Ordinance No. 120443

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Council Bill No. 113615

AN ORDINANCE relating to land use and zoning, amending Chapters 23.41, 23.49 and 23.84 of the Seattle Municipal Code, modifying development regulations for downtown zones and responding to certain recommendations from the Downtown Urban Center Planning Group (DUCPG).

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ORDINANCE 120443

AN ORDINANCE relating to land use and zoning, amending Chapters 23.41, 23.49 and 23.84 of the Seattle Municipal Code, modifying development regulations for downtown zones and responding to certain recommendations from the Downtown Urban Center Planning Group (DUCPG).

WHEREAS, on May 24, 1999, the City Council adopted Resolution 29900, recognizing the Downtown Urban Center Planning Group (DUCPG) Neighborhood Plan, and approving the City's work program in response to the DUCPG Neighborhood Plan; and

WHEREAS, on June 19, 2000, the City Council adopted Resolution 30192, accepting the TDR/Bonus Program Review Advisory Committee Report and establishing a schedule for policy and code changes necessary to revise and update the TDR/Bonus Programs; and

WHEREAS, on December 11, 2000, the City Council enacted Ordinance 120201, amending the Comprehensive Plan to include policies for Downtown Seattle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds that:

A. This ordinance is consistent with the policies contained in the Comprehensive Plan as amended and will promote the health, safety and welfare of the general public.

B. Housing.

1. Large-scale office and hotel developments in downtown Seattle have attracted and continue to attract additional employees to the City, and create the need for additional housing in the downtown area, particularly housing affordable to households of lower and moderate income. Office and hotel uses in the City are benefited by the availability of affordable housing for persons employed in such offices and hotels close to their place of employment.

2. There is a low vacancy rate for housing affordable to persons of lower and moderate income. This low vacancy rate is due in part to large office and hotel developments that have attracted and will continue to attract additional employees and residents to downtown Seattle. Consequently, some of the employees attracted to these large office and hotel developments are competing with present residents for scarce, vacant affordable housing units in downtown Seattle. Competition for housing generates

the greatest pressure on the supply of housing affordable to households of lower and moderate income. In downtown Seattle, office or hotel uses of land generally yield higher income to the owner than housing. Because of these market forces, the supply of non-publicly-subsidized affordable housing units will not be expanded. Furthermore, federal, state and local subsidy programs are not sufficient by themselves to satisfy lower and moderate income housing requirements of downtown, as they will be expanded by higher-density office and hotel development.

3. To allow total downtown office and hotel development at substantially higher densities than the base floor area ratios established in this ordinance, without provision for a significant portion of the additional affordable housing needed to support such development, would result in adverse effects including, without limitation, excessive demands on transportation networks from additional downtown workers; upward pressure on rents for modest housing in and near downtown; displacement of existing occupants of such housing; households paying large percentages of income on housing and unable to provide for other necessities, causing further strains on public and private resources available for social services and other support of lower income households. An increase in affordable housing units downtown sufficient to accommodate approximately one-third of the low-income and low-moderate income workers in the new office and hotel projects would be required to offset the housing impacts identified above.

4. The State Growth Management Act calls for jurisdictions planning under it to utilize innovative management techniques including, but not limited to, density bonuses and transfer of development rights to achieve the planning goals established under that Act, which include making provision for housing needs of all economic segments of the community.

5. The City of Seattle's Comprehensive Plan calls for the provision of additional housing to accommodate the demands of new residents attracted here by expanding employment opportunity made available by growth of office and hotel use in downtown Seattle. Land Use Policy L123 calls for the use of bonuses and TDR downtown to increase development potential where it is desirable to accommodate growth, while providing for mitigation of impacts associated with higher densities.

6. The City should provide floor area bonuses conditioned on voluntary agreements by developers to mitigate the adverse effects of the expanded employment facilitated by such projects.

7. The amounts of additional affordable housing downtown for households at different income levels that are necessary to accommodate higher density office and hotel development are approximately as set forth in the Housing Nexus Analysis, prepared by Keyser Marston Associates. The Housing Nexus Analysis describes the nexus between new office and hotel development and the increased demand for housing in the City, and provides the numerical relationship between new office and hotel development and the formulas for provision of housing set forth in this ordinance. The housing to be produced to qualify for bonus floor area under this ordinance therefore represents less than the full impact of the additional floor area.

8. In order for development of housing affordable to households with incomes below 80 percent of median family income to be feasible downtown, capital subsidies are required in approximately the amounts set forth in the Housing Nexus

Analysis, according to the income levels to be served. Therefore, the amounts of the voluntary cash contribution to the City's downtown housing fund that would be equivalent to providing floor area of affordable housing units as a condition of bonus floor area are as set forth in the Nexus Analysis. These dollar amounts may be expected to increase.

9. Because the additional demand for affordable housing created by office development in the City can be expected to continue for many years, it is necessary to maintain the affordability of the housing units constructed by office developers under this program. In order to maintain the long-term affordability of such housing, mechanisms such as recorded covenants are necessary.

C. Child Care.

1. Large scale office and hotel developments in downtown Seattle add thousands of employees to the downtown workforce and thus result in an increased demand for licensed child care space for children of employees working in the downtown. Office and hotel uses benefit from the availability of child care accessible to workers.

2. There is currently a scarcity of child care in the downtown for all income groups. Because child care costs in the downtown exceed costs elsewhere, low and moderate income workers are especially impacted. The supply of child care in the downtown has not kept pace with the demand for child care created by increased development in the downtown. As densities continue to increase, the supply of child care in the downtown is expected to become increasingly scarce.

3. The Child Care Nexus Analysis prepared by Keyser Marston Associates describes the relationship between large scale office and hotel development and the increased demand for child care in the downtown. Based on this analysis, the City finds that at least 39 additional child care spaces are needed in the downtown for each addition of 1,000 employees, and that the private market will not provide for this need in the absence of conditions on bonuses for high-density development. The analysis includes a formula for calculating the amount of additional child care space needed, costs associated with construction of child care space, and subsidy needs to ensure affordability for low and moderate income workers. Based on that analysis, the City finds that the amount of child care space per square foot of bonus floor area of commercial development established in this ordinance, if provided on terms that ensure a sufficient portion of that space will be used to provide child care affordable to low-income families, will mitigate a substantial portion, though not all, of the increased child care needs from that floor area, and that in the alternative the payment to the City of the cash option amount for child care set forth in this ordinance will allow the City to provide for mitigation of a similar portion of those increased needs.

D. Open Space.

1. The City of Seattle has experienced substantial commercial and residential development recently in the downtown neighborhoods without development of open space or space for the display of art and cultural resources.

2. Further commercial and residential development activity in downtown is anticipated in the next decade, which will decrease opportunities for acquisition and development of open space and space for the arts accessible to the general public.

3. The City of Seattle Comprehensive Plan, the Downtown Urban Center Plan and other downtown neighborhood plans identify the desire for additional open space and space for the arts accessible to the general public free of charge.

4. The Open Space Policies of the Comprehensive Plan for the Downtown Urban Center specifically support an expansion of the open space system through an open space bonus and/or allowing development rights to transfer from open space sites.

5. The open space bonus and allowing development rights to be transferred from open space meeting certain standards as provided in this ordinance will achieve the goals of the Comprehensive Plan and will help mitigate the impacts of increased commercial and residential development.

6. Allowing the transfer of development rights from usable, attractive, open space downtown will promote the public health, safety and welfare by, among other things, increasing access to light and air at street level and contributing to a varied pattern of use and development that makes downtown more attractive and desirable to residents, workers and visitors. However, allowing transfer of development rights from a vacant site without regard to its development, maintenance or use as public open space could adversely affect the public health, safety and welfare by contributing to blight and potential public safety problems, causing downtown to be a less desirable place for workers, residents and visitors than it would be if development rights could be used only on-site. Therefore, allowance of TDR from open space should be conditioned upon the dedication of such open space for public access and the development and maintenance of such open space in a safe, attractive and accessible condition.

Section 2. Subsection B of Section 23.41.012 of the Seattle Municipal Code, which Section was last amended by Ordinance **120410**, is amended as follows:

23.41.012 Development standard departures.

* * *

B. Departures may be granted from the following requirements:

1. Structure width and depth limits;

2. Setback requirements;

3. Modulation requirements;

4. SCM zone facade requirements, including transparency and blank facade provisions;

5. Design, location and access to parking requirements;
6. Open space or common recreation area requirements;
7. Lot coverage limits;
8. Screening and landscaping requirements;
9. Standards for the location and design of nonresidential uses in mixed use buildings;
10. Within Urban Centers, in L3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty (20) percent of the maximum height permitted, as provided in Section 23.45.009 A, subject to the following limitations:
a. A pitched roof may not incorporate the additional height if the structure is on a ((~~site~~)) lot abutting or across a street or alley from a single-family residential zone,
b. The proposed structure must be compatible with the general development potential anticipated within the zone,
c. The additional height must not substantially interfere with views from up-slope properties, and
d. No more than one (1) project on one (1) lot within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height;
11. Building height within the Roosevelt Commercial Core (up to an additional three (3) feet for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core)((.));
12. Building height within the Ballard Municipal Center Master Plan area, up to an additional 9 feet, for properties zoned NC3-65', (Exhibit 23.41.012B, Ballard Municipal Center Master Plan area)((.));
13. Reduction in required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000". The parking requirement must be no less than the required parking for Pedestrian 1 designated areas shown in Section 23.47.004 Chart E((.));
14. Downtown or Stadium Transition Overlay District street facade requirements;
15. Downtown upper-level development standards;
16. Downtown coverage and floor size limits;
17. Downtown maximum wall dimensions;
18. Downtown street level use requirements;
19. Combined coverage of all rooftop features in downtown zones subject to the limitations in Section 23.49.008 C2;
20. Certain conditions to allowance of additional height in DOC 1 and DOC 2 zones pursuant to subsection 23.49.008A 2, as follows:
a. limits on gross floor area of stories under subsection 23.49.008 A2a(2); and

b. percentages of lot area that must be occupied by open space or by structures no greater than thirty-five (35) or sixty-five (65) feet in height, under subsection 23.49.008 A2b(1); and

21((0)). Building height in Lowrise zones, and parking standards of Section 23.54.015 in Midrise and Commercial zones, in order to protect existing trees as provided in Chapter 25.11.

* * *

Section 3. Subsection A of Section 23.49.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.49.008 Structure height.

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

A. Maximum structure heights for downtown zones are ((~~forty-five (45) feet, fifty-five (55) feet,~~)) sixty-five (65) feet, ((~~seventy-five (75) feet,~~)) eighty-five (85) feet, one hundred (100) feet, ((~~one hundred twenty (120) feet~~)), one hundred twenty-five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred (300) feet and four hundred fifty (450) feet, as designated on the Official Land Use Map, Chapter 23.32. The height of a structure shall not exceed the maximum structure height, except that:

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

((~~2.~~))1. Any ((~~property~~)) lot in the Pike Market Mixed zone that is subject to an urban renewal covenant may be built no higher than the height permitted by the covenant for the life of the covenant.

2. Any lot that meets the provisions of this subsection may gain additional structure height using one, but not both of subsections 2a and 2b below:

a. A structure in a DOC 1 zone, or in a DOC 2 zone, may gain additional height of ten (10) percent of the maximum structure height, when

(1) the gross floor area of each story wholly or partly above the maximum structure height is no greater than 80 percent of the gross floor area of at least one story below the maximum structure height, which story must have gross floor area no greater than that of each story lower than it that is wholly above a height of one hundred twenty-five (125) feet. For structures with separate towers, the limits on area apply to each tower individually; and

(2) the above-grade gross floor area in all structures on the lot, including all floor area exempt from FAR limits, except exempt street-level uses and bonused housing, does not exceed the sum of the maximum FAR for the lot established by Section 23.49.011 plus any credit floor area above the maximum structure height

allowed under Section 23.49.041, City/County Transfer of Development Credits Program.

b. A structure within the area shown on Map 1O may gain additional height of twenty (20) percent of the maximum structure height, when the conditions in subsection A2a of this Section are satisfied, and either:

(1) the lot has either (A) 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 (B) 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; or

(2) the lot contains a Landmark structure and satisfies all conditions to the transfer of Landmark TDR from such lot under this Chapter and the Public Benefit Features Rule, other than conditions related to the availability of unused base floor area.

3. On any lot in the DRC a height of one hundred fifty (150) feet is permitted subject to the restrictions in subsection 4 of this Section in the following cases:

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

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

c. When a minimum of 1.5 FAR of retail sales and service or entertainment uses, or any combination thereof, is provided on the lot; or

d. For residential floor area created by infill of a light well on a Landmark structure. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height allowed under this subsection A3d shall be the lesser of one hundred fifty (150) feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.

4. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the eighty-five (85) foot maximum height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks Preservation Board for any proposed modifications to controlled features is required prior to a decision by the Director to allow or condition additional height for the project. The Landmarks Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a structure on the list below is

solely for the purpose of conditioning additional height under this subsection, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark.

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

c. The restrictions in this subsection 4 are in addition to, and not in substitution for, the requirements of the Landmarks Ordinance, SMC Ch. 25.12.

5. ((~~In the Downtown Retail Core zone, residential floor area created by infill of a light well on a City-designated Landmark structure shall be permitted above eighty-five (85) feet. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height limit for any infill allowed under this subsection A4 shall be the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.~~)) Any structure on a lot on either of the two half blocks abutting the east side of 2nd Avenue, between Pine and Union Streets, that qualifies for the one hundred fifty (150) foot height limit under subsection A3 of this Section, is allowed a height limit of 195 feet if all portions of the structure above eighty-five (85) feet in height contain only residential use.

((~~3.~~)6. A structure on a((~~A~~))ny lot in the Denny Triangle Urban Village, as shown on Map 23.49.041A, may gain up to an additional thirty (30) percent in height if credit floor area is allowed pursuant to Section 23.49.041, City/County Transfer of Development Credits Program. The maximum height that may be allowed is one hundred thirty (130) percent of the maximum structure height.

7. Rooftop features, as provided in subsection C, are allowed in addition to the extra height permitted under this subsection.

* * *

Section 4. Subsections C and D of 23.49.009 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, are amended as follows:

23.49.009 Open space.

* * *

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

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

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for public benefit feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of ((~~the zone in which the feature is located~~)) Section 23.49.013 and the Public Benefit Features Rule for one (1) or more of the following:

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

b. On-site open space satisfying the requirement of subsection C2a of this section may achieve a bonus as a public benefit feature not to exceed ((~~one (1) FAR~~)) any limits pursuant to Section 23.49.013, which bonus shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (1/4) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area.

b. Public open space on a site other than the project site shall be a bonusable feature if the open space meets the standards of ((~~the zone in which the open space is located and is one (1) of the~~)) Section 23.49.013 and is one of the open space features cited in subsection C2a of this section. Bonus ratios for off-site open space shall be ((~~determined by the zone of the project receiving the bonus,~~)) as set forth in ((~~the Tables for Sections 23.49.050, 23.49.070, 23.49.126, 23.49.152, and 23.49.330 B~~)) Section 23.49.013. Projects that provide off-site open space satisfying this requirement may achieve a public benefit feature bonus not to exceed ((~~one (1) FAR~~))

any limits pursuant to Section 23.49.013 for such open space, which shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

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

D. Payment in Lieu. In lieu of providing open space under this requirement, an owner may make a payment to the City((~~'s Open Space Fund~~)) if the Director determines that the payment will contribute to the improvement of a green street abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that the improvement of such green street within a reasonable time is feasible. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt for the development of such a green street, unless the property owner and the City agree upon another use involving the acquisition or development of public open space that will mitigate the impact of the project. ((~~purchase and/or development of an identified open space that is consistent with City policy and priorities, that the open space will mitigate the impacts of the project, and that acquisition of the open space (if applicable) is assured. The payment and use thereof shall be consistent with RCW 82.02.020.~~

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

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

~~3. Funds received in lieu of providing open space within Downtown shall be applied to acquisition or development of new open space in a Downtown zone, within one-quarter (¼) mile of the contributing sites, except that when a contributor or contributors agree with the City that a new open space within a Downtown zone but more than one-quarter (¼) mile from the project site(s) would be an appropriate mitigation to the project impacts, the in-lieu of payments from those projects may be used for that open space.~~)) A bonus may be allowed for a payment for green street improvements made wholly or in part to satisfy the requirements of this section, pursuant to Section 23.49.013.

* * *

Section 5. Section 23.49.011 of the Seattle Municipal Code, which Section was added by Initiative 31, is hereby repealed.

Section 6. A new Section 23.49.011 is hereby added to the Seattle Municipal Code, as follows:

23.49.011 Floor area ratio.

A. General Standards.

1. The base and maximum floor area ratio (FAR) for each zone is provided in Chart A as follows:

23.49.011 - Chart A

Base and Maximum Floor Area Ratios (FARs)		
Zone Designation	**Base FAR**	**Maximum FAR***
Downtown Office Core 1 (DOC1)	6	14
Downtown Office Core 2 (DOC 2)	5	10
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in 65' height district 4.5 in 85' height district 5 in height districts above 85'	4 in 65' height district 6 in 85' height district 7 in height districts above 85'
Downtown Mixed Residential/Residential (DMR/R)	1 in 85/65' height district 1 in 125/65' height district 1 in 240/65' height district	1 in 85/65' height district 2 in 125/65' height district 2 in 240/65' height district
Downtown Mixed Residential/Commercial (DMR/C)	1 in 85/65' height district 1 in 125/65' height district 2 in 240/125 height district	4 in 85/65' height district 4 in 125/65' height district 5 in 240/125 height district
Pioneer Square Mixed (PSM)	N.A.	N.A.
International District Mixed (IDM)	3, except hotels. 6 for hotels.	3, except hotels. 6 for hotels.
International District Residential (IDR)	1	2 when 50% or more of the total gross floor area on the lot is in residential use.
Downtown Harborfront 1 (DH1)	N.A.	N.A.
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR.
Pike Market Mixed (PMM)	7	7

*Provisions for how to gain floor area above the base FAR are found in subsection 2 of this Section and in Sections 23.49.012, 23.49.013 and 23.49.014.
N.A. = Not Applicable.

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

a. In DOC1 and DOC2 zones the first one (1) FAR above the base FAR may be gained, at the applicant's option, by any combination of the following: providing one of the amenity features listed in Section 23.49.013, subject to the limits and conditions in that section; providing short-term parking meeting the basic standards in the Public Benefit Features Rule, where such parking is eligible pursuant to Map 1N; providing retail sales and service or entertainment uses as street-level uses meeting the requirements of Section 23.49.025, where such uses are eligible as indicated on Map 1N; or using development rights transferred from an open space TDR site or Landmark TDR site pursuant to Section 23.49.014. An applicant using the option allowed under this subsection A2a may achieve additional chargeable floor area consistent with subsections A2c through A2f of this Section.

b. In the DMC zone chargeable floor area above the base FAR may be achieved, at the applicant's option, by qualifying for bonuses pursuant to Section 23.49.126, Downtown Mixed Commercial ratios for public benefit features. Such option may be exercised only by election in writing by the applicant as part of the original application for a Master Use Permit, or within sixty (60) days of the effective date of this ordinance, for the project that will use such bonus. An applicant making such election shall not be granted bonus floor area for the lot pursuant to Sections 23.49.012 or 23.49.013, but may use TDR consistent with Section 23.49.014. An applicant making such election thereby also elects to have the optional exemptions under subsection B3 of this Section, and not those in subsection B1, apply in determining chargeable floor area.

c. Except as provided in subsection A2a and A2b of this Section, additional chargeable floor area above the base FAR may be achieved only by qualifying for bonuses pursuant to Sections 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Section 23.49.014, or both, subject to the limits of this Chapter and to any other applicable conditions and limitations.

d. In no event shall the use of bonuses or TDR be allowed to result in chargeable floor in excess of the maximum as set forth in Chart A.

e. Except as otherwise provided in this subsection A2e, not less than five percent of all floor area above the base FAR to be gained on any lot, excluding any floor area gained under subsection A2a of this Section, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR is available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities. An applicant may satisfy the minimum Landmark TDR requirement in this section by purchases from private parties, by transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection A2e does not apply to any lot in a DMR zone, or to any lot in a DMC zone for which an election has been made under subsection A2b of this Section

f. On any lot except a lot in a DMR zone or a lot in a DMC zone for which an election has been made under subsection A2b of this Section, the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any housing TDR used for the same project, shall equal seventy-five (75) percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the base FAR, as determined under this Section and Section 23.49.032 if applicable, plus (ii) any chargeable floor area gained on the lot pursuant to subsection A2a of this Section. The remaining twenty-five (25) percent shall be gained through other bonuses or other TDR, or both, consistent with this Chapter.

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

h. Bonuses for street-level uses may be allowed only pursuant to subsection A2a or A2b of this Section. Bonuses for short-term parking may be allowed only pursuant to subsection A2a of this Section. The bonus ratio for street-level uses is three square feet of floor area granted per one square foot (3:1) of bonus feature. The bonus ratio for short-term parking is one (1) square foot of floor area granted per one (1) square foot (1:1) of bonus feature up to a maximum of 200 parking spaces for above grade parking and is two (2) square feet of floor area granted per one (1) square foot (2:1) of bonus feature for below grade parking up to a maximum of 200 parking spaces. Ratios and limits for the other features for which a bonus may be granted under subsection A2a are in Section 23.49.013.

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment use in the DRC zone up to a maximum FAR of 2;

b. Street level uses meeting the requirements of Section 23.49.025, Street-level use requirements, whether or not street-level use is required pursuant to Map 1H, if the uses and structure also satisfy the following standards:

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

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

(3) Overhead weather protection is provided satisfying the provisions of 23.49.025B5.

c. In the DRC zone, shopping corridors and retail atriums;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Museums;

h. Performing arts theaters;

i. Floor area below grade;

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

k. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations.

l. Public restrooms.

2. As an allowance for mechanical equipment, three and one-half (3-1/2) percent of the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1, or B3 if applicable, has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

3. In lieu of the exemptions allowed in subsection B1 of this Section, an applicant may elect in writing, at the time of filing of an original Master Use Permit application that involves the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except on lots from which development rights have been or are transferred;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking;

d. The gross floor area of public benefit features, other than housing, that satisfy the requirements of Section 23.49.126, ratios for public benefit features, or that satisfy the requirements for a FAR bonus amenity allowable to a structure in a DOC1 or DOC2 zone for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.

Section 7. Section 23.49.012, Noise standards, of the Seattle Municipal Code is hereby recodified as Section 23.49.019.

Section 8. A new Section 23.49.012 of the Seattle Municipal Code is hereby added, as follows:

23.49.012 Bonus floor area for Voluntary Agreements for Housing and Child Care.

A. General Provisions.

1. The purpose of this Section is to allow chargeable floor area above the base FAR when the applicant, by voluntary agreement provides, funds or partially funds public benefit features or capital projects that mitigate a portion of the impacts of higher-density development. The City has determined that a major impact of such development is the increased need for low-income and low-moderate income housing downtown to serve workers in lower-paid jobs and their families attracted by the development. The general intent of this section is that voluntary agreements for bonus floor area shall mitigate impacts, with primary emphasis on housing.

2. There shall be a voluntary agreement between the applicant and the City with respect to all floor area earned pursuant to this Section. The agreement commits the applicant to provide eligible bonus features ("performance option"), or to make payments to the City to fund such features ("cash option"), or a combination of both the cash option and the performance option, in amounts sufficient to qualify for the amount of floor area desired.

3. No floor area beyond the base FAR shall be granted for any project that would cause significant alteration to any designated feature of a Landmark structure, unless a Certificate of Approval is granted by the Landmarks Preservation Board.

B. Voluntary Agreements for Housing and Child Care. For each square foot of chargeable floor area above the base FAR to be earned under this Section, the voluntary agreement shall commit the developer to provide or contribute to the following facilities in the following amounts:

1. Housing.

a. For each square foot of bonus floor area, housing serving specified income levels, or an alternative cash contribution, must be provided according to Chart A:

23.49.012 Chart A

Income Level	Gross Square Feet of Housing	Cash Contribution*
Up to 30% of median income	0.01905335	$3.20
Up to 50% of median income	0.06058827	$9.28
Up to 80% of median income	0.07614345	$6.27
Total	0.15578507	$18.75

* The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84= 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. In the alternative, the Director of the Office of Housing may adjust the cash contribution amounts based on changes to commercial and/or housing development costs estimated in such manner as the Director deems appropriate. Any such adjustment to the cash contribution amounts may be implemented through a rule-making process.

b. For purposes of this subsection, a housing unit serves households up to an income level only if all of the following are satisfied for a period of fifty years beginning upon the issuance of a certificate of acceptance by the Director of the Office of Housing in accordance with subsection 23.49.012 B1i:

(1) the housing unit is used as rental housing solely for households with incomes, at the time of each household's initial occupancy, not exceeding that level; and

(2) the rent charged for the housing unit together with a reasonable allowance for any basic utilities that are not included in the rent, does not exceed one-twelfth of 30% of that income level as adjusted for the estimated size of household corresponding to the size of unit, in such manner as the Director of the Office of Housing shall determine;

(3) there are no charges for occupancy other than rent; and

(4) the housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances, for such fifty-year period.

c. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus floor area if it is committed to serve one or more of the income groups referred to in this section pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the construction of such housing or conversion of nonresidential space to such housing, but no earlier than three (3) years prior to the issuance of a master use permit for the project using the bonus floor area, and either:

i. the housing unit is newly constructed, is converted from nonresidential use, or is renovated space that was vacant as of the date of this ordinance, on the lot using the bonus floor area, pursuant to the same master use permit as the project using the bonus floor area; or

ii. the housing is newly constructed, is converted from nonresidential use, or is renovated in a residential building that was vacant as of the date of this ordinance on a lot in a Downtown zone in compliance with the Public Benefit Features Rule, and:

-- the housing is owned by the applicant seeking to use the bonus, or

-- the owner of the housing has signed, and there is in effect, a linkage agreement approved by the Director of the Office of Housing allowing the use of the housing bonus in return for necessary and adequate financial support to the development of the housing, and either the applicant has, by the terms of the linkage agreement, the exclusive privilege to use the housing to satisfy conditions for bonus floor area; or the applicant is the assignee of the privilege to use the housing to satisfy conditions for bonus floor area, pursuant to a full and exclusive assignment, approved by the Director of the Office of Housing, of the linkage agreement, and all provisions of this section respecting assignments are complied with.

If housing is developed in advance of a linkage agreement, payments by the applicant used to retire or reduce interim financing may be considered necessary and adequate support for the development of the housing.

d. Housing that is not yet constructed, or is not ready for occupancy, at the time of the issuance of a building permit for the project intending to use bonus floor area, may be considered to be provided by the applicant if, within 3 years of the issuance of the first building permit for such project, Director of the Office of Housing issues a certificate of acceptance for such housing. Any applicant seeking to qualify for bonus floor area based on such housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this Section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the 3-year period, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus floor area for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus floor area is sought.

e. Only the party named in the linkage agreement with the owner of the housing as having the privilege to use the housing to satisfy bonus conditions may assign that privilege, and any assignment must be absolute and irrevocable. No assignment by an assignee, whether to a new party or back to the assignor or housing owner, is permitted. The Director of the Office of Housing may require, as conditions to recognizing any assignment, that

i. the applicant obtain a written acknowledgment from the owner of the housing that the linkage agreement, as so assigned, is valid and effective;

ii. the assignor execute any documents deemed necessary by the Director of the Office of Housing to ensure that no party other than the permitted assignee has used, or will have any claim to use, the same housing to qualify for any floor area or development potential of any kind under any ordinance or other provision of law; and

iii. the owner and such assignor agree to indemnify and hold harmless the City and its officers and employees from any claims of the type described in subsection ii above and any damages from the City's refusal to honor such claims.

f. Nothing in this Chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon the regulations in effect at the relevant time for the project proposing to use such bonus floor area, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on such housing.

g. The Director of the Office of Housing shall review the design and proposed management plan for any housing proposed under the performance option to determine whether it will comply with the terms of this Section.

h. The Director of the Office of Housing is authorized to accept a voluntary agreement for the provision of housing and related agreements and instruments consistent with this Section. The Director of the Office of Housing is further authorized to issue a certificate of acceptance with respect to any housing units developed to satisfy the conditions of this rule, when the construction or rehabilitation of such housing units and the structure in which they are located has been completed; any necessary certificate of occupancy or final permit approval has been issued for the housing units; and either are rented consistent with this section or are vacant, ready for occupancy and offered for rent consistent with this section; and the owner of the housing provides such evidence of compliance with the requirements of this section and the Public Benefit Features Rule as the Director of the Office of Housing may require.

i. Any provision of any Director's Rule notwithstanding, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the housing units shall continue to satisfy the requirements of this subsection throughout the required fifty-year period and that such compliance shall be documented annually to the satisfaction of the Director of the Office of Housing, and the owner of any project using such bonus floor area shall be in violation of this Title if any such housing unit does not satisfy such requirements, or if satisfactory documentation is not provided to the Director of the Office of Housing, at any time during such period. The Director of the Office of Housing may provide by rule for circumstances in which housing units may be replaced if lost due to casualty or other causes, and for terms and conditions upon which

a cash contribution may be made in lieu of continuing to provide housing units under the terms of this subsection.

j. Housing units that are provided to qualify for a bonus shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director.

k. Housing units provided to qualify for a bonus, or produced with voluntary contributions made under this section, should comprise a range of unit sizes, including units suitable for families with children. The Housing Director is authorized to prescribe by rule minimum requirements for the range of unit sizes, by numbers of bedrooms, in housing provided to qualify for a bonus. The Housing Director shall take into account, in any such rule, estimated distributions of household sizes among low-income and low-moderate income households. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing projects funded by contributions received under this section.

2. Child Care.

a. For each square foot of bonus floor area allowed under this Section, in addition to providing housing or an alternative cash contribution pursuant to subsection B1, the applicant shall provide fully improved child care facility space sufficient for 0.000127 of a child care slot, or a cash contribution to the City of $3.25, to be administered by the Human Services Department. The Director of the Human Services Department may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84= 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The minimum interior space in the child care facility for each child care slot is 100 net rentable square feet. Child care facility space shall be deemed provided only if the applicant causes the space to be newly constructed or newly placed in child care use after the submission of a permit application for the project intended to use the bonus floor area, except as provided in subsection B2b(6) below. If any contribution or subsidy in any form is made by any public entity to the acquisition, development, financing or improvement of any child care facility, then any portion of the space in such facility determined by the Director of the Human Services Department to be attributable to such contribution or subsidy shall not be considered as provided by any applicant other than that public entity.

b. Child care space shall be provided on the same lot as the project using the bonus floor area or on another lot in a downtown zone and shall be contained in a child care facility satisfying the following standards:

(1) The child care facility and accessory exterior space must be approved for licensing by the State of Washington Department of Social and Health Services.

(2) At least 20% of the number of child care slots for which space is provided as a condition of bonus floor area must be reserved for, and affordable to, families with annual incomes at or below the federal department of Housing and Urban Development Low Income Standard for Section 8 Housing based on family size (or, if such standard shall no longer be published, a standard established by

the Human Services Director based generally on 80% of the median family income of the Metropolitan Statistical Area that includes Seattle, adjusted for family size). Child care slots shall be deemed to meet these conditions if they serve, and are limited to, (A) children receiving child care subsidy from the City of Seattle, King County or State Department of Social and Health Services, and/or (B) children whose families have annual incomes no higher than the above standard that are charged according to a sliding fee scale such that the fees paid by any family do not exceed the amount it would be charged, exclusive of subsidy, if the family were enrolled in the City of Seattle Child Care Subsidy Program.

(3) Child care space provided to satisfy bonus conditions shall be dedicated to child care use, consistent with the terms of this section, for twenty years. The dedication shall be established by a recorded covenant, running with the land, and enforceable by the City, signed by the owner of the lot where the child care facility is located and by the owner of the lot where the bonus floor area is used, if different from the lot of the child care facility. The child care facility shall be maintained in operation, with adequate staffing, at least 11 hours per day, 5 days per week, 48 weeks per year.

(4) The minimum area of the child care facility shall be six thousand (6,000) square feet of net rentable floor area plus two thousand (2,000) square feet of exterior space suitable as recreation area accessory to the interior child care space and dedicated to such use during daytime hours on all days when the child care facility is in operation, or is required to be open. Exterior space for which a bonus is or has been allowed under any other section of this Title or under former Title 24 shall not be eligible to satisfy the conditions of this Section. The Director of the Human Services Department may approve exceptions to the minimum space requirement based on review of the management plan and an assessment of the economic feasibility of operating a smaller child care facility.

(5) Unless the applicant is the owner of the child care space and is a duly licensed and experienced child care provider approved by the Director of the Human Services Department, the applicant shall provide to the Director of the Human Services Department a signed agreement, acceptable to such Director, with a duly licensed child care provider, under which the child care provider agrees to operate the child care facility consistent with the terms of this Section and of the recorded covenant, and to provide reports and documentation to the City to demonstrate such compliance. The agreement shall have an initial term of no less than three (3) years and shall require both parties to notify the Director of the Human Services Department at least ninety (90) days in advance of the its expiration, if not renewed, or any termination.

(6) One child care facility may fulfill the conditions for a bonus for more than one project if it includes sufficient space, and provides sufficient slots affordable to limited income families, to satisfy the conditions for each such project without any space or child care slot being counted toward the conditions for more than one project. If the child care facility is located on the same lot as one of the projects using the bonus, then the owner of that lot shall be responsible for maintaining

compliance with all the requirements applicable to the child care facility; otherwise responsibility for such requirements shall be allocated by agreement in such manner as the Director of the Human Services Department may approve. If a child care facility developed to qualify for bonus floor area by one applicant includes space exceeding the amount necessary for the bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted by the Director of the Human Services Department from that applicant so provides, such excess space may be deemed provided by the applicant for a later project pursuant to a new voluntary agreement signed by both such applicants and by any other owner of the child care facility, and a modification of the recorded covenant, each in form and substance acceptable to such Director.

c. The Director of the Human Services Department shall review the design and proposed management plan for any child care facility proposed to qualify for bonus floor area to determine whether it will comply with the terms of this Section. The allowance of bonus floor area is conditioned upon approval of the design and proposed management plan by the Director of the Human Services Department. The child care facility shall be constructed consistent with the design approved by such Director and shall be operated for the minimum 20-year term consistent with the management plan approved by such Director, in each case with only such modifications as shall be approved by such Director. If the proposed management plan includes provisions for payment of rent or occupancy costs by the provider, the management plan must include a detailed operating budget, staffing ratios, and other information requested by the Director to assess whether the child care facility may be economically feasible and able to deliver quality services.

d. The Director of the Human Services Department is authorized to accept a voluntary agreement for the provision of a child care facility to satisfy bonus conditions, and related agreements and instruments consistent with this Section. The voluntary agreement may provide, in case a child care facility is not maintained in continuous operation consistent with this subsection B2 at any time within the minimum 20-year period, for the City's right to receive payment of a prorated amount of the alternative cash contribution that then would be applicable to a new project seeking bonus floor area. Such Director may require security or evidence of adequate financial responsibility, or both, as a condition to acceptance of an agreement under this subsection.

C. Cash Option Payments. Cash payments under voluntary agreements for bonuses shall be made prior to issuance of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, or if the bonus is for use of existing floor area, the cash payment shall be made prior to issuance of any permit or modification allowing for use of such space as chargeable floor area. Such payments shall deposited in special accounts established solely to fund capital expenditures for the public benefit features for which the payments are made as set forth in this section. Housing units that are funded with cash contributions under this section shall be generally comparable in

their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director.

D. No Subsidies for Bonused Housing; Exception.

1. Intent. Housing provided through the bonus system is intended to mitigate a portion of the additional housing needs resulting from increased density, beyond those needs that would otherwise exist, which the City and other governmental and charitable entities attempt to meet through various subsidy programs. Allowing bonus floor area under the performance option for housing that uses such subsidy programs therefore could undermine the intent of this Section.

2. Agreement Concerning Subsidies. The Director of the Office of Housing may require, as a condition of any bonus floor area for housing under the performance option, that the owner of the lot upon which the housing is located agree not to seek or accept any subsidies, including without limitation those items referred to in subsection D3 of this Section, related to the housing, except for any subsidies that may be allowed by the Director of the Office of Housing under that subsection. The Director of the Office of Housing may require that such agreement provide for the payment to the City, for deposit in the Downtown Housing Bonus Account, of the value of any subsidies received in excess of any amounts allowed by such agreement.

3. No Bonus for Subsidized or Restricted Housing. In general, no bonus may be earned by providing housing if

a. any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, County housing funds, State of Washington housing funds, or property tax exemptions or other special tax treatment; or

b. the housing is or would be, independent of the requirements for the bonus, subject to any restrictions on the use, occupancy or rents.

4. Exceptions by Rule. The Director of the Office of Housing may provide, by rule promulgated after the effective date of this ordinance, for terms and conditions on which exceptions to the restriction on subsidies in this subsection may be allowed. Such rule may provide that, as a condition to any exception, the Director of the Office of Housing shall increase the amount of housing floor area per bonus square foot, as set forth in subsection B1 of this Section, to an amount that allows credit for only the Director's estimate of the incremental effect, in meeting the City's housing needs for the next fifty (50) years, of the net financial contribution that is being made by the applicant pursuant to the voluntary agreement and not funded or reimbursed, directly or indirectly, from any other source.

Section 9. A new Section 23.49.013 is hereby added to the Seattle Municipal Code as follows:

23.49.013 Bonus Floor Area for Amenity Features.

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

1. Public open space amenity, including hillside terrace, urban plaza, parcel park, public atrium, green street improvement, green street setback;
2. Hillclimb assist, shopping corridor, or transit tunnel station access may be provided on sites shown as eligible for these respective bonuses on Map 1K;
3. Human services uses as follows:
    a. Information and referral for support services;
    b. Health clinics;
    c. Mental health counseling services;
    d. Substance abuse prevention and treatment services;
    e. Consumer credit counseling;
    f. Day care services for adults;
    g. Jobs skills training services; and

4. Public restrooms.
5. For a project in a DOC 1 or DOC 2 zone, restoration and preservation of Landmark performing arts theaters.

B. Standards for Amenity Features.

1. Location of Amenity Features. Amenity features must be located on the lot using the bonus, except as follows:
    a. Green street improvements may be located within an abutting right-of-way subject to applicable Directors' Rules.
    b. An open space feature, other than green street improvements, may be on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of the following conditions are satisfied:
        (1) The open space must be open to the public without charge, must meet the standards of the Public Benefit Features Rule, and must be one of the open space features cited in subsection A1 of this section.
        (2) The open space must be within one-quarter (1/4) mile of the lot using the bonus.
        (3) The open space must have a minimum contiguous area of five thousand (5,000) square feet.
        (4) The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement or other instrument in a form acceptable to the Director assuring compliance with the

requirements of this section, including applicable conditions of the Public Benefit Features Rule.

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

2. Options for Provision of Amenity Features.

a. Amenity features other than green street improvements must be provided by performance. The Director may accept a cash payment for green street improvements subject to the provisions of this section, the Public Benefit Features Rule and the Green Street Director's Rule, DR 11-93, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully one (1) square foot of green street space for each five (5) square feet of bonus floor area allowed for such payment.

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

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

(2) the owner of the Landmark performing arts theater executes and records covenants enforceable by the City, agreeing to maintain the structure and the performing arts theater use, consistent with the Public Benefits Features Rule; and

(3) prior to the issuance of any building permit after the first building permit for the project using the bonus, and in any event before any permit for any construction activity other than excavation and shoring is issued for that project, unless the rehabilitation work has then been completed, the applicant posts security for completion of that work, consistent with the Public Benefits Features Rule.

