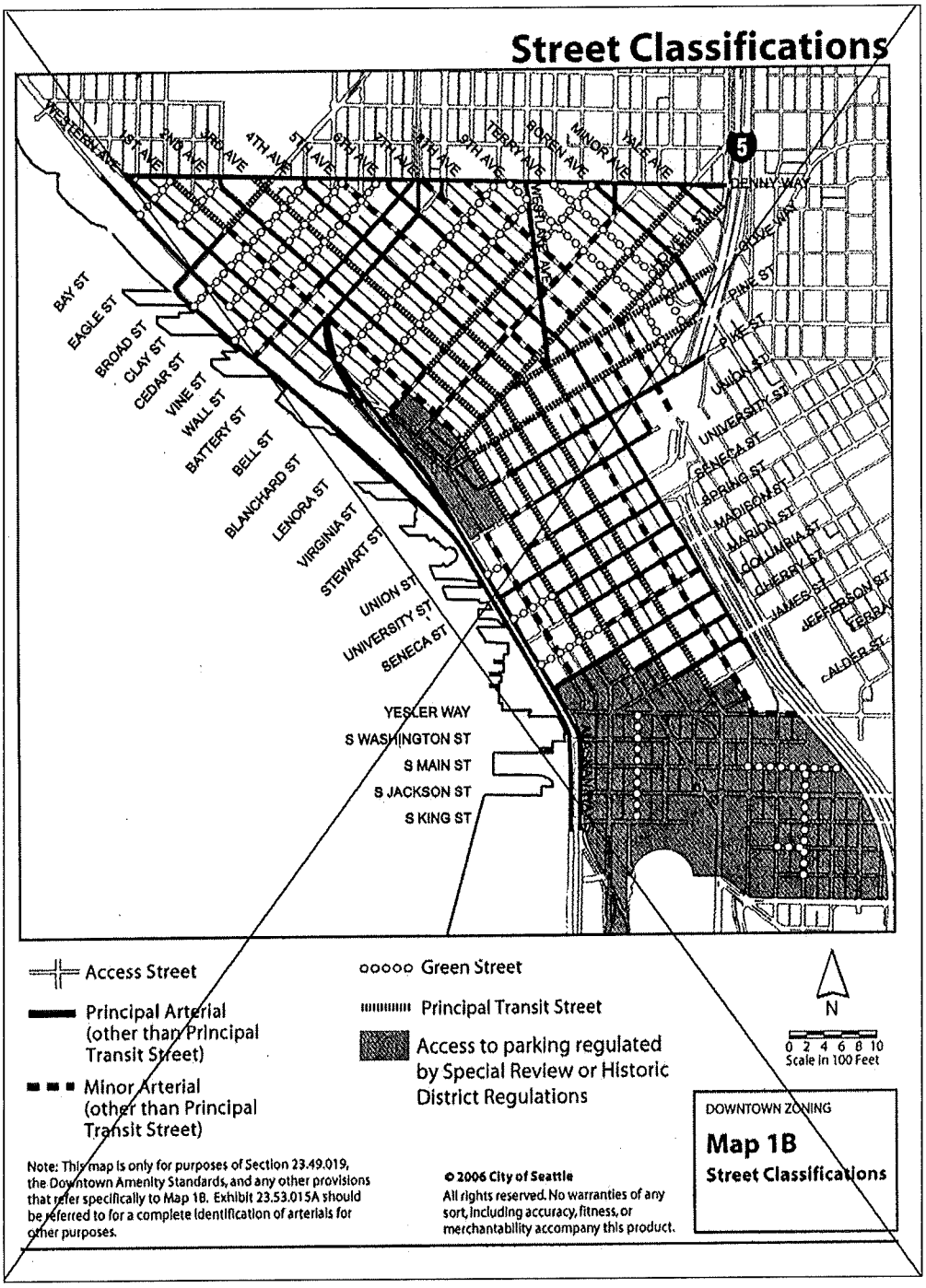

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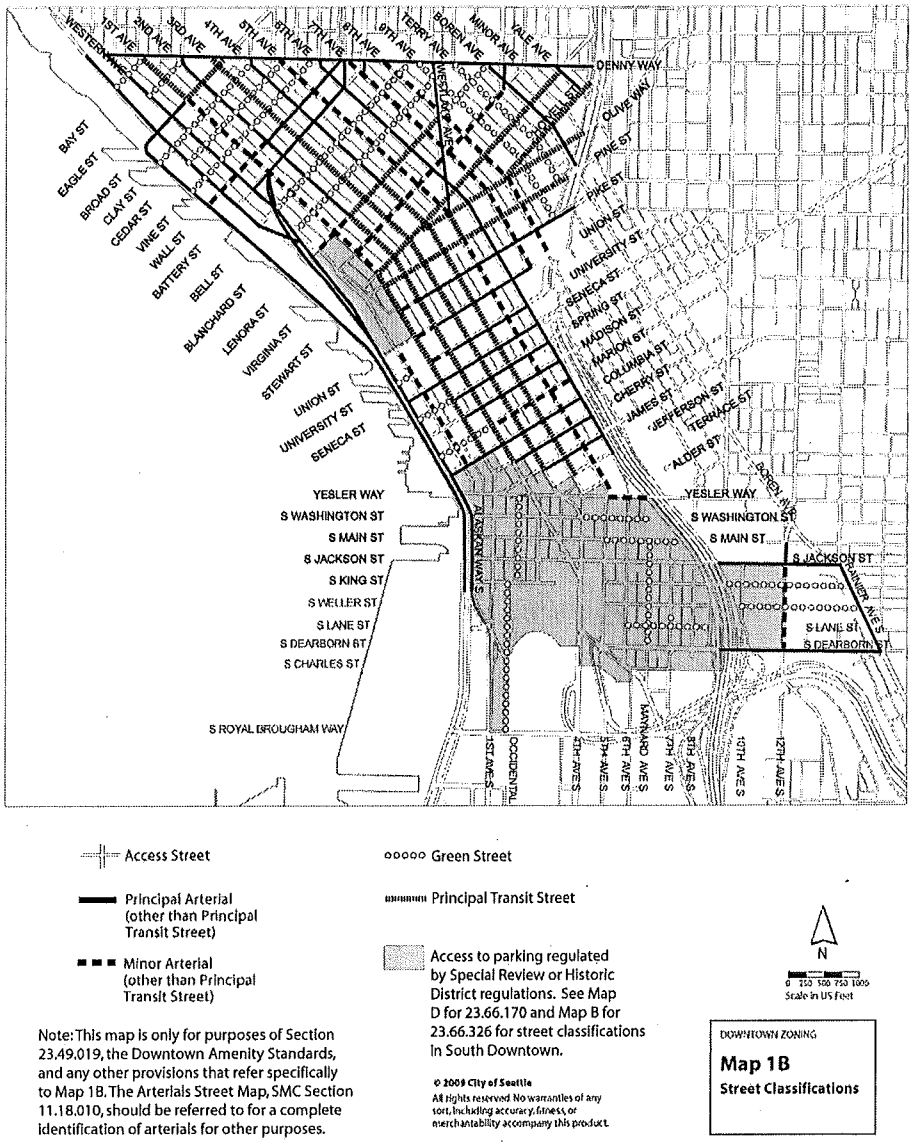
Map 1B
Street Classifications



