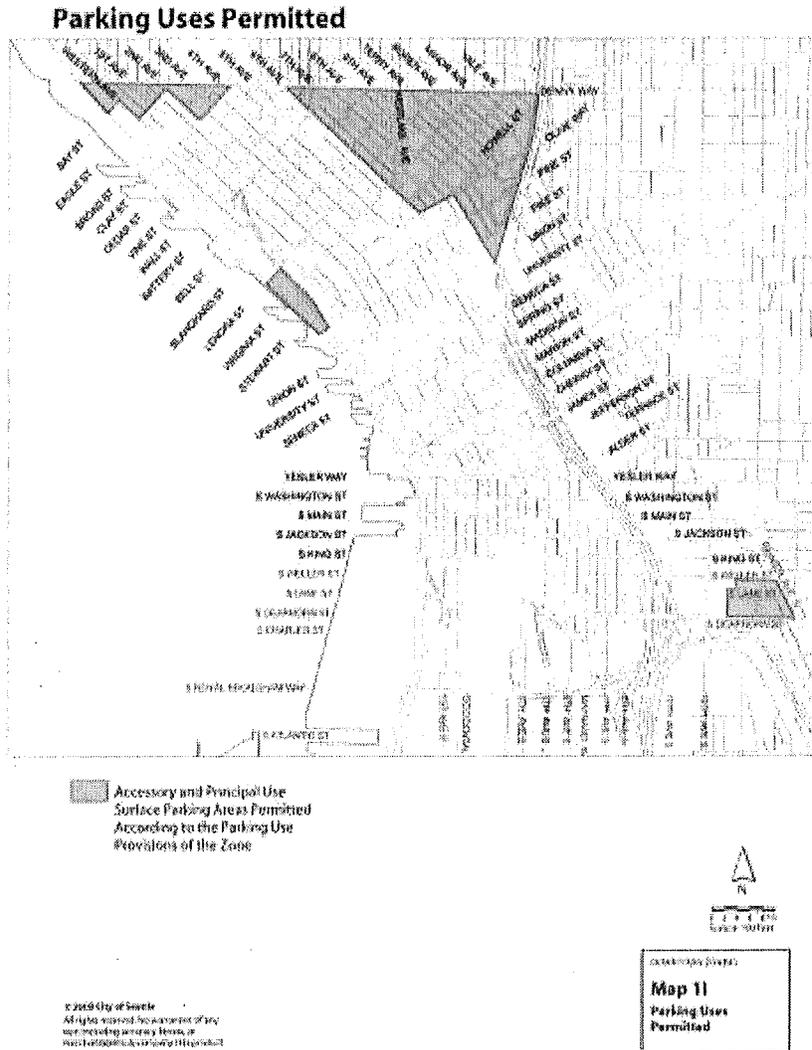


Map 11
Parking Uses Permitted



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Map 1J
Public Amenity Features

Public Amenity Features

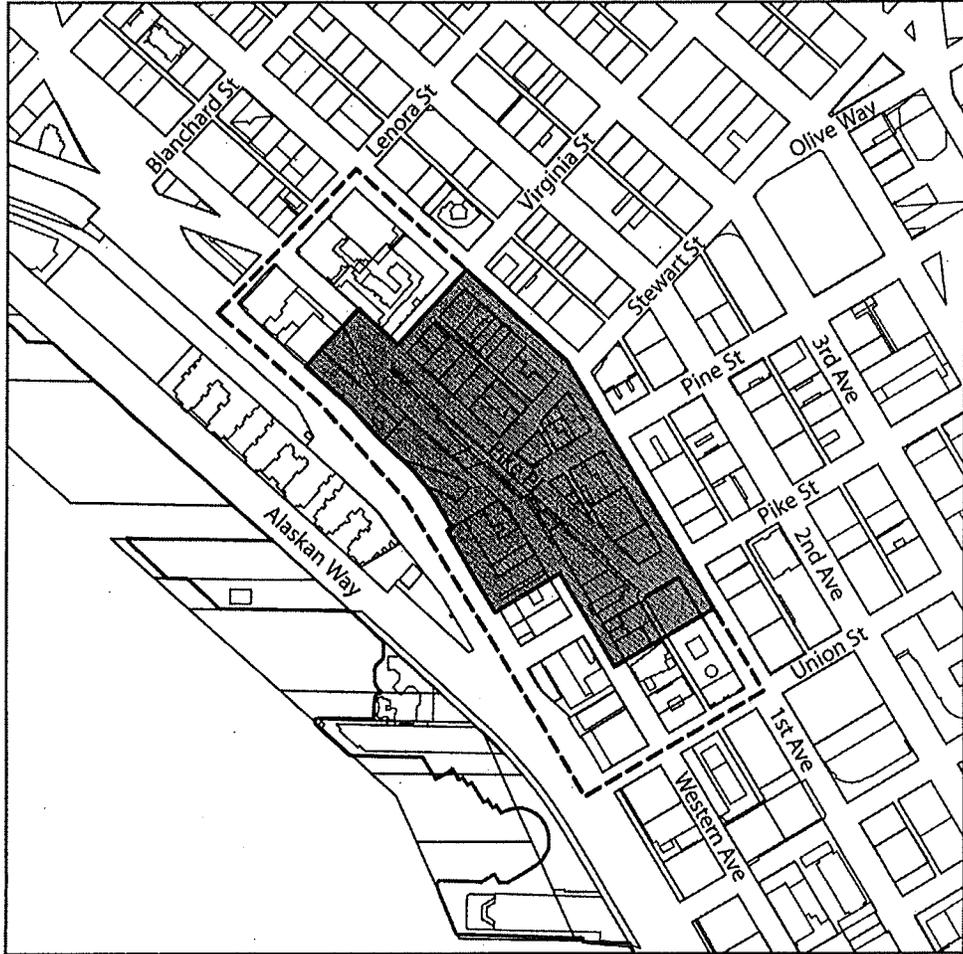


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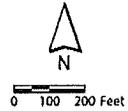
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Map 1K
Pike Place Market

Pike Place Market



-  Pike Place Market Historical District
-  Pike Market Mixed Zone



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DOWNTOWN ZONING
Map 1K
Pike Place Market

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

3 **23.50.012 Permitted and Prohibited Uses**

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

6 B. All permitted uses are allowed as either a principal use or ~~((as))~~ an accessory use,
7 unless otherwise indicated in Table A for 23.50.012.
8

9 C. Public Facilities.

10 1. Similar Uses Permitted. Except as provided in subsections ~~((C2))~~
11 23.50.012.C.2 and ~~((C3))~~ 23.50.012.C.3 ~~((below))~~ and in ~~((SMC))~~ Section 23.50.027, uses in
12 public facilities that are most similar to uses permitted outright or permitted by conditional use in
13 this chapter ~~((shall also be))~~ are also permitted outright or by conditional use, subject to the same
14 use regulations, development standards and administrative conditional use criteria that govern
15 the similar uses.
16

17 2. ~~((Public Facilities Not Meeting Development Standards Requiring))~~ Waivers
18 or Modification by City Council ~~((Approval))~~ for Similar Uses. The City Council may waive or
19 modify applicable development standards or conditional use criteria for those uses in public
20 facilities that are similar to uses permitted outright or permitted by conditional use according to
21 ~~((the provisions of))~~ Chapter 23.76, Subchapter III, Council Land Use Decisions, with public
22 projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V
23 legislative decisions.
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1 3. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses
2 in public facilities that are not similar to uses permitted outright or permitted by a conditional use
3 or special exception under this ~~((chapter))~~ Chapter 23.50 may be permitted by the City Council.
4 City Council may waive or modify development standards or conditional use criteria according
5 to ~~((the provisions of))~~ Chapter 23.76, Subchapter III, Council Land Use Decisions, with public
6 projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V
7 legislative decisions.
8

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

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

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

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

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

21 5. Expansion of Uses in Public Facilities.

22 a. Major Expansion. Major expansions may be permitted to uses in
23 public facilities allowed ~~((in))~~ pursuant to subsections ~~((C1))~~ 23.50.012.C.1, ~~((C2))~~
24 23.50.012.C.2 and ~~((C3 above))~~ 23.50.012.C.3 according to the same provisions and procedural
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1 requirements as described in these subsections. A major expansion of a public facility use is one
2 that ~~((occurs when the expansion that is proposed))~~ would not meet development standards, or
3 one that would exceed the greater of ~~((either seven hundred fifty (750)))~~ 750 square feet or ~~((ten~~
4 ~~(10)))~~ ten percent of its existing area, ~~((whichever is greater,))~~ including gross floor area and
5 areas devoted to active outdoor uses other than parking.

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

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

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

1 1. The height of the structure shall not exceed ~~((thirty (30)))~~ 30 feet as measured
2 from the existing rooftop elevation and be limited to only one ~~((1))~~ story;

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

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

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

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

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

16 E. Adult Cabarets.

17 1. Any lot line of property containing any proposed new or expanding adult
18 cabaret must be 800 feet or more from any lot line of property on which any of the following
19 uses has been established by permit or otherwise recognized as legally established: community
20 center; child care center; school, elementary or secondary; or public parks and open space use.
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THIS VERSION IS NOT ADOPTED

2. Any lot line of property containing any proposed new or expanding adult cabaret must be 600 feet or more from any lot line of property for which a permit has been issued for any other adult cabaret.

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

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

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

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

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

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

THIS VERSION IS NOT ADOPTED

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

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

THIS VERSION IS NOT ADOPTED

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

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

THIS VERSION IS NOT ADOPTED

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

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

THIS VERSION IS NOT ADOPTED

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

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

THIS VERSION IS NOT ADOPTED

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

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

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

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

THIS VERSION IS NOT ADOPTED

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

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

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

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

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

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

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

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

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

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

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

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

(13) Subject to subsection 23.50.012.E.

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

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

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

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

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

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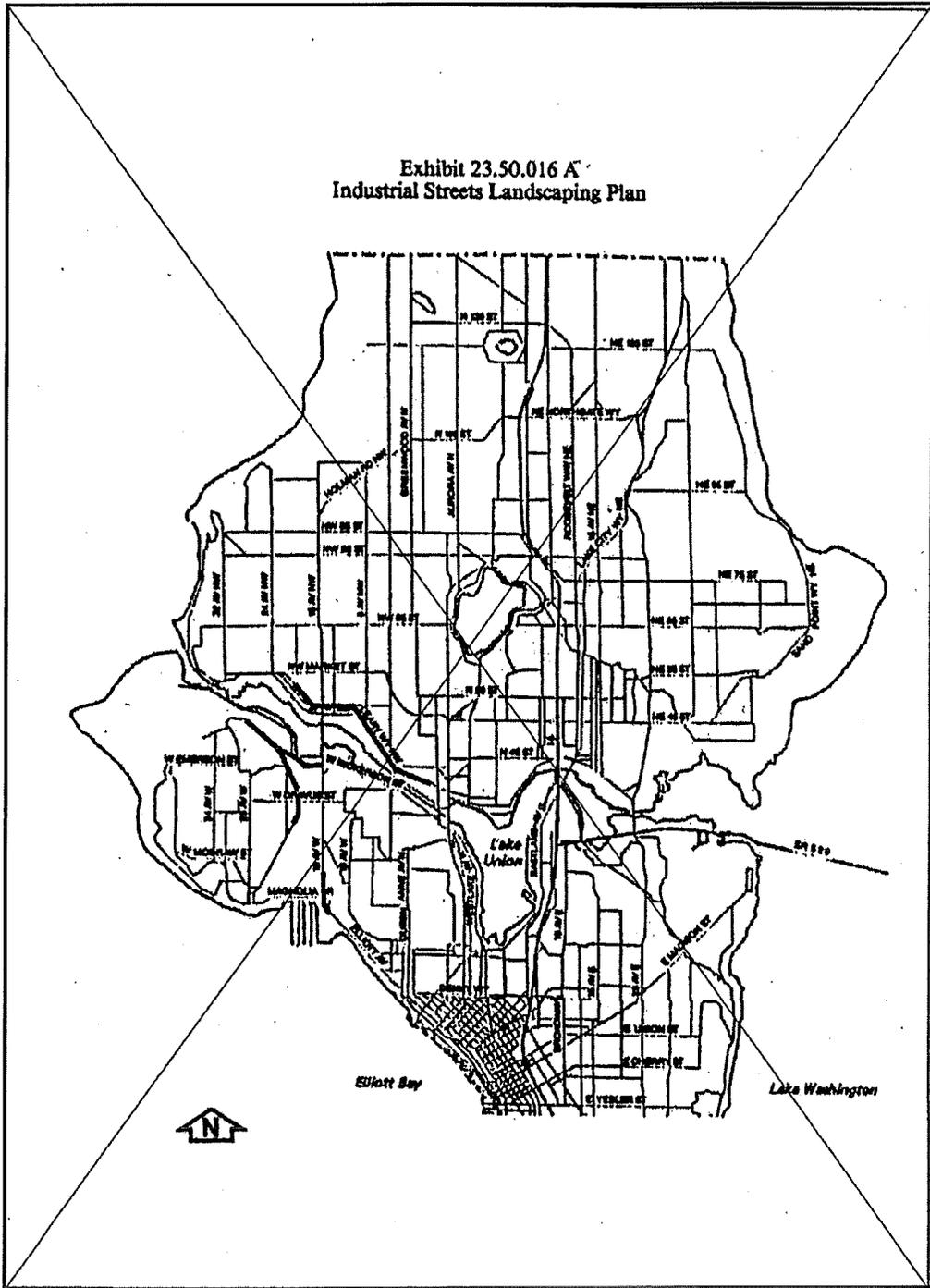
1 provide landscaping as outlined in subsections 23.50.016.A and 23.50.016.B (~~below~~). (~~See~~
2 ~~Exhibits 23.50.016 A and 23.50.016 B.~~)