3. Ratios and limits. Public benefit features may be used to gain floor area according to the applicable ratios, and subject to the limits, in Section 23.49.011 and in this section.

a. Bonuses for open space amenities smaller than five thousand (5,000) square feet each, including hillside terrace, urban plaza, parcel park, green street improvement, or public atrium, plus any bonuses for green street setbacks, shall not exceed in the aggregate one (1) FAR or 15% of the total chargeable floor area to be added above the base FAR, whichever is less.

b. Bonuses for open space amenities meeting the provisions of this Chapter and the Public Benefit Features Rule and having an area of five thousand (5,000) square feet or greater shall not exceed in the aggregate twenty-five (25) percent of the total chargeable floor area to be added above the base FAR. The maximum bonusable area is fifteen thousand (15,000) square feet per open space amenity.

c. A hillclimb assist, shopping corridor or transit tunnel station access may be provided on sites shown on Map 1K to gain 0.5 FAR for each amenity, regardless of the area of such amenity provided. The total bonus used on any lot from each of such types of amenity shall not exceed 0.5 FAR.

d. Bonuses for human service use may be allowed at a ratio of seven (7) square feet of floor area granted per one (1) square foot (7:1) of human service feature up to a maximum bonusable human service amenity of ten thousand (10,000) square feet in area.

e. The bonus ratio for open space amenities other than green street setbacks is five (5) square feet of floor area granted per one (1) square foot (5:1) of open space feature. Green street setback may be allowed at a ratio of one (1) square foot of floor area granted per one (1) square foot (1:1) of open space feature.

f. The bonus ratio for restrooms shall be seven (7) square feet of floor area granted per one (1) square foot (7:1) of restroom.

g. Any bonus for restoration and preservation of a Landmark performing arts theater shall not exceed the sum of any amount allowed pursuant to Section 23.49.011 A2a, plus a maximum of one (1) FAR. Such bonus may be allowed at a variable ratio, as described in the Public Benefit Features Rule, of up to twelve (12) square feet of floor area granted per one (1) square foot (12:1) of performing arts theater space rehabilitated by the applicant, or previously rehabilitated so as to have a useful life at the time the bonus is allowed of no less than twenty (20) years, in each case consistent with any controls applicable to the Landmark performing arts theater and any certificates of approval issued by the Landmarks Preservation Board. For purposes of this subsection, performing arts theater space shall consist only of the following: stage; audience seating; theater lobby; backstage areas such as dressing and rehearsal space; the restrooms for audience, performers, and staff; and areas reserved exclusively for theater storage. For any Landmark performing arts theater from which TDR has been or may be transferred, or that has received any public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited, pursuant to a subsidy review, to the lowest ratio, as determined by the Housing Director, such that the benefits of the bonus, together with the value of any TDR and any public finding or subsidy, are no more than the amounts reasonably necessary to make economically feasible:

(1) The rehabilitation and preservation of the Landmark performing arts theater, and

(2) Any replacement by the owner of such theater of low income housing or low-to-moderate income housing that is reasonably required to be

eliminated from the lot of the Landmark performing arts theater to make rehabilitation, preservation and operation of the performing arts theater economically feasible.

4. Public Benefit Features Rule. Amenity features must satisfy the applicable provisions of the Public Benefit Features Rule in order to generate a bonus, except that the Director may allow departures from the provisions of the Public Benefit Features Rule if the applicant can demonstrate that the feature provides at least an equivalent public benefit and better achieves the intent of the feature as described in this Chapter and the Public Benefit Features Rule.

5. Open Space Amenity Features. Open Space amenity features must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this Chapter and the Public Benefit Features Rule.

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

Section 10. Section 23.49.014 of the Seattle Municipal Code is hereby recodified as Section 23.49.017.

Section 11. A new Section 23.49.014 of the Seattle Municipal Code is added as follows:

23.49.014 Transfer of Development Rights (TDR).

A. General standards.

1. The following types of TDR may be transferred to the extent permitted in Chart A, subject to the limits and conditions in this Chapter:

a. housing TDR;

b. Landmark TDR; and

c. open space TDR.

2. In addition to transfers permitted under subsection A1, TDR may be transferred from any lot to another lot on the same block, to the extent permitted in Chart A, subject to the limits and conditions in this Chapter.

3. Location of Sending and Receiving Lots. A lot's eligibility to be either a sending or receiving lot is regulated by 23.49.014 Chart A.

23.49.014 Chart A.

	TDR transferable within-block.	**Types of TDR transferable within or between blocks.**		
Zones*	Transfer from any lot within the same Downtown Block.	Housing TDR	Landmark TDR	Open Space TDR
DOC 1 and 2	S, R	S, R	S, R	S, R
DRC	S, R**	S, R**	S, R**	S, R**
DMC zones with a height limit of 85' or greater.	X	S, R	S, R	S, R
DMC 65'	X	S	S	S
DMR	X	S, R***	S, R***	S, R***
IDM, IDR and PSM.	X	S	X	X

S = Eligible sending lot.
R = Eligible receiving lot.
X = Not permitted.

*Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.
**Transfers to lots in the DRC zone are permitted only from lots that also are zoned DRC.
***Transfers to lots in the DMR zone are permitted only from lots that also are zoned DMR.

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

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

B. Standards for Sending Lots.

1. The maximum amount of floor area that may be transferred, except as open space TDR, from an eligible sending lot, except a sending lot in the PSM or IDM zones, is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in 23.49.011, exceeds the sum of any existing chargeable gross floor area on the sending lot plus any TDR previously transferred from the sending lot. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in 23.49.011, exceeds the sum of (a) any existing chargeable gross floor area that is built on or over the eligible lot area on the sending lot, plus (b) the amount, if any, by which the total of any other chargeable floor area on the sending lot exceeds the product of the base FAR of the sending lot, as

provided in 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus (c) any TDR previously transferred from the sending lot. The eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over one-quarter (1/4) of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by any portion of the lot ineligible under Section 23.49.027.

2. When the sending lot is located in the PSM or IDM zones, the gross floor area that may be transferred is 6 FAR, minus the sum of any existing chargeable gross floor area and any floor area in residential use on the sending lot, and further reduced by any TDR previously transferred from the sending lot.

3. When TDR are transferred from a sending lot in a zone with a base FAR limit, the amount of chargeable gross floor area that may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.011, minus the total of:

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

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

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

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

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

5. Gross floor area allowed above base FAR under any bonus provisions of this Title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only to the extent, if any, that:

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

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

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

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

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

completion of work necessary to satisfy this subsection B7, the Director of the Office of Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

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

C. Limit on Variable Scale of Development TDR. Any receiving lot is limited to a gain of one (1) FAR or fifteen (15) percent of the floor area above the base FAR, whichever is less, from TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot.

D. Transfer of Development Rights Deeds and Agreements.

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

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

3. For transfers of housing TDR, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances

on the sending lot, unless such consent is waived by the Director of the Office of Housing for good cause, to provide for the maintenance of the required housing on the sending lot for a minimum of fifty (50) years. Such agreement shall commit to limits on rent and occupancy, consistent with the definition of housing TDR site and acceptable to the Director of the Office of Housing.

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

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

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

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

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

E. TDR Sales Before Base FAR Increases and Changes in Exemptions. Transfers of TDR from any lot from which a TDR transfer was made prior to the effective date of this ordinance are limited to the amount of TDR available from such lot immediately prior to such date.

F. Projects Developed Under Prior Code Provisions.

1. Any project that is developed pursuant to a Master Use Permit issued under the provisions of this Title as in effect prior to the effective date of this ordinance, which permit provides for the use of TDR, may use TDR that were transferred from the sending lot consistent with such prior provisions prior to such effective date.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot after the effective date of this ordinance.

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

G. TDR Satisfying Conditions to Transfer Under Prior Code. If the conditions to transfer Landmark TDR, as in effect immediately prior to the effective date of this ordinance, are satisfied on or before December 31, 2001, such TDR may be transferred from the sending lot in the amounts eligible for transfer as determined under the provisions of this Title in effect immediately prior to the effective date of this

ordinance. If the conditions to transfer of housing TDR or TDR from Major Performing Arts Facilities are satisfied prior to the effective date of this ordinance under the provisions of this Title then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that effective date. For purposes of this subsection, conditions to transfer include, without limitations, the execution by the owner of the sending lot, and recording in the King County real property records, of any agreement required by the provisions of this Title or the Public Benefit Features Rule in effect immediately prior to the effective date of this ordinance, but such conditions do not include any requirement for a Master Use Permit application for a project intending to use TDR, or any action connected with a receiving lot. TDR transferable under this subsection G are eligible either for use consistent with the terms of Section 23.49.011 or for use by projects developed pursuant to permits issued under the provisions of this Title in effect prior to the effective date of this ordinance. The use of TDR transferred under this subsection G on the receiving lot shall be subject only to those conditions and limits that apply for purposes of the Master Use Permit decision for the project using the TDR.

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

I. Use of Previously Transferred TDR by New Projects. Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR that were transferred from the sending lot consistent with the provisions of this Title in effect at the time of such transfer.

Section 12. Subsection A of Section 23.49.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.49.016 Parking quantity requirements.

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

A. General Standards.

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

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

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

b. No parking shall be required for residential uses.

c. No parking, either long-term or short-term, shall be required for the first thirty thousand (30,000) square feet of retail sales and service use on lots in areas with high transit access, as identified on Map ((~~IA~~)) 1F. No parking, either long-term or short-term, shall be required for the first seven thousand five hundred (7,500) square feet of retail sales and service use on lots in other areas.

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

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

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

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

h. In International District Mixed and International District Residential zones, the Director of the Department of Neighborhoods, upon the recommendation of the International District Special Review District Board, may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access. In these zones, the parking requirements for restaurants, motion picture theaters, and other entertainment uses and places of public assembly shall be established pursuant to the requirements of Section 23.66.342, rather than the provisions of this section.

3. Location of Required Parking.

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

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

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

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

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

* * *

Section 13. A new Section 23.49.025 of the Seattle Municipal Code is added as follows:

23.49.025 Street-level use requirements.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated on Map 1H. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses qualify as required street-level uses:
1. Retail sales and services, except lodging;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses;
5. Museums and libraries; and
6. Public atriums.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage at street-level where street-level uses are required must be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage at street-level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space that qualifies for a floor area bonus, whether it receives a bonus or not, any eligible lot area of an open space TDR site, and any outdoor common recreation area required for residential uses, shall not be counted in street frontage.

2. In the DRC zone, no more than twenty (20) percent of the total street frontage of the lot may be occupied by human service uses, child care centers, customer service offices, entertainment uses, or museums.

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

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

5. Overhead weather protection. The entire length of facade where street-level uses are required must include overhead weather protection at street level meeting the following standards:

a. Overhead weather protection must have a minimum dimension of six (6) feet measured horizontally from the building wall or must extend to a line two (2) feet from the curb line, whichever is less;

b. A minimum of one half (1/2) of the overhead weather protection, for the entire length of facade where protection is required, must be over the public right-of-way or a widened sidewalk on private property;

c. The applicant will not install any obstructions in the sidewalk area as part of the structure of the overhead weather protection;

d. The lower edge of the overhead weather protection must be a minimum of eight (8) feet and a maximum of twelve (12) feet above the sidewalk for projections of up to six (6) feet measured horizontally from the facade and a minimum of ten (10) feet and a maximum of fifteen (15) feet for projections greater than six (6) feet measured horizontally from the façade;

e. Overhead weather protection must be continuous where feasible.

Section 14. Subsection A of Section 23.49.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is amended as follows:

23.49.026 General requirements for residential uses.

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

* * *

Section 15. A new Section 23.49.027 is hereby added to the Seattle Municipal Code, as follows:

23.49.027 Open space TDR site eligibility.

A. Intent. The intent of open space TDR is to provide opportunities for establishing a variety of usable public open space generally distributed to serve all areas of downtown.

B. Application and Approval. The owner of a lot shall apply to the Director for approval of the lot as a sending lot for open space TDR. The application shall include a design in such detail as the Director shall require and a maintenance plan. The Director shall review the application pursuant to the provisions of this Section, and shall approve, disapprove or conditionally approve the application. Conditions may include, without

limitation, assurance of funding for long-term maintenance and dates when approvals shall expire if the open space is not developed.

C. Area Eligible for Transfer. For purposes of calculating the amount of TDR transferable under Section 23.49.014, Transfer of Development Rights (TDR), eligible area does not include any portion of the lot occupied above grade by a structure or use unless the structure or use is accessory to the open space.

D. Basic requirements. In order to qualify as a sending lot for open space TDR, the lot must include open space that satisfies the basic requirements of this subsection, unless an exception is granted by the Director pursuant to Section 23.49.039. A sending lot for open space TDR must:

1. include a minimum area as follows:

a. contiguous open space with a minimum area of fifteen thousand (15,000) square feet; or

b. a network of adjacent open spaces, which may be separated by a street right-of-way, that are physically and visually connected with a minimum area of thirty thousand (30,000) square feet;

2. be directly accessible from the sidewalk or another public open space, including access for persons with disabilities;

3. be at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected;

4. not have more than twenty (20) percent of the lot area occupied by any above grade structures; and

5. be located a minimum of one quarter (¼) mile from the closest lot approved by the Director as a separate open space TDR sending lot.

E. Open Space Guidelines. The Director shall consider the following guidelines, and may disapprove or condition an application based on one or more of them. If the Director determines that the design for the open space will substantially satisfy the intent of the guidelines as a whole, the Director need not require that every guideline be satisfied as a condition to approval. Open space should be designed to:

1. be well integrated with downtown's pedestrian and transit network;

2. be oriented to promote access to sun and views and protection from wind, taking into account potential development on adjacent lots built to the maximum limits zoning allows;

3. enhance user safety and security and ease of maintenance;

4. be highly visible because of the relation to the street grid, topographic conditions, surrounding development pattern, or other factors, thereby enhancing public access and identification of the space as a significant component of the urban landscape;

5. incorporate various features, such as seating and access to food service, that are appropriate to the type of area and that will enhance public use of the area as provided by the guidelines for an urban plaza in the Public Benefit Features Rule;

6. provide such ingress and egress as will make the areas easily accessible to the general public along street perimeters;

7. be aesthetically pleasing space that is well integrated with the surrounding area through landscaping and special elements, which should establish an identity for the space while providing for the comfort of those using it;

8. increase activity and comfort while maintaining the overall open character of public outdoor space; and

9. include artwork as an integral part of the design of the public space.

F. Public Access.

1. Recorded Documents. The open space must be subject to a recorded easement, or other instrument acceptable to the Director, to limit any future development on the lot and to ensure general public access and the preservation and maintenance of the open space, unless such requirement is waived by the Director for open space in public ownership.

2. Hours of Operation. The open space must be open to the general public without charge for a reasonable and predictable hours, such as those for a public park, for a minimum of six (6) hours each day of every week.

3. Plaque requirement. A plaque indicating the nature of the site and its availability for general public access must be placed in a visible location at the entrances to the site. The text on the plaque is subject to the approval of the Director.

G. Maintenance. The property owner and/or another responsible party who shall have assumed obligations for maintenance on terms approved by the Director, shall maintain all elements of the site, including but not limited to landscaping, parking, seating and lighting, in a safe and clean condition as provided for in a maintenance plan to be approved by the Director.

Section 16. Section 23.49.032 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is amended as follows:

23.49.032 Additions <u>of</u> ((~~to~~)) gross floor area <u>to lots with existing structures</u>.

A. ((~~Existing structures may be expanded to the maximum permitted FAR. If the gross floor area is greater than that permitted by the base FAR, the expansion shall be achieved by providing public benefit features or by transferring development rights pursuant to the provisions of the zone in which the structure is located. Existing FAR shall be calculated under the rules for exempt and nonexempt space of the zone in which the structure is located.~~)) <u>When development is proposed on a lot that will retain existing structures containing chargeable floor area in excess of the applicable base FAR, additional chargeable floor area may be added to the lot up to the maximum permitted FAR, by qualifying for bonuses or using TDR, or both, subject to the general rules for FAR and use of bonuses and TDR, SMC Sections 23.49.011 through 23.49.014. Solely</u>

for the purpose of determining the amounts and types of bonus and TDR that may be used to achieve the proposed increase in chargeable floor area, the legally established continuing chargeable floor area of the existing structures on the lot shall be considered as the base FAR.

B. When mechanical equipment or ((~~above-grade~~)) parking that ((~~which~~))was exempted from floor area calculation under the provisions of Title 24 is proposed to be changed to uses that ((~~which~~)) are not exempt from floor area calculations under this Chapter, and ((~~the structure is over~~)) the chargeable floor area on the lot exceeds the base FAR for the zone in which it is located, the gross floor area ((~~in an amount equivalent to the gross floor area~~)) proposed to be changed shall be achieved through qualifying for bonuses ((~~provision of public benefit features~~)) or transfer of development rights, according to the provisions of Sections 23.49.011 through 23.49.014 as applicable to the zone in which the structure is located. ((~~This provision shall apply whether or not the structure is conforming.~~))

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

Section 17. Section 23.49.033 of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is hereby repealed.

Section 18. Subsection C of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

* * *

C. Vested Projects. A holder of a permit for a project ((~~which~~)) that is vested to an earlier code on the effective date of ((~~the ordinance codified in this section,~~)) Ordinance 115657 may apply for approval of a PCD as provided in this section. The proposed PCD constitutes a new project and, except as provided in this section, is subject to requirements applicable to such projects.

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

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

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

~~4.~~)) Tolling and Expiration of Vested Permit.

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

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

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

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

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

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

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

* * *

Section 19. A new Section 23.49.039 is hereby added to the Seattle Municipal Code, as follows:

23.49.039 Special exception for open space TDR sites.

The Director may authorize an exception to the requirements for open space TDR sites, Section 23.49.027, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.

A. The provisions of this section will be used by the Director in determining whether to grant, grant with condition or deny a special exception. The Director will grant exceptions only to the extent such exceptions further the provisions of this Section.

B. In order for the Director to grant, or grant with conditions, an exception to the requirements for open space TDR sites, one or more of the following must be satisfied:

1. The exception allows the design of the open space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings; or

2. The applicant demonstrates that the exceptions would result in an open space that better meets the intent of the provisions for open space TDR sites in 23.49.027.

Section 20. Subsection E of Section 23.49.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is amended as follows:

23.49.041 Transfer of Development Credits (TDCs).

* * *

E. King County Certification and Security. No permit <u>after the first building permit, and in any event no permit for any construction activity other than excavation and shoring,</u> will be issued for development that includes credit floor area until (1) the applicant's possession of necessary rural development credits is certified by King County; and (2) either security is provided for the provision of amenities or an optional cash contribution is made, sufficient to generate the amount of amenity credits necessary under the terms of this section and any rules promulgated by the Director to implement this Section.

* * *

Section 21. Subsection A of Section 23.49.045 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is amended as follows:

23.49.045 Downtown Office Core 1, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map ((~~Ha~~)) 1J may be permitted as conditional uses, pursuant to Section 23.49.046. Principal use parking garages for long-term parking ((~~shall be~~)) are prohibited in other locations.

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

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

~~b. Conditional uses in all other cases, pursuant to Section 23.49.046.~~)) may be permitted as conditional uses, pursuant to Section 23.49.046.

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

* * *

Section 22. Subsection B of Section 23.49.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

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

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

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

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

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

* * *

Section 23. Section 23.49.048 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 24. Section 23.49.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 25. Section 23.49.052 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 26. Section 23.49.054 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 27. The introductory subsection and Subsections A and B of Section 23.49.056 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows:

23.49.056 Downtown Office Core 1, street facade requirements.

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

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

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~HD~~)) 1G 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 ((~~HD~~)) 1G, and whether property line facades are required by Map ((~~HC~~)) 1K.

A. Minimum Facade Height.

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

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

* Except as ((~~modified by~~))provided in subsection A2 regarding view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~HC~~)) 1K 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

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

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

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

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

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

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

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

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

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

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

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

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

* * *

Section 28. Subsections A and B of Section 23.49.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

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

* * *

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

1. Between an elevation of one hundred twenty-five (125) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of

each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.058 A), is established as the coverage limit area.

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

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

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

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

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

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

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

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

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

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

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

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

Section 29. Subsections A and B of Section 23.49.064 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, are amended as follows:

23.49.064 Downtown Office Core 2, principal and accessory parking.

A. Principal Use Parking.

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

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

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

~~b. Conditional uses in all other cases,~~)) may be permitted as conditional uses pursuant to Section 23.49.066.

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

B. Accessory Parking.

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

2. Accessory surface parking areas shall be:

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

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

c. Prohibited in areas not shown on Map ((~~IIIA~~)) 1J, except that temporary accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.066.

Section 30. Subsection B of Section 23.49.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

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

* * *

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

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

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

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

* * *

Section 31. Section 23.49.068 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is hereby repealed.

Section 32. Section 23.49.070 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 33. Section 23.49.072 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 34. Section 23.49.074 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 35. The introductory subsection and Subsections A and B of Section 23.49.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.076 Downtown Office Core 2, street facade requirements.

Standards for the street facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line ((~~of a lot~~)) that ((~~which~~)) abuts a street designated on Map ((~~IIID~~)) 1G 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 ((~~IIID~~)) 1G, and whether property line facades are required by Map ((~~IIIC~~)) 1K.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.076 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

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

* Except as provided in subsection A2 regarding ((~~modified by~~)) view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~IIC~~)) 1I 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the street property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.076 B:

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

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

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map ((~~IIC~~)) 1I. Except when the entire structure is fifteen (15) feet or less in height, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.076 C. When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street

(see Exhibit 23.49.076 D). The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II Pedestrian streets.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.076 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.)

d. Any exterior public open space that ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.076 C.)

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.

* * *

Section 36. Subsection A and B of Section 23.49.078 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.078 Downtown Office Core 2, upper-level development standards.

* * *

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

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

2. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.078 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 One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Sq. Ft. or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Sq. Ft. in Size
126' to 240'	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 23.49.041, on lots that either (i) have at least 25% of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than 35' in height, or any combination thereof; or (ii) have at least 50% of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than 65' in height, or any combination thereof:

Elevation	Lots With One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Sq. Ft. or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Sq. Ft. in Size
126' to 240'	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 or more abutting lots, whether occupied by existing structures or not, provided that:

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

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

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

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

Elevation	Lots With One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Sq. Ft. or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Sq. Ft. in Size
126' to 240'	120'	120'	120'
Above 240'	90'*	120'	90'

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

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that ((~~which~~)) is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of façade that ((~~which~~)) is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.078 B.).

Section 37. Subsection C of Section 23.49.090 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.49.090 Downtown Retail Core, permitted uses.

* * *

C. Public Facilities.

1. Except as provided in Section 23.49.096((~~E2~~)), uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

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

* * *

Section 38. Subsection B of 23.49.096 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.096 Downtown Retail Core, conditional uses and Council decisions.

* * *

B. **Reserved**((~~Major retail stores and performing arts theaters may be granted a public benefit feature bonus through an administrative conditional use process, Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Through the bonus, increases in permitted height and floor area ratios, and changes in development standards may be granted if the desired quality of the public environment can be maintained, according to the following standards:~~

~~1. Standards for Major Retail Store.~~

~~a. Type of Store. Major retail stores shall be operated by an established concern with a reputation for quality and service, which is not located in the Downtown Retail Core when the conditional use is sought and shall provide a range of merchandise and services.~~

~~b. Size Standards and Bonus Ratio.~~

~~(1) Minimum lot size shall be twenty-five thousand (25,000) square feet.~~

~~(2) The minimum size of a major retail store shall be eighty thousand (80,000) square feet. Major retail stores shall be under the management of a single retail firm and shall function as a single business establishment. Storage area, store offices, and other support space necessary for the operation of the retail sales area shall also be bonused.~~

~~(3) For each square foot of major retail store, two and one-half (2-1/2) square feet of additional floor area shall be granted, up to the maximum set in subsection B1b(4).~~

~~(4) Up to two hundred thousand (200,000) square feet of the store shall be eligible for a floor area bonus.~~

~~c. Access. The store should be oriented to activity on the street and should, wherever possible, provide opportunities for through block circulation.~~

~~(1) At least one (1) major pedestrian entrance shall be provided directly from the sidewalk of each street frontage of the store. All entrances shall be at the same elevation as the sidewalk.~~

~~(2) Bonused major retail store space may be provided above and below street level as long as all areas are connected and function as a single retail establishment.~~

~~d. Hours of Operation. Major retail stores shall be open to the general public during established shopping hours for a minimum of eight (8) hours a day, six (6) days per week.~~

~~2. Standards for Performing Arts Theater.~~

~~a. Type of Theater. Theaters shall provide a place for live performances of drama, dance and music. The auditorium area should be specifically designed for the presentation of live performances under optimum viewing and acoustical conditions. Theaters principally intended for nightclub or cabaret type entertainment or adult entertainment will not qualify for conditional use approval. The developer shall commit to manage the theater or shall secure a lease for at least ten (10) years from a theater operator or resident theater group with acceptable credentials.~~

~~b. Area, Dimensions and Bonus Ratio. Theaters eligible for conditional use approval may include a wide variety of theater sizes and types to encourage a broad range of live entertainment offerings downtown.~~

~~(1) The minimum theater size eligible for a bonus shall have a seating area of at least two hundred (200) seats and the necessary support areas.~~

~~(2) For each square foot of performing arts theater, twelve (12) square feet of additional floor area shall be granted.~~

~~(3) The maximum area eligible for a bonus shall be established as part of the review process. The process shall include an assessment of existing theaters and the sizes of future theaters needed to provide a range of performing arts facilities in the downtown.~~

~~(4) The arrangement of seating and stage areas of the theater shall be expressly designated for the presentation of performing arts. The size of the stage area, floor slopes, ceiling heights and acoustical and lighting systems shall be adequate to meet the viewing requirements of the audience relative to the size of the auditorium.~~

~~c. Access and Street Orientation. The theater shall be designed to promote activity on the street and add visual interest. It shall be highly accessible and visible from a street or public open space.~~

~~(1) A lighted marquee, display signs, and/or banners related to the theater operation shall be located above the main street entrance. Lobby areas with transparent walls located on the street front are desirable.~~

~~(2) To avoid creating large expanses of street frontage with limited visual interest or activity, theater street frontage shall be limited. Theater frontage shall be limited to sixty (60) feet; any street-level area of the theater exceeding this limit must be separated from the street by another use. Departure from these standards may be permitted to address special conditions of the lot which may affect the theater's street orientation or to accommodate specific needs related to the theater's operation.~~

~~(3) A covered queuing area shall be provided; interior lobby space may satisfy this requirement.~~

~~(4) Direct access shall be provided to the theater lobby from the street or a bonused public open space. The theater itself, however, may be above or below street level.~~

~~(5) Truck loading/unloading space shall be provided off-street, preferably off an alley.~~

~~3. Restrictions on Demolition and Alteration of Existing Structures.~~

~~a. The design of projects including a major retail store or performing arts theater shall incorporate the existing exterior street front facade(s) of the structures listed below which are significant to the architecture, history and character of downtown. Changes may be permitted to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).~~

~~b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture,~~

~~character and history of the Retail Core. If the listed structures are also Landmark structures, approval by the Landmarks Board shall be required prior to consideration of the project by the Director. The Landmarks Board's recommendation shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of approving additional height and FAR under Section 23.49.096 B, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark.~~

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

~~4. Height and Scale. In determining the amount of change permitted in development standards for height and setbacks, the primary objective shall be the preservation of the existing sense of openness and the human scale environment in the Downtown Retail Core. The acceptability of negative impacts associated with departure from the base regulations shall depend on the priority of the streets adjacent to the proposed project, according to Map IVB.(Note 1)~~

~~a. An increase in the height up to one hundred fifty (150) feet may be permitted when the primary objective described above will be furthered and:~~

~~(1) The additional height and bulk will not result in substantial wind impacts on public open spaces and sidewalks; and~~

~~(2) The shadows cast on the Westlake Park south of Pine Street, and all Priority 1 Streets shown on Map IVB,(Note 1) from eleven a.m. to two p.m. on March 21st and September 21st will not be increased beyond those cast by existing structures.~~

~~b. When an increase in the height limit is permitted, upper-level setbacks shall be provided. The applicant may choose to provide the upper-level setbacks pursuant to the provisions of subsection B of Section 23.49.106, or as follows:~~

~~(1) Coverage limit areas shall be established at two (2) elevations:~~

~~i. Between an elevation of sixty-five (65) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20)~~

~~feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)~~

~~ii. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)~~

~~iii. Within the coverage limit area, coverage and maximum facade lengths shall be as follows:~~

	Structure Elevation	
	Less than 65'	65' and Above
Priority 1 streets shown on Map IVB		
Maximum coverage in coverage limit area	100%	20%
Maximum facade length	no limit	90'
Priority 2 streets shown on Map IVB		
Maximum coverage in coverage limit area	100%	30%
Maximum facade length	no limit	90'
Priority 3 streets shown on Map IVB		
Maximum coverage in coverage limit area	Upper-level development standards of abutting zones shall apply	

~~Maximum facade length. Facade length limited only within fifteen (15) feet of street property line. The minimum distance between facades within fifteen (15) feet of street property lines shall be sixty (60) feet.~~

~~(2) All existing structures retained as part of the proposed project shall be calculated together with the new structure to determine permitted coverage.~~

~~c. To contribute to a sense of openness and increase opportunities for light and air to streets, portions of facades of new structures which exceed an elevation of one hundred twenty-five (125) feet shall be separated from all other portions of facades on the same block front which exceed that elevation, both on the project lot and abutting lots, by a minimum distance of sixty (60) feet above an elevation of one hundred (100) feet.(See Exhibit 23.49.096 B.) The depth of the separation shall be at least sixty (60) feet, measured from the street property line.~~

~~5. Design Treatment. The materials, scale and details of new development using the major retail store or performing arts theater bonus shall harmonize with existing development in the area and contribute to the visual interest of the pedestrian environment.~~

~~a. In addition to the street facade requirements of Section 23.49.106, large expanses of blank walls above street level which are visible from any street or public open space are prohibited. Below an elevation of sixty-five (65) feet, all street facades shall be articulated and contain architectural design features such as~~

~~windows, columns or other structural features, belt courses, cornices, setbacks, ornamentation, awnings or canopies, that reflect the character of nearby structures.~~

~~b. Building materials shall be compatible with those of existing structures in the Downtown Retail Core. Large areas of dark or reflective materials are prohibited.~~

~~c. Overhead weather protection is required on all street frontages of the project. Coverings that are transparent and allow sunlight to reach the sidewalk are preferred.~~

~~6. Scale of Surrounding Development. Project proposals using the major retail store or performing arts theater bonus shall be considered with respect to similar scale developments in the Downtown Retail Core. The bonus shall not be granted if it would result in additional large scale development which, considered together with other projects of similar scale, would create traffic and pedestrian circulation problems and would conflict with the desired scale and pedestrian character of the area.~~

~~7. Combined Lot Option.~~

~~a. Two (2) lots located in the DRC zone may be combined for the purpose of calculating the density for a total project incorporating a major retail store or a performing arts theater. The lots may be located on the same block or on different blocks. The administrative conditional use process shall apply to both lots.~~

~~b. The density for all development shall be calculated as if both lots were a single lot and shall conform to the permitted FAR set forth in Section 23.49.098 B. In no circumstance shall the FAR for the two (2) lots taken together exceed the permitted density.~~

~~c. The height limits and development standards of subsection B4 of this section shall apply to each lot.~~

~~d. The fee owners of each of the combined lots shall execute a deed or other agreement which shall be recorded with the titles to both lots. In the agreement or deed, the owners shall acknowledge that development on the combined lots shall not exceed the combined FAR limits for both lots and, should development on one (1) lot exceed the FAR limit for that lot, then development on the other lot shall be restricted by the amount of excess FAR used on the more developed lot, for the life of the improvement on the more developed lot. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by The City of Seattle.~~))

* * *

Section 39. Section 23.49.098 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 40. Section 23.49.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 41. Section 23.49.102 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 42. Section 23.49.104 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 43. Section 23.49.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is further amended as follows:

23.49.106 Downtown Retail Core, street facade requirements.

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

Minimum facade height
Setback limits
((~~Upper-level setbacks~~))
Facade transparency
Blank facade limits
Screening of parking
Street trees.

These standards apply to each lot line ((~~which~~)) that abuts a street.

A. Minimum Facade Height. Minimum facade height shall be thirty-five (35) feet (((~~see Exhibit 23.49.106 A~~))), except that this requirement shall not apply when all portions of the structure are lower than an elevation of thirty-five (35) feet.

((~~B. Maximum Facade Heights and Upper-level Setbacks.~~

~~1. As depicted in Exhibit 23.49.106 B, upper-level setbacks and maximum facade heights shall be established for all structures greater than one hundred twenty-five (125) feet in height as follows:~~

~~Height of Structure~~	~~Setback From Street Property Line Above Maximum Street Facade~~	~~Maximum Street Facade Height~~
~~126' - 170'~~	~~15'~~	~~95'~~
~~Greater than 170'~~	~~Setback = Height - 125'~~	~~125' - 2x (where x = 3 setback in feet)~~

~~2. The required upper-level setback shall be at the elevation of the maximum street facade height, and shall continue for the full height of the structure. (See Exhibit 23.49.106 B.)~~)))

((C.)) B. Facade Setback Limits.

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

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

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

b. Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the street property line shall be permitted according to the following standards (see Exhibit 23.49.106A):

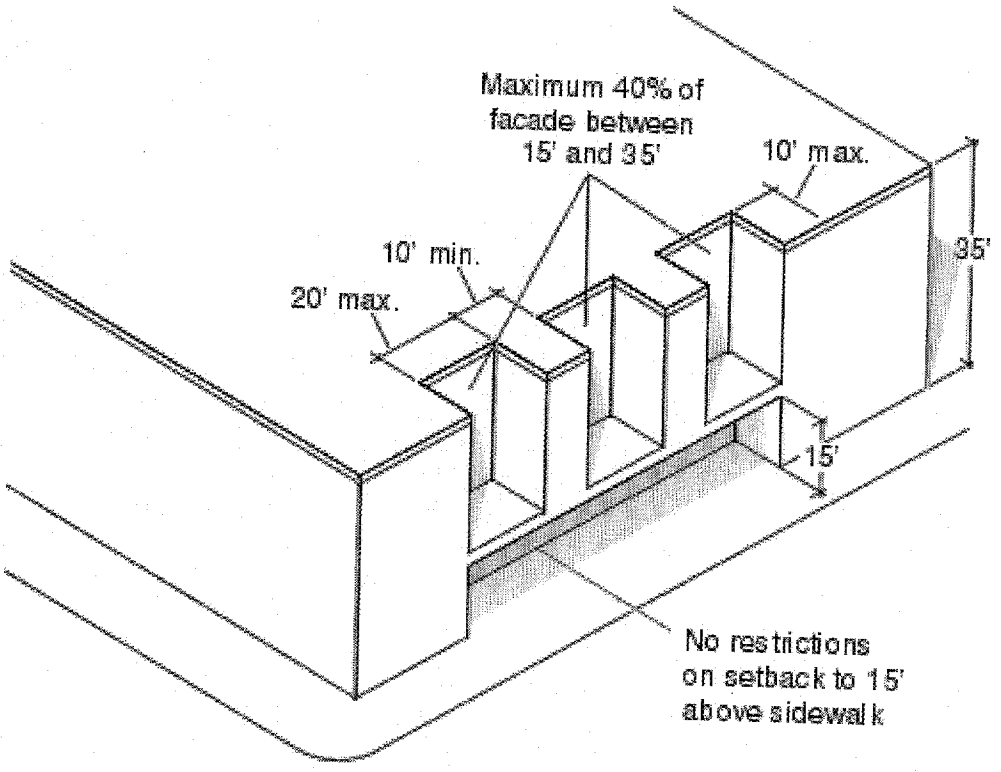
(1) The maximum setback shall be ten (10) feet.

(2) The total area of the portion of the facade between the elevations of fifteen (15) feet and thirty-five (35) feet above sidewalk grade at the street property line 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 these elevations.

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

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

Exhibit 23.49.106A



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

((~~D.~~)) C. Facade Transparency Requirements.

1. Facade transparency requirements 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, this subsection shall apply.

3. On all streets, a minimum of sixty (60) percent of the street level facade shall be transparent.

((~~E.~~)) D. Blank Facade Limits.

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

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

3. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors, which may be wider than fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

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

5. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage.

((~~F.~~)) E. Screening of Parking. Parking located at or above street level in parking garages shall be screened according to the following requirements:

1. Parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

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

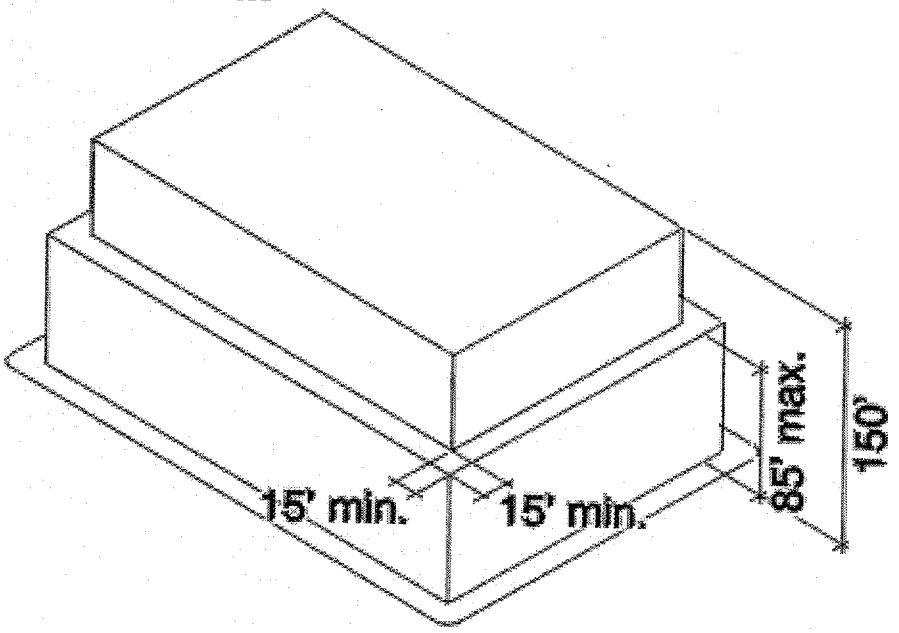
((~~G.~~)) F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle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

Section 44. A new Section 23.49.108 of the Seattle Municipal Code is hereby added as follows:

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.)

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 150 feet in height pursuant to 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.

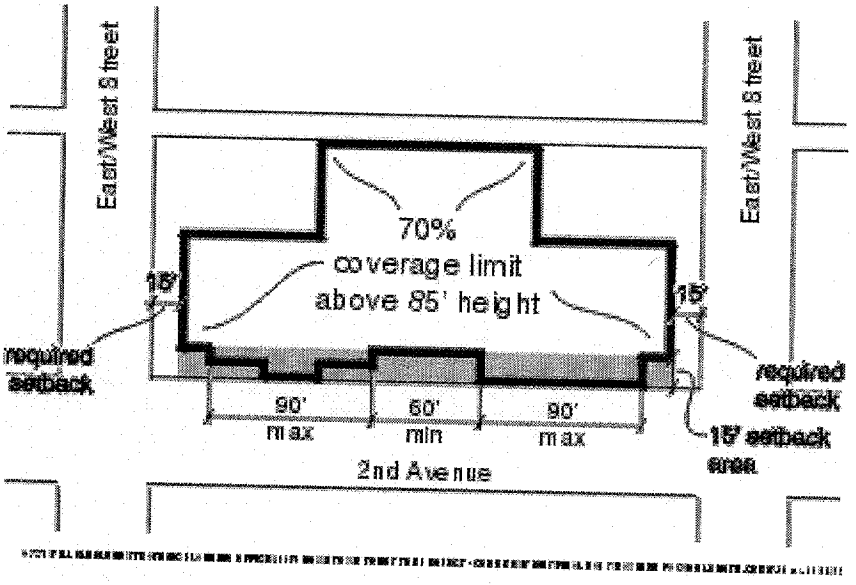
2. Structure Setbacks. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk on east/west streets only.

