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23.49.002Scope of provisions.

A. This chapter details those authorized uses and their development standards which are or may be permitted in downtown zones: Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), Downtown Retail Core (DRC), Downtown Mixed Commercial (DMC), Downtown Mixed Residential (DMR), Pioneer Square Mixed (PSM), International District Mixed (IDM), International District Residential (IDR), Downtown Harborfront 1 (DH1), Downtown Harborfront 2 (DH2), and Pike Market Mixed (PMM).

B. Property in the following special districts: Pike Place Market Urban Renewal Area, Pike Place Market Historic District, Pioneer Square Preservation District, International Special Review District, and the Shoreline District, are subject to both the requirements of this chapter and the regulations of the district.

C. The requirements and guidelines for public benefit features are found in the Public Benefit Features Rule.

D. Requirements for alley improvements are provided in Chapter 23.53. Standards for design of parking are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86.

E. Communication utilities and accessory communication devices are regulated by Chapter 23.57.

(Ord. 116295 § 12, 1992; Ord. 115326 § 18, 1990; Ord. 112303 § 3(part), 1985.)

Subchapter I General Standards

23.49.006Scope of general standards.

Unless otherwise specified, the regulations of this subchapter shall apply to all downtown zones.

(Ord. 112303 § 3(part), 1985.)

23.49.008Structure height.

The following provisions regulating structure height apply to all property in downtown zones except the DH1, PSM, IDM, and IDR zones.

A. Maximum structure heights for downtown zones are forty-five (45) feet, fifty-five (55) feet, sixty-five (65) feet, seventy-five (75) feet, eighty-five (85) feet, one hundred (100) feet, one hundred twenty (120) feet, one hundred twenty-five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred (300) feet and four hundred fifty (450) feet, as designated on the Official Land Use Map, Chapter 23.32, except that:

1. The Council shall determine the maximum permitted height when a major retail store or performing arts theater bonus is approved in the Downtown Retail Core zone pursuant to Section 23.49.096; provided, that such height shall not exceed one hundred fifty (150) feet.

2. Any property in the Pike Market Mixed zone that is subject to an urban renewal covenant may be built no higher than the height permitted by the covenant for the life of the covenant.

3. Any lot in the Denny Triangle Urban Village, as shown on Map 23.49.041 A, may gain up to an additional thirty (30) percent in height if credit floor area is allowed pursuant to Section 23.49.041, City/ County Transfer of Development Credits Program.

4. In the Downtown Retail Core zone, residential floor area created by infill of a lightwell on a City-designated Landmark structure shall be permitted above eighty-five (85) feet. For the purpose of this subsection "lightwell" is defined as an inward modulation on a non-street facing facade that is enclosed on at least three (3) sides by walls of the same structure, and "infill" is defined as an addition to that structure within the lightwell. The maximum height limit for any infill allowed under this subsection A4 shall be the highest level at which the lightwell is enclosed by the full length of walls of the structure on at least three (3) sides.

B. In Downtown Mixed Residential (DMR) zones, height shall be regulated as follows:

1. No structure which contains only nonresidential uses, and no portion of a mixed use structure which contains nonresidential uses, may extend beyond the lower height limit established on the Official Land Use Map, except for rooftop features permitted by subsection C of this section.

2. Structures which contain only residential uses, and portions of mixed use structures which contain only residential uses, may extend to the higher height limit established on the Official Land Use Map.

C. Rooftop Features.

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

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

b. Solar collectors up to seven (7) feet above the maximum height limit; and

c. The rooftop features listed below may extend up to fifty (50) feet above the roof of the structure on which they are located or fifty (50) feet above the maximum height limit, whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:

(1) Major or minor communication utilities,

(2) Religious symbols and that portion of the roof which supports them, such as belfries and spires,

(3) Smokestacks, and

(4) Flagpoles.

They shall be located a minimum of ten (10) feet from all lot lines.

2. The following rooftop features are permitted as long as the combined coverage of all features does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment. Except in the PMM zone, additional combined coverage of all rooftop features, not to exceed thirty-five (35) percent of the roof area, may be permitted through the design review process for development standard departures in Section 23.41.012.

a. The following rooftop features are permitted to extend up to fifteen (15) feet above the maximum height limit:

(1) Solar collectors;

(2) Stair penthouses;

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

(4) Mechanical equipment; and

(5) Mechanical equipment, whether new or replacement, may be allowed up to fifteen (15) feet above the roof elevation of a structure existing prior to June 1, 1989.

b. Elevator penthouses are permitted to extend beyond the maximum height limit as follows:

(1) In the PMM zone, up to fifteen (15) feet above the maximum height limit for the zone;

(2) Except in the PMM zone, up to twenty (20) feet above the maximum height limit for a penthouse designed for an elevator cab up to eight (8) feet high; or

(3) Except in the PMM zone, up to twenty-two (22) feet above the maximum height limit for a penthouse designed for an elevator cab more than eight (8) feet high.

3. Screening of Rooftop Features.

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

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection C2 above.

c. Except in the PMM zone, in no circumstances shall the height of rooftop screening exceed ten (10) percent of the maximum height of the zone in which the structure is located, or fifteen (15) feet, whichever is greater. In the PMM zone, the height of the screening shall not exceed the height of the rooftop feature being screened, or such greater height necessary for effective screening as determined by the Pike Place Market Historical Commission.

4. Administrative Conditional Use for Rooftop Features. The rooftop features listed in subsection C1c of this section may exceed a height of fifty (50) feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

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

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

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

d. The feature shall not adversely affect the function of existing transmission or receiving equipment within a five (5) mile radius.

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

5. Residential Penthouses Above Height Limit in DRC Zone.

a. A residential penthouse exceeding the maximum allowable height shall be permitted in the DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of fifty (50) percent of the total roof surface. Except as the Director may allow under subsection C5b of this section:

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

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

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

(1) An increase of the penthouse height limit under subsection C5a of this section by an amount up to the average height of the structure's street-facing parapet; or

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

c. The Director's decision to modify development standards pursuant to subsection C5b must be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum permitted height that could be permitted in the DRC zone by the City Council as provided in Section 23.49.008 A1.

e. No rooftop features shall be permitted on a residential penthouse allowed under this subsection C5.

(Ord. 119837 § 3, 2000; Ord. 119728 § 2, 1999; Ord. 119370 § 3, 1999; Ord. 118672 § 8, 1997: Ord. 116295 § 13, 1992; § 1 of Initiative 31, passed 5/16/89; Ord. 113279 § 1, 1987; Ord. 112303 § 3(part), 1985.)

23.49.009Open space.

A. Finding. The City Council finds that:

1. Office workers are the principal users of Downtown open space.

2. Additional major office projects Downtown will result in increased use of public open space.

3. If additional major office projects Downtown do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety and welfare.

4. The additional open space needed to accommodate office workers is at least twenty (20) square feet for each one thousand (1,000) square feet of office space.

5. Smaller office developments may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under eighty-five thousand (85,000) square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than eighty-five thousand (85,000) square feet of new office space should be exempt from any open space requirement.

6. As indicated in the DCLU's October 1994 report, with the exception of certain projects, most major

recent Downtown office projects have provided significant amounts of on-site open space. Therefore, requiring open space for future major projects will tend to ensure that existing projects do not bear the burdens caused by new development and will result in an average reciprocity of advantage.

B. Quantity of Open Space. Open space in the amount of twenty (20) square feet for each one thousand (1,000) square feet of gross office floor area shall be required of projects that include eighty-five thousand (85,000) or more square feet of usable new office space in DOC-1, DOC-2, DMC, DMR/C and DH2 zones.

C. Standards for Open Space. To satisfy this requirement, open space may be provided on-site or off-site, as follows:

1. Private Open Space. Private open space on the project site or on an adjacent lot directly accessible from the project site may satisfy the requirement of this section. Such space shall not be eligible for public benefit feature bonuses. Private open space shall be open to the sky and shall be consistent with the general conditions contained in the Public Benefit Features Rule related to landscaping, seating and furnishings. Private open space satisfying this requirement must be accessible to all tenants of the building and their employees.

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for public benefit feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of the zone in which the feature is located and the Public Benefit Features Rule for one (1) or more of the following:

- Parcel park;
- Green street on an abutting right-of-way;
- Rooftop garden — street accessible;
- Hillside terrace;
- Harborfront open space; or
- Urban plaza.

b. On-site open space satisfying the requirement of subsection C2a of this section may achieve a bonus as a public benefit feature not to exceed one (1) FAR, which shall be counted against, and not increase the total FAR bonus available from the provision of Public Benefit Features.

3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (¼) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area.

b. Public open space on a site other than the project site shall be a bonusable feature if the open space meets the standards of the zone in which the open space is located and is one (1) of the open space features cited in subsection C2a of this section. Bonus ratios for off-site open space shall be determined by the zone of the project receiving the bonus, as set forth in the Tables for Sections 23.49.050, 23.49.070, 23.49.126, 23.49.152 and 23.49.330 B. Projects that provide off-site open space satisfying this requirement may achieve a public benefit feature bonus not to exceed one (1) FAR for such open space, which shall be counted against, and not increase the total FAR bonus available from the provision of Public Benefit Features.

4. Easement for Off-site Open Space. The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Public Benefit Features Rule.

D. Payment in Lieu. In lieu of providing open space under this requirement, an owner may make a payment to the City's Open Space Fund if the Director determines that the payment will contribute to the purchase and/or development of an identified open space that is consistent with City policy and priorities, that the open space will mitigate the impacts of the project, and that acquisition of the open space (if applicable) is assured. The payment and use thereof shall be consistent with RCW 82.02.020.

1. An in-lieu-of payment shall equal the assessed value of the land at the project site which would otherwise have been required to provide open space plus the estimated cost to develop such open space on the project site.

2. An in-lieu-of payment that includes the cost to develop bonusable open space shall be eligible for up to one (1) FAR bonus as a public benefit feature at the same ratios described in subsection C3b above.

3. Funds received in lieu of providing open space within Downtown shall be applied to acquisition or development of new open space in a Downtown zone, within one-quarter (¼) mile of the contributing sites, except that when a contributor or contributors agree with the City that a new open space within a Downtown zone but more than one-quarter (¼) mile from the project site(s) would be an appropriate mitigation to the project impacts, the in-lieu-of payments from those projects may be used for that open space.

E. Limitations. Open space satisfying the requirement of this section for any project shall not be used to satisfy the open space requirement for any other project, nor shall any bonus be granted to any project for open space meeting the requirement of this section for any other project. Open space on the site of any building for which a Master Use Permit decision was issued or a complete building permit application was filed prior to the effective date of the ordinance codified in this section, that is not required under the Land Use Code in effect when such permit decision was issued or such application filed but that would have been required for the same building by this section, shall not be used to satisfy the open space requirement or to gain a FAR bonus for any other project.

F. Authority. This section is adopted pursuant to the Growth Management Act, the City's Comprehensive Plan and the City's inherent police power authority. The City Council finds that the requirements of this section are

necessary to protect and promote the public health, safety and welfare.
(Ord. 117430 § 60, 1994.)

23.49.010Lighting and glare.

A. Exterior lighting shall be shielded and directed away from adjacent uses.

B. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.
(Ord. 112303 § 3(part), 1985.)

23.49.011Maximum annual development of office space.

The following provisions establish the maximum number of square feet of usable new office space for which the City may issue building permits on an annual basis, as well as exceptions to these limitations.

A. 1. If the ordinance codified in this section takes effect before July 1, 1989,[1] the City may not, during the remainder of 1989, issue building permits for more than five hundred thousand (500,000) square feet of usable new office space in downtown, including all downtown zones. If this ordinance takes effect on or after July 1, 1989, the City may not, during the remainder of 1989, issue building permits for more than two hundred fifty thousand (250,000) square feet of usable new office space in downtown, including all downtown zones.

2. Except as otherwise provided in subsection A3 below, the City may not, in any calendar year from 1990 through 1994, issue building permits for the construction of more than five hundred thousand (500,000) square feet of usable new office space in downtown, including all downtown zones.

3. If, in any calendar year from 1990 through 1994, the City does not issue building permits for the construction of five hundred thousand (500,000) square feet of usable new office space, then the difference between the square footage for which building permits have been issued and five hundred thousand (500,000) square feet shall be available in the next calendar year and subsequent years. In no event, however, may the City issue building permits for more than one million (1,000,000) square feet of usable new office space in any calendar year through 1994.

B. 1. Except as otherwise provided in subsection B2 below, the City may not, in any calendar year from 1995 through 1999, issue building permits for the construction of more than one million (1,000,000) square feet of usable new office space in downtown, including all downtown zones.

2. If, in any calendar year, from 1995 through 1999, the City does not issue building permits for one million (1,000,000) square feet of usable new office space, then the difference between the square footage for which building permits have been issued and one million (1,000,000) square feet shall be available in the next and subsequent calendar years. In no event, however, may the City issue building permits in any calendar year from 1995 through 1999 for more than two million (2,000,000) square feet of usable new office space.

C. Any building which contains less than fifty thousand (50,000) square feet of usable new office space is exempt from the provisions of this Section 23.49.011.

D. Except as provided in subsection E of this section below, building permits will be issued on a first-come, first-served basis annually under rules adopted by the Department of Construction and Land Use, or pursuant to such other reasonable mechanism established by DCLU after public comment and hearing.

E. Of the maximum allowable square footage for usable new office space allowed under subsection A or B of this section above, building permits for eighty-five thousand (85,000) square feet per year shall be reserved for buildings containing between fifty thousand (50,000) and eighty-five thousand (85,000) square feet of usable new office space. Permits for these buildings will be issued on a first-come, first-served basis annually under rules adopted by the Department of Construction and Land Use, or pursuant to such other reasonable mechanism established by DCLU after public comment and hearing. Any square footage of usable new office space reserved under this subsection E which is not used in any calendar year shall be carried over to the next calendar year and subsequent years to be available for buildings containing between fifty thousand (50,000) and eighty-five thousand (85,000) square feet of usable new office space.
(§ 2 of Initiative 31, passed 5/16/89.)

1.The Initiative 31 ordinance was adopted by voters on May 16, 1989.

23.49.012 Noise standards.

A. All food processing for human consumption, custom and craft work involving the use of mechanical equipment, and light manufacturing activities shall be conducted wholly within an enclosed structure.

B. The following uses or devices shall be considered major noise generators:

1. Light manufacturing uses;
2. Auto body, boat and aircraft repair shops; and
3. Other similar uses.

C. When a major noise generator is proposed, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example,the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specified construction techniques or building materials. Measures to be taken shall be specified on the plans. After a permit has been issued, any measures which are required by the permit to limit noise shall be maintained.
(Ord. 112519 § 3, 1985: Ord. 112303 § 3(part), 1985.)

23.49.014 Odor standards.

A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least ten (10) feet above finished sidewalk grade, and directed away from residential uses within fifty (50) feet of the vent.

B. Major Odor Sources.

1. Uses which employ the following odor-emitting processes or activities shall be considered major odor sources:

Lithographic, rotogravure or flexographic printing;
Film burning;
Fiberglassing;
Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;
Handling of heated tars and asphalts;
Incinerating (commercial);
Metal plating;
Use of boilers (greater than 10^6 British thermal units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);
Other similar uses.

2. Uses which employ the following processes shall be considered major odor sources except when the entire activity is conducted as part of a retail sales and service use:

Cooking of grains;
Smoking of food or food products;
Fish or fishmeal processing;
Coffee or nut roasting;
Deep fat frying;
Dry cleaning;
Other similar uses.

C. Review of Major Odor Sources. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA) shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be specified on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.
(Ord. 112519 § 4, 1985; Ord. 112303 § 3(part), 1985.)

23.49.015 Solid waste and recyclable materials storage space.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new developments permitted in Downtown zones and expanded multifamily developments as indicated in the table below. For the purposes of this subsection, "expanded multifamily development" means expansion of multifamily developments with ten (10) or more existing units by two (2) or more units.

Structure Type	Structure Size	Minimum Area for Storage Space (Square Feet)	Container Type
Multifamily*	1 — 15 units	75	Rear-loading
	16 — 25 units	100	Rear-loading
	26 — 50 units	150	Front-loading
	51 — 100 units	200	Front-loading
	More than 100 units	200 plus 2 square feet for each additional unit	Front-loading
Commercial*	0 — 5,000 square feet	82	Rear-loading
	5,001 — 15,000 square feet	125	Rear-loading
	15,001 — 50,000 square feet	175	Front-loading
	50,001 — 100,000 square feet	225	Front-loading
	100,001 — 200,000 square feet	275	Front-loading
	200,001 plus square feet	500	Front-loading

* Mixed Use Buildings. Mixed use buildings with eighty (80) percent or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

B. The design of the storage space shall meet the following requirements:

1. The storage space shall have no dimension (width and length) less than six (6) feet;

2. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and

3. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

C. The location of the storage space shall meet the following requirements:

1. The storage space shall be located on private property;

2. The storage space shall not be located in any required parking area;

3. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and

4. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

D. Access to the storage space for occupants and service providers shall meet the following requirements:

1. For rear-loading containers (usually two (2) cubic yards or smaller):

a. Any proposed ramps to the storage space shall be of six (6) percent slope or less, and

b. Any proposed gates or access routes must be a minimum of six (6) feet wide; and

2. For front-loading containers (usually larger than two (2) cubic yards):

a. Direct access shall be provided from the alley or street to the containers,

b. Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and

c. When accessed directly by a collection vehicle into a structure, a twenty-one (21) foot overhead clearance shall be provided.

E. The solid waste and recyclable materials storage space specifications required in subsections A, B, C, and D of this section above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

F. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections A, B, C, and D of this section above under the following circumstances:

1. Then the applicant can demonstrate difficulty in meeting any of the requirements of subsections A, B, C, and D of this section; or

2. When the applicant proposes to expand a multifamily or mixed-use building, and the requirements of subsections A, B, C, and D of this section conflict with opportunities to increase residential densities and/or retain ground-level retail uses; and

3. When the applicant proposes alternative, workable measures that meet the intent of this section.

(Ord. 119836 § 4, 2000.)

23.49.016Parking quantity requirements.

The regulations in this section shall not apply to Pike Market Mixed zones.

A. General Standards.

1. Long-term parking requirements shall be established for all new uses, except as provided in subsection A2. The long-term requirement shall be determined by the accessibility of the area to transit, according to Map IA.[1] Short-term parking shall also be required for offices and retail sales and service uses in all areas, except as provided in subsection A2.

2. Exceptions to the parking requirement shall be permitted as follows:

a. No parking shall be required for new uses to be located in existing structures, or when existing structures are remodeled.

b. No parking shall be required for residential uses.

c. No parking, either long-term or short-term, shall be required for the first thirty thousand (30,000) square feet of retail sales and service use on lots in areas with high transit access, as identified on Map IA. No parking, either long-term or short-term, shall be required for the first seven thousand five hundred (7,500) square feet of retail sales and service use on lots in other areas.

d. No parking shall be required for the first two thousand five hundred (2,500) square feet of any nonresidential use which is not a retail sales and service use.

e. No parking shall be required when an existing structure is expanded by up to two thousand five hundred (2,500) square feet or less, provided that this exemption may be used only once by any individual structure.

f. No parking shall be required for any gross floor area in human service or day care use.

g. In Pioneer Square Mixed zones, the Pioneer Square Preservation Board may waive or reduce required parking according to the provisions of Section 23.66.170, Parking and access.

h. In International District Mixed and International District Residential zones, the International District Special Review District Board may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access.

In these zones, the parking requirements for restaurants, motion picture theaters, and other entertainment uses and places of public assembly shall be established pursuant to the requirements of Section 23.66.342, rather than the provisions of this section.

3. Location of Required Parking.

a. Required parking may be provided on the lot, and/or within eight hundred (800) feet of the lot on which the use is located, and/or within sixteen hundred (1,600) feet of the lot for lots in DH1 zones, provided that:

(1) The parking is located in a downtown zone in conformance with the accessory parking regulations for that zone; and

(2) When parking is provided on a lot other than the lot of the use for which it is required, the owner of the parking spaces shall be responsible for notifying the Director should the use of the lot for the required parking cease. In this event, the principal use must be discontinued, other parking meeting the requirements of this code must be provided within thirty (30) days, or a variance must be applied for within fourteen (14) days, and subsequently granted. A covenant between the owner of the parking spaces, the owner or operator of the principal use, and The City of Seattle stating the responsibilities of the parties shall be executed. This covenant and accompanying legal descriptions of the principal use lot and the lot upon which the spaces are to be located shall be recorded with the King County Department of Records and Elections and a copy with the recording number and parking layouts shall be submitted as part of any permit application for development requiring parking.

b. In lieu of providing required long-term parking, payment may be made to the Downtown Parking Fund, according to the provisions of subsection B4.

4. For the purposes of determining parking requirements, institutions shall be considered "other nonresidential" uses on Chart 23.49.016 A. The parking requirements for nonresidential public projects and City facilities shall be determined on a case-by-case basis.

B. Parking Requirements.

1. The long-term and short-term parking requirement for offices, retail sales and service uses, and other nonresidential uses shall be as established on Chart 23.49.016 A. The unrestricted long-term parking requirement for all uses except lodging may be reduced by providing additional carpool spaces, vanpools, or subsidized transit passes, according to subsection B3.

2. Carpool spaces provided to meet the requirements of subsection B1 shall either be:

a. Physically set aside and designated for exclusive carpool use between six (6:00) a.m. and nine-thirty (9:30) a.m., and shall not be leased to tenants for long-term parking, except as parking for carpools and vanpools. Required carpool spaces not used by carpool vehicles by nine-thirty (9:30) a.m. shall be used as public short-term parking with appropriate signage provided; or

b. Subsidized, provided that the subsidy shall be equal to at least thirty (30) percent of the monthly market rate charged the general public for a parking space. Subsidized spaces shall be provided at the rate that carpools are formed.

3. The following substitution rates shall be used to reduce the long-term parking requirement for all nonresidential uses, except lodging:

a. One (1) vanpool may be substituted for six (6) parking spaces. The unrestricted long-term parking requirement may be reduced not more than ten (10) percent for vanpool substitutions. If the proponent elects to use the vanpool option, the necessary number of vans meeting the standards of the Commuter Pool Division of Metro shall be acquired, or a surety instrument acceptable to the Director shall be posted; and, vanpools shall be organized for employees in the structure. Before a certificate of occupancy may be issued, details of the vanpool program shall be spelled out in a Memorandum of Agreement executed between the proponent, his or her transportation coordinator, the Director, and the Seattle Rideshare office.

Chart 23.49.016 A Parking Requirements
(Expressed in parking spaces per 1,000 square feet of gross floor area of the use)

USE	LONG TERM PARKING REQUIREMENT						Short Term Parking Requirements in All Areas
	Areas with High Transit Access[1]			Areas with Moderate Transit Access[1]			
	Unrestricted Long Term	Carpool	Total	Unrestricted Long Term	Carpool	Total	
Office	.54	.13	.67	.75	.19	.94	.1
Retail sales and service, except lodging	.32	.08	.40	.56	.14	.70	.5
Other nonresidential	.16	.04	.20	.16	.04	.20	None
Lodging	1 space per 4 rooms (all areas)						None

[1] According to Map IA

b. Each carpool space in excess of those required by subsection B1, which is physically reserved or subsidized according to the provisions of subsection B2, may be substituted for one and nine-tenths (1.9) parking spaces. No more than fifty percent (50%) of the total number of long-term parking spaces provided shall be set aside or discounted for carpools.

c. A fifteen percent (15%) reduction in the unrestricted long-term parking requirement may be achieved by providing free transit passes to all employees in the structure for at least five (5) years.

4. In lieu of providing long-term parking spaces on the lot or within eight hundred feet (800′) of the lot, long-term spaces may be provided by a payment to the Downtown Parking Fund, if the Director determines that the parking impacts of the development can be met by other means. The Director's determination shall be based on any relevant factors including but not limited to the following:

a. Proximity of the site to public parking;

b. The level of transit service to the lot;

c. Proposals by the applicant to encourage building tenants to use alternatives to single occupancy vehicles.

5. The following requirements shall apply to all structures containing more than ten thousand (10,000) square feet of nonresidential use:

a. A transportation coordinator position shall be established and maintained within the proposed structure to devise and implement alternative means for employee commuting. The coordinator shall be trained by the Seattle Rideshare office or by an alternative organization with ridesharing experience, and shall work with the Seattle Rideshare office, Metro Commuter Pool staff, building tenants, and other building lessors. The coordinator shall disseminate ridesharing information to building occupants to encourage use of public transit, carpools, vanpools and flextime; administer the in-house ridesharing program; and aid in evaluation and monitoring of the ridesharing program. The transportation coordinator in addition shall survey all employees once a year to determine commute mode percentages.

b. The Seattle Rideshare office, in conjunction with the transportation coordinator, shall monitor the effectiveness of the ridesharing/transit incentive program on a quarterly basis. The owner or operator of the structure shall grant a designated Seattle Rideshare office representative right of entry to the parking facility to periodically review operation of the carpool set aside program.

c. A transportation information center shall be provided and maintained, which has transit information displays including transit route maps and schedules and Seattle ridesharing program information. The transportation display shall be located in the lobby or other location highly visible to employees within the structure prior to issuance of a certificate of occupancy.

C. Maximum Parking Limit. Provision of more than one (1) long-term parking space per one thousand (1,000) square feet of nonresidential use may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of parking demand and alternative means of transportation, including but not limited to the following:

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

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

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

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

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

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

D. Bicycle Parking. Bicycle parking shall be required at the rate of one (1) bicycle space for every twenty (20) parking spaces provided in development requiring twenty (20) or more parking spaces.

E. Off-street Loading.

1. Off-street loading spaces shall be provided according to the standards of Section 23.54.030, Parking space standards.

2. In Pioneer Square Mixed zones, the Pioneer Square Preservation Board may waive or reduce required loading spaces according to the provisions of Section 23.66.170, Parking and access.

3. In International District Mixed and International District Residential zones, the International District Special Review District Board may waive or reduce required loading spaces according to the provisions of Section 23.66.342, Parking and access.

(Ord. 113279 § 2, 1987; Ord. 112519 § 5, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IA is codified at the end of this chapter.

23.49.018Standards for location of access to parking.

This section shall not apply to Pike Market Mixed, Pioneer Square Mixed, International District Mixed, and International District Residential zones.

A. Curbcut Location.

1. When a lot abuts more than one (1) right-of-way, the location of access shall be determined by the Director after consulting with the Director of Transportation. Except as provided in subsection A3, the location of access shall be determined by the classification

of rights-of-way on Map IB[1] and the ranking of the classification below, from most to least preferred:

a. Alley — if of sufficient width to accommodate anticipated uses;

b. Access street;

c. Class II pedestrian street — Minor arterial;

d. Class II pedestrian street — Principal arterial;

e. Class I pedestrian street — Minor arterial;

f. Class I pedestrian street — Principal arterial;

g. Principal transit street.

2. Curbcut controls on street parks shall be evaluated on a case-by-case basis, but generally access from street parks shall not be allowed.

3. The Director, after consulting with the Director of Transportation, shall also determine whether the location of the access will expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid the on-street queuing of vehicles, enhance vehicular safety and pedestrian comfort, and will not create a hazard.

B. Curbcut Width and Number. Curbcut width and the number of curbcuts shall satisfy the provisions of Section 23.54.030, Parking space standards.

(Ord. 118409 § 183, 1996: Ord. 117432, § 35, 1994; Ord. 113279 § 3, 1987; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IB is codified at the end of this chapter.

23.49.020Screening and landscaping of surface parking areas.

Screening and landscaping, as required by this section, shall be provided when surface parking areas are permitted.

A. Screening. Surface parking areas for more than five (5) vehicles shall be screened in accordance with the following requirements:

1. Screening shall be required along each street lot line.

2. Screening shall consist of a landscaped berm, or a view-obscuring fence or wall at least three feet (3′) in height.

3. When a fence or wall is used for screening, there shall be a landscaped strip on the street side of the fence or wall, an average of three feet (3′) from the property line, but at no point less than one and one-half feet (1½′) wide. Each landscaped strip shall be planted with sufficient shrubs, grass and/or evergreen groundcover in a manner that the entire strip, excluding driveways, will be covered in three (3) years.

4. Sight triangles shall be provided in accordance with Section 23.54.030, Parking space standards.

B. Landscaping. Surface parking areas, except temporary surface parking areas, for twenty (20) or more vehicles shall be landscaped according to the following requirements:

1. Amount of landscaped area required:

Total Number of Parking Spaces	Required Landscaped Area
25 to 50 spaces	18 square feet per parking space
51 to 99 spaces	25 square feet per parking space
100 or more spaces	35 square feet per parking space

2. The minimum size of a required landscaped area shall be one hundred (100) square feet. Berms provided to meet the screening standards in subsection A2 of this section may be counted as part of a landscaped area. No part of a landscaped area shall be less than four feet (4′) in any dimension except those dimensions reduced by turning radii or angles of parking spaces.

3. No parking stall shall be more than sixty feet (60′) from a required landscaped area.

4. One (1) tree per every five (5) parking spaces shall be required.

5. Each tree shall be at least three feet (3′) from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose landscaped areas.

6. Sufficient hardy evergreen groundcover shall be planted to cover each landscaped area completely within three (3) years. Trees shall be selected from Seattle Transporation's recommended list for parking area planting.

(Ord. 118409 § 184, 1996: Ord. 113279 § 4, 1987; Ord. 112303 § 3(part), 1985.)

23.49.021Transportation concurrency level-of-service standards.

Proposed uses in downtown zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

(Ord. 117383 § 7, 1994.)

23.49.022Minimum sidewalk and alley width.

A. Except in PMM, PSM, IDM, and IDR zones, minimum sidewalk widths are established for certain streets by Map 1C.[1] When a new structure is proposed on lots abutting these streets, sidewalks shall be widened, if necessary, to meet the minimum standard. The sidewalk may be widened into the right-of-way if approved by the Director of Transportation.

B. A setback or dedication may be required in order to meet the provisions of Section 23.53.030, Alley improvements in all zones.

(Ord. 118409 § 185, 1996: Ord. 115326 § 19, 1990: Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map 1C is codified at the end of this chapter.

23.49.024View corridor requirements.

A. Upper-level setbacks shall be required for the following view corridors, identified on Map ID:[1]

1. Broad, Clay, Vine, Wall, Battery and Bell Streets west of First Avenue; and

2. University, Seneca, Spring, Madison and Marion Streets west of Third Avenue.

B. Upper-level setbacks for view corridors listed in subsection A1 shall be provided as follows. (See Table for Section 23.49.024 B and Exhibits 23.49.024 A and 23.49.024 B.)

