

Seattle Municipal Code
December 2002 code update file
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Exhibit 23.49.076 A
Minimum Facade Height

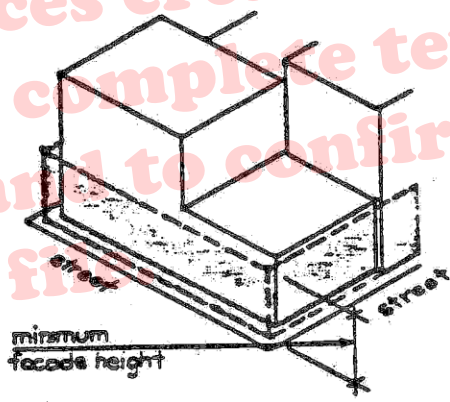
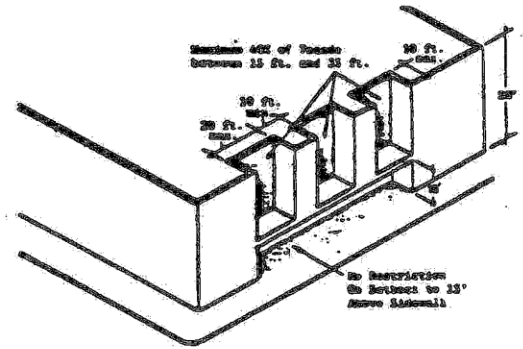


Exhibit 23.49.076 B
Exception to Maximum Setback Limits



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—The maximum setback shall be ten (10) feet.
—The total area of the facade that 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 feet (15) and thirty-five (35) feet.

—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 (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 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 11. 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 (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 23.49.076 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 23.49.076 E.)

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Exhibit 23.49.076 C
Application of Maximum Setback Limits

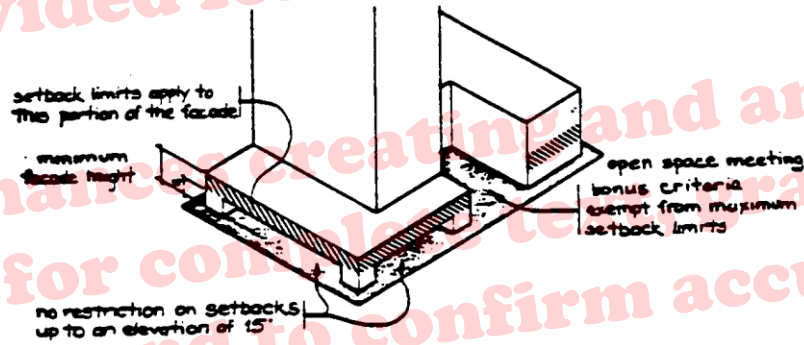


Exhibit 23.49.076 D
Maximum Width of Setback

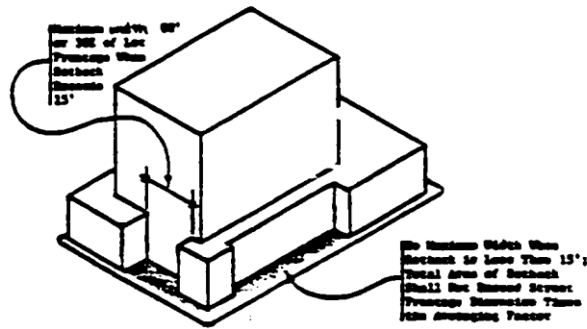
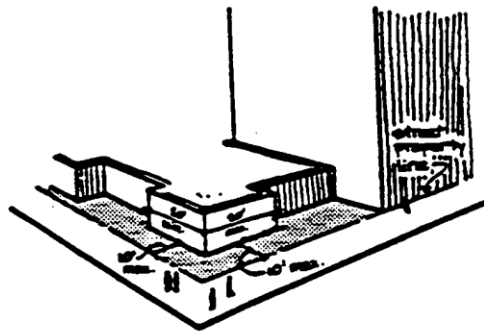


Exhibit 23.49.076 E
Maximum Setback at Intersections



d. Any exterior public open space that 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.)

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 (7½) 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 (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, 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 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 (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.

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

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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 from 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 from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters. A minimum of fifty (50) 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. 120443 § 35, 2001; 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 1K and 1G 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.

23.49.078 Downtown 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 1G as having a pedestrian classification, coverage limit areas are established as follows:

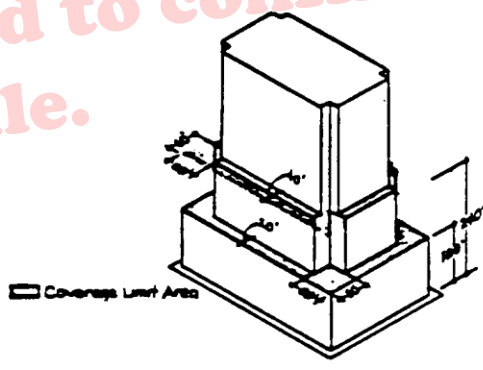
1. Between an elevation of one hundred twenty-five (125) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.078 A) is established as the coverage limit area.

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Exhibit 23.49.078 A
Coverage Limit Area



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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:

Elevation	Lots With Two or More Street Frontages		
	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:

Elevation	Lots With Two or More Street Frontages		
	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 1G 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 Two or More Street Frontages		
	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'	120'	120'	120'
Above 240'	90' ¹	120'	90'

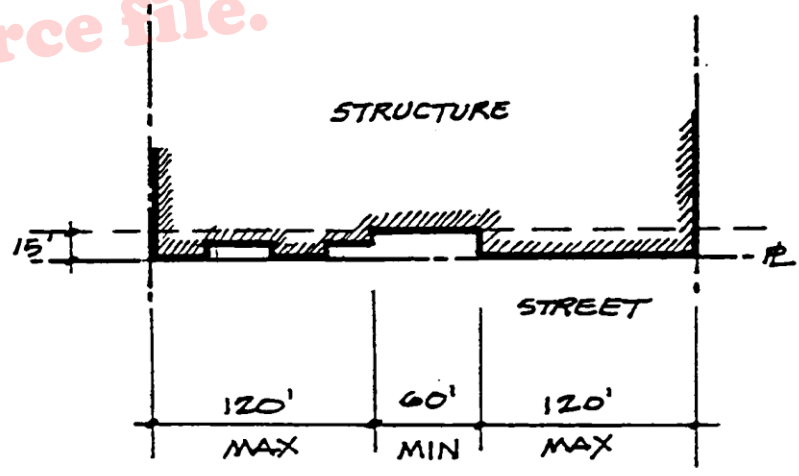
* Above an elevation of two hundred forty (240) feet, for each half percent reduction of coverage in the coverage limit area from the requirements established in subsection A, the maximum facade length may be increased by one (1) foot to a maximum of one hundred twenty (120) feet.

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.)

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Exhibit 23.49.078 B
Maximum Facade Length



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(Ord. 120443 § 36, 2001; Ord. 119728 § 8, 1999; Ord. 112519 § 13, 1985; Ord. 112303 § 3(part), 1985.)

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

Subchapter IV Downtown Retail Core

Part 1 Use Provisions

23.49.090 Downtown 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, 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. 120443 § 37, 2001; Ord. 118672 § 13, 1997; Ord. 117430 § 65, 1994; Ord. 112303 § 3(part), 1985.)

23.49.092 Downtown 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.)

23.49.094 Downtown 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.)

23.49.096 Downtown 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. Reserved.

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

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 curbscuts, 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 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 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, which

chever 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. 120443 § 38, 2001; 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.

23.49.108 Downtown Retail Core, upper-level development standards.

A. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk, except for structures that are subject to the limits in subsection B. (See Exhibit 23.49.108A.).

B. Structures on either of the two half blocks abutting the east side of 2nd Avenue, between Pine and Union Streets, that exceed one hundred fifty (150) feet in height pursuant to Section 23.49.008A, are subject to the following:

1. Maximum Coverage Limit. A maximum coverage limit of seventy (70) percent of the area of the lot applies to all portions of structures above a height of eighty-five (85) feet above the adjacent sidewalk.

2. Structure Setbacks. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk on east/west streets only.

3. Maximum Facade Length. Along 2nd Avenue all portions of the structure facade within fifteen (15) feet of the street property line and above eighty-five (85)

feet in height above the adjacent sidewalk are subject to maximum facade length provisions as follows:

a. The maximum length of a facade is ninety (90) feet.

b. To be considered a separate facade for the purposes of determining the maximum facade length established in this subsection, any portion of an applicable facade must be separated by at least sixty (60) feet of façade, measured parallel to the Second Avenue street property line, that is set back at least fifteen (15) feet from the Second Avenue street property line (See Exhibit 23.49.108B.)