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.)

Exhibit 23.49.108B.



Section 45. Subsections A and B of Section 23.49.120 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, are amended as follows:

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 ((~~V-A~~)) 1J 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 ((~~shall either be:~~

~~a. Permitted outright when the garage contains short-term parking spaces for which additional floor area is granted pursuant to Section 23.49.126; or~~

~~b. Conditional uses in all other cases,~~)) 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 ((~~V-A~~)) 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 ((~~VA~~)) 1J and containing twenty (20) or fewer parking spaces; or

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

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

Section 46. Subsection B of Section 23.49.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.122 Downtown Mixed Commercial, conditional uses and Council decisions.

* * *

B. Principal use parking garages for long-term parking in areas designated on Map ((~~VA~~)) 1J, and for short-term parking at any location, ((~~except those permitted outright by Section 23.49.120B2,~~)) may be permitted as conditional uses, if the Director finds that:

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

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

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

* * *

Section 47. Section 23.49.124 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 48. Subsection A and the subsection titled Public Benefit Feature Bonus Table of Section 23.49.126 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, are hereby amended as follows:

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 ((~~which~~)) causes the destruction of any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

((~~2~~))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 allocation of bonus credits to low and low and low-moderate income housing, to establish a schedule of bonus ratios that provides greater weight for low-income housing than for low-moderate income housing.

((~~3~~))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.

Public Benefit Feature Bonus Table for Section 23.49.126

Public Benefit Feature	Bonus 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 ((~~VB~~)) 1K, where shopping corridors are bonused	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map ((~~VB~~)) 1K	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map ((~~VB~~)) 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 ((~~IIB~~)) 1K	1.0 FAR[4]	Not applicable
Hillside terrace in area shown on Map ((~~VB~~)) 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 ((~~VD~~)) 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.

****

Section 49. Section 23.49.128 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 50. Section 23.49.132 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 51. The introductory subsection and Subsections A and B of Section 23.49.134 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.134 Downtown Mixed Commercial, street facade requirements.

Standards for the street facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~VD~~)) 1G 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 ((~~VD~~)) 1G, and whether property line facades are required by Map ((~~VC~~)) 1I.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.134A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

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

* Except as provided in subsection A2 regarding ((~~modified by~~)) view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~VC~~)) 1I 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.134B:

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

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

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map ((~~VC~~)) 1I. 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 23.49.134C.) 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 ((~~which~~)) is fifteen (15) feet or less in height.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.134D). 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 23.49.134D.)

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 23.49.134E.)

d. Any exterior public open space that ((~~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 23.49.134C.)

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.

* * *

Section 52. Subsections A, B and C of Section 23.49.136 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.136 Downtown Mixed Commercial, upper-level development standards.

* * *

A. Coverage Limits. On streets designated on Map ((~~VD~~)) 1G 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 23.49.136A), is established as 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:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
Above 125'	60%	50%	25%

b. All other projects:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
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 or more abutting lots, whether occupied by existing structures or not, provided that:

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

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

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

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

	Lots With Two or More Street Frontages

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

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

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that ((~~which~~)) is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of facade that ((~~which~~)) is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.136B.).

C. When a lot in a DMC zone is across a street from the Pike Place Market Historical District, Map ((~~VE~~)) 1L, 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.

Section 53. Section 23.49.150 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 54. Section 23.49.152 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 55. Section 23.49.154 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 56. Section 23.49.160 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 57. The introductory subsection and Subsection B of Section 23.49.162 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows:

23.49.162 Downtown Mixed Residential, street facade requirements.

Standards for the facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Landscaping.

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~VID~~)) 1G 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 ((~~VID~~)) 1G, and whether property line facades are required by Map ((~~VIC~~)) 1I.

* * *

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~VIC~~)) 1I 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the property line shall be permitted according to the following standards. (See Exhibit 23.49.162 B.)

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

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

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

-- The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten

feet (10'). Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades as shown on Map ((~~VIC~~)) II. Except when the entire structure is fifteen feet(15') or less in height, or when the minimum facade height established in subsection A is fifteen feet (15'), the setback limits shall apply to the facade between an elevation of fifteen feet (15') above sidewalk grade and the minimum facade height established in subsection A (see Exhibit 23.49.162 C). When the structure is fifteen feet (15') or less in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen feet (15'), the setback limits shall apply to the portion of the street facade that ((~~which~~)) is fifteen feet (15') or less in height.

a. The maximum area of all setbacks between the lot line and facade shall be limited according to an averaging technique. The maximum area of all setbacks along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along the street. (See Exhibit 23.49.162 D.) The averaging factor shall be five (5) on Class I pedestrian streets, twenty(20) on Class II pedestrian streets, and thirty (30) on green streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen feet (15') from the street property line shall not exceed eighty feet (80'), or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.162 D.)

c. The maximum setback of the facade from the street property line at intersections shall be ten feet (10'). The minimum distance the facade must conform to under this limit shall be twenty feet (20') along each street.(See Exhibit 23.49.162 E.)

d. Any exterior public open space that ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.162 C.)

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

* * *

Section 58. Subsection B of Section 23.49.166 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended as follows:

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

* * *

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 ((~~VIB~~)) 1G at an elevation of sixty-five (65) feet. The setback shall be as follows:

Elevation of Portion of Structure	**Required Setback**
65' to 85'	10'
86' to 240'	(H - 85') x .2 + 10'

where H equals the highest point of the portion of the structure located within one hundred twenty (120) feet of the green street lot line, in feet.

Section 59. Section 23.49.180 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 60. Section 23.49.210 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 61. Section 23.49.212 of the Seattle Municipal Code, which Section was last amended by Ordinance 119618, is hereby repealed.

Section 62. Section 23.49.214 of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is hereby repealed.

Section 63. Section 23.49.238 of the Seattle Municipal Code, which Section was last amended by Ordinance 113279, is hereby repealed.

Section 64. Section 23.49.240 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 65. Subsection B of Section 23.49.248 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended as follows:

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

* * *

B. Green Street Setbacks. A setback from the street property line shall be required on green streets, Map ((~~IXA~~)) 1G, 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') x .2 + 10' where H = Total structure height in feet

Section 66. Section 23.49.304 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 67. Subsections A and B of Section 23.49.322 of the Seattle Municipal Code, which Section was enacted by Ordinance 112303, are amended as follows:

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 ((~~XIA~~)) 1J, and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.324.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright.

2. Accessory surface parking areas shall either be:

a. Permitted outright when located in areas shown on Map ((~~XIA~~)) 1J and containing twenty (20) or fewer parking spaces; or

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

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

* * *

Section 68. Section 23.49.328 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 69. Section 23.49.330 of the Seattle Municipal Code, which Section was last amended by Ordinance 117130, is hereby repealed.

Section 70. Section 23.49.331 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 71. The introductory subsection of Section 23.49.332 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

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 ((~~of a lot which~~)) that abuts a street designated on Map ((~~XIA~~)) 1G as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map ((~~XIA~~)) 1G.

* * *

Section 72. Subsections A and B of Section 23.49.336 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, are amended as follows:

23.49.336 Pike Market Mixed, permitted uses.

A. Permitted uses within the Pike Place Market Historical District, shown on Map ((~~XIIA~~)) 1L, 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 ((~~XIIA~~)) 1L, all uses are permitted outright except those specifically prohibited by Section 23.49.338.

* * *

Section 73. Subsections A and B of Section 23.49.338 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, are amended as follows:

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

1. Drive-in businesses, except gas stations located in parking garages;
2. Outdoor storage;
3. Adult motion picture theaters and adult panorams;
4. Transportation facilities;
5. Communication utilities;
6. All general manufacturing uses;
7. All salvage and recycling uses, except recycling collection stations;
8. All industrial uses;
9. Jails; and
10. Work-release centers.

B. Within the Pike Place Market Historical District, Map ((~~XIIA~~)) 1L, uses may be prohibited by the Pike Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance.

* * *

Section 74. Section 23.49.342 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 75. Section 23.49.344 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is hereby repealed.

Section 76. Section 23.84.006 "C" of the Seattle Municipal Code, which Section was last amended by Ordinance 118720, is amended to add a new subsection, as follows:

* * *

"Chargeable floor area" means gross floor area of all structures on any lot in a downtown zone, except portions of structures or uses that are expressly exempt from floor area limits under the provisions of this Title, and after reduction by any applicable adjustment for mechanical equipment. Chargeable floor area is computed using the exemptions and adjustments in effect at the time the computation is made. Chargeable floor area includes

any floor area, not otherwise exempt, that is in a structure in a downtown zone where floor area limits do not apply or that is permitted to be occupied by reason of the Landmark status of the structure in which it is located.

* * *

Section 77. The subsection entitled "Human service use" of Section 23.84.016 "H" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended, and a new subsection is added to such section, as follows:

* * *

"Housing TDR site" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;

2. Each structure on the lot has a minimum of fifty (50) percent of total gross above grade floor area committed to low-income housing or low and low-moderate income housing use for a minimum of fifty (50) years;

3. The lot has above grade gross floor area equivalent to at least one (1) FAR committed to low-income housing use for a minimum of fifty (50) years;

4. The above grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of the date of passage of this ordinance and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of the Office of Housing; and

5. The low-income housing or low and low-moderate income housing commitments on the lot provide for satisfaction of the standards in Section 23.49.012 B1b and are accepted by the Director of the Office of Housing.

* * *

"Human service use" means ((~~public or nonprofit agencies organized and operated exclusively for charitable purposes, which provide at least one (1) of the following services:~~)) a use in which structure(s) and related grounds or portions thereof are used to provide one or more of the following: emergency food, medical or shelter services; community health care clinics, including those that provide mental health care((~~,~~)); alcohol or drug abuse services; information and referral services for dependent care, housing, emergency services, transportation assistance, employment or education; consumer and credit counseling; or day care services for adults. Human service uses ((~~shall~~)) provide at least one (1) of the listed services directly to a client group on the premises, rather than serve only administrative functions.

Section 78. Section 23.84.024 "L" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended by repealing and amending certain subsections, as follows:

* * *

~~((“Landmark TDR” means development rights eligible for transfer from one lot to another based on the landmark status of the improvements on the sending lot, under Sections 23.49.052, 23.49.072 , 23.49.102, or 23.49.128, but does not include development rights that would be eligible for transfer based upon the status of the sending lot as a low-income housing TDR site or Pioneer Square infill site.))~~

* * *

~~((“Landmark theater/housing TDR site” means any lot meeting the requirements of paragraphs 1, 2, and 3 below:~~

~~1. There is located on the lot a landmark performing arts theater as defined in this section; and~~

~~2. The owner of the lot satisfies all requirements for the transfer of landmark TDR; and~~

~~3. One (1) of the following conditions (a) or (b) is met, as applicable:~~

~~a. If one (1) or more housing units on the lot were occupied or habitable on January 1, 1990, then either:~~

~~(i) The equivalent of all floor area on such lot that was in use as housing or habitable at any time since January 1, 1990 is committed to low-income housing use on the terms required for the transfer of development rights from low-income housing TDR sites by Chapter 23.49 and the Public Benefit Features Rule; or~~

~~(ii) The owner of such lot enters into a voluntary agreement satisfactory to the Director of Housing and Human Services that guarantees the provision of low-income housing in an amount equivalent to the difference between (A) all floor area on such lot in use as housing or habitable at anytime since January 1, 1990 and (B) the floor area on the lot that is committed to low-income housing use as described in subsection 3a(i) above. The provision of low-income housing may include new construction, substantial rehabilitation, or preservation of housing that the Director determines would otherwise be converted to uses other than low-income housing. In each case there shall be recorded covenants limiting the rents and occupancy of the housing for a period of at least twenty (20) years. The housing shall be provided in a Downtown zone, except that the Director may approve housing elsewhere in the downtown Special Objectives Area (SOA) in the City's Comprehensive Housing Affordability Strategy (CHAS), consistent with the goals and policies of the CHAS (or successor document).~~
~~b. If no housing units were occupied or habitable on the lot on January 1,1990, then at least one (1) FAR of the sending site shall be committed to low-income housing use on the terms required for transfer of development rights from low-income housing TDR sites by Chapter 23.49 and the Public Benefit Features Rules.))~~

* * *

“Lot” means, except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, a platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or

abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley (Exhibit 23.84.024A). For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel described in the ordinance approving controls for the sending lot. For purposes of a sending lot for housing TDR, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after the date of passage of this ordinance, that contain the structure or structures that make the TDR eligible for transfer.

* * *

~~"Low income housing or low and low-moderate income housing TDR site" means a lot meeting the following requirements:~~

~~1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;~~

~~2. Each structure on the lot shall have a minimum of fifty (50) percent of total gross floor area committed to low income housing or low and low-moderate income housing use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule, except that a lot in an IDM zone may meet the following alternative standards;~~

~~a. At least forty (40) percent of the combined gross floor area in all structures on the lot is committed to low income housing for twenty (20)years, and~~

~~b. A total of at least one thousand (1,000) square feet of combined gross floor area in all structures on the lot is committed to use for social services providing necessary support to a special population served by the low income housing on the sending lot, on terms approved by the Director of the City Human Services Department (such services also may serve other persons);~~

~~3. The lot has gross floor area equivalent to at least one (1) FAR committed to low-income housing use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule; and~~

~~4. The low income housing or low and low-moderate income housing commitment on the lot has been certified by the Director of the Office of Housing as satisfying the Public Benefit Features Rule.~~

* * *

Section 79. Section 23.84.025 "M" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended to add a new subsection, as follows:

* * *

"Maximum structure height" for any lot in a downtown zone means the height limit designated on the Official Land Use Map, Chapter 23.32, for such lot. If more than one limit is designated for the lot on such map, then "maximum structure height" means the lowest of the limits designated for the lot.

* * *

Section 80. Section 23.84.030 "P" of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is amended to add a new subsection as follows:

* * *

"Public Benefit Features Rule" means the DCLU Director's Rule 20-93, subject heading *Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects, Administrative Procedures and Submittal Requirements in Downtown Zones*, to the extent the provisions thereof have not been superseded by amendments to, or repeal of, provisions of this Title. References to the "Public Benefit Features Rule" for provisions on a particular subject also shall include, where applicable, any successor rule or rules issued by the Director to incorporate provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to implement amendments to this Title since the date of such Rule.

* * *

Section 81. Section 23.84.038 "T" of the Seattle Municipal Code, which Section was last amended by Ordinance 119974, is amended to add new subsections as follows:

* * *

"Transferable development rights" or "TDR," means development potential, measured in square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this Title authorizing such transfer. Such terms do not include development credits transferable from rural King County. Such terms do not denote or imply that the owner of TDR has a legal or vested right to construct or develop any project or to establish any use.

* * *

"TDR, housing" means TDR that are eligible for transfer based on the status of the sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

"TDR, Landmark" means TDR that are eligible for transfer based on the landmark status of the sending lot or a structure on such lot, except housing TDR.

"TDR, open space" means development rights that may be transferred from a lot or lots based on the provision of public open space meeting certain standards on that lot.

"TDR site, open space" means a lot that has been approved by the Director as a sending lot for open space TDR, which approval is still in effect, and for which all the conditions to transfer open space TDR have been satisfied.

* * *

Section 82. Twenty-six codified maps, IA, IB, IE, IIA, IIB, IIC, IID, IIIA, IIIB, IIIC, IIID, IVA, IVB, IVC, VA, VB, VC, VD, VE, VIA, VIB, VIC, VID, IXA, XIA and XIIA, located at the end of Chapter 23.49 of the Seattle Municipal Code, are repealed.

Section 83. Thirteen codified maps, 1A Downtown Zones, 1B Street Classifications, 1E Existing Public Benefit Features Under Title 24, 1F Transit Access, 1G Pedestrian Street Classifications, 1H Street Level Use Required, 1I Property Line Facades, 1J Parking Uses Permitted, 1K Public Amenity Features, 1L Pike Place Market, 1M Downtown Retail Core, 1N Retail and Short-term Parking Public Amenity Features and 1O 20% Additional Height, as depicted in the Attachment to this ordinance, are added to Chapter 23.49 of the Seattle Municipal Code, to be codified at the end of such Chapter.

Section 84. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision. To the extent that sections of this ordinance recodify or incorporate into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor

shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the provisions of such Title as in effect prior to such repeal.

Section 85. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 23rd day of July, 2001, and signed by me in open session in authentication of its passage this 23rd day of July, 2001.

President of the City Council

Approved by me this 27th day of July, 2001.

Paul Schell, Mayor

Filed by me this 30th day of July, 2001.

City Clerk

(SEAL)

Attachment 1

Table of Contents:

1. Map 1A, Downtown Zones;
2. Map 1B, Street Classifications;
(Maps 1C and 1D are existing and are not amended.);
3. Map 1E, Existing Public Benefit Features Under Title 24;
4. Map 1F, Transit Access;
5. Map 1G, Pedestrian Street Classifications;
6. Map 1H, Street Level Use Required;
7. Map 1I, Property Line Facades;
8. Map 1J, Parking Uses Permitted;
9. Map 1K, Public Amenity Features;
10. Map 1L, Pike Place Market;
11. Map 1M, Downtown Retail Core;
12. Map 1N, Retail and Short-term Parking Public Amenity Features;
13. Map 1O, 20% Additional Height.



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

N

0 2 4 6 8 10
SCALE IN 100 FEET

Map 1A

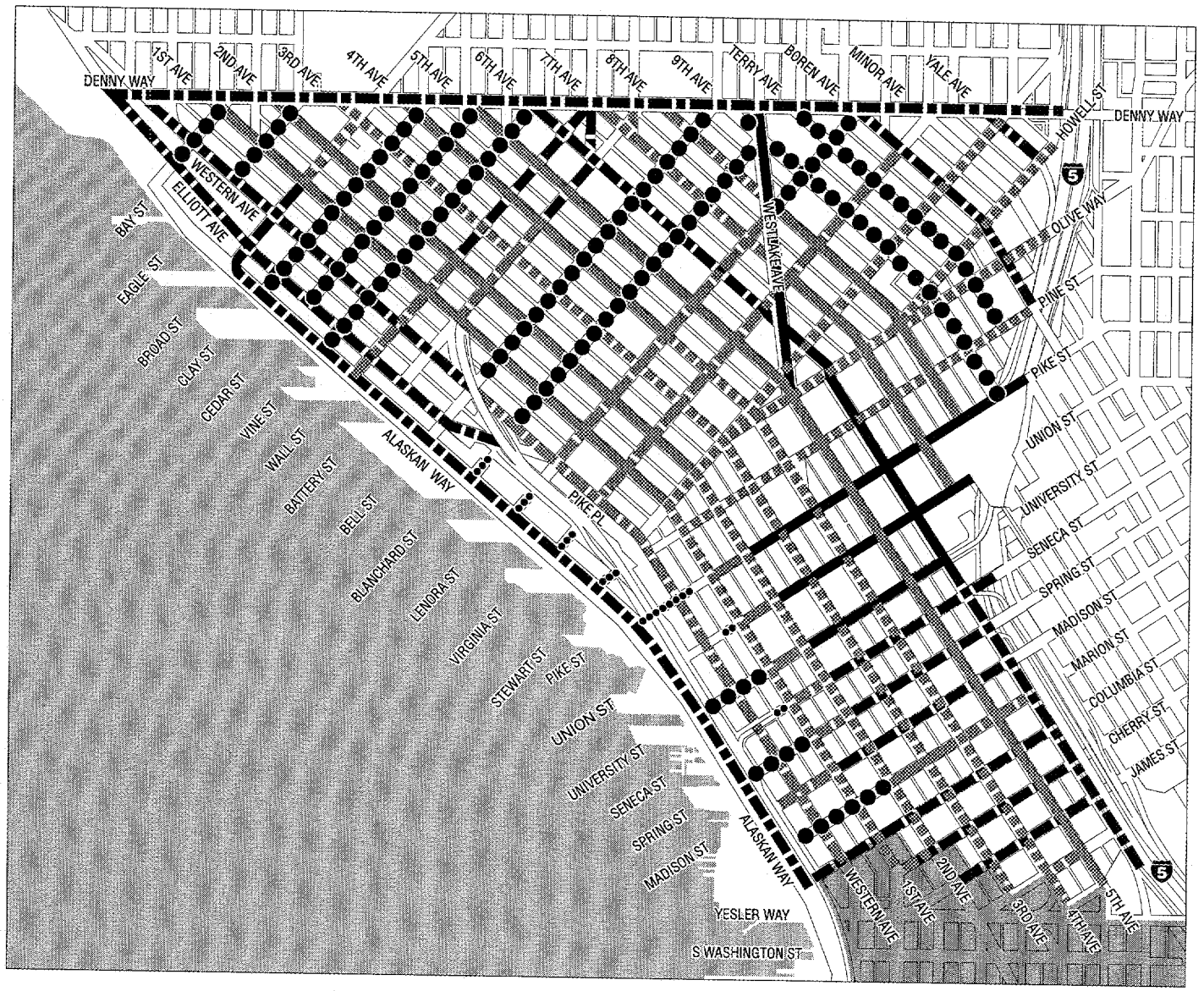
Downtown Zones

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Downtown Zones

CITY CLERK



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

N

0 2 4 6 8 10
SCALE IN 100 FEET

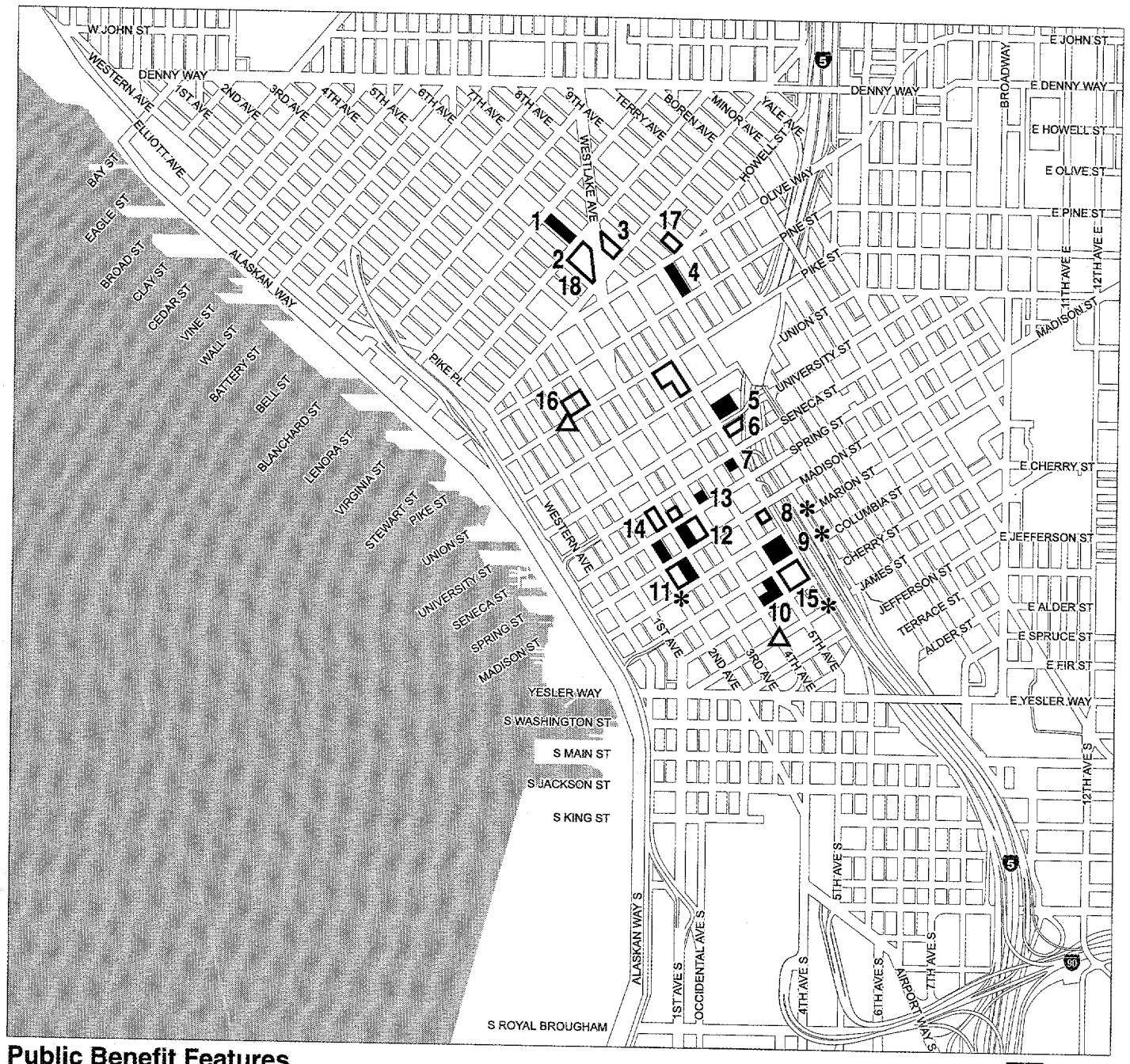
Map 1B

Downtown Zones

Street Classifications

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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
2. Westin Building - A,C
3. Plaza 600 Building - C,E
4. 1600 Bell Plaza - A,C,E
5. One Union Square - A,E
6. Park Place - A,C
7. Crowne Plaza Hotel - A,C
8. Madison Hotel - A,C,D,E
9. Fifth Avenue Plaza - A,B,C,D,E
10. Columbia Center/Bank of America Tower - A,B,C,D
11. Wells Fargo Center - A,B,C,D,E
12. 1001 4th Avenue Plaza - A,C
13. Northern Life Building - C
14. 1111 Third Avenue Building - B,C,D
15. Sixth & Columbia - A,B,C,D
16. Century Square Tower - D
17. Marsh & McLennan Building - A
18. Westin Hotel - A,E

N

0 2 4 6 8 10
SCALE IN 100 FEET

Map 1E

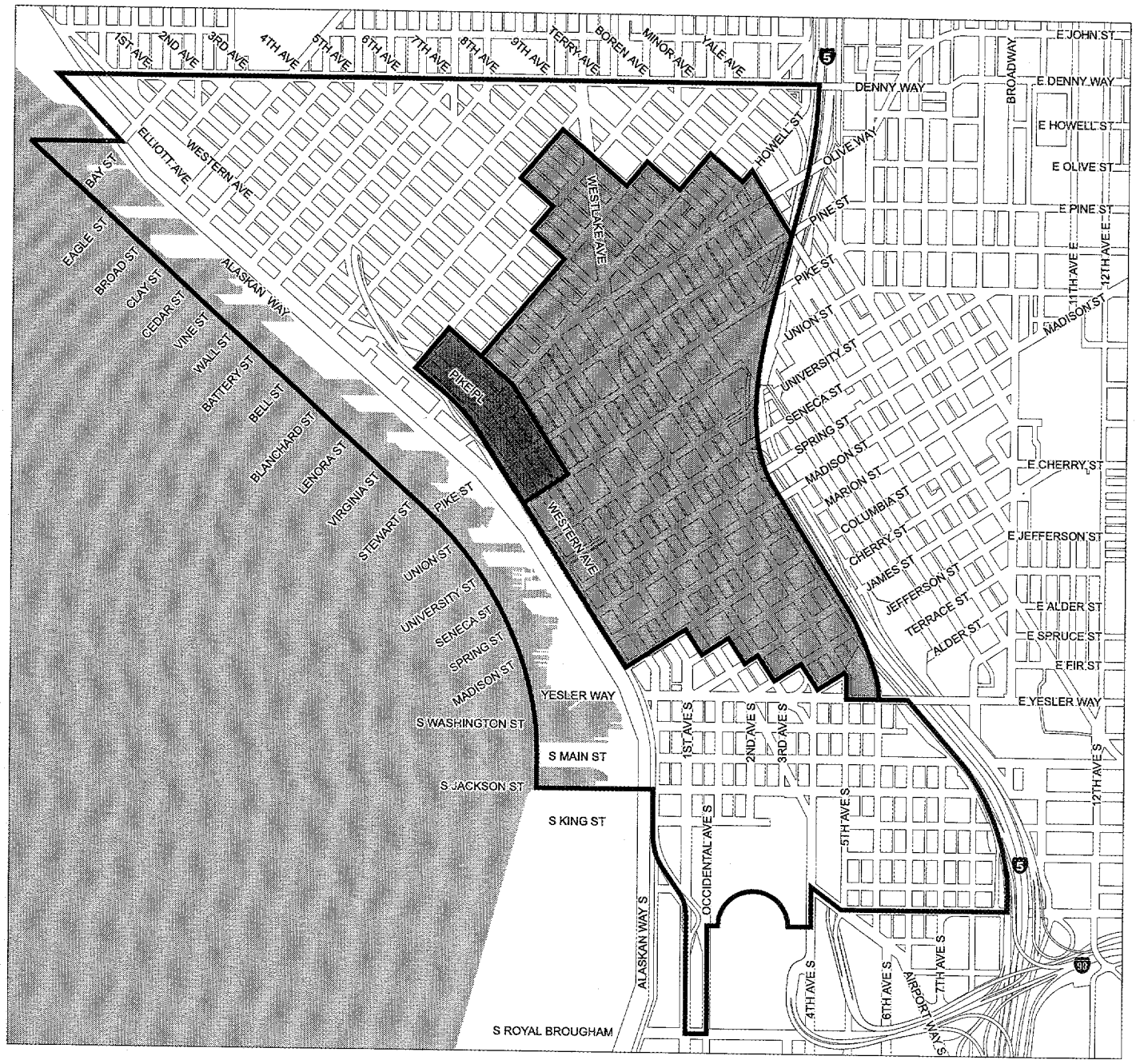
Downtown Zones

Existing Public Benefit Features under Title 24

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CITY CLERK



Areas with High Transit Access

Areas with Moderate Transit Access

No Parking Required

N

0 2 4 6 8 10
SCALE IN 100 FEET

Map 1F

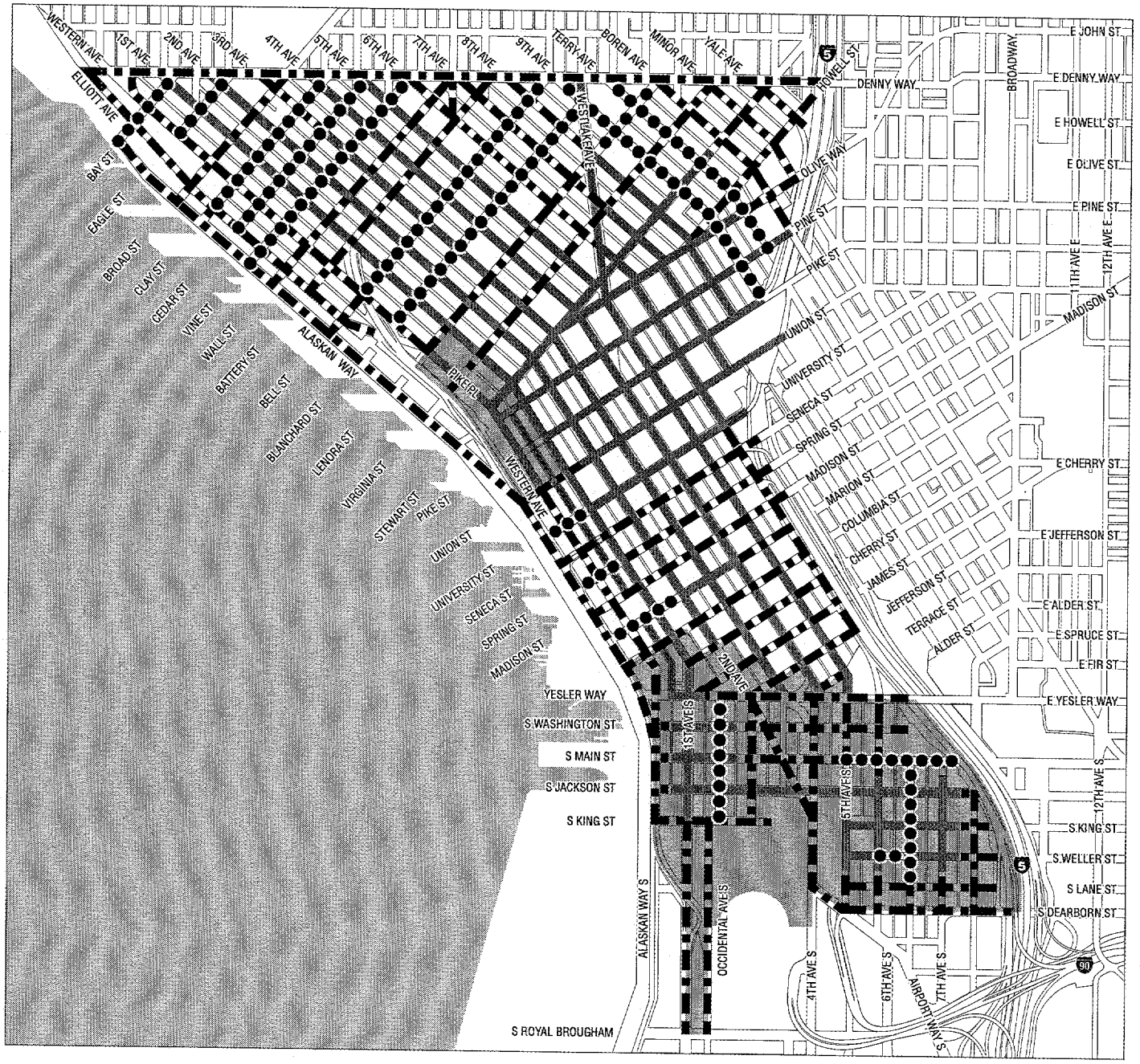
Downtown Zones

Transit Access

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CITY CLERK



Class I

Class II

Green Street

Pedestrian Street Classifications included in Special Overlay District Regulations

N

0 2 4 6 8 10
SCALE IN 100 FEET

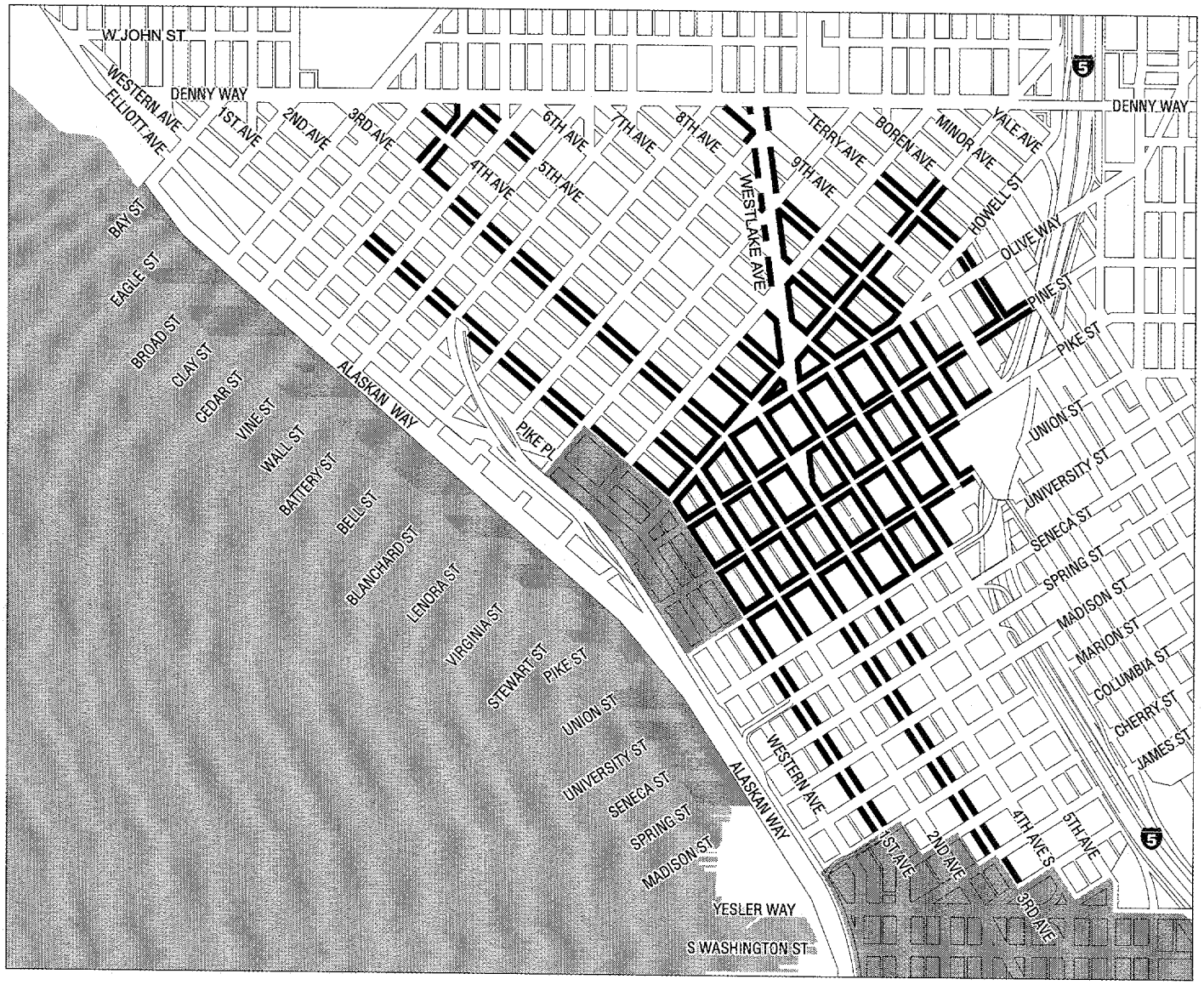
Map 1G

Pedestrian Street Classifications

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Pedestrian Street Classifications