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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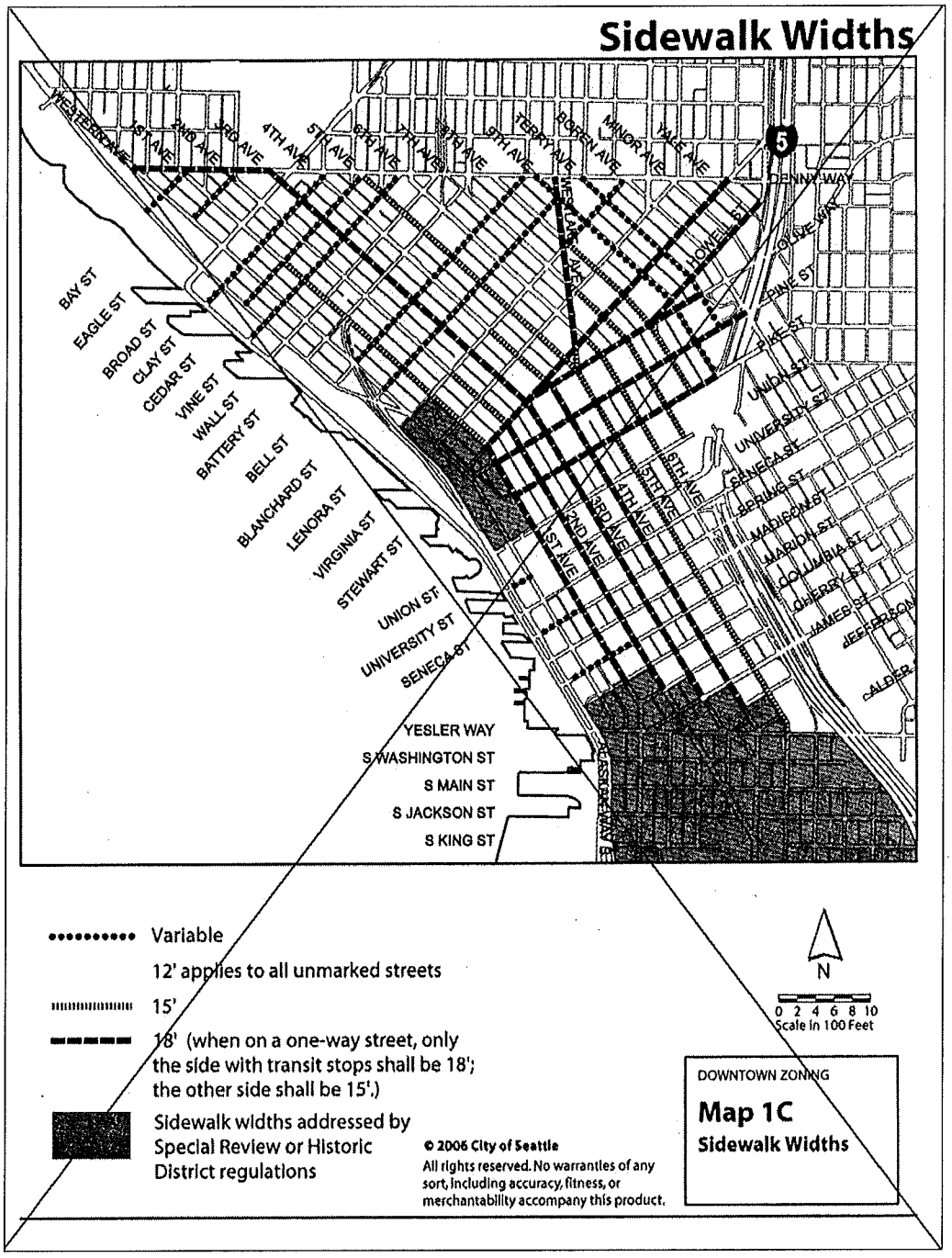

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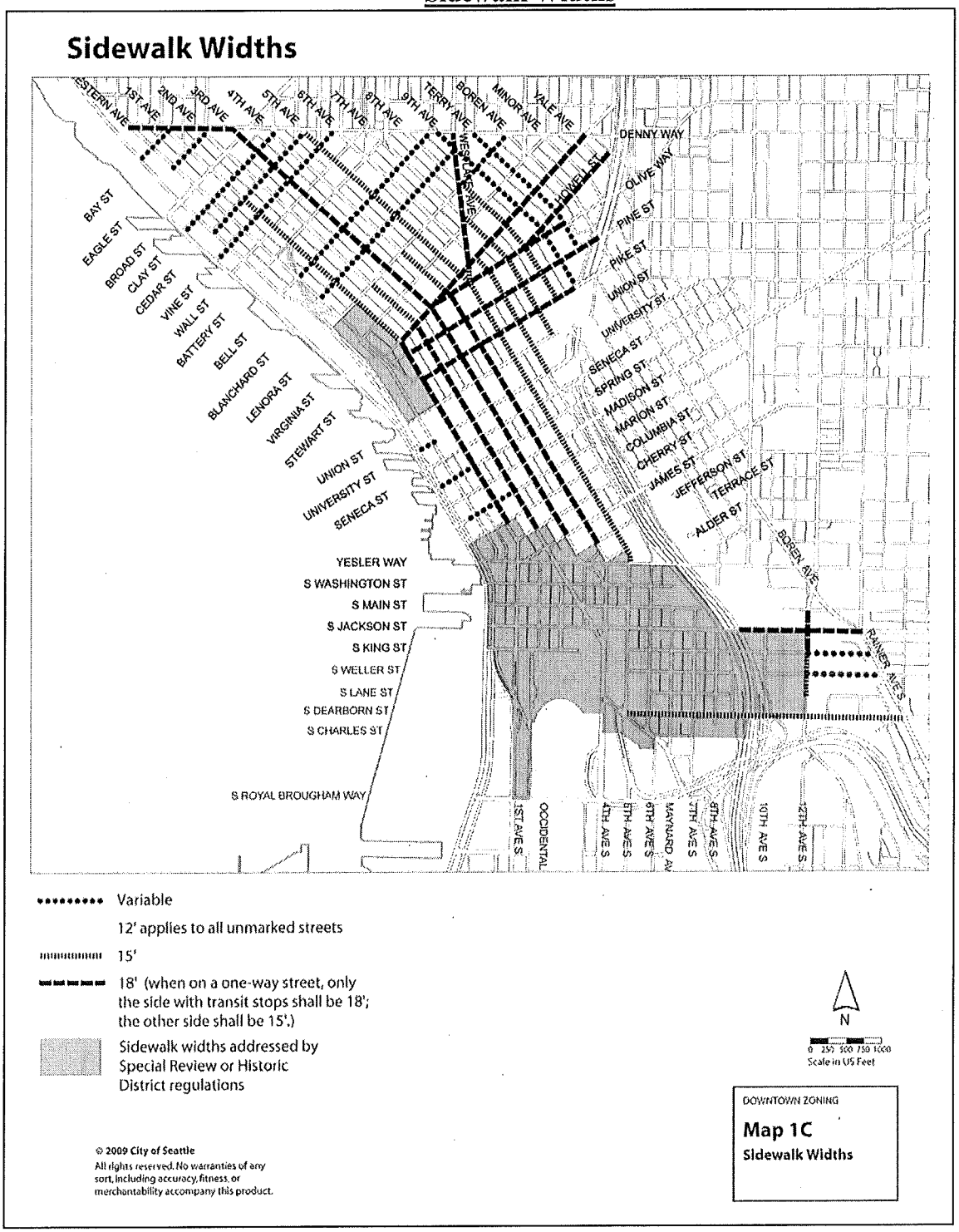