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

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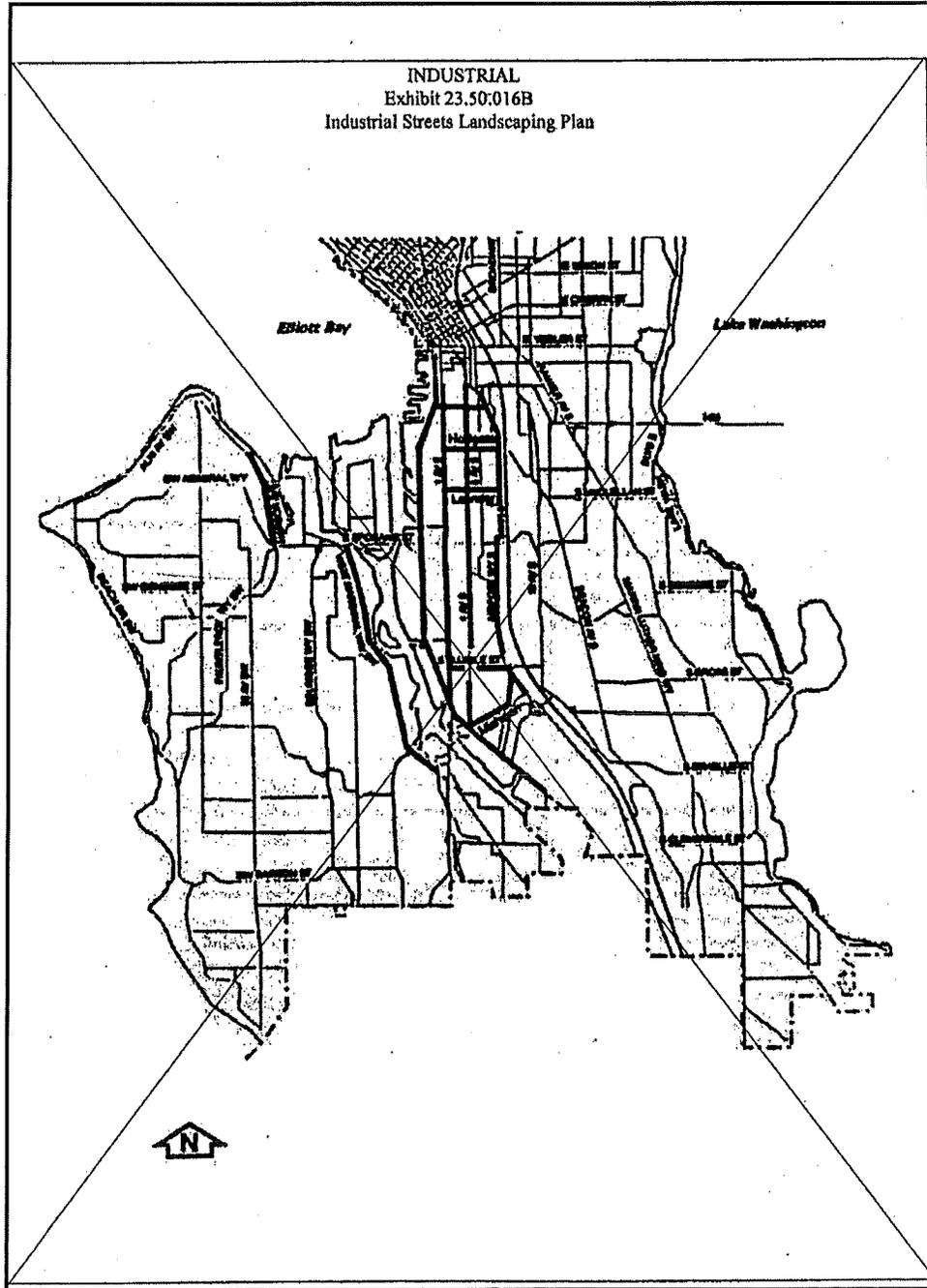
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8 C. Screening. All outdoor storage (~~, including off-street parking for two (2) or more~~
9 ~~fleet vehicles, outdoor~~) areas used for storage for recyclable materials, and outdoor
10 manufacturing, repairing, refuse compacting or recycling activities, shall provide view-obscuring
11 screening along street lot lines unless the outdoor storage or (activity is) outdoor activities are
12 located at least (fifteen feet (15')) 15 feet above or below the elevation of the street lot line. If
13 (the specific zone requires) other provisions applicable to the lot require more extensive
14 landscaping or screening provisions, the more extensive provisions (shall) apply.
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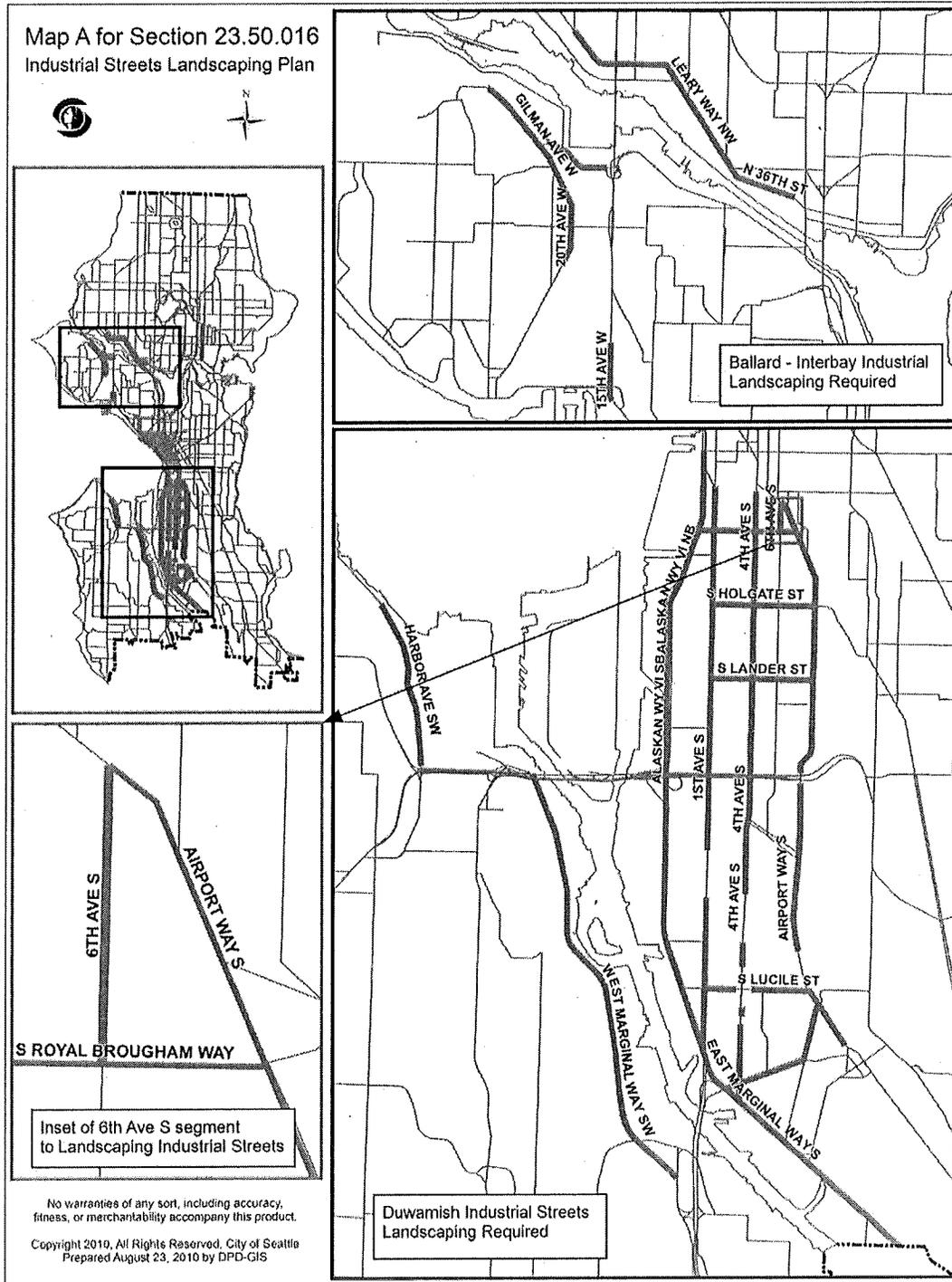
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Map A for Section 23.50.016 Industrial Streets Landscaping Plan



THIS VERSION IS NOT ADOPTED

1
2 Section 56. The title and subsection A of Section 23.50.020 of the Seattle Municipal
3 Code, which section was last amended by Ordinance 123378, are amended as follows:
4

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

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

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

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

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

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

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

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

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

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

6 ((c.))3) Mechanical equipment; and

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

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

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

16
17 5. Greenhouses that are dedicated to food production are permitted to extend 15
18 feet above the applicable height limit if the combined total coverage of all features gaining
19 additional height does not exceed 50 percent of the roof area. Greenhouses allowed under this
20 subsection 23.50.020.A.5((c.)) shall be located at least 10 feet from the north edge of the roof
21 unless a shadow diagram is provided that demonstrates that locating such features within 10 feet
22 of the north edge of the roof would not shade property to the north on January 21st at noon more
23 than would a structure built to maximum permitted height and FAR.
24

25
26 6. Within the South Lake Union Urban Center, at the applicant's option, the
27
28

1 combined total coverage of all features listed in subsections 23.50.020.A.4 and 23.50.020.A.5

2 may be increased to 65 percent of the roof area, provided that all of the following are satisfied:

3 a. All mechanical equipment is screened; and

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

5 7. Within an IC 85-160 zone, solar collectors and wind-driven power generators

6 may extend up to 15 feet above the applicable height limit, with unlimited rooftop coverage, and

7 are not subject to a coverage limit under subsection 23.50.020.A.4.c.

8 * * *

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

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

13
14 A. Except as may be otherwise provided in this ((title)) Title 23, the maximum structure
15 height in IC zones for all uses is ((thirty (30) feet, forty five (45) feet, sixty five (65) feet, eighty
16 five (85) feet or one hundred twenty five (125) feet,)) as designated on the Official Land Use
17 Map, Chapter 23.32. ((Only areas in the Stadium Transition Area Overlay District abutting the
18 PSM 85/120 zone may be designated for a height limit of one hundred twenty five (125) feet.))
19 Maximum structure height may be increased or reduced as provided in this ((section)) Section
20 23.50.026 or Section 23.50.020. An overlay district may increase or reduce the maximum
21 structure height.
22

23 B. Water-dependent uses within the Shoreline District ((shall only be)) are subject to
24 only the height limits of the applicable shoreline environment, Chapter 23.60.
25
26
27
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1 C. Within the area shown on Exhibit 23.50.026 A, areas zoned IC((A))_45 are subject to
2 the following height regulations (See Exhibit 23.50.026 A):

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

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

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

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

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

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

17 ((f)) 4) Measurement, modification or waiver of the view
18 corridor(s) shall be according to the Seattle Shoreline Master Program measurement regulations,
19 Chapter 23.60. Where a waiver under these provisions is granted by the Director, the ((sixty-five
20 (65))) 65 foot structure height shall still be permitted,
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1 ((f)) 5) Parking for motor vehicles shall not be located in the view
2 corridor unless the area of the lot where the parking would be located is ((four-(4))) 4 or more
3 feet below the level of Elliott Avenue West;

4 b. Development shall be located so as to maximize opportunities for
5 views of Puget Sound for residents and the general public; and

6 c. The structure contains at least two ((2)) stories at least ((fifteen-(15)))
7 15 feet in height; with the exception that no story in an accessory parking structure is required to
8 be at least ((fifteen-(15))) 15 feet in height.

9
10 D. Within the South Lake Union Urban Center:

11 1. The maximum structure height in IC zones with ((sixty-five-(65))) 65 foot and
12 ((eighty-five-(85))) 85 foot height limits may be increased to ((eighty-five-(85))) 85 feet and
13 ((one hundred and five-(105))) 105 feet, respectively, provided that:

14 a. A minimum of two ((2)) stories in the structure have a floor to floor
15 height of at least ((fourteen-(14))) 14 feet; and

16 b. The additional height is used to accommodate mechanical equipment;
17 and
18

19 c. The additional height permitted does not allow more than six ((6))
20 stories in IC zones with a ((sixty-five-(65))) 65 foot height limit, or more than seven ((7))
21 stories in IC zones with an ((eighty-five-(85))) 85 foot height limit.

22 2. The maximum structure height of structures qualifying for additional floor
23 area under ((the provisions of section)) Section 23.50.051 is ((one hundred and sixty-(160))) 160
24 feet.
25
26

THIS VERSION IS NOT ADOPTED

1 E. Within an IC 85-160 zone, the first figure shown in the zone designation is the base
2 height limit, which is the height limit for all uses, except for a structure that complies with the
3 conditions to extra floor area specified in subsections 23.50.028 and 23.50.033 on a lot that
4 includes extra floor area. Extra floor area means non-residential chargeable floor area allowed in
5 addition to the base FAR under Chapter 23.58A. The second figure is the applicable height limit
6 for all uses, on a lot that includes extra floor area, for a structure that complies with the
7 conditions to extra floor area specified in subsections 23.50.028 and 23.50.033.

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

11 **23.50.027 Maximum Size of Nonindustrial Use((+))**

12 A. Applicability.

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

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

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

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

Table A for 23.50.027
Size of Use Limits in Industrial Zones

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

THIS VERSION IS NOT ADOPTED

**Table A for 23.50.027
 Size of Use Limits in Industrial Zones**

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

Key for Table A for 23.50.027

N.S.L. = No Size Limit

* Where permitted under Table A for 23.50.012.

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

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

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

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

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

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

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

3 ((~~0~~)1) IG1 and IG2 Zones: ((~~Twenty (20)~~)) 20 percent of the
4 existing structure's gross floor area or ((~~ten thousand (10,000)~~)) 10,000 square feet, whichever is
5 less;

6 ((~~0~~)2) IB and IC Zones: ((~~Twenty (20)~~)) 20 percent of the
7 existing structure's gross floor area or ((~~twenty thousand (20,000)~~)) 20,000 square feet, whichever
8 is less.

9
10 C. Special Exceptions for Office Use.

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

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

21 b. The Director shall use the following characteristics to determine
22 whether to approve, approve with conditions or deny a special exception:
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1 ((f))1) Characteristics that make a lot more appropriate for office
2 uses are:

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

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

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

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

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

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

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

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

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

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

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

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

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

15 ((f)) 4) The lot and the existing structures on the lot must have
16 functioned most recently as a public facility operated for a public purpose by a unit or
17 instrumentality of special or general purpose government or the City, and
18

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

21 ((f)) b) The previous public facility must have had at least
22 (~~((twenty-five (25)))~~) 25 percent of its gross floor area functioning as one (~~((1))~~) or more of the
23 following uses or categories of uses:
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THIS VERSION IS NOT ADOPTED

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

landfills((f)).

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

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

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

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

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

1 ((f))d) Transportation facilities;

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

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

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

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

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

20
21
22 2. To be eligible for this special exception an applicant must demonstrate to the
23 Director's satisfaction that:

24 a. The general sales and service use was established on a lot on or before
25 January 1, 1985, the use has continued as an established general sales and service use since that
26

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

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

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

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

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

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

16 c. That the proposed expansion of the gross floor area of the general sales
17 and service use will increase the capacity of the existing use to support other businesses by
18 providing goods and services that are used by such businesses as well as by individual
19 consumers in the Duwamish Manufacturing/Industrial Center.
20
21

22 4. To be eligible for expansion onto a contiguous lot that is not separated by a
23 street, alley or other right-of-way, the applicant also must demonstrate that:
24
25
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1 a. The established use on the contiguous lot is a use that is permitted in
2 commercial as well as industrial zones, and that use has been established for at least ten ~~((10))~~
3 years prior to the date of application; and

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

7
8 5. Any general sales and service use that has expanded its gross floor area
9 pursuant to a special exception granted pursuant to this ~~((section))~~ Section 23.50.027 may not
10 thereafter convert any use listed in Table A for 23.50.027 to retail pursuant to subsection
11 23.50.027.B.2 ~~((of this section))~~ or ~~((expanded))~~ expand the gross floor area of the general sales
12 and service use pursuant to subsections 23.50.027.B.3.a or 23.50.027.B.3.b ~~((of this section))~~.

13
14 * * *

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

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

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

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

23
24 A. General Industrial 1 and General Industrial 2, Floor Area Ratio. The ~~((total))~~
25 maximum FAR in IG1 and IG2 zones ~~((shall be two and one-half (2.5)))~~ is 2.5.