C. Upper-level setbacks for view corridors listed in subsection A2 shall be provided as follows. (See Table

Exhibit 23.49.024 A
Elevation at Which View Corridor Setback is Required

Exhibit 23.49.024 B
Setback Depth on View Corridors

Table for Section 23.49.024 B

Location of the Lot	Maximum Elevation Above Avenue Sidewalk That Setback Can Occur	Minimum Distance of Setback From Street Property Lines
From First Avenue West to midpoint of the block	25 feet	15 feet
From the midpoint of the block between First and Western Avenues, west to the midpoint of the block between Western and Elliott Avenues	35 feet	25 feet
From the midpoint of the block between Western and Elliott Avenues west to Elliott Avenue	50 feet	30 feet
From Elliott Avenue west to Alaskan Way	50 feet	40 feet

for Section 23.49.024 C and Exhibits 23.49.024 C and 23.49.024 D.)
(Ord. 113279 § 5, 1987; Ord. 112303 § 3(part), 1985.)

Exhibit 23.49.024 C
Elevation at Which View Corridor Setback is Required

Exhibit 23.49.024 D
Setback Depth on View Corridors

Table for Section 23.49.024 C

Location of the Lot	Maximum Elevation Above Avenue Sidewalk That Setback Can Occur	Minimum Distance of Setback From Street Property Lines
From Third Avenue west to the midpoint of the block between Second and Third Avenues	24 feet	20 feet
From the midpoint of the block between Second and Third Avenues west to Second Avenue	36 feet	20 feet
From Second Avenue west to the midpoint of the block between Second and First Avenues	36 feet	30 feet
From the midpoint of the block between Second and First Avenues west to Post Alley	48 feet	30 feet
From Post Alley to Alaskan Way	60 feet	40 feet

1.Editor's Note: Map ID is codified at the end of this chapter.

23.49.026General requirements for residential uses.

A. Inclusion of Affordable Units. At least ten (10) percent of the units in new structures containing more than twenty (20) dwelling units shall be provided and maintained as affordable housing, according to the Public Benefit Features Rule.

B. Common Recreation Area. Common recreation area is required in all new structures containing more than twenty (20) dwelling units. Required common recreation area shall meet the following standards:

1. An area equivalent to five (5) percent of the total gross floor area in residential use, excluding an amount of floor area equal to any credit floor area obtained as part of the TDC Program, SMC Section 23.49.041, shall be provided as common recreation area. The common recreation area shall be available to all residents and may be provided at or above ground level.

2. A maximum of fifty (50) percent of the common recreation area may be enclosed.

3. The minimum horizontal dimension for required common recreation areas shall be fifteen (15) feet, and no required common recreation area shall be less than two hundred twenty-five (225) square feet.

4. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be counted as common recreation area.

5. In PSM zones, the Director of the Department of Neighborhoods, on recommendation of the Pioneer Square Preservation Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

6. In IDM and IDR zones, the Director of the Department of Neighborhoods, on recommendation of the International District Special Review District Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

7. For lots abutting designated green streets or located anywhere within the Denny Triangle Urban Village, as shown on Map 23.49.041 A, up to fifty (50) percent of the common recreation area requirement may be met through participation in the development of the green street.

8. For projects as described in subsections B8a and B8b below that participate in the TDC Program pursuant to SMC Section 23.49.041, the total amount of required common recreation area shall not exceed:

a. Fifty (50) percent of the lot area, for development with only residential use; or

b. Thirty-five (35) percent of the lot area, for mixed-use development with at least twenty (20) residential units and eighty-five thousand (85,000) square feet of nonresidential floor area, excluding area used for parking.

C. Assisted Living Facilities Use and Development Standards.

1. Assisted living facilities shall be subject to the development standards of the zone in which they are located except as provided below:

a. Density. Density limits do not apply to assisted living facilities; and

b. Open Space and Common Recreation Area. Open space and common recreation area requirements do not apply to assisted living facilities.

2. Other Requirements.

a. Minimum Unit Size. Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.

b. Facility Kitchen. There shall be provided a kitchen on-site which services the entire assisted living facility.

c. Communal Area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient accommodations for socialization and meeting with friends and family shall be provided:

(1) The total amount of communal area shall, at a minimum, equal twenty (20) percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each of the individual units shall be counted, including counters, closets and built-ins, but excluding the bathroom;

(2) No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall be counted toward the communal area requirement; and

(3) A minimum of four hundred (400) square feet of the required communal area shall be provided outdoors, with no dimensions less than ten (10) feet. A departure from the required amount and/or dimension of outdoor communal space may be permitted as part of the design review process, pursuant to Section 23.41.012 A

(Ord. 119728 § 3, 1999; Ord. 119238 § 6, 1998; Ord. 117202 § 8, 1994; Ord. 112303 § 3(part), 1985.)

23.49.028Nonconforming uses.

A. Continuation of Nonconforming Uses.

1. Any nonconforming use may be continued subject to the provisions of this section.

2. Any nonconforming use which has been discontinued for more than twelve (12) consecutive months shall not be reestablished, recommenced or changed to another use not otherwise permitted in the zone pursuant to subsection E of this section. A use shall be considered discontinued when:

a. A permit to change the use of the property or structure has been issued and acted upon; or

b. The structure, or portion of the structure formerly occupied by the nonconforming use, is no longer used for the use authorized by the most recent permit; or

c. The structure is vacant, or the portion of the structure formerly occupied by the nonconforming use is vacant. The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. If a complete application for a permit which would allow the nonconforming use to continue, or which would authorize a use not otherwise permitted in the zone pursuant to subsection E of this section, has been submitted before the structure has been vacant for twelve (12) consecutive months, the nonconforming use shall not be considered discontinued unless the permit lapses, or the permit is denied, in which case the nonconforming use may be

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reestablished during the six (6) months following the denial.

B. A nonconforming use shall not be expanded or extended.

C. Structures or portions of structures containing a nonconforming use may be maintained, repaired, renovated, structurally altered, expanded or extended, provided that development standards are met and that the nonconforming use shall not be expanded or extended, except that expansions or extensions otherwise required by law, or as specified in this Code, or as necessary to improve access for the elderly and disabled shall be permitted. To the extent the structure is nonconforming, the provisions of Section 23.49.030 shall apply.

D. A nonconforming use which is destroyed by fire, act of nature, or other causes beyond the control of the owner may be resumed. Any portion of a structure occupied by a nonconforming use may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed. When the structure containing the nonconforming use is located in a PSM zone, the Pioneer Square Preservation Board shall review the exterior design of the structure before it is rebuilt to insure reasonable compatibility with the design and character of other structures in the Pioneer Square Preservation District.

E. A use which was permitted outright under prior regulations but which is permitted under this chapter only as a conditional use shall not be considered a nonconforming use.

F. A nonconforming use may be converted to a use not otherwise permitted in the Downtown zone, if the Director finds that the new use is no more detrimental to property in the zone and vicinity than the existing use. This determination shall be based on the following factors:

1. The zones in which both the existing use and the new use are allowed;

2. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses;

3. If the new use is permitted, the Director may require additional mitigating measures including but not limited to landscaping, sound barriers or fences, mounding or berming, adjustments to parking standards, design modification, and the establishment of hours of operation.

(Ord. 112519 § 6(part), 1985; Ord. 112303 § 3(part), 1985.)

23.49.030Nonconforming structures.

A. A nonconforming structure may be maintained, repaired, renovated or structurally altered, but shall be prohibited from being expanded or extended in any manner which increases the extent of nonconformity or creates additional nonconformity, except that expansions or extensions otherwise required by law, as specified in this section, or in Section 23.49.032 and Section 23.49.034, or as necessary to improve access for the elderly and disabled shall be permitted. In certain instances, according to subsections D and E, expansions and extensions of structures nonconforming in respect to specific provisions shall not be permitted unless the nonconformity is reduced.

B. A nonconforming structure which is destroyed by fire, act of nature, or other causes beyond the control of the owner, may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure

was destroyed. When the structure is located in a PSM zone, the Pioneer Square Preservation Board shall review plans for the exterior design of the structure to insure compatibility with the design and character of other structures in the Pioneer Square Preservation District. Where replacement of a nonconforming structure or portion of a structure is permitted under this section, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of the structure except for a nonconforming structure designated as a Landmark, pursuant to SMC Chapter 25.12. Action toward replacement of Landmark structures must be commenced within three (3) years after the demolition or destruction of the structure. Action toward replacement shall include application for a building permit, commencement of construction, or other significant activity directed toward the replacement of the structure. If this section is not commenced within this time limit, any replacement must conform to the existing development standards.

C. Landmark structures may be expanded even if the expansion increases the extent of nonconformity, when the Landmarks Board determines that there is no feasible alternative which meets the development standards of the zone while preserving the integrity of the Landmark structure. The Director may permit the proposed expansion if it is approved by the Landmarks Board, and if:

1. The expansion does not have a significant adverse effect on the light, air, solar and visual access of properties within a three hundred (300) foot radius; and

2. The expansion does not adversely affect the pedestrian environment in the vicinity.

D. Portions of structures which do not conform to the standards for minimum street facade height and/or facade setback limits for the zone in which they are located may be expanded if the expansion reduces the nonconformity as regards one (1) or both of these standards and, in the opinion of the Director, is consistent with the intent of the Code. If the Director determines that greater conformity is not structurally feasible, the expansion may increase the nonconformity in respect to these standards if all other standards are met.

E. Portions of structures which do not conform to the standards for required street-level uses and/or the street facade requirements for transparency, blank facades, or screening of parking for the zone in which they are located may be expanded if:

1. The expansion does not cause the structure to exceed the base FAR for the zone and the nonconformity is not increased; or

2. When the nonconformity of the structure as regards these development standards is reduced, expansion of the structure up to the maximum FAR for the zone may be permitted by the Director through the use of the bonus system or transfer of development rights. The appropriate level of expansion and the required reduction or elimination of nonconformity shall be determined by the Director according to the following criteria:

a. The extent of the proposed expansion,

b. The impact of the proposed expansion on the pedestrian environment,

c. The amount of the existing nonconformity, and

d. The structural feasibility of remodeling the structure to meet these development standards.

(Ord. 115687 § 4, 1991; Ord. 112303 § 3(part), 1985.)

23.49.032Additions to gross floor area.

A. Existing structures may be expanded to the maximum permitted FAR. If the gross floor area is greater than that permitted by the base FAR, the expansion shall be achieved by providing public benefit features or by transferring development rights pursuant to the provisions of the zone in which the structure is located. Existing FAR shall be calculated under the rules for exempt and nonexempt space of the zone in which the structure is located.

B. When mechanical equipment or above-grade parking which was exempted from floor area calculation under the provisions of Title 24 is proposed to be changed to uses which are not exempt from floor area calculations under this chapter, and the structure is over the base FAR for the zone in which it is located, gross floor area in an amount equivalent to the gross floor area proposed to be changed shall be achieved through provision of public benefit features or transfer of development rights, according to the provisions of the zone in which the structure is located. This provision shall apply whether or not the structure is conforming.

C. When subsection A or B applies, any existing public benefit features for which increased floor area was granted under Title 24 shall, to the extent possible in the opinion of the Director, satisfy the requirements of Section 23.49.034, Modification of plazas and other features bonused under Title 24.

(Ord. 112303 § 3(part), 1985.)

23.49.033Priority landmark theater TDR from landmark performing arts theaters in certain downtown zones.

A. Definitions. The following definitions shall apply for the purposes of this section:

1. "Landmark performing arts theater" is defined in Section 23.84.024.

2. "Landmark TDR" is defined in Section 23.84.024.

3. "Priority landmark theater TDR" means that portion of the development rights eligible for transfer from a landmark performing arts theater that the Directors of Housing and Design, Construction and Land Use have approved based on an application by the owner under this section, and that the owner has committed to sell, lease, or option at a price approved by the Director of Housing based on appraised value.

4. "Sending site" means the lot which may qualify as a site from which priority landmark theater TDR may be transferred.

B. Application Procedure.

1. Application. Any owner of a structure that is, or might qualify as, a landmark performing arts theater, may apply for priority landmark theater TDR by submitting an application in such form as required by the Director of Housing and the Landmarks Preservation Board, with such supporting information as such Director may require, which may include, but is not limited to:

a. Detailed plans and specifications including architect-certified calculations of the dimensions of existing and intended improvements;

b. Site plan and survey;

c. Line item rehabilitation budget;

d. Historical financial information for the operations of the landmark performing arts theater and the sending site as a whole;

e. Pro forma financial information showing the expected results of operations of the landmark performing arts theater and the sending site as a whole after the rehabilitation, in reasonable detail and based on specified reasonable assumptions;

f. A detailed analysis of available subsidies and funding sources for rehabilitation, preservation, and operation, including tax credits, grants, subsidized loans, and bonus credits for public benefit features, including housing (if applicable), including any commitments for financing;

g. Consultant reports and contracts;

h. Management plan for the theater.

2. Review of Application; Agreement Required.

a. The Director of Housing shall analyze any application for priority landmark theater TDR in consultation with the Director of DCLU, the Director of Neighborhoods and the Landmarks Preservation Board. The Director of Housing shall approve a specific number of square feet of priority landmark theater TDR, not exceeding the total amount of TDR available for transfer under the applicable provisions for the zone in which the site is located, as eligible for sale from the site if:

(i) A structure on the sending site is eligible to qualify as a landmark performing arts theater;

(ii) The Landmarks Preservation Board and the Director of Housing approve the plan of rehabilitation; and

(iii) Taking into account all other available sources of funding and incentives, a sale of TDR is necessary to fill a financing gap in order to permit the owner to rehabilitate the landmark performing arts theater and to rehabilitate any low- or low-moderate income housing on-site or to replace such housing off-site, and to have a reasonable expectation of receiving a reasonable economic return from the owner's investment, as determined by the Director of Housing.

The number of square feet of priority landmark theater TDR may be modified by the Director of Housing on application of the owner or upon a determination by such Director that any assumptions upon which such determination was based are inaccurate.

b. After approval by the Director of Housing of priority landmark theater TDR, the owner shall sign a binding, recordable contract and obtain signatures of all parties holding interest in the site, including mortgagees, committing the owner:

(i) To sell the priority landmark theater TDR based upon the appraised value, at the price approved by the Director of Housing, to any purchaser within a specified period approved by the Director of

Housing and to use the sales proceeds as required in subsection E below; and

(ii) To impose restrictive covenants and easements on the sending site upon such sale consistent with the requirements of the applicable sections of Chapter 23.49 and the Public Benefit Features Rule; and

(iii) If a controls and incentives agreement for the theater is not already in effect, to execute a controls and incentives agreement in form and content approved by the Landmarks Preservation Board, so as to comply with the definition of landmark performing arts theater in Section 23.84.024.

c. The Director of Housing shall not approve any priority landmark theater TDR if the plan of rehabilitation includes the elimination of low-income or low-moderate income housing or conversion of low-income or low-moderate income housing to another use unless the owner enters into a voluntary agreement satisfactory to the Director of Housing that guarantees the replacement of such low-income and low-moderate income housing. Provision of low-income or low-moderate income housing may include new construction, substantial rehabilitation, or preservation of housing that the Director determines would otherwise be converted to uses other than low-income or low-moderate income housing. In each case there shall be recorded covenants limiting the rents and occupancy of the replacement housing for a period of at least twenty (20) years. The housing shall be in a Downtown zone, except that the Director may approve housing elsewhere in the downtown Special Objectives Area (SOA), as defined in the City's consolidated plan, consistent with the goals and policies of the Plan (or successor document).

C. Public Notice. The Director of Construction and Land Use shall maintain a public record of all priority landmark theater TDR approved and available for purchase.

D. No Use of Other Landmark TDR Until Priority Landmark Theater TDR Has Been Purchased. Notwithstanding any other provision of the Land Use Code, no permit for a project utilizing Landmark TDR to obtain the right to build in excess of base FAR shall be issued if:

1. At the time the first construction or Master Use Permit application for the project was filed, priority landmark theater TDR, approved by the Director of Housing, were available for purchase; and

2. The project does not utilize all available priority landmark theater TDR prior to any use of other Landmark TDR.

E. Purchase of Priority Landmark Theater TDR; Use of Sale Proceeds.

1. Any person, including the City, may purchase priority landmark theater TDRs from the owner of the sending lot by complying with the provisions of this section and the Public Benefit Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an applicant for a permit to develop downtown real property. Any person purchasing priority landmark theater TDRs other than for transfer to a specific receiving lot, may, at any time prior to the application for a permit using such TDRs, or after any such permit is denied or expires unused, retransfer such TDRs by deed to any other person for such consideration as may be agreed by the parties, subject to approval by the Director of Housing. Any purchaser of such TDRs (including any successor or assignee) shall have the right to use such TDRs to obtain FAR above the applicable base under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such party's rights with respect to the development of the project intended to use such TDRs, to the same extent as if the TDRs had been purchased on such date. The Director of DCLU may require, as a condition of processing any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

2. Any person acquiring priority landmark theater TDRs shall provide security approved by the Director of Housing in the amount of the "bonus value" for the zone in which the receiving lot is located, (or, if no receiving lot is identified, then the highest "bonus value" for any zone where such TDRs may be used), as set forth in the Public Benefits Features Rule, multiplied by the number of square feet of TDRs to be purchased and on terms acceptable to the Director of Housing, prior to effectiveness of any transfer and prior to issuance of a shoring permit for any structure that will use such TDRs. The owner of the sending lot shall be entitled to receive payment only for the approved rehabilitation of the landmark performing arts theater or for reimbursing other sources of funds actually used for such purpose, all under terms approved by the Director of Housing. In the event that the owner of the sending lot fails to proceed with or complete the rehabilitation as required and does not become entitled to payment, the use of the TDRs by the purchaser shall not be impaired, and the payment for the TDRs or proceeds of security therefor shall be paid to the City, to be used for the preservation of landmarks in such manner as the City Council shall provide by ordinance.

F. Other Landmark TDR. Any Landmark TDR not qualifying as priority landmark theater TDR may be transferred under the applicable provisions of the Land Use Code and Public Benefit Features Rule, subject to the preference for priority landmark theater TDR established in this section.

G. Review of Determinations. Any owner of a sending site aggrieved by any determination made under this section may, within fifteen (15) days of mailing of notice of such determination, petition for review by the Hearing Examiner in accordance with the procedures of Section 23.76.022 for a Type II land use decision, except as otherwise provided in this subsection. In any such proceeding the determination of the Director of Housing shall be entitled to substantial weight, and the burden shall be on the owner to prove that such determination is clearly erroneous or contrary to law.

(Ord. 119273 § 45, 1998: Ord. 117954 § 1, 1995; Ord. 117263 § 32, 1994; Ord. 116513 § 19, 1993.)

23.49.034Modification of plazas and other features bonused under Title 24.

A. The modification of plazas, shopping plazas, arcades, shopping arcades, and voluntary building setbacks which resulted in any increase in gross floor area under Title 24 of the Seattle Municipal Code, shall be encouraged in any Downtown zone if the change makes the plaza, arcade or setback more closely conform to the requirements of this chapter. The Director shall review proposed modifications to determine whether they provide greater public benefits and are consistent with the intent of the Public Benefit Features Rule, as specified in this section. The procedure for approval of proposed modifications shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Except as provided in subsections E2 and E3, no modification to a plaza or other feature listed in subsection A may be made under this section if it will increase the total floor area ratio (FAR) of the structure. Except as permitted in subsections E2 and E3, no reduction in the area of the bonused feature may be made for any uses, except retail sales and services, human service uses, or day care centers, unless the loss of area is offset by the conversion of existing floor area in the structure to uses exempt from FAR calculation in the zone.

C. Plazas and Shopping Plazas. Modifications to plazas and shopping plazas for which increased gross floor area was granted under Title 24 shall be permitted, based on the classification of the plaza on Map IE.[1]

1. Type I Plazas. Type I plazas shall continue to function as major downtown open spaces. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza is consistent with the intent of the Public Benefit Features Rule for urban plazas and parcel parks.

2. Type II Plazas. Type II plazas do not function as major downtown open spaces, but they shall continue to provide open space for the public. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza is consistent with the intent of the Public Benefit Features Rule[2] for urban plazas, parcel parks, hillside terraces, and rooftop gardens.

D. Shopping Arcades.

1. Exterior Shopping Arcades. When street level uses are eligible for a floor area bonus in a zone in which an existing exterior shopping arcade is located, the existing shopping arcade or a portion of the existing shopping arcade may be converted to retail sales and service uses if the conversion will result in greater conformity with the street facade development standards of the zone, and if the minimum sidewalk widths established by Section 23.49.022 are met. No bonuses shall be given for any retail space created by conversion of a shopping arcade. New retail sales and service uses shall comply with the Public Benefit Features Rule for retail shopping bonuses.

2. Interior Shopping Arcades. Portions of existing interior shopping arcades may be modified and/or reduced in size, so long as any pathway which connects streets or other public open spaces is maintained at a width of at least fifteen (15) feet and it continues to allow comfortable and convenient pedestrian movement. The visual interest and the sense of space and light in the shopping arcade shall be also maintained and enhanced if possible. The Public Benefit Feature Rule for shopping atrium and shopping corridor bonuses shall be used as a guideline in the review of proposed changes.

E. Arcades. The Director shall use the following standards to determine whether an arcade may be filled in, and to determine the uses that may be permitted in a former arcade.

1. Arcades that provide essential pedestrian connections, such as a connection to a bonused public open space or access to public parks, shall not be filled in.

2. Arcades that do not provide essential pedestrian connections may be filled in. In downtown areas where bonuses may be granted for shopping atriums and shopping corridors, an arcade may be filled in only with uses which qualify for a retail shopping bonus. In other areas, when the total floor area of the structure does not exceed the maximum permitted FAR, the arcade may be filled in with uses which qualify as required street-level uses except that arcades along alleys may be filled in with any permitted use. If the structure exceeds the maximum permitted FAR, arcades may only be filled in with uses which qualify for a retail shopping bonus.

3. If an arcade is filled in with a use which does not qualify for a retail shopping bonus pursuant to subsection E2, new public benefit features shall be required for any additional floor area.

4. Overhead weather protection shall be provided when an arcade on a street or public open space is filled in. No additional floor area shall be granted for the required overhead weather protection.

F. Voluntary Building Setbacks. Voluntary building setbacks may be filled in to provide retail sales and service uses, provided that the conversion maintains the minimum required sidewalk width established in Section 23.49.022, and will result in greater conformity with the standards for required street-level uses, if any, and street facade development standards for the zone.
(Ord. 112522 § 12(part), 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IE is codified at the end of this chapter.
2.Editor's Note: The Downtown Public Benefit Features Rule is a Department of Construction and Land Use Director's Rule. It is available at the DCLU public information counter.

23.49.035Replacement of public benefit features.

A. All public benefit features, except (1) housing and (2) landmark performing arts theaters, shall remain for the life of the structure that includes the additional gross floor area. With the foregoing exceptions, a public benefit feature may be diminished or discontinued only if the additional gross floor area permitted in return for the specific feature is permanently removed; or if the public feature is replaced by another approved public benefit feature of at least equivalent floor area value, or by buying out the equivalent floor area value of the benefit feature according to the requirements of the Public Benefit Features Rule.

B. The terms under which use as low income housing or as a landmark performing arts theater may be discontinued or diminished and the sanctions for failure to continue such use shall be governed by the agreements and instruments executed by the owners of the properties on which such housing and theaters are located, as required by applicable provisions of the Land Use Code and the Public Benefit Features Rule, and any such change in use shall not affect any other structure for which additional FAR was granted in return for the provision of such public benefit features.

C. In addition to the provisions of subsection A, this subsection shall apply in Downtown zones when additional gross floor area is granted for any of the following public benefit features: Human service uses, child care centers, retail shopping, cinemas, performing arts theaters other than landmark performing arts theaters, major retail stores, and museums.

1. In the event that the occupant or operator of one (1) of the public benefit features listed in this subsection moves out of a structure, the owner or owner's agent is responsible for notifying the Director within five (5) days of the date that notice of intent to move is given or that the occupant or operator moves out, whichever is earlier.

2. Starting from the fifth day after notice is given or that the occupant or operator moves out, whichever is first, the owner or owner's agent shall have a maximum of six (6) months to replace the use with another one which meets the provisions of this Code and the Public Benefit Features Rule.

3. When the public benefit feature is replaced, any portion of the gross floor area formerly occupied by that feature and not reoccupied by a replacement feature, may be either:

a. Changed to other uses which are exempt from FAR calculations in the zone in which the structure is located; or

b. Changed to uses which are not exempt from FAR calculations, provided that this would not cause the structure to exceed the maximum FAR limit for the zone in which it is located, and that gross floor area in an amount equivalent to the gross floor area proposed to be changed shall be achieved through provision of public benefit features, or transfer of development rights, according to the provisions of the zone in which the structure is located.

4. During the time that the space is vacant, it shall be made available to nonprofit community and charitable organizations for events at no charge.

(Ord. 119484 § 8, 1999; Ord. 117263 § 33, 1994; Ord. 116513 § 2, 1993: Ord. 112303 § 3(part), 1985.)

23.49.036Planned community developments (PCDs).

A. Authority. Planned community developments may be permitted by the Council pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Development Guidelines. When a PCD is proposed by other than a City agency, the Director shall review and approve development guidelines for the PCD. These guidelines shall be approved prior to preparation of the detailed development program. They shall include public and private development objectives and promote City plans and policies for the area affected by the PCD.

C. Location. Planned Community Developments may be permitted in the following Downtown zones:

1. Downtown Office Core 2
Downtown Retail Core
Downtown Mixed Commercial
Downtown Mixed Residential
International District Mixed
International District Residential
Pioneer Square Mixed
Downtown Harborfront 2.

2. A portion of a PCD may be located in DOC1 zones, provided that the portion located in a DOC1 zone shall be less than fifty percent (50%) of the total area of the PCD, and shall not exceed a maximum size of forty-five thousand (45,000) square feet.

3. A portion of a PCD may extend into any zone(s) adjacent to a downtown zone subject to the following conditions:

a. The adjacent zone(s) regulates the density of use by floor area ratio; and

b. The portion of a PCD project located in an adjacent zone shall not be separated from downtown by the Interstate 5 Freeway right-of-way; and

c. The portion of a PCD project located in a zone adjacent to downtown shall be not more than twenty percent (20%) of the total area of the PCD within the downtown boundary.

D. Minimum Size. The minimum area for a PCD shall be one hundred thousand (100,000) square feet, all of which shall be located within a downtown zone according to subsections C1 and C2 of this section. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in minimum area calculations, nor shall they be considered a break in contiguity.

E. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public benefits provided, possible impacts of the project, and consistency with the standards contained in this subsection.

1. Public Benefits. A proposed PCD shall provide one (1) or more of the following elements: housing, low-income housing, services, employment, increased public revenue, strengthening of neighborhood character, improvements in pedestrian circulation or urban form, and/or other elements which further an adopted City policy and provide a demonstrable public benefit.

2. Potential Impacts. The potential impacts of a proposed PCD shall be evaluated, including, but not necessarily limited to, the impacts on housing, particularly low-income housing, transportation systems, parking, energy, and public services, as well as environmental factors such as noise, air, light, glare, and water quality.

3. The proposed PCD shall be reviewed for consistency with the Land Use Policies, contained in Chapter 23.12, for other areas adjacent to Downtown which could be affected by the PCD.

4. When the proposed PCD is located in the Pioneer Square Preservation District or International District Special Review District, the Board of the District(s) in which the PCD is located shall review the proposal and make a recommendation to the Department of Neighborhoods Director who shall make a recommendation to the Director prior to the Director's recommendation to the Council on the PCD.

F. Public Benefit Features in PCDs. Any public benefit feature eligible for a bonus in any downtown zone may be considered as part of a PCD in any Downtown zone where PCDs are permitted. The maximum area eligible for a bonus and the review criteria for public benefit features may be varied. The square footage of such public benefit features shall be exempt from FAR calculations. In those zones where an increase in floor area ratio is permitted through provision of public benefit features, and a bonus value has not been established for a public benefit feature, the value shall be the same as the value of the feature in the nearest zone for which a value is established.

G. Exceptions to Standards.

1. Portions of a project within downtown may exceed the floor area ratio permitted in the zone or zones in which the PCD is located, but the floor area ratio of the PCD as a whole shall meet the requirements of the zone or zones in which it is located. Floor area may be transferred from a portion of a PCD in a non-downtown zone to a portion of a PCD in a downtown zone. When floor area from a portion of a PCD in a non-downtown zone is transferred to a lot in a downtown zone within the PCD project's boundary, the amount of floor area which may be transferred shall be calculated based upon the FAR and lot area of the portion of the PCD in the non-downtown zone. However, the FAR used shall not exceed the base FAR of the portion of the PCD in the downtown zone to which the floor area is being transferred.

2. Except as provided in subsection G3 of this section, any requirements of this chapter may be varied through the PCD process.

3. Exceptions to the following provisions shall not be permitted through the PCD process:

a. The following provisions of Subchapter I, General Standards:

(1) The maximum height permitted for any use in the zone,

(2) Light and glare standards,

(3) Noise standards,

(4) Odor standards,

(5) Minimum sidewalk widths,

(6) View corridor requirements,

(7) Nonconforming uses,

(8) Nonconforming structures, when the nonconformity is to one (1) of the standards listed in this subsection;

b. Use provisions except for provisions for principal and accessory parking;

c. Transfer of development rights regulations;

d. Bonus values assigned to public benefit features;

e. Development standards of adjacent zones in which a PCD may be partially located according to subsection C3 of this section.

H. For the purposes of calculating the overall density allowed for a PCD, a floor area ratio of four and one-half (4½) shall apply to that portion of a PCD which is located in an adjacent commercial zone, pursuant to subsection C3 of this section and on which no development subject to FAR is proposed.

(Ord. 119484 § 9, 1999; Ord. 117570 § 15, 1995; Ord. 116744 § 9, 1993; Ord. 114725 § 2, 1989; Ord. 113373 § 1, 1987; Ord. 113279 § 6, 1987; Ord. 112522 §§ 12(part) and 21(part), 1985; Ord. 112519 § 7, 1985; Ord. 112303 § 3(part), 1985.)

23.49.037Public parks and planned community developments in Downtown Office Core 1.

A. Authority. Planned community developments (PCDs) which provide a public park in DOC 1 may be permitted in DOC 1 as provided herein.

B. Review Process.

1. Review Generally. Approval of a PCD is a "Type IV" land use decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be governed by the procedures for such approval prescribed by Chapter 23.76 and by this section. In the event of a conflict between those procedures, the provisions of this section shall prevail. In addition to the fee prescribed by SMC Chapter 22.901E, a person submitting a notice of intent to apply for approval of a PCD shall pay the direct costs for all work required pursuant to paragraphs 2 and 3 of this subsection, including review by the Department of Parks and Recreation.