Map 1C
Sidewalk Widths



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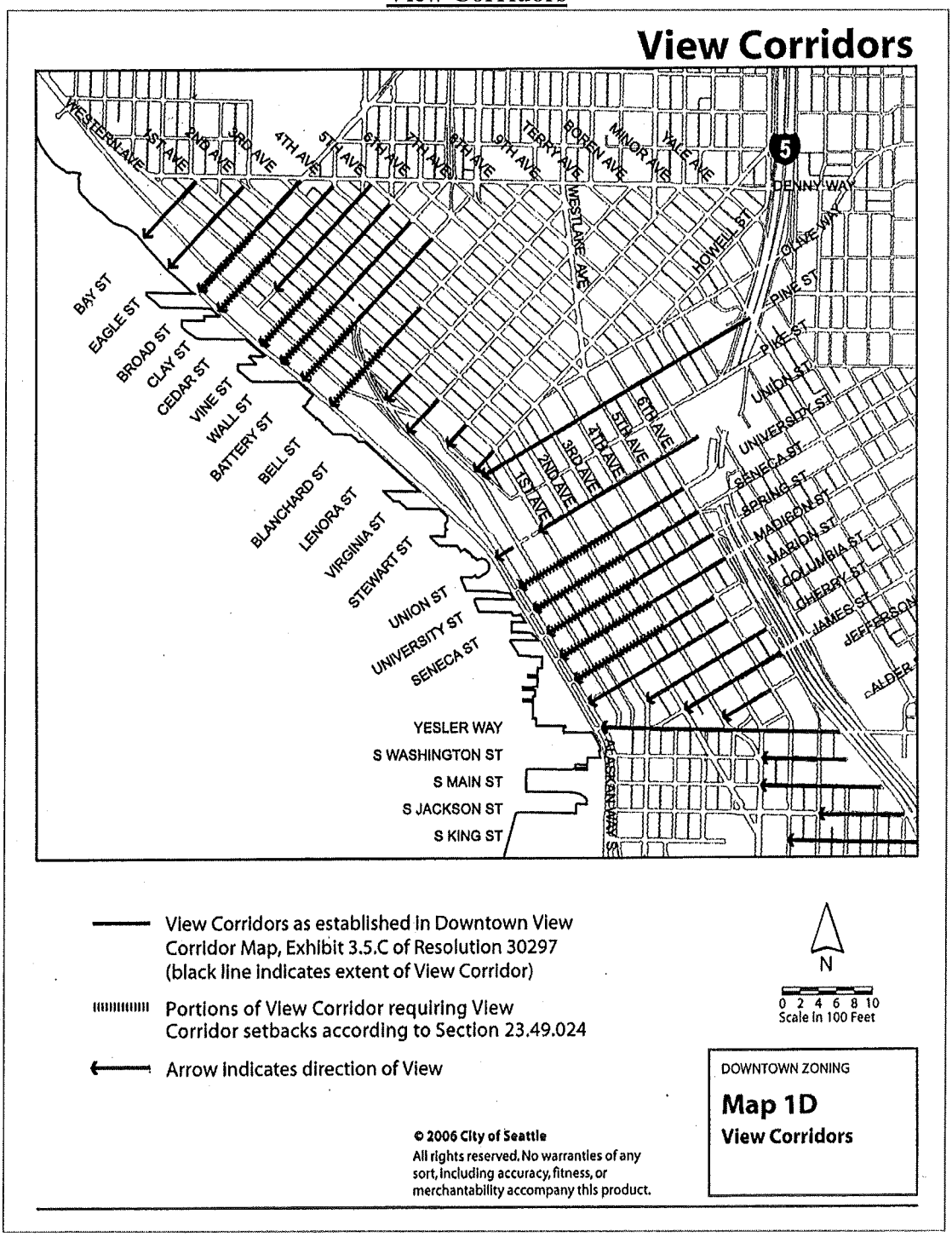
Map 1D
View Corridors