Street-level Uses Required

Street Level Use Regulated by Special Overlay District

N

0 2 4 6 8 10
SCALE IN 100 FEET

Map 1H

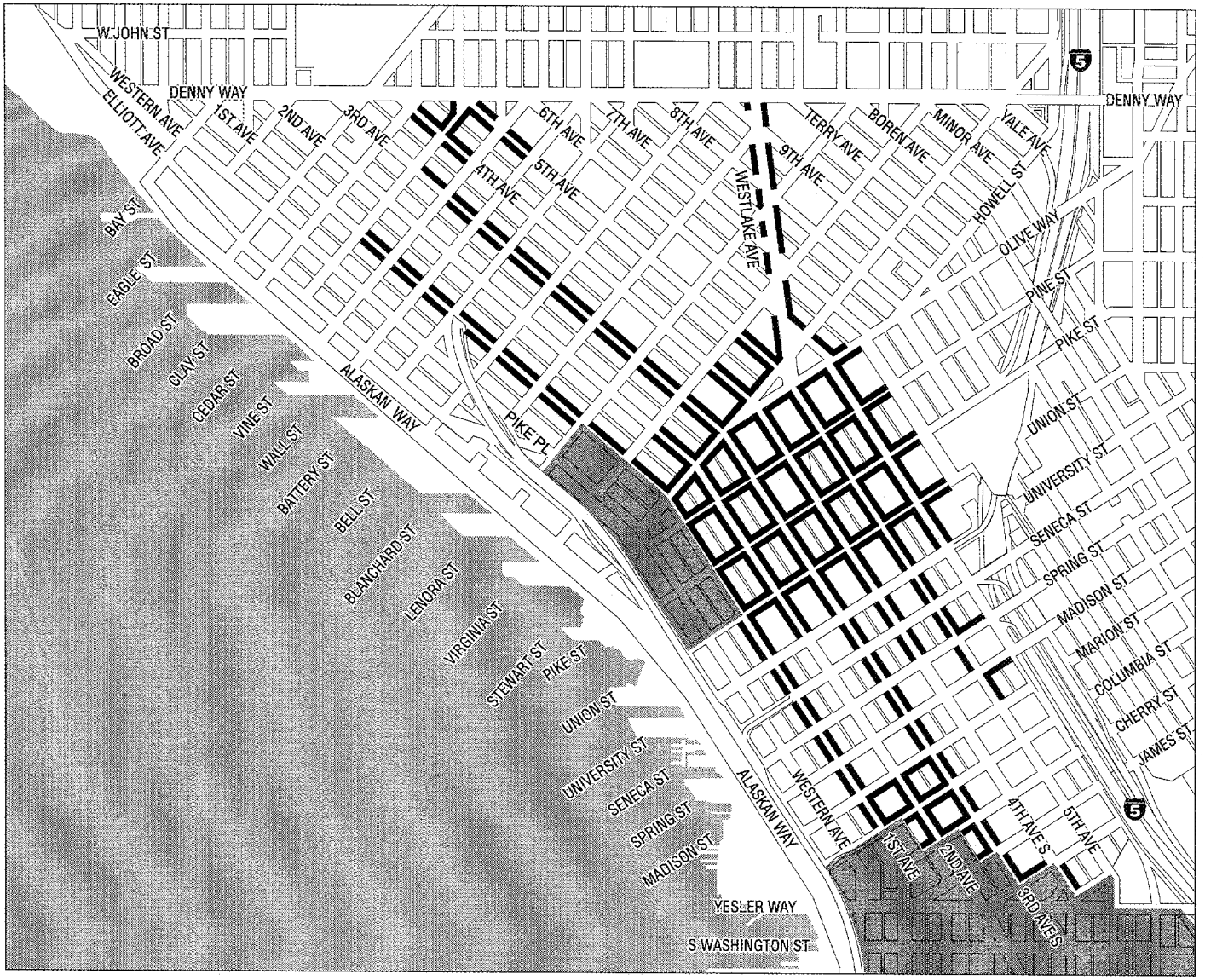
Downtown Zones

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Street Level Use Required

CITY CLERK



Property Line
Facades Required

Street Facades Included in
Special Review or Historic
District Regulations

N

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SCALE IN 100 FEET

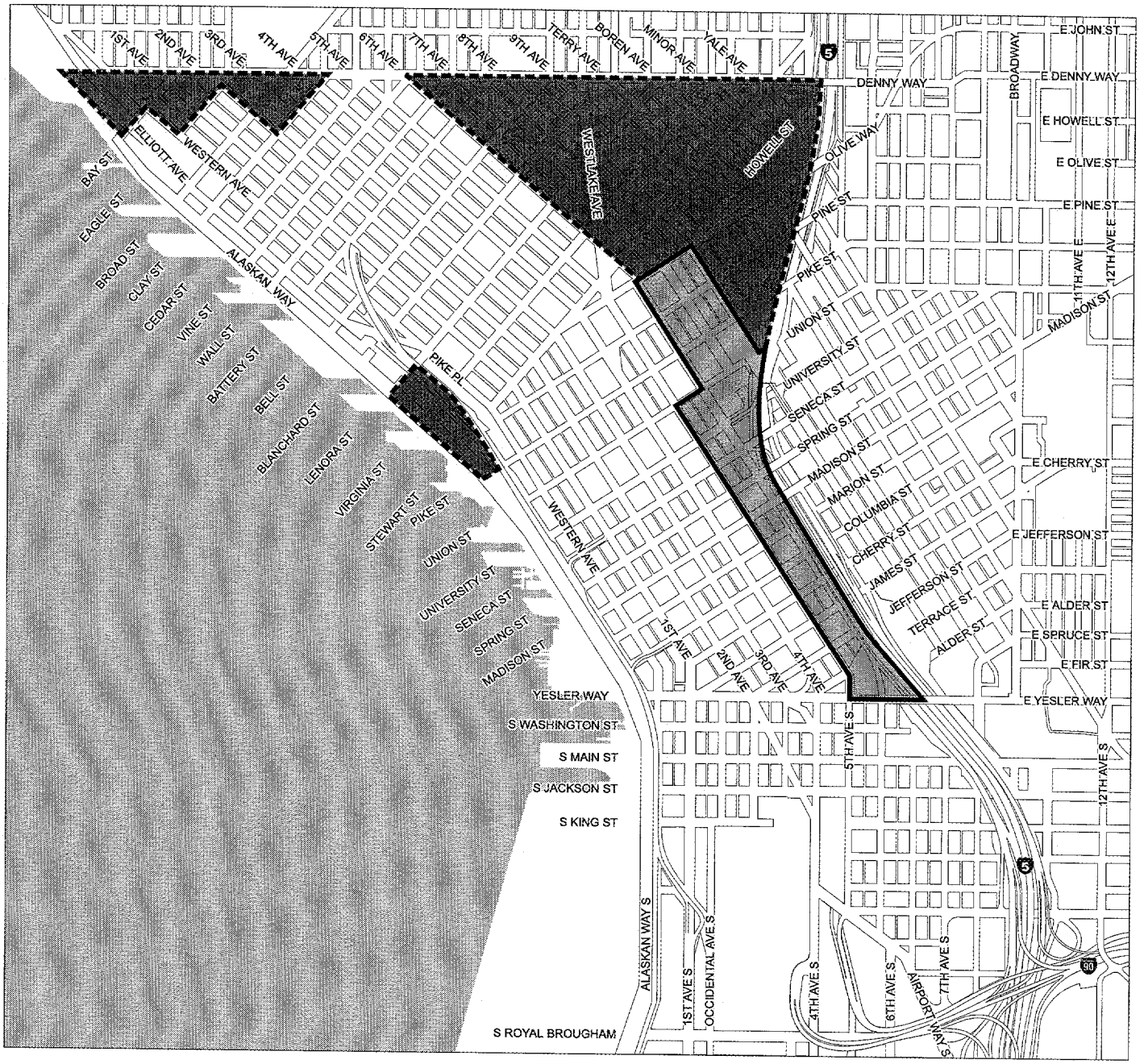
Map 1I

Downtown Zones

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Property Line Facades



Principal Use Long Term Parking Garages permitted as 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.

N

0 2 4 6 8 10
SCALE IN 100 FEET

Map 1J

Downtown Zones

Parking Uses Permitted

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CITY CLERK



Hillside Terrace

Shopping Corridor

Hill Climb Assist

Transit Station Access

N

0 2 4 6 8 10
SCALE IN 100 FEET

Map 1K

Downtown Zones

Public Amenity Features

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CITY CLERK



Pike Market
Mixed Zone

Pike Place Market
Historical District

N

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SCALE IN 100 FEET

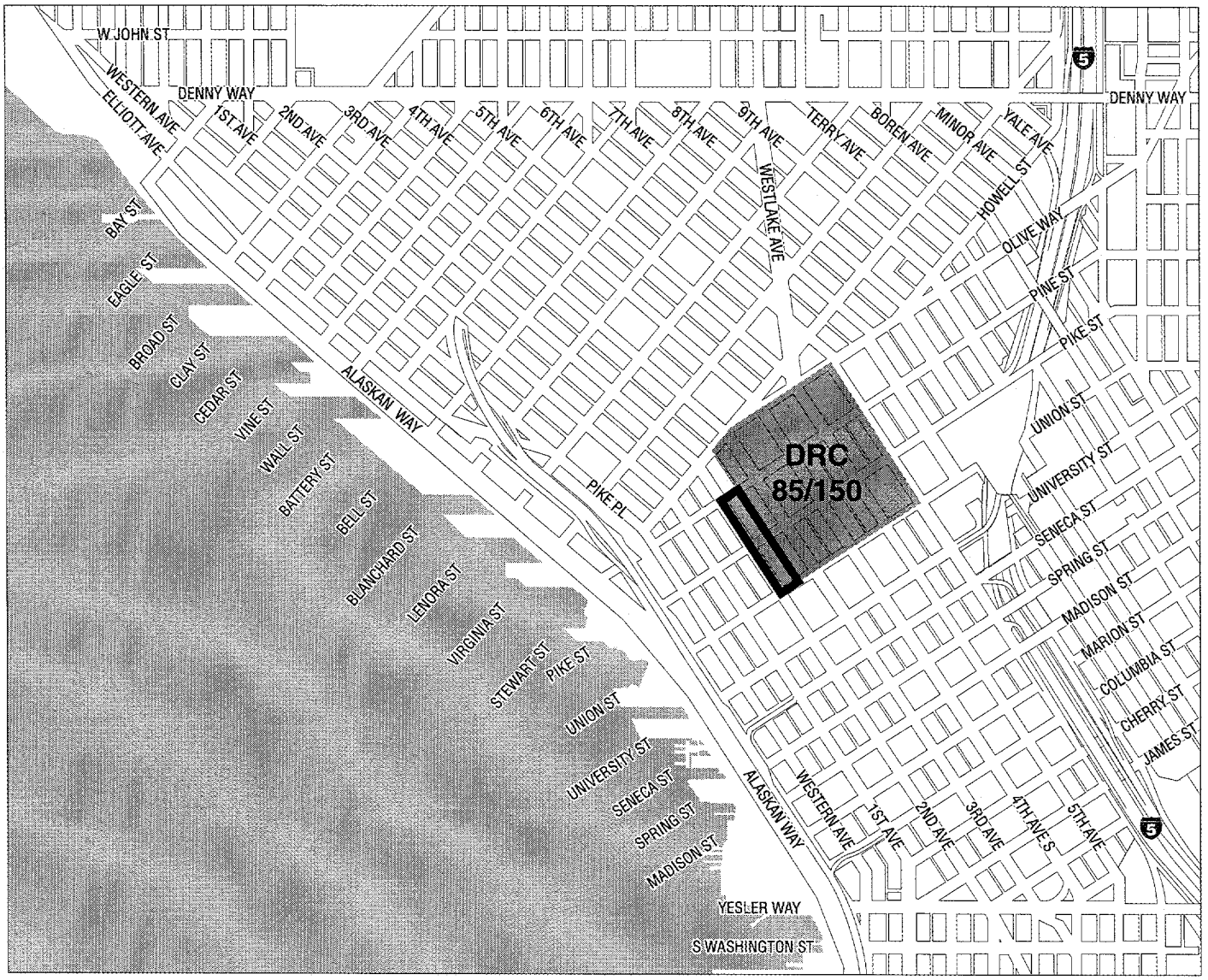
Map 1L

Downtown Zones

Pike Place Market

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30% Additional Height permitted for Residential Use above 150 feet

N

0 2 4 6 8 10
SCALE IN 100 FEET

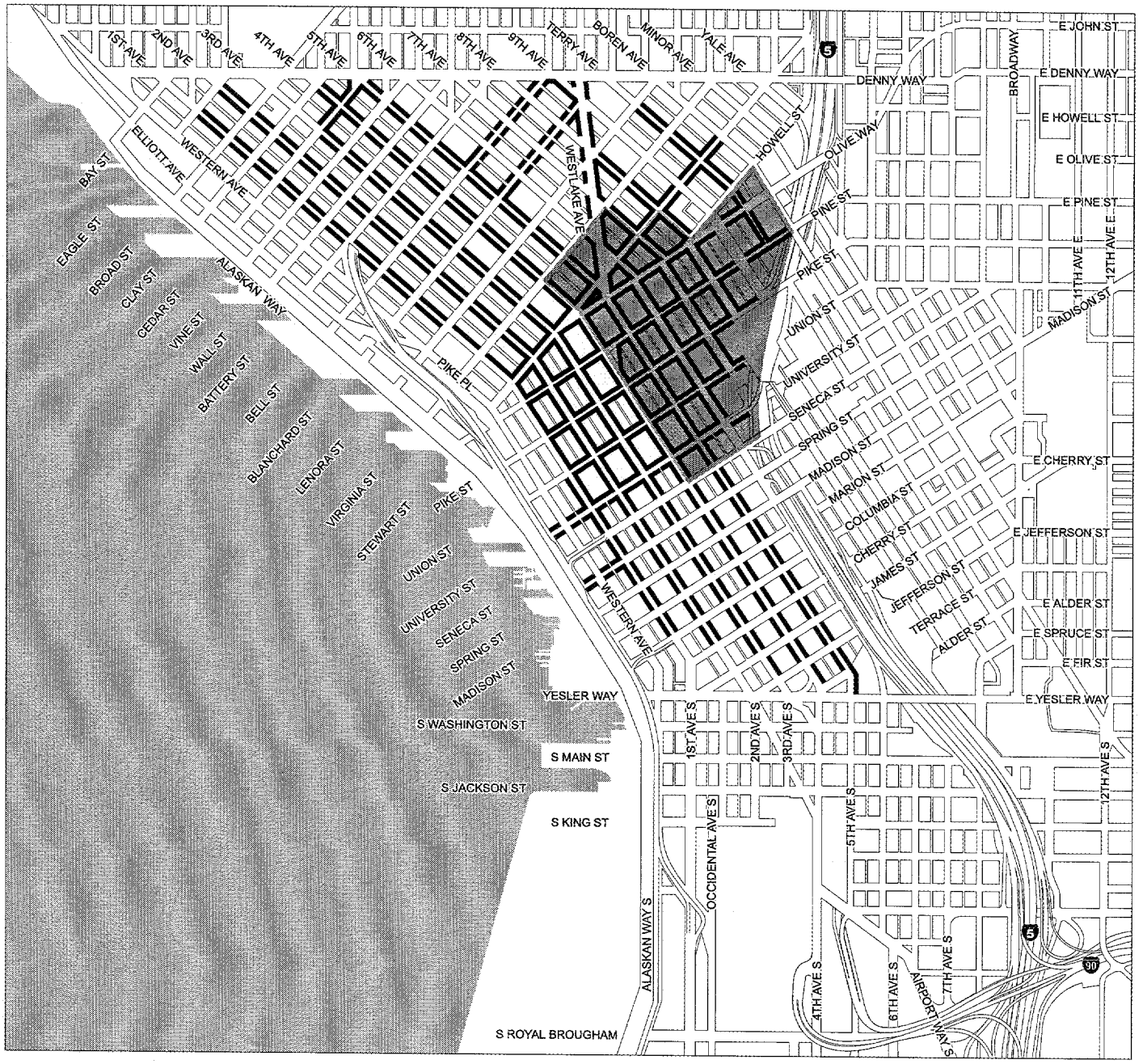
Map 1M

Downtown Zones

Downtown Retail Core

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

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

N

0 2 4 6 8 10
SCALE IN 100 FEET

Map 1N

Downtown Zones

Retail and Short-term Parking Public Amenity Features

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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

Area where 20% height increase is permitted per 23.49.008

N

0 2 4 6 8 10
SCALE IN 100 FEET

Map 1O

Downtown Zones

Additional Height

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City of Seattle
Paul Schell, Mayor

Department of Construction and Land Use
R. F. Krochalis, Director

MEMORANDUM

TO: Margaret Pageler, City Council President
via Margaret Klockars, Law Department

FROM: Rick Krochalis, Director

DATE: March 13, 2001

SUBJECT: Land Use Code Amendments to Implement Downtown Neighborhood Planning Recommendations.

This memo and the attached report accompany proposed legislation, for City Council consideration, that would revise the transfer of development rights (TDR) and public benefit features (bonus) programs to achieve Downtown neighborhood plan objectives.

The legislation contains actions that support Downtown neighborhood planning recommendations and responds to concerns raised during the review of the original proposal dating back to September 2000. After reviewing the original proposed ordinance, representatives of downtown neighborhood and business interests, expressed an overall concern about changing the rules governing downtown development independent of consideration of the neighborhood plan recommendations for up to 30% additional height and an increase in density of up to 3 FAR.

While the current proposed legislation does not contain recommendations for enacting the full extent of the neighborhood plan recommended actions concerning height and density, we urge you to consider the current proposal while further review and analysis takes place on other elements of the neighborhood's recommendations. We are currently engaged in an environmental scoping process and market analysis of actions that would further raise height and density limits in downtown zones, consistent with neighborhood proposals. Phasing our efforts to implement these recommendations will allow sufficient time for adequate environmental analysis and public review of these complex downtown development issues and opportunities.

Background

Three of the five neighborhood groups participating in the Downtown Neighborhood Planning Process included recommendations in their neighborhood plans for revising the downtown Bonus and TDR Programs. The Downtown Urban Center Planning Group

(DUCPG), the umbrella organization coordinating the planning activities of the five downtown neighborhoods, and the Commercial Core and Denny Triangle neighborhoods generally endorsed a number of changes to downtown development regulations, summarized as follows:

- Simplify the Bonus Program by eliminating bonuses for unnecessary or low-priority features, such as cinemas and rooftop gardens;
- Simplify the programs by eliminating bonuses for unnecessary or low-priority features;
- Eliminate provisions for tiering to simplify the programs and increase priority for the preservation and production of housing to meet downtown housing goals;
- Establish a "super bonus" as an interim measure to grant height and density increases in the near-term to respond to current demand for office development in downtown (under the super bonus, height limits would increase by up to 30%, base density limits by up to 2 FAR, and maximum density limits by up to 3 FAR to stimulate use of bonus and TDR programs); and
- Explore the use of TDR and other incentives to create additional public open space and protect landmarks.

While the decision was made not to fully implement the super bonus, major elements of this proposal have been incorporated into the proposed revisions to the Bonus and TDR Programs as the first phase of implementation of these neighborhood plan recommendations.

Public Comments

The proposed legislation is the result of a multi-year neighborhood planning process. In addition, the proposed amendments have been reviewed and shaped by a Citizen's Advisory Committee, made up of representatives of a wide range of downtown neighborhood and business constituencies.

SEPA Environmental Review Determination

The Strategic Planning Office (SPO) issued a threshold determination March 1, 2001, which is subject to appeal to the City's Hearing Examiner until the close of business March 22, 2001.

Public Hearing

A public hearing on the proposed legislation has been scheduled before the City Council's Committee of the Whole for consideration of the recommended ordinance on Wednesday, April 4, 2001 at 4:00 p.m.

CITY CLERK

Financial Legislation

It is not anticipated that the proposed revisions to the Downtown Chapter of the Land Use Code will have significant financial impacts on the areas affected, or on DCLU or other City resources. Implementation of the revised TDR and Bonus Programs may generate new or increased development activity within Downtown. New development and an invigorated economic environment would likely lead to an increase in property value and in an increased number of permit applications, with commensurate permit fees to cover DCLU's costs for administration.

Additional Information

If you have any questions about the proposed legislation, please contact Mike Podowski at 386-1988 or via email at mike.podowski@ci.seattle.wa.us; or Dennis Meier at 684-8270 or via email at dennis.meier@ci.seattle.wa.us.

Attachments: Executive Summary, Director's Report and Ordinance.

Margaret Carter - Downtown Code Ordinance

From: Hugh Tobin
To: Margaret Carter
Date: 3/28/2001 12:24 PM
Subject: Downtown Code Ordinance
CC: Joyce Kling; Mike Podowski

APR - 1 2001 113615

The blue jacket for this is in final processing here; forthcoming shortly. Title:

APR - 1 2001

AN ORDINANCE relating to land use and zoning, amending Chapters 23.41, 23.49 and 23.84 of the Seattle Municipal Code, modifying development regulations for downtown zones and responding to certain recommendations from the Downtown Urban Center Planning Group (DUCPG).

Hugh R. Tobin
Assistant City Attorney, City of Seattle
10th Floor, 600 Fourth Ave.
Seattle, WA 98104
206-386-0074
fax 206-684-8284

Carlin

NO DOSR

April 4, 2001

The Honorable Richard Conlin
Seattle City Council
1100 Municipal Building
600 Fourth Avenue
Seattle, WA 98104

RE: **Public Hearing for TDR/Bonus Ordinance**

Dear Councilmember Conlin:

My name is Lyn Krizanich and I the past Chair and current Secretary of the Denny Triangle Neighborhood Association. I represented the Denny Triangle at DUCPG and participated on the TDR/Bonus Advisory Committee. Thank you for the opportunity to explain why our neighborhood supports this ordinance.

- The primary goal of this Ordinance is to create the resources that will result in providing affordable housing. Please be aware that the gap between the need and supply of affordable housing continues to increase and though we respect other important priorities, affordable housing remains a priority of this downtown community.

- This ordinance also acknowledges the importance and integral part open space and historic preservation has in our downtown community. This plan includes creating the resources for open space and enhanced opportunities for historic preservation.

- We recognize that this Ordinance was never intended to be the "end-all, be-all" solution to the myriad of challenges related to accommodating growth and addressing quality of life issues in our downtown. This Ordinance does a good job of balancing the very complex relationship between the costs added to development and the amount of money possible for creating housing and open space and preserving historic buildings. There is balance between the increased cost to developments and the modest increase to height and density. By making these adjustments to the floor area ratios, the demand for TDR is increased. In summary, all of these components are inextricably linked and designed to work together if the program is to work at all.

The changes to the current TDR/Bonus system that are in this Ordinance were painstakingly crafted by a large number of diverse stakeholders and represent work that has taken place over the past year and for some of us, over the last three to four years. This has been a collaborative effort like no other this City has seen, and we wholeheartedly urge the Council to honor this work, respecting all of us who have given our time and expertise by adopting this ordinance.

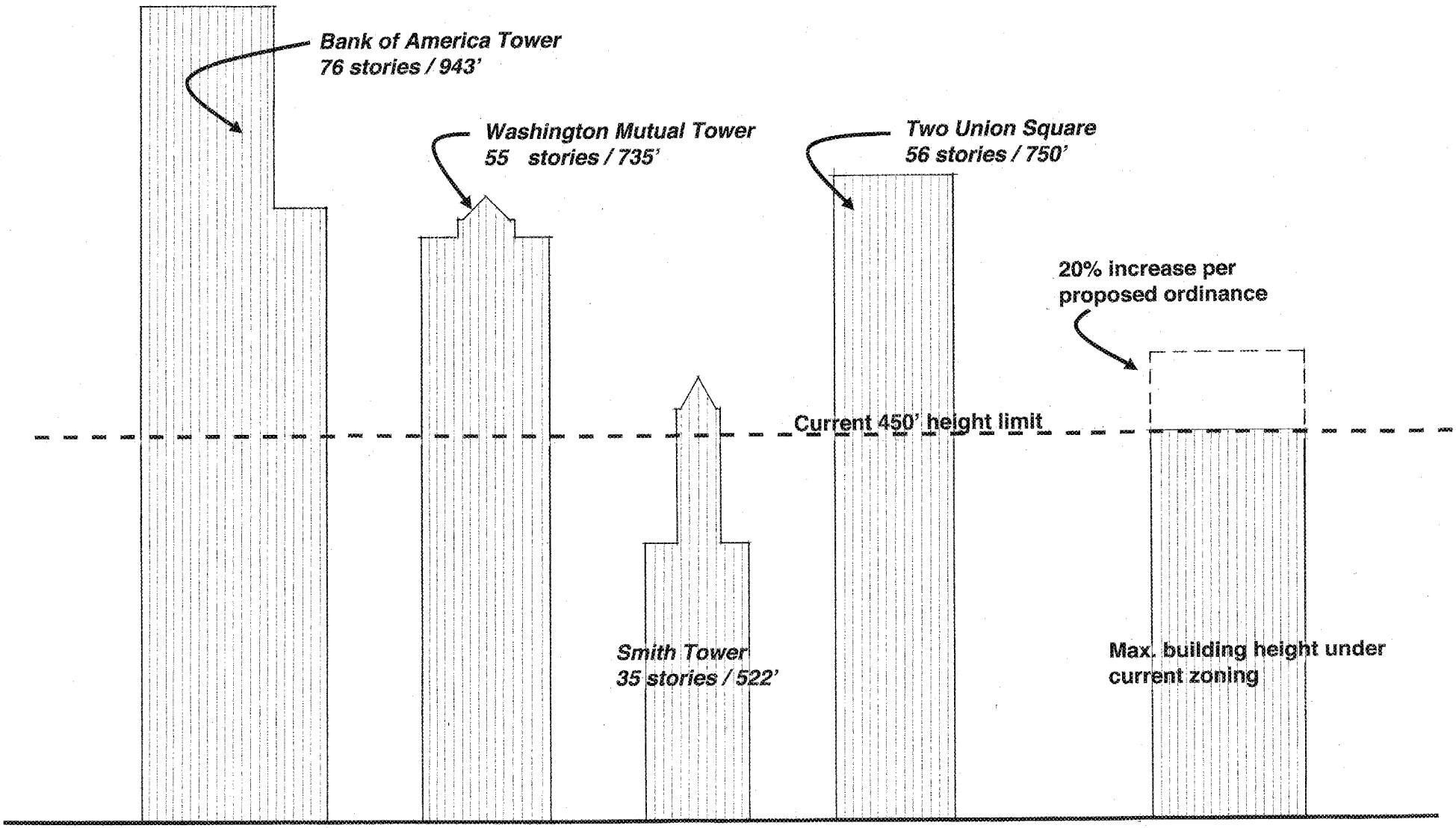
Sincerely,

Lyn Krizanich
Secretary, Denny Triangle Neighborhood Association

Copies to:

The Honorable Paul Schell, Mayor, City of Seattle
City Councilmembers:
- Jim Compton
- Jan Drago
- Nick Licata
- Richard McIver
- Judy Nicastro
- Margaret Pageler
- Peter Steinbrueck
- Heidi Wills

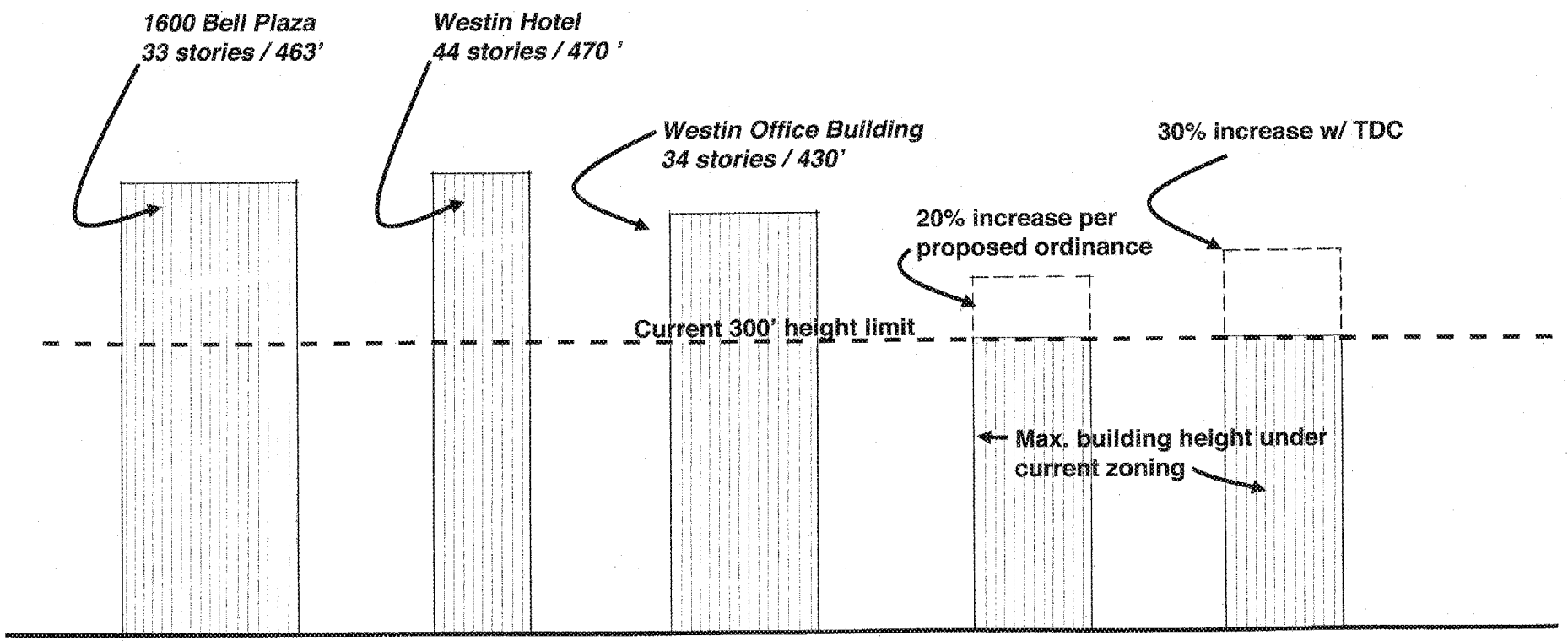
Denna Cline, Director, Strategic Planning Office
Cynthia Parker, Director, Office of Housing



DOC-1

Building Height Comparison

Scale 1" = 50'



DOC-2

Building Height Comparison

Scale 1' = 50'

Statement of Thomas P. Vásquez to Seattle City Council
April 4, 2001

President Pageler, Members of the City Council, thank you for the opportunity to speak today about this important legislation. My name is Tom Vásquez, and I work with Washington Citizen Action as a community organizer.

Washington Citizen Action is a statewide coalition and community-based grassroots organization. We have been in existence for over eighteen years, and one of our major policy concerns are economic justice issues. As part of this, we are also a founding partner in the Washington Living Wage Movement.

Our current membership base is over 50,000 members, and of these, over 8,000 members live within the Seattle City Limits.

We are also part of the SAGE coalition, spearheaded by the Hotel Employees/ Restaurant Employees Union, Local 8. The City Council is currently considering a number of changes to our current TDR/Bonus legislation, and the debate so far has touched on a number of other connected issues, and considered changes which would have a strong positive impact on the city and its workers. So on behalf of our members, my constituents, I applaud the City Council's leadership on this issue. You have a unique opportunity to craft meaningful legislation addressing a number of issues in the city. I urge you to take advantage of this opportunity.

This city is changing. As has often been quoted, we would like to see Seattle develop into "a world-class city." And one result of this ambition has been the continuing development of our downtown area. This is good. This is important, as a city, for this development to happen, for our profile to build, for facilities to exist such as the Convention centers and the 5-star hotels. But the by-products of this development are also building, and they also can be seen as the result of our ambitious goals as a city. We have a housing shortage in Seattle. We have a large group of low-wage employees, working to develop these world-class hotels and facilities, who cannot even afford to live in the city they are helping to build up.

The housing shortage creates urban sprawl. I don't feel I have to educate the Council of the scope of problems created by sprawl: traffic, pollution, loss of open space in our surrounding communities.

Seattle currently has a program that mitigates for the loss of affordable housing. Deliberately or not, TDR/Bonus also indirectly compensates for the low wages of hotel and hospitality workers in Seattle by helping to create more affordable housing. The current debate hopes to update this program and consider changes that would strengthen the impact of TDR/Bonus, and I want to quickly address the considered changes.

The price currently paid into TDR/Bonus amounts to approximately one of every six dollars spent on affordable housing. Even the City's own numbers suggest that this price

is too low, and for this reason, we support increasing the price for TDR/Bonus to a minimum of $30 per square foot, a figure produced by the City's own consultant. Increasing this amount increases the money available for housing as well as open space and other community needs.

We support targeting 75% of the TDR/bonus fund supporting affordable housing. As far as targeting funds to affordable housing, we believe it is most prudent to target TDR/Bonus funds to the group with the greatest need. Specifically, the greatest need in our city is for people at 50% median income, or approximately $32,500. Since TDR/Bonus will continue to make up only a small portion of the budget for affordable housing in the city, it makes sense to target these dollars to the neediest group in the city first.

Finally, a word needs to be said about Conditional Use. Washington Citizen Action applauds the inclusion of City Council in the permit process, and supports the concept of Conditional Use review by the City Council. We believe a serious examination of developers' record as employers is not only appropriate, but important for the city in order to realistically consider the effect of these new developments on the city.

We already conduct serious reviews of new hotels and developments according to downtown development code. We address things such as the number of fire exits, lighting concerns, location of windows and other structural issues. It is important to remember that we are not merely getting a building, a physical structure. We are getting an added work force of hundreds, and these workers, if they are paid low wages, will be an added burden on the city, the churches, and other non-profits in terms of subsidized housing, subsidized child care, and other needs. It makes sense for the city to look into a developer's track record as an employer, and to support development projects that not only bring world-class buildings, but also strong relations with the community, living wages to their employees, and a positive impact on the city.

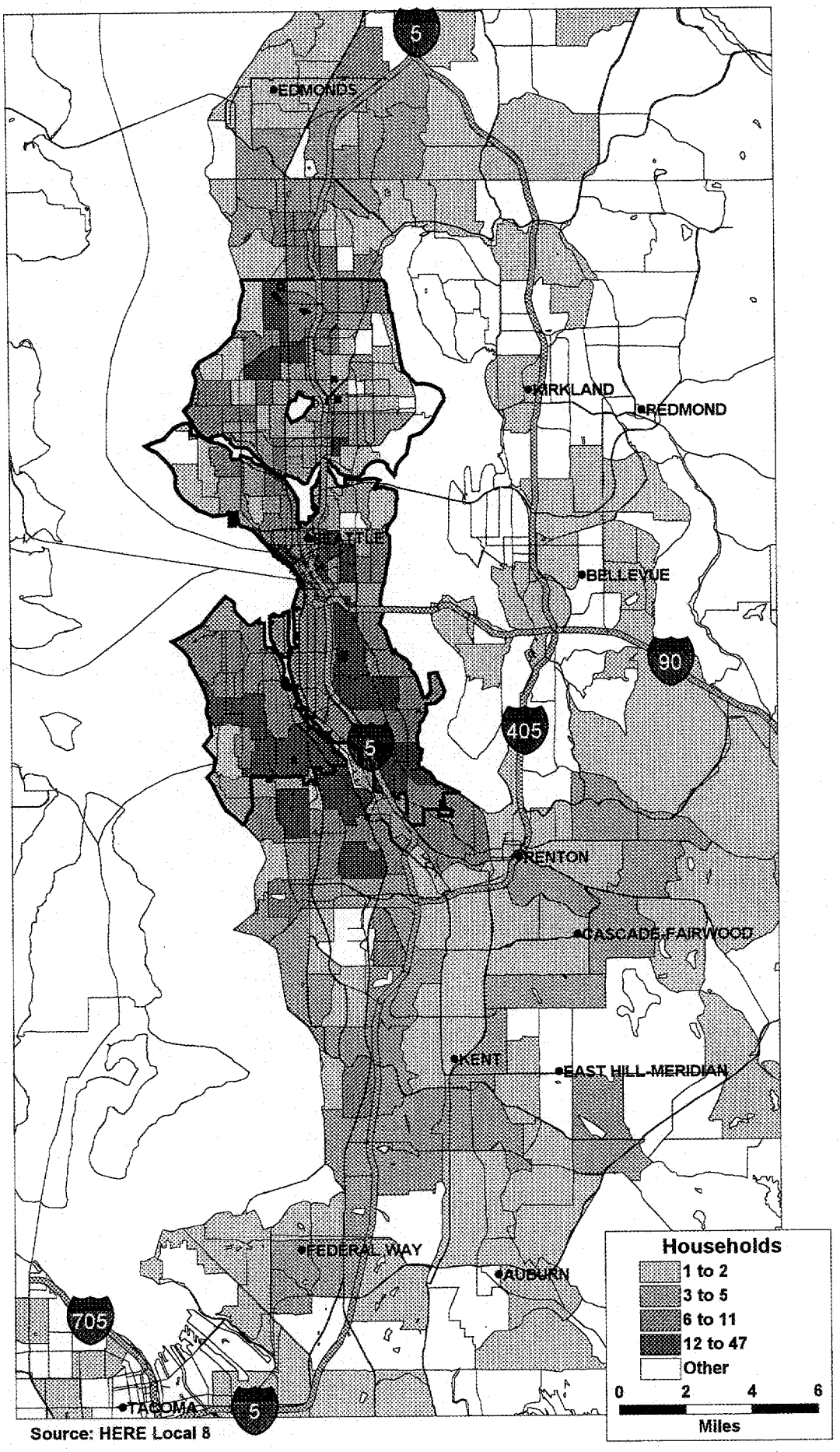
I am aware of concerns from some members that this is a new area for City Council. This may be true – I do not believe this should stop this body from considering Conditional Use. The city looks to this body for creative and brave leadership – new answers to continuing problems. I think that by taking a strong stance in recrafting this legislation, the effort will be acknowledged and appreciated by our shared constituents.

As I understand, this legislation may not be voted upon for several weeks. I want to say as clearly as I can – our members are watching the City Council on this issue. Washington Citizen Action's 8,000 members in Seattle take this issue seriously. I urge the City Council to treat this legislation with the same level of seriousness.

Once again, I thank you for the opportunity to speak.

Thomas P. Vásquez
(206) 389-0050 x108
livingwagewca@yahoo.com

Residences of Selected Downtown Seattle Hospitality Workers



Source: HERE Local 8

Seattle City Council
Public Hearing on Mayor's Plan to Lift CAP on Downtown Development
Wednesday, April 4, 2001
David C. Bloom

As one who worked with Peter Steinbrueck for the passage of the CAP initiative in 1988, I am deeply disturbed by the Mayor's proposal to lift the CAP on downtown high-rise office development. The purpose of the original CAP was to place reasonable limits on the wave of office development during the 1980's that had been laying waste to our supply low-income housing in downtown Seattle. We have yet to recover from that loss. Further, the fact that the citizens of Seattle were willing to pass the CAP initiative demonstrated that there was broad public concern over the impact of downtown development on our overall quality of life and especially on our capacity as a city to provide affordable housing to people of all income levels. I believe that sentiment remains strong among our citizens today.

I have three concerns.

1) The Mayor's proposal would increase the amount of allowable office development by 20%. Our downtown is booming, and it has boomed under the terms of the CAP initiative. In fact it has boomed so much that we face crises in both traffic congestion and affordable housing. We don't need this added density. It could place terrific pressures on our financial, physical, and social infrastructures. I urge you to oppose the lifting of the CAP.

2) The Mayor proposes to amend the bonus system to allow the use of bonus funds for the production of housing that is affordable to those earning 80% of median. We have a low-income housing crisis in Seattle. We have unacceptable levels of homelessness. We have working people who live in shelters due to the high cost of housing. Despite the City's figures, the real need is for the development of housing for people at 50% of median

David Bloom

and especially below. I urge you to support Councilmember Steinbrueck's proposal to overhaul the bonus system and move to a transfer of development rights system that gives preference to housing preservation. Still, our most affordable housing is that which already exists.

3) Most service workers in the downtown cannot afford to live in or anywhere near their place of employment. We are building our boom on the backs of cheap labor and then expecting these hotel, restaurant, clerical, janitorial, and other service workers to commute long distances on crowded freeways, often from sub-standard and over-priced housing. I urge you to implement a livable wage requirement as a condition for receiving permits to build high-rise office and hotel buildings in our downtown, something that has been down in San Francisco. A lot of wealth is being generated in downtown Seattle, but it is not being generated equitably. We will never become the great, world-class city that many dream of until Seattle builds a local economy that is fair, just, and equitable for everyone.

BEN-SHMUEL AND ASSOCIATES, INC.

PERMIT COORDINATION COMMUNITY RELATIONS
LAND USE SERVICES

1424 Fourth Avenue, Suite 310
Seattle, Washington 98101•2234

206•903•8606
Fax: 206•623•5731
E-Mail: rachel@halcyon.com

Councilmember Richard Conlin
11th Floor, Municipal Building
600 Fourth Avenue
Seattle, WA 98104

April 4, 2001

Re: Testimony for Seattle City Council
Downtown Land Use Code Amendments
Stewart Place, 1000 Stewart Street

My name is Rachel Ben-Shmuel. I'm speaking on behalf of Touchstone Corporation, and appreciate the opportunity to speak to you today about the proposed Downtown land use code amendments.

We support the City's hard work in writing code that will result in the development of more affordable housing downtown. This ordinance reflects a lot of work by many stakeholders, and for the most part, achieves a reasonable balance between incentives and costs.