(Ord. 120443 § 44, 2001.)

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Exhibit 23.49.108 A
Upper Level Setbacks

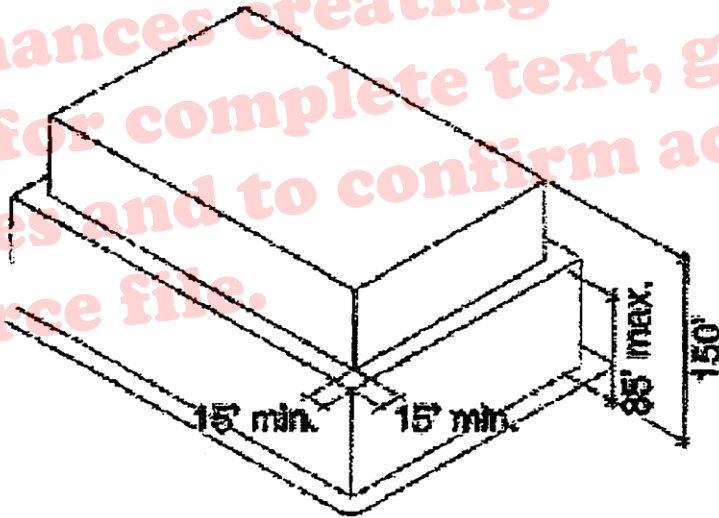
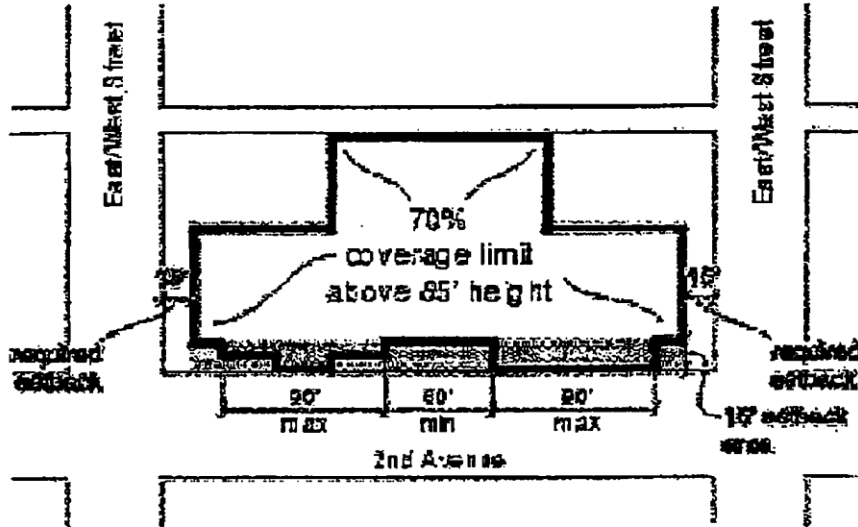


Exhibit 23.49.108 B
Special Setback Limits, 2nd Avenue Between
Pine and Union Streets



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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 1J1 may be permitted as 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 may be permitted as conditional uses pursuant to Section 23.49.122.

3. Principal use surface parking areas shall be conditional uses in areas shown on Map 1J, 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 1J and containing twenty (20) or fewer parking spaces; or

b. Permitted as a conditional use when located in areas shown on Map 1J and containing more than twenty (20) spaces; or

c. Prohibited in areas not shown on Map 1J, except that temporary accessory surface parking areas may be permitted as a conditional use pursuant to Section 23.49.122.

(Ord. 120443 § 45, 2001; Ord. 112303 § 3(part), 1985.)

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

23.49.122 Downtown 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 1J,¹ and for short-term parking at any location, 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. 120443 § 46, 2001; 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 1J is codified at the end of this chapter.

Part 2 Development Standards

23.49.126 Downtown Mixed Commercial, ratios for public benefit features.

A. General Provisions.

1. This section shall apply only to a project for which a timely election shall have been made pursuant to Section 23.49.011 A2b.

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

3. 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 the Office of Housing are authorized, in determining the

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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.

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 23.49.126.)

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.

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Chart 23.49.126 A

Public Benefit Feature Bonus Table

Public Benefit Feature	Ratio	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 1K, where shopping corridors are bonused	6 or 8 ²	15,000 square feet
Shopping corridor in areas shown on Map 1K	6 or 7.5 ³	7,200 square feet
Retail shopping in areas shown on Map 1N	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 the lot area
Rooftop garden, interior accessible	1.5	30% of the lot area
Hillclimb assist in areas shown on Map 1K	1.0 FAR ⁴	Not applicable
Hillside terrace in area shown on MAP 1K	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 Class 1 streets designated on MAP 1G	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

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.

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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. 120443 § 48, 2001; 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.)

23.49.130 Combined 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.)

23.49.134 Downtown 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 that abuts a street designated on Map 1G¹ as having a pedestrian classification except lot lines of open space TDR sites. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1G,¹ and whether property line facades are required by Map 1I.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.

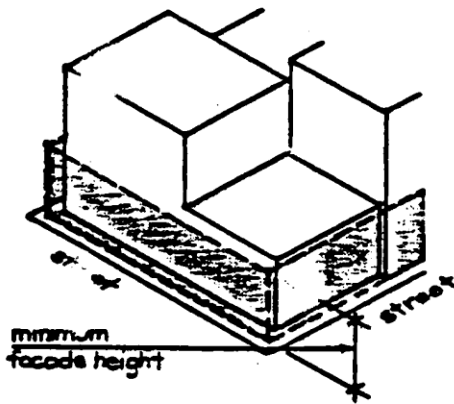
All Streets Where Property Line Facades Are Required Minimum Facade* Height	Class I Pedestrian Streets and Green Streets Minimum Facade* Height	Class II Pedestrian Streets Minimum Facade* Height
35 feet	25 feet	15 feet

* Except as provided in subsection A2 regarding view corridor requirements.

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Exhibit 23.49.134 A
Minimum Facade Height



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

in subsection A of this section. (See Exhibit 23.49.134 C.) When the structure is fifteen (15') feet or less 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 that is fifteen (15) feet or less in height.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades.

The following setback limits shall apply to all streets designated on Map 111 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 that 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 that 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 111. 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

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Exhibit 23.49.134 B
Exception to Maximum Setback Limits

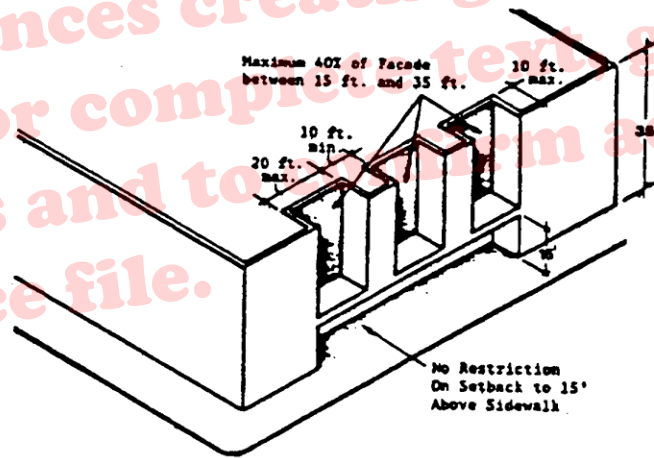
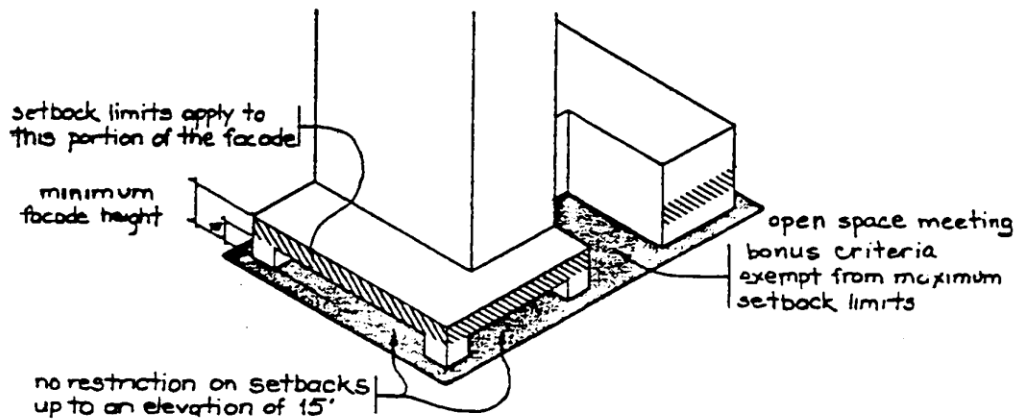


Exhibit 23.49.134 C
Application of Maximum Setback Limits



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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 (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 23.49.134 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 under this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.134 E.)