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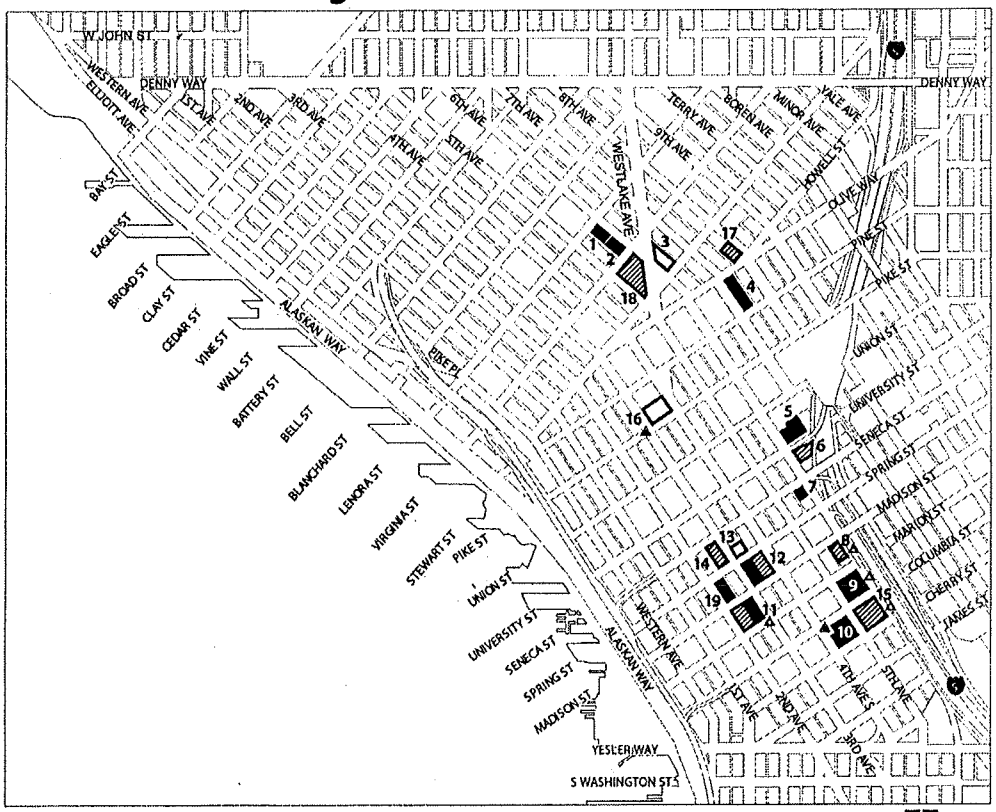
Map 1E
Existing Public Benefit Features Under Title 24



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