2. Beginning Review. A person intending to apply for approval of a PCD begins the review process by submitting a notice of intent to apply to the Director. The notice shall be on a form prescribed by the Director and shall include at least the following information:

a. The location of the proposed PCD;

b. A general description of the proposed PCD, including the proposed uses and the number, height, square footage, footprint and configuration of buildings;

c. A general description of the proposed park, including location within the PCD site, access, topography, possible improvements, and relationship to the remainder of the PCD.

When a complete notice of intent to apply has been received by the Director, the Director shall send a copy of the notice to the Superintendent of the Seattle Department of Parks and Recreation, who shall then initiate the park planning process described below.

3. Initial Park Planning.

a. The Parks Superintendent shall begin a park planning process by soliciting information and opinions from the public regarding a park to be provided with the PCD. Park alternatives are not limited to the park described in the notice of intent to apply. The Parks Superintendent shall hold a public hearing to solicit public

comment or proposals. The Parks Superintendent and the Director shall appoint a Citizen's Project Review committee to advise the Superintendent, Director and City Council regarding the proposed park and PCD, particularly in regard to the design of the park and the PCD.

b. The result of the initial park planning process shall be a report which identifies preliminary goals and design objectives for the park, identifies a preferred location for the park on the PCD site, and

contains general standards for park improvements and development. The report shall be submitted by the Director to the potential PCD applicant within one hundred eighty (180) days of the date the Parks Superintendent receives the notice of intent to apply.

c. The purpose of the report is to give the potential project applicant guidance regarding the kind of park which the City may require. The report does not require the applicant to propose the park which is described in the report, and it does not restrict the City's decisions about the park as the PCD review process proceeds.

4. Development Guidelines and Project Review. The Director, in consultation with the Superintendent and the Citizen's Project Review Committee, shall establish development guidelines for the PCD and the public park. The guidelines shall be approved by the Director within one hundred fifty (150) days from the date the report described in subsection B3b is received by the Director. The guidelines shall include recommendations regarding the location of buildings on the site, the footprint of buildings, design compatibility between the park and the PCD, and maintenance and liability for the park and improvements. The guidelines shall also include an estimate of the cost of providing the park which is described in the guidelines.

5. PCD Application. Following approval of development guidelines by the Director, the applicant may submit an application for PCD approval to the Director. The application shall be on a form prescribed by the Director.

6. Director's Report, Hearing Examiner Recommendation, and Council Action. The Director, Hearing Examiner and Council shall review and act upon the PCD application as provided for Type IV Council land use decisions in Chapter 23.76.

7. Review Criteria.

a. The PCD shall have a minimum area of fifty-five thousand (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in the minimum area calculations, nor shall they be considered a break in contiguity.

b. The park shall comprise no less than one-half (½) the area of the PCD site.

c. The park land and improvements shall be dedicated to the City.

d. The PCD, including the proposed park, shall be evaluated on the basis of public benefits, adverse impacts, and consistency with the City's Land Use Policies, the Director's guidelines for the PCD, and other applicable laws and policies.

e. The design of the PCD shall be compatible with the design and function of the park.

8. Exceptions to Development Standards. Development standards of this chapter may be varied or waived through the PCD process, except that the review criteria of subsection B7 and the following standards shall not be varied or waived:

a. Light and glare;
b. Noise;
c. Odor;
d. Minimum sidewalk widths;

e. View corridor;

f. Nonconforming uses;

g. Nonconforming structures, when the nonconformity is one of the standards listed in this subsection;

h. Use provisions except for provisions for principal and accessory parking;

i. Transfer of development rights regulations;

j. Bonus values assigned to public benefit features.

C. Vested Projects. A holder of a permit for a project which is vested to an earlier code on the effective date of the ordinance codified in this section,[1] may apply for approval of a PCD as provided in this section. The proposed PCD constitutes a new project and, except as provided in this section, is subject to requirements applicable to such projects.

1. Floor Area. If the holder of a permit for such a vested project applies for PCD approval, the proposed PCD is entitled to the floor area which was vested, provided that if the floor area was attributable in part to the provision of housing or human services public benefit features, then those features must be included as part of the approval of the proposed PCD. If those features are not included, the floor area shall be reduced accordingly.

2. Credit for Impact Mitigation. To the extent a vested project has provided mitigation for an impact which also would have been attributable to the proposed PCD, the provided mitigation shall be credited against mitigation for the corresponding impact of the PCD.

3. Annual Limits on Downtown Office Development. If a project which is vested for purposes of this subsection is thereby not subject to the annual limits on downtown office development prescribed by SMC Section 23.49.011 the proposed PCD which replaces the vested project is not subject to those limits.

4. Tolling and Expiration of Vested Permit.

a. If the holder of a vested permit wishes to apply for approval of a PCD under this section, the running of the expiration period for the vested permit shall be tolled from the date the notice of intent to apply for PCD approval is received by the Director, until the date the City Council makes a final decision to approve or deny the PCD application, or until the earlier date of PCD withdrawal or cancellation as described below. Tolling shall also terminate if the holder fails to submit an application for PCD approval within sixty (60) days of the date the parks report prescribed by subsection B3 of this section is provided to the holder.

b. Within thirty (30) days of the date the Director establishes guidelines pursuant to subsection B4 of this section, the applicant shall elect to proceed with the PCD application or withdraw the application. If the applicant fails to elect within thirty (30) days, the vested right shall expire on the thirty-first day and the PCD application shall be cancelled. The applicant may withdraw the PCD application any time prior to the expiration of the thirty (30) day period. If the application is withdrawn, the running of the expiration period for the vested permit shall resume at the time of withdrawal.

c. If the PCD applicant elects to proceed with the PCD application, the permit for the vested project may not be used unless:

(1) The PCD is denied by the City Council; or

(2) The PCD is approved with conditions additional to those recommended in the Director's guidelines under subsection B4 of this section, which significantly increase the cost of the park to the applicant relative to the cost estimate contained in the Director's guidelines, or which significantly change the location or footprint of buildings from those contained in the guidelines;

(3) The PCD is denied as a result of a lawsuit.

If the vested project is resumed as a result of the denial or conditioning under paragraphs (1) through (3), the running of the expiration period for the vested permit shall resume at the date of the Council decision or final decision by a court, including an appellate court, whichever occurs later.

d. The PCD approval shall expire as provided in SMC Section 23.76.060. If the holder proceeds under the vested permit, that permit shall expire as provided in the applicable code, subject to the tolling authorized by this section.

(Ord. 118012 § 18, 1996; Ord. 117570 § 16, 1995; Ord. 115657 § 1, 1991.)

1.Editor's Note: Ordinance 115657 was passed by the City Council on May 28, 1991.

23.49.038Lots located in more than one (1) zone.

When a lot is located in more than one (1) zone, the regulations for each zone shall apply to the portion of the lot located in that zone.

(Ord. 112303 § 3(part), 1985.)

23.49.040Termination of discontinued conditional uses.

Any authorized conditional use which has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

A. A permit to change the use of the property has been issued and the new use has been established; or

B. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multi-family structure or a multi-tenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

(Ord. 113262 § 5, 1986.)

23.49.041 City/County Transfer of Development Credits (TDC) Program.

A. Use of Credits Conditioned Upon City-County Agreement. No credit floor area shall be allowed under this section unless, at the time of the Master Use Permit decision for the project proposing to use such credit floor area, an agreement is in effect between the City and King County, duly authorized by City ordinance, for the implementation of the TDC Program.

B. Credit Floor Area.

1. For purposes of this section:

a. "Credit floor area" means gross floor area allowed on a receiving lot, above the height limit otherwise applicable in the zone, as a result of the use of rural development credits and amenity credits under this section.

b. "Rural development credits" are allowances of floor area on a receiving lot, measured in gross square feet, that result from transfer of development potential from rural, unincorporated King County to the Denny Triangle Urban Village pursuant to King County Code Chapter 21A.55 or successor provisions and pursuant to the provisions of this section.

c. "Amenity credits" are allowances of floor area, measured in gross square feet, on a lot receiving development credits, which allowances are granted on condition that the owner or developer provide certain amenities, or contributions to development of amenities, in the Denny Triangle Urban Village as provided in this section.

2. Upon certification by King County that all conditions to transfer under King County ordinances and rules have been satisfied, rural development credits may be transferred directly from eligible sending sites or from the King County Transfer of Development Credit (TDC) Bank to property in DOC2 and DMC zones within the Denny Triangle Urban Village, as shown on Map 23.49.041 A, subject to compliance with all the conditions of this section.

3. Rural development credits and amenity credits are used in combination to obtain credit floor area according to the terms of this section and any implementing rules promulgated by the Director.

4. For a project that obtains credit floor area the Director may permit structure height to be increased by up to thirty (30) percent of the height limit of the zone.

5. Except as may be otherwise provided in a rule promulgated by the Director under this section, the conversion ratio for rural development credits is two thousand (2,000) gross square feet of floor area on the receiving lot for each unit of available sending site credit, as determined by King County. The conversion ratio may be modified according to a rule promulgated by the Director, as he or she shall determine to be consistent with the goals of providing sufficient incentive for use of the TDC Program and of preserving the maximum amount of land in rural King County as is feasible in relation to the amount of development of credit floor area in the Denny Triangle Urban Village. Any adjusted conversion ratio shall not be less than one thousand (1,000) gross square feet of floor area for each unit of sending site credit, nor greater than three thousand (3,000) gross square feet of floor area for each unit of sending site credit. In making any modification the Director shall take into account the following factors:

a. The value of credit floor area for receiving sites in the Denny Triangle Urban Village;

b. Land value for potential sending sites in rural, unincorporated King County; and

c. Market conditions for rural development credits and, to the extent that the Director may find them relevant, market conditions for other types of credits or transferable development rights.

6. In order to obtain amenity credits, a project applicant may either enter into a voluntary agreement to provide amenities in the Denny Triangle Urban Village, or enter into a voluntary agreement to contribute financially to the development of such amenities, as provided in this subsection.

a. Amenities for which amenity credits may be obtained include and are limited to the following: provision of public open space, improvements to existing public open space, development of designated green streets or contribution to the Amenity Credit Fund.

b. The Director shall review the location and design of any amenity proposed to be provided for purposes of this section and determine whether the amenity mitigates project impacts, is consistent with applicable policies and design criteria, provides a public benefit and is adequate in quantity and quality.

c. Amenities for which amenity credits are obtained may be on a site other than the project site, provided that the amenity site is within the Denny Triangle Urban Village, is within one-quarter (¼) mile of the project site, and is available to the public without charge. Contributions to the Denny Triangle Amenity Credit Fund will be applied to acquisition or development of open space or green street(s) in the Denny Triangle Urban Village (and within one-quarter (¼) mile of the project site). Notwithstanding the foregoing, amenities may be provided within the Denny Triangle Urban Village farther than one-quarter (¼) mile from the project site, either directly by the applicant or through the use of a contribution by the applicant, when the applicant and the Director agree that the amenity in that location would be an appropriate mitigation for the project impacts.

d. If no amenity credits are provided directly by a project applicant, the cash contribution to the Amenity Credit Fund shall be equal to five dollars ($5.00) for each square foot of credit floor area to be used by the project (including both amenity credits and rural development credits).

e. If the applicant elects to make a contribution to the Denny Triangle Amenity Credit Fund in lieu of providing an amenity, that election shall constitute the applicant's agreement that the use of those funds for acquisition or development of any amenities meeting the requirements of this section in the Denny Triangle Urban Village is authorized and will mitigate the direct impacts of the additional residential floor area and height allowed pursuant to this section.

7. No credit floor area will be granted for any project that causes the destruction of any controlled feature of a Landmark structure.

C. Program Requirements.

1. Except as expressly provided in this subsection C, fifty (50) percent of the credit floor area on any lot must come from rural development credits and fifty (50) percent of the credit floor area obtained must come from amenity credits.

2. In order to accommodate practical difficulties in meeting the exact percentages in subsection C1 above, for example as a result of the unavailability of fractional sending site credits under King County rules, the Director may allow up to sixty (60) percent of credit floor area for a project to come from either rural development credits or from amenity credits.

3. The minimum credit floor area that may be obtained on any lot pursuant to the TDC Program is eight thousand (8,000) square feet.

4. The credit floor area obtained may be contained within a single purpose residential structure or mixed use development (residential and nonresidential uses in the same or different structures on the same lot).

5. The Director may require, as a condition to issuance of any permit using development credits, the execution and recording of appropriate instruments by which the rural development credits are attached to the receiving lot and by which conditions and restrictions applicable in connection with the use of the rural development credits and amenity credits are documented.

D. Use of Credit Floor Area.

1. For mixed use development, the credit floor area may be occupied by residential or nonresidential uses, or any combination thereof, subject to the provisions of this subsection D.

2. If a project includes credit floor area for nonresidential uses, then it must also include a net amount of additional floor area dedicated to residential use, on the same lot and below the otherwise applicable height limit, equivalent to or greater than the amount of such nonresidential credit floor area.

3. Credit floor area does not increase the total amount of nonexempt gross floor area allowed on the receiving lot. Therefore, the floor area of nonresidential use, together with any floor area of residential use that is not exempt from FAR calculations, may not exceed the maximum FAR for the zone in which the lot is located, taking into account all bonuses, transfers of development rights, and exclusions applicable under provisions of the Land Use Code other than this section.

E. King County Certification and Security. No permit will be issued for development that includes credit floor area until (1) the applicant's possession of necessary rural development credits is certified by King County; and (2) either security is provided for the provision of amenities or an optional cash contribution is made, sufficient to generate the amount of amenity credits necessary under the terms of this section and any rules promulgated by the Director to implement this section.

F. Relation to Bonus and TDR Programs. The TDC Program may be combined with the transferable development rights (TDR) and bonus programs, subject to the applicable provisions for the relevant zone(s) and the following limits:

1. To the extent that bonus floor area is granted on any lot for any public benefit feature or cash contribu-

tion, that public benefit feature or cash contribution shall not generate amenity credits.

2. Credit floor area may be used to gain bonus floor area if the design and use of such credit floor area satisfies the applicable requirements of this chapter and the Public Benefit Features Rule.

G. Vesting. Vesting of any right to use credit flow area is subject to the provisions of Section 23.76.026, Vesting of development rights.

(Ord. 119728 § 4, 1999.)

Subchapter II Downtown Office Core 1

Part 1 Use Provisions

23.49.042Downtown Office Core 1, permitted uses.

A. All uses shall be permitted outright except those specifically prohibited by Section 23.49.044, those permitted only as conditional uses by Section 23.49.046, and parking, which shall be regulated by Section 23.49.045.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.046 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same uses regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118672 § 9, 1997; Ord. 117430 § 61, 1994; Ord. 112303 § 3(part), 1985.)

23.49.044Downtown Office Core 1, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

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

B. Outdoor storage;

C. All general and heavy manufacturing uses;

D. All salvage and recycling uses except recycling collection stations; and

E. All high-impact uses.

(Ord. 112777 § 26, 1986: Ord. 112303 § 3(part), 1985.)

23.49.045Downtown Office Core 1, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map IIa[1] may be permitted as conditional uses, pursuant to Section 23.49.046. Principal use parking garages for long-term parking shall be prohibited in other locations.

2. Principal use parking garages for short-term parking shall either be:

a. Permitted outright when the garage contains short-term parking spaces for which additional floor area is granted pursuant to Section 23.49.050; or

b. Conditional uses in all other cases, pursuant to Section 23.49.046.

3. Principal use surface parking areas shall be prohibited, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.046.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright, up to the maximum parking limit established by Section 23.49.016, Parking quantity requirements.

2. Accessory surface parking areas shall not be permitted, except that temporary accessory surface-parking areas may be permitted as conditional uses pursuant to Section 23.49.046.

(Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IIA is codified at the end of this chapter.

23.49.046Downtown Office Core 1, conditional uses and Council decisions.

A. All conditional uses shall meet the following criteria:

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

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

B. Principal use parking garages for long-term parking in areas designated on Map IIA[1], and for short-term parking at any location, except those permitted outright by Section 23.49.045 B2, may be permitted as conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or on traffic circulation in the area around the garage; and

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

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

C. Temporary surface-parking areas which were in existence prior to January 1, 1985 or located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas; and

3. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section 23.49.016 B2; and

4. The permit may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface-parking area shall be subject to the following:

a. Renewals shall be permitted only for those temporary surface-parking areas which were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary surface-parking on a lot which became vacant as a result of a City-initiated abatement action shall not be renewed, and

b. Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary surface-parking area continues to meet applicable criteria; and

5. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

6. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

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

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not

meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

E. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for the takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as the Kingdome, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

G. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

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

2. Dispersion Criteria.

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

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

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

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

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

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

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

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

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

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

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

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

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

h. Verification from the Department of Corrections (DOC), which shall be reviewed by the Police

Department, that the proposed work-release center meets DOC standards for such facilities, and that the facility will meet State laws and requirements.

H. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

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

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

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

(Ord. 119484 § 10, 1999; Ord. 118672 § 10, 1997; Ord. 116907 § 2, 1993; Ord. 116744 § 10, 1993; Ord. 116616 § 2, 1993; Ord. 116295 § 14, 1992; Ord. 114623 § 5, 1989; Ord. 114202 § 2, 1988; Ord. 113279 § 7, 1987; Ord. 112522 § 21(part), 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IIA is codified at the end of this chapter.

Part 2 Development Standards

23.49.048Downtown Office Core 1, floor area ratio (FAR).

A. General Standards.

1. The floor area ratio (FAR), as provided in subsection B, shall determine the gross floor area permitted for all types of uses, except as modified by subsection C.

2. Additional FAR above the base, as set forth in subsection B may be achieved by providing public benefit features pursuant to Section 23.49.050, and by the transfer of development rights pursuant to Section 23.49.052, provided that no FAR above seven (7) may be allowed as a bonus for public benefit features except housing, and no FAR above ten (10) may be granted except for development rights transferred from a low income housing or low and low-moderate income housing TDR site, a landmark theater/housing TDR site, as defined in Section 23.84.024, or a major performing arts facility, as defined in Section 23.84.025.

B. Permitted FAR. The base FAR shall be five (5). Additional FAR may be achieved as follows:

FLOOR AREA RATIO

Type of Bonus or TDR	May be used in FAR range Above	Up Through
1. Bonuses other than housing	5	7
2. Low income housing bonus	7	10
3. Low-moderate income housing bonus	7	10
4. Within-block TDR	5	10
5. *Landmark TDR	5	10
6. Major performing arts facility TDR	5	14
7. Landmark performing arts theater with housing TDR	5	14
8. Low income or low and low-moderate housing TDR	7	14
9. Pioneer Square infill TDR	5	7

* Note: Priority TDR from landmark performing arts theaters, if available, must be used before any other landmark TDR.

C. Exemptions from FAR Calculations.

1. The following areas are exempt from base and maximum FAR calculations:

a. Floor Area in Residential Use. Gross floor area in residential use is exempt when:

(1) The area is included either in a structure that exists on the effective date of the ordinance codified in this section,[1] and consists of a minimum floor area of one (1) FAR on the date the permit is approved pursuant to this section, or in addition to that structure, or

(2) The area is included in a structure:

i. Constructed after the effective date of this section,[1] and

ii. That occupies a lot that contains another structure that was built before the effective date of this section[1] and consists of a minimum of one (1) FAR on the date the permit is approved pursuant to this section, and

iii. That occupies a lot that is comprised of the same parcels that comprised the lot on the effective date of this section,[1] or

(3) The area is included in a structure constructed after the effective date of this section,[1] but only if the structure uses the maximum permitted FAR, including FAR obtained through bonuses. The area exempt by this subsection C1a(3) is limited to floor are that is in excess of the maximum floor area permitted by the FAR;

b. All floor area below grade;

c. All gross floor area located above grade which is used for principal or accessory short-term parking, or for parking accessory to residential uses, up to one (1) space per dwelling unit;

d. Gross floor area of public benefit features, other than a housing public benefit feature. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations.

2. As an allowance for mechanical equipment, three and one-half (3½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the

gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

(Ord. 119484 § 11, 1999: Ord. 119370 § 4, 1999; Ord. 117954 § 2, 1995; Ord. 116513 § 3, 1993: § 3 of Initiative 31, passed 5/16/89; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Ordinance 119484, which amended Section 23.49.048, is effective on July 1, 1999.

23.49.050Downtown Office Core 1, ratios for public benefit features.

A. General Provisions.

1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

2. Additional gross floor area may be permitted up to the maximum limits set forth in Section 23.49.048 when low income housing or low-moderate income housing is included in the development proposal and the following criteria are met:

a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

(1) Through the provision of public benefit features other than housing; or

(2) From transfer of development rights from a lot that is an eligible sending site other than based on its status as a low income housing or low and low-moderate income housing TDR site, before a housing bonus, or transfer of development rights from a lot that is an eligible sending site based solely on its status as a low income housing or low and low-moderate income housing TDR site, may be used.

b. The housing bonus shall be granted by the Director based on a finding by the Director of Housing that the proposed housing satisfies the Public Benefit Features Rule. The Director and Director of Housing are authorized, in determining the allocation of bonus credits to low and low and low-moderate income housing, to establish a schedule of bonus ratios that provides greater weight for low-income housing than for low-moderate income housing.

3. The Director shall review the design of any public benefit feature in subsection B of this section and determine whether the feature, as proposed for a specific project, provides a public benefit and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, child care, landmark performing arts theaters, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is used.

B. Public Benefit Features. If the Director approves the design of public benefit features according to subsection A, floor area bonuses shall be granted according to the table for this subsection below, except as limited by subsection C of this section. (See Table for Section 23.49.050 B.)

C. A subsidy review shall be required as a condition to any bonus for an off-site performing arts theater or low income housing or low-moderate income housing if the lot on which the theater or housing is located, at the time of issuance of the building permit for the structure receiving the bonus FAR:

1. Is being or has been used:

a. For any other off-site bonus, or

b. As a sending site for the transfer of development rights, or

c. For a project receiving any public subsidies for housing development, including, but not limited to, tax exempt bond financing, low income housing tax credits, federal loans or grants, The City of Seattle housing loans or grants, The State of Washington Housing Trust funds, or The City of Seattle property tax exemptions; or

2. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will become subject to any such restrictions if any such subsidy for which an application has been made is granted.

D. When subsidy review is required according to one (1) or more of the above criteria:

Table for Section 23.49.050 B
PUBLIC BENEFIT FEATURE AREA BONUSES

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	7[6]	10,000 square feet
Human service use in existing structure	3.5[6]	10,000 square feet
Child care in new structure	12.5[6]	10,000 square feet[5]
Child care in existing structure	6.5[6]	10,000 square feet[5]
Cinema	7	15,000 square feet
Shopping atrium in areas shown on Map IIB	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map IIB	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map IIB	3	0.5 times the area of the lot, not to exceed 15,000 square feet
Parcel park	5	7,000 square feet
Rooftop garden, street-accessible	2.5	20% of lot area
Rooftop garden, interior-accessible	1.5	30% of lot area
Hillclimb assist in areas shown on Map IIB	1.0 FAR[4]	Not applicable
Hillside terrace in areas shown on Map IIB	5	6,000 square feet
Sidewalk widening if required by Section 23.49.022	3	Area necessary to meet required sidewalk width
Overhead weather protection if required on Pedestrian I streets designated on Map IID	3 or 4.5[3]	10 times the street frontage of the lot
Sculptured building top	1.5 square feet per square foot of reduction	30,000 square feet
Small lot development	2.0 FAR[4]	Not applicable
Short-term parking, above grade, in areas shown on Map IIB	1	200 parking spaces
Short-term parking, below grade, in areas shown on Map IIB	2	200 parking spaces
Performing arts theater	12 (maximum)[7]	Subject to the Public Benefit Features Rule
Museum	5	30,000 square feet
Urban plaza	5	15,000 square feet
Public atrium	6	5,500 square feet
Transit station access easement	25,000 square feet	2 per lot
Grade level transit station access	25,000 square feet	2 per lot
Mechanical transit station access	30,000 square feet	2 per lot
Housing	Subject to the Public Benefit Features Rule	Subject to the Public Benefit Features Rule; maximum amount of bonus is three (3) times the area of the lot
Off-site open space[8]	5	1 FAR
Payment-in-lieu-of open space[8]	5	1 FAR

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[1] Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
[2] Amount depends on height of the shopping atrium.
[3] Higher bonus is granted when skylights are provided.
[4] This is a flat bonus granted when the public benefit feature is provided, regardless of its size.
[5] Child care space from three thousand one (3,001) to ten thousand (10,000) square feet is bonused at same ratio as human service uses.
[6] Human services and child care may be provided in another downtown zone; in that case, bonus ratio subject to Public Benefit Features Rule.
[7] Performing arts theaters may be provided or preserved off-site within landmark performing arts theaters; bonus ratio is variable depending on costs to provide or rehabilitate theater space and other factors.
[8] See Section 23.49.009.

(Seattle 9-99)

1. The bonus requested shall be allowed only to the extent that the Director of Housing shall determine, pursuant to a subsidy review, that the benefits of such bonus(es), and proceeds of sale of development rights, if applicable, are reasonably necessary to make economically feasible:

a. The provision of the public benefit feature, and

b. In the case of a landmark performing arts theater, any replacement by the owner of such theater of low income housing or low and low-moderate income housing that is reasonably required to be eliminated from the lot on which the theater is located to make the preservation and operation of the performing arts theater economically feasible; and

2. The Director of Housing may require, as a condition of the bonus, that the owner of the lot upon which the bonus feature is located agree to limit any other subsidies to be received for that lot.

E. The Director of Housing is authorized to impose on the developers of housing that use the bonus described in this section, maximum permitted rent levels and minimum duration of availability for units developed using the housing bonus. These regulations shall be designated to assure the units shall be available for households earning zero (0) to eighty (80) percent of area median income for the longest reasonable duration.

(Ord. 119484 § 12, 1999; Ord. 119273 § 46, 1998; Ord. 117430 § 62, 1994; Ord. 116513 § 4, 1993: Ord. 114486 § 1, 1989; Ord. 114450 § 2, 1989; Ord. 112519 § 9, 1985; Ord. 112303 § 3(part), 1985.)

23.49.052Downtown Office Core 1, transfer of development rights.

A. Transfer of Development Rights Within the Same Downtown Block. Development rights may be transferred to lots in DOC1 zones from lots located on the same block. The maximum FAR permitted on a receiving lot in DOC1 zones when a transfer of development rights from sending lots on the same downtown block is used shall be ten (10), except that when the sending lot is a low income housing or low and low-moderate income housing TDR site, a landmark theater/housing TDR site, or a major performing arts facility, and the applicable requirements of this section are satisfied, the maximum FAR shall be fourteen (14).

B. Transfer of Development Rights Between Different Downtown Blocks. Development rights may be transferred to lots in DOC1 zones from sending lots on different blocks that contain low income housing or low and low-moderate income housing, Landmark structures or major performing arts facilities, or from infill lots in PSM zones, as provided below:

1. Transfer From Low Income Housing or Low and Low-moderate Income Housing TDR Sites.

a. "Low income housing or low and low-moderate income housing TDR sites" as defined in Section 23.84.024 are eligible to transfer development rights subject to the terms and conditions in this subsection B1. Lots containing low income housing or low and low-moderate income housing, but not qualifying under this subsection, may be eligible to transfer development rights if they qualify under subsection A, B2 or B3 of this section.

b. Development rights that are transferable based on the status of the sending lot as a low income housing or low and low-moderate income housing TDR site may not be used unless gross floor area equivalent to two (2) times the area of the receiving lot has been achieved on the receiving lot:

(1) Through the use of bonuses for public benefit features other than housing; or

(2) From the transfer of development rights from sending lots eligible to transfer development rights other than as low income housing or low and low-moderate income housing TDR sites.

c. Principal use surface parking areas shall not be included in the area of the sending lot for purposes of calculating the amount of development rights which may be transferred. Accessory surface parking areas shall be included, up to a maximum area of one-quarter (¼) of the footprint of the structure on the sending lot.

d. The maximum FAR permitted on a receiving lot in DOC1 zones when development rights are transferred from low income housing or low and low-moderate income housing TDR sites shall be fourteen (14).

2. Transfer From Landmark Structures or Infill Lots in PSM Zones.

a. Landmark structures from which landmark TDR may be transferred shall be located in DOC1, DOC2, or DRC zones, or on lots in DMC zones located south of Virginia Street.

b. Landmark structures on sending lots from which landmark TDR are transferred shall be restored and maintained as required by the Landmarks Preservation Board, according to the procedures in the Public Benefit Features Rule.

c. Lots proposed for infill development in PSM zones from which development rights are transferred must have been vacant as of January 1, 1984. For the purposes of this provision, structures with abatement orders as of January 1, 1984, and surface parking areas, including minor structures accessory to parking operations, shall be considered vacant.

3. Transfer from a Major Performing Arts Facility.

a. TDRs from a major performing arts facility in DOC1, DOC2 or DRC may be used on a receiving lot in DOC1 subject to the conditions of this subsection B3.

b. No change from a major performing arts facility to another use shall be permitted for forty (40) years.

c. Prior to the transfer of development rights from a major performing arts facility, either a final architectural building permit, or a temporary or final Certificate of Occupancy must be issued.

d. Maximum FAR on a receiving lot with use of TDRs from a major performing arts facility is fourteen (14).

C. Standards for Sending Lots.

1. The gross floor area that may be transferred from any sending lot to a receiving lot, subject to the limitations in subsections A and B, shall be as follows:

a. When the sending lot is located in a DOC1 zone, the gross floor area that may be transferred shall be the area of the sending lot times the base FAR of the sending lot, minus any existing gross floor area on the sending lot, excluding from existing gross floor area any exemptions permitted by the regulations of the zone.

b. When the sending lot is located in a DOC2 zone, the gross floor area that may be transferred shall be the area of the sending lot times the base FAR of the sending lot, minus any existing gross floor area on the sending lot, excluding from existing gross floor area:

(i) Any exemptions permitted by the regulations of the zone other than for housing; and

(ii) The area of any low income housing that is on a landmark theater/housing TDR site and meets the requirements for the housing bonus under the Public Benefit Features Rule.

c. When the sending lot is located in a DRC, IDR or IDM zone, or a DMC or DMR zone with a height limit of less than two hundred and forty (240) feet, the gross floor area that may be transferred shall be six (6) times the area of the sending lot, minus any existing gross floor area on the sending lot, excluding from existing gross floor area any exemptions permitted by the regulations of the zone other than for housing.

d. When the sending lot is located in a DMC or DMR zone with a two hundred forty (240) foot height limit, the gross floor area that may be transferred shall be eight (8) times the area of the sending lot, minus any existing floor area on the sending lot, excluding from existing gross floor area:

(i) Any exemptions permitted by the regulations of the zone other than for housing; and

(ii) The area of any low income housing that is on a landmark theater/housing TDR site and meets the requirements for the housing bonus under the Public Benefit Features Rule.

e. When the sending lot is located in a PSM zone, the gross floor area that may be transferred shall be either:

(i) Six (6) times the area of the sending lot, minus any existing above-grade gross floor area on the sending lot, for transfers from low income housing or low and low-moderate income housing TDR sites or within-block transfers not from infill development; or

(ii) The amount of gross floor area permitted by the development standards of the PSM zone and the Pioneer Square Preservation District, minus any above-grade gross floor area to be built on the sending lot, when the transfer is from proposed infill development.