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Exhibit 23.49.134 D
Maximum Width of Setback

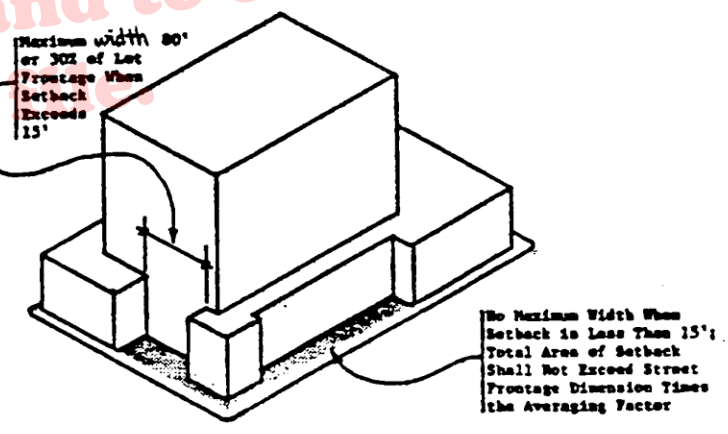
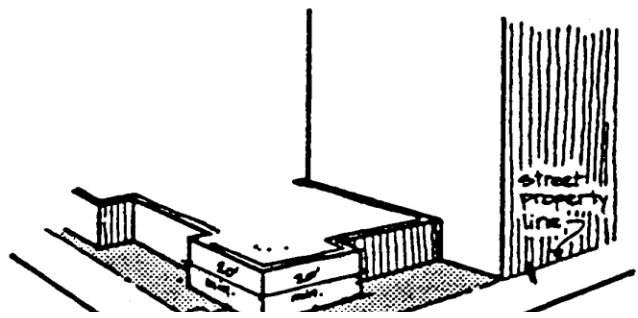


Exhibit 23.49.134 E
Maximum Setback at Intersections



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d. Any exterior public open space that 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 (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 requirements of the Energy Code² this subsection shall apply.

4. 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 (7½) percent, the required amount of transparency shall be reduced to forty-five (45) percent on Class I pedestrian streets and green 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.

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 (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 (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, 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 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 (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. 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 (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.

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 (1½) 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 curblines.

c. Landscaping provided within five (5) feet of the curblines 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 from 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 from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters. A minimum of fifty (50) 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. 120443 § 51, 2001; 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 11 and 1G 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.

23.49.136 Downtown 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 1G1 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 Two or More Street Frontages		
	Lots With One Street Frontage	Lots 45,000 Square Feet or Less in Size	Lots Greater Than 45,000 Square Feet in Size
Above 125'	60%	50%	25%

b. All other projects:

Elevation	Lots With One Street Frontage	Street Frontages	
		Lots 45,000 Square Feet or Less in Size	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 1G1 as having a pedestrian classification, and shall apply to any portion of a facade, including projections such as balconies, that 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, 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 23.49.136 B.)

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Exhibit 23.49.136 A
Coverage Limit Area

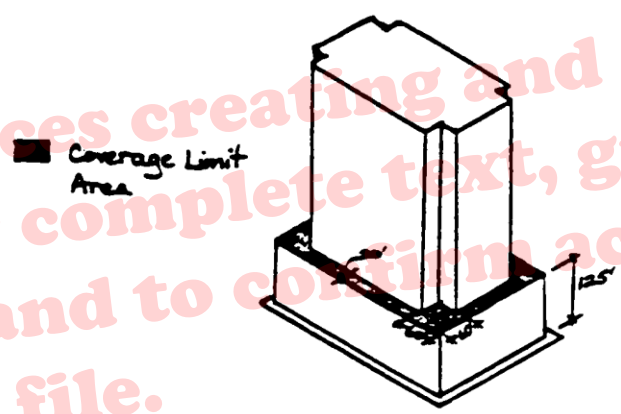
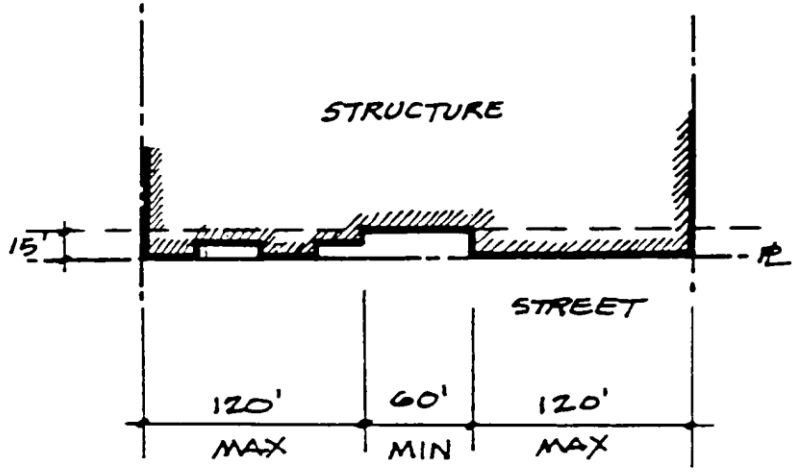


Exhibit 23.49.136 B
Maximum Facade Length



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C. When a lot in a DMC zone is across a street from the Pike Place Market Historical District, Map 1L1, a continuous upper-level setback of fifteen (15) feet shall be provided on all street frontages across from the Historical 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. 120443 § 52, 2001; Ord. 119728 § 10, 1999; Ord. 112519 § 22, 1985; Ord. 112303 § 3(part), 1985.)

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

Subchapter VI Downtown Mixed Residential

23.49.140 General 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

23.49.142 Downtown 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.
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.)

23.49.144 Downtown 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.)

23.49.146 Downtown Mixed Residential, principal and accessory parking.
A. Principal Use Parking.
1. Principal use parking garages for long-term and short-term parking shall be 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.)

23.49.148 Downtown Mixed Residential, conditional uses and Council decisions.
A. All conditional uses shall meet the following criteria:
1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.
2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest. The Director or Council shall deny the conditional use, if it is determined that the negative impacts cannot be mitigated satisfactorily.

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 evi-

dence 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.

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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

23.49.156 Downtown 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.)

23.49.158 Downtown Mixed Residential, coverage and floor size limits.

A. Coverage.
 1. Except on lots located in the DMR/R eighty-five (85) foot height district, 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)	Percent of Coverage Permitted By Lot Size			
	0—19,000 Square Feet	19,001—25,000 Square Feet	25,001—38,000 Square Feet	Greater Than 38,000 Square Feet
0—65	100%	100%	100%	100%
66—85		75%	55%	45%
86—125		65%	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.)

23.49.162 Downtown Mixed Residential, street facade requirements.

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

- Minimum facade heights;
- Setback limits;
- Facade transparency;
- Blank facade limits;
- Screening of parking;
- Landscaping.

These standards shall apply to each lot line that abuts a street designated on Map 1G¹ as having a pedestrian classification, except lot lines of open space TDR sites. The standards on each street frontage shall vary according to the pedestrian classification of the street on Map 1G¹, and whether property line facades are required by Map 1I.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 Ped- estrian Streets and Green Streets	Class II Ped- estrian Streets
Minimum Fa- cade 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 11¹ 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 that 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.)

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Exhibit 23.49.162 A
Minimum Facade Height

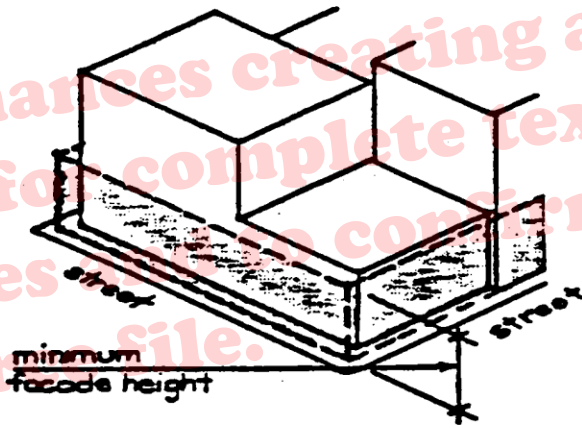
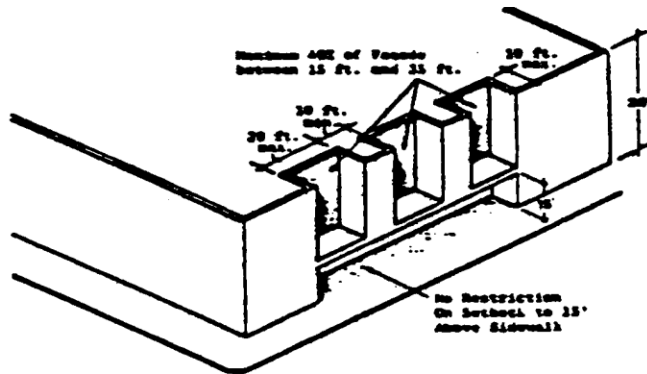


Exhibit 34.49.162 B
Exception to Maximum Setback Limits



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The maximum setback shall be ten (10) feet.