There is one consequence, I think unintended, that I would like to focus on. Touchstone Corporation is proposing a commercial project at 1000 Stewart Street in the Denny Triangle in DMC zoning. The project is consistent with the Denny Triangle plan. We've presented it to the Denny Triangle Neighborhood Association, and it has their written support. I've brought the letter if you would like a copy.

In the DMC, a new option has recently been proposed. Master Use Permit applicants may elect whether to have their project reviewed under the existing rules or under the new rules. The intent, I believe, is to create flexibility for ALL applicants with projects in DMC zoning during this first phase of code amendments. Touchstone supports this intent, and would very much like its project to qualify for this provision. It's not clear, however, whether the provision also applies to projects already in the pipeline.

I would encourage the Council's consideration of an approach that we believe would resolve this problem. It would be beneficial for the code to clarify that DMC projects already in the pipeline would be able to elect as of the date of adoption of the ordinance, just like new projects could elect as of the date of application.

This would ensure that the choice intended for new DMC projects would also include those already under review.

Sincerely,

Rachel Ben-Shmuel

Cc: Mike Podowski, Strategic Planning Office

DENNY TRIANGLE NEIGHBORHOOD ASSOCIATION

C/O 1904 THIRD AVENUE, SUITE 200
SEATTLE, WASHINGTON 98101

December 12, 2000

Re: Alley Vacation Petition for 1000 Stewart Street

Beverly Barnett
SEATRAN
Fourth Floor Municipal Building
600 Fourth Avenue
Seattle, WA 98104

Dear Ms. Barnett:

The Denny Triangle Neighborhood Association supports the petition to vacate the alley in the block between Boren and Terry Avenues and Virginia and Stewart Streets. We have spoken in support of the petition at the Design Commission meeting November 2, 2000 and at the Design Review Board meeting November 14, 2000. We would like to submit this letter to SEATRAN for the vacation petition file.

The Denny Triangle Neighborhood Association spent four years developing its neighborhood plan. We finished the plan in September, 1998, and the City Council adopted the plan in February, 1999. The plan acknowledged the neighborhood's capacity for commercial and residential development, and some of this development is beginning to take place. The Denny Triangle Plan relies upon private investment as the way to achieve our goals of having public open spaces created in the Denny Triangle. The crux of our neighborhood plan is to achieve a high level of density while at the same time ensuring a high quality pedestrian experience. Having pleasant, accessible places for people to take walks, relax and enjoy the outdoors, as well as softening the impacts of traffic (especially given the number of arterials and high traffic volumes in the Denny Triangle) is particularly important to our neighborhood.

The developer gave the Neighborhood Association a presentation about the project December 12, 2000. There are several elements of this project that are particularly important to the Neighborhood Association. We view this project as an opportunity to work with the developer to obtain elements envisioned in our plan. Proposed is a public pocket park off Terry Avenue, a Green Street. The integration of the pocket park with Terry Avenue will reinforce the importance of Terry as a Green Street. The sidewalks

around the project are proposed to be widened. Trees planted along the curb will minimize the sensation of high traffic volumes. The developer is planning to work with an artist to integrate art into the park and to make it inviting and lively.

We would like to continue to work with the developer to ensure that the aims of the Denny Triangle Plan are reflected in the final product. Our aims, which we communicated to the developer, are as follows:

- The pocket park has to be open and inviting to the public
- The pocket park has to use high quality materials
- We would like to have retail at the base of the building
- The building design and pocket park has to reinforce the Green Street and be integrated with other elements of the Denny Triangle Plan (widened sidewalks, pedestrian scaled lighting, street furniture and other amenities, provide gateway elements)
- Integrate art as part of the project
- Safety of the park at all times is paramount
- The park has to be clean and well-maintained

The developer has indicated that the design will incorporate these aims, and that he will return to the Denny Triangle Neighborhood Association to get our comments as the project design is refined.

Sincerely,

Scott Species

Scott Species
Denny Triangle Neighborhood Association, President

Cc: Lyn Krizanich
Denny Triangle Neighborhood Association, Secretary

Douglas Howe
Touchstone Corporation



HOUSING RESOURCES GROUP
Non-profit housing development & management

April 4, 2001

Dear Councilmember:

For the last 20 years Housing Resources Group, a non-profit affordable housing developer and manager, has focused it's affordable housing efforts in several downtown neighborhoods to prevent displacement, preserve affordable housing and increase the supply of affordable rental housing for our residents near their employment.

Housing Resources Group (HRG) has been an active participant in the city's TDR/Housing Bonus Advisory Committee. This committee is a broad cross-section of stakeholders and constituencies interested in making Seattle's downtown neighborhoods a thriving, diverse and affordable place to live and work. I am here to endorse the recommendations made by the committee to simplify the current system and prioritize affordable housing which is one of the highest priorities of the Downtown Urban Center Planning Group.

The current TDR/Housing Bonus program has not been effective over the last 15 years. Of the funds provided by the TDR program only 27% of these funds have been used to preserve downtown affordable housing while the remainder of the funds went to public projects like Benaroya Hall. Of the nine affordable housing projects that have benefited from the current program HRG has preserved four historic buildings downtown. Additionally, HRG's joint re-development of the Eagles Auditorium with A Contemporary Theatre utilized TDRs to preserve housing and a Landmark Performing Arts Theatre.

The proposed revisions of the TDR/Housing Bonus Program are critically important to meet the city's affordable housing goals. Through 1999 almost 94% of the housing created in the 5 downtown neighborhoods were built for people at 100% of median income or higher. Current city projections expect that 90% of permitted or planned projects will also serve this higher income sector. This is why the program needs to re-focus its priorities and leverage its resources. Job growth has exceeded the city's projections by 50% over the last 5 years, creating an imbalance and increased demand for affordable housing. The city's ability to catch up on this demand for affordable housing cannot be accomplished without considering the downtown commercial development plans. The city has an opportunity to implement an improved program that supports a Smart Growth strategy of increased density in the five downtown neighborhoods.

Currently, HRG is developing two new affordable workforce housing projects downtown utilizing the Housing Bonus Program. These two projects, Third & Pine and Stewart Court (8th & Stewart), will create 130 apartments for workers near transit and in the heart of the downtown business core. HRG has a Housing Bonus agreement for the Stewart Court project with the 1700 Seventh LLC (a Clise Properties and Nordstrom office development). This housing project would not have been feasible without this program. This linkage between a commercial developer and an affordable housing developer has provided a developable affordable housing site downtown. Another HRG planned development, Third & Pine, has been currently marketing the project's available housing bonus for over a year and thus far has not made a match with a private developer. This is due in great part to the existing tier system.

HRG strongly recommends that the council re-focus the TDR and Housing Bonus Programs to prioritize housing by allocating at least 75% of the programs resources to meet the projected demand for affordable housing and eliminate the tiering system. HRG has found that it is increasingly difficult to purchase existing buildings or find available land to develop in the downtown neighborhoods and encourage the council to expand sending sites in other surrounding neighborhoods as part of the second phase. These programs are a critical resource in providing housing at rents between 50% of area median income and market, where other public sources like CDBG and Housing Levy are limited or not available to subsidize the high costs of affordable workforce housing. We also recommend that the value of the TDRs and Bonus be increased to reflect current market conditions related to increased land and construction costs.

If the recommended revisions to the program are not implemented immediately it will become more difficult to address DUCPG's and the city's affordable housing goals. The TDR and Housing Bonus Programs need to be improved to preserve and construct housing to make Seattle a home for all of her citizens.

Sincerely,

James P. Ferris
Executive Director

April 4, 2001

The Honorable Richard Conlin
Seattle City Council
1100 Municipal Building
600 Fourth Avenue
Seattle, WA 98104

RE: **Public Hearing for TDR/Bonus Ordinance**

Dear Councilmember Conlin:

My name is Lyn Krizanich and I the past Chair and current Secretary of the Denny Triangle Neighborhood Association. I represented the Denny Triangle at DUCPG and participated on the TDR/Bonus Advisory Committee. Thank you for the opportunity to explain why our neighborhood supports this ordinance.

- The primary goal of this Ordinance is to create the resources that will result in providing affordable housing. Please be aware that the gap between the need and supply of affordable housing continues to increase and though we respect other important priorities, affordable housing remains a priority of this downtown community.

- This ordinance also acknowledges the importance and integral part open space and historic preservation has in our downtown community. This plan includes creating the resources for open space and enhanced opportunities for historic preservation.

- We recognize that this Ordinance was never intended to be the "end-all, be-all" solution to the myriad of challenges related to accommodating growth and addressing quality of life issues in our downtown. This Ordinance does a good job of balancing the very complex relationship between the costs added to development and the amount of money possible for creating housing and open space and preserving historic buildings. There is balance between the increased cost to developments and the modest increase to height and density. By making these adjustments to the floor area ratios, the demand for TDR is increased. In summary, all of these components are inextricably linked and designed to work together if the program is to work at all.

The changes to the current TDR/Bonus system that are in this Ordinance were painstakingly crafted by a large number of diverse stakeholders and represent work that has taken place over the past year and for some of us, over the last three to four years. This has been a collaborative effort like no other this City has seen, and we wholeheartedly urge the Council to honor this work, respecting all of us who have given our time and expertise by adopting this ordinance.

Sincerely,

Lyn Krizanich
Secretary, Denny Triangle Neighborhood Association

Copies to:

The Honorable Paul Schell, Mayor, City of Seattle
City Councilmembers:
- Jim Compton
- Jan Drago
- Nick Licata
- Richard McIver
- Judy Nicastro
- Margaret Pageler
- Peter Steinbrueck
- Heidi Wills

Denna Cline, Director, Strategic Planning Office
Cynthia Parker, Director, Office of Housing

TDR/BONUS PROGRAMS REVIEW - IMPLEMENTATION
EXECUTIVE SUMMARY

MARCH 9, 2001

PROPOSED LAND USE CODE AMENDMENTS

This summary and the accompanying report explain the Executive's proposal to revise the transfer of development rights (TDR) and public benefit features (bonus) programs, as well as other provisions of the Land Use Code, to achieve Downtown neighborhood plan objectives.

The recommended ordinance contains actions that support Downtown neighborhood planning recommendations and responds to concerns raised by the Citizen's Advisory Committee (CAC), made up of representatives of varied downtown neighborhood, business and nonprofit housing interests. The CAC expressed an overall concern about changing any of the regulations governing downtown development independent of consideration of the neighborhood plan recommendations for up to 30% additional height and increase in density of up to 3 FAR.

Summary of the major amendments recommended.

Downtown regulations will continue to govern density in most zones by establishing a base and maximum floor area ratio (FAR), varying among the downtown zones. The amendments would fundamentally change the system for increasing floor area above the base FAR and related development standards including height provisions. The implementation of the proposed amendments requires the creation of new Code sections and the elimination or repeal of a number of existing provisions. The following is a summary of the major amendments:

- Allow an increase in height of up to 10% in the Downtown Office Core 1 (DOC 1) and Downtown Office Core 2 (Doc 2) zones as a replacement for the sculptured building top bonus. Allow an increase in height of up to 20% in the DOC 1 zone and a limited portion of the DOC 2 zone to provide more flexibility to accommodate development that results in towers with reduced bulk and that includes open space, low scale structures or preservation of a landmark structure on the development site.

- Propose no changes in maximum FAR, except in the DRC zone, where the maximum FAR would be reduced from 6 FAR to 5 FAR.

- Increase permitted base FAR in the DOC 1, DOC 2, and DRC zones. These changes will establish a graduated range of base FARs reflecting a land use pattern that focuses greatest density on the downtown office core in the DOC 1 zone, with the

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next greatest density permitted in the DOC 2 zone. Corresponding changes are also proposed for the DRC zone. Increases in the base FAR also offset proposals to eliminate bonuses for some features, such as overhead weather protection.

- Prioritize mitigation of housing impacts: in DOC-1 and DOC-2, seventy-five percent (75%) of any floor area above 1 FAR above the base FAR would be earned by TDR transferred from qualified housing sites or by facilities bonuses that involve mitigation of housing and child care impacts. Twenty-five percent of the floor area above 1 FAR above the base FAR would be earned from other (non-housing) development rights transfers or amenity bonuses, or both. Five percent (one-fifth of the twenty-five percent) would be achieved through TDR from Landmark structures when available. In DRC, the 75%-25% split would be applied to chargeable floor area above the base FAR.

- Allow maximum FAR to be achieved in several ways:
  1) TDR;
  2) Floor area bonuses when certain impacts of development are mitigated by voluntary agreements to provide or contribute to housing and child care ("facilities bonus");
  3) Floor area bonuses when certain impact-mitigating features are provided ("amenity bonuses");

- Allow other choices for achieving floor area above the base including:
  1) The first FAR above the base in DOC 1 and DOC 2 zones, using amenity bonuses, including short-term parking and retail uses, or non-housing TDR; and
  2) In DMC zones, using one of two options: a) existing rules governing floor area in general and for gaining bonus floor area, or b) the new bonus and exemption rules described in this report.

- Allow base density to be transferred within blocks and from eligible sites in some areas of the downtown to other areas, similar to current Code provisions. Transfers will continue to be permitted from sites developed with landmark structures and from sites with housing for households with incomes up to 80% of median income, provided a minimum amount of housing for households with incomes up to 50% of median income is included. The area where landmarks are eligible as TDR sending sites would be expanded to include zones north of Virginia Street to Denny Way. Transfers would no longer be permitted from Pioneer Square infill sites, from sites occupied by new housing or from new or existing performing arts facilities (except landmarks). Transfer would also be permitted from sites provided as downtown public open spaces, subject to special conditions. All transfers would be subject to limitations, some of them new (for example, in many areas lower FAR is used to calculate floor area available to transfer from sending sites).

- Allow floor area above the base FAR to be gained if mitigation is provided for impacts on housing and child care demand. Also, floor area could be increased if certain amenity features are provided in specified areas: open space, access to transit facilities, human services, shopping corridors and hillclimb assists.

- Allow certain types of mixed-use development that includes residential use or a minimum amount of retail and/or entertainment uses to reach the height of 150 feet in the Downtown Retail Core (DRC) zone. In addition, up to 30% more height will be permitted on two half-blocks along the western edge of the retail core on the east side of 2nd Avenue between Pine and Union Streets. The current maximum height is 150 feet, but it is conditioned on Council approval of a major retail store or performing arts theater.

- Consolidate TDR and Bonus Code provisions, such as permitted base densities and rules for achieving is proposed.

- Amend definitions including: deleting terms no longer in use, defining new terms and amending existing definitions to be consistent with proposed amendments.

The proposed amendments are further described in the Executive Report that accompanies the legislation as well as in a set of white papers. In addition to the proposals summarized above, the Executive Report also discusses proposals to modify the use of the City's existing TDR Bank to aid in the administration of the revised TDR program and to fund human services within housing projects where appropriate.

The recommended legislation is one step in responding to the recommendations of the DUCPG Neighborhood Plan and the Citizen's Advisory Committee. The next step will examine proposals such as height and density increases, which need more analysis and review. We anticipate further recommendations to follow, particularly amendments to the Downtown Mixed Commercial (DMC) zone. Ultimate recommendations will depend upon the additional analysis and review during preparation of an environmental impact statement.

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TDR/BONUS PROGRAMS REVIEW - IMPLEMENTATION

EXECUTIVE REPORT
MARCH 9, 2001

PROPOSED LAND USE CODE AMENDMENTS

Introduction

The Executive is recommending to amend the transfer of development rights (TDR) and public benefit features (bonus) programs and provisions of the Downtown and other chapters of the Land Use Code that currently allow for floor area increases above the base FAR and certain development standards in the Downtown. In large part, this effort focuses on the office core zones (DOC 1 and DOC 2), the retail core zone (DRC), and the mixed commercial zone (DMC). Changes to the bonus program are primarily intended to increase its effectiveness as a tool addressing impacts of high-density commercial development, especially impacts on downtown housing resources. Changes to TDR seek to balance the use of this tool for a variety of public purposes, including low-income housing preservation, maintaining variable development scale in office core zones, preserving landmark structures, and providing public open space

In addition, this report also discusses a proposal to modify the use of the City's existing TDR Bank to aid in the administration of the revised TDR program.

Implementing Neighborhood Planning

Downtown Neighborhood Plan Recommendations for Bonus/TDR Revisions

Three of the five neighborhood groups participating in the Downtown Neighborhood Planning Process included recommendations in their neighborhood plans for revising the downtown bonus and TDR programs. Plans by the Downtown Urban Center Planning Group (DUCPG), the umbrella organization coordinating the planning activities of the five downtown neighborhoods, and the Commercial Core and Denny Triangle neighborhoods generally endorsed a number of changes summarized as follows:

- Simplify the programs by eliminating bonuses for unnecessary or low-priority features;
- Eliminate provisions for tiering to simplify the programs and increase priority for the preservation and production of housing to meet downtown housing goals;
- Establish a "super bonus" as an interim measure to grant height and density increases in the near term to respond to current strong demand for office development in

downtown. (Under the super bonus, height limits would increase by up to 30%, base density limits by up to 2 FAR, and maximum density limits by up to 3 FAR to stimulate use of bonus and TDR programs); and

- Explore the use of TDR and other incentives to create additional public open space and protect landmarks.

The City's work on the TDR/Bonus Program revisions began initially as an effort to develop and implement the super bonus proposal. However, the complexity of the issues involved in this proposal suggested that it would be more productive to undertake the overhaul of the whole bonus and TDR programs. Although recommended by the neighborhoods as a longer-term action, the decision to move forward with the initial phase of the more comprehensive overhaul of the downtown programs reflected the conclusion that the time required for this effort would not substantially exceed the time needed to address all the issues raised by the super bonus proposal.

Major elements of the super bonus proposal that have been incorporated into the proposed revisions to the Bonus/TDR Program include the following:

- Increases to the base FAR in certain zones, and requiring specific features (some to be bonused and others not), such as sidewalk widening, that are currently required and bonused;
- The elimination of tiering and a split in the use of bonuses and TDR that prioritizes housing by requiring that 75% of the floor area added above the base generally be gained through housing programs and 25% through other actions; and
- A height increase in DOC 1 and DOC 2 to provide additional flexibility so that development under existing maximum density limits can be accommodated in less bulky towers.

Downtown Code Revisions Advisory Committee

To implement DUCPG recommendations, for the past year, City staff have been working with a Citizen's Advisory Committee (CAC) to formulate the proposed code amendments described in this report. The CAC put forward five recommendations summarized below:

- Provide one tier between base and maximum floor area ratio ("FAR"), with at least 75% of floor area above the base FAR to be gained through transferable development rights ("TDR") from housing and/or through housing bonus;
- Reduce the bonus options and TDR sending sites;
- Focus bonus and TDR options on housing serving households with incomes up to 80 percent of median income;
- Increase the base floor area in the Downtown Office Core 1 and 2 zones (DOC 1 and DOC 2);
- Increase height and density in a number of downtown zones.

Further increases to the base FAR and height limits, proposals to increase the maximum density limits, and any changes to height and density in the DMC zone, as recommended in the super bonus proposal, are to be addressed in the second phase of the City's work on the Bonus/TDR Program revisions, to allow sufficient time for adequate environmental analysis and public review.

Background

1985 Downtown Plan

The Land Use and Transportation Plan for Downtown Seattle, commonly referred to as the Downtown Plan, was initially adopted in 1985. The plan established 11 new zones to guide future development in the downtown area. Those zones were anticipated to accommodate the most significant share of growth and change in the city and included "incentive" provisions for increasing development density. These provisions allowed a project to increase density in return for providing public benefit features, such as open space, that were determined to be of public benefit and addressed the development impacts created by allowing higher density. In addition to the density bonus granted for providing these features, the incentive program also allowed the transfer of development rights (TDR) from one site to another under specific circumstances – primarily to protect low-income housing and landmark structures.

Permitted density in most zones was measured through the floor area ratio method, commonly abbreviated as FAR. This method of measuring density relates the total area, in square feet, of a building site or parcel of land to the total area, in square feet, within the building. Therefore, the floor area ratio is the ratio of the gross floor area in a building over the total area of the land on which it is built. For example, a 200,000 square foot building on a 20,000 square foot site would have a floor area ratio, or FAR, of 10:1 (200,000 divided by 20,000).

Six of the 11 downtown zones, Downtown Office Core 1 (DOC 1), Downtown Office Core 2 (DOC 2), Downtown Retail Core (DRC), Downtown Mixed Commercial (DMC), Downtown Mixed Residential (DMR), and Downtown Harborfront 2 (DH 2) allowed for density increase through bonuses and TDR. In all zones with provisions for bonuses and TDR, a base and maximum density limit was established. The base FAR specifies the amount of floor area that can be built on a site without any use of bonuses or TDR. Any increase in floor area above the base FAR must be gained through use of bonuses or TDR, up to the maximum FAR allowed.

The bonus provisions for four zones, DOC 1, DOC 2, DRC, and DMR, employed a "tiering" mechanism that dictated the types of bonuses and/or TDR that could be used to gain specified increments of increased density, or tiers, above the base FAR. Generally, provisions for density limits in these zones establish two tiers, or categories of bonus features and TDRs that could be used to increase floor area above the base FAR up to the maximum FAR. The first tier allowed increases for amenity bonuses and primarily

landmark TDR, and after the density allowed through these measures was achieved, the next tier was reserved for housing bonuses and low-income housing TDR. For projects developing to the maximum FAR allowed, 50% of the total amount of floor area above the base FAR needed to be gained in each of the tiers. The sequence of tiers and the amount of additional floor area gained in each tier helped establish the level of priority for different bonuses. By requiring open space in the first tier, essentially all projects exceeding the base would address impacts of denser development by providing for public open space. Use of housing bonuses and TDR in upper tiers ensured that the densest development addresses impacts on housing needs.

CAP Amendments

In 1989, the approval of the Citizens Alternative Plan (CAP) Initiative amended the original 1985 Downtown Plan, resulting in two major changes to downtown zoning:

1) To control office growth, development densities and height limits were significantly reduced and bonus/TDR provisions adjusted in the three zones comprising the office and retail core areas (DOC-1, DOC-2, and DRC zones), and
2) an annual limit on the amount of office space that would be permitted in all downtown zones was also established for 10 years, starting in 1989 and ending in 1999. While the limits on the amount of office space to be permitted annually have expired, the other amendments to the downtown zoning remain in place. The first major amendment to these CAP provisions is the provision allowing buildings to exceed the DOC-2 height limit of 300 feet under the Denny Triangle Transfer of Development Credit program adopted in 1999.

Changes to Height Limits. The following height reductions were enacted through CAP:

- **DOC 1:** Prior to CAP, there was no height limit in DOC 1. Height was controlled through the maximum FAR of 20. The Washington Mutual Tower, at 700 feet, represents the upper limit of what could be achieved with the density control.
- **DOC 2:** Two height districts applied in DOC 2, a 400 foot area that was mostly in the Denny Triangle, and a 240 foot area separating DOC 1 from Pioneer Square and the ID. The CAP Initiative lowered the 400 foot limit to 300 feet and retained the 240 foot limit.
- **DRC:** The DRC zone had a base height of 240 feet that could, through bonuses for a performing arts theater or major retail store and with Council approval, be increased to as much as 400 feet. Under the CAP Initiative, the base height was reduced to 85 feet, and the same special measures could be applied to increase height to 150 feet.

Changes to Density Limits. The following density reductions were enacted through CAP:

- **DOC 1:** Prior to CAP, the base FAR was 10 and the maximum 20. CAP reduced the base to 5 and the maximum to 14 FAR.
- **DOC 2:** The 8 FAR base and 14 FAR maximum was reduced to 4 FAR and 10 FAR respectively.
- **DRC:** A base FAR of 7 could be increased through a variety of bonus or TDR options up to 9. Additional density up to a maximum of 12 could be gained through Council approval of the major retail store and/or performing arts theater bonus.



Changes to Bonus/TDR Provisions. Under CAP, the gap between the base and maximum FAR grew significantly relative to the total FAR permitted. For example, before CAP, the base FAR in DOC 1 was 10, and the maximum was 20; creating a gap of 10 FAR between the base and maximum (50% of the total floor area allowed) but allowing a full 10 FAR project without the use of bonuses or TDR. CAP reduced the base to 5 FAR, and the maximum to 14 FAR, requiring the use of bonuses or TDRs to fill the 9 FAR gap between the base and maximum FAR limits (almost 65% of the total FAR allowed).

The range of bonus options, and number of tiers established, was also affected by CAP. Prior to CAP, essentially two tiers existed. The first tier above the base FAR was for on-site open space, landmark TDR, and other amenity bonuses, while the upper tier was reserved exclusively for the housing bonus and TDR. Under CAP, a third tier was introduced to increase the emphasis on the preservation of downtown's low-income housing resource.

The first tier, representing about 15 to 20 percent of the total floor area allowed, was limited primarily to bonuses for on-site amenities like public open space, or use of certain TDRs, including landmark TDR. The amount of floor area that could be gained in this tier through options for on-site amenity bonuses was reduced roughly by half of what could have been achieved under the original provisions. Once additional floor area was gained in the first tier, the second tier applied. This tier represented about 20 percent of the maximum floor area allowed, and could be gained through bonuses for housing and within-block or landmark TDR (some features overlap tiers, such as landmark TDR, which was eligible for floor area increases in both the first and second tiers above the base).

The third tier, about 20 to 30 percent of the maximum floor area allowed, was reserved exclusively for low-income housing TDR. CAP established the requirement that the uppermost tier of floor area added above the base in DOC-1 and DOC-2 could only be gained through TDR from low-income housing structures. This tier accounted for 4 FAR in DOC-1 and 2 FAR in DOC-2. Depending on the zone, bonuses and TDR for housing could be used to gain up to 65 to 78 percent of the total floor area possible above the base, with housing TDR essentially the *only* option for 33 to 44 percent, reflecting the greater priority placed on housing.

Post CAP Amendments to Bonus and TDR Programs

In the years following CAP, additional amendments were made that affected the use of bonuses and TDRs. Special provisions for a Landmark Performing Arts Theater TDR allowed TDRs from structures such as the Paramount Theater to be used to gain any amount of floor area above the base FAR, up to the maximum FAR, with priority over the use of other landmark TDR. A later amendment created a provision to allow the transfer of development rights from major performing arts theaters, such as the Benaroya Symphony Hall, to gain any amount of floor area above the base FAR up to the maximum FAR allowed. These two TDR options have dominated the use of the bonus

and TDR programs during the resurgence of downtown office development over the last decade.

Denny Triangle Transfer of Development Credit (TDC) Program

In 1999, the City amended downtown zoning to allow a 30% height increase in the DOC 2 and DMC zones within the Denny Triangle neighborhood boundaries. This height increase allows residential and mixed-use projects to accommodate additional residential floor area gained through the purchase of development credits from rural lands in King County and contributions to a City fund for public amenities in the Denny Triangle neighborhood. The TDC program differs from the current transfer of development rights program (TDR) in that it only allows for additional residential density. Since residential development downtown is not subject to a density limit, the only option for increasing the residential floor area in a project is to allow more height. The TDC program cannot be used by commercial projects to increase non-residential floor area above existing base and maximum FAR limits. Therefore, it does not compete with the TDR programs currently in place to accommodate commercial density increases.

Proposal Summary

The Executive recommendation involves the creation of new Code sections and the elimination or repeal of others. The following chart summarizes the proposed new code sections, the issue addressed by the new code section and the sections that are proposed to be repealed.

The chart provides a section by section summary of the proposed Land Use Code amendments as depicted in the accompanying ordinance. Following the chart, the report goes into more detail about each of the recommendations. Individual or "white" papers are also available, as noted where additional detail about each of the recommendations is provided. A listing of all available white papers is provided at the end of this report as well as information about how to obtain them.

Ordinance Section.	**Land Use Code Section Added, Amended or Repealed.**	**Notes or explanation.**
Section 1.	This section of the ordinance contains findings related to the background research and analysis. This will not be codified in the Land Use Code.	Findings are used to explain why new regulations or changes to existing regulations were adopted.

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Section 2.	23.41.012, Development standard departures.	This existing Section of the Land Use Code contains the list of development standards from which departures may be granted pursuant to Design Review. Several development standards from the Downtown Chapter are listed. The list of available departures is proposed to be amended to add development standards related to allowance of additional height proposed in Section 3 of this ordinance.
Section 3.	23.49.008, Structure Height	New proposals implemented by changes to this section of the Land Use Code include: 1) 10% more structure height than currently allowed in the DOC 1 and DOC 2 zones for occupiable floor area as an alternative to the existing floor area bonus for sculptured building tops, which is proposed to be eliminated; 2) 20% more structure height than currently allowed when development on the lot meet criteria intended to make towers that gain the extra height slimmer and create a good environment for pedestrians; and 3) 30% more structure height within a two half-block area in the DRC zone is proposed as an incentive for housing development on those half blocks. This would be above the 150 foot height maximum that would apply elsewhere in the retail core for projects meeting certain conditions. The height increase to195 feet would only be permitted for projects that were exclusively residential above a height of 85 feet. To address bulk and view issues, a maximum coverage limit and structure setbacks would apply to development using this provision.

Section 4.	23.49.009, Open space.	This section of the ordinance changes provisions in the code that prescribe rules for open space required to serve the needs of new office development. The changes are proposed to make this existing provision consistent with the revised TDR and bonus programs that include open space features. This is discussed in greater detail in Sections 7 and 8 of this report.
Section 5.	23.49.011, CAP.	This section repeals the annual limit on the amount of office space permitted in all downtown zones as established by the CAP initiative in 1989, which expired in 1999.
Section 6.	23.49.011, Floor Area Ratio.	This section contains the consolidated rules for density limits that apply to all downtown zones. In addition to consolidating provisions contained in sections for each individual zone, changes to implement recommendations from the downtown neighborhood planning group and advisory committee are proposed. This section would now specify the percentage split – the way in which bonus and TDR from different sources may be combined for a project. This section contains a choice for permit applicants to gain the first one FAR above the base FAR in certain areas by providing amenities that are proposed to include retail sales and service uses and entertainment use and short-term parking. Also, provisions are proposed for elimination that would allow higher base FAR for small lots, with areas 15,000 square feet or smaller in DOC 1, DOC 2 and DRC zones, in view of the option to gain the first FAR above the base as described in the preceding paragraph.

Section 7.	23.49.012 is re-codified as 23.49.019, Noise Regulations.	This section is moved so that new sections addressing rules for obtaining bonus floor area may be located in proximity to similar provisions in the Land Use Code. FAR rules, revised to implement the recommendations of the Advisory Committee, are consolidated here.
Section 8.	23.49.012, Bonus Floor Area for Voluntary Agreements for Housing and Child Care	This is a new Section contains the rules for obtaining bonus floor area above the base FAR, when the applicant provides or helps to fund features that mitigate a portion of the impacts of higher-density development, on housing and child care needs. Technical clarifications are proposed in this Section to clarify under what circumstances housing qualifies to gain bonus floor area, what constitutes a link between housing and a commercial project that seeks to gain bonus floor area, changing the length of time the housing must be available for residents with certain incomes from 20 to 50 years and making the developer responsible for complying with these provisions.
Section 9.	23.49.13, Bonus Floor Area for Amenity Features.	This section contains rules for how, in addition to the ways to gain floor area above the base FAR contained in 23.49.012, an applicant may achieve a portion of the floor area through bonuses for on-site amenities, such as public open space, hillclimb assist, shopping corridor or transit tunnel access. Proposal highlights include: 1) the minimum areas eligible to qualify for an open space bonus or as an open space TDR site are changed to be consistent between the two programs and to be consistent with figures used under the current program; 2) Human service bonus is allowed only for features provided on site; and 3) 1/5 of the 25%, or 5%, is reserved for use of Landmark TDR.
Section 10.	23.49.014 is re-codified as 23.49.017, Odor standards.	This section is moved so that new sections addressing rules for obtaining bonus floor area may be located in proximity to similar provisions in the Land Use Code.

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Section 11.	23.49.014, Transfer of Development Rights.	In this new section, provisions for TDR have been consolidated. The types of eligible sending and receiving sites have been changed to focus on the recommendations of the neighborhood plan, advisory committee and the City Council. Three types of TDR are permitted plus, in the DOC 1, DOC 2 and DRC zones, development rights may continue to be transferred from any site on the same block as a development proposal. This type of TDR sometimes called "within-block" or "variable scale" TDR promotes an interesting mix of development of varying sizes in zones that might otherwise only accommodate very large scale development. Rules for sending and receiving sites are contained in this new section including limits on non-housing types of TDR and rules that clarify how the city would address vesting and transition when project proposals involve TDR previously allowed, but no longer eligible for transfer.
Section 12.	23.49.016, Parking quantity requirements.	This section is amended to correct a map reference, a grammar error and references related to the Director of the Department of Neighborhoods.
Section 13.	23.49.025, Street-level use requirements.	This section consolidates street-level use requirements.
Section 14.	23.49.026, General requirements for residential uses.	A provision, referred to as "inclusionary zoning" is proposed to be repealed. The revised bonus provisions are seen as a more effective way to provide housing that is more affordable to those not served by the private market.

Section 15.	23.49.027, Open space TDR site eligibility.	This Section has been added to describe open space sites eligible to be Open Space TDR sites. This is proposed to replace use of standards and guidelines from the existing Public Benefit Features Director's Rule, 20-93, that do not specifically address this unique type of open space. The scope and intent is similar, but the provisions now proposed are more relevant to this new type of open space than those in the Director's Rule (see also, Section 19).
Section 16.	23.49.032, Additions of gross floor area to lots with existing structures	This existing code section contains rules for when an addition is proposed to an existing building that was constructed to the new rules. Changes are proposed to address issues that may arise due to the changes proposed now.
Various sections, starting with Section 17.	Various, starting with 23.49.033	These Land Use Code sections are proposed to be repealed, generally to be replaced by new consolidated sections that implement the downtown neighborhood's planning and the advisory committee recommendations.
Sections 18 and 37.	23.49.037, Public Parks and planned community developments in Downtown Office Core 1 and 23.49.090, Downtown Retail Core, permitted uses.	Amended to update a code reference.
Section 19.	23.49.039, Special exception for open space TDR sites.	A special exception process is proposed to allow flexibility in applying the standards for open space TDR sites in Section 15. Flexibility is necessary due to the difficulty in anticipating all of the design solutions that will achieve the intent of this new type of open space.

Section 20.	23.49.041, Transfer of development credits.	This section is amended to be consistent with Transfer of Development Rights (TDR) so that under both programs the point at which a development proponent must possess the development credit (or development right) is prior to construction of the actual framing for the proposed structure. This means that demolition and excavation may take place while final arrangements for possession of development credits is under way.
Various sections, starting with Section 21.	Various, starting with 23.49.45.	These sections of the Land Use Code are amended to update the references to new maps at the back of the Downtown Chapter.
Section 38.	23.49.096 Downtown Retail Core, conditional uses and Council decisions.	A subsection, containing provisions for approval of two bonus features in the DRC zone that are proposed to be eliminated, would be deleted.
Sections 43 and 44.	23.49.106, Downtown Retail Core, street façade requirements and 23.49.108, Downtown Retail Core, upper-level development standards.	The existing provisions governing street façade requirements were originally written to address structures that could achieve pre-CAP height limits. The amended provisions are simplified and work with the proposed new upper-level development standards. The existing provisions governing upper level setbacks are proposed to be changed and enacted in a new section to reflect the reduced height limit adopted after the standards were originally created and to implement recommendations from the neighborhood plan and the advisory committee to refocus the bonus program on mitigation of housing impacts.
Section 48.	23.49.126, Downtown Mixed Commercial, ratios for public benefit features.	This section contains a choice for permit applicants to earn floor area above the base FAR in DMC zones using the existing rules governing floor area in general and for gaining bonus floor area (as an alternate to the revised program). In addition, related to this choice in the DMC zones, this proposal does not repeal Section 23.49.130, Combined lot development, which would continue to allow in certain cases, separate lots to be combined for purposes of calculating permitted floor area.

Sections 77 through 81.	23.84.006, 23.84.016, 23.84.024, 23.84.025, 23.84.030 and 23.84.038.	These sections contain definitions that are proposed to be added, deleted or amended. A new definition is proposed for "maximum structure height" and changes to the definition of "human service use" are proposed as clarifications. A definition of "TDR site, open space" would be added. The definition of "Housing TDR Site" also would be revised.
Sections 82 and 83.	Downtown Maps.	Downtown maps are amended to consolidate maps and be consistent with proposed code amendments. Map 1H, which shows where street-level uses are required, is changed to add a half block on Pine Street between Terry Avenue and I-5. 1O shows where 20% additional height could be gained per Section 23.49.008 and 1N shows where street-level retail and short-term parking would be eligible amenity bonus features per Section 23.49.011.

Analysis and Recommendations

This part of the report discusses in greater detail, the amendments proposed ordinance by ordinance section. In addition, "white" papers are referenced that contain more detail about several topics discussed in this report.

Section 2.

The existing Design Review program permits development standard departures if an applicant demonstrates that departures from Land Use Code standards would result in a development that better meets the intent of the adopted design guidelines. The Land Use Code, Section 23.49.012, lists the complete set of development standards from which a departure may be granted. Several of the standards listed pertain to downtown.

The proposal is to add to the list of possible development standard departures, certain of the conditions proposed to the allowance for increased structure height. The limit on the floor area of upper stories in relation to lower stories and the percentage of lot area that must be occupied by open space or low-scale structures would be subject to departure; and the overall limit on gross floor area on the lot would not be. Adding these standards allows the Department of Design, Construction and Land Use (DCLU) and the Design Review Board to consider alternate ways of satisfying the intent of these standards and the Downtown Design Guidelines.

Section 3.

Current downtown zoning provides a floor area bonus for sculptured building tops as an incentive for tapering tower designs that add interest to the skyline and reduce the bulk of a structure as it increases in height. The bonus is only available in the office core zones, DOC 1 and DOC 2. Through the existing bonus, floor area can be added above the base FAR of a project. No project has actually used this bonus to increase project floor area.

The sculptured building top bonus is proposed for elimination, since it has never been used and is considered to be a much lower priority than other features that more directly address the impacts of high density downtown development. However, encouraging less bulky structures remains a desirable urban design objective.

10% Height Increase. A 10% height increase* above the mapped height limits in DOC 1 and DOC 2 zones would be allowed for projects that decrease the floor size of upper floors by a specified percentage. In DOC 1, the 450 foot height would be increased to 495 feet (approximately 3 to 4 additional floors), DOC 2 300 would increase to 330 feet (2 to 3 additional floors), and DOC 2 240 would increase to 264 feet (2 additional floors). The added height does not allow additional building density; current maximum FAR limits would continue to control commercial density. The proposal also would apply a separate limit on gross floor area to lots using the extra height, to restrict additional bulk from most floor area that is exempt from FAR limits, such as market-rate housing. With three exceptions, all above grade floor area, including residential use, on the lot that contains the structure exceeding the height limit could not exceed maximum FAR for the zone. The exceptions would be street level uses, bonused housing, and floor area above the height limit gained through the TDC program (the last applies in the Denny Triangle only).

The proposed 10% height increase would be allowed to be occupied space. Additional height currently allowed in the Land Use Code is only for unoccupied space such as mechanical penthouses and other rooftop features. The existing height allowance would continue to be permitted above the proposed increased height of the occupied space. The additional height currently allowed for unoccupied space is 10% above the height limit.

The design of the "sculpting" required in order for the structure to gain the added 10% in height for occupied space will be an aspect of buildings, subject to design review, that the Design Review Board would review using existing guidelines that address design features such as the overall massing of a structure and a building's contribution to the city skyline and relationship to other buildings and public spaces. Design review will help to ensure that the height incentive achieves the desired results, and that any increase in height for occupied space is integrated with the mechanical feature enclosure extending above, as well as with the overall structure.