2. When development rights are transferred from a sending lot in DOC1 zones, the amount of gross floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.048, minus the total of:

a. The existing gross floor area on the lot, less any exemptions permitted under Section 23.49.048 C; plus

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

D. Transfer of Development Rights Agreements.

1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDR from a low income housing or low and low-moderate income housing TDR site) such consent is waived by the Director of Housing or designee for good cause, which deed shall be recorded in the King County real property records. When TDRs are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDRs, the TDRs shall pass with the receiving lot whether or not a structure using such TDRs shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDRs previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in the receiving lot from which the conveyance is made. If the TDRs are transferred other than directly from the sending lot to the receiving lot using the TDRs, then after the initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed.

2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of the sending lot by complying with the applicable provisions of this section and the Public Benefit Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at any time prior to the application for a permit using such TDRs, or after any such permit is denied or expires unused, retransfer such TDRs by deed to any other person for such consideration as may be agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such TDRs to obtain FAR above the applicable base to the extent permitted under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDRs, to the same extent as if the TDRs had been purchased on such date. The Director may require, as a condition of processing any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

3. For transfers that are permitted based on the status of the sending lot as a low income housing or low

and low-moderate income housing TDR site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of Housing for good cause, to provide for the maintenance of the required low income housing or low and low-moderate income housing on the sending lot for a minimum of twenty (20) years.

4. For any transfer that is permitted, or for which the sending lot is granted priority, based on the status of the sending lot as a landmark performing arts theater, the owner of the sending lot shall sign a written agreement with the City with the approval of the Landmarks Preservation Board, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of Housing for good cause. The owner of the sending lot shall agree:

a. To maintain the structure in compliance with requirements in such agreement approved by the Landmarks Preservation Board, for a period of at least forty (40) years; and

b. To maintain the primary use of the theater portion of the structure as a performing arts theater for at least forty (40) years, and for so long thereafter as any of the interior features of the theater portion of the structure remain subject to controls under the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (or successor provisions), unless after the minimum forty (40) year period the owner demonstrates to the satisfaction of the Landmarks Preservation Board that a change of use is required to allow the owner a sufficient economic return under the standards then applicable to proceedings for removal or modification of such controls. In the case of a partial purchase of TDRs by the City for the TDR Bank, the Director of Housing may allow a shorter period of commitment. Any relief that may be granted from the landmark designation or from any controls or restrictions imposed in connection with that designation, under SMC Chapter 25.12 or otherwise, shall not affect the owner's obligations pursuant to any agreement under this subsection D4.

5. For any transfer to which subsection D4 applies, a subsidy review shall be required if at the time of the transfer, the lot on which the landmark performing arts theater is located:

a. Is being or has been used for any off-site bonus; or

b. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will become subject to any such restrictions if any such subsidy for which an application has been made is granted.

6. When subsidy review is required according to one (1) or more of the above criteria:

a. The transfer of development rights shall be allowed only to the extent that the Director of Housing shall determine, pursuant to a subsidy review, that the benefits of such transfer and the benefits of any off-site bonus, if applicable, are reasonably necessary to make economically feasible:

(i) The preservation of the landmark performing arts theater, and

(ii) Any replacement by the owner of such theater of low income housing or low-to-moderate income housing that is reasonably required to be eliminated from the sending site to make preservation and operation of the performing arts theater economically feasible; and

b. The Director of Housing may require, as a condition of the transfer, that the owner of the lot upon which the landmark performing arts theater is located agree to limit any other subsidies to be received for that lot.

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

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

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

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

(Ord. 119484 § 13, 1999: Ord. 119273 § 47, 1998; Ord. 117954 § 3, 1995: Ord. 117263 § 34, 1994; Ord. 116513 § 5, 1993: Ord. 113279 § 8, 1987; Ord. 112303 § 3(part), 1985.)

23.49.054Downtown Office Core 1, street-level use requirements.

Street-level uses listed in subsection A shall be required on streets designated on Map IIA.[1] Required street-level uses shall meet the standards of this section.

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

1. Retail sales and services, except lodging;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters;
5. Museums and libraries; and
6. Public atriums.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor

common recreation area required for residential uses, shall not be counted in street frontage.

2. Required street-level uses shall be located within ten (10) feet of the street property line or shall abut a bonused public open space. When sidewalk widening is required by Section 23.49.022, the ten (10) feet shall be measured to the line established by the new sidewalk width, rather than the street property line.

3. Except for day care centers, pedestrian access to required street-level uses shall be provided directly from the street or a bonused public open space. Pedestrian entrances shall be located no more than three (3) feet above or below sidewalk grade or shall be at the same elevation as the abutting public open space.

(Ord. 119239 § 23, 1998; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IIA is codified at the end of this chapter.

23.49.056Downtown Office Core 1, street facade requirements.

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

Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line of a lot which abuts a street designated on Map IID[1] as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map IID,[1] and whether property line facades are required by Map IIC.[1]

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.056 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

Class I Pedestrian Streets and All Streets Where Property Line Facades are Required Minimum Facade Height*	Class II Pedestrian Streets Minimum Facade Height*
35 feet	25 feet

* Except as modified by view corridor requirements.

2. On designated view corridors specified in Section 23.49.024, the minimum facade height shall be the required elevation of the setback, when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map IIC[1] as requiring property line facades.

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

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

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

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

i. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

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

— The maximum setback shall be ten (10) feet.

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

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map IIC.[1] Except when the entire structure is fifteen (15) feet or less in height, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.056 C. When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade.

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

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

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

d. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.056 C.)

e. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code,[2] this subsection shall apply.

3. Transparency requirements shall be as follows:

a. Class I pedestrian streets: A minimum of sixty (60) percent of the street level facade shall be transparent.

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

c. Where the slope along the street frontage of the facade exceeds seven and one-half (7½) percent , the required amount of transparency shall be reduced to forty-five (45) percent on Class I pedestrian streets and twenty-two (22) percent on Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk.

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

2. Blank Facade Limits for Class I Pedestrian Streets.

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

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

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage, or fifty-five (55) percent of the slope of the street frontage if the facade exceeds seven and one-half (7½) percent.

3. Blank Facade Limits for Class II Pedestrian Streets.

a. Blank facades shall be no more than thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, art-

Exhibit 23.49.056 A
Minimum Facade Height
Exhibit 23.49.056 B
Exception to Maximum Setback Limits

Exhibit 23.49.056 C
Application of Maximum Setback Limits
Exhibit 23.49.056 D
Maximum Width of Setback
Exhibit 23.49.056 E
Maximum Setback at Intersections

work, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

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

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-eight (78) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. Screening of Parking.

1. Parking located at or above street level in a garage shall be screened according to the following requirements:

a. On Class I pedestrian streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets, parking shall be permitted at street level when at least thirty (30) percent of the street frontage of the parking area, excluding that portion of the frontage area occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsections C and D. The remaining parking shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.

2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020, Screening and landscaping of surface parking areas.

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to The City of Seattle Transportation Department Tree Planting Standards.

(Ord. 118409 § 186, 1996: Ord. 116744 § 11, 1993; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Maps IIC and IID are codified at the end of this chapter.

2.Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

23.49.058Downtown Office Core 1, upper-level development standards.

The regulations in this section apply to all structures in which any floor above an elevation of one hundred twenty-five (125) feet above the sidewalk exceeds fifteen thousand (15,000) square feet. For structures with separate, individual towers, the fifteen thousand (15,000) square foot threshold will be applied to each tower individually.

A. Coverage Limits. On streets designated on Map IID[1] as having a pedestrian classification, coverage limit areas are established at two (2) elevations:

1. Between an elevation of one hundred twenty-five (125) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.058 A), is established as the coverage limit area.

2. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.058 A), is established as the coverage limit area.

3. The percentage of the coverage limit area that may be covered by a portion of a structure is as follows:

		Lots With Two or More Street Frontages	
Elevation	Lots With One Street Frontage	Lots 40,000 Sq. Ft. or Less in Size	Lots Greater Than 40,000 Sq. Ft. in Size
126′ to 240′	60%	40%	20%
Above 240′	50%	40%	20%

4. To qualify as uncovered area, at least half the area required to be uncovered shall be contiguous and shall have a minimum depth of fifteen (15) feet.

5. To meet the coverage limits, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots meets the limits set in this subsection A; and

b. The fee owners of the abutting lot(s) execute a deed or other agreement, that is recorded with the title to the lots, that restricts future development so that in combination with the other lots, the coverage limits shall not be exceeded.

B. Maximum Facade Lengths. Maximum facade lengths shall be established for facades above an elevation of one hundred twenty-five (125) feet above the adjacent sidewalk. This maximum length shall be measured parallel to each street property line of streets designated on Map IID[1] as having a pedestrian classification and shall apply to any portion of a facade, including projections such as balconies, which is located within fifteen (15) feet of street property lines.

1. The maximum length of facades above an elevation of one hundred twenty-five (125) feet shall be as follows:

Exhibit 23.49.058 A
Coverage Limit Area

Elevation	Lots With One Street Frontage	Lots With Two or More Street Frontages: Lots 40,000 Sq. Ft. or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 40,000 Sq. Ft. in Size
126′ to 240′	120′	120′	120′
Above 240′	90′*	120′	90′

*Above a height of two hundred forty (240) feet, for each half percent (1/2%) reduction of coverage in the coverage limit area from the requirements established in subsection A of this section, the maximum facade length may be increased by one (1) foot up to a maximum of one hundred twenty (120) feet.

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet which is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of facade which is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.058 B.).

(Ord. 119728 § 5, 1999; Ord. 112519 § 10, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IID is codified at the end of this chapter.

Subchapter III Downtown Office Core 2

Part 1 Use Provisions

23.49.060Downtown Office Core 2, permitted uses.

A. All uses shall be permitted outright except those specifically prohibited by Section 23.49.062, those permitted only as conditional uses by Section 23.49.066, and parking, which shall be regulated by Section 23.49.064.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.066 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118672 § 11, 1997; Ord. 117430 § 63, 1994; Ord. 116907 § 22, 1993: Ord. 112303 § 3(part), 1985.)

23.49.062Downtown Office Core 2, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

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

B. Outdoor storage;

C. All general and heavy manufacturing uses;

D. All salvage and recycling uses except recycling collection stations;

E. All high-impact uses.

(Ord. 112777 § 27, 1986: Ord. 112303 § 3(part), 1985.)

23.49.064Downtown Office Core 2, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map IIIA[1] may be permitted as conditional uses, pursuant to Section 23.49.066. Principal use parking garages for long-term parking shall be prohibited in other locations.

2. Principal use parking garages for short-term parking shall either be:

a. Permitted outright when the garage contains short-term parking spaces for which additional floor area is granted pursuant to Section 23.49.070; or

b. Conditional uses in all other cases, pursuant to Section 23.49.066.

3. Principal use surface parking areas shall be conditional uses in areas shown on Map IIIA,[1] and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.066.

B. Accessory Parking.

1. Accessory parking garages for either long-term or short-term parking shall be permitted outright, up to the maximum parking limit established by Section 23.49.016, Parking quantity requirements.

2. Accessory surface parking areas shall be:

a. Permitted outright when located in areas shown on Map IIIA[1] and containing twenty (20) or fewer parking spaces; or

b. Permitted as a conditional use when located in areas shown on Map IIIA and containing more than twenty (20) spaces; or

c. Prohibited in areas not shown on Map IIIA, except that temporary accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.066.

(Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IIIA is codified at the end of this chapter.

23.49.066Downtown Office Core 2, conditional uses and Council decisions.

A. All conditional uses shall meet the following criteria:

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

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

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B. Principal use parking garages for long-term parking in areas designated on Map IIIA,[1] and for short-term parking at any location, except those permitted outright by Section 23.49.064 B2, may be permitted as conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or on traffic circulation in the area around the lot; and

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

Exhibit 23.49.058 B
Maximum Facade Length

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

C. Surface parking areas where permitted as a conditional use by Section 23.49.064, and temporary surface parking areas which were in existence prior to January 1, 1985 or located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas; and

3. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section 23.49.016 B2; and

4. Permits for temporary parking areas may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface-parking area shall be subject to the following:

a. Renewals shall be permitted only for those temporary surface-parking areas which were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary surface-parking area on a lot which became vacant as a result of a City-initiated abatement action shall not be renewed, and

b. Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary surface-parking area continues to meet applicable criteria, and

c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires, and

d. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as an administrative conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

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

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet of ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

E. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for the takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City of Seattle and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as the Kingdome, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

G. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

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

2. Dispersion Criteria.

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

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

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

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

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

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

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

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

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

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

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

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

g. The extent to which the facility is well-served by public transportation or to which the

facility is committed to a program of encouraging the use of public or private mass transportation;

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

H. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

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

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

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

(Ord. 119484 § 14, 1999; Ord. 118672 § 12, 1997; Ord. 116907 § 3, 1993; Ord. 116744 § 12, 1993; Ord. 116616 § 3, 1993; Ord. 116295 § 15, 1992; Ord. 114623 § 6, 1989; Ord. 114202 § 3, 1988; Ord. 113279 § 9, 1987; Ord. 112522 § 21(part), 1985; Ord. 112519 § 11, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IIIA is codified at the end of this chapter.

Part 2 Development Standards

23.49.068Downtown Office Core 2, floor area ratio (FAR).

A. General Standards.

1. The floor area ratio (FAR), as provided in subsection B of this section, shall determine the gross floor area permitted for all nonresidential uses, except as modified by subsection C of this section.

2. Additional FAR above the base, as set forth in subsection B of this section may be achieved by providing public benefit features according to Section 23.49.070, and by the transfer of development rights according to Section 23.49.072, provided that no FAR above six (6) may be allowed as a bonus for public benefits features except housing, and no FAR above eight (8) may be granted except for development rights transferred from a low income housing or low and low-moderate income housing TDR site, a landmark theater/housing TDR site, or a major performing arts facility.

B. Permitted FAR. The base FAR shall be four (4). Additional FAR may be achieved as follows:

FLOOR AREA RATIO

Type of Bonus or TDR	May be used in FAR range Above	Up Through
1. Bonuses other than housing	4	6
2. Low income housing bonus	6	8
3. Low-moderate income housing bonus	6	8
4. Within-block TDR	4	8
5. *Landmark TDR	4	8
6. Major performing arts facility TDR	4	10
7. Low income or low-moderate income housing TDR	6	10
8. Pioneer Square infill TDR	4	6
9. Landmark performing arts theater with housing TDR	4	10

* Note: Priority TDR from landmark performing arts theaters, if available, must be used before any other landmark TDR. See Section 23.49.033.

C. Exemptions from FAR Calculations.

1. The following areas shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except that on sending lots from which development rights are transferred according to Section 23.49.072 C the only exempt residential space shall be low income housing or low-moderate income housing on landmark theater/housing TDR sites that satisfies all requirements for a bonus under the Public Benefit Features Rule;

b. All gross floor area below grade;

c. All gross floor area located above grade that is used for principal or accessory short-term parking;

d. The gross floor area located above grade of up to one (1) space per dwelling unit of parking that is accessory to residential uses or that is long-term parking shared with residential uses;

e. The gross floor area of public benefit features, other than housing, that satisfy the requirements of Section 23.49.070, ratios for public benefit features, and the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of maximum bonus- able area limitations.

2. As an allowance for mechanical equipment, three and one-half (3½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may

be placed on the roof and will not be counted in gross floor area calculations.
(Ord. 119728 § 6, 1999; Ord. 119484 § 15, 1999: Ord. 119370 § 5, 1999; Ord. 117954 § 4, 1995; Ord. 116513 § 6, 1993: § 4 of Initiative 31, passed 5/16/89; Ord. 112303 § 3(part), 1985.)

23.49.070Downtown Office Core 2, ratios for public benefit features.

A. General Provisions.

1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

2. Additional gross floor area may be permitted up to the maximum limits set forth in Section 23.49.068 when low income housing or low-moderate income housing is included in the development proposal and the following criteria are met:

a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

(1) Through the provision of public benefit features other than housing; or

(2) From transfer of development rights from a lot that is an eligible sending site other than based on its status as a low income housing or low and low-moderate income housing TDR site; before a housing bonus, or transfer of development rights from a lot that is an eligible sending site based solely on its status as a low income housing or low and low-moderate income housing TDR site, may be used.

b. The housing bonus shall be granted by the Director based on a finding by the Director of Housing that the proposed housing satisfies the Public Benefit Features Rule. The Director and Director of Housing are authorized, in determining the allocation of bonus credits to low and low and low-moderate income housing, to establish a schedule of bonus ratios that provides greater weight for low-income housing than for low-moderate income housing.

3. The Director shall review the design of any public benefit feature in subsection B of this section and determine whether the feature, as proposed for a specific project, provides a public benefit and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, child care, landmark performing arts theaters, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is used.

B. Public Benefit Features. If the Director approves the design of public benefit features according to subsection A of this section, floor area bonuses shall be granted according to the table for this subsection below, except as limited by subsection C of this Section. (See Table for Section 23.49.070).

C. A subsidy review shall be required as a condition to any bonus for an off-site performing arts theater or low income housing or low-moderate income housing, if the lot on which the theater or housing is located, at the time of issuance of the building permit for the structure using the bonus FAR:

1. Is being or has been used:

a. For any other off-site bonus, or

b. As a sending site for the transfer of development rights, or

c. For a project receiving any public subsidies for housing development, including, but not limited to, tax exempt bond financing, low income housing tax credits, federal loans or grants, The City of Seattle housing loans or grants, The State of Washington Housing Trust funds, or The City of Seattle property tax exemptions; or

2. Is subject to any restrictions on the use, occupancy or rents of such lot resulting from any public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will become subject to any such restrictions if any such subsidy for which an application has been made is granted.

D. When subsidy review is required according to one (1) or more of the above criteria:

1. The bonus requested shall be allowed only to the extent that the Director of Housing shall determine, pursuant to a subsidy review, that the benefits of such bonus(es), and proceeds of sale of development rights, if applicable, are reasonably necessary to make economically feasible:

a. The provision of the public benefit feature, and

b. In the case of a landmark performing arts theater, any replacement by the owner of such theater of low income housing or low and low-moderate income housing that is reasonably required to be eliminated from the lot on which the theater is located to make preservation and operation of the performing arts theater economically feasible; and

2. The Director of Housing may require, as a condition of the bonus, that the owner of the lot upon which the bonus feature is located agree to limit any other subsidies to be received for that lot.

E. The Director of Housing is authorized to impose on the developers of housing that use the bonus described in this section, maximum permitted rent levels and minimum duration of availability for units developed using the housing bonus. These regulations shall be designated to assure the units shall be available for households earning zero (0) to eighty (80) percent of area median income for the longest reasonable duration.
(Ord. 119484 § 16, 1999; (Ord. 119273 § 48, 1998; Ord. 117430 § 64, 1994; Ord. 117263 § 35, 1994; Ord. 116513 § 7, 1993: Ord. 114486 § 2, 1989; Ord. 114450 § 3, 1989; Ord. 112519 § 12, 1985; Ord. 112303 § 3(part), 1985.)

23.49.072 Downtown Office Core 2, transfer of development rights.

A. Transfer of Development Rights Within the Same Downtown Block. Development rights may be transferred to lots in DOC2 zones from lots located on the same block. The maximum FAR permitted on a receiving lot in DOC2 zones when a transfer of development rights from sending lots on the same downtown block is used shall be eight (8), except that when the sending lot or lots contain low income housing or low and low-moderate income housing TDR site or a major performing arts facility, and the applicable requirements of subsection B are satisfied, the maximum FAR shall be ten (10).

B. Transfer of Development Rights Between Different Downtown Blocks. Development rights may be transferred to lots in DOC2 zones from sending lots containing low income housing or low-moderate income housing, Landmark structures or major performing arts facilities, or from infill lots in PSM zones, as provided below:

1. Transfer From Low Income Housing or Low and Low-moderate Income Housing TDR Sites.

a. "Low income housing or low and low-moderate income housing TDR sites" as defined in Section 23.84.024 are eligible to transfer development rights subject to the terms and conditions in this subsection B1. Lots containing low income housing or low and low-moderate income housing, but not qualifying under this subsection, may be eligible to transfer development rights if they qualify under subsection A, B2 or B3 of this section.

b. Development rights that are transferrable based on the status of the sending lot as a low income housing or low and low-moderate income housing TDR site may not be used unless gross floor area equivalent to two (2) times the area of the receiving lot has been achieved on the receiving lot:

(1) Through the use of bonuses for public benefit features other than housing; or

(2) From the transfer of development rights from sending lots eligible to transfer development rights other than as low income housing or low and low-moderate income housing TDR sites.

c. Principal use surface parking areas shall not be included in the area of the sending lot for purposes of calculating the amount of development rights which may be transferred. Accessory surface parking areas shall be included, up to a maximum area of one-quarter (¼) of the footprint of the structure on the sending lot.

d. The maximum FAR permitted on a receiving lot in DOC2 zones when development rights are transferred from low income housing or low and low-moderate income housing TDR sites shall be ten (10).

2. Transfer from Designated Landmark Structures or Infill Lots in Pioneer Square Mixed Zones.

a. Landmark structures from which Landmark TDR may be transferred shall be located in DOC1, DOC2, or DRC zones, or on lots in DMC zones located south of Virginia Street.

b. Landmark structures on sending lots from which landmark TDR are transferred shall be restored and maintained as required by the Seattle Landmarks Preservation Board, according to the procedures in the Public Benefit Features Rule.

Table for Section 23.49.070

FLOOR AREA BONUSES

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	9[6]	10,000 square feet
Human service use in existing structure	4.5[6]	10,000 square feet
Child care in new structure	16[6]	10,000 square feet[5]
Child care in existing structure	8[6]	10,000 square feet[5]
Cinema	9	15,000 square feet
Shopping atrium in areas shown on Map IIIB	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map IIIB	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map IIIB	4	0.5 times the area of the lot, not to exceed 15,000 square feet
Parcel park	6.5	7,000 square feet
Green street	6.5	1 times the area of the lot
Rooftop garden, street-accessible	3	20% of lot area
Rooftop garden, interior-accessible	2	30% of lot area
Hillclimb assist in areas shown on Map IIIB	1.0 FAR[4]	Not applicable
Hillside terrace in areas shown on Map IIIB	6.5	6,000 square feet
Sidewalk widening if required by Section 23.49.022	3	Area necessary to meet required sidewalk width
Overhead weather protection on Pedestrian I streets designated on Map IIID	3 or 4.5[3]	10 times the street frontage of the lot
Sculptured building top	1.5 square feet per square foot of reduction	30,000 square feet
Small lot development	1.5 FAR[4]	Not applicable
Short-term parking, above grade, in areas shown on Map IIIB	1	200 parking spaces
Short-term parking, below grade, in areas shown on Map IIIB	2	200 parking spaces
Performing arts theater	12 (maximum)[7]	Subject to the Public Benefit Features Rule
Museum	6.5	30,000 square feet
Urban plaza	6.5	15,000 square feet
Public atrium	8	5,500 square feet
Transit station access easement	25,000 square feet	2 per lot
Grade level transit station access	25,000 square feet	2 per lot
Mechanical transit station access	30,000 square feet	2 per lot
Housing	Subject to the Public Benefit Features Rule	Subject to the Public Benefit Features Rule; maximum amount of bonus is 2 times the area of the lot.
Off-site open space[8]	6.5	1 FAR
Payment-in-lieu of open space[8]	6.5	1 FAR

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1 Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
2 Amount depends on height of the shopping atrium.
3 Higher bonus is granted when skylights are provided.
4 This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
5 Child care space from three thousand one (3,001) to ten thousand (10,000) square feet is bonused as human service uses.
6 Human services and child care may be provided in another downtown zone; in that case, bonus ratio subject to Public Benefit Features Rule.
7 Performing arts theaters may be provided or preserved off-site within landmark performing arts theaters; bonus ratio is variable depending on costs to provide or rehabilitate theater space and other factors, subject to the Public Benefit Features Rule.
8 See Section 23.49.009.

c. Lots proposed for infill development in PSM zones from which development rights are transferred must have been vacant as of January 1, 1984. For the purposes of this provision, structures with abatement orders as of January 1, 1984, and surface parking areas, including minor structures accessory to parking operations, shall be considered vacant.

3. Transfer from a Major Performing Arts Facility.

a. TDRs from a major performing arts facility in DOC1, DOC2 or DRC may be used on a receiving lot in DOC2 subject to the conditions of this subsection B3.

b. No change from a major performing arts facility to another use shall be permitted for forty (40) years.

c. Prior to the transfer of development rights from a major performing arts facility, either a final architectural building permit, or a temporary or final Certificate of Occupancy must be issued.

d. Maximum FAR on a receiving lot with use of TDRs from a major performing arts facility is ten (10).

C. Standards for Sending Lots.

1. The gross floor area that may be transferred from any sending lot to a receiving lot, subject to the limitations in subsections A and B of this section, shall be as follows:

a. When the sending lot is located in the DOC1 zone, the gross floor area that may be transferred shall be the area of the sending lot times the base FAR of the sending lot, minus any existing gross floor area on the sending lot, excluding from existing gross floor area any exemptions permitted by the regulations of the zone.

b. When the sending lot is located in a DOC2 zone, the gross floor area that may be transferred shall be the area of the sending lot times the base FAR of the sending lot, minus any existing gross floor area on the sending lot, excluding from existing gross floor area:

(i) Any exemptions permitted by the regulations of the zone other than for housing; and

(ii) The area of any low income housing that is on a landmark theater/housing TDR site and meets the requirements for the low income housing TDR under the Public Benefit Features Rule.

c. When the sending lot is located in a DRC, IDR or IDM zone, or a DMC or DMR zone with a height limit of less than two hundred forty (240) feet, the gross floor area that may be transferred shall be six (6) times the area of the sending lot, minus any existing gross floor area on the sending lot, excluding from existing gross floor area any exemptions permitted by the regulations of the zone other than for housing.

d. When the sending lot is located in a DMC or DMR zone with a two hundred forty (240) foot height limit, the gross floor area that may be transferred shall be eight (8) times the area of the sending lot, minus any existing gross floor area on the sending lot, excluding from gross floor area:

(i) Any exemptions permitted by the regulations of the zone other than for housing; and

(ii) The area of any low income housing or low and low-moderate income housing that is on a landmark theater/housing TDR site and meets the requirements for the housing bonus under the Public Benefit Features Rule.

e. When the sending lot is located in a PSM zone, the maximum gross floor area that may be transferred shall be either:

(i) Six (6) times the area of the sending lot, minus any existing above-grade gross floor area on the sending lot, for transfers from low income housing or low and low-moderate income housing TDR sites or within-block transfers not from infill development; or

(ii) The amount of gross floor area permitted by the development standards of the PSM zone and the Pioneer Square Preservation District, minus any above-grade gross floor area to be built on the sending lot, when the transfer is from proposed infill development.

2. When development rights are transferred from a sending lot in DOC2 zones, the amount of gross floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.068, minus the total of:

a. The existing gross floor area on the lot, less any exemptions permitted under Section 23.49.068 C; plus

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

D. Transfer of Development Rights Agreements.

1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDRs from a low income housing or low and low-moderate income housing TDR site) such consent is waived by the Director of Housing for good cause, which deed shall be recorded in the King County real property records. When TDRs are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDRs, the TDRs shall pass with the receiving lot whether or not a structure using such TDRs shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDRs to a receiving lot shall require the written consent of all parties holding any interest in the receiving lot from which the conveyance is made. If the TDRs are transferred other than directly from the sending lot to the receiving lot using the TDRs, then after the initial transfer, all subsequent transfers shall also be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed.

2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of the sending lot by complying with the applicable provisions of this section and the Public Benefit Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an applicant for a permit to develop

downtown real property. Any person purchasing such TDRs may, at any time prior to the application for a permit using such TDRs, or after any such permit is denied or expires unused, retransfer such TDRs by deed to any other person for such consideration as may be agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such TDR to obtain FAR above the applicable base to the extent permitted under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDRs, to the same extent as if the TDRs had been purchased on such date. The Director may require, as a condition of processing any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

3. For transfers that are permitted based on the status of the sending lot as a low income housing or low and low-moderate income housing TDR site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of Housing for good cause, to provide for the maintenance of the required low income housing or low and low-moderate income housing on the sending lot for a minimum of twenty (20) years.

4. For any transfer that is permitted, or for which the sending lot is granted priority, based on the status of the sending lot as a landmark performing arts theater, the owner of the sending lot shall sign a written agreement with the City with the approval of the Landmarks Preservation Board, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of Housing for good cause. The owner of the sending lot shall agree:

a. To maintain the structure in compliance with requirements in such agreement approved by the Landmarks Preservation Board, for a period of at least forty (40) years; and

b. To maintain the primary use of the theater portion of the structure as a performing arts theater for at least forty (40) years, and for so long thereafter as any of the interior features of the theater portion of the structure remain subject to controls under the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (or successor provisions), unless after the minimum forty (40) year period the owner demonstrates to the satisfaction of the Landmarks Preservation Board that a change of use is required to allow the owner a sufficient economic return under the standards then applicable to proceedings for removal or modification of such controls. In the case of a partial purchase of TDRs by the City for the TDR Bank, the Director of Housing may allow a shorter period of commitment. Any relief that may be granted from the landmark designation or from any controls or restrictions imposed in connection with that designation, under SMC Chapter 25.12 or otherwise, shall not affect the owner's obligations pursuant to any agreement under this subsection D4.

5. For any transfer to which subsection D4 applies, a subsidy review shall be required if at the time of the transfer, the lot on which the landmark performing arts theater is located:

a. Is being or has been used for any off-site bonus; or

b. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will become subject to any such restrictions if any such subsidy for which an application has been made is granted.

6. When subsidy review is required according to one (1) or more of the above criteria:

a. The transfer of development rights shall be allowed only to the extent that the Director of Housing shall determine, pursuant to a subsidy review, that the benefits of such transfer and the benefits of any off-site bonus, if applicable, are reasonably necessary to make economically feasible:

(i) The preservation of the landmark performing arts theater, and

(ii) Any replacement by the owner of such theater of low income housing or low and low-moderate income housing that is reasonably required to be eliminated from the sending lot to make preservation and operation of the performing arts theater economically feasible; and

b. The Director of Housing may require, as a condition of the transfer, that the owner of the lot upon which the landmark performing arts theater is located agree to limit any other subsidies to be received for that lot.