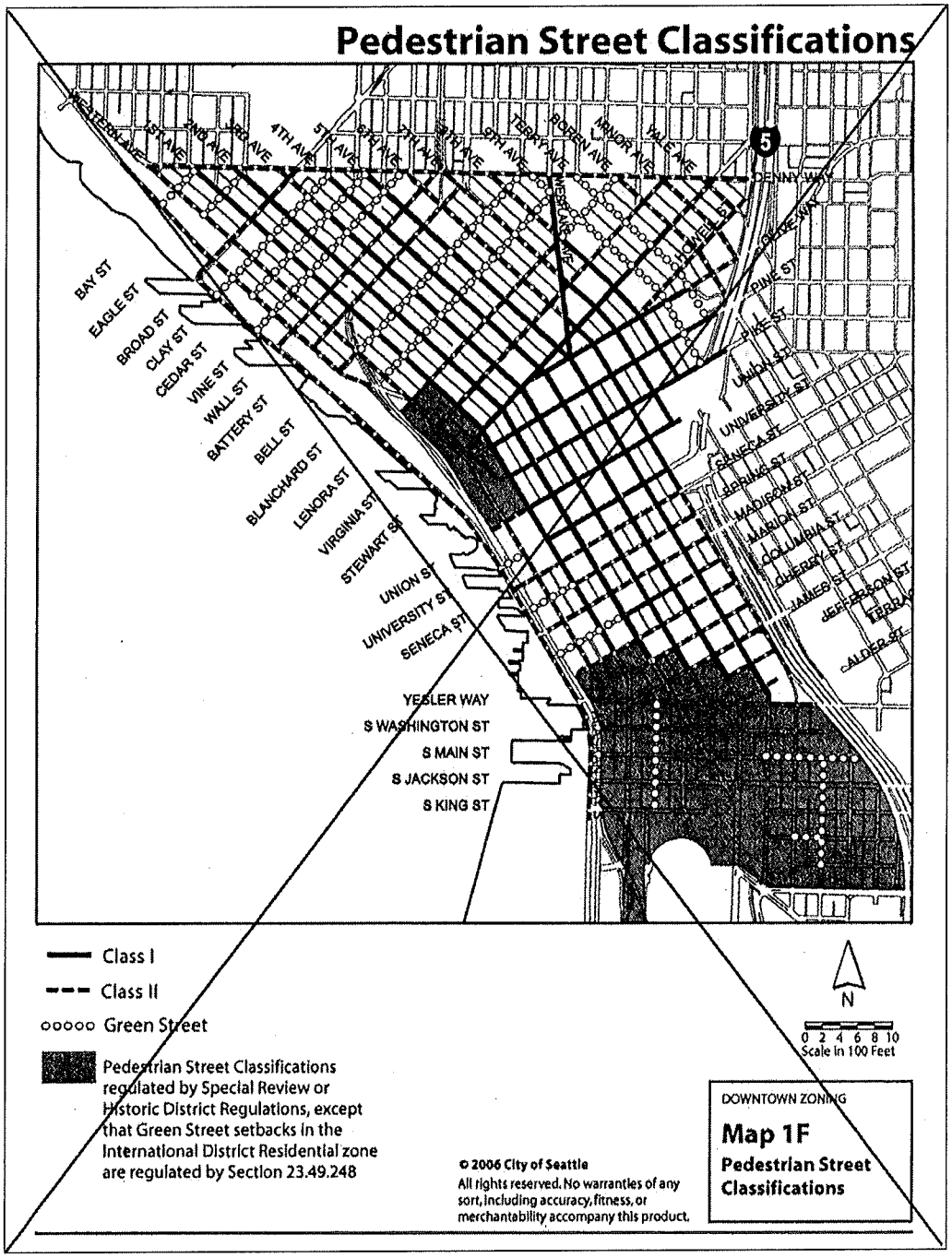

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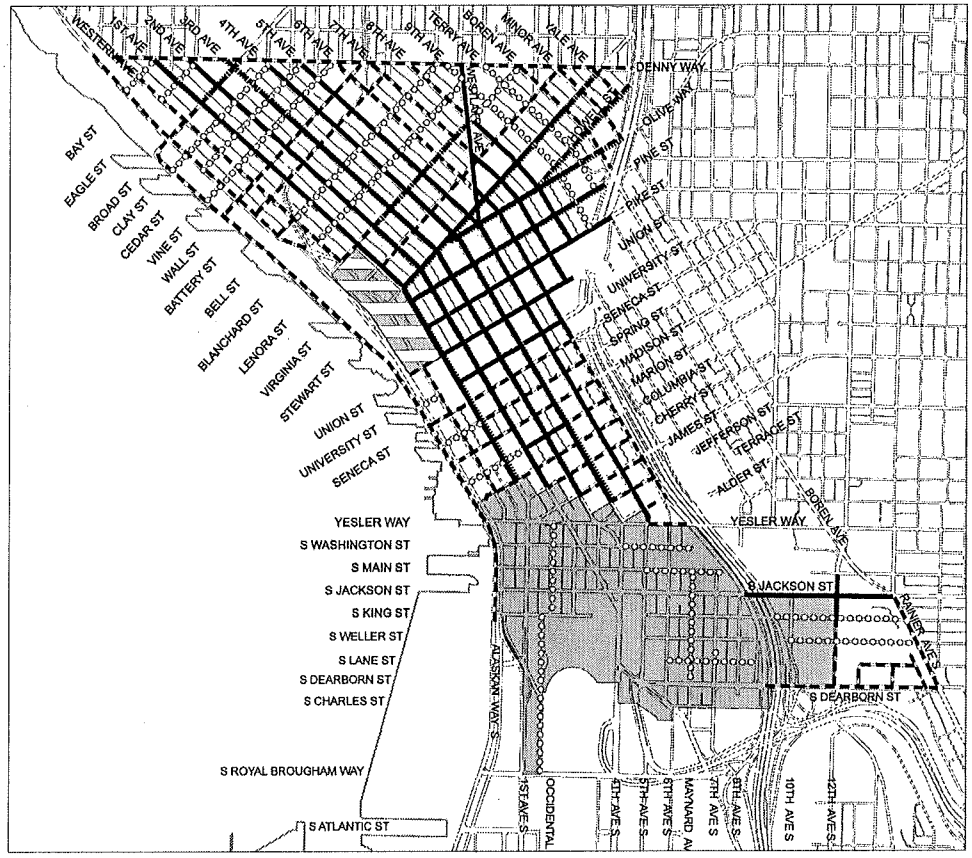
Map 1F
Pedestrian Street Classifications