The total area of a facade that 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 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 11.1 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 23.49.162 C). When the structure is fifteen (15) feet or less 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 that is fifteen (15) feet 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 (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 23.49.162 D.)

c. 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 under this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.162 E.)

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Exhibit 23.49.162 C
Application of Maximum Setback Limits

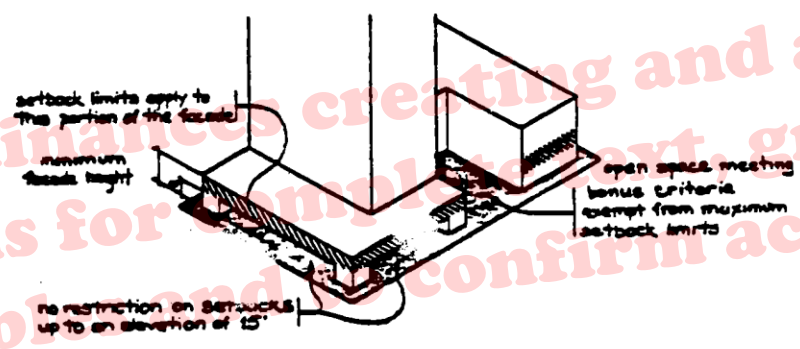


Exhibit 23.49.162 D
Maximum Width of Setback

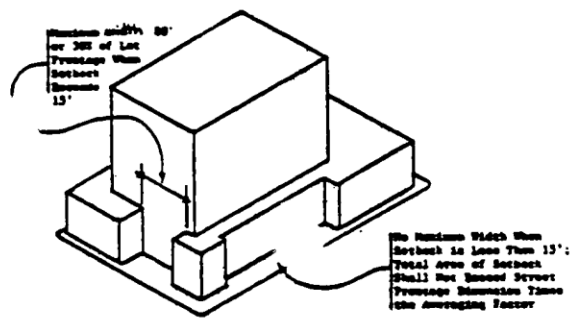
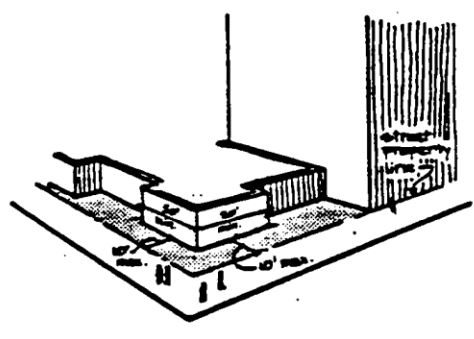


Exhibit 23.49.162 E
Maximum Setback at Intersections



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d. Any exterior public open space that 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 (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 I pedestrian streets: A minimum of sixty (60) percent of the street-level facade shall be transparent.

b. Class II pedestrian streets and green 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 twenty-two (22) percent 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 (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 I Pedestrian Streets.

a. Blank facades shall be limited to segments 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 and Green Streets.

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 (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 and green streets, parking shall be permitted at street level when at least thirty (30) percent of the street frontage of the insert graphic 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 (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 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 wa-

tering 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 (1½) 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.

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 (50) percent 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 (5) feet of the curblin.

d. Landscaping provided within five (5) feet of the curblin 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 (5) feet on east/west streets and eight (8) feet on avenues shall be provided.

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

g. Where the required landscaping is on a green street or street with urban design and/or landscaping guidelines promulgated by Seattle Transportation, the planting shall be in conformance with those provisions.

3. Landscaping in Setbacks.

a. Twenty (20) percent of areas on the street property line that are not covered by a structure, which have a depth of ten (10) feet 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 (50) percent of the plant material shall be perennial and shall include trees when the setback exceeds six hundred (600) square feet.

(Ord. 120443 § 57, 2001; Ord. 118409 § 190, 1996; Ord. 117263 § 44, 1994; Ord. 116744 § 18, 1993; Ord. 112519 § 26, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor’s Note: Maps 1I and 1G 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.

23.49.164 Downtown 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 (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)	Greater Than	
	0—19,000 Square Feet	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, I 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

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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.

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

A. Side Setbacks. Except on lots located in the DMR/R eighty-five (85) foot height district, 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 1G¹ at an elevation of sixty-five (65) feet. The setback shall be as follows:

Elevation of Portion of

Structure

Required Setback

65' to 85'
86' to 240'

10'
(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. 120443 § 58, 2001; 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 1G is codified at the end of this chapter.

Subchapter VII Pioneer Square Mixed

23.49.168 General 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. (Ord. 112303 § 3(part), 1985.)

Part 1 Use Provisions

23.49.170 Pioneer 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

23.49.178 Pioneer 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.)

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. Rooftop features may be permitted according to the provisions of Section 23.66.332.

C. 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.

D. 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.

E. 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 devel-

opment, pursuant to Section 23.49.036, Planned community developments. (Ord. 120928 § 20, 2002; Ord. 113279 § 23, 1987; Ord. 112519 § 30, 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.)

23.49.242 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 develop-

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ment 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:

Elevation of Portion of Structure (in feet)	Percent of Coverage Permitted By Lot Size			
	0—19,000 Square Feet	19,001—25,000 Square Feet	25,001—38,000 Square Feet	Greater Than 38,000 Square Feet
0—65	100%	100%	100%	100%
66—85	75%	65%	55%	45%
86—125	65%	55%	50%	40%
126—150	Not applicable 45%	40%	35%	

2. In order to meet the coverage limits, a lot may be combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

- a. The coverage of all structures on the lots meets the limits set in this subsection A; and
- b. The fee owners of the abutting lots shall execute a deed or other agreement, which shall be recorded with the title to the lots, which restricts future development so that in combination with the other lots, the coverage limits shall not be exceeded.

B. Floor Size. Each floor in portions of structures above an elevation of one hundred twenty-five (125) feet shall have a maximum gross floor area of eight thousand (8,000) square feet.
(Ord. 112303 § 3(part), 1985.)

23.49.246 International District Residential, maximum wall dimensions.

A maximum wall length shall be established for each portion or portions of a structure above an elevation of sixty-five (65) feet. The maximum wall length shall be measured separately for each portion or portions of a structure that are separated by at least twenty (20) feet at all points. This maximum length shall be measured parallel to all street property lines, and shall be as follows:

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.)

23.49.248 International District Residential, side setback and green street setback requirements.

A. Side Setbacks. Setbacks shall be required from side lot lines that are not street side lot lines. The setback shall occur above an elevation of sixty-five (65) feet. The amount of the setback shall be determined by the length of the frontage of the lot on avenues, as follows:

Frontage on Avenue	Required Setback at 65 Feet
120 feet or less	Not required
121 feet to 180 feet	20 feet
181 feet or more	40 feet

B. Green Street Setbacks. A setback from the street property line shall be required on green streets, Map 1G, 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'	$H - 85' \times .2 + 10'$ where H = Total structure height in feet

(Ord. 120443 § 65, 2001; Ord. 117263 § 46, 1994; Ord. 112519 § 35, 1985; Ord. 112303 § 3(part), 1985.)

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

Subchapter X Downtown Harborfront 1

Part 1 Use Provisions

23.49.300 Downtown 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

23.49.302 Downtown Harborfront 1, general provisions.

All uses shall meet the development standards of the Seattle Shoreline Master Program. (Ord. 112303 § 3(part), 1985.)

23.49.306 Downtown 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

23.49.318 Downtown 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.)

23.49.320 Downtown 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.)

23.49.322 Downtown 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 1J,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 1J and containing twenty (20) or fewer parking spaces; or

b. Permitted as a conditional use when located in areas shown on Map 1J and containing more than twenty (20) spaces; or

c. Prohibited in areas not shown on Map 1J, except that temporary accessory surface parking areas may be permitted as a conditional use pursuant to Section 23.49.324.