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

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

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

9
10
11 **Table A for 23.50.028**
Floor Area Ratios

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

THIS VERSION IS NOT ADOPTED

Table A for 23.50.028
Floor Area Ratios

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

D. Extra floor area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 b. The following uses located at street level:

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

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

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

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

8 5) Religious facilities.

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

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

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

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

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

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

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

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

G. Election for Certain Projects. Anything in Section 23.76.026 notwithstanding, the applicant for a Master Use Permit for a project in the South Lake Union Urban Center to which

1 the Land Use Code in effect prior to ~~((the effective date of the ordinance enacting this subsection~~
2 ~~G applies))~~ January 20, 2008 applies may, by written election, use the exemptions in subsection
3 ~~((E5b of this section))~~ 23.50.028.E.2.b, provided that subsection 23.50.028.F ~~((of this section))~~
4 also ~~((shall apply))~~ applies.

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

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

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

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

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

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

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

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

5 **23.50.038 Industrial Commercial--Screening and Landscaping((=))**

6 A. Screening and landscaping requirements for all uses.

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

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

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

20
21 B. Treatment of blank facades.

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~((f))~~ 1) Whether the lot width and depth permits a workable plan
7 for the building and parking which would preserve the screening and landscaping; and
8

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

12 ~~((f))~~ 3) Whether a topographic break between the alley and the
13 residential zone makes screening less necessary.
14

15 c. ~~((When))~~ If a surface parking area or off-street loading area is directly
16 across a street ~~((right-of-way eighty feet (80')))~~ 80 feet or less in width from a lot in a residential
17 zone, a ~~((five-foot (5')))~~ 5 foot deep landscaped setback area from the street lot line, including
18 street trees, shall be provided. Three-foot ~~((3'))~~ high screening along the edge of the setback,
19 with the landscaping on the street side of the screening, shall be provided.
20

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

24 e. Surface parking areas for ten ~~((10))~~ or fewer cars shall be screened
25 by ~~((three-foot (3')))~~ 3 foot high screening along the street lot line.
26

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

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

6 2. Parking Structures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 5. Outdoor Storage and Outdoor Loading Berths.

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

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

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

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

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

9
10 6. Solid waste transfer stations.

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

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

20
21 7. Fences or free-standing walls associated with utility services uses may
22 obstruct or allow views to the interior of a site. Where site dimensions and site conditions allow,
23 applicants are encouraged to provide both a landscaped setback between the fence or wall and
24 the right-of-way , and a fence or wall that provides visual interest facing the street lot line,
25
26

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

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

7 b(())). Architectural detailing, artwork, vegetated trellises,
8 decorative fencing, or similar features to provide visual interest facing the street lot line, as
9 approved by the Director.
10

11 8. Screening and location of parking in an IC 85-160 zone. Those developments
12 that gain extra floor area above the base FAR in an IC 85-160 zone are subject to the following,
13 in addition to any other applicable parking screening requirements in this subsection
14 23.50.038.C.

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

17 b. Parking at street level.

18 1) Parking is not permitted at street level within a structure along a
19 lot line abutting a street bounding the Downtown Urban Center or a street shown on Map A for
20 23.50.016, Industrial Streets Landscaping Plan, unless separated from the street by other uses,
21 except that garage and loading doors and access to parking need not be separated.
22
23
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1 and, through the use of materials, fenestration, or other architectural treatment, the screening
2 shall be designed to provide visual interest and to integrate the screened portions of the building
3 façade with the overall design of the structure’s street-facing facades.

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

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

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

15
16 A. In an IC 85-160 zone, on lots that abut 4th Avenue South or 6th Avenue South
17 between Airport Way South and South Royal Brougham Way, one or more of the following
18 street-level uses are required, consistent with the standards in subsection 23.50.039.B:

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

1 7. Public parks; and

2 8. Religious facilities.

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

4 1. Along streets requiring street-level uses, a minimum of 75 percent of the street
5 level of each street-facing façade shall be occupied by street-level uses listed in subsection
6 23.50.039.A. The remaining portion of the street level of the street-facing facade may contain
7 other permitted uses and/or pedestrian or vehicular entrances.
8

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

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

12 4. Except for child care facilities, pedestrian access to required street-level uses
13 shall be provided directly from the street or other open area with access to a street. Pedestrian
14 entrances shall be located no more than 3 feet above or below sidewalk grade or at the same
15 elevation as any abutting open area.
16

17 Section 63. Subsections A and B of Section 23.50.051 of the Seattle Municipal Code,
18 which section was last amended by Ordinance 123495, are amended as follows:

19 **23.50.051 Additional floor area in certain IC-zoned areas in the South Lake Union Urban**
20 **Center**
21

22 A. Applicability; General Rules. This Section 23.50.051 applies only to IC zones in the
23 area shown on Exhibit 23.50.051 A. In IC zones in that area, floor area in addition to the base
24 FAR (~~(limit in Section))~~ up to the applicable maximum FAR shown in Table A for 23.50.028 is
25 permitted for projects that satisfy all the conditions in this (~~(section))~~ Section 23.50.051. For
26

1 purposes of applying any section of Chapter 23.48 referred to in this ((section)) Section
2 23.50.051, Class 2 Pedestrian Streets are as designated on Exhibit 23.50.051A. ((For the
3 purposes of this section, the applicable FAR limit in subsection 23.50.028D is called the “base
4 FAR.”)) As a condition to any floor area above the base FAR, a project must conform to all the
5 provisions of subsections 23.50.051.C through 23.50.051.M of this section, inclusive. As a
6 further condition, any floor area above ((four and a half (4.5))) 4.5 FAR is allowed only to the
7 extent gained in accordance with the bonus and TDR provisions of subsection 23.50.051.N ((of
8 this section)).
9

10 B. Maximum FAR. The maximum chargeable floor area permitted on a lot pursuant to
11 this ((section)) Section 23.50.051 is ((seven (7))) 7 FAR.
12

13 * * *

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

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

18 A. General Standards for the transfer of development rights to lots in the South Lake
19 Union Urban Center.
20

21 1. In order to achieve a portion of the floor area above ((five (5))) five FAR that
22 may be allowed in an IC zone within the South Lake Union Urban Center pursuant to Section
23 23.50.051, an applicant may use transferable development rights to the extent permitted in Table
24 A for 23.50.053((A)), subject to the limits and conditions in this Chapter 23.50:
25
26
27
28

((Table 23.50.053A))

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

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

Key for Table A for 23.50.053

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

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

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

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

THIS VERSION IS NOT ADOPTED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 1. The fee owners of the sending lot shall execute a deed, and shall obtain the
4 release of the TDR from all liens of record and the written consent of all holders of
5 encumbrances on the sending lot other than easements and restrictions, unless such release or
6 consent is waived by the Director for good cause. The deed shall be recorded in the King County
7 real property records. ~~((When))~~ If TDR are conveyed to the owner of a receiving lot described in
8 the deed, then unless otherwise expressly stated in the deed or any subsequent instrument
9 conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or not a
10 structure using such TDR shall have been permitted or built prior to any conveyance of the
11 receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall
12 require the written consent of all parties holding any interest in or lien on the receiving lot from
13 which the conveyance is made. If the TDR are transferred other than directly from the sending
14 lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also
15 shall be by deed, duly executed, acknowledged and recorded, each referring by King County
16 recording number to the prior deed.
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19 2. Any person may purchase any TDR that are eligible for transfer by complying
20 with the applicable provisions of this ~~((section))~~ Section 23.50.053, whether or not the purchaser
21 is then an applicant for a permit to develop real property. Any purchaser of such TDR (including
22 any successor or assignee) may use such TDR to obtain floor area above the applicable base on a
23 receiving lot to the extent such use of TDR is permitted under the Land Use Code provisions in
24 effect on the date of vesting, under applicable law, of such person's rights with respect to the
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1 issuance of permits for development of the project intended to use such TDR. The Director may
2 require, as a condition of processing any permit application using TDR or for the release of any
3 security posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot
4 demonstrate that the TDR have been validly transferred of record to the receiving lot, and that
5 such owner has recorded in the real estate records a notice of the filing of such permit
6 application, stating that such TDR are not available for retransfer.
7

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

12 4. For transfers of arts facility TDR from an arts facility TDR site, the owner of
13 the sending lot shall execute and record an agreement in form and content acceptable to the
14 Director of the Office of Arts and Cultural Affairs providing for the construction, improvement
15 and/or maintenance of structure(s) on the lot and the use of the arts facility sending site for at
16 least ~~((fifty (50)))~~ 50 years by one or more non-profit organizations dedicated to the creation,
17 display, performance or screening of art by or for members of the general public. Such
18 agreements shall commit to improvements, maintenance, limits on occupancy and other
19 measures to maintain the long-term use of the structure(s) for artistic activities consistent with
20 the definition of arts facility TDR site and acceptable to the Director of the Office of Arts and
21 Cultural Affairs.
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24 5. For transfers of housing TDR, the owner of the sending lot shall execute and
25 record an agreement, with the written consent of all holders of encumbrances on the sending lot,
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1 unless such consent is waived by the Director of the Office of Housing for good cause, to
2 provide for the maintenance of the required housing on the sending lot for a minimum of ~~((fifty~~
3 ~~(50)))~~ 50 years. Such agreement shall commit to limits on rent and occupancy consistent with the
4 definition of housing TDR site and acceptable to the Director of ~~((the Office of))~~ Housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 6 1) Parking is prohibited between the facade and the street lot line.
- 7 2) The maximum setback of the facade from street lot lines within
8 20 feet of an intersection is 10 feet.

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

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

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

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

5 B. Upper Level Development Standards.

6 1. Facade Modulation.

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

11 b. For portions of structures subject to the modulation requirements of
12 subsection 23.50.055.B, the maximum length of a street-facing facade without modulation is
13 prescribed in Table A for 23.50.055. For purposes of this subsection 23.50.055.B, length is
14 measured parallel to each street lot line, and includes projections from the street-facing facade,
15 such as balconies, within 15 feet of street lot lines or their projection.
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| Table A for 23.50.055 | |
|--|--|
| Façade Modulation in an IC 85-160 Zone for Structures Exceeding 85 Feet in Height | |
| Height of portion of structure | Maximum length of un-modulated façade if less than 15 feet from street lot line |
| 65 feet or less | No limit |
| Greater than 65 feet up to 125 feet | 155 feet |
| Greater than 125 feet | 125 feet |

1 c. Any portion of a facade subject to modulation under subsection
2 23.50.055.B.1.a that exceeds the maximum length of façade prescribed in Table A for 23.50.055
3 must include a portion set back a minimum depth of 15 feet from street lot lines for a minimum
4 length of 60 feet. .

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

7 3. Minimum separation. At all levels above a height of 85 feet, separate
8 structures on a lot and separate portions of the same structure must be separated at all points by a
9 minimum horizontal distance of 60 feet.
10

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

13 **23.53.006 Pedestrian access and circulation**

14 * * *

15
16 D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban
17 Villages, sidewalks are required on an existing street in any of the following circumstances,
18 except as provided in subsection 23.53.006.F

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

22 2. On streets designated on ((the Industrial Streets Landscaping Maps, Exhibits
23 ~~23.50.016.A and 23.50.016.B,~~) Map A for 23.50.016, sidewalks are required ((whenever)) if
24 new lots are created through the platting process, including full and short subdivisions and unit
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1 lot subdivisions, and ~~((whenever))~~ if development is proposed. Sidewalks are required only for
2 the portion of the lot that abuts the designated street.

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

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

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

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

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

21 b. 4,000 square feet or more of nonresidential uses not listed in
22 subsection 23.53.006.D.6.a.

* * *

1
2 Section 67. Subsection B of Section 23.53.020 of the Seattle Municipal Code, which
3 section was last amended by Ordinance 123046, is amended as follows:

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

5 * * *

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

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

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

23 3. Street Trees.

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

b. Exceptions to Street Tree Requirements.

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

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

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

11 * * *

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

14 **23.58A.002 Scope of chapter; general rules**

15
16 A. This chapter contains rules for workforce housing and other incentive programs in
17 areas for which the provisions of the zone specifically refer to this chapter. This chapter does not
18 apply to Downtown zones, except in South Downtown. The provisions in this chapter specify
19 conditions under which extra floor area may be allowed, as exceptions to the otherwise
20 applicable floor area or base height limit, or both, subject to the maximum limits stated in the
21 provisions of the zone and to all other applicable requirements and approvals. Nothing in this
22 chapter authorizes allowance of extra floor area, or the construction or use of any structure,
23 contrary to any other provisions of this ~~((title))~~ Title 23 or Title 25. Projects for which extra floor
24 area is sought may be subject to conditions under other chapters and titles of this Code, including
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26

1 without limitation conditions imposed pursuant to Chapter 25.05, Environmental Policies and
2 Procedures.

3 * * *

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

6 **23.58A.004 Definitions**

7 ***

8 B. Defined Terms – General.

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

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

15 "Base residential floor area" means:

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

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

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

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

10 "Bonus nonresidential floor area" means extra nonresidential floor area allowed pursuant
11 to any bonus provisions in subchapter III of this ((chapter)) Chapter 23.58A. It does not include
12 extra floor area gained through TDR.
13

14 "Bonus residential floor area" means extra residential floor area allowed pursuant to the
15 bonus provisions in subchapter II of this ((chapter)) Chapter 23.58A. It includes, without
16 limitation, housing bonus residential floor area. It does not include extra floor area gained
17 through TDP.
18

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

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

22 "Extra residential floor area" means the gross floor area of all residential development
23 allowed in addition to a base height limit or base floor area limit, or both, under the provisions of
24 this ((chapter)) Chapter 23.58A or under any other provisions of this ((title)) Title 23 referring to
25 this ((chapter)) Chapter 23.58A that allow a bonus or a transfer of development rights or
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1 development capacity. It includes, without limitation, gross floor area in residential use in all
2 stories wholly or in part above the base height limit, and all bonus residential floor area. In the
3 IDM 75/85-150 zone, hotel use in a mixed use project may be counted as extra residential floor
4 area subject to subsection 23.49.023.A and subsection 23.49.208.E.

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

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

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

19 "Income-eligible households" means:

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

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

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

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

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

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

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

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

5 "Payment option" means making a payment to the City in lieu of providing low-income
6 housing, child care, or any amenity or feature, in order to qualify for bonus floor area.
7

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

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

16
17 "TDP" or "transferable development potential" means base residential floor area that may
18 be transferred from one lot to another pursuant to provisions of the zone that refer to this
19 ~~((chapter))~~ Chapter 23.58A, measured in square feet.
20

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

23 "TDP Site, South Downtown Historic" means a lot within the Pioneer Square
24 Preservation District or the International Special Review District that satisfies the conditions to
25 be a sending lot for South Downtown Historic TDP under Section 23.58A.018.
26

1 Section 70. Section 23.58A.008 of the Seattle Municipal Code, which section was
2 enacted by Ordinance 122882, is amended as follows:

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

4 No extra floor area under this ~~((chapter))~~ Chapter 23.58A shall be granted to any
5 proposed development that would result in significant alteration to any designated feature of a
6 Landmark structure or significant alteration to a contributing structure, as defined in Section
7 23.66.032, unless a Certificate of Approval for the alteration is granted by the Landmarks
8 Preservation Board in the case of a Landmark structure, or by the Director of Neighborhoods in
9 the case of a contributing structure.
10

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

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

14 All or a percentage of the extra residential floor area on a lot shall be housing bonus
15 residential floor area pursuant to Section 23.58A.014. Unless otherwise expressly provided in the
16 provisions of the zone:
17

18 A. If the maximum height limit for residential use is 85 feet or ~~((less))~~ lower, all extra
19 residential floor area shall be housing bonus residential floor area.
20

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

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

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

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

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

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

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

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

23 C. Performance option.

24 1. General provisions.