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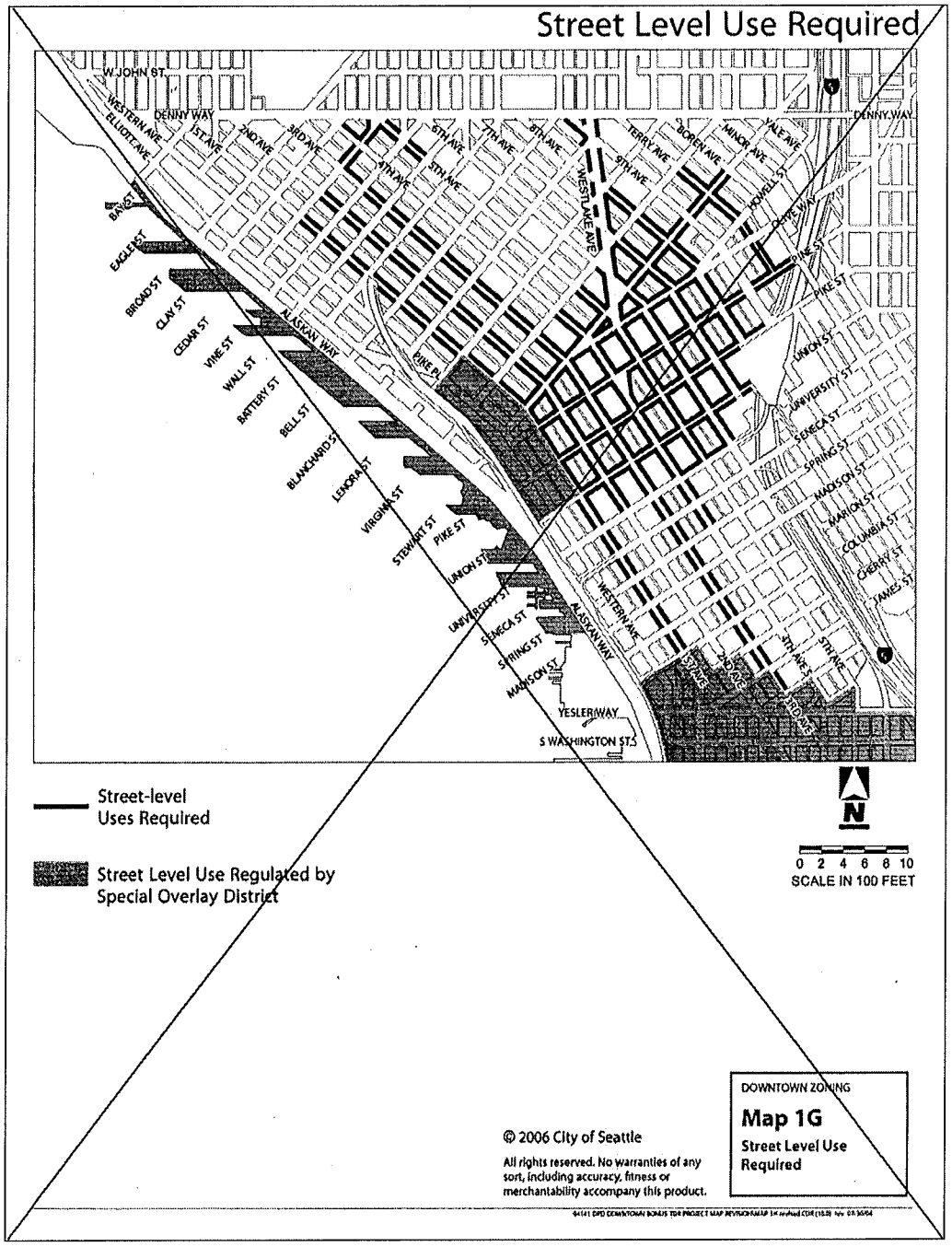

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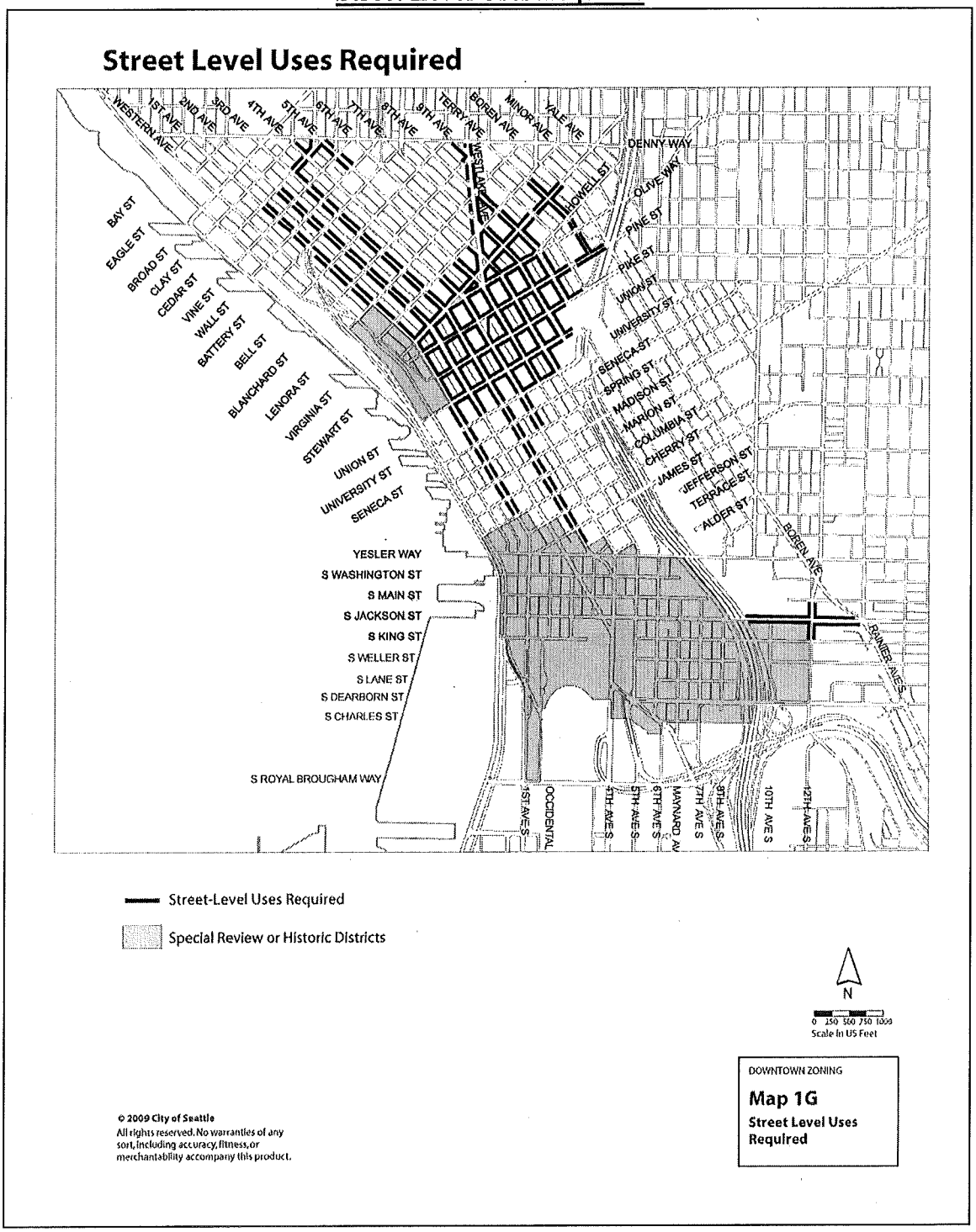
Map 1G