(Ord. 120443 § 67, 2001; Ord. 112303 § 3(part), 1985.)

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

23.49.324 Downtown 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 in-

terest. 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.)

23.49.332 Downtown 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 that abuts a street designated on Map 1J1 as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1J.1

A. Minimum Facade Height.

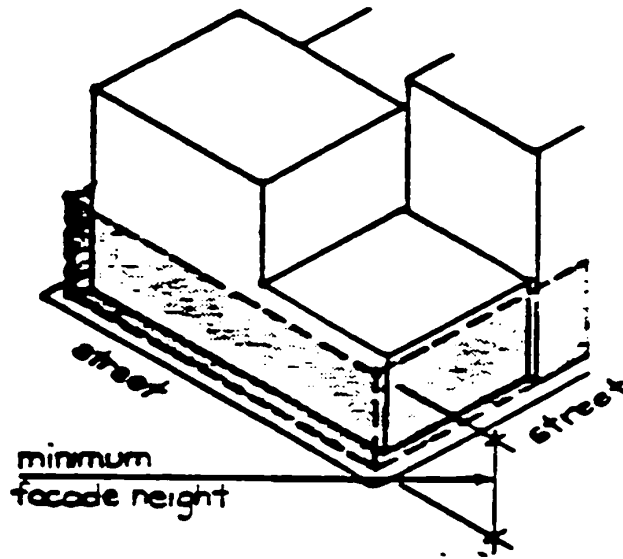
1. Minimum facade height shall be as described in the chart below, and as shown in Exhibit 23.49.332 A, but the minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

**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**



**Class II
Green Streets 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.

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 Green Streets: 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 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.

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. 120611 § 12, 2001; Ord. 120443 § 71, 2001; Ord. 118409 § 191, 1996; Ord. 116744 § 23, 1993; Ord. 112519 § 37, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1J 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

23.49.336 Pike Market Mixed, permitted uses.

A. Permitted uses within the Pike Place Market Historical District, shown on Map 1L,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 Place Market Historical District in the Pike Market Mixed (PMM) zone, as shown on Map 1L, 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. 120443 § 72, 2001; Ord. 118672 § 21, 1997; Ord. 117430 § 73, 1994; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1L 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.

23.49.338 Pike Market Mixed, prohibited uses.

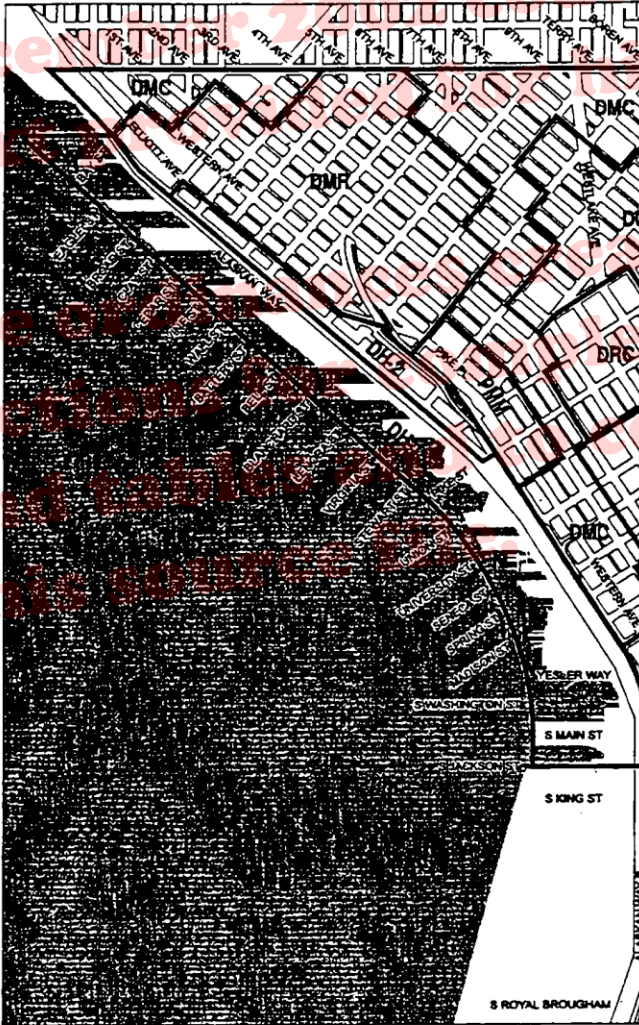
A. The following uses are prohibited as both principal and accessory uses in areas outside of the Pike Place Market Historical District, Map 1L:¹

1. Drive-in businesses, except gas stations located in parking garages;
2. Outdoor storage;
3. Adult motion picture theaters and adult panoramas;
4. Transportation facilities;
5. Major 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 Place Market Historical District, Map 1L, uses may be prohibited by the Pike Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance.²

(Ord. 120928 § 21, 2002; Ord. 120443 § 73, 2001; Ord. 116295 § 19, 1992; Ord. 114623 § 13, 1989; Ord. 112303 § 3(part), 1985.)

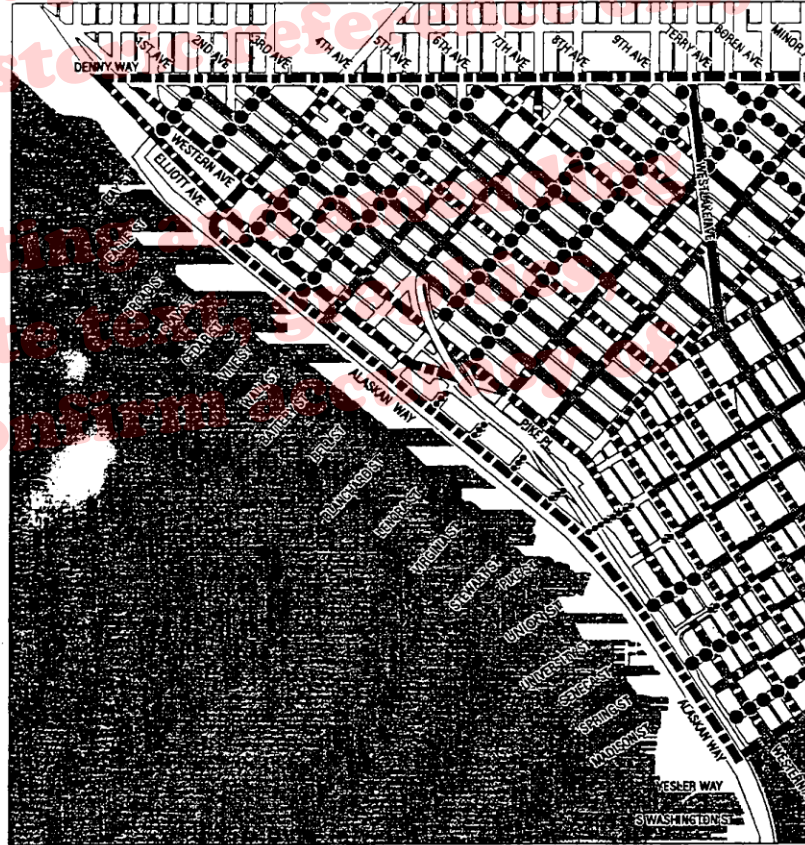
1. Editor's Note: Map 1L is codified at the end of this chapter.
2. Editor's Note: The Pike Place Market Historical District Ordinance is codified in Chapter 25.24 of this Code.



Downtown Classifications

- DOC-1 Office Core-1
- DOC-2 Office Core-2
- DRC Retail Core
- DMC Mixed Commercial
- DMR Mixed Residential
- PSM Pioneer Square Mixed
- IDM International District Mixed
- IDR International District Residential
- PMM Pike Market Mixed
- DH-1 Harborfront-1
- DH-2 Harborfront-2

Downtown Zones



- Access Street
- Class II Pedestrian Street/
Minor Arterial
- Class II Pedestrian Street/
Principal Arterial
- Class I Pedestrian Street/
Minor Arterial
- Class I Pedestrian Street/
Principal Arterial
- Principal Transit Street
- Green Street
- Undeveloped Street
- Pedestrian Street Classifications
included in Special Overlay District
Regulations

Street Classifications

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Downtown Zones



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December 2002 code update file
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See original code sections and tables in this source for historic reference only.



..... Variable
 12'
 ||||| 15'
 - - - 18' (When on a one-way st only the side with transit stops shall be 18'; the other side shall be 15'.)