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

11 b. Amenities in Downtown zones in South Downtown.

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

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

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

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

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

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

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

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

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

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

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

8 a. Public Access.

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

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

21 3) Within the open space, property owners, tenants and their agents
22 shall allow members of the public to engage in activities allowed in the public sidewalk
23

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

17 b. Standards for Neighborhood Open Space.

18 1) Neighborhood open space in Downtown zones in South

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

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

21 qualify for bonus floor area must ((satisfy)) meet the conditions in this subsection

22 23.58A.016.C.4.b.2), unless an exception is granted by the Director as a Type I decision, based

23 on the Director's determination that, relative to the strict application of the standards, the
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1 exception will result in improved public access and use of the space or a better integration of the
2 space with surrounding development((÷)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 * * *

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

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

7 A. Scope and Applicability.

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

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

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

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

4 C. General Standards for Sending Lots.

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

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

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

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

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

1 a. the total residential floor area that could have been built on the sending
2 lot under the base height limit consistent with applicable development standards as determined
3 by the Director had no TDP been transferred, less

4 b. the sum of

5 1) the existing residential floor area on the lot; plus

6 2) the amount of TDP that was transferred from the lot.

7
8 D. Standards for Landmark TDP (~~((sending lots))~~) Sending Lots. Landmark structures on
9 sending lots from which Landmark TDP is transferred shall be rehabilitated and maintained as
10 required by the Landmarks Preservation Board.

11 E. Standards for (~~((open space))~~) Open Space TDP (~~((sending lots))~~) Sites. The following
12 standards apply unless provisions of the zone state otherwise:

13 1. General conditions. Open space TDP sites must (~~((satisfy))~~) meet the conditions
14 of the subsection 23.58A.018.E.1, unless an exception is granted by the Director:

15 a. Each portion of the open space shall be accessible from each other
16 portion of the open space without leaving the open space.

17 b. The open space shall have a minimum area of 5,000 square feet.

18 c. The open space shall be directly accessible from the sidewalk or another
19 public open space, including access for persons with disabilities.

20 d. The open space shall be at ground level, except that in order to provide
21 level open spaces on steep lots, some separation of multiple levels may be allowed, provided
22 they are physically and visually connected.
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1 e. No more than 20 percent of the ~~((lot))~~ open space may be occupied by
2 any above grade structures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 2. South Downtown Historic TDP.

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

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

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

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

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

17 **((G))H. Reservation in Deed.** Any TDP eligible for transfer may instead be reserved in
18 the conveyance of title to an eligible sending lot, by the express terms of the deed or other
19 instrument of conveyance reserving a specified amount of TDP, provided that an instrument
20 acceptable to the Director is recorded binding the lot to the terms and conditions for eligibility to
21 send TDP under this **((section))Section 23.58A.018.** Any TDP so reserved shall be considered
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THIS VERSION IS NOT ADOPTED

1 transferred from that lot and later may be conveyed by deed without participation of the owner of
2 the lot.

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

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

1 that use of TDP is permitted under the Land Use Code provisions applicable with respect to the
2 issuance of permits for development of the project intended to use the TDP. The Director may
3 require, as a condition of processing any permit application using TDP or for the release of any
4 security posted in lieu of a deed for TDP to the receiving lot, that the owner of the receiving lot
5 demonstrate that the TDP has been validly transferred of record to the receiving lot, and that the
6 owner has recorded in the real estate records a notice of the filing of such permit application,
7 stating that the TDP is not available for retransfer.
8

9 3. As a condition to the effective transfer of Landmark TDP or South Downtown
10 Historic TDP, except from a City-owned sending lot, the fee owner of the sending lot shall
11 execute and record an agreement running with the land, in form and content acceptable to, and
12 accepted in writing by, the Director (~~(of the Department)~~) of Neighborhoods, providing for the
13 rehabilitation and maintenance of the historically significant or other relevant features of the
14 structure or structures on the lot and acknowledging the restrictions on future development
15 resulting from the transfer. The Director may require evidence that each holder of a lien has
16 effectively subordinated the lien to the terms of the agreement, and that any holders of interests
17 in the property have agreed to its terms. To the extent that a Landmark structure on the sending
18 lot, or (~~(an historically significant)~~) a contributing structure on a sending lot in a special review
19 district, the presence of which is a condition to eligibility to transfer TDP under the provisions of
20 the zone, requires restoration or rehabilitation for the long-term preservation of the structure or
21 its historically or architecturally significant features, the Director (~~(of the Department)~~) of
22 Neighborhoods may require, as a condition to acceptance of the necessary agreement, that the
23 owner of the sending site apply for and obtain a certificate of approval from the Landmarks
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THIS VERSION IS NOT ADOPTED

1 Preservation Board, or from the ((Department))Director of Neighborhoods((Director)) after
2 review by the Pioneer Square Preservation Board or International Special Review District Board,
3 as applicable, for the necessary work, or post security satisfactory to the Director of ((the
4 Department of))Neighborhoods for the completion of the restoration or rehabilitation, or both.

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

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

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

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

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

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

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

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

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

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

5 A. Purpose; Scope of Provisions; State Law Controlling. The provisions of this Chapter
6 23.58A related to housing and child care bonus nonresidential floor area, except to the extent
7 they relate to child care, are intended to implement affordable housing incentive programs
8 authorized by RCW 36.70A.540, as it may be amended. In case of any irreconcilable conflict
9 between the terms of this Chapter 23.58A related to the housing bonus and child care bonus
10 nonresidential floor area, except to the extent they relate to child care, and the authority granted
11 in RCW 36.70A.540, as it may be amended, the provisions of RCW 36.70A.540, as it may be
12 amended, shall supersede and control. Unless the context otherwise clearly requires, references
13 to RCW 36.70A.540 in this subchapter mean that section as in effect on the date as of which the
14 provisions of this title apply to the application for a use permit for the project using the bonus
15 floor area.
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18 B. Findings. Pursuant to the authority of RCW 36.70A.540, the City finds that the higher
19 income levels specified in the definition of "income-eligible households" in Section 23.58A.004,
20 rather than those stated in the definition of "low-income households" in RCW 36.70A.540, are
21 needed to address local housing market conditions throughout the city for purposes of affordable
22 housing incentive programs implemented through this subchapter.
23

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

1 income limit for income-eligible households, all as determined by the Director of Housing, for a
2 minimum period of 50 years. For owner-occupied housing, the initial sale price shall not exceed
3 an amount determined by the Director of Housing to be consistent with low-income housing for
4 an income-eligible household with the average family size expected to occupy the unit based on
5 the number of bedrooms, and the units shall be subject to recorded instruments satisfactory to the
6 Director of Housing providing for sales prices on any resale consistent with affordability on the
7 same basis for at least 50 years. The low-income housing shall be provided in a range of sizes
8 consistent with RCW 36.70A.540 and shall comply with all requirements of RCW 36.70A.540.

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

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

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

18
19 e. If the low-income housing is not being developed within the project
20 using the bonus nonresidential floor area:

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

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

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

21 4) The agreement required by subsection 23.58A.024.B.1.e.3 must
22 be executed and recorded prior to issuance, and as a condition to issuance, of the first building
23 permit for the project using the bonus nonresidential floor area, and in any event before any
24 permit for any construction activity other than excavation and shoring is issued.
25
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1 City, shall be used in the same manner as cash payments for housing made under this Section
2 23.58A.024. To the extent the City receives payment through a letter of credit or other security,
3 the obligation of the applicant to provide low-income housing will be deemed satisfied and the
4 applicant shall be deemed to have elected the payment option. The applicant shall not be entitled
5 to any refund based on later completion of low-income housing.

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

19
20 7) Unless and until the Director of Housing shall certify as set forth
21 in clause (a) or (b) of subsection 23.58A.024.B.1.e.6, it shall be a continuing permit condition,
22 whether or not expressly stated, for each project obtaining bonus nonresidential floor area based
23 on the provision of housing to which this Section 23.58A.024 applies, that the low-income
24 housing shall be maintained in compliance with the terms of this Section 23.58A.024 and any
25 applicable provisions of the zone, as documented to the satisfaction of the Director of Housing.
26

f. No subsidies for bonused housing; Exception.

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

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

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

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

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

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

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

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

4 2. Child Care.

5 a. For each square foot of nonresidential bonus floor area allowed under
6 this Section 23.58A.024, in addition to providing housing or an alternative cash contribution
7 pursuant to subsection 23.58A.024.B.1 or 23.58A.024.C, an applicant using the child care
8 performance option shall provide fully improved child care facility space sufficient for 0.000127
9 of a child care slot. The minimum interior space in the child care facility for each child care slot
10 shall comply with all applicable state and local regulations governing the operation of licensed
11 childcare providers. Child care facility space shall be deemed provided only if the applicant
12 causes the space to be newly constructed or newly placed in child care use after the submission
13 of a permit application for the project intended to use the bonus floor area, except as provided in
14 subsection 23.58A.024.B.2.c.6. If any contribution or subsidy in any form is made by any public
15 entity to the acquisition, development, financing or improvement of any child care facility, then
16 any portion of the space in such facility determined by the Human Services Director to be
17 attributable to such contribution or subsidy shall not be considered as provided by any applicant
18 other than that public entity.
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21

22 b. Child care space shall be provided on the same lot as the project using
23 the bonus nonresidential floor area, or on another lot within a distance of 0.25 mile of the project
24 using the bonus nonresidential floor area.
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1 c. Child care space shall be contained in a child care facility satisfying the
2 following standards:

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

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

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

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

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

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

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

11 C. Payment Option.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 6. Bibliography and references.

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

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

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

15 A. During the City of Seattle's relatively brief history, it has had little time in which to
16 develop areas of consistent historical or architectural character. It is recognized that the Pioneer
17 Square area of Seattle contains many of these rare attributes and consequently is an area of great
18 historical and cultural significance. Further, the ~~((King County domed stadium (Kingdome)))~~
19 regional sports stadiums, constructed in and near the Pioneer Square area, and the traffic and
20 activities ~~((which it generates has))~~ that they generate have resulted in adverse impacts upon the
21 social, cultural, historic and ethnic values of the Pioneer Square area. To preserve, protect, and
22 enhance the historic character of the Pioneer Square area and the buildings therein; to return
23 unproductive structures to useful purposes; to attract visitors to the City; to avoid a proliferation
24 of vehicular parking and vehicular-oriented uses; to provide regulations for existing on-street and
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THIS VERSION IS NOT ADOPTED

1 off-street parking; to stabilize existing housing, and encourage a variety of new and rehabilitated
2 housing types for all income groups; to encourage the use of transportation modes other than the
3 private automobile; to protect existing commercial vehicle access; to improve visual and urban
4 relationships between existing and future buildings and structures, parking spaces and public
5 improvements within the area; and to encourage pedestrian uses, there is established as a special
6 review district, the Pioneer Square Preservation District. The boundaries of the District are
7 shown on Map A for 23.66.100 and on the Official Land Use Map.
8

9 B. The District is depicted on Map A for 23.66.100. All property in the entire District
10 shall be developed and used in accordance with the use and development standards established in
11 this ~~((chapter))~~ Chapter 23.66 and the use and development standards for the underlying zone in
12 which the property is located. In the event of irreconcilable differences between the use and
13 development standards of this ~~((chapter))~~ Chapter 23.66 and other provisions of this Land Use
14 Code, ~~((the provisions of))~~ this ~~((chapter))~~ Chapter 23.66 ~~((shall apply))~~ applies, except that
15 nothing in this Chapter 23.66 shall permit any use or development on a lot from which TDR or
16 TDP are transferred that is inconsistent with the restrictions applicable as a result of such transfer
17 pursuant to Chapter 23.49 or Chapter 23.58A.
18

19 C. Reasons for Designating the Pioneer Square Preservation District.
20

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

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

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

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

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

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

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

14 **23.66.150 Structure setbacks**

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

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

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

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

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

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

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

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

18 **23.66.160 Signs~~((r))~~**

19 A. Signs.

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

THIS VERSION IS NOT ADOPTED

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

2 Preservation District:

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

6 Roof signs;

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

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

10 Signs with messages that appear to be in motion;

11 Changing image signs;

12 Signs with flashing, running or chaser lights.

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

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

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

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

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

15 1. Signs Attached or Applied to Structures.

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

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

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

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

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

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

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

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

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

21 4. When determining the appropriate size of a sign the Board and the
22 (~~(Department)~~) Director of Neighborhoods (~~(Director)~~) shall also consider the (~~(purpose)~~)
23 function of the sign and the character and scale of buildings in the immediate vicinity, the
24 character and scale of the building for which the sign is proposed, the proposed location of the
25 sign on the building's exterior, and the total number and size of signs proposed or existing on the
26

THIS VERSION IS NOT ADOPTED

1 building(~~(, as well as the type of sign proposed (e.g., informational, theater marquees, building~~
2 ~~identification, business identification, address or hours open signing))~~)).

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

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

11
12 7. Surface Parking Lot Signage.

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

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

21
22 1) For accessory surface parking lots, or portions thereof, intended
23 only for customer use: "Customer Parking for (Principal User/s) Only." The sign also may
24 contain the address of the principal user or users and mention validation of parking, if applicable.
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1 The sign also may contain the information required by state law to lawfully impound
2 unauthorized vehicles.

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

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

11 * * *

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

17 **23.66.302 International Special Review District goals and objectives((:))**

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

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

THIS VERSION IS NOT ADOPTED

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

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

5 D. Encouraging the rehabilitation of existing structures;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12
13
14 Section 83. Section 23.66.310 of the Seattle Municipal Code, which section was last
15 amended by Ordinance 116744, is amended as follows:

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

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

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

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

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

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

17 E. Parking. ~~((A major parking facility should be considered for development in the area~~
18 ~~south of the Union Station building.))~~ The number of parking spaces provided in the corridor
19 should be sufficient to meet the requirements for development in the corridor, as well as to
20 contribute to the long-range needs of the International District.

1 F. Scale. Building height and bulk should conform to the IDM Zone designation and the
2 regulations of the International Special Review District. Development south of Jackson Street
3 should preserve the Union Station building as the dominant structure.