Street Level Uses Required



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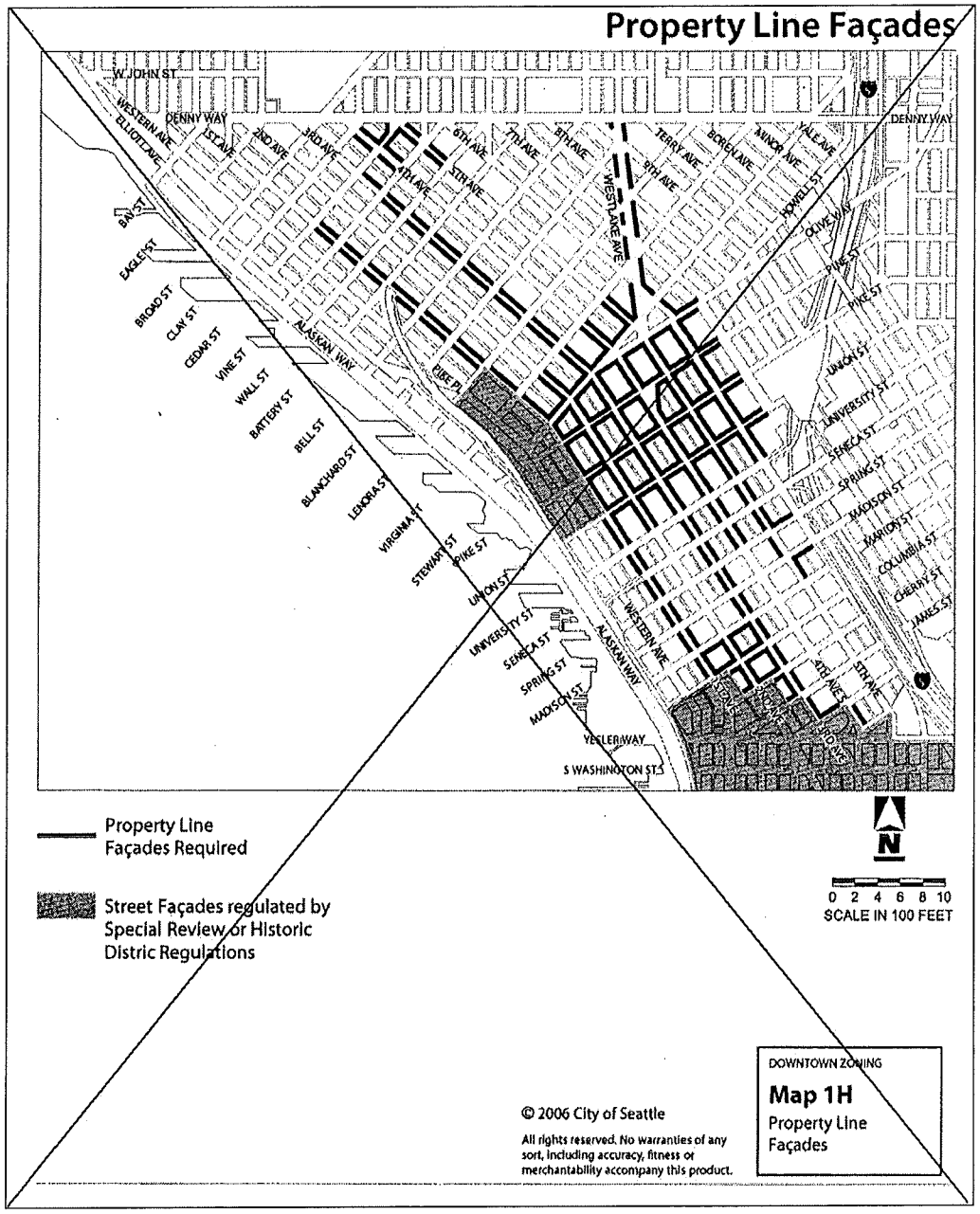

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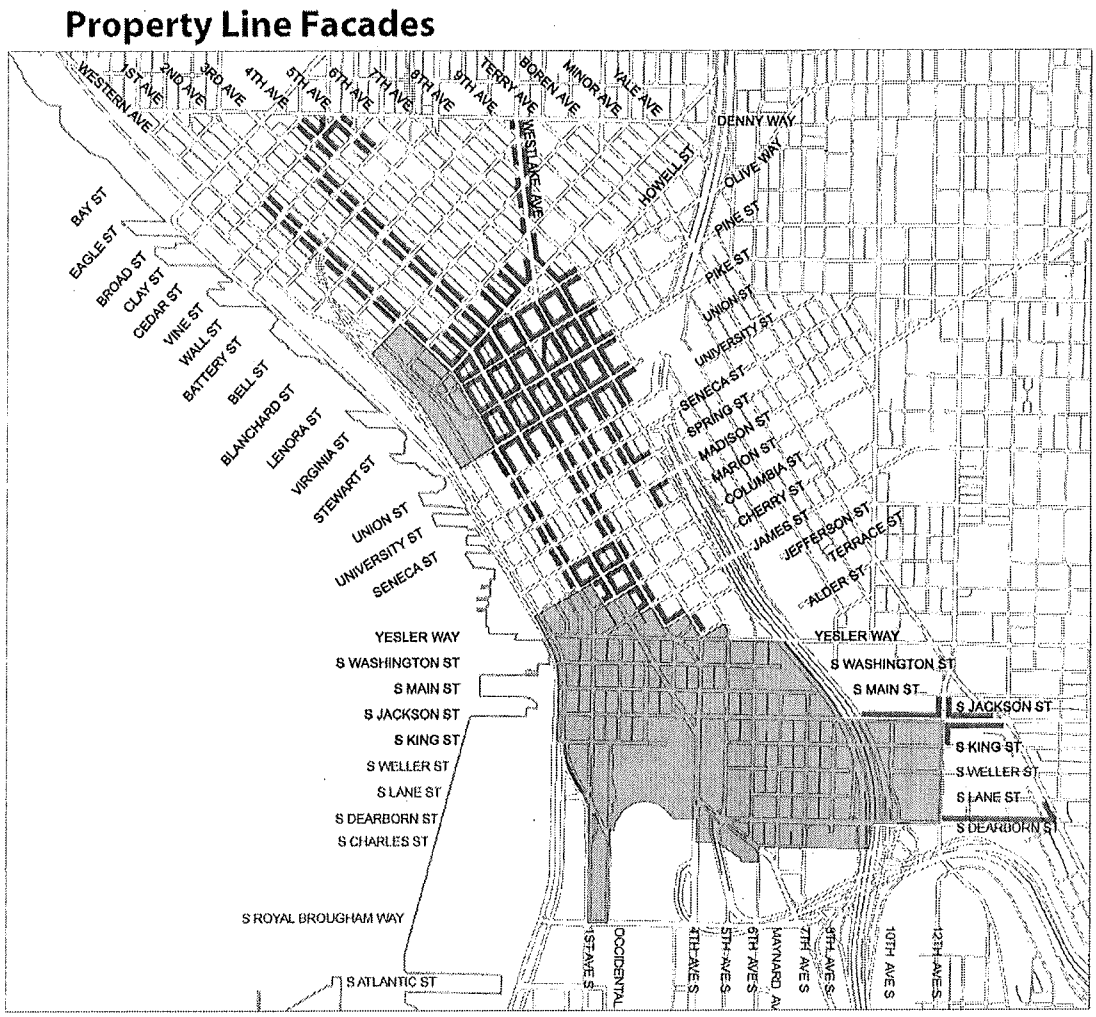