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

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

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

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

(Ord. 119484 § 17, 1999: Ord. 119273 § 49, 1998; Ord. 117954 § 5, 1995: Ord. 117263 § 36, 1994; Ord. 116513 § 8, 1993: Ord. 113279 § 10, 1987; Ord. 112303 § 3(part), 1985.)

23.49.074Downtown Office Core 2, street-level use requirements.

Street-level uses listed in subsection A shall be required on streets designated on Map IIIA.[1] Required street-level uses shall meet the standards of this section.

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

1. Retail sales and services, except lodging;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters;
5. Museums and libraries; and
6. Public atriums.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be counted in street frontage.

2. Required street-level uses shall be located within ten (10) feet of the street property line or shall abut a bonused public open space. When sidewalk widening is required by Section 23.49.022, the ten (10) feet shall be measured to the line established by the new sidewalk width, rather than the street property line.

3. Except for child care centers, pedestrian access to required street-level uses shall be provided directly from the street or a bonused public open space. Pedestrian entrances shall be located no more than three (3) feet above or below sidewalk grade or shall be at the same elevation as the abutting bonused public open space.

(Ord. 119239 § 24, 1998; Ord. 117263 § 37, 1994; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IIIA is codified at the end of this chapter.

23.49.076Downtown Office Core 2, street facade requirements.

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

Minimum facade heights
Setback limits
Facade transparency
Blank facade limits
Screening of parking
Street trees.

These standards shall apply to each lot line of a lot which abuts a street designated on Map IIID[1] as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map IIID,[1] and whether property line facades are required by Map IIIC.[1]

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below and Exhibit 23.49.076 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

Class I Pedestrian Streets and All Streets Where Property Line Facades Are Required	Class II Pedestrian Streets
Minimum Facade Height*	**Minimum Facade Height***
35′	25′

* Except as modified by view corridor requirements.

2. On designated view corridors specified in Section 23.49.024, the minimum facade height shall be the elevation of the setback, when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map IIIC[1] as requiring property line facades:

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

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

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

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

i. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five feet (35′) above sidewalk grade at the property line shall be permitted according to the following standards. (See Exhibit 23.49.076 B.)

— The maximum setback shall be ten feet (10′).

— The total area of the facade which is set back more than two feet (2′) from the street property line shall not exceed forty percent (40%) of the total facade area between the elevations of fifteen feet (15′) and thirty-five feet (35′).

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map IIIC.[1] Except when the entire structure is fifteen feet (15′) or less in height, the setback limits shall apply to the facade between an elevation of fifteen feet (15′) above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.076 C. When the structure is fifteen feet (15′) or less in height, the setback limits shall apply to the entire street facade.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along that street. (See Exhibit 23.49.076 D.) The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II pedestrian streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen feet (15′) from the street property line shall not exceed eighty feet (80′), or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.076 D.)

c. The maximum setback of the facade from the street property lines at intersections shall be ten feet (10′). The minimum distance the facade must conform to this limit shall be twenty feet (20′) along each street. (See Exhibit 23.49.076 E.)

d. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.076 C.)

Exhibit 23.49.076 A
Minimum Facade Height
Exhibit 23.49.076 B
Exception to Maximum Setback Limits

Exhibit 23.49.076 C
Application of Maximum Setback Limits
Exhibit 23.49.076 D
Maximum Width of Setback
Exhibit 23.49.076 E
Maximum Setback at Intersections

e. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code,[2] this subsection shall apply.

3. Transparency requirements shall be as follows:

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

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

c. When the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency shall be reduced to forty-five (45) percent on Class I pedestrian streets and green streets and by twenty-two (22) percent on Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk.

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

2. Blank Facade Limits for Class I Pedestrian Streets and Green Streets.

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

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

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage or fifty-five (55) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

3. Blank Facade Limits for Class II Pedestrian Streets.

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

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

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage, or seventy-eight (78) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. Screening of Parking.

1. Parking located at or above street level in a garage shall be screened according to the following requirements:

a. On Class I pedestrian streets and green streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets, parking shall be permitted at street level when at least thirty (30) percent of the street frontage of the parking area, excluding that portion of the frontage area occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsections C and D. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.

2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020, Screening and landscaping of surface parking areas.

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle Transportation Tree Planting Standards.

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

1. Landscaping in Setbacks.

a. In the Denny Triangle Urban Village, as shown on Map 23.40.041 A, at least twenty (20) percent of the total square footage of all areas abutting the street property line that are not covered by a structure, have a depth of ten (10) feet or more form the street property line and are larger than three hundred (300) square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by section 23.49.022 is exempt form the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters, A minimum of fifty (50) percent of the plant material shall be perennial and shall include trees when a contiguous area, all or a portion of which is landscaped pursuant to subsection G1a above, exceeds six hundred (600) square feet.

2. Terry and 9th avenue Green Street Setbacks.

a. In addition to the requirements of subsection G1 of this section, a two (2) foot wide landscaped setback from the street property line is required along Terry and 9th Avenues within the Denny Triangle Urban Village as shown on Map 23.49.041 A. The Director may allow averaging of the setback requirement of this subsection to provide greater conformity with an adopted green street plan.

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

(Ord. 119728 § 7, 1999; Ord. 118409 § 187, 1996: Ord. 117263 § 38, 1994; Ord. 116744 § 13, 1993; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Maps IIIC and IIID are codified at the end of this chapter.

2.Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

23.49.078Downtown Office Core 2, upper-level development standards.

The regulations in this section apply to all structures in which any floor above an elevation of one hundred twenty-five (125) feet above the adjacent sidewalk exceeds fifteen thousand (15,000) square feet in size. For structures with separate, individual towers, the fifteen thousand (15,000) square foot threshold will be applied to each tower individually.

A. Coverage Limits. On streets designated on Map IIID[1] as having a pedestrian classification, coverage limit areas are established as follows:

1. Between an elevation of one hundred twenty-five (125) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.078 A) is established as the coverage limit area.

2. Above an elevation of two hundred forty (240) feet, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.078 A), is established as the coverage limit area, except as stated in subsection A3 below.

3. For projects participating in the TDC Program pursuant to SMC Section 23.49.041, the coverage limit areas above an elevation of two hundred forty (240) feet for structures three hundred (300) feet in height or less are the same as the coverage limit areas under subsection A1 above for the entire height of the structure above one hundred twenty-five (125) feet above the adjacent sidewalk.

4. The percentage of the coverage limit area that may be covered by a portion of a structure shall be as follows:

a. Projects, except those described in subsection A4b below:

		Lots With Two or More Street Frontages	
Elevation	Lots With One Street Frontage	Lots 45,000 Sq. Ft. or Less in Size	Lots Greater Than 45,000 Sq. Ft. in Size
126′ to 240′	60%	40%	20%
Above 240′	50%	40%	20%

b. Certain Projects Participating in the TDC Program. For projects participating in the TDC Program pursuant to SMC Section 23.49.041, on lots that either (i) have at least twenty-five (25) percent of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than thirty-five (35) feet in height, or any combination thereof; or (ii) have at least fifty (50) percent of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than sixty-five (65) feet in height, or any combination thereof:

		Lots With Two or More Street Frontages	
Elevation	Lots With One Street Frontage	Lots 45,000 Sq. Ft. or Less in Size	Lots Greater Than 45,000 Sq. Ft. in Size
126′ to 240′	60%	50%	25%
Above 240′	50%	50%	25%

5. To qualify as uncovered area, at least half the area required to be uncovered shall be contiguous and shall have a minimum depth of fifteen (15) feet.

6. To meet the coverage limits, a lot may be combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots meets the limits set in this subsection A; and

b. The fee owners of the abutting lot(s) shall execute a deed or other agreement, which shall be recorded with the title to the lots, that restricts further development so that in combination with the other lots, the coverage limits shall not be exceeded.

B. Maximum Facade Lengths. A maximum facade length shall be established for facades above an elevation of one hundred twenty-five (125) feet above the adjacent sidewalk. This maximum length is measured parallel to each street property line of streets designated on Map IIID[1] as having a pedestrian classification, and applies to any portion of a facade, including projections such as balconies, that is located within fifteen (15) feet of a street property line.

1. The maximum length of facades above an elevation of one hundred twenty-five (125) feet is as follows:

Elevation	Lots With One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Sq. Ft. or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Sq. Ft. in Size
126′ to 240′	120′	120′	120′
Above 240′	90′[1]	120′	90′*

*Above an elevation of two hundred forty (240) feet, for each half percent reduction of coverage in the coverage limit area from the requirements established in subsection A, the maximum facade length may be increased by one (1) foot to a maximum of one hundred twenty (120) feet.

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that is less than fifteen (15) feet from a street property line shall be separated from any similar portion of the facade by at least sixty (60) feet of facade that is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.078 B.)
(Ord. 119728 § 8, 1999: Ord. 112519 § 13, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IIID is codified at the end of this chapter.

Subchapter IV Downtown Retail Core

Part 1 Use Provisions

23.49.090Downtown Retail Core, permitted uses.

A. All uses shall be permitted outright except those which are specifically prohibited by Section 23.49.092, those which are permitted only as conditional uses by Section 23.49.096, and parking, which shall be regulated by Section 23.49.094.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.096 E2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.
(Ord. 118672 § 13, 1997; Ord. 117430 § 65, 1994; Ord. 112303 § 3(part), 1985.)

Exhibit 23.49.078 A
Coverage Limit Area

Exhibit 23.49.078 B
Maximum Facade Length

23.49.092Downtown Retail Core, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

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

B. Outdoor storage;

C. All general and heavy manufacturing uses;

D. All salvage and recycling uses except recycling collection stations; and

E. All high-impact uses.

(Ord. 112777 § 28, 1986: Ord. 112303 § 3(part), 1985.)

23.49.094Downtown Retail Core, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking shall be prohibited.

2. Principal use parking garages for short-term parking shall either be:

a. Permitted outright when the garage contains only short-term parking spaces for which additional floor area is granted pursuant to Section 23.49.100; or

b. Permitted as conditional uses pursuant to Section 23.49.096.

3. Principal use surface parking areas for both long and short term parking shall be prohibited, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.096.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright, up to the maximum parking limit established by Section 23.49.016, Parking quantity requirements.

2. Accessory surface parking areas shall not be permitted, except that temporary accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.096.

(Ord. 112519 § 14, 1985; Ord. 112303 § 3(part), 1985.)

23.49.096Downtown Retail Core, conditional uses and Council decisions.

A. All conditional uses shall meet the following criteria:

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

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

B. Major retail stores and performing arts theaters may be granted a public benefit feature bonus through an administrative conditional use process, Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Through the bonus, increases in permitted height and floor area ratios, and changes in development standards may be granted if the desired quality of the public environment can be maintained, according to the following standards:

1. Standards for Major Retail Store.

a. Type of Store. Major retail stores shall be operated by an established concern with a reputation for quality and service, which is not located in the Downtown Retail Core when the conditional use is sought and shall provide a range of merchandise and services.

b. Size Standards and Bonus Ratio.

(1) Minimum lot size shall be twenty-five thousand (25,000) square feet.

(2) The minimum size of a major retail store shall be eighty thousand (80,000) square feet. Major retail stores shall be under the management of a single retail firm and shall function as a single business establishment. Storage area, store offices, and other support space necessary for the operation of the retail sales area shall also be bonused.

(3) For each square foot of major retail store, two and one-half (2-1/2) square feet of additional floor area shall be granted, up to the maximum set in subsection B1b(4).

(4) Up to two hundred thousand (200,000) square feet of the store shall be eligible for a floor area bonus.

c. Access. The store should be oriented to activity on the street and should, wherever possible, provide opportunities for through block circulation.

(1) At least one (1) major pedestrian entrance shall be provided directly from the sidewalk of each street frontage of the store. All entrances shall be at the same elevation as the sidewalk.

(2) Bonused major retail store space may be provided above and below street level as long as all areas are connected and function as a single retail establishment.

d. Hours of Operation. Major retail stores shall be open to the general public during established shopping hours for a minimum of eight (8) hours a day, six (6) days per week.

2. Standards for Performing Arts Theater.

a. Type of Theater. Theaters shall provide a place for live performances of drama, dance and music. The auditorium area should be specifically designed for the presentation of live performances under optimum viewing and acoustical conditions. Theaters principally intended for nightclub or cabaret type entertainment or adult entertainment will not qualify for conditional use approval.

The developer shall commit to manage the theater or shall secure a lease for at least ten (10) years from a theater operator or resident theater group with acceptable credentials.

b. Area, Dimensions and Bonus Ratio. Theaters eligible for conditional use approval may

include a wide variety of theater sizes and types to encourage a broad range of live entertainment offerings downtown.

(1) The minimum theater size eligible for a bonus shall have a seating area of at least two hundred (200) seats and the necessary support areas.

(2) For each square foot of performing arts theater, twelve (12) square feet of additional floor area shall be granted.

(3) The maximum area eligible for a bonus shall be established as part of the review process. The process shall include an assessment of existing theaters and the sizes of future theaters needed to provide a range of performing arts facilities in the downtown.

(4) The arrangement of seating and stage areas of the theater shall be expressly designated for the presentation of performing arts. The size of the stage area, floor slopes, ceiling heights and acoustical and lighting systems shall be adequate to meet the viewing requirements of the audience relative to the size of the auditorium.

c. Access and Street Orientation. The theater shall be designed to promote activity on the street and add visual interest. It shall be highly accessible and visible from a street or public open space.

(1) A lighted marquee, display signs, and/or banners related to the theater operation shall be located above the main street entrance. Lobby areas with transparent walls located on the streetfront are desirable.

(2) To avoid creating large expanses of street frontage with limited visual interest or activity, theater street frontage shall be limited. Theater frontage shall be limited to sixty (60) feet; any street-level area of the theater exceeding this limit must be separated from the street by another use. Departure from these standards may be permitted to address special conditions of the lot which may affect the theater's street orientation or to accommodate specific needs related to the theater's operation.

(3) A covered queuing area shall be provided; interior lobby space may satisfy this requirement.

(4) Direct access shall be provided to the theater lobby from the street or a bonused public open space. The theater itself, however, may be above or below street level.

(5) Truck loading/unloading space shall be provided off-street, preferably off an alley.

3. Restrictions on Demolition and Alteration of Existing Structures.

a. The design of projects including a major retail store or performing arts theater shall incorporate the existing exterior street front facade(s) of the structures listed below which are significant to the architecture, history and character of downtown. Changes may be permitted to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If the listed structures are also Landmark structures, approval by the Landmarks Board shall be required prior to consideration of the project by the Director. The Landmarks Board's recommendation shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of approving additional height and FAR under Section 23.49.096 B, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark.

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

4. Height and Scale. In determining the amount of change permitted in development standards for height and setbacks, the primary objective shall be the preservation of the existing sense of openness and the human scale environment in the Downtown Retail Core. The acceptability of negative impacts associated with departure from the base regulations shall depend on the priority of the streets adjacent to the proposed project, according to Map IVB.[1]

a. An increase in the height up to one hundred fifty (150) feet may be permitted when the primary objective described above will be furthered and:

(1) The additional height and bulk will not result in substantial wind impacts on public open spaces and sidewalks; and

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(2) The shadows cast on the Westlake Park south of Pine Street, and all Priority 1 Streets shown on Map IVB,[1] from eleven a.m. to two p.m. on March 21st and September 21st will not be increased beyond those cast by existing structures.

b. When an increase in the height limit is permitted, upper-level setbacks shall be provided. The applicant may choose to provide the upper-level setbacks pursuant to the provisions of subsection B of Section 23.49.106, or as follows:

(1) Coverage limit areas shall be established at two (2) elevations:

i. Between an elevation of sixty-five (65) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)

ii. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)

iii. Within the coverage limit area, coverage and maximum facade lengths shall be as follows:

	Structure Elevation	
	Less than 65′	**65′ and Above**
Priority 1 streets shown on Map IVB		
Maximum coverage in coverage limit area	100%	20%
Maximum facade length[1]	no limit	90′
Priority 2 streets shown on Map IVB		
Maximum coverage in coverage limit area	100%	30%
Maximum facade length[1]	no limit	90′
Priority 3 streets shown on Map IVB		
Maximum coverage in coverage limit area	Upper-level development standards of abutting zones shall apply	
Maximum facade length[1]		

[1]Facade length limited only within fifteen (15) feet of street property line. The minimum distance between facades within fifteen (15) feet of street property lines shall be sixty (60) feet.

(2) All existing structures retained as part of the proposed project shall be calculated together with the new structure to determine permitted coverage.

c. To contribute to a sense of openness and increase opportunities for light and air to streets, portions of facades of new structures which exceed an elevation of one hundred twenty-five (125) feet shall be separated from all other portions of facades on the same block front which exceed that elevation, both on the project lot and abutting lots, by a minimum distance of sixty (60) feet above an elevation of one hundred (100) feet. (See Exhibit 23.49.096 B.) The depth of the separation shall be at least sixty (60) feet, measured from the street property line.

5. Design Treatment. The materials, scale and details of new development using the major retail store or performing arts theater bonus shall harmonize with existing development in the area and contribute to the visual interest of the pedestrian environment.

a. In addition to the street facade requirements of Section 23.49.106, large expanses of blank walls above street level which are visible from any street or public open space are prohibited. Below an elevation of sixty-five (65) feet, all street facades shall be articulated and contain architectural design features such as windows, columns or other structural features, belt courses, cornices, setbacks, ornamentation, awnings or canopies, that reflect the character of nearby structures.

b. Building materials shall be compatible with those of existing structures in the Downtown Retail Core. Large areas of dark or reflective materials are prohibited.

c. Overhead weather protection is required on all street frontages of the project. Coverings that are transparent and allow sunlight to reach the sidewalk are preferred.

6. Scale of Surrounding Development. Project proposals using the major retail store or performing arts theater bonus shall be considered with respect to similar scale developments in the Downtown Retail Core. The bonus shall not be granted if it would result in additional large-scale development which, considered together with other projects of similar scale, would create traffic and pedestrian circulation problems and would conflict with the desired scale and pedestrian character of the area.

7. Combined Lot Option.

a. Two (2) lots located in the DRC zone may be combined for the purpose of calculating the density for a total project incorporating a major retail store or a performing arts theater. The lots may be located on the same block or on different blocks. The administrative conditional use process shall apply to both lots.

b. The density for all development shall be calculated as if both lots were a single lot and shall conform to the permitted FAR set forth in Section 23.49.098 B. In no circumstance shall the FAR for the two (2) lots taken together exceed the permitted density.

c. The height limits and development standards of subsection B4 of this section shall apply to each lot.

d. The fee owners of each of the combined lots shall execute a deed or other agreement which shall be recorded with the titles to both lots. In the agreement or deed, the owners shall acknowledge that development on the combined lots shall not exceed the combined FAR limits for both lots and, should development on one (1) lot exceed the FAR limit for that lot, then development on the other lot shall be restricted by the amount of excess FAR used on the more developed lot, for the life of the improvement on the more developed lot. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by The City of Seattle.

C. Principal use parking garages for short-term parking may be permitted as conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or traffic circulation in the area around the garage; and

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

Exhibit 23.49.096 A
Coverage Limit Option with Major Retail Store Bonus
Exhibit 23.49.096 B
Separation of Facades

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

D. Temporary surface-parking areas which were in existence prior to January 1, 1985 or located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection C of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas; and

3. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section 23.49.016 B2; and

4. The permit may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface-parking area shall be subject to the following:

a. Renewals shall be permitted only for those temporary surface parking areas which were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary surface-parking area on a lot which became vacant as a result of a City-initiated abatement action shall not be renewed; and

b. Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary surface-parking area continues to meet applicable criteria; and

5. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

6. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

E. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other Uses Permitted in Public Faciilties. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. The City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections E1, E2 and E3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred-fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections E1, E2 and E3 above according to the provisions of Chapter 23.76. Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

F. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

G. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan adopted by the City Council and is a public facility; or is part of a City and regional transportation plan adopted by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as the Kingdome, the Pike Place Market and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles and approach lanes.

H. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

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

2. Dispersion Criteria.

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

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

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

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

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

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

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

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

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

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

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

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

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

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

I. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

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

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

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

(Ord. 119484 § 18, 1999; Ord. 118672 § 14, 1997; Ord. 116907 § 4, 1993; Ord. 116744 § 14, 1993; Ord. 116616 § 4, 1993; Ord. 116295 § 16, 1992; Ord. 114623 § 7, 1989; § 5 of Initiative 31, passed 5/16/89; Ord. 114202 § 4, 1988; Ord. 113279 § 11, 1987; Ord. 112522 § 21(part), 1985; Ord. 112519 § 15, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IVB is codified at the end of this chapter.

Part 2 Development Standards

23.49.098Downtown Retail Core, floor area ratio (FAR).

A. General Standards.

1. The floor area ratio (FAR), as provided in subsection B, shall determine the gross floor area permitted for all nonresidential uses, except as modified by subsection C.

2. The maximum FAR established in subsection B may be achieved by providing public benefit features pursuant to Section 23.49.100, and by the transfer of development rights pursuant to Section 23.49.102.

B. Permitted FAR. Permitted FAR shall be as follows.

Floor Area Ratio Table for Section 23.49.098

	Floor Area Ratio
Base	2.5
Maximum with bonus for public benefit features other than housing or transfer of development rights[1]	3.5
Maximum with bonus for public benefit features, including housing, where permitted as shown on Map IVA	4
Maximum with major retail store or performing arts theater bonus	6

1 As permitted by Section 23.49.102 A.

C. Exemptions From FAR Calculations.

1. The following areas shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except that on sending lots from which development rights are transferred according to Section 23.49.102 the only residential space exempted shall be low income housing or low-moderate income housing on landmark theater/housing TDR sites satisfying all requirements for a bonus under the Public Benefit Features Rule;

b. All gross floor area below grade;

c. All gross floor area located above grade which is used for principal or accessory short-term parking, or for parking accessory to residential uses, up to one (1) space per dwelling unit;

d. The gross floor area of public benefit features (including a performing arts theater but excluding a major retail store) which satisfy the requirements of Section 23.49.100, ratios for public benefit features, and satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of maximum bonusable area limitations;

e. The sum of the gross floor area of the following uses, up to a maximum FAR of one and one-half (1½):

(1) Retail sales and services uses, including major retail stores, except lodging,

(2) Human service uses and child care centers,

(3) Customer service offices,

(4) Entertainment uses, such as theaters, and

(5) Museums.

The exemption for the uses listed in this subsection C1e shall be increased to a maximum FAR of two (2) when a performing arts theater or three (3) when a major retail store is given a bonus as part of a project pursuant to Section 23.49.096.

2. As an allowance for mechanical equipment, three and one-half (3½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 of this section has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

(Ord. 119484 § 19, 1999; Ord. 119370 § 6, 1999; Ord. 117954 § 6, 1995; Ord. 116513 § 9, 1993: § 6 of Initiative 31, passed 5/16/89; Ord. 112303 § 3(part), 1985.)

23.49.100Downtown Retail Core, ratios for public benefit features.

A. General Provisions.

1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of any designated feature of a Landmark structure, unless authorized by the Landmarks Board.

2. Additional gross floor area may be permitted up to the "maximum FAR with public benefit features including housing" described in Section 23.49.098 when low or low-moderate income housing is included in the development proposal and the following criteria are met:

a. Gross floor area equivalent to two (2) times the area of the lot shall be earned through the provision of public benefit features other than housing, before a housing bonus may be used.

b. The housing bonus shall be granted by the Director based on a finding by the Director of Housing that the proposed housing satisfies the Public Benefit Features Rule. The Director and Director of Housing are authorized, in determining the allocation of bonus credits to low and low and low-moderate income housing, to establish a schedule of bonus ratios that provides greater weight for low-income housing than for low-moderate income housing.

3. The Director shall review the design of any public benefit feature in subsection B of this section to determine whether the feature, as proposed for a specific project, provides public benefits and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, landmark performing arts theaters and child care, all public benefit features provided in return for a bonus shall be located on the same lot or abutting right-of-way as the project in which the bonus floor area is used.

B. Public Benefit Features. If the Director approves the design of public benefit features according to subsection A of this section, floor area bonuses shall be granted, as follows. (See Public Benefit Feature Bonus Table for Section 23.49.100.)

C. A subsidy review shall be required as a condition to any bonus for an off-site performing arts theater or low income housing or low-moderate income housing, if the lot on which the theater or housing is located, at the time of issuance of the building permit for the structure receiving the bonus FAR:

1. Is being or has been used:

a. For any other off-site bonus, or

b. As a sending site for the transfer of development rights, or

c. For a project receiving any public subsidies for housing development, including, but not limited to, tax exempt bond financing, low income housing tax credits, federal loans or grants, The City of Seattle housing loans or grants, The State of Washington Housing Trust funds, or The City of Seattle property tax exemptions; or

2. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will become subject to any such restrictions if any such subsidy for which an application has been made is granted.

D. When subsidy review is required according to one (1) or more of the above criteria:

1. The bonus requested shall be allowed only to the extent that the Director of Housing and Human Services shall determine, pursuant to a subsidy review, that the benefits of such bonus(es), and proceeds of sale of development rights, if applicable, are reasonably necessary to make economically feasible:

a. The provision of the public benefit feature, and

b. In the case of a landmark performing arts theater, any replacement by the owner of such theater of low income housing or low and low-to-moderate income housing that is reasonably required to be eliminated from the lot on which the theater is located to make the preservation and operation of the performing arts theater economically feasible; and

2. The Director of Housing may require, as a condition of the bonus, that the owner of the lot upon which the bonus feature is located agree to limit any other subsidies to be received for that lot.

E. The Director of Housing is authorized to impose on the developers of housing that use the bonus described in this section, maximum permitted rent levels and minimum duration of availability for units developed using the housing bonus. These regulations shall be designated to assure the units shall be available for households earning zero (0) to eighty (80) percent of area median income for the longest reasonable duration. (Ord. 119484 § 20, 1999; Ord. 119273 § 50, 1998; Ord. 116513 § 10, 1993: Ord. 114486 § 3, 1989; Ord. 114450 § 4, 1989; Ord. 112519 § 16, 1985; Ord. 112303 § 3(part), 1985.)

Public Benefit Feature Bonus Table for Section 23.49.100

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	3.5[6]	10,000 square feet
Human service use in existing structure	2.0[6]	10,000 square feet
Child care in new structure	6[6]	10,000 square feet[5]
Child care in existing structure	3.5[6]	10,000 square feet[5]
Cinema	3.5	15,000 square feet
Shopping atrium	6 or 8[2]	15,000 square feet
Shopping corridor	6 or 7.5[3]	7,200 square feet
Rooftop garden, interior-accessible	1	30% of lot area
Sidewalk widening if required by Section 23.49.022	3	Area necessary to meet required sidewalk width
Overhead weather protection	3 or 4.5[3]	10 times the street frontage of the lot
Short-term parking, above grade, in areas shown on Map IVC	1	200 parking spaces
Short-term parking, below grade, in areas shown on Map IVC	2	200 parking spaces
Small lot development	1.5 FAR[4]	Not applicable
Transit station access easement	25,000 square feet	1 per lot
Grade level transit station access	25,000 square feet	1 per lot
Mechanical transit station access	30,000 square feet	1 per lot
Housing in areas shown on Map IVA	Subject to the Public Benefit Features Rule	Subject to the Public Benefit Features Rule; maximum amount of bonus is 2 times the area of the lot.

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1 Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
2 Amount depends on height of the shopping atrium.
3 Higher bonus is granted when skylights are provided.
4 This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
5 Child care space from 3,001 to 10,000 square feet bonused at same ratio as human service uses.
6 Human services and child care may be provided in another downtown zone; in that case, bonus ratio subject to Public Benefit Features Rule.

23.49.102Downtown Retail Core, transfer of development rights.

A. Transfer of Development Rights Within the Same Downtown Block.

1. Development rights may be transferred to lots in a DRC zone only from lots which are also zoned DRC which are located in the same block. The maximum FAR permitted on a receiving lot in DRC zones when a transfer of development rights from a sending lot or lots on the same downtown block is used shall be seven (7).

2. Development rights may be transferred from sending lots in DRC zones to receiving lots in DOC1 and DOC2 zones located on the same downtown block.

B. Transfer of Development Rights Between Different Downtown Blocks.

1. Development rights may not be transferred to lots in DRC zones from sending lots on different blocks.

2. Transfer From Low Income Housing or Low and Low-moderate Income Housing TDR Sites.

a. "Low income housing or low and low-moderate income housing TDR sites" as defined in Section 23.84.024 are eligible to transfer development rights for use on receiving lots in DOC1 and DOC2 zones subject to the terms and conditions in this subsection B2. Lots containing low income housing or low and low-moderate income housing, but not qualifying under this subsection, may be eligible to transfer development rights if they qualify under subsection A, B3 or B4 of this section.

b. Principal use surface parking areas shall not be included in the area of the sending lot for purposes of calculating the amount of development rights which may be transferred. Accessory surface parking areas shall be included, up to a maximum area of one-quarter (¼) of the footprint of the structure on the sending lot.

3. Transfer from Landmark Structures. Development rights from sending lots in DRC zones which contain Landmark structures may be transferred to receiving lots in DOC1 and DOC2 zones. Landmark structures on sending lots from which landmark TDRs are transferred shall be restored and maintained as required by the Landmarks Preservation Board, according to the procedures in the Public Benefit Features Rule.

4. Transfer from a Major Performing Arts Facility.

a. TDRs from a major performing arts facility in DOC1, DOC2 or DRC may be used on a receiving lot in DOC1, DOC2 or DMC zones with height limits of eighty-five (85) feet or greater subject to the conditions of this subsection B4.

b. No change from a major performing arts facility to another use shall be permitted for forty (40) years.

c. Prior to the transfer of development rights from a major performing arts facility, either a final architectural building permit, or a temporary or final Certificate of Occupancy must be issued.

C. Standards for Sending Lots.

1. The gross floor area that may be transferred from any lot in a DRC zone, subject to the limitations in subsections A and B of this section, shall be six (6) times the area of the sending lot, minus any existing gross floor area on the sending lot, excluding from existing gross floor area any exemptions permitted by the regulations of Section 23.49.098 other than for housing.

2. When development rights are transferred from a sending lot in a DRC zone, the amount of gross floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.098, minus the total of:

a. The existing gross floor area on the lot, less any exemptions permitted under Section 23.49.098 C; plus

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

D. Transfer of Development Rights Agreements.

1. The fee owners of the sending lot shall execute a deed, with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDRs from a low income housing or low and low-moderate income housing TDR site) such consent is waived by the Director of Housing or his or her designee for good cause, which deed shall be recorded with the King County real property records. When TDRs are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lots or the TDRs, the TDRs shall pass with the receiving lot whether or not a structure using such TDRs shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDRs previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in the receiving lot from which the conveyance is made. If the TDRs are transferred other than directly from the sending lot to the receiving lot using the TDRs, then after the initial transfer, all subsequent transfers shall also be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed.