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

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

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

14 **23.66.318 Demolition approval~~((:))~~**

15 A. To discourage the unnecessary demolition of useful existing structures ~~((which))~~ that
16 contribute to the District's cultural and social character, an assessment of the structure proposed
17 to be demolished shall be prepared and circulated to the Board prior to its consideration of a
18 certificate of approval. Among other factors, the economic, social and physical consequences
19 and benefits of the requested demolition and any alternatives to demolition shall be assessed.
20

21 Except as provided in subsection 23.66.318.B ~~((below))~~, a certificate of approval may be granted
22 only ~~((when))~~ if the requested demolition will not adversely affect the District and no reasonable
23 alternatives to demolition exist, and ~~((when))~~ if:
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1 1. The Director of Neighborhoods, ~~((following))~~ after receiving a
2 recommendation by the Special Review Board, determines that the building or structure has no
3 important architectural or historic significance; and

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

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

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

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

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

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

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

9
10 Section 85. Section 23.66.322 of the Seattle Municipal Code, which section was last
11 amended by Ordinance 122311, is amended as follows:

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

13
14 A. The following uses are prohibited as both principal and accessory uses in the entire
15 International Special Review District:

16 Adult motion picture theaters;

17 Adult panorams;

18 All general and heavy manufacturing uses;

19 All high-impact uses;

20 Solid waste management;

21 Recycling uses;

22 Automotive sales and service;

23 Bowling lanes;

24 Major communication utilities;

1 Heavy commercial sales;

2 Drive-in businesses;

3 Frozen food lockers;

4 Heavy commercial services;

5 Marine sales and services;

6 Medical testing laboratories;

7 Mortuary services;

8 Motels;

9 Outdoor storage;

10 Plant nurseries;

11 Retail ice dispensaries;

12 Shooting galleries;

13 Skating rinks;

14 Mobile home parks;

15 Transportation facilities except: passenger terminals, rail transit facilities, and parking
16 and moorage uses;

17 Animal shelters and kennels;

18 ~~((Veterinary offices;))~~

19 ~~((Pet grooming;))~~

20 Jails;

21 Work-release centers.

1 B. In addition to the prohibited uses listed in subsection 23.66.322.A, light manufacturing
2 uses that occupy more than ~~((ten thousand (10,000)))~~ 10,000 square feet are prohibited in that
3 portion of the International Special Review District west of ~~((the))~~ Interstate 5 ~~((Freeway))~~.

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

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

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

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

13 special review by the Board:

14 Formula fast food restaurants;

15 Hotels;

16 Planned community developments;

17 Principal use parking garages;

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

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

22 B. Nature of Review.

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

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

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

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

15 **23.66.326 Street-level uses((:))**

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

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

1 Apparel shops;

2 Asian arts, crafts, and specialty goods shops;

3 Bakeries;

4 Banks;

5 Barbecue shops;

6 Bookstores;

7 Coffee shops;

8 Floral shops;

9 Groceries;

10 Museums;

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

12 Personal services such as beauty shops and barbershops;

13 Restaurants;

14 Sidewalk cafes;

15 Tea shops;

16 Travel agencies;

17 Variety stores.

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

1 Appliance repair shops;

2 Research and development laboratories;

3 Radio and television studios;

4 Residential uses;

5 Taxidermy shops;

6 Upholstery establishments;

7 Vocational or fine arts schools;

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

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

15 D. Standards for Required Street-level Uses.

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

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

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

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

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

- 3 Community clubs or centers;
- 4 Family associations;
- 5 Human service uses;
- 6 Nonprofit community service organizations;
- 7 Theaters and spectator sports facilities.

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

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

20
21
22 Section 88. Section 23.66.328 of the Seattle Municipal Code, which section was last
23 amended by Ordinance 112777, is amended as follows:

24 **23.66.328 Uses above street level((=))**

THIS VERSION IS NOT ADOPTED

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

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

9 Community clubs and centers;

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

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

12 Offices;

13 Hotels;

14 Vocational or fine arts schools;

15 Wholesale showrooms.

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

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

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

3 **23.66.332 Height and Rooftop Features ((~~+~~))**

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

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

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

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

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

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

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

21 5. The following rooftop features may extend up to ((~~fifteen (15)~~)) 15 feet above
22 the maximum height limit provided that the combined coverage of all features listed below does
23 not exceed ((~~fifteen (15)~~)) 15 percent of the roof area:
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25
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- 1 a. Solar collectors, excluding greenhouses;
- 2 b. Stair and elevator penthouses;
- 3 c. Mechanical equipment that is set back at least ~~((fifteen (15)))~~ 15 feet
- 4 from the roof edge;
- 5 d. Minor communication utilities and accessory communication devices,
- 6 except that height is regulated according to ~~((the provisions of))~~ Section 23.57.014.
- 7

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

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

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

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

5 **23.66.334 Streets and sidewalks((~~r~~))**

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

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

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

17 **23.66.336 Exterior building finishes((~~r~~))**

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

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

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

16
17 2. Colors. Building facade colors must be reviewed by the Special Review Board
18 and approved by the (~~((Department of Neighborhoods))~~) Director of Neighborhoods. Colors shall
19 be compatible with those of adjacent buildings.

20
21 3. Surfaces. Textured concrete, brick and wood surfaces are preferred over non-
22 textured surfaces. Recesses and voids (~~((which))~~) that break up monotonous surface areas and
23 create visual relief are encouraged. The design and location of mechanical equipment visible
24 from the street must be reviewed by the Board and approved by the (~~((Department of~~
25 ~~Neighborhoods))~~) Director of Neighborhoods.

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

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

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

15
16 5. Awnings. Awnings shall be functional, serving as weather protection for
17 pedestrians at street level. Awnings over sidewalks shall overhang the sidewalk a minimum of
18 five ~~((5))~~ feet. All awnings shall be of a design compatible with the architecture of the area.

19
20 C. Exterior Building Design Outside the Asian Design Character District. Outside the
21 Asian Design Character District, earthen colors and masonry construction with nonmetallic
22 surfaces are preferred. Concrete construction will also be permitted ~~((when))~~ if treated in a
23 manner or incorporated into a design that provides visual interest and avoids large unbroken
24 surface areas.

1 Section 93. Section 23.66.338 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 120466, are amended as follows:

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

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

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

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

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

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

15 4. To reduce driver distraction and visual blight.

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

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

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

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

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

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

12
13
14 ~~((B-))~~ D. Permitted Signs.

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

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

23
24 3. Signs with messages displaying only time or temperature, or both, are allowed
25 to change display if, in addition to complying with the standards set out in this Section
26

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

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

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

5 District:

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

8 roof signs(~~(7)~~);

9 portable signs(~~(7)~~);

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

11 product advertising signs of a permanent nature except as allowed in

12 subsection 23.66.338.C;

13 flashing signs;

14 changing-image signs (including video display methods) except as

15 allowed in subsection 23.66.338.D; and

16 signs with messages that appear to be in motion or that make a noise. ~~((are~~

17 ~~prohibited. Flashing signs or signs that appear to be in motion shall be prohibited unless of a~~

18 ~~public service nature, such as signs indicating the temperature or time of day.))~~

19 2. The Board and the Director of Neighborhoods may delegate to the Director the

20 determination whether a proposed sign is a sign prohibited under subsection 23.66.338.E.1. If the

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

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

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

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

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

16
17 ~~2. Non-Asian Character Signs. The total message area of non-Asian character~~
18 ~~signs for each street level use shall not exceed seventy (70) percent of the area authorized in~~
19 ~~subsection D1 and indicated on Table 338 D.~~
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TABLE 338D SIGN AREA PERMITTED

| | Street Frontage | Maximum Sign Area Permitted |
|----|----------------------------|--|
| 1 | | |
| 2 | 15 | 59 |
| 3 | 16 | 61 |
| | 17 | 62 |
| 4 | 18 | 64 |
| | 19 | 65 |
| 5 | 20 | 66 |
| | 21 | 68 |
| 6 | 22 | 69 |
| | 23 | 70 |
| 7 | 24 | 71 |
| | 25 | 72 |
| 8 | 26 | 74 |
| | 27 | 75 |
| 9 | 28 | 76 |
| 10 | 29 | 77 |
| | 30 | 78 |
| 11 | 35 | 83 |
| | 40 | 87 |
| 12 | 45 | 92 |
| | 50 | 96 |
| 13 | 55 | 99 |
| | 60 | 103 |
| 14 | 65 | 106 |
| | 70 | 109 |
| 15 | 75 | 112 |
| | 80 | 115 |
| 16 | 85 | 118 |
| | 90 | 121 |
| 17 | 95 | 124 |
| | 100 | 126 |
| 18 | 110 | 131 |
| | 120 | 136 |
| 19 | 130 | 140 |
| | 140 | 144 |
| 20 | 150 | 148 |
| | 160 | 152 |
| 21 | 170 | 156 |
| | 180 | 160 |
| 22 | 190 | 163 |
| | 200 | 167 |
| 23 | 220 | 173 |
| 24 | | |
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|----|-----|-----|
| | 240 | 179 |
| 1 | 260 | 185 |
| 2 | 280 | 190 |
| 3 | 300 | 196 |
| 4 | 320 | 201 |
| 5 | 340 | 206 |
| 6 | 360 | 211 |
| 7 | 380 | 215 |
| 8 | 400 | 220 |
| 9 | 420 | 224 |
| 10 | 440 | 228 |
| 11 | 460 | 232 |
| 12 | 480 | 236 |
| 13 | 500 | 240 |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

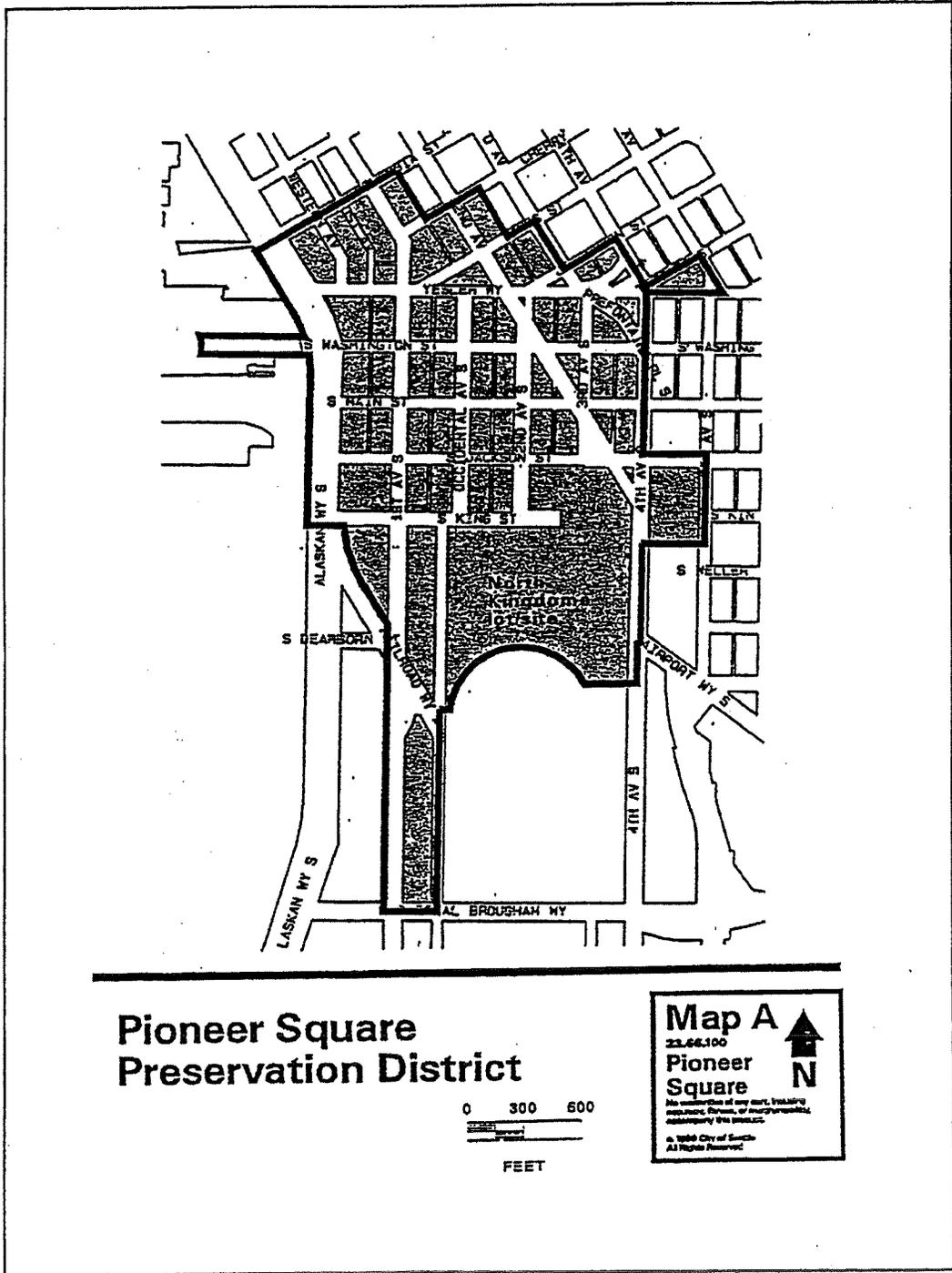
7 ~~((4.))~~ 6. All projecting signs shall be installed or erected so that there are no
8 visible angle iron sign supports above the roof, building face or wall.

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

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

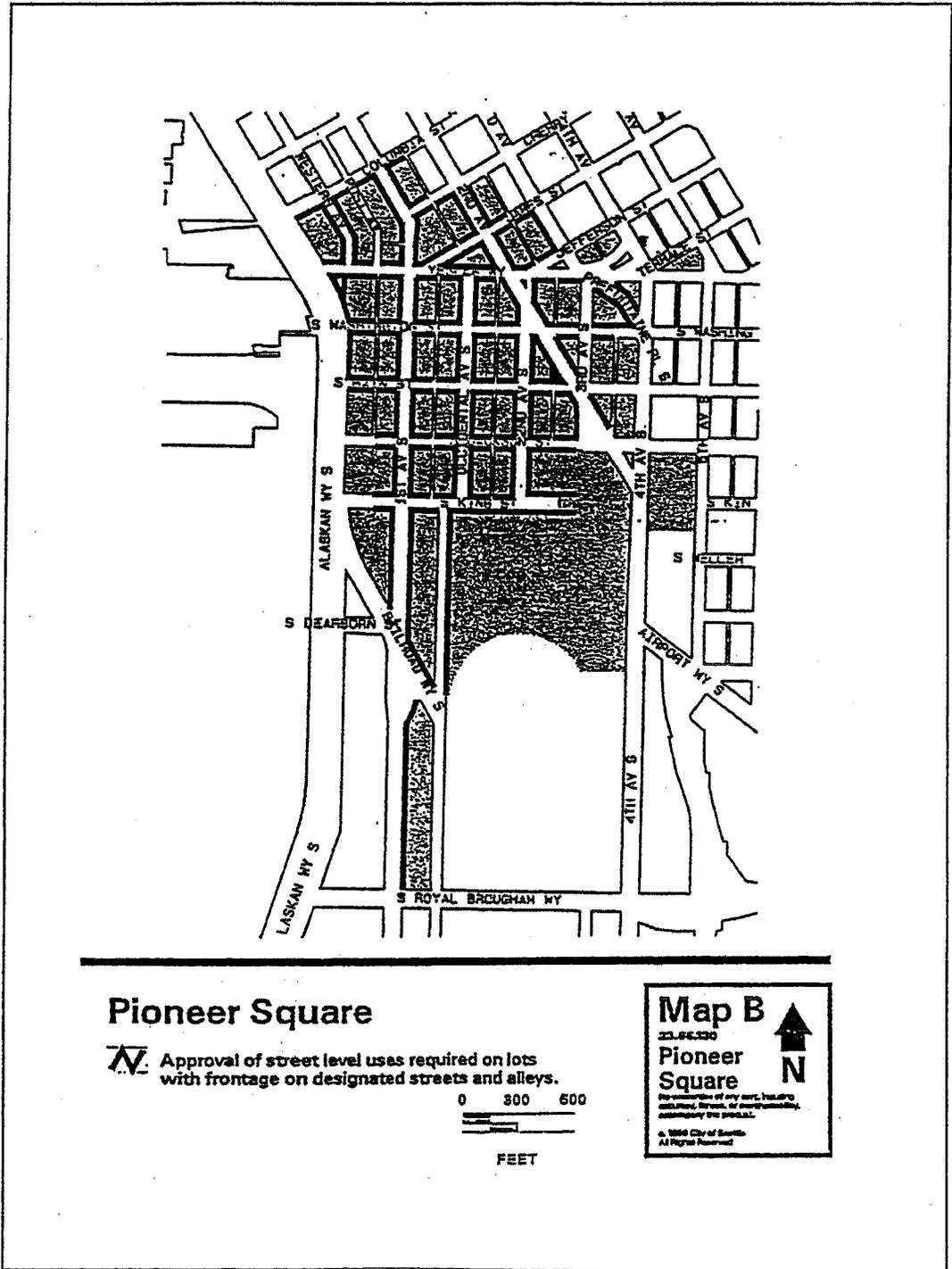
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Map B for 23.66.130