Map 1H
Property Line Facades



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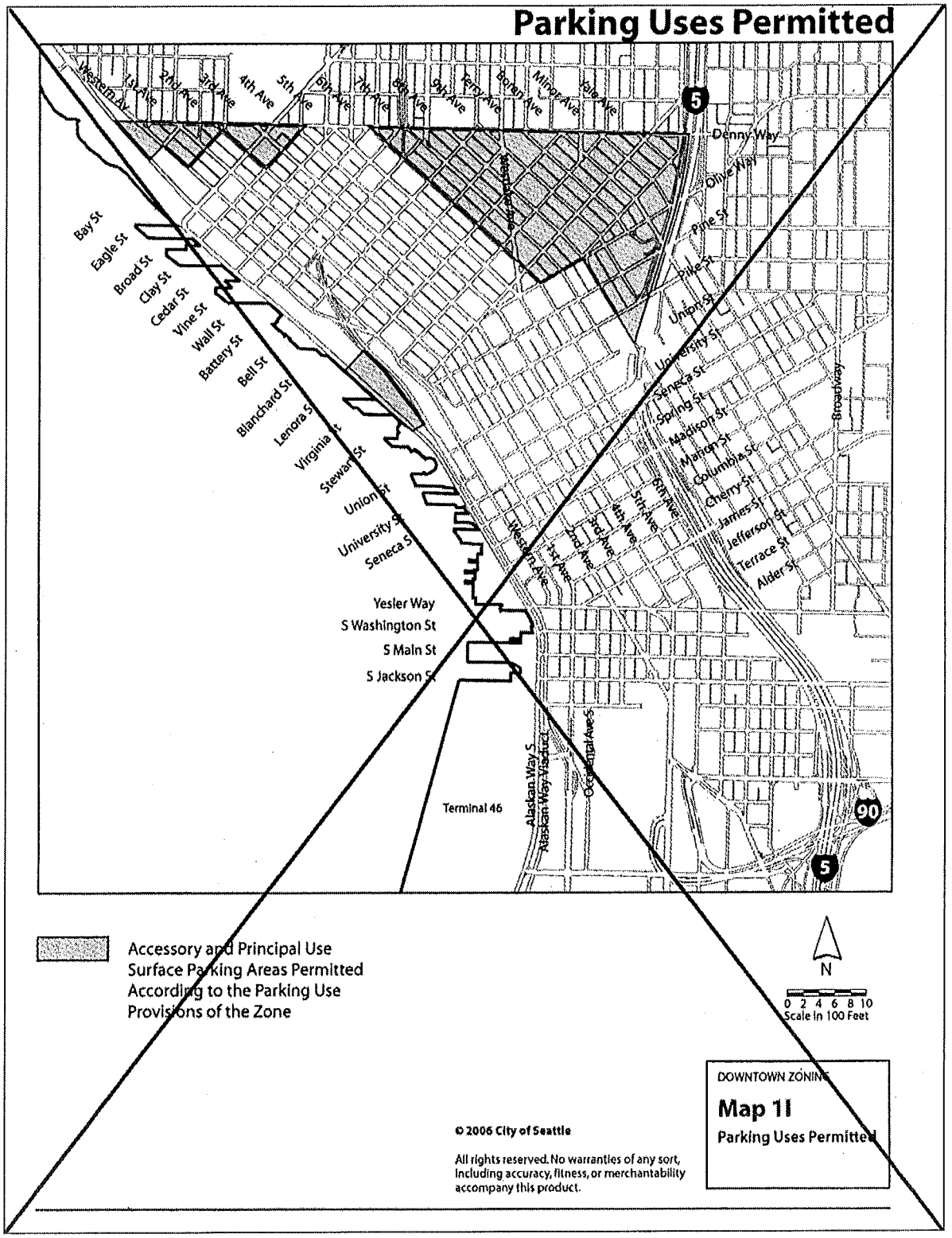

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