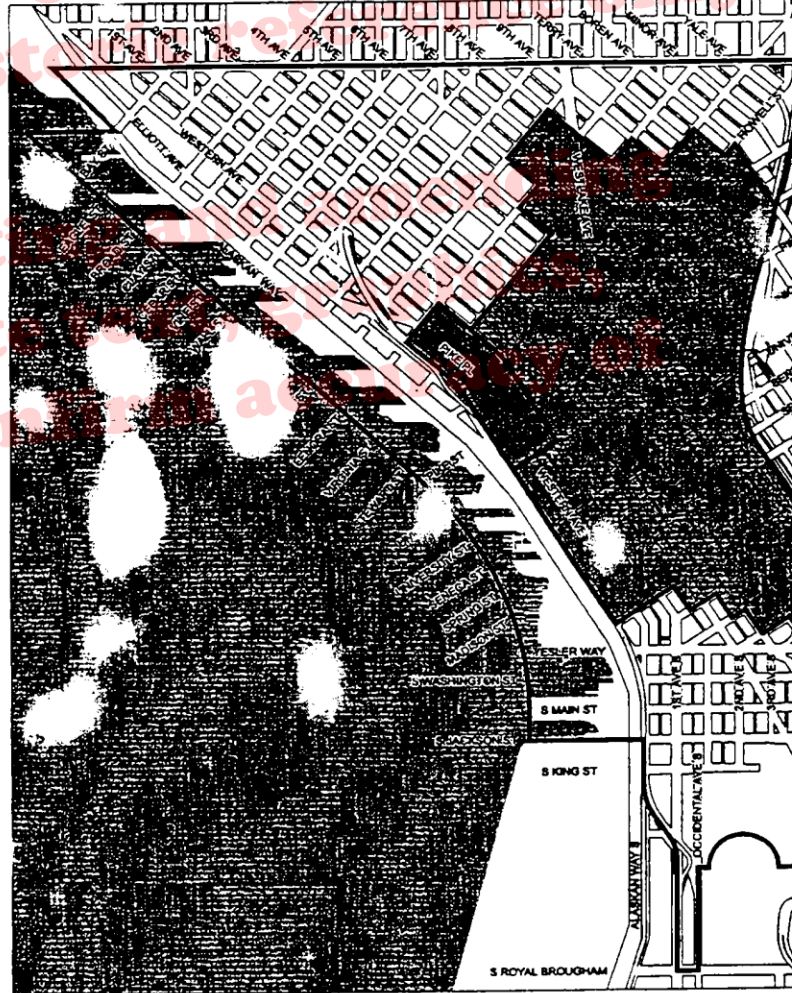
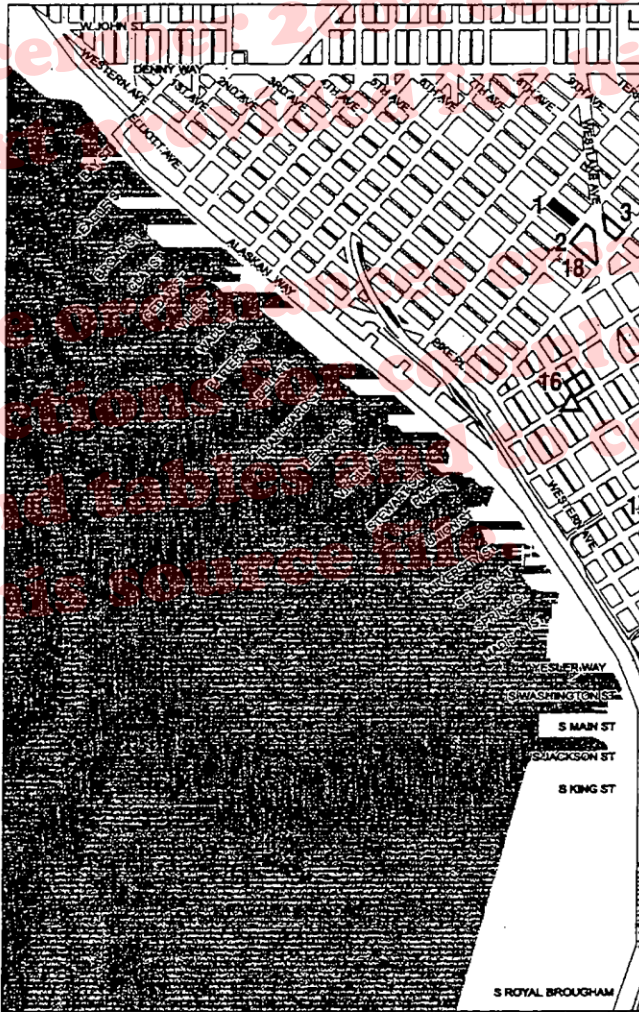
Sidewalk Widths

View Corridors

View Corridors

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 the



Public Benefit Features

A. Plaza

- Type I
- Type II

B. Shopping Plaza

- Type I
- Type II

C. Arcade




D. Shopping Arcade

- △ Interior
- * Exterior

E. Voluntary Building Setback

Projects

1. United Airlines Building - A,C,E 1
2. Westin Building - A,C 1
3. Plaza 600 Building - C,E 1
4. 1600 Bell Plaza - A,C,E 1
5. One Union Square - A,E 1
6. Park Place - A,C 1
7. Crowne Plaza Hotel - A,C 1
8. Madison Hotel - A,C,D,E 1
9. Fifth Avenue Plaza - A,B,C,D,E 1
10. Columbia Center/Bank of America Tower - A,B,C,D

-  Areas with High Transit Access
-  Areas with Moderate Transit Access
-  No Parking Required

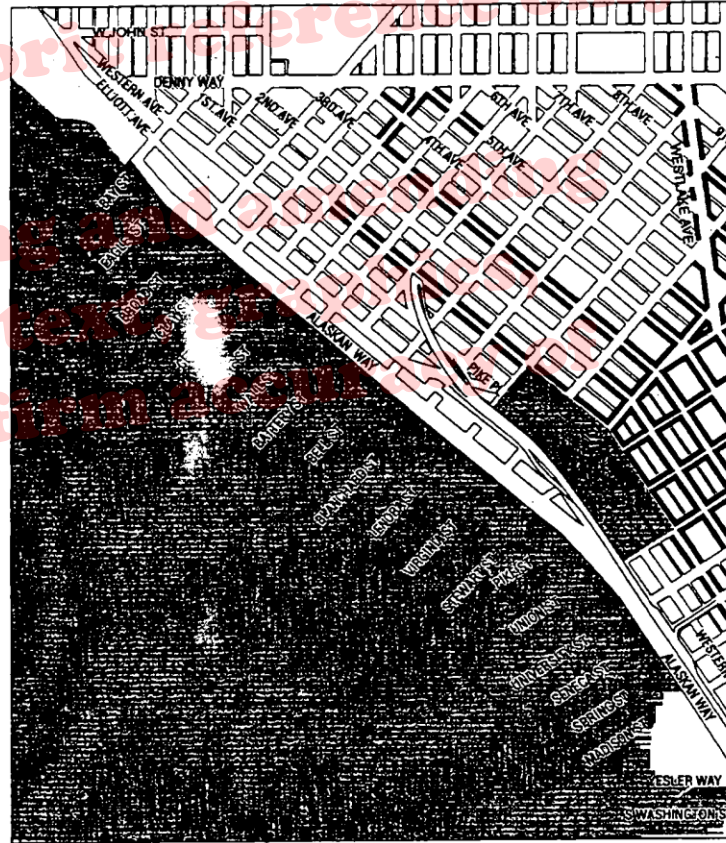
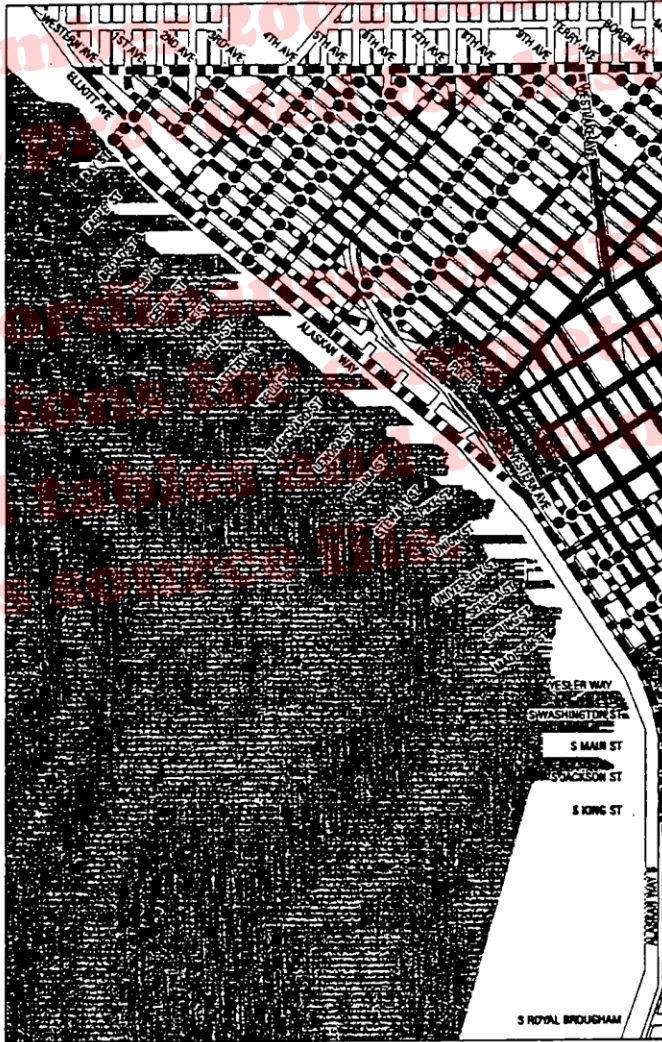
Existing Public Benefit Features under Title 24