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Pioneer Square

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

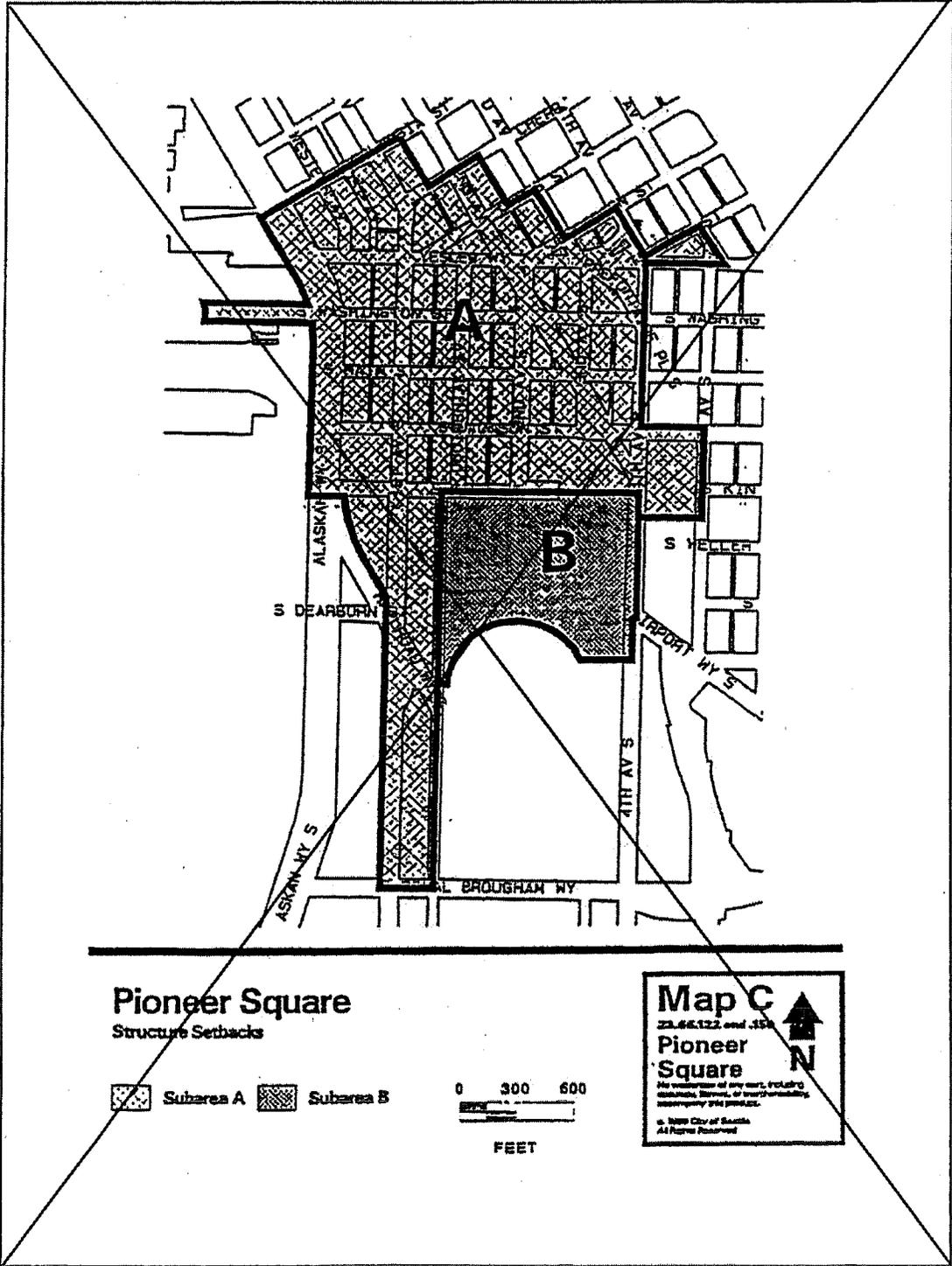


Map B
23.66.130
Pioneer Square

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THIS VERSION IS NOT ADOPTED

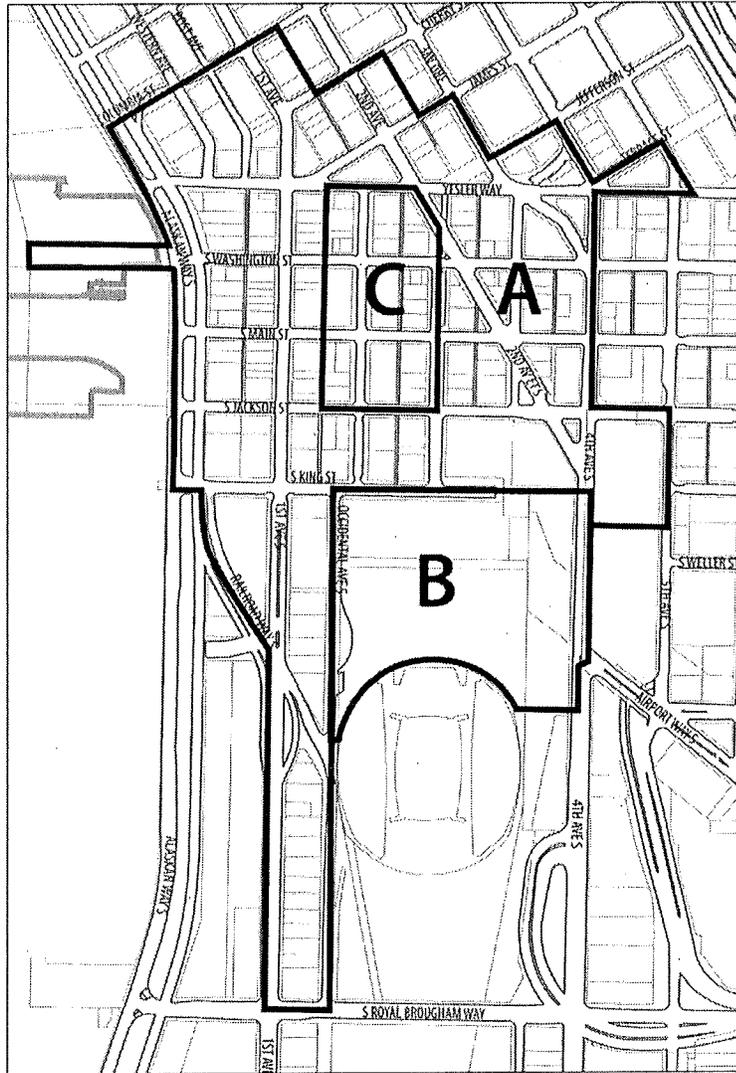
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Map C for 23.66.122 and 23.66.150

Map C for 23.66.122 and 23.66.150



Pioneer Square

Areas for Structure Setbacks

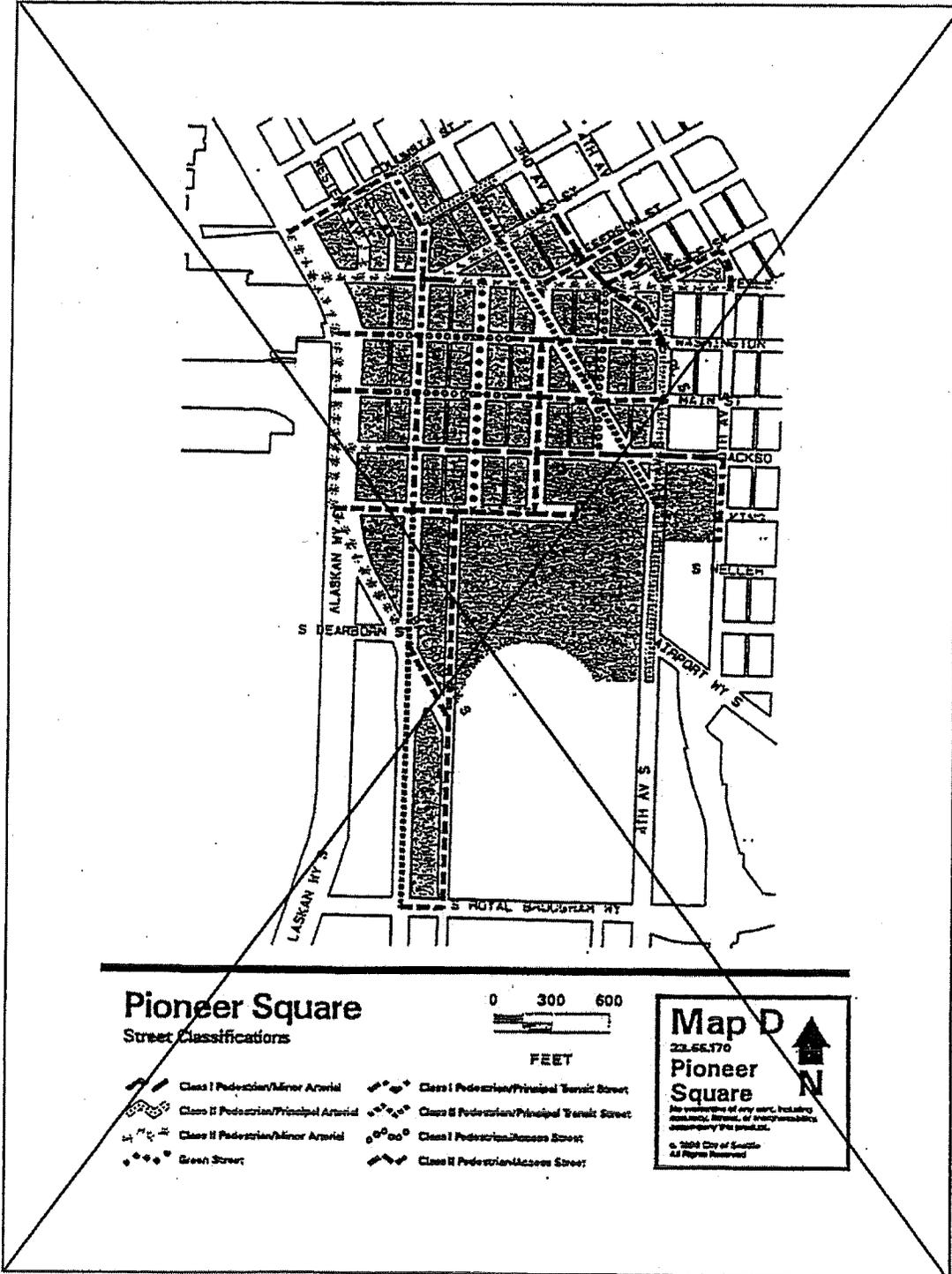
- A** Subarea A
- B** Subarea B
- C** Subarea C

Map C
23.66.122 and 23.66.150
Pioneer Square

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including accuracy,
fitness or merchantability
accompany this product.