2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of the sending site by complying with the applicable provisions of this section and the Public Benefit Features Rule, whether or not the purchaser is then the owner of an eligible receiving site or is an applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at any time prior to the application for a permit using such TDRs, or after any such permit is denied or expires unused, retransfer such TDRs by deed to any other person for such consideration as may be agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such TDRs to obtain FAR above the applicable base to the extent permitted under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDRs, to the same extent as if the TDRs had been purchased on such date. The Director may require, as a condition of processing any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

3. For transfers that are permitted based on the status of the sending lot as a low income housing or low-moderate income housing TDR site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of Housing for good cause, to provide for the maintenance of the required low income housing or low and low-moderate income housing on the sending lot for a minimum of twenty (20) years.

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

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

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

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

(Ord. 119484 § 21, 1999; Ord. 119273 § 51, 1998; Ord. 117954 § 7, 1995; Ord. 116513 § 11, 1993: Ord. 113279 § 12, 1987; Ord. 112519 § 17, 1985; Ord. 112303 § 3(part), 1985.)

23.49.104Downtown Retail Core, street-level use requirements.

Street-level uses listed in subsection A shall be required on all streets. Required street-level uses shall meet the standards of this section.

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

1. Retail sales and service uses, except lodging;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters; and
5. Museums and libraries.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection A, except that no more than twenty (20) percent of the total street frontage of the lot may be occupied by human service uses, day care centers, customer service offices, entertainment uses, or museums. The remaining twenty-five (25) percent of the street frontage may contain other permitted uses and/or pedestrian or vehicular entrances.

2. Required street-level uses shall be located within ten (10) feet of the street property line. Where sidewalk widening is required by Section 23.49.022, the ten (10) feet shall be measured to the line established by the new sidewalk width, rather than the street property line.

3. Except for day care centers, pedestrian access to required street-level uses shall be provided directly from the street. Pedestrian entrances shall be located no more than three () line.
feet above or below sidewalk grade.

(Ord. 119239 § 25, 1998; Ord. 112303 § 3(part), 1985.)

23.49.106Downtown Retail Core, street facade requirements.

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

Minimum and maximum facade heights
Setback limits
Upper-level setbacks
Facade transparency
Blank facade limits
Screening of parking
Street trees.

These standards shall apply to each lot line of a lot which abuts a street.

A. Minimum Facade Height. Minimum facade height shall be thirty-five (35) feet (see Exhibit 23.49.106 A), except that this requirement shall not apply when all portions of the structure are lower than an elevation of thirty-five (35) feet.

B. Maximum Facade Heights and Upper-level Setbacks.

1. As depicted in Exhibit 23.49.106 B, upper-level setbacks and maximum facade heights shall be established for all structures greater than one hundred twenty-five (125) feet in height as follows:

Height of Structure	Setback From Street Property Line Above Maximum Street Facade	Maximum Street Facade Height
126′—170′ Greater than 170′	15′ Setback = Height - 125′ / 3	95′ 125′ - 2x (where x = setback in feet)

2. The required upper-level setback shall be at the elevation of the maximum street facade height, and shall continue for the full height of the structure. (See Exhibit 23.49.106 B.)

C. Facade Setback Limits.

1. The facades of structures less than or equal to fifteen (15) feet in height shall be located within two (2) feet of the street property line.

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

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

b. Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards (see Exhibit 23.49.106 C):

(1) The maximum setback shall be ten (10) feet.

(2) The total area of a facade which is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total fac-

Exhibit 23.49.106 A
Minimum Facade Height

Exhibit 23.49.106 B
Upper Level Setbacks in the Downtown Retail Core

Exhibit 23.49.106 C
Exception to Maximum Setback Limits

ade area between the elevations of fifteen (15) feet and thirty-five (35) feet.

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

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

3. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

D. Facade Transparency Requirements.

1. Facade transparency requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code[1], this subsection shall apply.

3. On all streets, a minimum of sixty (60) percent of the street level facade shall be transparent.

E. Blank Facade Limits.

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

2. Any portion of the facade which is not transparent shall be considered to be a blank facade.

3. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors which may be wider than fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

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

5. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage.

F. Screening of Parking. Parking located at or above street level in parking garages shall be screened according to the following requirements:

1. Parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

2. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3½) feet high.

G. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle Transportation Tree Planting Standards.

(Ord. 118409 § 188, 1996: Ord. 116744 § 15, 1993; Ord. 112519 § 18, 1985; Ord. 112303 § 3(part), 1985.)

[1]Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

Subchapter V Downtown Mixed Commercial

Part 1 Use Provisions

23.49.116 Downtown Mixed Commercial, permitted uses.

A. All uses shall be permitted outright except those specifically prohibited by Section 23.49.118, those which are permitted only as conditional uses by Section 23.49.122, and parking, which shall be regulated by Section 23.49.120.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.122 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118672 § 15, 1997; Ord. 117430 § 66, 1994; Ord. 112303 § 3(part), 1985.)

23.49.118 Downtown Mixed Commercial, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

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

B. Outdoor storage;

C. Adult motion picture theaters and adult panorams;

D. All general and heavy manufacturing uses;

E. All salvage and recycling uses except recycling collection stations; and

F. All high-impact uses.

(Ord. 112777 § 29, 1986: Ord. 112303 § 3(part), 1985.)

23.49.120 Downtown Mixed Commercial, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map VA[1] may be permitted conditional uses, pursuant to Section 23.49.122. Principal use parking garages for long-term parking shall be prohibited in other locations.

2. Principal use parking garages for short-term parking shall either be:

a. Permitted outright when the garage contains short-term parking spaces for which additional floor area is granted pursuant to Section 23.49.126; or

b. Conditional uses in all other cases, pursuant to Section 23.49.122.

3. Principal use surface parking areas shall be conditional uses in areas shown on Map VA, and shall be prohibited in other locations, except that temporary principal use parking areas may be permitted as conditional uses pursuant to Section 23.49.122.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright, up to the maximum parking limit established by Section 23.49.016, Parking quantity requirements.

2. Accessory surface parking areas shall either be:

a. Permitted outright when located in areas shown on Map VA and containing twenty (20) or fewer parking spaces; or

b. Permitted as a conditional use when located in areas shown on Map VA and containing more than twenty (20) spaces; or

c. Prohibited in areas not shown on Map VA, except that temporary accessory surface parking areas may be permitted as a conditional use pursuant to Section 23.49.122.

(Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map VA is codified at the end of this chapter.

23.49.122Downtown Mixed Commercial, conditional uses and Council decisions.

A. All conditional uses shall meet the following criteria:

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

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

B. Principal use parking garages for long-term parking in areas designated on Map VA,[1] and for short-term parking at any location, except those permitted outright by Section 23.49.116 B2, may be permitted as administrative conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or on traffic circulation in the area around the garage; and

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

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

C. Surface parking areas where permitted as a conditional use by Section 23.49.120, and temporary surface-parking areas which were in existence prior to January 1, 1985 or located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas; and

3. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section 23.49.016 B2; and

4. Permits for temporary surface-parking areas may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface-parking area shall be subject to the following:

a. Renewals shall be permitted only for those temporary surface-parking areas which were in existence before January 1, 1985 or located on lots vacant on or before January 1, 1985. Renewal of a permit for a temporary surface-parking area on a lot which became vacant as a result of a City-initiated action shall not be renewed; and

b. Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary surface-parking area continues to meet applicable criteria; and

c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curb cuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

d. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

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

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

E. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as the Kingdome, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

G. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

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

2. Dispersion Criteria.

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

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

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

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

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

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

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

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

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

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

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

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

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

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

H. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

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

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

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

(Ord. 119484 § 22, 1999; Ord. 118672 § 16, 1997; Ord. 116907 § 5, 1993; Ord. 116744 § 16, 1993; Ord. 116616 § 5, 1993; Ord. 116295 § 17, 1992; Ord. 114623 § 8, 1989; Ord. 114202 § 4, 1988; Ord. 113279 § 13, 1987; Ord. 112522 § 21(part), 1985; Ord. 112519 § 19, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map VA is codified at the end of this chapter.

Part 2 Development Standards

23.49.124Downtown Mixed Commercial, floor area ratio (FAR).

A. General Standards.

1. The floor area ratio (FAR), as provided in subsection B of this section, shall determine the gross floor area permitted for all nonresidential uses.

2. The maximum FAR established in subsection B may be achieved by providing public benefit features pursuant to Section 23.49.126, or by transferring development rights pursuant to Section 23.49.128.

B. Permitted FAR. Permitted FAR shall be as follows:

FLOOR AREA RATIO

	Maximum With Bonus	
	Base	for Public Benefit Features or Transfer of Development Rights
65′ height district	4	4
85′ height district	4.5	6
Height districts above 85′	5	7

C. Exemptions from FAR Calculations.

1. The following areas shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except that on sending lots from which development rights are transferred, according to Section 23.49.128 the only exempt residential space shall be low income housing or low and low-moderate income housing on landmark theater/housing TDR sites satisfying all of the requirements for a bonus under the Public Benefit Features Rule;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking;

d. The gross floor area of public benefit features, other than housing, which satisfy the requirements of Section 23.49.126, ratios for public benefit features, or which satisfy the requirements for a FAR bonus amenity allowable to a structure in DOC1 or DOC2 for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.

2. As an allowance for mechanical equipment, three and one-half (3½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 of this section has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

(Ord. 119484 § 22, 1999; Ord. 119370 § 7, 1999; Ord. 116513 § 12, 1993: Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Ordinance 119484 includes two (2) ordinance sections numbered "22." The other is codified in Section 23.49.122.

23.49.126Downtown Mixed Commercial, ratios for public benefit features.

A. General Provisions.

1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

2. The Director shall review the design of public benefit features listed in subsection B of this section to determine whether the feature, as proposed for a specific project, actually provides a public benefit and is

consistent with the definitions in Chapter 23.84 and with the Public Benefit Features Rule. The housing bonus shall be granted by the Director based on a finding by the Director of the Office of Housing that the proposed housing satisfies the Public Benefit Features Rule. The Director and Director of Housing are authorized, in determining the allocation of bonus credits to low and low and low-moderate income housing, to establish a schedule of bonus ratios that provides greater weight for low-income housing than for low-moderate income housing.

3. Except for housing, human services, child care, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is used.

B. Public Benefit Features. If the Director approves the design of public benefit features according to subsection A of this section, floor area bonuses shall be granted as follows. (See Public Benefit Feature Bonus Table for Section 23.49.126.)

C. A subsidy review shall be required as a condition to any bonus for an off-site low income housing or low-moderate income housing, if the lot on which the housing is located, at the time of issuance of the building permit for the structure using the bonus FAR:

1. Is being or has been used:

a. For any other off-site bonus, or

b. As a sending site for the transfer of development rights, or

c. For a project receiving any public subsidies for housing development, including, but not limited to, tax exempt bond financing, low income housing tax credits, federal loans or grants, The City of Seattle housing loans or grants, The State of Washington Housing Trust funds, or The City of Seattle property tax exemptions; or

2. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will become subject to any such restrictions if any such subsidy for which an application has been made is granted.

D. When subsidy review is required according to one (1) or more of the above criteria:

1. The bonus requested shall be allowed only to the extent that the Director of Housing shall determine, pursuant to a subsidy review, that the benefits of such bonus(es), and proceeds of sale of development rights, if applicable, are reasonably necessary to make economically feasible the provision of the public benefit feature, and

2. The Director of Housing may require, as a condition of the bonus, that the owner of the lot upon which the bonus feature is located agree to limit any other subsidies to be received for that lot.

E. The Director of Housing is authorized to impose on the developers of housing that use the bonus described in this section, maximum permitted rent levels and minimum duration of availability for units developed using the housing bonus. These regulations shall be designated to assure the units shall be available for households earning zero (0) to eighty (80) percent of area median income for the longest reasonable duration.

(Ord. 119484 § 23, 1999; Ord. 119273 § 52, 1998; Ord. 117430 § 67, 1994: Ord. 117430 § 67, 1994: Ord. 117263 § 39, 1994; Ord. 116513 § 13, 1993: Ord. 114725 § 3, 1989: Ord. 112519 § 20, 1985; Ord. 112303 § 3(part), 1985.)

23.49.128Downtown Mixed Commercial, transfer of development rights.

A. Transfer of Development Rights Within the Same Downtown Block.

1. Development rights may be transferred to lots in DMC zones with height limits of eighty-five (85) feet or greater from sending lots located on the same block that are low income housing or low and low-moderate income housing TDR sites or Landmark structures, or from infill lots in PSM zones, as provided in subsection B of this section.

2. Development rights may be transferred from lots in DMC zones to receiving lots in DOC1 and DOC2 zones located on the same downtown block.

3. Development rights may be transferred to lots in DMC zones from a major performing arts facility on a sending lot on the same downtown block as the receiving lot, only if the sending lots is in a DOC1, DOC2 or DRC zone. Additional restrictions listed in subsection B3 of this section below also apply.

B. Transfer of Development Rights Between Different Downtown Blocks. Development rights may be transferred to lots in DMC zones with height limits of eighty-five (85) feet or greater from sending lots on different blocks that contain Landmark structures, low income housing or major performing arts facilities, or from infill lots in PSM zones, as provided below:

1. Transfer from Low Income Housing or Low and Low-moderate Income Housing TDR sites.

a. "Low income housing or low and low-moderate income housing TDR sites" as defined in Section 23.84.024 are eligible to transfer development rights subject to the terms and conditions in this subsection B1 and the requirements of the zone where the receiving lot is located. Lots containing low income housing or low and low-moderate income housing, but not qualifying under this subsection, may be eligible to transfer development rights if they qualify under subsection A, B2 or B3 of this section.

Public Benefit Feature Bonus Table for Section 23.49.126

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	6[6]	10,000 square feet
Human service use in existing structure	3[6]	10,000 square feet
Child care in new structure	11[6]	10,000 square feet[5]
Child care in existing structure	5.5[6]	10,000 square feet[5]
Cinema	6	15,000 square feet
Shopping atrium in areas shown on Map VB	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map VB	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map VB	2.5	0.5 times the area of the lot, not to exceed 15,000 square feet
Parcel park	4	7,000 square feet
Green street	4	1.0 times the area of the lot
Rooftop garden, street-accessible	2	20% of lot area
Rooftop garden, interior-accessible	1.5	30% of lot area
Hillclimb assist in areas shown on Map IIB	1.0 FAR[4]	Not applicable
Hillside terrace in areas shown on Map VB	3	6,000 square feet
Sidewalk widening if required by Section 23.49.022	3	Area necessary to meet required sidewalk width
Small lot development in view corridors if required by Section 23.49.024	1.0 FAR[4]	Not applicable
Small lot development on blocks with DOC-1 zoning	.5 FAR[4]	Not applicable
Overhead weather protection on Pedestrian I streets designated on Map VD	3 or 4.5[3]	10 times the street frontage of the lot
Museum	5	30,000 square feet
Housing	Subject to the Public Benefit Features Rule	Subject to the Public Benefit Features Rule; maximum amount is 2 times the area of the lot
Off-site open space[7]	4	1 FAR
Payment-in-lieu of open space[7]	4	1 FAR

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1 Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
2 Amount depends on height of the shopping atrium.
3 Higher bonus is granted when skylights are provided.
4 This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
5 Child care space from three thousand one (3,001) to ten thousand (10,000) square feet is bonused at same ratio as human service uses.
6 Human services and child care may be provided in another downtown zone; in that case, bonus ratio is subject to Public Benefit Features Rule.
7 See Section 23.49.009.

b. Principal use surface-parking areas shall not be included in the area of the sending lot for purposes of calculating the amount of development rights which may be transferred. Accessory surface parking areas shall be included, up to a maximum area of one-quarter (¼) of the footprint of the structure on the sending lot.

c. The maximum FAR permitted on a receiving lot in DMC zones when development rights are transferred from sending lots containing low income housing shall be six (6) or seven (7) in accordance with Section 23.49.124.

2. Transfers From Landmark Structures or Infill Lots in Pioneer Square Mixed Zones.

a. Landmark structures from which landmark TDR may be transferred shall be located on lots in DMC zones located south of Virginia Street.

b. Landmark structures on sending lots from which landmark TDR are transferred shall be restored and maintained as required by the Landmarks Preservation Board, according to the procedures in the Public Benefit Features Rule.

c. Lots proposed for infill development in PSM zones from which development rights are transferred must have been vacant as of January 1, 1984. For the purposes of this provision, structures with abatement orders as of January 1, 1984, and surface parking areas, including minor structures accessory to parking operations, shall be considered vacant.

d. The maximum FAR permitted on a receiving lot in DMC zones when development rights are transferred from Landmark structures or infill lots shall be six (6) or seven (7), in accordance with Section 23.49.124.

3. Transfer from a Major Performing Arts Facility.

a. TDRs from a major performing arts facility in DOC1, DOC2 or DRC may be used on a receiving lot in DMC zone with a height limit of eighty-five (85) feet or greater, subject to the conditions in this subsection B3.

b. No change from a major performing arts facility to another use shall be permitted for forty (40) years.

c. Prior to the transfer of development rights from a major performing arts facility, either a final architectural building permit, or a temporary or final Certificate of Occupancy must be issued.

d. Maximum FAR on a receiving lot with use of TDRs from a major performing arts facility is seven (7).

C. Standards for Sending Lots.

1. The gross floor area that may be transferred from any sending lot to a receiving lot, subject to the limitations in subsections A and B of this section, shall be as follows:

a. When the sending lot is located in a DRC, IDR or IDM zone, or a DMC or DMR zone with a height limit of less than two hundred forty (240) feet, the gross floor area that may be transferred shall be six (6) times the area of the sending lot, minus any existing gross floor area on the sending lot, excluding from existing gross floor area any exemptions permitted by the regulations of the zone other than for housing.

b. When the sending lot is located in a DMC or DMR zone with a two hundred forty (240) foot height limit, the gross floor area that may be transferred shall be eight (8) times the area of the sending lot, minus any existing gross floor area on the sending lot, excluding from existing gross floor area:

(i) Any exemptions permitted by the regulations of the zone other than for housing; and

(ii) The area of any low income housing that is on a landmark theater/housing TDR site and meets the requirements for the housing bonus under the Public Benefit Features Rule.

c. When the sending lot is located in a PSM zone, the gross floor area that may be transferred shall be either:

(1) Six (6) times the area of the sending lot, minus any existing above-grade gross floor area on the sending lot, for transfers from low income housing or low and low-moderate income housing TDR sites or within-block transfers not from infill development; or

(2) The amount of gross floor area permitted by the development standards of the PSM zone and the Pioneer Square Preservation District, minus any above-grade gross floor area to be built on the sending lot, when the transfer is from proposed infill development.

2. When development rights are transferred from a sending lot in DMC zones, the amount of gross floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.124, minus the total of:

a. The existing gross floor area on the lot, less any exemptions permitted under Section 23.49.124; plus

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

D. Transfer of Development Rights Agreements.

1. The fee owners of the sending lot shall execute a deed, with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDRs from a low income housing or low and low-moderate income housing TDR site) such consent is waived by the Director of Housing for good cause, which deed shall be recorded with the King County real property records. When TDRs are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDRs, the TDRs shall pass with the receiving lot whether or not a structure using such TDRs shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDRs previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in the receiving lot from which the conveyance is made. If the TDRs are transferred other than directly from the sending lot to the receiving lot using the TDRs, then after the initial transfer, all subsequent transfers shall also be by deed, duly executed,

acknowledged and recorded, each referring by King County recording number to the prior deed.

2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of the sending site by complying with the applicable provisions of this section and the Public Benefit Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at any time prior to the application for a permit using such TDRs, or after any such permit is denied or expires unused, retransfer such TDRs by deed to any other person for such consideration as may be agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such TDRs to obtain FAR above the applicable base to the extent permitted under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDRs, to the same extent as if the TDRs had been purchased on such date. The Director may require, as a condition of processing any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

3. For transfers that are permitted based on the status of the sending lot as a low income housing or low and low-moderate income housing TDR site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of Housing or his or her designee for good cause, to provide for the maintenance of the required low income housing or low and low-moderate income housing on the sending lot for a minimum of twenty (20) years.

4. For any transfer that is permitted, or for which the sending lot is granted priority, based on the status of the sending lot as a landmark performing arts theater, the owner of the sending lot shall sign a written agreement with the City with the approval of the Landmarks Preservation Board, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of Housing for good cause. The owner of the sending lot shall agree:

a. To maintain the structure in compliance with such agreement for a period of at least forty (40) years; and

b. To maintain the primary use of the theater portion of the structure as a performing arts theater for at least forty (40) years, and for so long thereafter as any of the interior features of the theater portion of the structure remain subject to controls under the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (or successor provisions), unless after the minimum forty (40) year period the owner demonstrates to the satisfaction of the Landmarks Preservation Board that a change of use is required to allow the owner a sufficient economic return under the standards then applicable to proceedings for removal or modification of such controls. In the case of a partial purchase of TDRs by the City for the TDR Bank, the Director of Housing may allow a shorter period of commitment. Any relief that may be granted from the landmark designation or from any controls or restrictions imposed in connection with that designation under SMC Chapter 25.12 or otherwise, shall not affect the owner's obligations to any agreement under this subsection D4.

5. For any transfer to which subsection D4 applies, a subsidy review shall be required if at the time of the transfer, the lot on which the landmark performing arts theater is located:

a. Is being or has been used for any off-site bonus; or

b. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will become subject to any such restrictions if any such subsidy for which an application has been made is granted.

6. When subsidy review is required according to one (1) or more of the above criteria:

a. The transfer of development rights shall be allowed only to the extent that the Director of Housing shall determine, pursuant to a subsidy review, that the benefits of such transfer and the benefits of any off-site bonus, if applicable, are reasonably necessary to make economically feasible:

(i) The preservation of the landmark performing arts theater, and

(ii) Any replacement by the owner of such theater of low income housing or low-to-moderate income housing that is reasonably required to be eliminated from the sending lot to make preservation and operation of the performing arts theater economically feasible; and

b. The Director of Housing may require, as a condition of the transfer, that the owner of the lot upon which the landmark performing arts theater is located agree to limit any other subsidies to be received for that lot.

7. A deed conveying TDRs may require or permit the return of the TDRs to the sending lot under specified conditions but notwithstanding any such provisions:

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

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

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

(Ord. 119484 § 24, 1999: Ord. 119273 § 53, 1998; Ord. 117954 § 8, 1995: Ord. 117263 § 40, 1994; Ord. 116513 § 14, 1993: Ord. 113279 § 14, 1987; Ord. 112303 § 3(part), 1985.)

23.49.130Combined lot development.

In DMC zones, lots which have lot lines within four hundred (400) feet of each other may be combined for the purpose of calculating the permitted gross floor area when projects include affordable housing, according to the following provisions:

A. At least one (1) of the lots shall be developed with a new or rehabilitated structure that contains housing. Existing structures shall either be nonresidential prior to rehabilitation, or if residential, shall have been unoccupied since January 1, 1983.

B. When housing is provided in a new structure, at least half of the units shall be affordable housing at initial sale or rental.

C. When an existing structure is rehabilitated, twenty-five (25) percent of the units shall be low-income housing as provided in the Public Benefit Features Rule, unless the Director determines that the twenty-five (25) percent low-income requirement is infeasible. All of the units in the structure that are not low-income shall be moderate-income housing, at the time of initial sale or rental.

D. The affordable housing shall be certified by the Director of Community Development as satisfying the Public Benefit Features Rule.

E. The permitted gross floor area shall be calculated by multiplying the total area of the lots by the FAR permitted by Section 23.49.124, Floor area ratio. The permitted gross floor area may be allocated between the lots in any manner, provided that the height limits and other development standards of the DMC zone are met on each lot.

F. The fee owners of each of the combined lots shall execute a deed or other agreement which shall be recorded with the titles to both lots. In the agreement or deed, the owners shall acknowledge that development on the combined lots shall not exceed the combined FAR limits for both lots and, should development on one (1) lot exceed the FAR limit for that lot, then development on the other lot shall be restricted by the amount of excess FAR used on the more developed lot, for the life of the improvement on the more developed lot. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by The City of Seattle.

(Ord. 112303 § 3(part), 1985.)

23.49.132Downtown Mixed Commercial, street-level use requirements.

Street-level uses listed in subsection A shall be required on the streets designated on Map VA.[1] Required street-level uses shall meet the standards of this section.

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

1. Retail sales and services, except lodging;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses, including cinemas and theaters; and
5. Museums and libraries.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection A. The remaining twenty-five (25) percent may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses shall not be counted in street frontage.

2. Required street-level uses shall be located within ten (10) feet of the street property line or shall abut a bonused public open space. When sidewalk widening is required according to Section 23.49.022, the ten (10) feet shall be measured to the line established by the new sidewalk width rather than the street property line.

3. Except for day care centers, pedestrian access to required street-level uses shall be provided directly from the sidewalk or an adjacent bonused public open space. Pedestrian entrances shall be located no more than three (3) feet above or below sidewalk grade or shall be at the same elevation as the bonused public open space.

(Ord. 119239 § 26, 1998; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map VA is codified at the end of this chapter.

23.49.134Downtown Mixed Commercial, street facade requirements.

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

Minimum facade heights
Setback limits
Facade transparency
Blank facade limits
Screening of parking
Street trees.

These standards shall apply to each lot line of a lot which abuts a street designated on Map VD[1] as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map VD,[1] and whether property line facades are required by Map VC.[1]

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below and Exhibit 23.49.134 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

All Streets Where Property Line Facades Are Required	Class I Pedestrian Streets and Green Streets	Class II Pedestrian Streets
Minimum Facade* Height	Minimum Facade* Height	Minimum Facade* Height
35′	25′	15′

* Except as modified by view corridor requirements.

2. On designated view corridors described in Section 23.49.024, the minimum facade height shall be the required elevation of the setback when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map VC[1] as requiring property line facades:

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

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

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

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

i. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards. (See Exhibit 23.49.134 B.)

— The maximum setback shall be ten (10) feet.

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

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map VC[1]. Except when the entire structure is fifteen (15) feet or less in height or when the minimum facade height established in subsection A of this section is fifteen (15) feet, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section. (See Exhibit 23.49.134 C.) When the structure is fifteen feet (15′) or less in height, the setback limits shall apply to the entire

Exhibit 23.49.134 A
Minimum Facade Height

Exhibit 23.49.134 B
Exception to Maximum Setback Limits
Exhibit 23.49.134 C
Application of Maximum Setback Limits

street facade. When the minimum facade height is fifteen feet (15′), the setback limits shall apply to the portion of the street facade which is fifteen feet (15′) or less in height.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along the street. (See Exhibit 23.49.134 D.) The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II pedestrian streets and green streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen feet (15′) from the street property line shall not exceed eighty feet (80′), or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.134 D.)

c. The maximum setback of the facade from the street property lines at intersections shall be ten feet (10′). The minimum distance the facade must conform to under this limit shall be twenty feet (20′) along each street. (See Exhibit 23.49.134 E.)

d. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.134 C.)

e. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements shall apply to the area of the facade between two feet (2′) and eight feet (8′) above the sidewalk. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

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

3. When the transparency requirements of this subsection are inconsistent with the glazing requirements of the Energy Code[2] this subsection shall apply.

4. Transparency requirements shall be as follows:

a. Class I pedestrian streets and green streets: a minimum of sixty percent (60%) of the street level facade shall be transparent.

b. Class II pedestrian streets: a minimum of thirty percent (30%) of the street level facade shall be transparent.

c. When the slope of the street frontage of the facade exceeds seven and one-half percent ($7\frac{1}{2}$%), the required amount of transparency shall be reduced to forty-five percent (45%) on Class I pedestrian streets and green streets, and twenty-two percent (22%) on Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits shall apply to the area of the facade between two feet (2′) and eight feet (8′) above the sidewalk.

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

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

2. Blank Facade Limits for Class I Pedestrian Streets and Green Streets.

a. Blank facades shall be limited to segments fifteen feet (15′) wide, except for garage doors which may exceed fifteen feet (15′). Blank facade width may be increased to thirty feet (30′) if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five feet (5′).

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

c. The total of all blank facade segments, including garage doors, shall not exceed forty percent (40%) of the street facade of the structure on each street frontage; or fifty-five percent (55%) if the slope of the street frontage of the facade exceeds seven and one-half percent ($7\frac{1}{2}$%).

3. Blank Facade Limits for Class II Pedestrian Streets.

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

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

c. The total of all blank facade segments, including garage doors, shall not exceed seventy percent (70%) of the street facade of the structure on each street frontage; or seventy-eight percent (78%) if the slope of the street frontage of the facade exceeds seven and one-half percent ($7\frac{1}{2}$%).

E. Screening of Parking.

1. Parking located at or above grade shall be screened according to the following requirements:

a. On Class I pedestrian streets and green streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets parking shall be permitted at street level when at least thirty percent (30%) of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the trans-

Exhibit 23.49.134 D
Maximum Width of Setback
Exhibit 23.49.134 E
Maximum Setback at Intersections

parency and blank wall standards for Class I pedestrian streets in subsections C and D. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.

2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020, Screening and landscaping of surface parking areas.

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle Transportation Tree Planting Standards.

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

1. Landscaping in the Street Right-of-Way for All Streets Other Than Those With Adopted Green Street Plans. All new development in the Denny Triangle Urban Village, as shown on Map 23.40.041 A, shall provide landscaping in the sidewalk area of the street right-of-way, except on streets with adopted green street plans. The square feet of landscaped area provided shall be at least one and one-half (1 1/2) times the length of the street property line. The following standards shall apply to the required landscaped area:

a. The landscaped area shall be at least eighteen (18) inches wide and shall be located in the public right-of-way along the entire length of the street property line, except for building entrances, vehicular access or other connections between the sidewalk and the lot, but in any event the landscaped area shall cover at least fifty (50) percent of the total length of the street property line(s).

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

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

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

e. Where the required landscaping is on a green street or street with urban design and/or landscaping guidelines promulgated by Seattle Transportation, the planting shall be in conformance with those provisions.

2. Landscaping in Setbacks.

a. In the Denny Triangle Urban Village, as shown on Map 23.49.041 A, at least twenty (20) percent of the total square footage of all areas on the street property line that are not covered by a structure, that have a depth of ten (10) feet or more form the street property line and are larger than three hundred (300) square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022 is exempt form the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters, A minimum of fifty (50) percent of the plant material shall be perennial and shall include trees when a contiguous area, all or a portion of which is landscaped pursuant to subsection G1a above, exceeds six hundred (600) square feet.