Transit Access

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- Street-level Uses Required
- Street Level Use Regulated by Special Overlay District

- Class I
- - - Class II
- Green Street
- Pedestrian Street Classifications included in Special Overlay District Regulations

Street Level Use Required

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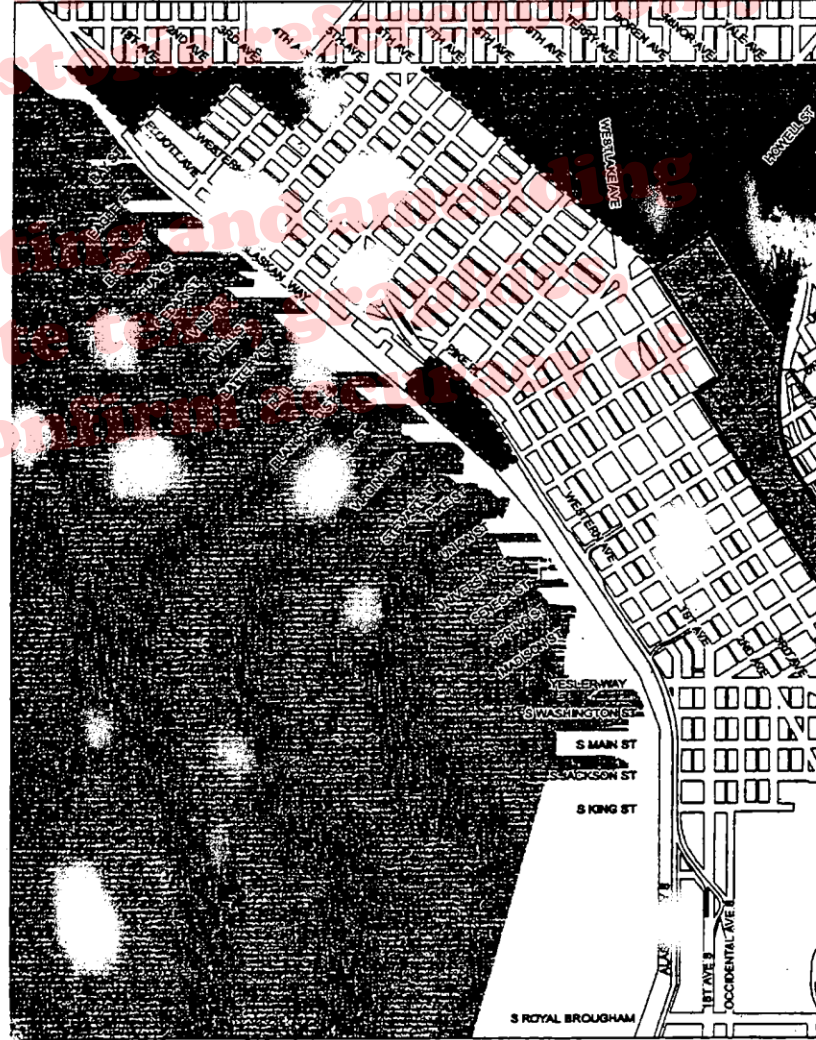
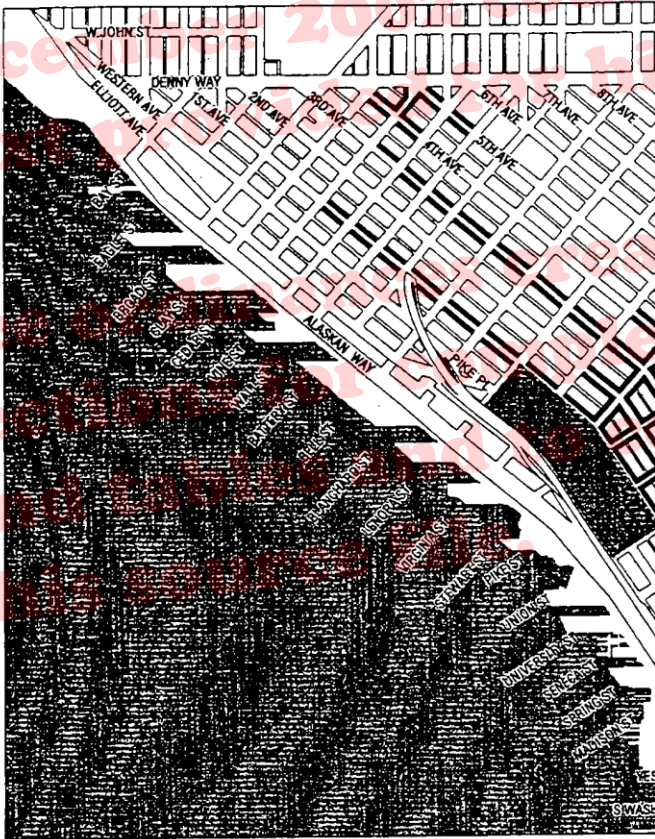


Pedestrian Street Classifications

ASSEMBLY BILLING/STRATEGIC PLANNING OFFICERS/COMMUNITY SCALE TOP PROJECT - CODE REVISION/19/10/00

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 See also...



- Property Line
- Facades Required
- Street Facades Included in Special Review or Historic District Regulations

- Principal Use Long Term Parking Garages permitted Conditional Uses
- Principal Use Long Term Parking Garages permitted as Conditional Uses. Accessory and Principal Use Surface Parking Areas permitted according to the Parking Use provisions of the zone.