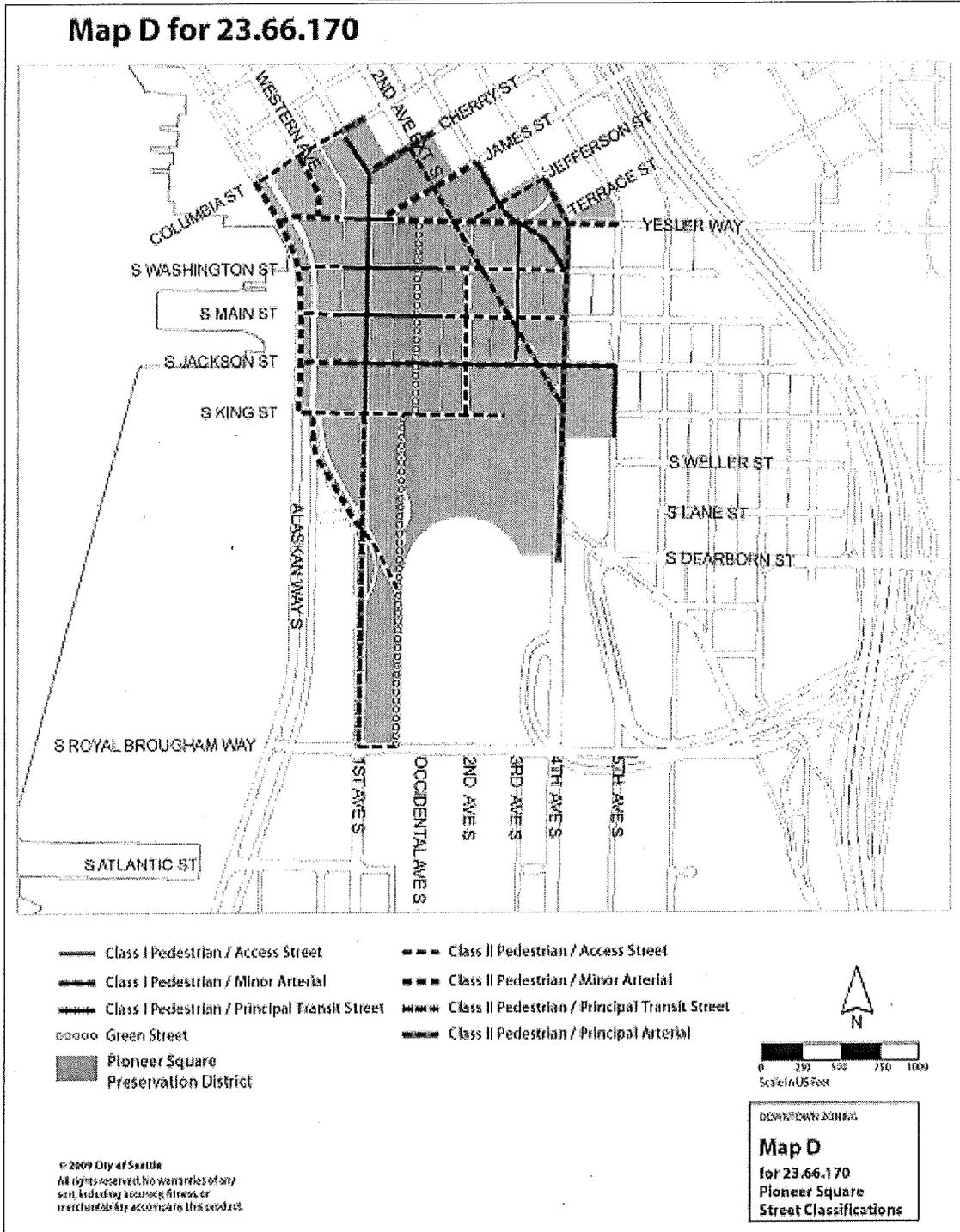
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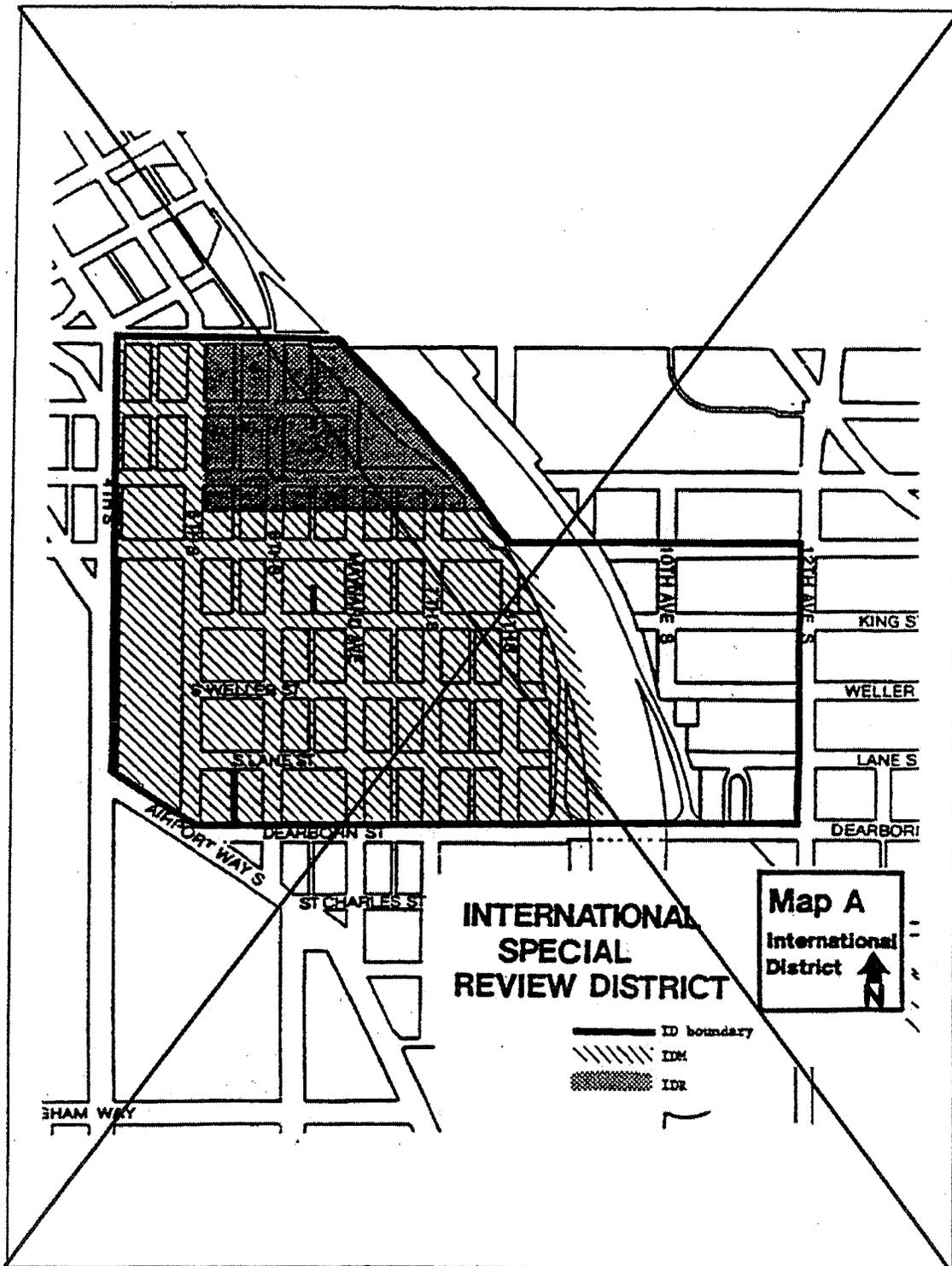
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Map D for 23.66.170



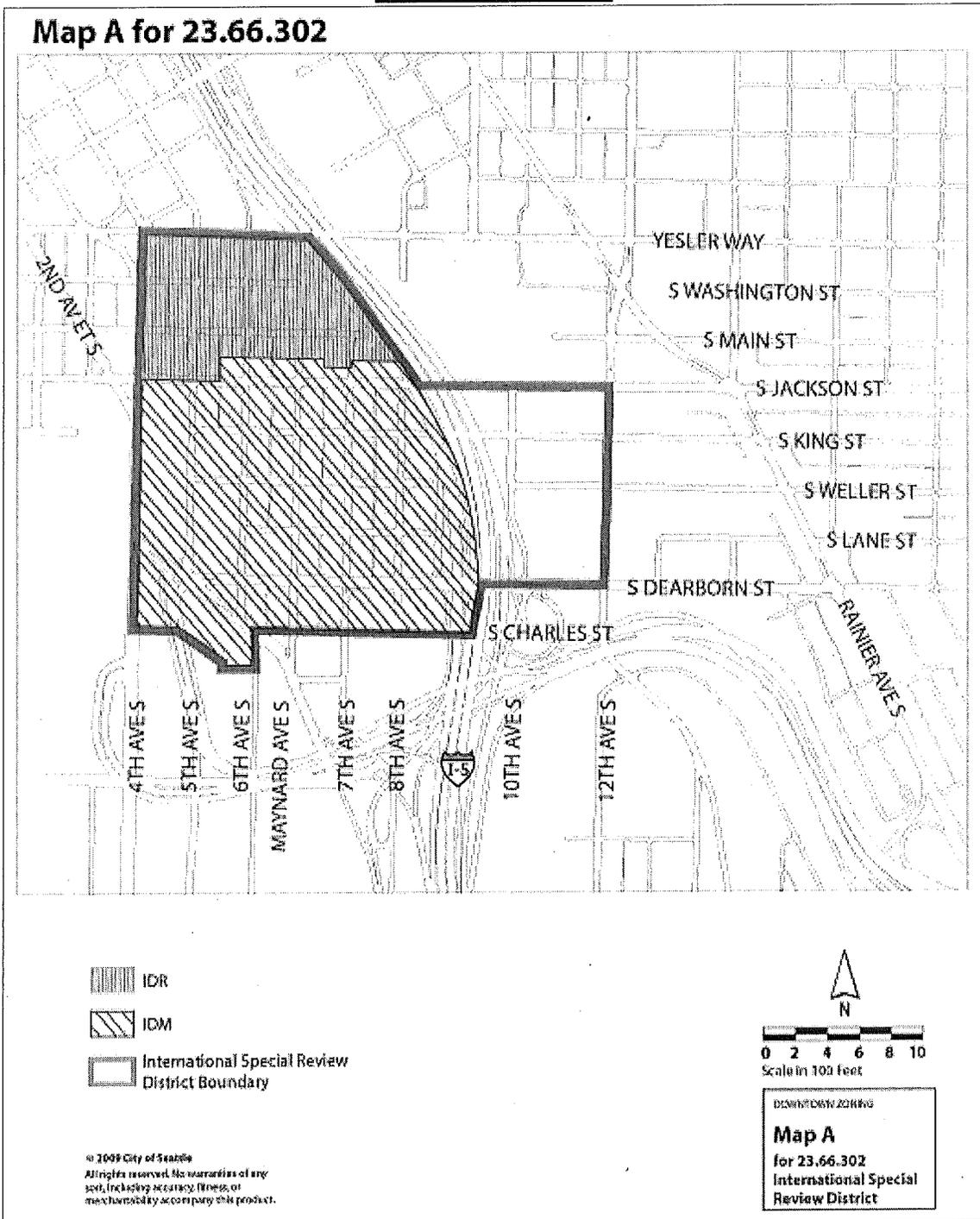
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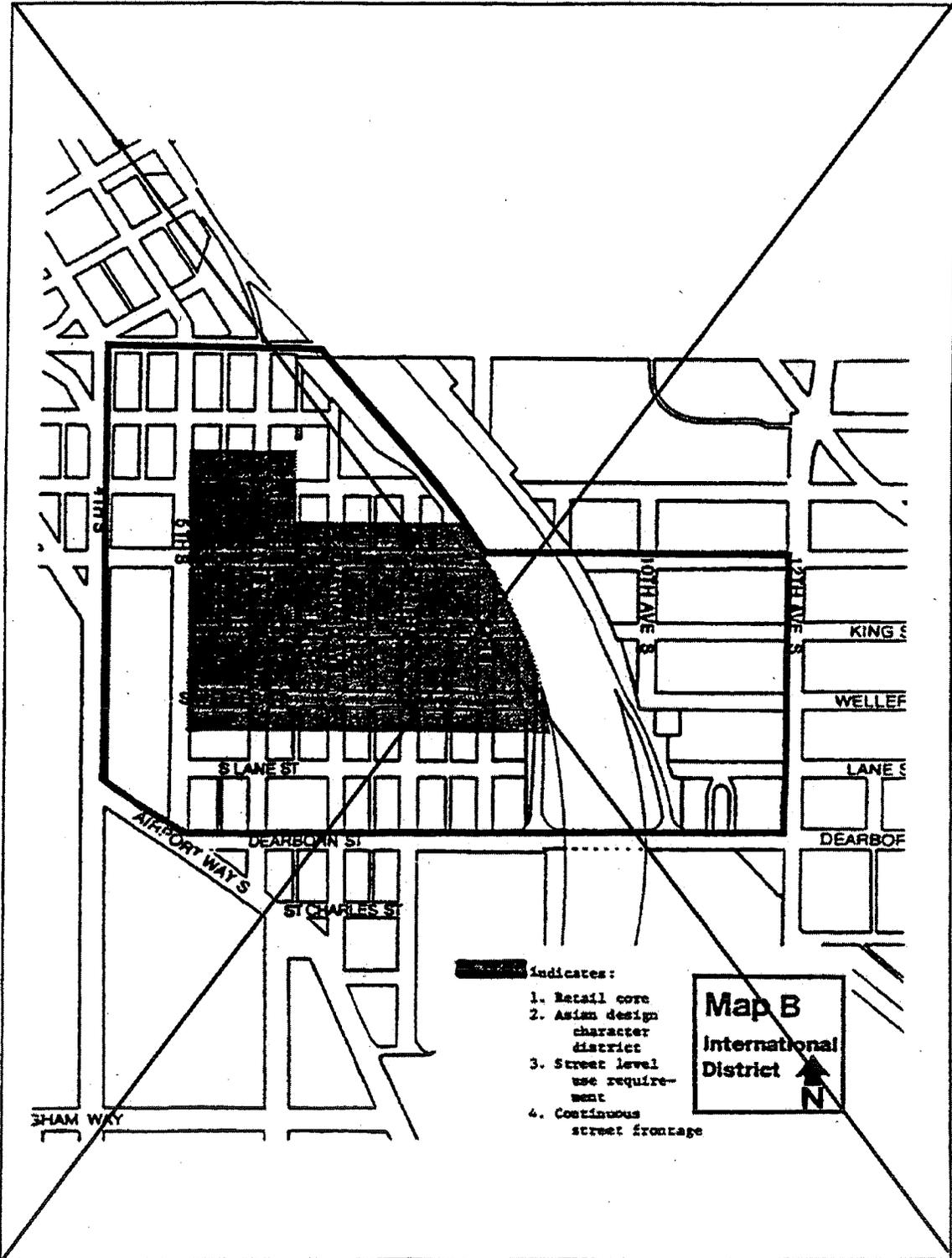
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Map A for 23.66.302



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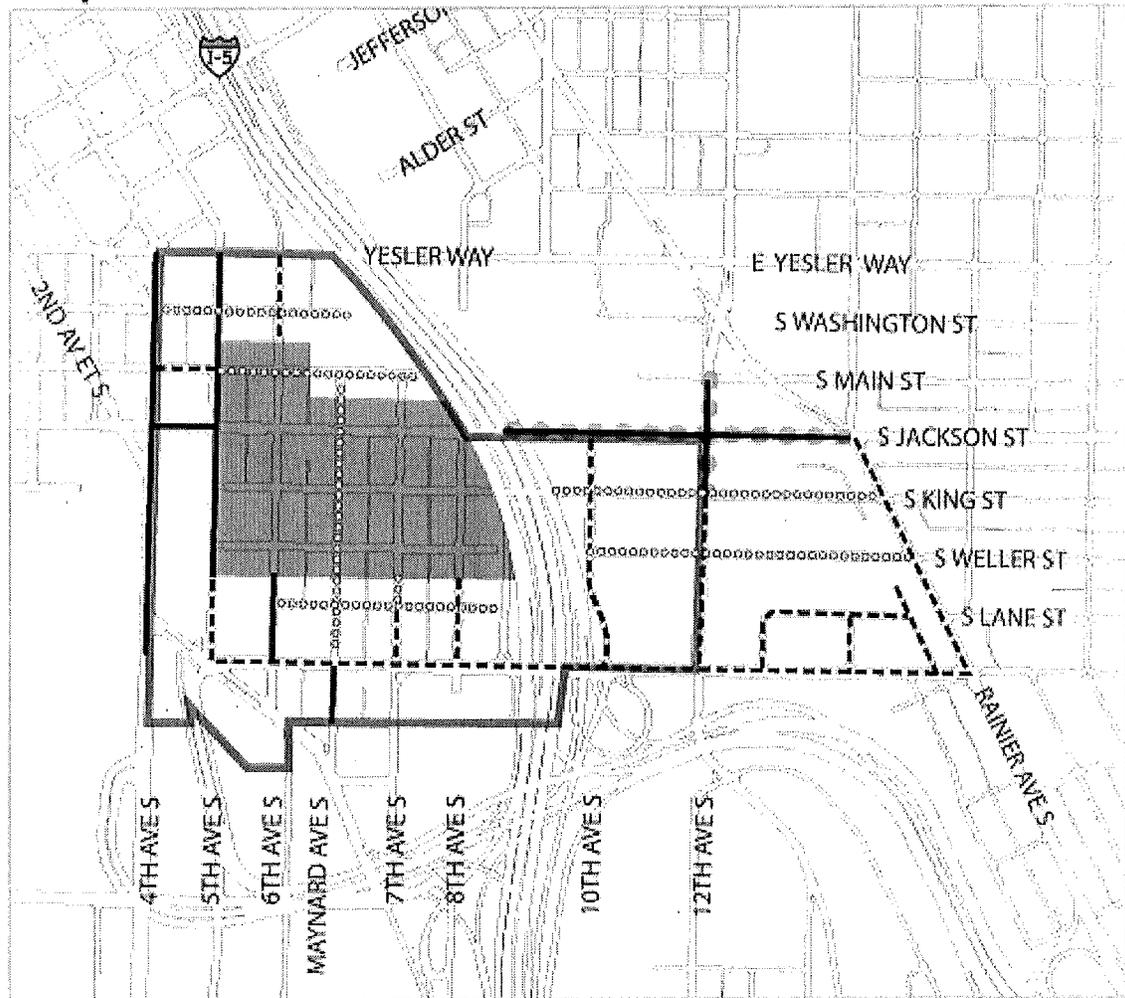
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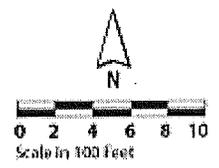
THIS VERSION IS NOT ADOPTED