2. Terry and 9th avenue Green Street Setbacks.

a. In addition to the requirements of this subsection G1, a two (2) foot wide landscaped setback from the street property line is required along Terry and 9th Avenues within the Denny Triangle Urban Village as shown on Map 23.49.041 A. The Director may allow averaging of the setback requirement of this subsection to provide greater conformity with an adopted green street plan.

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

(Ord. 119728 § 9, 1999; Ord. 118409 § 189, 1996: Ord. 117263 § 41, 1994; Ord. 116744 § 17, 1993; Ord. 112519 § 21, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Maps VC and VD are codified at the end of this chapter.
2.Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

23.49.136Downtown Mixed Commercial, upper-level development standards.

The regulations in this section apply to all structures in which any floor above an elevation of one hundred twenty-five (125) feet above the adjacent sidewalk exceeds fifteen thousand (15,000) square feet. For structure with separate, individual towers, the fifteen thousand (15,000) square foot threshold will be applied to each tower individually.

A. Coverage Limits. On streets designated on Map VD[1] as having a pedestrian classification, a coverage limit area is established as follows:

1. Above an elevation of one hundred twenty-five (125) feet above the adjacent sidewalk the area within twenty (20) feet of each street property line and sixty (60) feet of intersecting street property lines (See Exhibit 23.49.136 A), is the coverage limit area.

2. The percentage of the coverage limit area that may be covered by a portion of a structure is as follows:

a. Certain Projects Participating in the TDC Program. For projects participating in the TDC Program pursuant to SMC Section 23.49.041, on lots that either (i) have at least twenty-five (25) percent of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than thirty-five (35) feet in height, or any combination thereof; or (ii) have at least fifty (50) percent of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than sixty-five (65) feet in height, or any combination thereof:

Elevation	Lots With One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Square Feet or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Square Feet in Size
Above 125′	60%	50%	25%

b. All other projects:

Elevation	Lots With One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Square Feet or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Square Feet in Size
Above 125′	60%	40%	20 %

3. To qualify as uncovered area, at least half the area required to be uncovered shall be contiguous and shall have a minimum depth of fifteen (15) feet.

4. To meet the coverage limits, a lot may be combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots meets the limits set in this subsection A; and

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

B. Maximum Facade Lengths. Maximum facade lengths shall be established for facades above an elevation of one hundred twenty-five (125) feet above the adjacent sidewalk. This maximum length shall be measured parallel to each street property line of streets designated on Map VD[1] as having a pedestrian classification, and shall apply to any portion of a facade, including projections such as balconies, which is located within fifteen (15) feet of street property lines.

1. The maximum length of facades above an elevation of one hundred twenty-five (125) feet shall be one hundred twenty (120) feet.

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet, which is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of facade which is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.136 B.)

C. When a lot in a DMC zone is across a street from the Pike Market Historic District, Map VE[1], a continuous upper-level setback of fifteen (15) feet shall be provided on all street frontages across from the Historic District at a maximum height of eighty-five (85) feet. The fifteen (15) feet setback line shall be considered the street property line for the application of the provisions of subsections A and B.

(Ord. 119728 § 10, 1999; Ord. 112519 § 22, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Maps VD and VE are codified at the end of this chapter.

Subchapter VI Downtown Mixed Residential

23.49.140General provisions.

All property zoned Downtown Mixed Residential (DMR) shall be designated as either Downtown Mixed Residential/Residential (DMR/R) or Downtown Mixed Residential/Commercial (DMR/C) on the Official Land Use Map, Chapter 23.32.
(Ord. 112303 § 3(part), 1985.)

Part 1 Use Provisions

23.49.142Downtown Mixed Residential, permitted uses.

A. All uses shall be permitted outright except those specifically prohibited by Section 23.49.144, and those permitted only as conditional uses by Section 23.49.148, and parking, which shall be regulated by Section 23.49.146.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

(Seattle 3-00)

Exhibit 23.49.136 A
Coverage Limit Area
Exhibit 23.49.136 B
Maximum Facade Length

C. Public Facilities.

1. Except as provided in Section 23.49.148 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118672 § 17, 1997; Ord. 117430 § 68, 1994; Ord. 112303 § 3(part), 1985.)

23.49.144Downtown Mixed Residential, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

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

B. Outdoor storage;

C. Helistops and heliports;

D. Adult motion picture theaters and adult panorams;

E. Light manufacturing uses in DMR/R areas;

F. All general and heavy manufacturing uses;

G. All salvage and recycling uses, except recycling collection stations;

H. All high-impact uses; and

I. Work-release centers.

(Ord. 114623 § 9, 1989: Ord. 113279 § 15, 1987: Ord. 112777 § 30, 1986: Ord. 112303 § 3(part), 1985.)

23.49.146Downtown Mixed Residential, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term and short-term parking shall be prohibited.

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

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright, when located on the same lot as the use which they serve, up to the maximum parking limit established by Section 23.49.016, Parking quantity requirements. Parking garages providing accessory parking for residential uses located on another lot may be permitted as conditional uses pursuant to Section 23.49.148. Parking garages providing accessory parking for nonresidential uses located on another lot shall be prohibited.

2. Accessory surface parking areas shall be:

a. Prohibited in DMR/R areas;

b. Permitted outright in DMR/C areas when containing twenty (20) or fewer parking spaces; or

c. Permitted as a conditional use in DMR/C areas when containing more than twenty (20) parking spaces, pursuant to Section 23.49.148.

(Ord. 113279 § 16, 1987: Ord. 112519 § 23, 1985; Ord. 112303 § 3(part), 1985.)

23.49.148Downtown Mixed Residential, conditional uses and Council decisions.

A. All conditional uses shall meet the following criteria:

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

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

B. Parking garages providing accessory parking for residential uses located on another lot may be permitted as conditional uses, if the Director finds that:

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

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

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

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

C. Accessory surface-parking areas, where permitted as a conditional use by Section 23.49.146, and temporary principal surface-parking areas, which were in existence prior to January 1, 1985 or areas located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses in DMR/C areas if the Director finds that:

1. Traffic from the parking area will not have substantial adverse effects on traffic circulation in the surrounding areas; and

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

3. The traffic generated by the parking area will not have substantial adverse effects on pedestrian circulation; and

4. The parking area is screened and landscaped according to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas; and

5. For temporary principal surface-parking areas:

a. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section 23.49.016 B2, and

b. The permit may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface-parking area shall be subject to the following:

(1) Renewals shall be permitted only for those temporary surface-parking areas which were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. Renewal of a permit for a temporary surface-parking area on a lot which became vacant as a result of a City-initiated abatement action shall not be renewed; and

(2) Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The director must find that the temporary surface-parking area continues to meet applicable criteria; and

c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires, and

d. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

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

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

E. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

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

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

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

(Ord. 119484 § 25, 1999; Ord. 118672 § 18, 1997; Ord. 116295 § 18, 1992; Ord. 114623 § 10, 1989; Ord. 114202 § 6, 1988; Ord. 113279 § 17, 1987; Ord. 112522 § 21(part), 1985; Ord. 112519 § 24, 1985; Ord. 112303 § 3(part), 1985.)

Part 2 Development Standards

23.49.150Downtown Mixed Residential, floor area ratio (FAR).

A. General Standards.

1. The floor area ratio (FAR), as provided in subsection B of this section, shall determine the gross floor area permitted for all nonresidential uses.

2. The maximum FAR established in subsection B may be achieved by providing public benefit features pursuant to Section 23.49.152.

B. Permitted FAR.

1. Permitted FAR shall be as follows in DMR/R areas:

FLOOR AREA RATIO

	Base	Maximum With Public Benefit Features, Including Housing Bonus
85/65 feet	1	Does not apply
125/65 feet	1	2
240/65 feet	1	2

2. Permitted FAR shall be as follows in DMR/C areas:

FLOOR AREA RATIO

	Base	Maximum With Bonus for Public Benefit Features Other Than Housing	Maximum With Housing Bonus
85/65 feet	1	2	4
125/65 feet	1	2	4
240/125 feet	2	3	5

3. There shall be no limit to nonresidential FAR within designated Landmark structures, provided that:

a. The structure is restored, if necessary, and a commitment made to preserve the structure; and

b. After restoration, the structure contains at least as much residential floor area as existed in the structure on January 1, 1974; and

c. The gross floor area in nonresidential use on the lot is limited to the total gross floor area of the structure prior to restoration.

C. Exemptions From FAR Calculations.

1. The following areas shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except on sending lots from which development rights are transferred, according to Section 23.49.154;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking located above grade;

d. Gross floor area of public benefit features. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations.

2. As an allowance for mechanical equipment, three and one-half (3½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

(Ord. 119484 § 26, 1999; Ord. 119370 § 8, 1999; Ord. 112303 § 3(part), 1985.)

23.49.152Downtown Mixed Residential, ratios for public benefit features.

A. General Provisions.

1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of any designated feature of a Landmark structure unless authorized by the Landmarks Preservation Board.

2. Additional gross floor area may be permitted up to the "maximum FAR with housing" described in Section 23.49.150 when low or low-moderate housing is included in the development proposal and the following criteria are met:

a. The housing shall be located in a DMR zone.

b. The housing bonus shall be granted by the Director based on a finding by the Director of Housing that the proposed housing satisfies the Public Benefit Features Rule. The Director and Director of Housing are authorized, in determining the allocation of bonus credits to low and low and low-moderate income housing, to establish a schedule of bonus ratios that provides greater weight for low-income housing than for low-moderate income housing.

c. When the housing option as provided in Section 23.49.164 C is used, the housing provided shall be for low-income households for a period of at least twenty (20) years in order to receive a housing bonus, and the bonus ratio shall be six (6) square feet of commercial floor area for every square foot of housing provided.

3. The Director shall review the design of any public benefit feature listed in subsection B of this section to determine whether the feature, as proposed for a specific project, provides public benefits and is consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4. Except for housing, human services, child care, and off-site open space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is used.

B. Public Benefit Features. If the Director approves the design of public benefit features according to subsection A of this section, floor area bonuses shall be granted as follows. (See Public Benefit Feature Bonus Table for Section 23.49.152 B.)

C. A subsidy review shall be required as a condition to any bonus for an off-site low income housing or low-moderate income housing if the lot on which the housing is located, at the time of issuance of the building permit for the structure receiving the bonus FAR:

1. Is being or has been used:

a. For any other off-site bonus, or

b. As a sending site for the transfer of development rights, or

c. For a project receiving any public subsidies for housing development, including, but not limited to, tax exempt bond financing, low income housing tax credits, federal loans or grants, The City of Seattle housing loans or grants, The State of Washington Housing Trust funds, or The City of Seattle property tax exemptions; or

2. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will become subject

to any such restrictions if any such subsidy for which an application has been made is granted.

D. When subsidy review is required according to one (1) or more of the above criteria:

1. The bonus requested shall be allowed only to the extent that the Director of Housing shall determine, pursuant to a subsidy review, that the benefits of such bonus(es), and proceeds of sale of development rights, if applicable, are reasonably necessary to make economically feasible the provision of the public benefit feature, and

2. The Director of Housing may require, as a condition of the bonus, that the owner of the lot upon which the bonus feature is located agree to limit any other subsidies to be received for that lot.

E. The Director of Housing is authorized to impose on the developers of housing that use the bonus described in this section, maximum permitted rent levels and minimum duration of availability for units developed using the housing bonus. These regulations shall be designated to assure the units shall be available for households earning zero (0) to eighty (80) percent of area median income for the longest reasonable duration.

(Ord. 119484 § 27, 1999; Ord. 119273 § 54, 1998; Ord. 117430 § 69, 1994: Ord. 117263 § 42, 1994; Ord. 116513 § 15, 1993: Ord. 114486 § 4, 1989; Ord. 114450 § 5, 1989; Ord. 114079 § 1, 1988; Ord. 113279 § 18, 1987: Ord. 112303 § 3(part), 1985.)

1.Editor's Note: The Housing Replacement Ordinance is codified at Chapter 22.210 of this Code.

23.49.154Downtown Mixed Residential, transfer of development rights.

A. Transfer of Development Rights Within the Same Downtown Block.

1. Development rights shall not be transferred to lots in DMR zones from lots located in the same downtown block.

2. Development rights from sending lots in DMR zones may be transferred to receiving lots in DOC1 and DOC2 zones located on the same downtown block.

3. Development rights may be transferred from lots in DMR zones containing low income housing or low and low-moderate income housing to receiving lots in DMC zones located on the same block in accordance with subsection B2 of this section.

B. Transfer of Development Rights Between Different Downtown Blocks.

1. Development rights from a sending lot on a different downtown block shall not be transferred to receiving lots in Downtown Mixed Residential zones.

2. Transfer From Low Income Housing or Low and Low-moderate Income Housing TDR Sites.

a. "Low income housing or low and low-moderate income housing TDR sites" as defined in Section 23.84.024 are eligible to transfer development rights to receiving sites in DOC1, DOC2 and DMC zones subject to the terms and conditions in this subsection B2. Lots containing low income housing or low and low-moderate income housing, but not qualifying under this subsection, may be eligible to transfer development rights only if they qualify under subsection A2 of this section.

b. Principal use surface parking areas shall not be included in the area of the sending lot for purposes of calculating the amount of development rights which may be transferred. Accessory surface parking areas shall be included up to a maximum area of one-quarter (¼) of 4he footprint of the structure on the sending lot.

C. Standards for Sending Lots.

1. The gross floor area that may be transferred from any lot in a DMR zone with a height limit of less than two hundred and forty (240) feet shall be six (6) times the area of the sending lot, minus any existing gross floor area on the sending lot, excluding any exemptions permitted by subsection C of Section 23.49.150 other than for housing.

2. The gross floor area that may be transferred from lots in DMR zones with a two hundred forty (240) foot height limit shall be eight (8) times the area of the sending lot, minus any existing floor area on the sending lot, excluding exemptions permitted by subsection C of Section 23.49.150 other than for housing.

3. When development rights are transferred from a sending lot in DMR zones, the amount of gross nonresidential floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.152, minus the total of:

a. The existing gross nonresidential floor area on the lot, less any exemptions permitted under Section 23.49.150 C; plus

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

4. When development rights are transferred from a sending lot in a DMR zone with a height limit of less than two hundred forty (240) feet, the amount of gross residential floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by six (6), minus the total of:

a. The existing gross floor area of the lot, less any exemptions permitted under Section 23.49.150 C; plus

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

5. When development rights are transferred from a sending lot in a DMR zone with a height limit of two hundred forty (240) feet, the amount of gross residential floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by eight (8), minus the total of:

a. The existing gross floor area of the lot, less any exemptions permitted under Section 23.49.150 C;

Table for Section 23.49.152
PUBLIC BENEFIT FEATURE BONUS

Public Benefit Feature	Bonus Ratio[1]	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service use in new structure	4.5[5]	10,000 square feet
Human service use in existing structure	2.5[5]	10,000 square feet
Child care in new structure	8.0[5]	10,000 square feet[4]
Child care in existing structure	4.0[5]	10,000 square feet[4]
Cinema	4.5	15,000 square feet
Retail shopping in areas shown on Map VIA	3	0.5 FAR, not to exceed 15,000 square feet
Residential parcel park	3	12,000 square feet
Green street on streets shown on Map VIA	3	1.0 FAR
Hillside terrace in areas shown on Map VIA	3	6,000 square feet
Sidewalk widening if required by Section 23.49.022	3	Area necessary to meet required sidewalk width
Small lot development	1.0 FAR[2]	Not applicable
Overhead weather protection on Pedestrian I streets designated on Map VID	3 or 4.5[3]	10 times the street frontage of the lot
Voluntary building setback on green streets shown on Map VIA	3	10 times the frontage on the green street
Off-site open space[6]	3	1 FAR
Payment-in-lieu of open space[6]	3	1 FAR
Housing in DMR/R areas with heights above 85′ and all DMR/C areas	Subject to the Public Benefit Features Rule	Subject to the Public Benefit Features Rule; maximum amount of bonus is 1 times the area of the lot in DMR/R areas, and 2 times the area of lot in DMR/C areas

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1 Ratio of additional square feet of floor area granted per square foot of public benefit feature provided.
2 This is the amount of bonus granted when the public benefit feature is provided, regardless of its size.
3 Higher bonus is granted when skylights are provided.
4 Child care space from 3,001 to 10,000 square feet bonused at same ratio as human service uses.
5 Human services and child care may be provided in another downtown zone; in that case, bonus ratio is subject to Public Benefit Features Rule.
6 See Section 23.49.009.

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

D. Transfer of Development Rights Agreements.

1. The fee owners of the sending and receiving lots shall execute a deed or an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of Housing for good cause, which deed or other agreement shall be recorded with the title to both lots.

2. The agreement or deed shall be for a term which equals or exceeds the life of the project on the receiving lot for which the rights were transferred.

3. For transfers that are permitted based on the status of the sending site as a low income housing or low and low-moderate income housing TDR site, the owner of the sending site shall agree, with the written consent of all holders of encumbrances on the sending site, unless such consent is waived by the Director of Housing for good cause, to provide for the maintenance of the required low income or low and low-moderate income housing housing on the sending lot for a minimum of twenty (20) years.

4. The agreement or deed shall state that the development rights transferred from the sending lot to the receiving lot may not be reclaimed unless the project on the receiving lot, or that portion of the project for which the rights were transferred, is demolished. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by any party or by The City of Seattle.

(Ord. 119484 § 28, 1999; Ord. 119273 § 55, 1998; Ord. 116513 § 16, 1993: Ord. 113279 § 19, 1987; Ord. 112303 § 3(part), 1985.)

23.49.156Downtown Mixed Residential, minimum lot size.

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

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

1. The total area of the combined lots meets the minimum lot size requirement;

2. All lots have frontage on the same avenue;

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

4. The coverage of both the proposed and any existing structures meets the coverage limits established in Section 23.49.158; and

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

(Ord. 112303 § 3(part), 1985.)

23.49.158Downtown Mixed Residential, coverage and floor size limits.

A. Coverage.

1. Except on lots located in the DMR/R eighty-five (85) foot height district, portions of structures above an elevation of sixty-five (65) feet shall meet the following coverage limits:

Percent of Coverage Permitted By Lot Size

Elevation of Portion of Structure (in feet)	0—19,000 Square Feet	19,001—25,000 Square Feet	25,001—38,000 Square Feet	Greater Than 38,000 Square Feet
0—65	100%	100%	100%	
66—85	75%	65%	55%	45%
86—125	65%	55%	50%	40%
126—240	Not applicable	45%	40%	35%

2. In order to meet the coverage limits, a lot may be combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots meets the limits set in this subsection A; and

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

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

(Ord. 112303 § 3(part), 1985.)

23.49.160Downtown Mixed Residential, street-level requirements.

Street-level uses listed in subsection A shall be required on the streets designated on Map VIB.[1] Required street-level uses shall meet the standards of this section.

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

1. Retail sales and services, except lodging;

2. Human service uses and child care centers;

3. Customer service offices;

4. Entertainment uses, including cinemas and theaters; and

5. Museums and libraries.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection A. The remaining twenty-five (25) percent may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common

recreation area required for residential uses, shall not be counted in street frontage.

2. Required street-level uses shall be located within ten (10) feet of the street property line or shall abut a public open space. When sidewalk widening is required by Section 23.49.022, the ten (10) feet shall be measured to the line established by the new sidewalk width rather than the street property line.

3. Except for child care centers, pedestrian access to required street-level uses shall be provided directly from the street or a bonused public open space. Pedestrian entrances shall be located no more than three (3) feet above or below sidewalk grade or shall be at the same elevation as the abutting bonused public open space. (Ord. 119239 § 27, 1998; Ord. 117263 § 43, 1994: Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map VIB is codified at the end of this chapter.

23.49.162Downtown Mixed Residential, street facade requirements.

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

Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Landscaping.

These standards shall apply to each lot line of a lot which abuts a street designated on Map VID[1] as having a pedestrian classification. The standards on each street frontage shall vary according to the pedestrian classification of the street on Map VID[1], and whether property line facades are required by Map VIC.[1]

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below (and see Exhibit 23.49.162 A), but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

All Streets Where Property Line Facades Are Required	Class I Pedestrian Streets and Green Streets	Class II Pedestrian Streets
Minimum Facade* Height	Minimum Facade* Height	Minimum Facade* Height
35 feet	25 feet	15 feet

* Except as modified by view corridor requirements.

2. On designated view corridors, Section 23.49.024, the minimum facade height shall be the required elevation of the setback, when it is less than the minimum facade height required in subsection A1.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map VIC[1] as requiring property line facades:

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

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

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

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

i. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards. (See Exhibit 23.49.162 B.)

— The maximum setback shall be ten (10) feet.

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

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

— The facade of the structure shall return to within two (2) feet of the street property

Exhibit 23.49.162 A
Minimum Facade Height

Exhibit 23.49.162 B
Exception to Maximum Setback Limits

(Seattle 3-00)

line between each setback area for a minimum of ten feet (10′). Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades as shown on Map VIC.[1] Except when the entire structure is fifteen feet (15′) or less in height, or when the minimum facade height established in subsection A is fifteen feet (15′), the setback limits shall apply to the facade between an elevation of fifteen feet (15′) above sidewalk grade and the minimum facade height established in subsection A (see Exhibit 23.49.162 C). When the structure is fifteen feet (15′) or less in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen feet (15′), the setback limits shall apply to the portion of the street facade which is fifteen feet (15′) or less in height.

a. The maximum area of all setbacks between the lot line and facade shall be limited according to an averaging technique. The maximum area of all setbacks along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along the street. (See Exhibit 23.49.162 D.) The averaging factor shall be five (5) on Class I pedestrian streets, twenty (20) on Class II pedestrian streets, and thirty (30) on green streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen feet (15′) from the street property line shall not exceed eighty feet (80′), or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.162 D.)

c. The maximum setback of the facade from the street property line at intersections shall be ten feet (10′). The minimum distance the facade must conform to under this limit shall be twenty feet (20′) along each street. (See Exhibit 23.49.162 E.)

d. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.162 C.)

e. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements shall apply to the area of the facade between two feet (2′) and eight feet (8′) above the sidewalk. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

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

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code,[2] this subsection shall apply.

4. Transparency requirements shall be as follows:

a. Class I pedestrian streets: A minimum of sixty percent (60%) of the street-level facade shall be transparent.

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

c. When the slope of the street frontage of the facade exceeds seven and one-half percent (7½%), the required amount of transparency shall be reduced to forty-five percent (45%) on Class I pedestrian streets and twenty-two percent (22%) on Class II pedestrian streets and green streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits shall apply to the area of the facade between two feet (2′) and eight feet (8′) above the sidewalk.

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

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

2. Blank Facade Limits for Class I Pedestrian Streets.

a. Blank facades shall be limited to segments fifteen feet (15′) wide, except for garage doors which may exceed fifteen feet (15′). Blank facade width may be increased to thirty feet (30′) if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five feet (5′).

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

c. The total of all blank facade segments, including garage doors, shall not exceed forty percent (40%) of the street facade of the structure on each street frontage; or fifty-five percent (55%) if the slope of the street frontage of the facade exceeds seven and one-half percent (7½%).

3. Blank Facade Limits for Class II Pedestrian Streets and Green Streets.

a. Blank facades shall be limited to segments thirty feet (30′) wide, except for garage doors which may exceed thirty feet (30′). Blank facade width may be increased to sixty feet (60′) if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five feet (5′).

Exhibit 23.49.162 C
Application of Maximum Setback Limits

Exhibit 23.49.162 D
Maximum Width of Setback

Exhibit 23.49.162 E
Maximum Setback at Intersections

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

c. The total of all blank facade segments including garage doors, shall not exceed seventy percent (70%) of the street facade of the structure on each street frontage; or seventy-eight percent (78%) if the slope of the street frontage of the facade exceeds seven and one-half percent (7½%).

E. Screening of Parking.

1. Parking located at or above street level in a garage shall be screened according to the following requirements:

a. On Class I pedestrian streets and green streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets and green streets, parking shall be permitted at street level when at least thirty percent (30%) of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsection D2. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half feet (3½′) high.

2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020, Screening and landscaping of surface parking area.

F. Landscaping Requirements.

1. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle Transportation Tree Planting Standards.

2. Landscaping in the Street Right-of-way. All new development shall provide landscaping in the sidewalk area of the street right-of-way. The square feet of landscaped area provided shall be at least one and one-half ($1^{1}/_{2}$) times the length of the street property line. The following standards shall apply to the required landscaped area:

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

b. Exceptions shall be allowed for building entrances, vehicular access or other connections between the sidewalk and the lot, but in no case shall exceptions exceed fifty percent (50%) of the total length of the street property line(s).

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

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

e. A minimum unobstructed sidewalk width of five feet (5′) on east/west streets and eight feet (8′) on avenues shall be provided.

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

g. Where the required landscaping is on a green street or street with urban design and/or landscaping guidelines promulgated by Seattle Transportation, the planting shall be in conformance with those provisions.

3. Landscaping in Setbacks.

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

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

(Ord. 118409 § 190, 1196: Ord. 117263 § 44, 1994: Ord. 116744 § 18, 1993; Ord. 112519 § 26, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Maps VIC and VID are codified at the end of this chapter.

2.Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this code.

23.49.164Downtown Mixed Residential, maximum wall dimensions.

A. Except as provided in subsections B and C, a maximum wall length shall be established for each portion or portions of a structure above an elevation of sixty-five feet (65′). The maximum wall length shall be measured separately for each portion or portions of a structure that are separated by at least twenty feet (20′) at all points. This maximum length shall be measured parallel to all street property lines, and shall be as follows:

Elevation of Portion of Structure (in feet)	Maximum Length by Lot Size: 0—19,000 Square Feet	Maximum Length by Lot Size: Greater Than 19,000 Square Feet
66—125	90′ on avenues 120′ on streets	120′
126—240	Not applicable	100′

B. DMR/R Eighty-Five Foot Height District. The length of walls above an elevation of sixty-five (65) feet shall not be limited in the DMR/R eighty-five (85) foot district.

C. Housing Option.

1. On lots with structures which contained low or moderate income housing on or before the effective date of the ordinance codified in this section,[1] and which meet the requirements of subsection C4, the maximum length of portions of structures above an elevation of sixty-five (65) feet which are located less than twenty (20) feet from a street lot line shall not exceed one hundred twenty (120) feet per block front. This maximum length shall be measured parallel to the street property line. Portions of structures, measured parallel to the street lot line, which are located twenty (20) feet or more from the street lot line, shall have no maximum limit.

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

3. When the housing option is used, each floor in portions of structures between elevations of sixty-five (65) and one hundred twenty-five (125) feet shall have a maximum gross floor area of twenty-five thousand (25,000) square feet or the lot coverage limitation whichever is less.

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

a. The demolition or change of use of the housing shall be prohibited for not less than forty (40) years from the date a certificate of occupancy is issued for the commercial development on the lot; and

b. If the housing is or was rental housing on or before the effective date of this ordinance,[1] it shall be used as rental housing for not less than forty (40) years from the date a certificate of occupancy is issued for the commercial development of the lot; and

c. The structure will be brought up to and maintained in conformance with the Housing and Building Maintenance Code;[2] and

d. Housing that is or was low-income housing on or before the effective date of this ordinance,[1] it shall be maintained as low-income housing, and all other units shall be used as moderate-income housing for not less than forty (40) years from the date a certificate of occupancy is issued for the commercial development on the lot.

e. Housing which is preserved according to the provisions of this section shall not qualify for a downtown housing bonus or for transfer of development rights.

(Ord. 114079 § 2, 1988: Ord. 113279 § 20, 1987: Ord. 112519 § 27, 1985; Ord. 112303 § 3(part), 1985.)

1.Ordinance 114079 was passed by the Council on August 8, 1988.
2.The Housing and Building Maintenance Code is codified at Chapters 22.200 through 22.208 of this Code.

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

A. Side Setbacks. Except on lots located in the DMR/R eighty-five (85) foot height district, setbacks shall be required from side lot lines that are not street side lot lines. The setback shall occur above an elevation of sixty-five (65) feet. The amount of the setback shall be determined by the length of the frontage of the lot on avenues, as follows:

Frontage on Avenue	Required Setback Above 65 Feet
120 feet or less	Not required
121 feet to 180 feet	20 feet
181 feet or more	40 feet

B. Green Street Setbacks. Except on lots located in DMR/R eighty-five (85) foot height districts, a setback from the street property line shall be required on green streets designated on Map VID[1] at an elevation of sixty-five (65) feet. The setback shall be as follows:

Elevation of Portion of Structure	Required Setback
65′ to 85′	10′
86′ to 240′	(H - 85′) x .2 + 10′

where H equals the highest point of the portion of the structure located within one hundred twenty (120) feet of the green street lot line, in feet.

(Ord. 117263 § 45, 1994; Ord. 114202 § 1, 1988; Ord. 113279 § 21, 1987; Ord. 112519 § 28, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map VID is codified at the end of this chapter.

Subchapter VII Pioneer Square Mixed

23.49.168General standards.

All property located within the Pioneer Square Mixed (PSM) zone shall be subject to the use and development standards of the Pioneer Square Preservation District, Chapter 23.66, in addition to the use and development standards contained in this chapter. In the event that there is a conflict between the use and development standards of this chapter and the provisions of the Pioneer Square Preservation District, Chapter 23.66, Subchapter II, the provisions of Chapter 23.66 shall apply.

(Seattle 3-97)

(Ord. 112303 § 3(part), 1985.)

Part 1 Use Provisions

23.49.170Pioneer Square Mixed, permitted uses.

The Overlay District regulations of the Pioneer Square Preservation District, Chapter 23.66, contain the use provisions for the PSM zone.
(Ord. 112303 § 3(part), 1985.)

Part 2 Development Standards

23.49.178Pioneer Square Mixed, structure height.

A. Maximum structure height shall be as designated on the Official Land Use Map, Chapter 23.32.

B. Rooftop features may be permitted according to the provisions of Section 23.66.140.

C. In the one hundred (100) foot height district, no structure shall exceed by more than fifteen (15) feet the height of the tallest structure on the block or the adjacent block front(s), to a maximum of one hundred (100) feet.

D. In the one hundred (100) to one hundred twenty (120) foot height district, structure height over one hundred (100) feet to a maximum of one hundred twenty (120) feet shall be permitted if a minimum of seventy-five (75) percent of the gross floor area of the structure is in residential use.

E. In the eighty-five (85) to one hundred twenty (120) foot height district, structure height over eighty-five (85) feet to a maximum of one hundred twenty (120) feet shall be permitted if a minimum of seventy-five (75) percent of the gross floor area of the structure is in residential use.
(Ord. 112519 § 29, 1985; Ord. 112303 § 3(part), 1985.)