Property Line Facades

ASSINELL, ELMEINDORF+TEGIC PLANNING OFFICE 2748-4724

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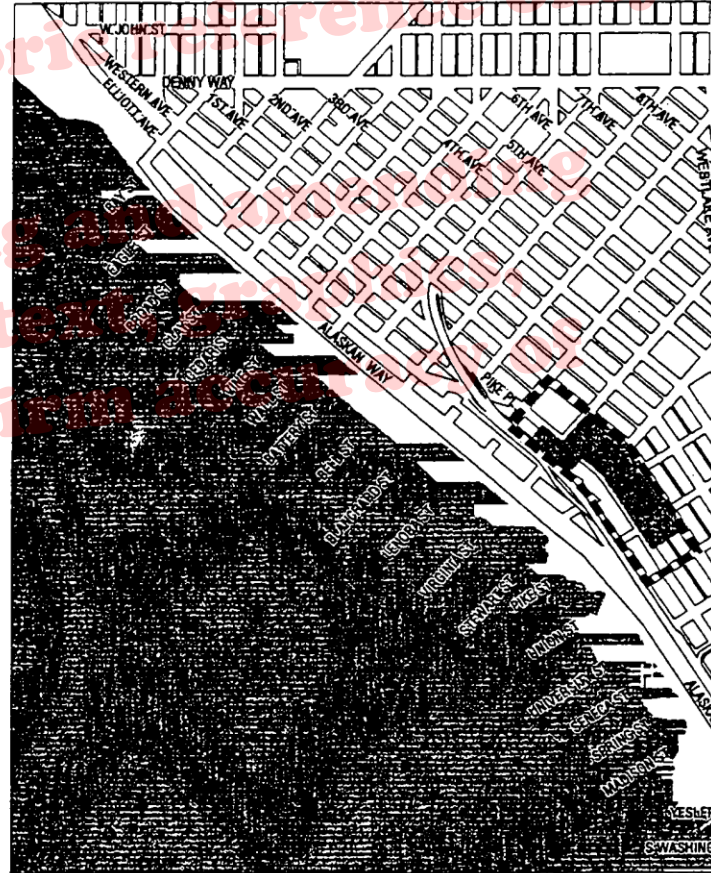
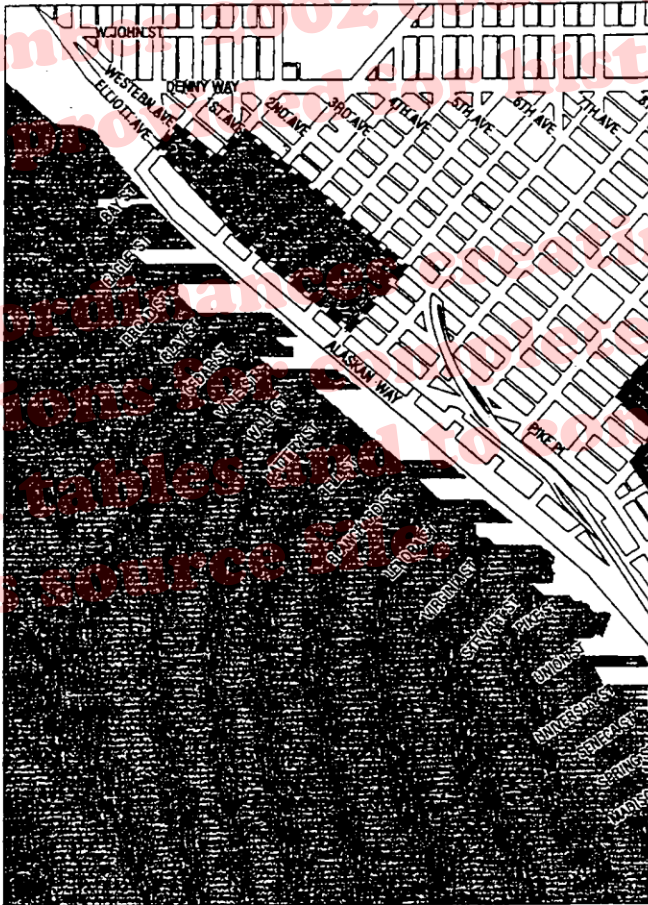
Parking Uses Permitted





ASSINELL, ELMEINDORF+TEGIC PLANNING OFFICE 2748-4724 DOWNTOWN SEATTLE

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-  Hillside Terrace
-  Shopping Corridor
-  Hill Climb Assist
-  Transit Station Access

-  Pike Market
-  Mixed Zone
-  Pike Place Market Historical District

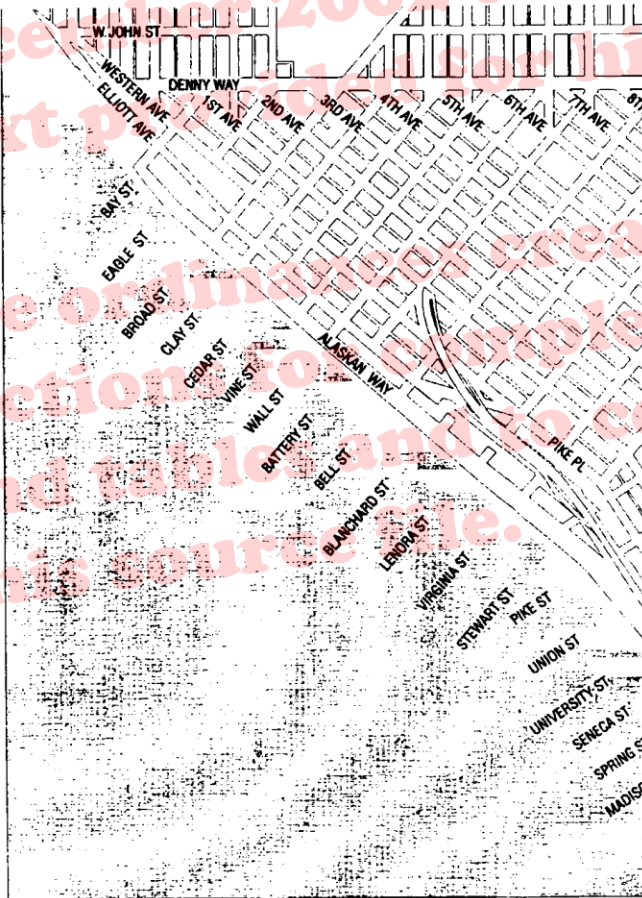
Pike Place Market


Public Amenity Features

ASSEMBLY LANDMARK STRATEGIC PLANNING OFFICERS 7346-6724 DOWNTOWN SCHOOL TDR PROJECT - CODE REVISIONS NEW FOLDER MAP 11.000 (REV. 02/2017) CITY CLERK

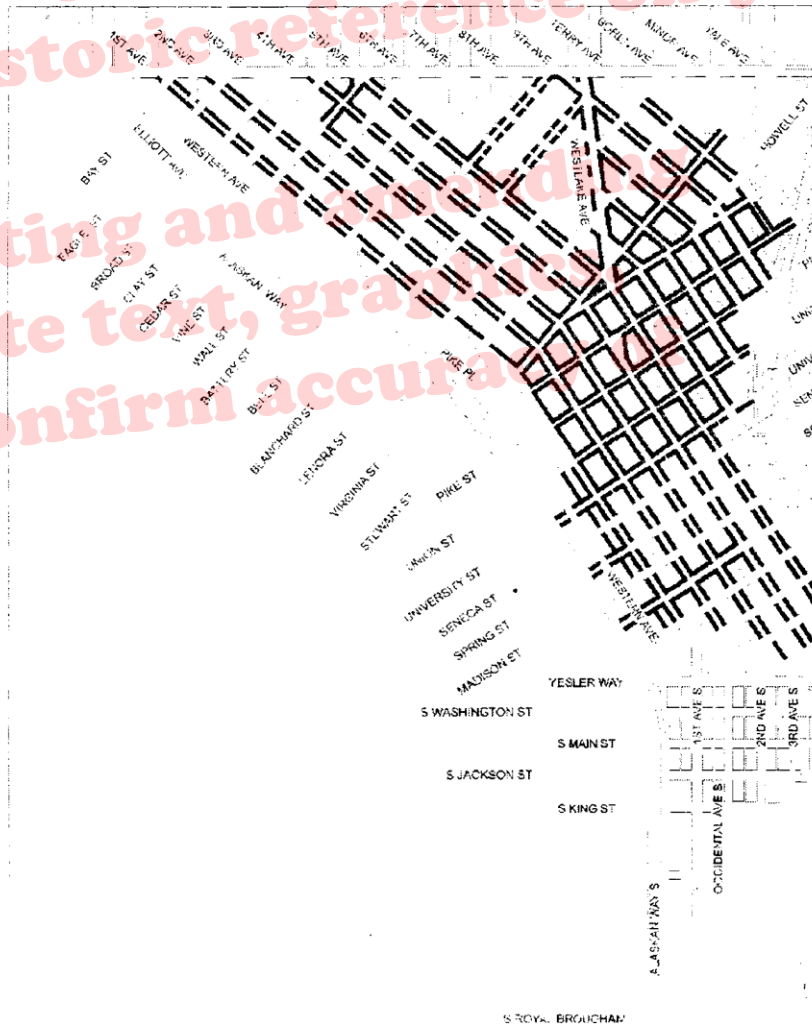
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 30% Additional Height permitted for Residential Use above 150 feet

Downtown Retail Core



Area where Short-term Parking is an eligible Public Benefit Feature

 Retail sales and service uses and entertainment uses are eligible Public Benefit Features

Retail and Short-term Parking Public Amenity Features


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Downtown Classifications

- DOC-1 Office Core-1
- DOC-2 Office Core-2
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- DMR Mixed Residential
- PSM Pioneer Square Mixed
- IDM International District Mixed
- IDR International District Residential
- PMM Pike Market Mixed
- DH-1 Harborfront-1
- DH-2 Harborfront-2


 Area where 20% height increase is permitted per 23.49.008



0 2 4 6 8 10
SCALE IN 100 FEET

Map 10

Downtown Zones



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Additional Height

ASSEMBLY BILL/INDUSTRIAL/STRATEGIC PLANNING OFFICERS/2008-07-28 DOWNTOWN BOMBS TOR PROJECT - CODE REVISION/MAP 10 ADDITIONAL HEIGHT ZONE MAP 10/07/08

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