The proposed 10% height incentive is limited to DOC 1 and DOC 2 zones where concentrating employment growth is a priority. Almost all of the DOC 2/300 zone is

within the Denny Triangle Neighborhood, where the recently adopted Transfer of Development Credit (TDC) program allows a 30% height increase to accommodate residential development rights transferred to protect rural lands in King County. A structure in the Denny Triangle Neighborhood might use both provisions, but could not exceed 130% of the mapped height limit. For example, the TDC program could be used to add floor area in the range from 10% to 30% above the mapped height limit, though without adding to the total chargeable floor area allowed.

**This section of the proposed amendments also contains a recommended 30% height increase for a two half-block area on the western edge of the retail core that is explained in the portion of this report titled "Sections 3, 43 and 44, DRC Changes."*

(The 10% and 20% height increases are discussed in more detail in White Paper #12: Height Increases).

20% Height Increase. This proposal is recommended in addition to the proposal to allow a 10% height increase above the existing mapped height limits throughout the DOC 1 and DOC 2 zones, provided there was a reduction in the bulk of the upper floors of a structure. To encourage buildings that appeared less bulky, the 10% height incentive is intended to replace the floor area bonus for sculptured building tops, which currently provides the incentive for a more interesting building profile.

The Executive recommendation proposes a further 10% height increase, for a total increase of 20%, for projects that not only reduce the bulk of upper floors, but also meet special site conditions intended to offset the impacts of taller structures on the public street environment. Generally, the increased height may be granted if one or more of the following conditions are met: 1) a designated landmark structure is located on the site and will be retained, 2) a specified percentage of open space is provided on the site at ground level, or 3) structures of limited height occupy a specified percentage of the site, or the site includes some combination of low buildings and ground level open space. There would be a separate limit on gross floor area to lots using the extra height, to restrict additional bulk from most floor area that is exempt from FAR limits, such as market-rate housing. Furthermore, all above-grade floor area, including residential use, on the lot that contains the structure exceeding the height limit is limited to the maximum FAR for the zone, with only these exceptions: street level uses, bonused housing, and floor area above the height limit gained through the City/County Transfer of Development Credit (TDC) program, buy which residential development capacity is transferred from rural areas to the Denny Triangle. This special floor area limit is meant to ensure that the added height will result in less bulk below the mapped height limit, not greater overall bulk on the site through the use of more exempt floor area, such as market-rate housing.

In addition to these special conditions, only sites in the DOC 1, DOC 2 240' and a limited area of the DOC 2 300' zone are eligible for the 20% height increase (see Map1O of the ordinance). Within the DOC 2 300' zone, the boundaries limit the additional height increase to the general area where taller structures in the 300' to 400' height range already exist and exclude the area generally east of 8th Avenue where transition in

development scale with adjacent, less intensive areas is more of an issue. The Denny Triangle Plan also calls for creating a "residential enclave" along the 9th Avenue/Terry Avenue green street pair, and measures for achieving this objective need to be clarified before applying incentives to promote larger scale commercial development.

The area east of 8th Avenue is also where developers have expressed the greatest interest in participating in the Transfer of Development Credit program to increase housing development by purchasing development rights from rural lands in King County, with at least three potential projects in the planning stages. Projects that use the TDC program for housing and mixed use development already can gain up to 30% additional height.

Section 4.

The proposed amendments to this section of the Land Use Code would change existing requirements for open space for office use in the Downtown zones. The amount of open space required would not change, but the types of open space that could receive a bonus would be modified, and the cash option would be limited to green street improvements. The changes are proposed to make the requirements consistent with the proposed revisions to open space bonus regulations as recommended by neighborhood planning.

Section 5.

The annual limit on the amount of office space established by the CAP initiative starting in 1989 and ending in 1999, is repealed by this section.

Section 6.

Three major amendments take place in this section of the ordinance: changes to base FAR limits; replacement of the current bonus tiering system with a percentage break-out; and general changes to certain Downtown zones.

Proposal: Raise the base FAR in DOC 1 from 5 to 6, returning DOC 1 to the position of allowing the highest commercial density in the city—with or without the use of bonuses. In DOC 2, the base FAR would be raised from 4 to 5, making it the same as that of the DMC zone. In the DRC zone, the base would be raised from 2.5 to 3 to adjust to the increases in the other zones where base FAR were reduced under CAP. A new maximum would be established at 5 FAR to address the elimination of bonuses in this zone that theoretically permit a maximum density of 6 FAR, but no longer provide sufficient incentive to be used. **(This issue is discussed in more detail in White Paper #3: Base FAR.)**

Explanation of Proposal: No increases are proposed to maximum density limits in any zone. Such increases, as well as further height increases, will be addressed in the next stage of the review of Downtown development regulations. However, changes to base FAR limits (the amount of floor area that can be built without any use of bonuses or TDR) in the Downtown Office Core zones, DOC 1 and DOC 2, and the Downtown Retail Core (DRC) zone are being proposed to:

1. adjust base densities to provide a graduated range in density that reflects the desire to support the highest concentration of employment in the downtown office core; and

2. address discrepancies in how the floor area of development rights available to transfer (TDRs) is determined so that existing low-income housing and landmark structures in DOC 1 and DOC 2 zones aren't at a disadvantage relative to other zones.

The densities permitted outright in commercial areas immediately north of Denny Way and on First Hill are higher than the base density for DOC-2 and as high as DOC 1. Even within downtown, the base FAR for the DMC zone, a peripheral mixed use zone intended for both housing and employment activity, is as high or higher than the base FAR in DOC 1 and DOC 2. DOC 1 and 2 are the two office core zones with transit tunnel access intended for the highest concentration of employment activity in the region.

To determine what development rights can be transferred from eligible sending sites in DOC 1 and DOC 2 zones, the actual square footage of the structure (less certain exemptions) is subtracted from the area that is allowed under the base FAR of the site. One of the consequences of the lower base FAR established in DOC 1 and DOC 2 under CAP is that it virtually eliminated the potential to use TDRs from low-income housing or landmark structures in these zones, since most of them exceed the current base FAR.

In other zones with TDR sending sites, specific FAR were established for the purpose of calculating development rights available to transfer. These transfer FAR were consistent with the density gradient originally established for the downtown zones when the base FAR were 10 in DOC 1 and 8 in DOC 2. Today, the original FAR of 8 continues to be used to calculate available TDR for landmarks or low-income housing structures in the DMC zones south of Virginia Street (a zone not affected by CAP), while a 5 FAR limit applies to such structures in DOC 1.

Increases in base FAR in DOC 1 and DOC 2 zones, coupled with a proposal to use the base FAR to calculate TDRs in all zones, would help to remedy this discrepancy.

Proposal: Limit bonus options to simplify the bonus program and refocus priorities; eliminate bonus features no longer of public value. (**This issue is discussed in more detail in White Paper #4: TDR and Bonus Feature Options.**)

Explanation of Proposal: One reason for raising the base FAR is to compensate for the elimination of bonuses currently available for some features that a project may be required to provide, or may provide for its own benefit. Under current zoning, projects on some sites are required to provide certain types of uses at street level and to widen sidewalks if minimum standards are not currently met. There is also a recommendation to require overhead weather protection—a feature not currently required by the Code, but one that is a bonus item and frequently prescribed as a condition for projects through design review.

These features are not uniformly required within a zone. They are only required in locations where conditions make them a benefit to both the public and the project. Furthermore, the requirements aren't a "package;" a project subject to one requirement, like sidewalk widening, may not be subject to the street level use requirement. The biggest generator of bonus floor area is the street level use bonus. This is a revenue generating feature that will continue to be exempt from FAR calculations. Also, in some areas of downtown, including the core of the Pioneer Square and International Special Review Districts, street level uses are required and are not eligible for a bonus.

The requirements for former public benefit features apply in locations where development sites benefit from public actions and investments. For example, wider sidewalks are a requirement where major transit access is provided to sites. The additional width helps to accommodate the increased pedestrian traffic generated by the new development. Furthermore, the setback is only required at street level; floors above the street level can extend over the setback to the property line, so there is little loss of buildable area on a site.

The relationship between required features, bonuses, and proposed increases in base FAR is discussed in further detail below:

Street level uses: Within downtown, street level uses are required on specified street frontages. Street level uses are generally defined as retail and service uses. The requirement is limited to frontages on high volume pedestrian streets, generally where a pattern of street level activity already exists, and it is important to maintain that continuity as new development occurs. There are some locations in developing areas where the pattern presently doesn't exist, but the uses will be necessary in the future both to create a successful pedestrian environment as new development occurs and to accommodate the services necessary to support the high density of development allowed in these zones.

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The space occupied by street level uses would remain exempt from FAR calculations, and the exemption would be expanded throughout downtown, rather than be limited only to locations where uses are required or bonusable. Because these uses don't have the same transportation impacts as the other commercial uses regulated by FAR, the exemption for street level uses is proposed to be extended beyond sites abutting Class I Pedestrian Streets to include any downtown site. Street level retail service and enterainment uses would continue to be bonusable in the DMC zone and could be uesd to gain additional bonus floor area for the first FAR above the base FAR in DOC 1 and DOC 2.

Sidewalk widening: Minimum widths are established for downtown sidewalks according to the vehicular function of the street and anticipated pedestrian volumes. The minimum standard for downtown sidewalks is 12 feet, and most existing sidewalks are at least 11 or 12 feet wide. However, there are requirements for wider sidewalks on certain streets where higher volumes of pedestrians and transit activity need to be accommodated.

The widest requirements for a sidewalk width is 18 feet, and applies only on major transit streets that are also designated as Class I Pedestrian Streets. In addition to providing high volume pedestrian links, these sidewalks also accommodate space for transit loading associated with high volumes of transit. On one-way streets, only the side with transit stops is required to be 18 feet. Streets requiring 18 foot wide sidewalks include 1st, 2nd, 3rd, and 4th Avenues in the Commercial Core; Westlake Avenue, Olive Way, and Pike, Pine, Howell and Stewart Streets in the Retail Core and Denny Triangle; and 3rd Avenue in the Denny Regrade. For several additional north/south avenues, the minimum sidewalk width is 15 feet.

To meet the minimum width requirement, the typical setback for these projects ranges between one and three feet from the property line. For the projects that were required to widen sidewalks, the additional floor area gained through the bonus ranged from 0.05 FAR to 0.08 FAR. The bonus for sidewalk widening is proposed to be eliminated.

Overhead weather protection: Overhead weather protection in high volume pedestrian areas is now regarded as a basic amenity for pedestrian comfort that should be required. Currently, a bonus is offered for projects including this feature on frontages along Class I Pedestrian Streets in DOC-1, DOC-2, DRC, DMC, and DMR zones. Overhead weather protection is only a bonusable feature along frontages of Class I Pedestrian Streets. The proposal is to eliminate the bonus for overhead weather protection and establish standards for including this feature along street frontages where street level uses are provided and exempted from FAR calculations, whether these uses are required or not.

Currently, to gain the maximum bonus value for providing overhead weather protection requires more expensive features that include skylights to permit the penetration of natural light. Under the proposed requirement for overhead weather protection, treatments meeting the base standards could be provided that are less costly than what

developers might otherwise be willing to provide to maximize floor area gain under the current bonus provisions.

Small site incentive: Under current zoning, small sites of 15,000 square feet or less are allowed additional FAR as an incentive to promote variation in the scale of downtown development in DOC 1, DOC 2 and DRC zones and on certain sites in DMC zones. Furthermore, there is a floor area incentive for expanding existing structures on small site of less than 7,500 square feet in DMR. In DOC 1, an additional 2.0 FAR is allowed above the base, in DOC 2 and DRC an additional 1.5 FAR is allowed on a small lot. In DMC an additional 1.0 FAR for sites located on view corridors where upper level setbacks are required. Rather than maintain this bonus, the proposal would allow small sites in DOC 1 and DOC 2 the same increase in base FAR as other sites and the option to gain an additional 1 FAR above the base through bonuses for on-site features. Current provisions would continue to apply in DMC. It is further recommended that the incentive be eliminated in the Retail Core DRC zone, where exemptions for street level retail space are greater than in other zones.

Proposal: 75/25 "split" - Add new Sections 23.49.011, Floor Area Ratio, 23.49.012, Bonus Floor Area for Voluntary Agreements for Housing and Child Care and 23.49.13, Bonus Floor Area for Amenity Features to fix the percentage of floor area above the Base FAR that can be earned through non-housing bonus and TDR. **(This issue is discussed in more detail in White Paper #2: 75-25 Split.)**

Explanation of Proposal: These changes are proposed to implement the neighborhood plan recommendation to refocus the TDR and Bonus Programs on Housing.

- 75% of the square feet above the first FAR above the proposed increased Base FAR for any project in DOC 1 or DOC 2 zones would have to be achieved through Housing TDR or voluntary agreements to provide housing and child care in return for a bonus, or both (75% effectively is a minimum and a maximum figure);
- The remaining 25% of the square feetabove the first FAR above the Base FAR could be achieved through Non-housing TDR or amenity bonuses.

The limits would not be applied to the DMR zone , which is a residential zone with base FAR ranging from 1 to 2 FAR and maximum FAR ranging from 2 to 5 FAR, depending on subarea provisions. In the DRC zone, the 75%/25% split would apply to all floor area above the base FAR. If developers in the DMC zone choose to use the new bonus/TDR provisions, all floor area above the base FAR would be subject to the 25%/75% split.

The proposal to use the 75% figure as a minimum and a maximum will guarantee a focused portion of the floor area above the first FAR above the base FAR in DOC 1 and DOC 2 zones on mitigating housing impacts while also guaranteeing the remaining 25% will be obtained through amenity bonuses and/or TDR from other sites that are priorities for Downtown, such as landmarks and open space. In addition, one-fifth of the 25% portion would be reserved for use of Landmark TDR, if available.

How the "75-25" split would be applied to new development proposals

1) The "75-25 percentage split" would apply to the amount of nonresidential (office or hotel use) square footage proposed to be developed above the Base FAR The amount of floor area earned through Non-housing TDR and amenity bonuses would be 25% of the square footage above the Base, with 5% reserved for Landmark TDR, if available. In the DOC 1 and DOC 2 zones, developers have the option of not using the 75-25% split option for the first FAR gained above the base FAR. In the DMC zone, developers can either use curent bonus and TDR provisions for increasing floor area above the base, or the revised provisions requiring the 75-25% split. The 75-25% split applies to all floor area gained above the base FAR in the DRC zone, and development in the DMR zone is not subject to this provision.
2) From total square footage above the base FAR (or above 1 FAR above the base FAR in DOC 1 and DOC 2), subtract square feet earned through Housing or Non-Housing TDR or through amenity bonuses. The balance of the square footage above Base FAR is achieved through a voluntary agreement to provide, or contribute to a fund for, affordable housing and childcare.

Other changes to bonus and TDR provisions proposed in various zones. Portions of the mixed-use residential zone, DMR, in Belltown, also allow floor area increases through bonuses. Although current TDR provisions allow eligible properties in the DMR zone to "send" unused development rights to other zones, sites in the DMR zone cannot "receive" TDR. Under the proposed changes, sites in DMR zones could receive development rights from other sites in the DMR zones that are occupied by lower-income housing, public open space, or landmark structures. To increase opportunities for creating public open space and protecting landmark structures in the Belltown area, there would be no restrictions on the type of TDR or bonus used for floor area increases above the base FAR, other than maximum chargeable FAR on the receiving site and certain limits on specific bonuses.

Minimal changes, related to consolidation of provisions, are proposed in the Harborfront zones (DH 1 and DH 2), mixed-use residential zone in the International District (IDR), mixed-use commercial zone in the International District (IDM), and mixed-use commercial zone in the Pike Place Market (PMM). In the mixed-use commercial zone in Pioneer Square (PSM), the existing TDR from infill lots is proposed to be eliminated. Except for the DH2 zone, these zones do not currently include provisions for increasing density above a base FAR through bonuses or TDR. The DH2 zone allows floor area above the base FAR through bonuses only, and the bonuses are limited to open space amenity features. The possibility of extending a housing bonus program to these other zones will be addressed as part of the second phase of the bonus/TDR project.

Bonus provisions for the retail core zone (DRC) are being significantly restructured. The only two bonus features currently available for increasing height and FAR to the maximum limits allowed are being eliminated. These features, a major retail store and performing arts theater, were originally created to allow substantial height and density increases, through Council approval, in the Retail Core. Under the lower height and density limits that now exist, these bonus features are no longer practical to provide, effectively limiting development to the base height of 85 feet and 3.5 FAR in most areas of the zone.

The proposal would allow bonus options for floor area increases similar to those proposed for other zones. A new maximum density of 5 FAR would be established, which is slightly less than the current 6 FAR maximum allowed with the major retail store or performing arts theater bonus. To encourage increased concentrations of retail use and the mixing of other uses that promote evening activity in the retail core, projects that include housing and/or more retail or entertainment use than the minimum amount required would be allowed to extend to the current 150 foot height limit without Council approval. **(This issue is discussed in more detail in White Paper #11: Downtown Retail Core (DRC) Proposals.)**

Proposal: Allow a choice for permit applicants to gain the first one FAR above the base FAR in certain areas by providing amenities that are proposed to include retail sales and service uses and entertainment use and short-term parking.

Explanation of the Proposal: To enable developers to reach approximately the same density limits that they can under current zoning through use of bonuses for certain on-site features, such as short-term parking and street-level retail uses, the Executive proposes to allow these features to continue to be used, with some modifications and conditions, to gain the first additional 1 FAR above the base FAR in DOC 1 and DOC 2. The bonus ratios for these features have been adjusted so that the same ratio applies in each zone where the bonus is allowed. Developers would also have the option of using any other amenity bonuses and/or any non-housing amenities to gain all or part of the first 1 FAR increase above the new base. The 75%/25% split between bonuses and TDR involving housing, on the one hand, and other TDR and bonus, on the other hand, would apply to floor area above the total of the base FAR plus the portion of the first 1 FAR, if any, gained through the option described above.

Proposal: Change to the method of calculating floor area available to transfer from eligible sending sites. **(This issue is discussed in more detail in White Paper #5: TDR Program.)**

Explanation of Proposal: These changes are intended to provide more consistent treatment among downtown zones where the use of TDRs is allowed, and to increase the effectiveness of the tool in those zones subject to the greatest commercial development

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pressure. For all zones with an established base FAR, the floor area available to transfer would be calculated as the base FAR of the sending site minus the non-exempt floor area of development on the site. Furthermore, housing would be included among the uses exempt from FAR calculations. Currently, the floor area occupied by housing is counted as non-exempt space for the purposes of calculating available TDR.

Under the current system, FAR used for calculating TDR in some zones reflects the potential floor area of projects developed for residential use. These FAR are higher than the base FAR used in the office core zones. For example, an FAR of 8 is used for TDR calculations in the DMC 240 zone, while TDR is limited to the base FAR of 4 in the DOC 2 zone. Because receiving sites are adding commercial floor area to projects through the use of TDR, using the base FAR established for commercial densities allows for a more constant exchange between sending and receiving sites among downtown zones; with projects buying and selling commercial development rights.

The proposed increases to base FAR in DOC 1 and DOC 2 zones would increase the amount of floor area available to transfer from the landmarks and low-income housing structures located in these zones, and the exemption of housing floor area would further increase available TDR from housing sending sites. Using the base FAR in other zones will reduce the amount of floor area available to transfer on sending sites, although the exemption of housing floor area will offset this somewhat for housing sending sites. Expanding the area where landmarks are eligible to transfer development rights will also provide an incentive for landmark preservation in areas where TDR currently is not allowed from landmark sites.

The Pioneer Square Mixed (PSM) zone currently does not have an established base FAR. The permitted density of development is primarily established by height limits, which vary in some areas of the zone based on the heights of existing structures adjacent to the development site. In this zone, calculating development rights available to transfer is based on an estimate of the potential floor area that could be built on the site, which is currently established as 6 FAR, minus the non-exempt floor area, including housing, in existing development on an eligible sending site. Unlike many other downtown zones where higher density development is allowed, zoning in this area more closely approximates existing development. This close fit between zoning and existing development, combined with provisions of the special review district, make redevelopment of eligible sending sites less likely. For these reasons, and to avoid an oversupply of available TDR from areas where there is less of a threat of redevelopment, the proposal is to not exempt housing in the PSM zone from floor area calculations for TDR purposes. The current 6 FAR would be retained to provide the base density used to calculate any remaining development rights available to transfer.

Section 7 and 10.

Section 23.49.012 is re-codified as 23.49.019, Noise Regulations. Section 23.49.014 is re-codified as 23.49.017, Odor standards. These sections are moved so that new sections

addressing rules for obtaining bonus floor area may be located in proximity to similar provisions in the Land Use Code.

Sections 8 and 9.

These Sections contain the rules for obtaining floor area above the base FAR, other than through Transfer of Development Rights, and how an applicant may achieve additional floor area through bonuses for on-site amenities, such as public open space, hillclimb assist, shopping corridor or transit tunnel access.

Bonus floor area is allowed for these features because they help benefit both the project and the public by providing improvements that support the higher density permitted. An applicant's decision to use these features via the performance option is voluntary; the use of TDR would also be available to achieve floor area increases.

Childcare and lower income housing may be provided on a project site to gain up to 75 percent of the allowed floor area above the base FAR. When this is the case, bonuses for all other on-site amenities, together with non-housing TDR, must provide 25 percent of the floor area above the base FAR. Landmark TDR, and, in some zones, within block TDR may also be provided for the 25 percent portion of floor area increase above base FAR. An exception to the 25%/75% split is the DMR zone, where there would be no restrictions on the amount of TDR, amenity bonus or contribution bonus, used for floor area increases above the base FAR.

Section 8 contains provisions that specify: the amounts of housing needed for each square foot of bonus floor area; when housing qualifies to earn bonus floor area; what constitutes a linkage between housing provided for bonus floor area and the project proposing to use the bonus floor area; and establish the time in the permit process when a cash contribution or security for performance is required. Other proposed amendments include: a fifty-year affordability period, instead of the current 20 years, and a provision that would make the affordable housing a continuing permit condition of the commercial site.

A change regarding the human service amenity bonus is also proposed. The human service amenity bonus is to be limited to on-site performance. This means that human service uses may be used to earn bonus floor area if they are provided directly by new development on their development site. The current off-site human service bonus option is being replaced with an option (not contained in the proposed legislation) to include certain human services within housing projects using appropriate fund sources.

The following on-site amenity features are intended primarily to enhance pedestrian circulation or improve pedestrian access to transit tunnel stations:

1. hillclimb assists—mechanical assists, such as escalators, that assist pedestrian movement up and down steeply sloping sites primarily in office core areas;

2. transit station access—actions that, through site design or mechanical features, provide pedestrian access from a project to the station mezzanines of the transit tunnel; and
3. shopping corridors—through-block passages lined with shops providing addition pedestrian routes through the high volume pedestrian areas of the retail core and immediately abutting blocks.

As under the current floor area bonus system, these features have a fixed bonus value in terms of FAR; a fixed FAR increase is allowed for projects that provide them. Under the proposal, for example, for a hillclimb assist feature, a fixed 0.5 FAR increase would be allowed for the feature provided in any of the zones where they are allowed as designated on maps located at the end of the Downtown Chapter (23.49) of the Land Use Code. However, the 0.5 FAR increase could not exceed the 25 percent cap established for bonus floor area above the base for non-housing amenities, unless the additional floor area was part of the floor area gained in the first FAR above the base FAR not subject to the 25% limit.

These bonus features have limited application because specific criteria as to location and other conditions must be met in order for them to be eligible for a bonus. Many of these features would be included in projects that require alley vacations because they are required to provide connections between avenues across full blocks. A rough estimate of the number of sites where these features might be included is eight sites for a shopping corridor, three sites for transit tunnel access, and nine sites for a hillside assist.

Another bonusable on-site amenity is public open space. Under the current bonus system, a variety of open space features are eligible for a floor area bonus, including urban plazas, parcel parks, rooftop gardens, public atriums, hillside terraces, and setbacks on designated green streets. The locations where these features may be used for a bonus vary, as does the value of the bonus, to reflect different costs and degree of public benefit associated with providing each feature.

Under the proposal, a bonus for providing public open space will still be available as an incentive for developers who choose to meet the open space requirements of their office project by providing open space that is accessible to the general public, and not just the project's occupants. Under this approach, except in DMC, a reduced number of items would continue to be eligible for a floor area bonus—primarily limited to the most visible and accessible public benefit features, such as urban plazas, parcel parks, hillside terraces, public atriums, and green street setbacks.

In DOC 1, DOC 2, and DRC zones, a fixed bonus ratio of five square feet of floor area above the base FAR for every square foot of qualifying public open space would apply to any open space feature.. While development in DOC 1 and DOC 2 zones can use bonuses for open space features to gain the first 1 FAR above the base FAR, the amount of floor area that can be gained through a bonus for a small open space cannot exceed 15% of the total floor area above the base FAR or 1 FAR, and a bonus for a large open space cannot gain more than 25% of the floor area above the base FAR. However, it



would be possible for a project to combine bonuses for a large and small open space feature to gain a total of 40% of the floor area above the base FAR. However, bonused floor area for open space could not exceed 25% of the total amount of floor area above the 1 FAR above the base FAR. In other zones, bonuses for open space can be used to gain 100% of the floor area above the base FAR in the DMC zone and up to 40% in the DMR zone.

An applicant would also have the option of providing the open space improvement at a location other than the project site, or contributing to improvements on designated green streets. The option to pay cash into a fund to be used for open space improvements other than green streets is proposed to be eliminated. This decision is based on the assumption that the high cost of acquiring land for open space, which would be required if the developer is not providing the improvement on his or her property, would result in very little additional open space.

Section 11.

Changes to TDR provisions are intended to enhance opportunities to preserve low-income housing preservation, maintain variable development scale in office core zones, preserve landmark structures, and provide public open space.

Section 13.

One of the things that makes downtown a vibrant place to work, live and play is the activity and interest that takes place at the street level of downtown buildings. This Section contains rules for uses and development standards that preserve and enhance the vibrancy of downtown streets.

In the existing downtown code each zone designation had its own section dealing with street-level use requirements. These requirements are proposed to be consolidated into one section.

Sections 15 and 19

These sections are proposed to provide the intent, basic design standards and guidelines that describe what qualifies as an open space TDR site. These sections provide an intent statement and standards and guidelines that are more tailored to this new type of open space feature. These tailored provisions more accurately describe the intended type of open space than the provisions of the existing Public Benefit Features Rule, 20-93, rule, which address other, different types of open spaces.

Even though the new provisions are meant to specifically address open space TDR sites, it is desirable to allow flexibility in how a particular proposal for an open space may meet the intent of the provisions, but achieve it in a manner not contemplated by the provisions. In order to allow such flexibility a special exception process is proposed.

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Several Sections between Section 17 and 75.

These Sections are primarily intended to repeal Code Sections and consolidate Code provisions. Currently the Downtown Chapter of the Land Use Code contains provisions addressing TDR and the floor area bonus program by zone designation. The goal of the proposal for consolidation is to combine requirements for these programs in a manner that is easier to access and understand. So, one new Code Section is proposed for each of the following: to contain the basic rules for calculating the base and maximum permitted FAR, for establishing the housing/child care bonus rules, for establishing what other public benefit features may receive bonuses, and for governing the sending and receiving of development rights. See proposed Sections 23.49.011-014.

Section 20.

Amendments were necessary to ensure consistency between the Transfer of Development Credits program (applicable in the Denny Triangle) and the Transfer of Development Rights (TDR) program to require an applicant to possess the development credit (or development right) prior to construction of the actual framing for the proposed structure. Demolition and excavation may take place while final arrangements for possession of development credits is under way.

Sections 3, 43 and 44 – Amendments to the DRC Zone.

Existing floor area bonuses for major retail stores and performing arts theaters allowing projects to reach maximum height and density limits in the Retail Core (DRC Zone) are proposed to be eliminated. To continue to allow development to achieve the current limits, and to further promote housing and retail and entertainment activity in the retail core, the following amendments are proposed:

Proposal: Retain the base height limit of 85 feet, with an increase to 150 feet allowed for the following types of development:

- Projects, with or without housing, that include a significant amount of retail and/or entertainment use, which may include a performing arts theater – above the minimum required at street level—as an incentive to encourage concentrated retail activity; an objective consistent with the original intent of the major retail store bonus. The added height enables the retail floors to be accommodated without restricting full use of permitted FAR for other commercial uses.
- Projects that include a minimum of 25% of the total floor area in residential use, to encourage mixed use development with housing.
- Structures occupied only by residential use above 85 feet, regardless of the mix of use below 85 feet.

Increase the base density from 2.5 FAR to 3.0 FAR and reduce the maximum density of 6 FAR to 5 FAR.

Explanation of Proposal: With the reduced height and density limits that now apply in the Retail Core (DRC) zone, several of the existing bonus features are no longer

workable. The proposed changes would allow certain types of projects that support the development objectives for this zone to exceed the 85 foot base height limit up to the maximum limit of 150 feet—an action that now requires administrative conditional use approval. Any increases in floor area above the base FAR for any type of development would still require use of bonuses or TDR, but the bonus options would be similar to those that apply in other downtown zones.

Setback provisions would remain similar to current provisions, although generally only one standard would apply. The exception is related to the provision allowing a 30% height increase on two half-blocks along the east side of 2nd Avenue. For the portions of a structure above 85 feet along 2nd Avenue, a coverage limit and maximum façade widths area established to better regulate development so that taller strucures will be less bulky.

Proposal: To strengthen the connection between the retail core and Pike Place Public Market, along three blocks on the east side of 2nd Avenue, a special incentive for housing is proposed. Allow a 30% height increase above the 150 foot limit (up to 195 feet) under the following conditions:

- All floor area above the 85 feet is for residential use
- The maximum coverage allowed above 85 feet is 70%.
- A 15 foot upper level setback is required at a height of 85 foot along street property lines on Pike, Pine and Union Streets. A maximum facade width of 90 feet would apply to portions of the structure above 85 feet in height within 15 feet of the 2nd Avenue property line.

Proposal: Eliminate major retail store and performing arts theater bonuses. Provide an incentive to applicants that may elect to include major retail stores or performing arts theatres, by exempting, within limits, the floor area occupied by these uses and allowing these projects to achieve the 150 foot height limit, without requiring administrative conditional use approval.

Explanation of Proposal: The major retail store and performing arts theater bonuses were established in the original Downtown Plan to encourage certain uses that would reinforce retail activity in the retail core. At the time, department stores serving shoppers of all income levels were regarded as important to the vitality of the retail core. To retain this asset, the major retail store bonus was created, in part in response to the closing of Penney's, a mid-priced department store on the western edge of the retail core. Penney's indicated an interest in continuing to operate a downtown store, but claimed to need updated facilities. It was believed that the only economically feasible way to develop a new department store was as part of a mixed-use development, with a substantial office component carrying the cost of the new retail facility. The performing arts theater was also seen as a use that could attract people to the retail core, extending activity in the area into evening hours. Like the department store, development of a new theater was expected to require a subsidy that could be provided as part of a larger mixed-use development.

To encourage these uses, a bonus for both increased density and height was created. The special nature and size of these facilities, and the expense of providing them, meant that substantial office floor area would be required to provide sufficient incentive for a project to include them. Therefore, the base density of 5 FAR could be increased to 11 FAR through the major retail store bonus and 12 FAR through the performing arts theater bonus, and the height limit of 240 feet could be increased up to 400 feet to accommodate the bonus features and higher development density. Because of the potential for significant height and density increases, granting the bonus required Council approval.

Under CAP, the height limit of 240 feet, with a bonus increase to 400 feet, was reduced to 85 feet and 150 feet. The permitted density dropped from a base of 5 and maximum of 11 or 12, depending on the bonus used, to a base of 2.5 and a maximum of 6. Given the expense and complexity of providing these features, the current bonuses have proven to

be ineffective. Neither of these bonuses has ever been used, and their use in the future seems unlikely, given changes in the retail industry and other factors.

Practical development issues aside, conditions in the retail core and surrounding areas have changed significantly since these bonuses were originally conceived. Major new retail facilities have been developed without the use of bonuses along the eastern edge of the retail core. Multiplex theater complexes within the core, and several performing arts theaters on the edges, including Benaroya Symphony Hall and Act Theater at Eagles Auditorium, have generated the increased evening activity sought in the original plan. Given these changed conditions, the need for these particular bonuses no longer appears to be a priority for the area.

Proposal: Provide opportunities for development to achieve 150 feet in height to accommodate a wider mix of activity that would support the desired function of the Retail Core.

Explanation of Proposal: Currently, there are 52 buildings in the Retail Core, with heights ranging from a low of 24 feet to a high of 584 feet (US Bank Center). Twenty five buildings have heights above 85 feet, and 10 of these have heights of 150 feet or more. Most of the taller structures also occupy relatively large sites, so they contribute significantly to the perception of the area's overall development scale.

Development permitted to exceed 85 feet would be required to meet one of the following conditions:

- Provide more than the minimum amount of required street level retail space. To encourage the concentration of retail activity in the retail core, permit projects that include 1.5 FAR or more of retail and/or entertainment use to extend up to the 150 foot height limit.
- Encourage housing in the retail core. To encourage housing, permit structures that include a minimum of 25% of the total gross floor area in residential use to extend to the 150 foot height limit. Furthermore, the portion of a structure occupied only by residential use could extend above 85 feet to 150 feet, regardless of the mix of uses below 85 feet.
- Encourage evening activity in the retail core. Projects that include sufficient entertainment use, such as a performing arts theater, alone or together with retail uses, to reach the 1.5 FAR threshold, may extend to the 150 foot height limit.

In all cases, the maximum commercial floor area limit would be 5 FAR, although retail and entertainment uses would be exempt up to 2.0 FAR.

Because concentrations of non-retail related commercial activity, including office use, can result in conflicts with the primary shopping function of the retail core, the permitted density of these uses is restricted by an FAR limit. Furthermore, the 85 foot height limit accommodates the allowed density in a scale of development that is compatible with the other activities desired in the retail core. However, to accommodate other uses that

support the retail function and promote desired activity in the retail core, additional height is allowed for uses complementary to the intended function of the DRC zone.

Proposal: Increase base FAR from 2.5 FAR to 3.0 FAR and reduce maximum FAR from 6 FAR to 5 FAR.

Explanation of Proposal: The base FAR in the DRC zone was reduced from 5 FAR to 2.5 FAR under CAP. The maximum FAR was reduced from 12 FAR to 6 FAR. Exemptions for retail space, service and entertainment uses, and other specified public benefit features range from 1.5 FAR to 3.0 FAR.

The current base 2.5 FAR for the Retail Core is less than the commercial density that can be achieved in most commercial areas outside of downtown. Furthermore, as discussed above, the bonus options provided for increasing density above the base to the maximum have only limited applicability and are generally ineffective.

The proposed base FAR is in line with modest base FAR increases also proposed for DOC 1 and DOC 2 zones to adjust for the proposal to eliminate the bonuses for a number of required features. The proposed 5 FAR maximum is less than the current 6 FAR maximum.* Since the greater density was intended to accommodate the special circumstances of a project including either a major retail store or performing arts theater, a lower FAR limit for general development conditions seems appropriate, and is more compatible with the lower height limits that apply in the area (the maximum commercial FAR in commercial zones outside of downtown with 85 foot or 160 foot height limits is 4.5 FAR and 5 FAR, respectively). This lower density is also consistent with the objective of limiting concentrations of office development in the retail core and encouraging opportunities for mixing more housing and other uses in development.

* The Land Use Code currently indicates a maximum FAR of 7, however, that figure is an error inadvertently carried over after CAP was adopted.

Proposal: Modify upper level development standards to require a standard setback of 15 feet along street property lines at a height of 85 feet for portions of a structure above 85 feet.

Explanation of Proposal: The original setback provisions allowed development to extend up to 170 feet, with a 15 foot setback required at a height of 95 feet. Taller structures required deeper setbacks that had to be provided at lower heights. The current upper level development standards were created to address bulk and scale conditions in the retail core when the base height was 240 feet and the maximum height limit was 400 feet. As a result, the Code now includes regulations that apply at heights that can no longer be reached under current limits. Because these regulations mandate deep setbacks that were considered necessary for the taller structures allowed, they now tend to penalize development subject to current limits that must provide the same setback without having the advantage of being able to go higher.

CITY CLERK

Proposal: Within the two half-block area abutting the east side of 2nd Avenue between Pine and Union Streets, allow a 30% height increase above the 150 foot maximum. The height increase would only be permitted for projects that were exclusively residential above the height of 85 feet. To address bulk and view issues, a maximum coverage limit of 70% of the site area would be established for the portion of the structure above 85 feet, and setbacks would continue to be required at the 85 foot height limit along east/west streets. While a setback along 2nd Avenue wouldn't be required, the maximum length of façades within 15 feet of the street property line would be limited to reduce the perception of bulk from the street.

Explanation of Proposal: Under the Downtown Neighborhood Planning effort, the Commercial Core Neighborhood Plan re-focused interest in revitalizing this portion of the Retail Core. To encourage desired redevelopment and promote housing, a rezone was recommended for three half-blocks on the east side of 2nd Avenue from the DRC zone to DMC 240, a zone allowing greater development potential than DRC. However, after issues of view blockage were raised by area residents, a new idea was considered. One alternative to rezoning the area was to address the Commercial Core Plan's objectives to promote housing through revising the DRC zone provisions.

The three block area between 2nd and 3rd Avenues from Stewart to Union Streets, on the western edge of the retail core, was originally regarded as an area where redevelopment would benefit the retail core. A mapped area similar to that where the housing bonus applies is proposed to be retained as an area where special incentives would be in place to encourage housing development. The area, however, would be reduced to include only the two half-blocks that were part of the original rezone proposal; an area where the desire for redevelopment distinguishes it from remainder of the Retail Core where a stronger preservation emphasis applies.

This added flexibility could increase opportunities for east/west views across the site. The existing mandatory setback along Second Avenue would tend to encourage "slab" structures that appear bulkier and are potentially more view obstructive. The proposal allows flexibility for wider structures on the east/west axis than would be possible with a mandatory setback the full length of 2nd Avenue, allowing for more spacing between the portion of the structure above 85 feet and adjacent buildings.

Historically, incentives were created to spur redevelopment to provide attractions in a part of the core that was in decline as the center of shopping activity moved eastward, and to reinforce the connections between the Retail Core and the Pike Place Market. An existing mapped overlay for the area made this the only part of the Retail Core where the use of housing bonuses was encouraged to increase permitted density, including bonuses for providing housing on-site.

CITY CLERK

Section 48 – DMC Choice.

Proposal: Allow a choice for permit applicants to earn floor area above the base FAR in DMC zones using the existing rules governing floor area in general and for gaining bonus floor area.

(In addition, related to this choice in the DMC zones, Section 23.49.130, Combined lot development, allows, in certain cases, separate lots to be combined for purposes of calculating permitted floor area.)

Explanation of the Proposal: This proposal would preserve the ability of developers of property with a DMC zone designation to develop according to the current regulations for earning floor area above the base FAR using bonuses and/or TDR and for exemptions from chargeable floor area. In the DMC zone chargeable floor area above the base FAR could be achieved, at the developer's choice, by qualifying for bonuses under the existing rules, pursuant to Section 23.49.126, Downtown Mixed Commercial ratios for public benefit features. This choice would have to be exercised by election in writing by the developer as part of the original application for a Master Use Permit for the project that will use the bonus. A developer choosing this option would not be subject to the new floor area regulations and would not be eligible for bonus floor area under the new provisions (proposed Sections 23.49.012 or 23.49.013). Under this option, developers could still choose to combine bonuses with use of TDR consistent with the proposed new regulations (proposed Section 23.49.014). The 75%/25% split would not apply, and use of available landmark TDR would not be necessary, for a project using this option. Under this choice, the developer is also electing to have the exemptions to floor area limits under the old regulations, and not those proposed in the new regulations for determining chargeable floor area. In addition, a developer could use the "combined lot development" provision, Section 23.49.130, which allows two noncontiguous lots to be considered as one under certain conditions.