23.49.180Pioneer Square Mixed, transfer of development rights.

A. Transfer of Development Rights Within the Same Downtown Block.

1. Development rights shall not be transferred to receiving lots in PSM zones from lots located on the same downtown block.

2. Development rights may be transferred from lots in PSM zones to receiving lots in DOC1 and DOC2 zones located on the same downtown block.

3. Development rights may be transferred from lots in PSM zones containing low income housing or low and low-moderate income housing or infill development to lots in DMC zones located on the same block in accordance with subsection B of this section.

B. Transfer of Development Rights Between Different Downtown Blocks.

1. Development rights shall not be transferred to receiving lots in PSM zones from lots on different downtown blocks.

2. Development rights may be transferred from sending lots in PSM zones to receiving lots in DOC1, DOC2 and DMC zones located on a different block when the sending lot qualifies as a low-income housing or low and low-moderate income housing TDR site as defined in Section 23.84.024 and satisifes the Public Benefit Features Rule.

3. Principal use surface parking areas shall not be included in the area of the sending lot for purposes of calculating the amount of development rights which may be transferred. Accessory surface parking areas shall be included up to a maximum area of one-quarter (¼) of the footprint of the structure on the sending lot.

4. Development rights may be transferred from sending lots in the PSM zone to receiving lots located on different downtown blocks in the DOC1, DOC2 and DMC zones from a sending lot which is proposed for infill development and was vacant as of January 1, 1984.

a. Lots with structures subject to abatement orders on or before January 1, 1984, and surface parking areas, including lots with minor structures accessory to parking operations, shall be considered vacant for the purpose of this section.

b. The transfer of development rights may not occur until a certificate of occupancy has been issued for the project proposed on the vacant lot.

C. Amount Transferable From Sending Lots.

1. The gross floor area that may be transferred from any lot in a PSM zone, subject to the limitations in subsections A and B, shall be as follows:

a. The amount of gross floor area permitted by the development standards of the PSM zone and the Pioneer Square Preservation District, minus any above-grade gross floor area to be built on the sending lot, when the transfer is from proposed infill development;

b. Six (6) times the area of the sending lot, minus any existing above-grade gross floor area on the sending lot, for transfers from low-income housing or within-block transfers not from infill development.

2. When development rights are transferred from a sending lot in PSM zones, the following provisions shall apply:

a. If all the available gross floor area permitted by the development standards of the PSM zone and the Pioneer Square Preservation District has been transferred, no additions to gross floor area shall be made to the sending lot.

b. If the gross floor area is still available for use on the sending lot, the lot may be developed up to the remaining gross floor area allowed by the development standards of the PSM zone and the Pioneer Square Preservation District.

D. Transfer of Development Rights Agreements.

1. The fee owners of the sending and receiving lots shall execute a deed or other agreement which shall be recorded with the title to both lots.

2. The agreement or deed shall be for a term which equals or exceeds the life of the project on the receiving lot for which the rights were transferred.

3. For transfers from low income housing or low and low-moderate income housing TDR sites, the agreement shall provide for the maintenance of the low income housing or low and low-moderate income housing on the sending lot for a minimum of twenty (20) years.

4. The agreement or deed shall state that the development rights transferred from the sending lot to the receiving lot may not be reclaimed unless the project on the receiving lot, or that portion of the project for which the rights were transferred, is demolished. The deed or agreement shall also provide that its covenants or conditions shall run with the land and shall be specifically enforceable by any party or by The City of Seattle.

(Ord. 119484 § 29, 1999; Ord. 119273 § 56, 1998; Ord. 116744 § 19, 1993; Ord. 113279 § 22, 1987; Ord. 112303 § 3(part), 1985.)

Subchapter VIII International District Mixed

23.49.198 Chapter 23.66 provisions apply.

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

(Ord. 112303 § 3(part), 1985.)

Part 1 Use Provisions

23.49.200 International District Mixed, permitted uses.

The Overlay District regulations of the International District Special Review District, Chapter 23.66, contain the use provisions for the IDM zone.

(Ord. 112303 § 3(part), 1985.)

Part 2 Development Standards

23.49.208 International District Mixed, structure height.

A. Maximum structure height shall be as designated on the Official Land Use Map, Chapter 23.32.

B. In the seventy-five (75) to eighty-five (85) foot height district, structures in excess of seventy-five (75) feet, to a maximum of eighty-five (85) feet, shall be permitted only if fifty (50) percent of the gross floor area, excluding parking, is in residential use.

C. In the one hundred (100) to one hundred twenty (120) foot height district, structures in excess of one hundred (100) feet, to a maximum of one hundred twenty (120) feet, shall be permitted if seventy-five (75) percent or more of the gross floor area, excluding parking, is in residential use, or may be permitted as part of a planned community development, pursuant to Section 23.49.036, Planned community developments.

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

(Ord. 113279 § 23, 1987; Ord. 112519 § 30, 1985; Ord. 112303 § 3(part), 1985.)

23.49.210 International District Mixed, floor area ratio (FAR).

A. General Standards.

1. The floor area ratio (FAR), as provided in subsection B of this section, shall determine the gross floor area permitted for all nonresidential uses.

2. Hotel uses in excess of three (3) FAR are subject to special review by the Special Review Board according to the Overlay District regulations of the International District Special Review District, Chapter 23.66.

B. Permitted FAR. The maximum permitted FAR for all nonresidential uses shall be three (3) except that hotels shall be permitted a maximum FAR of six (6).

C. Exemptions from FAR Calculations.

1. The following areas shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except on sending lots from which development rights are transferred according to Section 23.49.212;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking;

d. When required by the regulations of the International District Special Review District, Chapter 23.66, required street-level uses shall be exempt to a maximum of one-half (½) the area of the lot, not to exceed fifteen thousand (15,000) square feet.

2. As an allowance for mechanical equipment, three and one-half (3½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

(Ord. 119370 § 9, 1999; Ord. 113279 § 24, 1987; Ord. 112519 § 31, 1985; Ord. 112303 § 3(part), 1985.)

23.49.212 International District Mixed, transfer of development rights.

A. Transfer of Development Rights Within the Same Downtown Block.

1. Development rights shall not be transferred to lots in IDM zones from lots located in the same block.

2. Development rights may be transferred from lots in IDM zones to receiving lots in DOC1 and DOC2 zones located on the same downtown block.

3. Development rights may be transferred from lots in IDM zones that qualify as a low-income housing or low and low-moderate income housing TDR site as defined in Section 23.84.024 and satisfies the Public Benefit Features Rule to receiving lots in DMC areas located on the same downtown block in accordance with subsection B2 of this section.

B. Transfer of Development Rights Between Lots on Different Blocks.

1. Development rights shall not be transferred to receiving lots in IDM zones from lots on different downtown blocks.

2. Development rights may be transferred from sending lots in IDM zones to receiving lots in DOC1, DOC2, and DMC zones when the sending lot qualifies as a low-income housing or low and low-moderate income housing TDR site as defined in Section 23.84.024 and satisfies the Public Benefit Features Rule.

3. Principal use surface parking areas shall not be included in the area of the sending lot for purposes of calculating the amount of development rights which may be transferred. Accessory surface parking areas shall be included up to a maximum area of one-quarter (¼) of the footprint of the structure on the sending lot.

C. Standards for Sending Lots.

1. The gross floor area that may be transferred from any sending lot in an IDM zone, subject to the limitations in subsections A and B, shall be six (6) times the area of the sending lot, minus any existing above-grade gross floor area on the sending lot, excluding exemptions permitted under Section 23.49.210.

2. When development rights are transferred from a sending lot in IDM zones, the amount of gross floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.210, minus the total of:

a. The existing gross floor area on the lot, less any exemptions permitted under Section 23.49.210; plus

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

D. Transfer of Development Rights Agreements.

1. The fee owners of the sending and receiving lots shall execute a deed or other agreement which shall be recorded with the title to both lots.

2. The agreement or deed shall be for a term that equals or exceeds the life of the project on the receiving lot for which the rights were transferred.

3. For transfers from low income housing or low and low-moderate income housing TDR sites, the agreement shall provide for the maintenance of the low income housing or low and low-moderate income housing and, if applicable, the social service uses necessary to qualify the sending lot as a low income housing or low and low-moderate income housing TDR site as defined in Section 23.84.024, on the sending lot for a minimum of twenty (20) years.

4. The agreement or deed shall state that the development rights transferred from the sending lot to the receiving lot may not be reclaimed unless the project on the receiving lot, or that portion of the project for which the rights were transferred, is demolished. The deed or agreement shall also provide that its covenants or conditions shall run with the land and shall be specifically enforceable by any party or by The City of Seattle.

(Ord. 119618 § 5, 1999; Ord. 119484 § 30, 1999; Ord. 119273 § 57, 1998; Ord. 116744 § 20, 1993; Ord. 113279 § 25, 1987; Ord. 112303 § 3(part), 1985.)

23.49.214Combined lot development.

In IDM zones, lots that have lot lines within four hundred (400) feet of each other may be combined for the purpose of calculating the permitted gross floor area when projects include affordable housing, according to the following provisions:

A. At least one (1) of the lots shall be developed with a new or rehabilitated structure that contains housing. Existing structures shall either be nonresidential prior to rehabilitation, or if residential shall have been unoccupied since January 1, 1983.

B. When housing is provided in a new structure, at least half of the units shall be affordable housing at initial sale or rental.

C. When an existing structure is rehabilitated, twenty-five (25) percent of the units shall be low-income housing as provided in the Public Benefit Features Rule, unless the Director determines that the twenty-five (25) percent low-income requirement is infeasible. All of the units in the structure that are not low-income shall be moderate-income housing at the time of initial sale or rental.

D. The affordable housing shall be certified by the Director of Housing as satisfying the Public Benefit Features Rule.

E. The permitted gross floor area shall be calculated by multiplying the total area of the lots by the FAR permitted by Section 23.49.210, Floor area ratio. The permitted gross floor area may be allocated between the lots in any manner, provided that the height limits and other development standards of the IDM zone and the International District Special Review District are met on each lot.

F. The fee owners of each of the combined lots shall execute a deed or other agreement which shall be recorded with titles to both lots. In the agreement or deed, the owners shall acknowledge that development on the combined lots shall not exceed the combined FAR limits for both lots and, should development on one (1) lot exceed the FAR limit for that lot, then development on the other lot shall be restricted by the amount of excess FAR used on the more developed lot, for the life of the improvement on the more developed lot. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by The City of Seattle.

(Ord. 119273 § 58, 1998; Ord. 116744 § 21, 1993; Ord. 112519 § 32, 1985; Ord. 112303 § 3(part), 1985.)

Subchapter IX International District Residential

23.49.223 Chapter 23.66 provisions apply.

All property located in the International District Residential (IDR) zone shall be subject to the use and development standards of the International District Special Review District, Chapter 23.66, in addition to the use and development standards contained in this chapter. In the event that there is a conflict between the use and development standards of this chapter and the provisions of the International District Special Review District, the provisions of Chapter 23.66 shall apply.
(Ord. 112303 § 3(part), 1985.)

Part 1 Use Provisions

23.49.226 International District Residential, permitted uses.

The Overlay District regulations of the International District Special Review District, Chapter 23.66, contain use provisions for IDR zones.
(Ord. 112303 § 3(part), 1985.)

Part 2 Development Standards

23.49.236 International District Residential, structure height.

Maximum structure height shall be as designated on the Official Land Use Map, Chapter 23.32.
(Ord. 112303 § 3(part), 1985.)

23.49.238 International District Residential, floor area ratio (FAR).

A. General Standards.

1. The floor area ratio (FAR), as provided in subsection B of this section, shall determine the gross floor area permitted for all nonresidential uses.

2. The maximum FAR established in subsection B may be achieved by committing at least fifty (50) percent of the total gross floor area of the project, excluding parking, to residential use.

B. Permitted FAR. Permitted FAR shall be as follows:

Floor Area Ratio

Use	Base	Maximum When at Least Fifty Percent of the Total Gross Floor Area of the Project is in Residential Use
All nonresidential uses	1	2

C. Exemptions from FAR Calculations.

1. The following areas shall be exempted from base and maximum FAR calculations:

a. All gross floor area in residential use, except on sending lots from which development rights are transferred according to Section 23.49.240;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking;

d. When required by the regulations of the International District Special Review District, Chapter 23.66, required street-level uses shall be exempt to a maximum of one-half (½) the area of the lot, not to exceed fifteen thousand (15,000) square feet;

e. Floor area in Landmark structures, provided that:

(1) A commitment is made to restore and preserve the structure, and

(2) After restoration, the structure shall contain at least as much residential floor area as existed in the structure on January 1, 1984, and

(3) The gross floor area of the restored structure in nonresidential use does not exceed the total floor area of the structure prior to restoration.

2. As an allowance for mechanical equipment, three and one-half (3½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure.
(Ord. 113279 § 26, 1987; Ord. 112519 § 33, 1985; Ord. 112303 § 3(part), 1985.)

23.49.240 International District Residential, transfer of development rights.

A. Transfer of Development Rights Within the Same Block.

1. Development rights shall not be transferred to lots in IDR zones from lots located in the same block.

2. Development rights may be transferred from sending lots in IDR zones to receiving lots in DOC1 and DOC2 zones located on the same downtown block.

3. Development rights may be transferred from lots in the IDR zone that qualify as a low-income housing or low and low-moderate income housing TDR site as defined in Section 23.84.024 and satisfifes the Public Benefit Features Rule to receiving lots in DMC zones located on the same block in accordance with subsection B2 of this section.

B. Transfer of Development Rights Between Different Downtown Blocks.

1. Development rights shall not be transferred to receiving lots in IDR zones from lots on different downtown blocks.

2. Development rights may be transferred from sending lots in IDR zones to receiving lots in the DOC1, DOC2, and DMC zones, when the sending lot qualifies as a low-income housing or low and low-moderate income housing TDR site as defined in Section 23.84.024 and satisfies the Public Benefit Features Rule.

3. Principal use surface parking areas shall not be included in the area of the sending lot for purposes of calculating the amount of development rights which may be transferred. Accessory surface parking areas shall be

included up to a maximum area of one-quarter (¼) of the footprint of the structure on the sending lot.

C. Standards for Sending Lots.

1. The gross floor area that may be transferred from any lot in an IDR zone, subject to the limitations in subsections A and B, shall be six (6) times the area of the sending lot, minus any existing above-grade gross floor area on the sending lot excluding exemptions permitted under Section 23.49.238.

2. When development rights are transferred from a sending lot in IDR zones, the amount of gross nonresidential floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.238, minus the total of:

a. The existing gross nonresidential floor area on the lot, less any exemptions permitted under Section 23.49.238; plus

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

3. When development rights are transferred from a sending lot in the IDR zone, the amount of gross residential floor area which may then be built on the sending lot shall be equal to the area of the lot multiplied by six (6), minus the total of:

a. The existing gross floor area of the lot, less any exemptions permitted under Section 23.49.238 C; plus

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

D. Transfer of Development Rights Agreements.

1. The fee owners of sending and receiving lots shall execute a deed or other agreement which shall be recorded with the title to both lots.

2. The agreement or deed shall be for a term which equals or exceeds the life of the project on the receiving lot for which the development rights were transferred.

3. For transfers from low income housing or low and low-moderate income housing TDR sites, the agreement shall provide for the maintenance of the low income housing or low and low-moderate income housing on the sending lot for a minimum of twenty (20) years.

4. The agreement or deed shall state that the development rights transferred from the sending lot to the receiving lot may not be reclaimed unless the project on the receiving lot, or that portion of the project for which the rights were transferred, is demolished. The deed or agreement shall also provide that its covenants or conditions shall run with the land and shall be specifically enforceable by any party or by The City of Seattle.

(Ord. 119484 § 31, 1999; Ord. 119273 § 59, 1998; Ord. 116744 § 22, 1993; Ord. 113279 § 27, 1987; Ord. 112303 § 3(part), 1985.)

23.49.242 International District Residential, minimum lot size.

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

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

1. The total area of the combined lots meets the minimum lot size requirement;

2. All lots have frontage on the same street;

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

4. The coverage of both the proposed and any existing structures meets the coverage limits established in Section 23.49.244; and

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

(Ord. 112303 § 3(part), 1985.)

23.49.244 International District Residential, coverage and floor size limits.

A. Coverage.

1. Portions of structures above a height of sixty-five (65) feet shall meet the following coverage limits:

Percent of Coverage Permitted By Lot Size				
	Lot Size			
Elevation of Portion of Structure (in feet)	0—19,000 Square Feet	19,001—25,000 Square Feet	25,001—38,000 Square Feet	Greater Than 38,000 Square
0 — 65	100%	100%	100%	100%
66 — 85	75%	65%	55%	45%
86 — 125	65%	55%	50%	40%
126 — 150	Not applicable	45%	40%	35%

2. In order to meet the coverage limits, a lot may be combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots meets the limits set in this subsection A; and

b. The fee owners of the abutting lots shall execute a deed or other agreement, which shall be recorded with the title to the lots, which restricts future development so that in combination with the other lots, the coverage limits shall not be exceeded.

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

(Ord. 112303 § 3(part), 1985.)

23.49.246International District Residential, maximum wall dimensions.

A maximum wall length shall be established for each portion or portions of a structure above an elevation of sixty-five (65) feet. The maximum wall length shall be measured separately for each portion or portions of a structure that are separated by at least twenty (20) feet at all points. This maximum length shall be measured parallel to all street property lines, and shall be as follows:

	Maximum Length by Lot Size	
Elevation of Portion of Structure (in feet)	0—19,000 Square Feet	Greater Than 19,000 Square Feet
66—125	90′ on avenues 120′ on streets	120′
126—150	Not applicable	100′

(Ord. 113279 § 28, 1987: Ord. 112519 § 34, 1985; Ord. 112303 § 3(part), 1985.)

23.49.248International District Residential, side setback and green street setback requirements.

A. Side Setbacks. Setbacks shall be required from side lot lines that are not street side lot lines. The setback shall occur above an elevation of sixty-five (65) feet. The amount of the setback shall be determined by the length of the frontage of the lot on avenues, as follows:

Frontage on Avenue	Required Setback at 65 Feet
120 feet or less	Not required
121 feet to 180 feet	20 feet
181 feet or more	40 feet

B. Green Street Setbacks. A setback from the street property line shall be required on green streets, Map IXA,[1] at an elevation of forty (40) feet. The setback shall be as follows:

Elevation of Portion of Structure	Required Setback
40′ to 85′	10′
86′ to 240′	(H - 85′) × .2 + 10′ where H = Total structure height in feet

(Ord. 117263 § 46, 1994; Ord. 112519 § 35, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map IXA is codified at the end of this chapter.

Subchapter X Downtown Harborfront 1

Part 1 Use Provisions

23.49.300Downtown Harborfront 1, uses.

A. Uses that shall be permitted or prohibited in Downtown Harborfront 1 are determined by the Seattle Shoreline Master Program.

B. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 117430 § 70, 1994: Ord. 112303 § 3(part), 1985.)

Part 2 Development Standards

23.49.302Downtown Harborfront 1, general provisions.

All uses shall meet the development standards of the Seattle Shoreline Master Program.

(Ord. 112303 § 3(part), 1985.)

23.49.304Downtown Harborfront 1, transfer of development rights.

Development rights may not be transferred to or from lots in DH1 zones.

(Ord. 112303 § 3(part), 1985.)

23.49.306Downtown Harborfront 1, parking.

Parking located at or above grade shall be screened according to the following requirements:

A. Parking where permitted on dry land at street level shall be screened according to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas.

B. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3½) feet high.

(Ord. 112303 § 3(part), 1985.)

Subchapter XI Downtown Harborfront 2

Part 1 Use Provisions

23.49.318Downtown Harborfront 2, permitted uses.

A. All uses shall be permitted outright except those which are specifically prohibited in Section 23.49.320, those which are permitted only as conditional uses by Section 23.49.324, and parking, which shall be regulated by Section 23.49.322. Additionally, uses may be further restricted by the Seattle Shoreline Master Program.

B. All uses not specifically prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.324 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118672 § 19, 1997; Ord. 117430 § 71, 1994; Ord. 112303 § 3(part), 1985.)

23.49.320Downtown Harborfront 2, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

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

B. Outdoor storage, except when accessory to water-dependent or water-related uses located in Downtown Harborfront 1 or Downtown Harborfront 2;

C. Adult motion picture theaters and adult panorams;

D. All general and heavy manufacturing uses;

E. All salvage and recycling uses except recycling collection stations;

F. All high-impact uses; and

G. Work-release centers.

(Ord. 114623 § 11, 1989: Ord. 112777 § 31, 1986: Ord. 112303 § 3(part), 1985.)

23.49.322Downtown Harborfront 2, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for both long-term and short-term parking shall be conditional uses, according to Section 23.49.324.

2. Principal use surface parking areas shall be conditional uses in areas shown on Map XIA,[1] and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.324.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright.

2. Accessory surface parking areas shall either be:

a. Permitted outright when located in areas shown on Map XIA and containing twenty (20) or fewer parking spaces; or

b. Permitted as a conditional use when located in areas shown on Map XIA and containing more than twenty (20) spaces; or

c. Prohibited in areas not shown on Map XIA, except that temporary accessory surface parking areas may be permitted as a conditional use pursuant to Section 23.49.324.

(Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map XIA is codified at the end of this chapter.

23.49.324Downtown Harborfront 2, conditional uses.

A. All conditional uses shall meet the following criteria:

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

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

B. Principal use parking garages for long-term or short-term parking may be permitted as conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on traffic circulation in the area around the garage; and

2. The entrances to the garages are located so that they will not disrupt traffic or transit routes; and

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

C. Surface-parking areas where permitted as a conditional use by Section 23.49.322, and temporary surface parking areas located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of a City-initiated abatement action, may be

permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas; and

3. For temporary surface-parking areas:

a. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section 23.49.016 B2; and

b. The permit may be issued for a maximum of two (2) years.

c. Renewal of a permit for a temporary surface-parking area shall be subject to the following:

(1) Renewals shall be permitted only for those temporary surface-parking areas which were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary surface-parking area on a lot which became vacant as a result of a City-initiated abatement action shall not be renewed; and

(2) Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary surface-parking area continues to meet applicable criteria; and

d. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area such as curb cuts, paving and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

e. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. When uses in public facilities meet the development standards of the Shoreline Master Program, where applicable, the City Council may waive or modify applicable development standards of the underlying zone or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other Uses Permitted in Public Facilities. When uses in public facilities meet the development standards of the Shoreline Master Program, where applicable, and unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven

hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

E. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for takeoff and landing of helicopters which serve a public safety, news gathering, or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as the Kingdome, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

G. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

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

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

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

(Ord. 119484 § 32, 1999; Ord. 118672 § 20, 1997; Ord. 116907 § 6, 1993; Ord. 116616 § 6, 1993; Ord. 114623 § 12, 1989; Ord. 114202 § 7, 1988; Ord. 113279 § 29, 1987; Ord. 112522 § 21(part), 1985; Ord. 112519 § 36, 1985; Ord. 112303 § 3(part), 1985.)

Part 2 Development Standards

23.49.326 Downtown Harborfront 2, general provisions.

When a lot is in the Shoreline District, maximum height and lot coverage shall be regulated by the Seattle Shoreline Master Program, but may be reduced by the standards below.

(Ord. 112303 § 3(part), 1985.)

23.49.328 Downtown Harborfront 2, floor area ratio (FAR).

A. General Standards.

1. The floor area ratio (FAR), as provided in subsection B of this section, shall determine the gross floor area permitted for all types of uses.

2. The maximum FAR established in subsection B of this section may be reached by providing public benefit features according to Section 23.49.330.

B. Permitted FAR. Permitted FAR shall be as follows:

Floor Area Ratio

Base FAR	Maximum with Bonus for Public Benefit Features
2.5	Development standards regulate maximum FAR

C. Exemptions from FAR Calculations.

1. The following areas shall be exempted from base and maximum FAR calculations:

a. All gross floor area below grade;

b. All gross floor area used for accessory parking located above grade.

2. As an allowance for mechanical equipment, three and one-half (3½) percent of the gross floor area of a structure shall not be counted in gross floor area calculations. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection C1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

(Ord. 119370 § 10, 1999; Ord. 112303 § 3(part), 1985.)

23.49.330Downtown Harborfront 2, ratios for public benefit features.

A. General Provisions.

1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of a designated feature of a Landmark structure.

2. The Director shall review the design of any public benefit features listed in subsection B of this section and determine whether these features, as proposed for specific projects, provide a public benefit and are consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

3. All public benefit features provided in return for a bonus shall either be located on the same lot as the project in which the bonus floor area is used, or shall be provided off-site consistent with Section 23.49.009 or consistent with a Harborfront Improvement Plan which has been approved by the City Council.

B. Public Benefit Features. If the Director approves the design of public benefit features, floor area bonuses shall be granted as follows: (See Table for Section 23.49.330).

(Ord. 117130 § 72, 1994: Ord. 112303 § 3(part), 1985.)

23.49.331Downtown Harborfront 2, transfer of development rights.

Development rights may not be transferred to or from lots in DH2 zones.

(Ord. 112303 § 3(part), 1985.)

23.49.332Downtown Harborfront 2, street facade requirements.

Standards for the facades of structures at street level are established for the following elements:

Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line of a lot which abuts a street designated on Map XIA[1] as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map XIA.[1]

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and as shown in Exhibit 23.49.332 A, but the minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

Street Parks	Class II Pedestrian Streets
Minimum Facade* Height	**Minimum Facade* Height**
25 feet	15 feet

*Except as modified by view corridor requirements.

2. On designated view corridors described in Section 23.49.024, the minimum facade height shall be the required elevation of the setback when it is less than the minimum facade height required in subsection A1.

B. Facade Setback Limits.

1. Except when the entire structure is less than or equal to fifteen (15) feet in height, or when the minimum facade height established in subsection A of this section is fifteen (15) feet, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section (and see Exhibit 23.49.332 B). When the structure is less than or equal to fifteen (15) feet in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen (15) feet, the setback limits shall apply to the portion of the street facade which is fifteen (15) feet or less in height.

2. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor times the width of the street frontage of the lot along that street (see Exhibit 23.49.332 C). The averaging factor shall be thirty (30) on both Class II pedestrian streets and street parks. Parking shall not be located between the facade and the street lot line.

3. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.332 C.)

4. The maximum setback of the facade from the street property line at intersections shall be ten (10) feet. The minimum distance the facade must conform to this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.332 D.)

5. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.332 B.)

6. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

Table for Section 23.49.330 B
PUBLIC BENEFIT FEATURE AREA BONUSES

Public Benefit Feature	Bonus Ratio	Maximum Area of Public Benefit Feature Eligible for Bonus
Open space on the project lot	3 square feet of floor area per 1 square foot open space	30% of lot area
Harborfront open space or improvements	Subject to Public Benefit Features Rule	Up to maximum permitted by height and development standards
Off-site open space[1]	3	1 FAR
Payment-in-lieu-of open space[1]	3	1 FAR

1 See Section 23.49.009.

Exhibit 23.49.332 A
Minimum Facade Height

Exhibit 23.49.332 B
Application of Maximum Setback Limits
Exhibit 23.49.332 C
Maximum Width of Setback
Exhibit 23.49.332 D
Maximum Setback at Intersections

1. Facade transparency requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

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

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code,[2] this subsection shall apply.

4. Transparency requirements shall be as follows:

a. Class II pedestrian streets and street parks: A minimum of thirty (30) percent of the street-level facade shall be transparent.

b. When the slope of the street frontage of the facade exceeds seven and one-half (7½) percent, the required amount of transparency shall be reduced to twenty-two (22) percent.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk.

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

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

2. Blank Facade Limits for Class II Pedestrian Streets and Street Parks.

a. Blank facades shall be limited to segments thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

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

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-eight (78) percent if the slope of the street frontage of the facade exceeds seven and one-half (7½) percent.

E. Screening of Parking.

1. Parking located at or above street level in a garage shall be screened according to the following requirements:

a. On Class II pedestrian streets, parking shall be permitted at street level when at least thirty (30) percent of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsections C and D of this section. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

b. On street parks, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3½) feet high.

2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020, Screening and landscaping of surface parking areas.

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle Transportation Tree Planting Standards.

(Ord. 118409 § 191, 1996: Ord. 116744 § 23, 1993; Ord. 112519 § 37, 1985; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map XIA is codified at the end of this chapter.

2.Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

Subchapter XII Pike Market Mixed

Part 1 Use Provisions

23.49.336Pike Market Mixed, permitted uses.

A. Permitted uses within the Pike Market Historic District, shown on Map XIIA,[1] shall be determined by the Pike Place Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance, Chapter 25.24, Seattle Municipal Code.

B. In areas outside of the Pike Market Historic District in the Pike Market Mixed (PMM) zone, as shown on Map XIIA, all uses are permitted outright except those specifically prohibited by Section 23.49.338.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118672 § 21, 1997; Ord. 117430 § 73, 1994; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map XIIA is codified at the end of this chapter and is up to date through changes made by Ordinance 114863, passed by the Council on December 11, 1989.

23.49.338Pike Market Mixed, prohibited uses.

A. The following uses are prohibited as both principal and accessory uses in areas outside of the Pike Market Historic District, Map XIIA:[1]

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

2. Outdoor storage;

3. Adult motion picture theaters and adult panorams;

4. Transportation facilities;

5. Communication utilities;
6. All general manufacturing uses;
7. All salvage and recycling uses, except recycling collection stations;
8. All industrial uses;
9. Jails; and
10. Work-release centers.

B. Within the Pike Market Historical District, Map XIIA, uses may be prohibited by the Pike Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance.[2]

(Ord. 116295 § 19, 1992; Ord. 114623 § 13, 1989; Ord. 112303 § 3(part), 1985.)

1.Editor's Note: Map XIIA is codified at the end of this chapter.

2.Editor's Note: The Pike Place Market Historical District Ordinance is codified at Chapter 25.24 of this Code.

Part 2 Development Standards

23.49.342Pike Market Mixed, floor area ratio.

A. General Standards. The floor area ratio (FAR), as provided in subsection B of this section, shall determine the gross floor area permitted for all uses.

B. Permitted FAR. The permitted FAR shall be seven (7).

C. Exemptions from FAR Calculations.

1. All gross floor area below grade shall be exempt from FAR calculations;

2. New and/or replacement of existing mechanical equipment located on the roof of structures existing prior to June 1, 1989.

(Ord. 119370 § 11, 1999; Ord. 112303 § 3(part), 1985.)

23.49.344Pike Market Mixed, transfer of development rights.

Development rights may not be transferred to or from lots in Pike Market Mixed zones.

(Ord. 112303 § 3(part), 1985.)

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