Map B for 23.66.326

Map B for 23.66.326



- Class I Pedestrian Street
- - - Class II Pedestrian Street
- ● Area to which the provisions of 23.49.009, street-level use requirements, apply.
- o o o o Green Street
- International Special Review District
- ▨ Indicates
 1. Retail Core
 2. Asian Design Character District
 3. Street-Level Use Requirement
 4. Continuous Street Frontage



DOWNCOMING
Map B
 for 23.66.326
 International
 District

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

THIS VERSION IS NOT ADOPTED

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

3 **23.66.342 Parking and access.**

4 ***

5 D. Access to Parking.

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

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

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

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

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

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

19 * * *

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

22 **23.74.010 Development Standards**

* * *

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

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

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

26 b. Facade Setback Limits.
27
28

1 location near a residential lot do not apply. In addition, the screening and landscaping
2 requirements for outdoor storage in subsection 23.47A.016.D.2 apply, with respect to street lot
3 lines abutting the pedestrian environment, to the following uses, where a principal or accessory
4 use is located outdoors: outdoor storage (except for outdoor storage associated with florists and
5 horticultural uses), sales and rental of motorized vehicles, towing services, sales and rental of
6 large boats, dry boat storage, heavy commercial sales except fuel sales, heavy commercial
7 services, outdoor sports and recreation, wholesale showrooms, mini-warehouse, warehouse,
8 transportation facilities except rail transit facilities, utilities (except for utility service uses), and
9 light and general manufacturing.
10

11 4. Blank Facades and Transparency Requirements. In addition to the blank facade
12 requirements of (~~Section 23.50.038 A2~~) subsection 23.50.038:B, the blank façade limits and
13 transparency and street tree requirements of (~~Section~~) subsections 23.49.056,C, D, and E, and
14 the screening of parking requirements of (~~Section~~) subsection 23.49.019_B apply to facades or
15 portions thereof facing streets in the pedestrian environment, except that requirements for Class I
16 Pedestrian Streets and designated green streets do not apply.
17

18 5. Principal Pedestrian Entrances. A principal pedestrian entrance to a structure
19 having a facade along Railroad Way South, ((1st)) First Avenue South, or Occidental Avenue
20 South shall be located on Railroad Way South, ((1st)) First Avenue South, or Occidental Avenue
21 South, respectively. If the structure has facades along both ((1st)) First Avenue South and
22 Occidental Avenue South, a principal pedestrian entrance is required only on ((1st)) First Avenue
23 South.
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1 Section 97. Section 23.84A.002 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 123495, is amended as follows:

3 **23.84A.002 “A”**

4 * * *

5 “Avenue,” ~~((when))~~ if used with reference to a downtown zone, means one of the
6 following public rights-of-way (including if designated with the directional “South”): Elliott,
7 Western, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh,
8 Twelfth, Thirteenth, Terry, Boren, Minor, ~~((and))~~ Yale, ~~((Avenues and))~~ Occidental, ~~((and))~~
9 Maynard, ~~((Avenue South))~~ and Rainier Avenues.

10 ***

11 Section 98. Section 23.84A.006 of the Seattle Municipal Code, which section was last
12 amended by Ordinance 123495, is amended as follows:

13 **23.84A.006 “C”**

14 ***

15 “Contributing structure” means a structure that the Director of Neighborhoods has
16 determined contributes and will contribute to the architectural and/or historic character of the
17 Pioneer Square Preservation District or the International Special Review District pursuant to
18 Section 23.66.032, and for which any conditions to a final determination to that effect have been
19 satisfied.

20 * * *

21 Section 99. Section 23.84.024 of the Seattle Municipal Code, which section was last
22 amended by the Ordinance introduced as Council Bill 117117, is amended as follows:

23.84A.024 "L"

* * *

"Lot" means, except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, a sending lot for South Downtown Historic TDR or South Downtown Historic TDP, and a sending lot for open space TDR, one or more platted or unplatted parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley (Exhibit A for 23.84A.024((-A))).

1. For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel described in the ordinance approving controls for the sending lot.

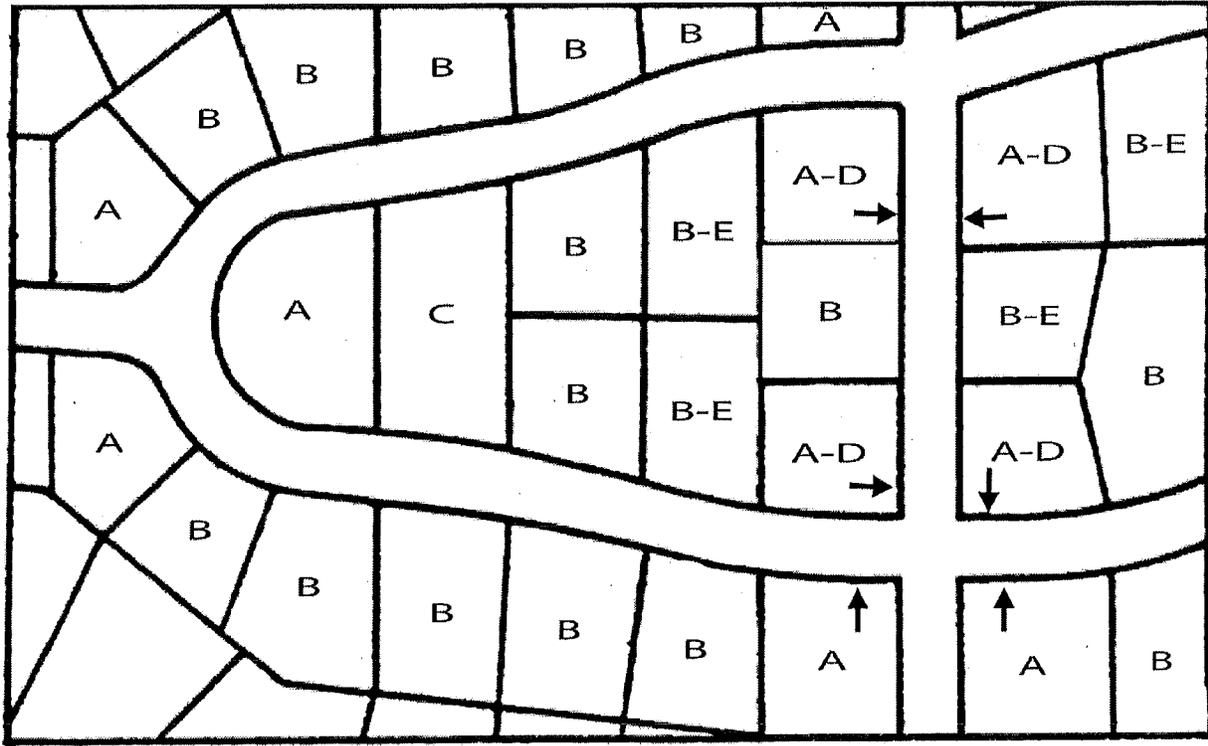
2. For purposes of a sending lot for housing TDR, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after January 4, 1993, that contain the structure or structures that make the TDR eligible for transfer.

3. For purposes of a sending lot for South Downtown Historic TDR or South Downtown Historic TDP, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after March 31, 2011, that contain the contributing structure or structures that make the TDR or TDP eligible for transfer.

4. For purposes of a sending lot for open space TDR, the definition of lot in Section 23.49.017 applies.

Exhibit A for 23.84A.024((-A)): Lot Types

1 ((~~Exhibit 23.84A.024 A~~) Exhibit A for 23.84A.024: Lot Types



- 15 A = Corner lot
16 B = Interior lot
17 C = Through (or double frontage) lot
18 D = Reversed corner lot
19 E = Key lot
20 → = Indicates front lot line

21 * * *

22 Section 100. Section 23.84A.025 of the Seattle Municipal Code, which section was
23 enacted by Ordinance 123495, is amended as follows:

24 **23.84A.025 "M"**

25 * * *

THIS VERSION IS NOT ADOPTED

1 Section 103. Section 23.84A.038 of the Seattle Municipal Code, which section was
2 enacted by Ordinance 123495, is amended as follows:

3 **23.84A.038 "T"**

4 ***

5 "TDR, Landmark" means TDR that are eligible for transfer based on the ((~~landmark~~
6 ~~status of~~) fact that the sending lot or a structure on such lot is designated as a landmark or as
7 part of a landmark under Chapter 25.12 or its predecessor ordinance, except Landmark housing
8 TDR.
9

10 * * *

11 "TDR, South Downtown Historic" means TDR, except Landmark TDR, that are eligible
12 for transfer based on the status of a structure on the sending lot as contributing to the
13 architectural or historic character of the Pioneer Square Preservation District or the International
14 Special Review District pursuant to Section 23.66.032.
15

16 * * *

17 "TDR site, South Downtown Historic" means a lot eligible to transfer South Downtown
18 Historic TDR, located within the Pioneer Square Preservation District or the International
19 Special Review District, that includes one or more structures determined to be contributing to the
20 architectural or historic character of the district pursuant to Section 23.66.032.
21

22 * * *

23 Section 104. Subsections B, C and D of Section 23.90.018 of the Seattle Municipal
24 Code, which section was last amended by Ordinance 123495, are amended as follows:

25 **23.90.018 Civil enforcement proceedings and penalties((~~r~~))**
26

* * *

1
2 B. Specific violations.

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

5 2. Violations of the requirements of subsection 23.44.041.C are subject to a civil
6 penalty of \$5,000, which shall be in addition to any penalty imposed under subsection
7 23.90.018.A.

8
9 3. Violations of Section 23.49.011, 23.49.015, 23.49.023, or 23.50.051 with
10 respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings
11 under applicable sections are subject to penalty in amounts determined under Section 23.49.020,
12 and not to any other penalty, but final determination and enforcement of penalties under that
13 Section 23.49.020 are subject to subsection 23.90.018.C.

14
15 4. Violations of Sections 23.45.510 and 23.45.526 with respect to failure to
16 demonstrate compliance with commitments to earn a LEED Silver rating or a 4-Star rating
17 awarded by the Master Builders Association of King and Snohomish Counties or other eligible
18 green building ratings systems under applicable sections are subject to penalty in amounts
19 determined under subsection 23.90.018.E, and not to any other penalty.

20
21 5. Violation of (~~Section~~) subsection 23.40.007.B with respect to failure to
22 demonstrate compliance with a waste diversion plan for a structure permitted to be demolished
23 under subsection 23.40.006.C is subject to a penalty in an amount determined as follows:
24
25
26
27
28

1 $P = SF \times .02 \times RDR,$

2 where:

3 P is the penalty;

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

6 RDR is the refuse disposal rate, which is the per ton rate established in SMC Chapter
7 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and
8 disposal stations by the largest class of vehicles.

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

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

17 C. Civil actions to enforce Title 23 shall be brought exclusively in Seattle Municipal
18 Court except as otherwise required by law or court rule. The Director shall request in writing
19 that the City Attorney take enforcement action. The City Attorney shall, with the assistance of
20 the Director, take appropriate action to enforce Title 23. In any civil action filed pursuant to this
21 chapter, the City has the burden of proving by a preponderance of the evidence that a violation
22 exists or existed. The issuance of the notice of violation or of an order following a review by
23 the Director is not itself evidence that a violation exists.
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1 D. Except in cases of violations of Sections 23.45.510, 23.45.526, 23.49.011, 23.49.015,
2 23.49.023, or 23.50.051 with respect to failure to demonstrate compliance with commitments to
3 earn LEED Silver, Built Green 4-Star, or ESDS ratings or satisfy alternative standards, the
4 violator may show as full or partial mitigation of liability:

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

7 2. That correction of the violation was commenced promptly upon receipt of the
8 notice thereof, but that full compliance within the time specified was prevented by inability to
9 obtain necessary materials or labor, inability to gain access to the subject structure, or other
10 condition or circumstance beyond the control of the defendant.
11

12 * * *

13 Section 105. Subsection B of Section 23.90.020 of the Seattle Municipal Code, which
14 section was last amended by Ordinance 123209, is amended as follows:
15

16 **23.90.020 Alternative criminal penalty((~~7~~))**

17 * * *

18 B. A criminal penalty, not to exceed \$5,000 per occurrence, may be imposed:

- 19 1. For violations of ~~((Section))~~ subsection 23.90.002.D;
- 20 2. For any other violation of this Code for which corrective action is not possible,
21 other than violations with respect to commitments to earn LEED Silver ratings, Built Green 4-
22 Star ratings, or ESDS ratings or satisfy alternative standards ~~((under Sections 23.45.526,~~
23 23.49.011, 23.49.015, or 23.50.051)); and
24

1 3. For any willful, intentional, or bad faith failure or refusal to comply with the
2 standards or requirements of this Code.

3 Section 106. The provisions of this ordinance are declared to be separate and severable.
4 The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall
5 not affect the validity of any other provision or the application of the particular provision in other
6 circumstances. The repeal or modification of various sections of Title 23 of the Seattle
7 Municipal Code by this ordinance shall not relieve any person of the obligation to comply with
8 the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect
9 prior to such repeal, nor shall it relieve any person or property of any obligations, conditions or
10 restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the
11 provisions of such Title in effect prior to such repeal.
12

13 Section 107. This ordinance is intended in part to adopt affordable housing incentive
14 programs for residential development and for nonresidential development in certain areas of
15 South Downtown and in certain Industrial Commercial zones in accordance with RCW
16 36.70A.540. To the extent any performance or payment related to affordable housing under
17 Section 23.58A.014 or 23.58A.024 or any related provisions of this ordinance may constitute a
18 tax under applicable law, this ordinance enacts that tax pursuant to the authority in RCW
19 36.70A.540.
20
21

22 Section 108. The Downtown Amenity Standards are amended as shown on Attachment F
23 to this ordinance. The amended Downtown Amenity Standards shall be filed with this ordinance
24 with the City Clerk in Clerk File 311418.
25
26
27
28

THIS VERSION IS NOT ADOPTED

1 Section 109. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2011, and
5 signed by me in open session in authentication of its passage this ____ day of
6 _____, 2011.

7
8
9 _____
10 President _____ of the City Council

11 Approved by me this ____ day of _____, 2011.

12
13 _____
14 Michael Patrick McGinn, Mayor

15 Filed by me this ____ day of _____, 2011.

16
17 _____
18 City Clerk

19 (Seal)

20
21 Exhibits

- 22 Exhibit A: Rezones West of Interstate 5
- 23 Exhibit B: Rezones East of Interstate 5
- 24 Exhibit C: Repealed Section 23.49.244
- 25 Exhibit D: Repealed Section 23.49.246
- 26 Exhibit E: Repealed Section 23.49.248
- 27 Exhibit F: Amendments to Downtown Amenity Standards