TDR Bank.

(Discussed, though not contained in the attached ordinance).

The Executive is working with the City Council on legislation that would expand the City's TDR Bank to include purchase and sale of TDRs from eligible landmarks generally (rather than only from landmark theatres) , and from certain types of open space. The TDR Bank also would continue to deal in housing TDR.

The TDR Bank was established by City Council in 1988 (Ordinance 114029). It was originally set up to enable the City to purchase TDR from eligible housing sites downtown, thus preserving housing; the housing TDR's then are held for later resale to commercial developers. The scope of the TDR Bank was expanded to include Landmark theatres in 1993.

CITY CLERK FILE

Expansion of the TDR Bank to encompass Landmark TDR generally will enable historic building owners to have a purchaser able to buy TDR when those owners need or desire to sell, subject to funding and City Council approval of particular purchases. If the TDR Bank holds Landmark TDR, then a developer will more easily be able to acquire Landmark TDR when required for a project, in an amount that need not correspond to what a Landmark owner desires to sell. The TDR Bank can hold Landmark TDR for later sale in whole or in part, tailored to the needs of the commercial developer. In all zones except DMR and DMC, where floor area above the base may be earned, 5% of that floor area would have to be earned through Landmark TDR, but only if the City then has that TDR available for sale.

Expanding the TDR Bank to include open space will facilitate the purchase of TDR from certain types of open space. Adding open space to the list of eligible TDR sending sites will help create more needed open space in the downtown. Purchase by the Bank could help bridge the time gap between when open space opportunities come along and when commercial developers need to purchase TDR.

An amendment to the TDR Bank legislation will be needed to expand the Bank. Funding will need to be found to permit the Bank to initially purchase TDR (later resale could enable funds to revolve for future additional purchase). It is hoped that TDR Bank focus on historic buildings and open space will enable new sources of TDR Bank funding to be identified.

Conclusion and Next Steps

The Executive recommendation discussed in this report is one step in responding to the recommendations of the DUCPG Neighborhood Plan and of the Downtown Advisory Committee. Next steps will examine proposals such as height and density increases, which need more analysis and review. At the same time further progress can be made to consolidate and abridge the regulations governing downtown development for ease of understanding and navigation.

Future actions to be evaluated will include, but are not limited to the following:

- Height and density increases;
- Consolidation of the Downtown Chapter of the Land Use Code; and
- Revisions to the Public Benefit Features Rule.

CITY CLERK

Draft Schedule for Stage 2:

Date	Development Capacity Adjustment Tasks: Base and Maximum FAR Changes and Height Limit Changes.*
February 2001 – April 2001	• Staff prepares background materials and conducts preliminary research and analysis. • Staff develops draft scope of proposal and alternatives for review and analysis in an Environmental Impact Statement (EIS).
April 2001	Public meeting to address EIS scope.
March - November 2001	• Staff/consultant prepares analysis and draft EIS. • Draft EIS available for other agencies and public review/comment. • Public hearing on draft EIS. • Staff prepares responses and any additional analysis needed for comments received during other agency and public review in preparation of the Final EIS.
November 2001	• Final EIS issued. • SEPA appeal period begins (21 days). • Final proposal available for public review.
January 2002	• City Council review process, including a public hearing.

*Schedule assumes that final proposal will be consistent with and implement Comprehensive Plan as amended through 2000. If proposal involves further Comp. Plan amendments, timing change to coincide with annual Comp Plan amendment process.

TDR/BONUS PROGRAMS REVIEW WHITE PAPERS

1. ZONES AFFECTED BY PROPOSED CHANGES
2. 75-25 SPLIT
3. ADJUSTMENTS TO BASE FLOOR AREA RATIO (FAR)
4. TDR AND BONUS FEATURE OPTIONS
5. TDR PROGRAM
6. DOWNTOWN HOUSING
7. HISTORIC PRESERVATION
8. OPEN SPACE
9. HOUSING-CHILDCARE NEXUS/BONUS CONTRIBUTION
10. ON-SITE AMENITY FEATURES
11. DOWNTOWN RETAIL CORE (DRC) PROPOSALS
12. HEIGHT INCREASE S
13. DEVELOPMENT FORECAST
14. VESTING/TRANSITION
15. INCLUSIONARY ZONING

Copies of these white papers are available by requesting a copy by email *mike.podowski@ci.seattle.wa.us* or by calling (206) 386-1988. Copies may also be picked up at the Department of Design, Construction, and Land Use's (DCLU) Public Resource Center, 20th Floor, Key Tower, 700 Fifth Avenue; or the Strategic Planning Office, Third Floor Municipal Building, 610-4th Avenue. The Public Resource Center is open 8 am – 5 PM on Monday, Wednesday, Thursday and Friday and 10 am – 5 PM on Tuesday. The Strategic Planning Office is open 8 am –5 PM Monday through Friday.

CITY CLERK

TDR/BONUS SPEAKER SIGN-IN ①

4pm-5pm

Seattle City Council

PUBLIC HEARING SIGN-UP SHEET

~~NAME OF ISSUE~~

4/4/01
~~DATE (TIME)~~

INFORMATION ON THIS SIGN-UP SHEET IS PUBLIC RECORD
(PLEASE PRINT)

#	NAME	ORGANIZATION	(OPTIONAL) ADDRESS	CITY/ZIP	(OPTIONAL) PHONE	(OPTIONAL) FAX
1. ✓	Matthew Fox	—	1409 NE 56th	98105	mfoxmail@aol.com	
2. ✓	DAVID LAWTON		5256 14 NW	98117		
3. ✓	Glenn McGilvra	Belltown Advocate	511 E. Roy			
4. ✓	Carol Tobin	citizen	4219 Phinney Ave N.			
5. ✓	DAVID BLOOM	CITIZEN	1220 Warren Ave			
6. ✓	RICHARD STEVENSON	CLISE				
7. ✓	RACHEL BENSMILLER	Touchstone Corp	1424 4th Ave # 310	98101		Is dual notification
8. ✓	JIM FERRIS	Housing Resources Group				
✓	Tom Graff	DDC	2110 Western Ave			
10. ✓	Steve Trainer	TDR Task Force	1228-23 E			
11. ✓	Paul Ishii	Sea Hotel Workers	Mayflower Hotel 405 Olive Way			
12.	Mark Taylor-Canfield	Capitol Hill Comm. Public Art Council committee	HE	98102	mtc2000_usa@yahoo.com	
13. ✓	Nancy Finch	Renaissance Madison Hotel				
14. ✓	Bif Brigman	Pioneer Square Community Council	116 S. Washington	98104		
15.	Renee Tanner	Downtown District Council / Pioneer Square	222 Alaskan Way S.			

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4 - 5

Seattle City Council

PUBLIC HEARING SIGN-UP SHEET

(NAME OF ISSUE

(DATE) (TIME)

INFORMATION ON THIS SIGN-UP SHEET IS PUBLIC RECORD
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#	NAME	ORGANIZATION	(OPTIONAL) ADDRESS	CITY/ZIP	(OPTIONAL) PHONE	(OPTIONAL) FAX
✓	Cathryn Vandenbrink	citizen	510 6th Ave. S. #510	98104		
17. ✓	Curt Firestone	—	708 - 33 Ave S.	98144		
18. ✓	John McLaren	Seattle DSP Coal	2727 Fairview E #A.	98102		
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5-6pm

Seattle City Council

PUBLIC HEARING SIGN-UP SHEET

(NAME OF ISSUE

(DATE) (TIME)

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#	NAME	ORGANIZATION	(OPTIONAL) ADDRESS	CITY/ZIP	(OPTIONAL) PHONE	(OPTIONAL) FAX
1. ✓	SARAH JAYNES		316 - 21st E			
2. ✓	RICH THORSTEN	1000 Friends of Wash	4400 Lyon Ave N #3			
3. ✓	AMANDA McCLOSKEY		766 Thomas 98109			
4. ✓	BLANCA GUEVARA					
5. ✓	AMY ERICKSON	Hospitality Workers				
6. ✓	MICHAEL RAMOS		419 Occidental S. #201			
7. ✓	SCOTT WINN					
8. ✓	VERN ZUEHLSDORF		1920 - 1st Av #601			
✓	~~Raul Lambros~~ Rich Curtis					
10. ✓	Jerry Ernst					
11. ✓	LYN KRIZANICH	DENNY TRIANGLE	1904 - 3rd Ave #200			
12. ✓	Matt Griffin	DSA				
13. ✓	Steve Morris	Gen'l Brotherhood	520 Pike #1300			
14. ✓	Scott Blackman	Moosy Curtis				
15. ✓	MAMIE JACKSON	CITIZEN				

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5-6 pm

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#	NAME	ORGANIZATION	(OPTIONAL) ADDRESS	CITY/ZIP	(OPTIONAL) PHONE	(OPTIONAL) FAX
	Tom Vasquez	WA Citizen Action	419 S. Occidental #609			
17.	Alice Woldt	Church Council of Greater Seattle				
18.	John Chamey	Historic Seattle				
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6-7

Seattle City Council

PUBLIC HEARING SIGN-UP SHEET

(NAME OF ISSUE

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(DATE) (TIME)

#	NAME	ORGANIZATION	(OPTIONAL) ADDRESS	CITY/ZIP	(OPTIONAL) PHONE	(OPTIONAL) FAX
1.	~~Jack McCullough~~					
2. ✓	Kate Jonas	DSA				
3. ✓	Cindy Chirot	DUCPG Hts 9 Committee				
4. ✓	Carla Murray					
5. ✓	Catherine Stanford	Downtown District Council	85 Pike St #500			
6. ✓	Jack McCullough		2025-			
7.						
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Committee of the Whole Time 4pm

HB615 —

Present – Joyce Dig & Parker, Mike Polowski
Jean S.

Sub. Bill
Motion to Sub the Bill

Stephenson – delete Shopping Bonus Question
4 – Stephenson
N – Others (failed)

Prop – add Pastor Tober
4 –
N –

(B) 4 –
N – 2

(C)
Pro – put 1 FAR on the top

Nuge Cons 7/9
2D
SDS Comments re Amendment

Adjourn 5:32

~~Mtg Closed~~

~~The~~ June 25 ~~mtg~~ mtg of the City Council recessed at ~~5:45~~ 5:45 for the ~~cmte~~ cmte of the whole meeting is reconvened & the COW will ~~rec~~ rise & report on CB 113615 - (read title).

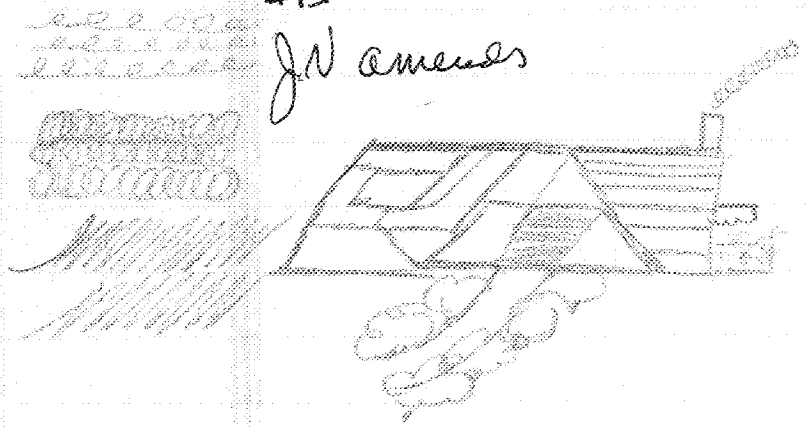
~~The~~ ~~recessed~~ ~~mtg~~ mtg of the ~~City~~ Full Cncl is reconvened & the COW will rise & report on CB 113615 - (read title) COW recommends —

COW = item # =

Yes accept cmte rec	No
6	3

- Pass 2 items: RC will hold + bring ~~back~~ back to FC
- #20 - Amend leg JD - JD requests to hold this piece @ C/a COW or FC

#E.
JN amends



jb
6/20/01
V # 1

#14
Res 30349
Introduction and Adoption

RESOLUTION 30349

A RESOLUTION directing the Executive to undertake analysis for possible expansion of Seattle's Transferable Development Rights and Housing Program to the Chinatown/International District, First Hill and South Lake Union neighborhoods.

WHEREAS, many workers employed in downtown Seattle earn incomes too low to enable them to own homes or afford rental housing for themselves and their families within the City, particularly in neighborhoods in close proximity to downtown; and

WHEREAS, many workers prefer living near their places of work rather than travelling long distances to their jobs each day, which not only causes personal inconvenience, but creates traffic congestion and contributes to environmental degradation; and

WHEREAS, Seattle has a remarkably high median income resulting in monthly housing costs defined as "affordable" being as high as $900 per month, which is much higher than is actually affordable to most service workers; and

WHEREAS, the vacancy rates for available housing is as low as 1% in many Seattle neighborhoods, leaving few options for Seattle workers who wish to live in affordable housing near their place of employment; and

WHEREAS, the City's policies—as identified in the Comprehensive Plan, including the Neighborhood Plans volume—encourage creating neighborhoods where people can reside near their workplaces; and

WHEREAS, the City's program allowing transfers of development rights (TDR) and bonus contributions to create affordable housing is currently limited to downtown Seattle as narrowly defined; and

WHEREAS, nine projects containing 416 units of low-income housing in downtown have received funding through the City's TDR Program since 1985, when the program's framework was created; and

WHEREAS, extending portions of that program to neighborhoods ringing Seattle's downtown and easily accessible to downtown jobs could foster density, allow greater opportunities for much needed low-income housing, and create a vibrant community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

The Executive is directed to undertake analysis of extending the downtown transfer of development program outside the zones in which it has historically operated into areas near downtown, including Chinatown/International District, First Hill and South Lake Union. The Executive is also directed to explore the possibility of using money contributed to the City through the downtown housing/child care bonus to construct housing in those areas.



Pike Market
Mixed

Pike Place Market
Historical District*

N

0 2 4 6 8 10
SCALE IN 100 FEET

* The Pike Place Market Historical District Ordinance is Codified at Chapter 25.24.

Map 1L

Downtown Zones

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Pike Place Market

jb
9/20/01
V.#1

The Executive should report to the Council by March 1, 2002 on the feasibility of these changes, recommendations for expansion of the program, and the steps that would be required to bring them about.

Adopted by the City Council the _____ day of _____, 2001, and signed by me in open session in authentication of its adoption this _____ day of _____, 2001.

_____

President of the City Council

THE MAYOR CONCURRING:

_____

Paul Schell, Mayor

Filed by me this _____ day of _____, 2001.

_____

City Clerk

(Seal)

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, amending Chapters 23.41, 23.49 and 23.84 of the Seattle Municipal Code, modifying development regulations for downtown zones and responding to certain recommendations from the Downtown Urban Center Planning Group (DUCPG).

WHEREAS, on May 24, 1999, the City Council adopted Resolution 29900, recognizing the Downtown Urban Center Planning Group (DUCPG) Neighborhood Plan, and approving the City's work program in response to the DUCPG Neighborhood Plan; and

WHEREAS, on June 19, 2000, the City Council adopted Resolution 30192, accepting the TDR/Bonus Program Review Advisory Committee Report and establishing a schedule for policy and code changes necessary to revise and update the TDR/Bonus Programs; and

WHEREAS, on December 11, 2000, the City Council enacted Ordinance 120201, amending the Comprehensive Plan to include policies for Downtown Seattle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds that:

A. This ordinance is consistent with the policies contained in the Comprehensive Plan as amended and will promote the health, safety and welfare of the general public.

B. Housing.

1. Large-scale office and hotel developments in downtown Seattle have attracted and continue to attract additional employees to the City, and create the need for additional housing in the downtown area, particularly housing affordable to households of lower and moderate income. Office and hotel uses in the City are benefited by the availability of affordable housing for persons employed in such offices and hotels close to their place of employment.

2. There is a low vacancy rate for housing affordable to persons of lower and moderate income. This low vacancy rate is due in part to large office and hotel developments that have attracted and will continue to attract additional employees and residents to downtown Seattle. Consequently, some of the employees attracted to these large office and hotel developments are competing with present residents for scarce, vacant affordable housing units in downtown Seattle. Competition for housing generates

the greatest pressure on the supply of housing affordable to households of lower and moderate income. In downtown Seattle, office or hotel uses of land generally yield higher income to the owner than housing. Because of these market forces, the supply of non-publicly-subsidized affordable housing units will not be expanded. Furthermore, federal, state and local subsidy programs are not sufficient by themselves to satisfy lower and moderate income housing requirements of downtown, as they will be expanded by higher-density office and hotel development.

3. To allow total downtown office and hotel development at substantially higher densities than the base floor area ratios established in this ordinance, without provision for a significant portion of the additional affordable housing needed to support such development, would result in adverse effects including, without limitation, excessive demands on transportation networks from additional downtown workers; upward pressure on rents for modest housing in and near downtown; displacement of existing occupants of such housing; households paying large percentages of income on housing and unable to provide for other necessities, causing further strains on public and private resources available for social services and other support of lower income households. An increase in affordable housing units downtown sufficient to accommodate approximately one-third of the low-income and low-moderate income workers in the new office and hotel projects would be required to offset the housing impacts identified above.

4. The State Growth Management Act calls for jurisdictions planning under it to utilize innovative management techniques including, but not limited to, density bonuses and transfer of development rights to achieve the planning goals established under that Act, which include making provision for housing needs of all economic segments of the community.

5. The City of Seattle's Comprehensive Plan calls for the provision of additional housing to accommodate the demands of new residents attracted here by expanding employment opportunity made available by growth of office and hotel use in downtown Seattle. Land Use Policy L123 calls for the use of bonuses and TDR downtown to increase development potential where it is desirable to accommodate growth, while providing for mitigation of impacts associated with higher densities.

6. The City should provide floor area bonuses conditioned on voluntary agreements by developers to mitigate the adverse effects of the expanded employment facilitated by such projects.

7. The amounts of additional affordable housing downtown for households at different income levels that are necessary to accommodate higher density office and hotel development are approximately as set forth in the Housing Nexus Analysis, prepared by Keyser Marston Associates. The Housing Nexus Analysis describes the nexus between new office and hotel development and the increased demand for housing in the City, and provides the numerical relationship between new office and hotel development and the formulas for provision of housing set forth in this ordinance. The housing to be produced to qualify for bonus floor area under this ordinance therefore represents less than the full impact of the additional floor area.

8. In order for development of housing affordable to households with incomes below 80 percent of median family income to be feasible downtown, capital subsidies are required in approximately the amounts set forth in the Housing Nexus

Analysis, according to the income levels to be served. Therefore, the amounts of the voluntary cash contribution to the City's downtown housing fund that would be equivalent to providing floor area of affordable housing units as a condition of bonus floor area are as set forth in the Nexus Analysis. These dollar amounts may be expected to increase.

9. Because the additional demand for affordable housing created by office development in the City can be expected to continue for many years, it is necessary to maintain the affordability of the housing units constructed by office developers under this program. In order to maintain the long-term affordability of such housing, mechanisms such as recorded covenants are necessary.

C. Child Care.

1. Large scale office and hotel developments in downtown Seattle add thousands of employees to the downtown workforce and thus result in an increased demand for licensed child care space for children of employees working in the downtown. Office and hotel uses benefit from the availability of child care accessible to workers.

2. There is currently a scarcity of child care in the downtown for all income groups. Because child care costs in the downtown exceed costs elsewhere, low and moderate income workers are especially impacted. The supply of child care in the downtown has not kept pace with the demand for child care created by increased development in the downtown. As densities continue to increase, the supply of child care in the downtown is expected to become increasingly scarce.

3. The Child Care Nexus Analysis prepared by Keyser Marston Associates describes the relationship between large scale office and hotel development and the increased demand for child care in the downtown. Based on this analysis, the City finds that at least 39 additional child care spaces are needed in the downtown for each addition of 1,000 employees, and that the private market will not provide for this need in the absence of conditions on bonuses for high-density development. The analysis includes a formula for calculating the amount of additional child care space needed, costs associated with construction of child care space, and subsidy needs to ensure affordability for low and moderate income workers. Based on that analysis, the City finds that the amount of child care space per square foot of bonus floor area of commercial development established in this ordinance, if provided on terms that ensure a sufficient portion of that space will be used to provide child care affordable to low-income families, will mitigate a substantial portion, though not all, of the increased child care needs from that floor area, and that in the alternative the payment to the City of the cash option amount for child care set forth in this ordinance will allow the City to provide for mitigation of a similar portion of those increased needs.

D. Open Space.

1. The City of Seattle has experienced substantial commercial and residential development recently in the downtown neighborhoods without development of open space or space for the display of art and cultural resources.

2. Further commercial and residential development activity in downtown is anticipated in the next decade, which will decrease opportunities for acquisition and development of open space and space for the arts accessible to the general public.

3. The City of Seattle Comprehensive Plan, the Downtown Urban Center Plan and other downtown neighborhood plans identify the desire for additional open space and space for the arts accessible to the general public free of charge.

4. The Open Space Policies of the Comprehensive Plan for the Downtown Urban Center specifically support an expansion of the open space system through an open space bonus and/or allowing development rights to transfer from open space sites.

5. The open space bonus and allowing development rights to be transferred from open space meeting certain standards as provided in this ordinance will achieve the goals of the Comprehensive Plan and will help mitigate the impacts of increased commercial and residential development.

6. Allowing the transfer of development rights from usable, attractive, open space downtown will promote the public health, safety and welfare by, among other things, increasing access to light and air at street level and contributing to a varied pattern of use and development that makes downtown more attractive and desirable to residents, workers and visitors. However, allowing transfer of development rights from a vacant site without regard to its development, maintenance or use as public open space could adversely affect the public health, safety and welfare by contributing to blight and potential public safety problems, causing downtown to be a less desirable place for workers, residents and visitors than it would be if development rights could be used only on-site. Therefore, allowance of TDR from open space should be conditioned upon the dedication of such open space for public access and the development and maintenance of such open space in a safe, attractive and accessible condition.

Section 2. Subsection B of Section 23.41.012 of the Seattle Municipal Code, which Section was last amended by Ordinance **120410**, is amended as follows:

23.41.012 Development standard departures.

* * *

B. Departures may be granted from the following requirements:

1. Structure width and depth limits;

2. Setback requirements;

3. Modulation requirements;

4. SCM zone facade requirements, including transparency and blank facade provisions;

5. Design, location and access to parking requirements;
6. Open space or common recreation area requirements;
7. Lot coverage limits;
8. Screening and landscaping requirements;
9. Standards for the location and design of nonresidential uses in mixed use buildings;
10. Within Urban Centers, in L3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty (20) percent of the maximum height permitted, as provided in Section 23.45.009 A, subject to the following limitations:
a. A pitched roof may not incorporate the additional height if the structure is on a ((~~site~~)) lot abutting or across a street or alley from a single-family residential zone,
b. The proposed structure must be compatible with the general development potential anticipated within the zone,
c. The additional height must not substantially interfere with views from up-slope properties, and
d. No more than one (1) project on one (1) lot within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height;
11. Building height within the Roosevelt Commercial Core (up to an additional three (3) feet for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core)((.));
12. Building height within the Ballard Municipal Center Master Plan area, up to an additional 9 feet, for properties zoned NC3-65', (Exhibit 23.41.012B, Ballard Municipal Center Master Plan area)((.));
13. Reduction in required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000". The parking requirement must be no less than the required parking for Pedestrian 1 designated areas shown in Section 23.47.004 Chart E((.));
14. Downtown or Stadium Transition Overlay District street facade requirements;
15. Downtown upper-level development standards;
16. Downtown coverage and floor size limits;
17. Downtown maximum wall dimensions;
18. Downtown street level use requirements;
19. Combined coverage of all rooftop features in downtown zones subject to the limitations in Section 23.49.008 C2;
20. Certain conditions to allowance of additional height in DOC 1 and DOC 2 zones pursuant to subsection 23.49.008A 2, as follows:
a. limits on gross floor area of stories under subsection 23.49.008 A2a(2); and

b. percentages of lot area that must be occupied by open space or by structures no greater than thirty-five (35) or sixty-five (65) feet in height, under subsection 23.49.008 A2b(1); and

21((0)). Building height in Lowrise zones, and parking standards of Section 23.54.015 in Midrise and Commercial zones, in order to protect existing trees as provided in Chapter 25.11.

* * *

Section 3. Subsection A of Section 23.49.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.49.008 Structure height.

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

A. Maximum structure heights for downtown zones are ((~~forty-five (45) feet, fifty-five (55) feet,~~)) sixty-five (65) feet, ((~~seventy-five (75) feet,~~)) eighty-five (85) feet, one hundred (100) feet, ((~~one hundred twenty (120) feet~~)), one hundred twenty-five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred (300) feet and four hundred fifty (450) feet, as designated on the Official Land Use Map, Chapter 23.32. The height of a structure shall not exceed the maximum structure height, except that:

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

((~~2.~~))1. Any ((~~property~~)) lot in the Pike Market Mixed zone that is subject to an urban renewal covenant may be built no higher than the height permitted by the covenant for the life of the covenant.

2. Any lot that meets the provisions of this subsection may gain additional structure height using one, but not both of subsections 2a and 2b below:

a. A structure in a DOC 1 zone, or in a DOC 2 zone, may gain additional height of ten (10) percent of the maximum structure height, when

(1) the gross floor area of each story wholly or partly above the maximum structure height is no greater than 80 percent of the gross floor area of at least one story below the maximum structure height, which story must have gross floor area no greater than that of each story lower than it that is wholly above a height of one hundred twenty-five (125) feet. For structures with separate towers, the limits on area apply to each tower individually; and

(2) the above-grade gross floor area in all structures on the lot, including all floor area exempt from FAR limits, except exempt street-level uses and bonused housing, does not exceed the sum of the maximum FAR for the lot established by Section 23.49.011 plus any credit floor area above the maximum structure height

allowed under Section 23.49.041, City/County Transfer of Development Credits Program.

b. A structure within the area shown on Map 1O may gain additional height of twenty (20) percent of the maximum structure height, when the conditions in subsection A2a of this Section are satisfied, and either:

(1) the lot has either (A) 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 (B) 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; or

(2) the lot contains a Landmark structure and satisfies all conditions to the transfer of Landmark TDR from such lot under this Chapter and the Public Benefit Features Rule, other than conditions related to the availability of unused base floor area.

3. On any lot in the DRC a height of one hundred fifty (150) feet is permitted subject to the restrictions in subsection 4 of this Section in the following cases:

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

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

c. When a minimum of 1.5 FAR of retail sales and service or entertainment uses, or any combination thereof, is provided on the lot; or

d. For residential floor area created by infill of a light well on a Landmark structure. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height allowed under this subsection A3d shall be the lesser of one hundred fifty (150) feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.

4. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the eighty-five (85) foot maximum height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks Preservation Board for any proposed modifications to controlled features is required prior to a decision by the Director to allow or condition additional height for the project. The Landmarks Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a structure on the list below is

solely for the purpose of conditioning additional height under this subsection, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark.

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

c. The restrictions in this subsection 4 are in addition to, and not in substitution for, the requirements of the Landmarks Ordinance, SMC Ch. 25.12.

5. ((~~In the Downtown Retail Core zone, residential floor area created by infill of a light well on a City-designated Landmark structure shall be permitted above eighty-five (85) feet. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height limit for any infill allowed under this subsection A4 shall be the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.~~)) Any structure on a lot on either of the two half blocks abutting the east side of 2nd Avenue, between Pine and Union Streets, that qualifies for the one hundred fifty (150) foot height limit under subsection A3 of this Section, is allowed a height limit of 195 feet if all portions of the structure above eighty-five (85) feet in height contain only residential use.

((~~3.~~)6. A structure on a((~~A~~))ny lot in the Denny Triangle Urban Village, as shown on Map 23.49.041A, may gain up to an additional thirty (30) percent in height if credit floor area is allowed pursuant to Section 23.49.041, City/County Transfer of Development Credits Program. The maximum height that may be allowed is one hundred thirty (130) percent of the maximum structure height.

7. Rooftop features, as provided in subsection C, are allowed in addition to the extra height permitted under this subsection.

* * *

Section 4. Subsections C and D of 23.49.009 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, are amended as follows:

23.49.009 Open space.

* * *

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

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

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for public benefit feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of ((~~the zone in which the feature is located~~)) Section 23.49.013 and the Public Benefit Features Rule for one (1) or more of the following:

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

b. On-site open space satisfying the requirement of subsection C2a of this section may achieve a bonus as a public benefit feature not to exceed ((~~one (1) FAR~~)) any limits pursuant to Section 23.49.013, which bonus shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (1/4) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area.

b. Public open space on a site other than the project site shall be a bonusable feature if the open space meets the standards of ((~~the zone in which the open space is located and is one (1) of the~~)) Section 23.49.013 and is one of the open space features cited in subsection C2a of this section. Bonus ratios for off-site open space shall be ((~~determined by the zone of the project receiving the bonus,~~)) as set forth in ((~~the Tables for Sections 23.49.050, 23.49.070, 23.49.126, 23.49.152, and 23.49.330 B~~)) Section 23.49.013. Projects that provide off-site open space satisfying this requirement may achieve a public benefit feature bonus not to exceed ((~~one (1) FAR~~))

any limits pursuant to Section 23.49.013 for such open space, which shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

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

D. Payment in Lieu. In lieu of providing open space under this requirement, an owner may make a payment to the City((~~'s Open Space Fund~~)) if the Director determines that the payment will contribute to the improvement of a green street abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that the improvement of such green street within a reasonable time is feasible. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt for the development of such a green street, unless the property owner and the City agree upon another use involving the acquisition or development of public open space that will mitigate the impact of the project. ((~~purchase and/or development of an identified open space that is consistent with City policy and priorities, that the open space will mitigate the impacts of the project, and that acquisition of the open space (if applicable) is assured. The payment and use thereof shall be consistent with RCW 82.02.020.~~

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

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

~~3. Funds received in lieu of providing open space within Downtown shall be applied to acquisition or development of new open space in a Downtown zone, within one-quarter (¼) mile of the contributing sites, except that when a contributor or contributors agree with the City that a new open space within a Downtown zone but more than one-quarter (¼) mile from the project site(s) would be an appropriate mitigation to the project impacts, the in-lieu of payments from those projects may be used for that open space.~~)) A bonus may be allowed for a payment for green street improvements made wholly or in part to satisfy the requirements of this section, pursuant to Section 23.49.013.

* * *

Section 5. Section 23.49.011 of the Seattle Municipal Code, which Section was added by Initiative 31, is hereby repealed.

Section 6. A new Section 23.49.011 is hereby added to the Seattle Municipal Code, as follows:

23.49.011 Floor area ratio.

A. General Standards.

1. The base and maximum floor area ratio (FAR) for each zone is provided in Chart A as follows:

23.49.011 - Chart A

Base and Maximum Floor Area Ratios (FARs)		
Zone Designation	**Base FAR**	**Maximum FAR***
Downtown Office Core 1 (DOC1)	6	14
Downtown Office Core 2 (DOC 2)	5	10
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in 65' height district 4.5 in 85' height district 5 in height districts above 85'	4 in 65' height district 6 in 85' height district 7 in height districts above 85'
Downtown Mixed Residential/Residential (DMR/R)	1 in 85/65' height district 1 in 125/65' height district 1 in 240/65' height district	1 in 85/65' height district 2 in 125/65' height district 2 in 240/65' height district
Downtown Mixed Residential/Commercial (DMR/C)	1 in 85/65' height district 1 in 125/65' height district 2 in 240/125 height district	4 in 85/65' height district 4 in 125/65' height district 5 in 240/125 height district
Pioneer Square Mixed (PSM)	N.A.	N.A.
International District Mixed (IDM)	3, except hotels. 6 for hotels.	3, except hotels. 6 for hotels.
International District Residential (IDR)	1	2 when 50% or more of the total gross floor area on the lot is in residential use.
Downtown Harborfront 1 (DH1)	N.A.	N.A.
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR.
Pike Market Mixed (PMM)	7	7

*Provisions for how to gain floor area above the base FAR are found in subsection 2 of this Section and in Sections 23.49.012, 23.49.013 and 23.49.014.
N.A. = Not Applicable.

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

a. In DOC1 and DOC2 zones the first one (1) FAR above the base FAR may be gained, at the applicant's option, by any combination of the following: providing one of the amenity features listed in Section 23.49.013, subject to the limits and conditions in that section; providing short-term parking meeting the basic standards in the Public Benefit Features Rule, where such parking is eligible pursuant to Map 1N; providing retail sales and service or entertainment uses as street-level uses meeting the requirements of Section 23.49.025, where such uses are eligible as indicated on Map 1N; or using development rights transferred from an open space TDR site or Landmark TDR site pursuant to Section 23.49.014. An applicant using the option allowed under this subsection A2a may achieve additional chargeable floor area consistent with subsections A2c through A2f of this Section.

b. In the DMC zone chargeable floor area above the base FAR may be achieved, at the applicant's option, by qualifying for bonuses pursuant to Section 23.49.126, Downtown Mixed Commercial ratios for public benefit features. Such option may be exercised only by election in writing by the applicant as part of the original application for a Master Use Permit, or within sixty (60) days of the effective date of this ordinance, for the project that will use such bonus. An applicant making such election shall not be granted bonus floor area for the lot pursuant to Sections 23.49.012 or 23.49.013, but may use TDR consistent with Section 23.49.014. An applicant making such election thereby also elects to have the optional exemptions under subsection B3 of this Section, and not those in subsection B1, apply in determining chargeable floor area.

c. Except as provided in subsection A2a and A2b of this Section, additional chargeable floor area above the base FAR may be achieved only by qualifying for bonuses pursuant to Sections 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Section 23.49.014, or both, subject to the limits of this Chapter and to any other applicable conditions and limitations.

d. In no event shall the use of bonuses or TDR be allowed to result in chargeable floor in excess of the maximum as set forth in Chart A.

e. Except as otherwise provided in this subsection A2e, not less than five percent of all floor area above the base FAR to be gained on any lot, excluding any floor area gained under subsection A2a of this Section, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR is available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities. An applicant may satisfy the minimum Landmark TDR requirement in this section by purchases from private parties, by transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection A2e does not apply to any lot in a DMR zone, or to any lot in a DMC zone for which an election has been made under subsection A2b of this Section

f. On any lot except a lot in a DMR zone or a lot in a DMC zone for which an election has been made under subsection A2b of this Section, the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any housing TDR used for the same project, shall equal seventy-five (75) percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the base FAR, as determined under this Section and Section 23.49.032 if applicable, plus (ii) any chargeable floor area gained on the lot pursuant to subsection A2a of this Section. The remaining twenty-five (25) percent shall be gained through other bonuses or other TDR, or both, consistent with this Chapter.

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

h. Bonuses for street-level uses may be allowed only pursuant to subsection A2a or A2b of this Section. Bonuses for short-term parking may be allowed only pursuant to subsection A2a of this Section. The bonus ratio for street-level uses is three square feet of floor area granted per one square foot (3:1) of bonus feature. The bonus ratio for short-term parking is one (1) square foot of floor area granted per one (1) square foot (1:1) of bonus feature up to a maximum of 200 parking spaces for above grade parking and is two (2) square feet of floor area granted per one (1) square foot (2:1) of bonus feature for below grade parking up to a maximum of 200 parking spaces. Ratios and limits for the other features for which a bonus may be granted under subsection A2a are in Section 23.49.013.

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment use in the DRC zone up to a maximum FAR of 2;

b. Street level uses meeting the requirements of Section 23.49.025, Street-level use requirements, whether or not street-level use is required pursuant to Map 1H, if the uses and structure also satisfy the following standards:

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

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

(3) Overhead weather protection is provided satisfying the provisions of 23.49.025B5.

c. In the DRC zone, shopping corridors and retail atriums;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Museums;

h. Performing arts theaters;

i. Floor area below grade;

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

k. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations.

l. Public restrooms.

2. As an allowance for mechanical equipment, three and one-half (3-1/2) percent of the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1, or B3 if applicable, has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

3. In lieu of the exemptions allowed in subsection B1 of this Section, an applicant may elect in writing, at the time of filing of an original Master Use Permit application that involves the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except on lots from which development rights have been or are transferred;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking;

d. The gross floor area of public benefit features, other than housing, that satisfy the requirements of Section 23.49.126, ratios for public benefit features, or that satisfy the requirements for a FAR bonus amenity allowable to a structure in a DOC1 or DOC2 zone for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.

Section 7. Section 23.49.012, Noise standards, of the Seattle Municipal Code is hereby recodified as Section 23.49.019.

Section 8. A new Section 23.49.012 of the Seattle Municipal Code is hereby added, as follows:

23.49.012 Bonus floor area for Voluntary Agreements for Housing and Child Care.

A. General Provisions.

1. The purpose of this Section is to allow chargeable floor area above the base FAR when the applicant, by voluntary agreement provides, funds or partially funds public benefit features or capital projects that mitigate a portion of the impacts of higher-density development. The City has determined that a major impact of such development is the increased need for low-income and low-moderate income housing downtown to serve workers in lower-paid jobs and their families attracted by the development. The general intent of this section is that voluntary agreements for bonus floor area shall mitigate impacts, with primary emphasis on housing.

2. There shall be a voluntary agreement between the applicant and the City with respect to all floor area earned pursuant to this Section. The agreement commits the applicant to provide eligible bonus features ("performance option"), or to make payments to the City to fund such features ("cash option"), or a combination of both the cash option and the performance option, in amounts sufficient to qualify for the amount of floor area desired.

3. No floor area beyond the base FAR shall be granted for any project that would cause significant alteration to any designated feature of a Landmark structure, unless a Certificate of Approval is granted by the Landmarks Preservation Board.

B. Voluntary Agreements for Housing and Child Care. For each square foot of chargeable floor area above the base FAR to be earned under this Section, the voluntary agreement shall commit the developer to provide or contribute to the following facilities in the following amounts:

1. Housing.

a. For each square foot of bonus floor area, housing serving specified income levels, or an alternative cash contribution, must be provided according to Chart A:

23.49.012 Chart A

Income Level	Gross Square Feet of Housing	Cash Contribution*
Up to 30% of median income	0.01905335	$3.20
Up to 50% of median income	0.06058827	$9.28
Up to 80% of median income	0.07614345	$6.27
Total	0.15578507	$18.75

* The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84= 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. In the alternative, the Director of the Office of Housing may adjust the cash contribution amounts based on changes to commercial and/or housing development costs estimated in such manner as the Director deems appropriate. Any such adjustment to the cash contribution amounts may be implemented through a rule-making process.

b. For purposes of this subsection, a housing unit serves households up to an income level only if all of the following are satisfied for a period of fifty years beginning upon the issuance of a certificate of acceptance by the Director of the Office of Housing in accordance with subsection 23.49.012 B1i:

(1) the housing unit is used as rental housing solely for households with incomes, at the time of each household's initial occupancy, not exceeding that level; and

(2) the rent charged for the housing unit together with a reasonable allowance for any basic utilities that are not included in the rent, does not exceed one-twelfth of 30% of that income level as adjusted for the estimated size of household corresponding to the size of unit, in such manner as the Director of the Office of Housing shall determine;

(3) there are no charges for occupancy other than rent; and

(4) the housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances, for such fifty-year period.

c. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus floor area if it is committed to serve one or more of the income groups referred to in this section pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the construction of such housing or conversion of nonresidential space to such housing, but no earlier than three (3) years prior to the issuance of a master use permit for the project using the bonus floor area, and either:

i. the housing unit is newly constructed, is converted from nonresidential use, or is renovated space that was vacant as of the date of this ordinance, on the lot using the bonus floor area, pursuant to the same master use permit as the project using the bonus floor area; or

ii. the housing is newly constructed, is converted from nonresidential use, or is renovated in a residential building that was vacant as of the date of this ordinance on a lot in a Downtown zone in compliance with the Public Benefit Features Rule, and:

-- the housing is owned by the applicant seeking to use the bonus, or

-- the owner of the housing has signed, and there is in effect, a linkage agreement approved by the Director of the Office of Housing allowing the use of the housing bonus in return for necessary and adequate financial support to the development of the housing, and either the applicant has, by the terms of the linkage agreement, the exclusive privilege to use the housing to satisfy conditions for bonus floor area; or the applicant is the assignee of the privilege to use the housing to satisfy conditions for bonus floor area, pursuant to a full and exclusive assignment, approved by the Director of the Office of Housing, of the linkage agreement, and all provisions of this section respecting assignments are complied with.

If housing is developed in advance of a linkage agreement, payments by the applicant used to retire or reduce interim financing may be considered necessary and adequate support for the development of the housing.

d. Housing that is not yet constructed, or is not ready for occupancy, at the time of the issuance of a building permit for the project intending to use bonus floor area, may be considered to be provided by the applicant if, within 3 years of the issuance of the first building permit for such project, Director of the Office of Housing issues a certificate of acceptance for such housing. Any applicant seeking to qualify for bonus floor area based on such housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this Section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the 3-year period, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus floor area for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus floor area is sought.

e. Only the party named in the linkage agreement with the owner of the housing as having the privilege to use the housing to satisfy bonus conditions may assign that privilege, and any assignment must be absolute and irrevocable. No assignment by an assignee, whether to a new party or back to the assignor or housing owner, is permitted. The Director of the Office of Housing may require, as conditions to recognizing any assignment, that

i. the applicant obtain a written acknowledgment from the owner of the housing that the linkage agreement, as so assigned, is valid and effective;

ii. the assignor execute any documents deemed necessary by the Director of the Office of Housing to ensure that no party other than the permitted assignee has used, or will have any claim to use, the same housing to qualify for any floor area or development potential of any kind under any ordinance or other provision of law; and

iii. the owner and such assignor agree to indemnify and hold harmless the City and its officers and employees from any claims of the type described in subsection ii above and any damages from the City's refusal to honor such claims.

f. Nothing in this Chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon the regulations in effect at the relevant time for the project proposing to use such bonus floor area, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on such housing.

g. The Director of the Office of Housing shall review the design and proposed management plan for any housing proposed under the performance option to determine whether it will comply with the terms of this Section.

h. The Director of the Office of Housing is authorized to accept a voluntary agreement for the provision of housing and related agreements and instruments consistent with this Section. The Director of the Office of Housing is further authorized to issue a certificate of acceptance with respect to any housing units developed to satisfy the conditions of this rule, when the construction or rehabilitation of such housing units and the structure in which they are located has been completed; any necessary certificate of occupancy or final permit approval has been issued for the housing units; and either are rented consistent with this section or are vacant, ready for occupancy and offered for rent consistent with this section; and the owner of the housing provides such evidence of compliance with the requirements of this section and the Public Benefit Features Rule as the Director of the Office of Housing may require.

i. Any provision of any Director's Rule notwithstanding, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the housing units shall continue to satisfy the requirements of this subsection throughout the required fifty-year period and that such compliance shall be documented annually to the satisfaction of the Director of the Office of Housing, and the owner of any project using such bonus floor area shall be in violation of this Title if any such housing unit does not satisfy such requirements, or if satisfactory documentation is not provided to the Director of the Office of Housing, at any time during such period. The Director of the Office of Housing may provide by rule for circumstances in which housing units may be replaced if lost due to casualty or other causes, and for terms and conditions upon which

a cash contribution may be made in lieu of continuing to provide housing units under the terms of this subsection.

j. Housing units that are provided to qualify for a bonus shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director.

k. Housing units provided to qualify for a bonus, or produced with voluntary contributions made under this section, should comprise a range of unit sizes, including units suitable for families with children. The Housing Director is authorized to prescribe by rule minimum requirements for the range of unit sizes, by numbers of bedrooms, in housing provided to qualify for a bonus. The Housing Director shall take into account, in any such rule, estimated distributions of household sizes among low-income and low-moderate income households. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing projects funded by contributions received under this section.

2. Child Care.

a. For each square foot of bonus floor area allowed under this Section, in addition to providing housing or an alternative cash contribution pursuant to subsection B1, the applicant shall provide fully improved child care facility space sufficient for 0.000127 of a child care slot, or a cash contribution to the City of $3.25, to be administered by the Human Services Department. The Director of the Human Services Department may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84= 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The minimum interior space in the child care facility for each child care slot is 100 net rentable square feet. Child care facility space shall be deemed provided only if the applicant causes the space to be newly constructed or newly placed in child care use after the submission of a permit application for the project intended to use the bonus floor area, except as provided in subsection B2b(6) below. If any contribution or subsidy in any form is made by any public entity to the acquisition, development, financing or improvement of any child care facility, then any portion of the space in such facility determined by the Director of the Human Services Department to be attributable to such contribution or subsidy shall not be considered as provided by any applicant other than that public entity.

b. Child care space shall be provided on the same lot as the project using the bonus floor area or on another lot in a downtown zone and shall be contained in a child care facility satisfying the following standards:

(1) The child care facility and accessory exterior space must be approved for licensing by the State of Washington Department of Social and Health Services.

(2) At least 20% of the number of child care slots for which space is provided as a condition of bonus floor area must be reserved for, and affordable to, families with annual incomes at or below the federal department of Housing and Urban Development Low Income Standard for Section 8 Housing based on family size (or, if such standard shall no longer be published, a standard established by

the Human Services Director based generally on 80% of the median family income of the Metropolitan Statistical Area that includes Seattle, adjusted for family size). Child care slots shall be deemed to meet these conditions if they serve, and are limited to, (A) children receiving child care subsidy from the City of Seattle, King County or State Department of Social and Health Services, and/or (B) children whose families have annual incomes no higher than the above standard that are charged according to a sliding fee scale such that the fees paid by any family do not exceed the amount it would be charged, exclusive of subsidy, if the family were enrolled in the City of Seattle Child Care Subsidy Program.

(3) Child care space provided to satisfy bonus conditions shall be dedicated to child care use, consistent with the terms of this section, for twenty years. The dedication shall be established by a recorded covenant, running with the land, and enforceable by the City, signed by the owner of the lot where the child care facility is located and by the owner of the lot where the bonus floor area is used, if different from the lot of the child care facility. The child care facility shall be maintained in operation, with adequate staffing, at least 11 hours per day, 5 days per week, 48 weeks per year.

(4) The minimum area of the child care facility shall be six thousand (6,000) square feet of net rentable floor area plus two thousand (2,000) square feet of exterior space suitable as recreation area accessory to the interior child care space and dedicated to such use during daytime hours on all days when the child care facility is in operation, or is required to be open. Exterior space for which a bonus is or has been allowed under any other section of this Title or under former Title 24 shall not be eligible to satisfy the conditions of this Section. The Director of the Human Services Department may approve exceptions to the minimum space requirement based on review of the management plan and an assessment of the economic feasibility of operating a smaller child care facility.

(5) Unless the applicant is the owner of the child care space and is a duly licensed and experienced child care provider approved by the Director of the Human Services Department, the applicant shall provide to the Director of the Human Services Department a signed agreement, acceptable to such Director, with a duly licensed child care provider, under which the child care provider agrees to operate the child care facility consistent with the terms of this Section and of the recorded covenant, and to provide reports and documentation to the City to demonstrate such compliance. The agreement shall have an initial term of no less than three (3) years and shall require both parties to notify the Director of the Human Services Department at least ninety (90) days in advance of the its expiration, if not renewed, or any termination.

(6) One child care facility may fulfill the conditions for a bonus for more than one project if it includes sufficient space, and provides sufficient slots affordable to limited income families, to satisfy the conditions for each such project without any space or child care slot being counted toward the conditions for more than one project. If the child care facility is located on the same lot as one of the projects using the bonus, then the owner of that lot shall be responsible for maintaining

compliance with all the requirements applicable to the child care facility; otherwise responsibility for such requirements shall be allocated by agreement in such manner as the Director of the Human Services Department may approve. If a child care facility developed to qualify for bonus floor area by one applicant includes space exceeding the amount necessary for the bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted by the Director of the Human Services Department from that applicant so provides, such excess space may be deemed provided by the applicant for a later project pursuant to a new voluntary agreement signed by both such applicants and by any other owner of the child care facility, and a modification of the recorded covenant, each in form and substance acceptable to such Director.

c. The Director of the Human Services Department shall review the design and proposed management plan for any child care facility proposed to qualify for bonus floor area to determine whether it will comply with the terms of this Section. The allowance of bonus floor area is conditioned upon approval of the design and proposed management plan by the Director of the Human Services Department. The child care facility shall be constructed consistent with the design approved by such Director and shall be operated for the minimum 20-year term consistent with the management plan approved by such Director, in each case with only such modifications as shall be approved by such Director. If the proposed management plan includes provisions for payment of rent or occupancy costs by the provider, the management plan must include a detailed operating budget, staffing ratios, and other information requested by the Director to assess whether the child care facility may be economically feasible and able to deliver quality services.

d. The Director of the Human Services Department is authorized to accept a voluntary agreement for the provision of a child care facility to satisfy bonus conditions, and related agreements and instruments consistent with this Section. The voluntary agreement may provide, in case a child care facility is not maintained in continuous operation consistent with this subsection B2 at any time within the minimum 20-year period, for the City's right to receive payment of a prorated amount of the alternative cash contribution that then would be applicable to a new project seeking bonus floor area. Such Director may require security or evidence of adequate financial responsibility, or both, as a condition to acceptance of an agreement under this subsection.

C. Cash Option Payments. Cash payments under voluntary agreements for bonuses shall be made prior to issuance of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, or if the bonus is for use of existing floor area, the cash payment shall be made prior to issuance of any permit or modification allowing for use of such space as chargeable floor area. Such payments shall deposited in special accounts established solely to fund capital expenditures for the public benefit features for which the payments are made as set forth in this section. Housing units that are funded with cash contributions under this section shall be generally comparable in

their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director.

D. No Subsidies for Bonused Housing; Exception.

1. Intent. Housing provided through the bonus system is intended to mitigate a portion of the additional housing needs resulting from increased density, beyond those needs that would otherwise exist, which the City and other governmental and charitable entities attempt to meet through various subsidy programs. Allowing bonus floor area under the performance option for housing that uses such subsidy programs therefore could undermine the intent of this Section.

2. Agreement Concerning Subsidies. The Director of the Office of Housing may require, as a condition of any bonus floor area for housing under the performance option, that the owner of the lot upon which the housing is located agree not to seek or accept any subsidies, including without limitation those items referred to in subsection D3 of this Section, related to the housing, except for any subsidies that may be allowed by the Director of the Office of Housing under that subsection. The Director of the Office of Housing may require that such agreement provide for the payment to the City, for deposit in the Downtown Housing Bonus Account, of the value of any subsidies received in excess of any amounts allowed by such agreement.

3. No Bonus for Subsidized or Restricted Housing. In general, no bonus may be earned by providing housing if

a. any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, County housing funds, State of Washington housing funds, or property tax exemptions or other special tax treatment; or

b. the housing is or would be, independent of the requirements for the bonus, subject to any restrictions on the use, occupancy or rents.

4. Exceptions by Rule. The Director of the Office of Housing may provide, by rule promulgated after the effective date of this ordinance, for terms and conditions on which exceptions to the restriction on subsidies in this subsection may be allowed. Such rule may provide that, as a condition to any exception, the Director of the Office of Housing shall increase the amount of housing floor area per bonus square foot, as set forth in subsection B1 of this Section, to an amount that allows credit for only the Director's estimate of the incremental effect, in meeting the City's housing needs for the next fifty (50) years, of the net financial contribution that is being made by the applicant pursuant to the voluntary agreement and not funded or reimbursed, directly or indirectly, from any other source.

Section 9. A new Section 23.49.013 is hereby added to the Seattle Municipal Code as follows:

23.49.013 Bonus Floor Area for Amenity Features.

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

1. Public open space amenity, including hillside terrace, urban plaza, parcel park, public atrium, green street improvement, green street setback;

2. Hillclimb assist, shopping corridor, or transit tunnel station access may be provided on sites shown as eligible for these respective bonuses on Map 1K;

3. Human services uses as follows:

a. Information and referral for support services;
b. Health clinics;
c. Mental health counseling services;
d. Substance abuse prevention and treatment services;
e. Consumer credit counseling;
f. Day care services for adults;
g. Jobs skills training services; and

4. Public restrooms.

B. Standards for Amenity Features.

1. Location of Amenity Features. Amenity features must be located on the lot using the bonus, except as follows:

a. Green street improvements may be located within an abutting right-of-way subject to applicable Directors' Rules.

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

(1) The open space must be open to the public without charge, must meet the standards of the Public Benefit Features Rule, and must be one of the open space features cited in subsection A1 of this section.

(2) The open space must be within one-quarter (1/4) mile of the lot using the bonus.

(3) The open space must have a minimum contiguous area of five thousand (5,000) square feet.

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

c. Public restrooms shall be on a ground floor; shall satisfy all codes and accessibility standards; shall be open to the general public at least from 7 AM to 7 PM every day; shall be maintained by the owner of the structure for the life of the structure that includes the bonused space; and shall be designated by signs sufficient so that they are readily located by pedestrians on an abutting street or public open space. The Director is authorized to establish standards for the design, construction, operation, and maintenance of public restrooms qualifying for a bonus, consistent with the intent of this subsection to encourage the provision of accessible, clean, safe and environmentally sound facilities.

2. Options for Provision of Amenity Features. Amenity features other than green street improvements must be provided by performance. The Director may accept a cash payment for green street improvements subject to the provisions of this section, the Public Benefit Features Rule and the Green Street Director's Rule, DR 11-93, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully one (1) square foot of green street space for each five (5) square feet of bonus floor area allowed for such payment.

3. Ratios and limits. Public benefit features may be used to gain floor area according to the applicable ratios, and subject to the limits, in Section 23.49.011 and in this section.

a. Bonuses for open space amenities smaller than five thousand (5,000) square feet each, including hillside terrace, urban plaza, parcel park, green street improvement, or public atrium, plus any bonuses for green street setbacks, shall not exceed in the aggregate one (1) FAR or 15% of the total chargeable floor area to be added above the base FAR, whichever is less.

b. Bonuses for open space amenities meeting the provisions of this Chapter and the Public Benefit Features Rule and having an area of five thousand (5,000) square feet or greater shall not exceed in the aggregate twenty-five (25) percent of the total chargeable floor area to be added above the base FAR. The maximum bonusable area is fifteen thousand (15,000) square feet per open space amenity.

c. A hillclimb assist, shopping corridor or transit tunnel station access may be provided on sites shown on Map 1K to gain 0.5 FAR for each amenity, regardless of the area of such amenity provided. The total bonus used on any lot from each of such types of amenity shall not exceed 0.5 FAR.

d. Bonuses for human service use may be allowed at a ratio of seven (7) square feet of floor area granted per one (1) square foot (7:1) of human service feature up to a maximum bonusable human service amenity of ten thousand (10,000) square feet in area.

e. The bonus ratio for open space amenities other than green street setbacks is five (5) square feet of floor area granted per one (1) square foot (5:1) of open space feature. Green street setback may be allowed at a ratio of one (1) square foot of floor area granted per one (1) square foot (1:1) of open space feature.

f. The bonus ratio for restrooms shall be _____.

4. Public Benefit Features Rule. Amenity features must satisfy the applicable provisions of the Public Benefit Features Rule in order to generate a bonus, except that the Director may allow departures from the provisions of the Public Benefit Features Rule if the applicant can demonstrate that the feature provides at least an equivalent public benefit and better achieves the intent of the feature as described in this Chapter and the Public Benefit Features Rule.

5. Open Space Amenity Features. Open Space amenity features must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this Chapter and the Public Benefit Features Rule.

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

Section 10. Section 23.49.014 of the Seattle Municipal Code is hereby recodified as Section 23.49.017.

Section 11. A new Section 23.49.014 of the Seattle Municipal Code is added as follows:

23.49.014 Transfer of Development Rights (TDR).

A. General standards.

1. The following types of TDR may be transferred to the extent permitted in Chart A, subject to the limits and conditions in this Chapter:
   a. housing TDR;
   b. Landmark TDR; and
   c. open space TDR.

2. In addition to transfers permitted under subsection A1, TDR may be transferred from any lot to another lot on the same block, to the extent permitted in Chart A, subject to the limits and conditions in this Chapter.

3. Location of Sending and Receiving Lots. A lot's eligibility to be either a sending or receiving lot is regulated by 23.49.014 Chart A.

23.49.014 Chart A.

	TDR transferable within-block.	**Types of TDR transferable between blocks.**		
Zones*	Transfer from any lot within the same Downtown Block.	Housing TDR	Landmark TDR	Open Space TDR
DOC 1 and 2	S, R	S, R	S, R	S, R
DRC	S, R**	S, R**	S, R**	S, R**
DMC zones with a height limit of 85' or greater.	X	S, R	S, R	S, R
DMC 65'	X	S	S	S
DMR	X	S, R***	S, R***	S, R***
IDM, IDR and PSM.	X	S	X	X

S = Eligible sending lot.
R = Eligible receiving lot.
X = Not permitted.

*Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.
**Transfers to lots in the DRC zone are permitted only from lots that also are zoned DRC.
***Transfers to lots in the DMR zone are permitted only from lots that also are zoned DMR.

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

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

B. Standards for Sending Lots.

1. The maximum amount of floor area that may be transferred, except as open space TDR, from an eligible sending lot, except a sending lot in the PSM or IDM zones, is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in 23.49.011, exceeds the sum of any existing chargeable gross floor area on the sending lot plus any TDR previously transferred from the sending lot. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in 23.49.011, exceeds the sum of (a) any existing chargeable gross floor area that is built on or over the eligible lot area on the sending lot, plus (b) the amount, if any, by which the total of any other chargeable floor area on the sending lot exceeds the product of the base FAR of the sending lot, as

provided in 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus (c) any TDR previously transferred from the sending lot. The eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over one-quarter (1/4) of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by any portion of the lot ineligible under Section 23.49.027.

2. When the sending lot is located in the PSM or IDM zones, the gross floor area that may be transferred is 6 FAR, minus the sum of any existing chargeable gross floor area and any floor area in residential use on the sending lot, and further reduced by any TDR previously transferred from the sending lot.

3. When TDR are transferred from a sending lot in a zone with a base FAR limit, the amount of chargeable gross floor area that may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.011, minus the total of:

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

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

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

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

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

5. Gross floor area allowed above base FAR under any bonus provisions of this Title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only to the extent, if any, that:

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

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

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

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

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

completion of work necessary to satisfy this subsection B7, the Director of the Office of Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

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

C. Limit on Variable Scale of Development TDR. Any receiving lot is limited to a gain of one (1) FAR or fifteen (15) percent of the floor area above the base FAR, whichever is less, from TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot.

D. Transfer of Development Rights Deeds and Agreements.

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

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

3. For transfers of housing TDR, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances

on the sending lot, unless such consent is waived by the Director of the Office of Housing for good cause, to provide for the maintenance of the required housing on the sending lot for a minimum of fifty (50) years. Such agreement shall commit to limits on rent and occupancy, consistent with the definition of housing TDR site and acceptable to the Director of the Office of Housing.

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

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

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

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

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

E. TDR Sales Before Base FAR Increases and Changes in Exemptions. Transfers of TDR from any lot from which a TDR transfer was made prior to the effective date of this ordinance are limited to the amount of TDR available from such lot immediately prior to such date.

F. Projects Developed Under Prior Code Provisions.

1. Any project that is developed pursuant to a Master Use Permit issued under the provisions of this Title as in effect prior to the effective date of this ordinance, which permit provides for the use of TDR, may use TDR that were transferred from the sending lot consistent with such prior provisions prior to such effective date.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot after the effective date of this ordinance.

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

G. TDR Satisfying Conditions to Transfer Under Prior Code. If the conditions to transfer of Landmark TDR were satisfied prior to the effective date of this ordinance under the provisions of this Title then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that effective date, but only for use by projects developed pursuant to permits issued under the

provisions of this Title in effect prior to that effective date. If the conditions to transfer of housing TDR or TDR from Major Performing Arts Facilities were satisfied prior to the effective date of this ordinance under the provisions of this Title then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that effective date, either for use consistent with the terms of Section 23.49.011 or for use by projects developed pursuant to permits issued under the provisions of this Title in effect prior to the effective date of this ordinance. The use of TDR transferred under this subsection G on the receiving lot shall not be subject to limits that were not in effect for purposes of the Master Use Permit decision for the project using the TDR.

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

I. Use of Previously Transferred TDR by New Projects. Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR that were transferred from the sending lot consistent with the provisions of this Title in effect at the time of such transfer.

Section 12. Subsection A of Section 23.49.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.49.016 Parking quantity requirements.

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

A. General Standards.

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

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

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

b. No parking shall be required for residential uses.

c. No parking, either long-term or short-term, shall be required for the first thirty thousand (30,000) square feet of retail sales and service use on lots in areas with high transit access, as identified on Map ((~~IA~~)) 1F. No parking, either long-term or short-term, shall be required for the first seven thousand five hundred (7,500) square feet of retail sales and service use on lots in other areas.

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

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

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

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

h. In International District Mixed and International District Residential zones, the Director of the Department of Neighborhoods, upon the recommendation of the International District Special Review District Board, may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access. In these zones, the parking requirements for restaurants, motion picture theaters, and other entertainment uses and places of public assembly shall be established pursuant to the requirements of Section 23.66.342, rather than the provisions of this section.

3. Location of Required Parking.

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

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

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

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

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

* * *

Section 13. A new Section 23.49.025 of the Seattle Municipal Code is added as follows:

23.49.025 Street-level use requirements.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated on Map 1H. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses qualify as required street-level uses:
1. Retail sales and services, except lodging;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses;
5. Museums and libraries; and
6. Public atriums.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage at street-level where street-level uses are required must be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage at street-level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space that qualifies for a floor area bonus, whether it receives a bonus or not, any eligible lot area of an open space TDR site, and any outdoor common recreation area required for residential uses, shall not be counted in street frontage.

2. In the DRC zone, no more than twenty (20) percent of the total street frontage of the lot may be occupied by human service uses, child care centers, customer service offices, entertainment uses, or museums.

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

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

5. Overhead weather protection. The entire length of facade where street-level uses are required must include overhead weather protection at street level meeting the following standards:

a. Overhead weather protection must have a minimum dimension of six (6) feet measured horizontally from the building wall or must extend to a line two (2) feet from the curb line, whichever is less;

b. A minimum of one half (1/2) of the overhead weather protection, for the entire length of facade where protection is required, must be over the public right-of-way or a widened sidewalk on private property;

c. The applicant will not install any obstructions in the sidewalk area as part of the structure of the overhead weather protection;

d. The lower edge of the overhead weather protection must be a minimum of eight (8) feet and a maximum of twelve (12) feet above the sidewalk for projections of up to six (6) feet measured horizontally from the facade and a minimum of ten (10) feet and a maximum of fifteen (15) feet for projections greater than six (6) feet measured horizontally from the façade;

e. Overhead weather protection must be continuous where feasible.

Section 14. Subsection A of Section 23.49.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is amended as follows:

23.49.026 General requirements for residential uses.

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

* * *

Section 15. A new Section 23.49.027 is hereby added to the Seattle Municipal Code, as follows:

23.49.027 Open space TDR site eligibility.

A. Intent. The intent of open space TDR is to provide opportunities for establishing a variety of usable public open space generally distributed to serve all areas of downtown.

B. Application and Approval. The owner of a lot shall apply to the Director for approval of the lot as a sending lot for open space TDR. The application shall include a design in such detail as the Director shall require and a maintenance plan. The Director shall review the application pursuant to the provisions of this Section, and shall approve, disapprove or conditionally approve the application. Conditions may include, without limitation, assurance of funding for long-term maintenance and dates when approvals shall expire if the open space is not developed.

C. Area Eligible for Transfer. For purposes of calculating the amount of TDR transferable under Section 23.49.014, Transfer of Development Rights (TDR),

eligible area does not include any portion of the lot occupied above grade by a structure or use unless the structure or use is accessory to the open space.

D. Basic requirements. In order to qualify as a sending lot for open space TDR, the lot must include open space that satisfies the basic requirements of this subsection, unless an exception is granted by the Director pursuant to Section 23.49.039. A sending lot for open space TDR must:

1. include a minimum area as follows:

a. contiguous open space with a minimum area of fifteen thousand (15,000) square feet; or

b. a network of adjacent open spaces, which may be separated by a street right-of-way, that are physically and visually connected with a minimum area of thirty thousand (30,000) square feet;

2. be directly accessible from the sidewalk or another public open space, including access for persons with disabilities;

3. be at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected;

4. not have more than twenty (20) percent of the lot area occupied by any above grade structures; and

5. be located a minimum of one quarter (¼) mile from the closest lot approved by the Director as a separate open space TDR sending lot.

E. Open Space Guidelines. The Director shall consider the following guidelines, and may disapprove or condition an application based on one or more of them. If the Director determines that the design for the open space will substantially satisfy the intent of the guidelines as a whole, the Director need not require that every guideline be satisfied as a condition to approval. Open space should be designed to:

1. be well integrated with downtown's pedestrian and transit network;

2. be oriented to promote access to sun and views and protection from wind, taking into account potential development on adjacent lots built to the maximum limits zoning allows;

3. enhance user safety and security and ease of maintenance;

4. be highly visible because of the relation to the street grid, topographic conditions, surrounding development pattern, or other factors, thereby enhancing public access and identification of the space as a significant component of the urban landscape;

5. incorporate various features, such as seating and access to food service, that are appropriate to the type of area and that will enhance public use of the area as provided by the guidelines for an urban plaza in the Public Benefit Features Rule;

6. provide such ingress and egress as will make the areas easily accessible to the general public along street perimeters;

7. be aesthetically pleasing space that is well integrated with the surrounding area through landscaping and special elements, which should establish an identity for the space while providing for the comfort of those using it;

8. increase activity and comfort while maintaining the overall open character of public outdoor space; and

9. include artwork as an integral part of the design of the public space.

F. Public Access.

1. Recorded Documents. The open space must be subject to a recorded easement, or other instrument acceptable to the Director, to limit any future development on the lot and to ensure general public access and the preservation and maintenance of the open space, unless such requirement is waived by the Director for open space in public ownership.

2. Hours of Operation. The open space must be open to the general public without charge for a reasonable and predictable hours, such as those for a public park, for a minimum of six (6) hours each day of every week.

3. Plaque requirement. A plaque indicating the nature of the site and its availability for general public access must be placed in a visible location at the entrances to the site. The text on the plaque is subject to the approval of the Director.

G. Maintenance. The property owner and/or another responsible party who shall have assumed obligations for maintenance on terms approved by the Director, shall maintain all elements of the site, including but not limited to landscaping, parking, seating and lighting, in a safe and clean condition as provided for in a maintenance plan to be approved by the Director.

Section 16. Section 23.49.032 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is amended as follows:

23.49.032 Additions of ((~~to~~)) gross floor area to lots with existing structures.

A. ((~~Existing structures may be expanded to the maximum permitted FAR. If the gross floor area is greater than that permitted by the base FAR, the expansion shall be achieved by providing public benefit features or by transferring development rights pursuant to the provisions of the zone in which the structure is located. Existing FAR shall be calculated under the rules for exempt and nonexempt space of the zone in which the structure is located.~~)) When development is proposed on a lot that will retain existing structures containing chargeable floor area in excess of the applicable base FAR, additional chargeable floor area may be added to the lot up to the maximum permitted FAR, by qualifying for bonuses or using TDR, or both, subject to the general rules for FAR and use of bonuses and TDR, SMC Sections 23.49.011 through 23.49.014. Solely for the purpose of determining the amounts and types of bonus and TDR that may be used to achieve the proposed increase in chargeable floor area, the legally established continuing chargeable floor area of the existing structures on the lot shall be considered as the base FAR.

B. When mechanical equipment or ((~~above-grade~~)) parking that ((~~which~~))was exempted from floor area calculation under the provisions of Title 24 is proposed to be changed to uses that ((~~which~~)) are not exempt from floor area calculations under this Chapter, and ((~~the structure is over~~)) the chargeable floor area on the lot exceeds the base FAR for the zone in which it is located, the gross floor area ((~~in an amount equivalent to the gross floor area~~)) proposed to be changed shall be achieved through qualifying for bonuses ((~~provision of public benefit features~~)) or transfer of development rights, according to the provisions of Sections 23.49.011 through 23.49.014 as applicable to the zone in which the structure is located. ((~~This provision shall apply whether or not the structure is conforming.~~))

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

Section 17. Section 23.49.033 of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is hereby repealed.

Section 18. Subsection C of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

* * *

C. Vested Projects. A holder of a permit for a project ((~~which~~)) that is vested to an earlier code on the effective date of ((~~the ordinance codified in this section,~~)) Ordinance 115657 may apply for approval of a PCD as provided in this section. The proposed PCD constitutes a new project and, except as provided in this section, is subject to requirements applicable to such projects.

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

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

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

~~4.~~)) Tolling and Expiration of Vested Permit.

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

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

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

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

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

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

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

* * *

Section 19. A new Section 23.49.039 is hereby added to the Seattle Municipal Code, as follows:

23.49.039 Special exception for open space TDR sites.

The Director may authorize an exception to the requirements for open space TDR sites, Section 23.49.027, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.

A. The provisions of this section will be used by the Director in determining whether to grant, grant with condition or deny a special exception. The Director will grant exceptions only to the extent such exceptions further the provisions of this Section.

B. In order for the Director to grant, or grant with conditions, an exception to the requirements for open space TDR sites, one or more of the following must be satisfied:

1. The exception allows the design of the open space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings; or

2. The applicant demonstrates that the exceptions would result in an open space that better meets the intent of the provisions for open space TDR sites in 23.49.027.

Section 20. Subsection E of Section 23.49.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is amended as follows:

23.49.041 Transfer of Development Credits (TDCs).

* * *

E. King County Certification and Security. No permit <u>after the first building permit, and in any event no permit for any construction activity other than excavation and shoring,</u> will be issued for development that includes credit floor area until (1) the applicant's possession of necessary rural development credits is certified by King County; and (2) either security is provided for the provision of amenities or an optional cash contribution is made, sufficient to generate the amount of amenity credits necessary under the terms of this section and any rules promulgated by the Director to implement this Section.

* * *

Section 21. Subsection A of Section 23.49.045 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is amended as follows:

23.49.045 Downtown Office Core 1, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map ((~~Ha~~)) 1J may be permitted as conditional uses, pursuant to Section 23.49.046. Principal use parking garages for long-term parking ((~~shall be~~)) are prohibited in other locations.

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

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

~~b. Conditional uses in all other cases, pursuant to Section 23.49.046.~~)) may be permitted as conditional uses, pursuant to Section 23.49.046.

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

* * *

Section 22. Subsection B of Section 23.49.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

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

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

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

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

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

* * *

Section 23. Section 23.49.048 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 24. Section 23.49.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 25. Section 23.49.052 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 26. Section 23.49.054 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 27. The introductory subsection and Subsections A and B of Section 23.49.056 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows:

23.49.056 Downtown Office Core 1, street facade requirements.

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

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

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~HD~~)) 1G 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 ((~~HD~~)) 1G, and whether property line facades are required by Map ((~~HC~~)) 1K.

A. Minimum Facade Height.

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

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

* Except as ((~~modified by~~))provided in subsection A2 regarding view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~HC~~)) 1K 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

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

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

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

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

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

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

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

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

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

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

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

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

* * *

Section 28. Subsections A and B of Section 23.49.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

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

* * *

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

1. Between an elevation of one hundred twenty-five (125) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of

each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.058 A), is established as the coverage limit area.

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

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

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

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

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

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

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

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

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

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

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

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

Section 29. Subsections A and B of Section 23.49.064 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, are amended as follows:

23.49.064 Downtown Office Core 2, principal and accessory parking.

A. Principal Use Parking.

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

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

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

~~b. Conditional uses in all other cases;~~)) may be permitted as conditional uses pursuant to Section 23.49.066.

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

B. Accessory Parking.

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

2. Accessory surface parking areas shall be:

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

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

c. Prohibited in areas not shown on Map ((~~IIIA~~)) 1J, except that temporary accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.066.

Section 30. Subsection B of Section 23.49.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

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

* * *

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

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

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

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

* * *

Section 31. Section 23.49.068 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is hereby repealed.

Section 32. Section 23.49.070 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 33. Section 23.49.072 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 34. Section 23.49.074 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 35. The introductory subsection and Subsections A and B of Section 23.49.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.076 Downtown Office Core 2, street facade requirements.

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

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

These standards shall apply to each lot line ((~~of a lot~~)) that ((~~which~~)) abuts a street designated on Map ((~~IID~~)) 1G 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 ((~~IID~~)) 1G, and whether property line facades are required by Map ((~~IIC~~)) 1K.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.076 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

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

* Except as provided in subsection A2 regarding ((~~modified by~~)) view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~IIC~~)) 1I 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the street property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.076 B:

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

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

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map ((~~IIC~~)) 1I. Except when the entire structure is fifteen (15) feet or less in height, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.076 C. When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street

(see Exhibit 23.49.076 D). The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II Pedestrian streets.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.076 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.)

d. Any exterior public open space that ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.076 C.)

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.

* * *

Section 36. Subsection A and B of Section 23.49.078 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.078 Downtown Office Core 2, upper-level development standards.

* * *

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

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

2. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.078 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 One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Sq. Ft. or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Sq. Ft. in Size
126' to 240'	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 23.49.041, on lots that either (i) have at least 25% of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than 35' in height, or any combination thereof; or (ii) have at least 50% of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than 65' in height, or any combination thereof:

Elevation	Lots With One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Sq. Ft. or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Sq. Ft. in Size
126' to 240'	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 or more abutting lots, whether occupied by existing structures or not, provided that:

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

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

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

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

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
126' to 240'	120'	120'	120'
Above 240'	90'*	120'	90'

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

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that ((~~which~~)) is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of façade that ((~~which~~)) is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.078 B.).

Section 37. Subsection C of Section 23.49.090 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.49.090 Downtown Retail Core, permitted uses.

* * *

C. Public Facilities.

1. Except as provided in Section 23.49.096((~~E2~~)), uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

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

* * *

Section 38. Subsection B of 23.49.096 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.096 Downtown Retail Core, conditional uses and Council decisions.

* * *

B. **Reserved**((~~Major retail stores and performing arts theaters may be granted a public benefit feature bonus through an administrative conditional use process, Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Through the bonus, increases in permitted height and floor area ratios, and changes in development standards may be granted if the desired quality of the public environment can be maintained, according to the following standards:~~

~~1. Standards for Major Retail Store.~~

~~a. Type of Store. Major retail stores shall be operated by an established concern with a reputation for quality and service, which is not located in the Downtown Retail Core when the conditional use is sought and shall provide a range of merchandise and services.~~

~~b. Size Standards and Bonus Ratio.~~

~~(1) Minimum lot size shall be twenty-five thousand (25,000) square feet.~~

~~(2) The minimum size of a major retail store shall be eighty thousand (80,000) square feet. Major retail stores shall be under the management of a single retail firm and shall function as a single business establishment. Storage area, store offices, and other support space necessary for the operation of the retail sales area shall also be bonused.~~

~~(3) For each square foot of major retail store, two and one-half (2-1/2) square feet of additional floor area shall be granted, up to the maximum set in subsection B1b(4).~~

~~(4) Up to two hundred thousand (200,000) square feet of the store shall be eligible for a floor area bonus.~~

~~c. Access. The store should be oriented to activity on the street and should, wherever possible, provide opportunities for through block circulation.~~

~~(1) At least one (1) major pedestrian entrance shall be provided directly from the sidewalk of each street frontage of the store. All entrances shall be at the same elevation as the sidewalk.~~

~~(2) Bonused major retail store space may be provided above and below street level as long as all areas are connected and function as a single retail establishment.~~

~~d. Hours of Operation. Major retail stores shall be open to the general public during established shopping hours for a minimum of eight (8) hours a day, six (6) days per week.~~

~~2. Standards for Performing Arts Theater.~~

~~a. Type of Theater. Theaters shall provide a place for live performances of drama, dance and music. The auditorium area should be specifically designed for the presentation of live performances under optimum viewing and acoustical conditions. Theaters principally intended for nightclub or cabaret type entertainment or adult entertainment will not qualify for conditional use approval. The developer shall commit to manage the theater or shall secure a lease for at least ten (10) years from a theater operator or resident theater group with acceptable credentials.~~

~~b. Area, Dimensions and Bonus Ratio. Theaters eligible for conditional use approval may include a wide variety of theater sizes and types to encourage a broad range of live entertainment offerings downtown.~~

~~(1) The minimum theater size eligible for a bonus shall have a seating area of at least two hundred (200) seats and the necessary support areas.~~

~~(2) For each square foot of performing arts theater, twelve (12) square feet of additional floor area shall be granted.~~

~~(3) The maximum area eligible for a bonus shall be established as part of the review process. The process shall include an assessment of existing theaters and the sizes of future theaters needed to provide a range of performing arts facilities in the downtown.~~

~~(4) The arrangement of seating and stage areas of the theater shall be expressly designated for the presentation of performing arts. The size of the stage area, floor slopes, ceiling heights and acoustical and lighting systems shall be adequate to meet the viewing requirements of the audience relative to the size of the auditorium.~~

~~c. Access and Street Orientation. The theater shall be designed to promote activity on the street and add visual interest. It shall be highly accessible and visible from a street or public open space.~~

~~(1) A lighted marquee, display signs, and/or banners related to the theater operation shall be located above the main street entrance. Lobby areas with transparent walls located on the street front are desirable.~~

~~(2) To avoid creating large expanses of street frontage with limited visual interest or activity, theater street frontage shall be limited. Theater frontage shall be limited to sixty (60) feet; any street-level area of the theater exceeding this limit must be separated from the street by another use. Departure from these standards may be permitted to address special conditions of the lot which may affect the theater's street orientation or to accommodate specific needs related to the theater's operation.~~

~~(3) A covered queuing area shall be provided; interior lobby space may satisfy this requirement.~~

~~(4) Direct access shall be provided to the theater lobby from the street or a bonused public open space. The theater itself, however, may be above or below street level.~~

~~(5) Truck loading/unloading space shall be provided off-street, preferably off an alley.~~

~~3. Restrictions on Demolition and Alteration of Existing Structures.~~

~~a. The design of projects including a major retail store or performing arts theater shall incorporate the existing exterior street front facade(s)of the structures listed below which are significant to the architecture, history and character of downtown. Changes may be permitted to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).~~

~~b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture,~~

~~character and history of the Retail Core. If the listed structures are also Landmark structures, approval by the Landmarks Board shall be required prior to consideration of the project by the Director. The Landmarks Board's recommendation shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of approving additional height and FAR under Section 23.49.096 B, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark.~~

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

~~4. Height and Scale. In determining the amount of change permitted in development standards for height and setbacks, the primary objective shall be the preservation of the existing sense of openness and the human scale environment in the Downtown Retail Core. The acceptability of negative impacts associated with departure from the base regulations shall depend on the priority of the streets adjacent to the proposed project, according to Map IVB.(Note 1)~~

~~a. An increase in the height up to one hundred fifty (150) feet may be permitted when the primary objective described above will be furthered and:~~

~~(1) The additional height and bulk will not result in substantial wind impacts on public open spaces and sidewalks; and~~

~~(2) The shadows cast on the Westlake Park south of Pine Street, and all Priority 1 Streets shown on Map IVB,(Note 1) from eleven a.m. to two p.m. on March 21st and September 21st will not be increased beyond those cast by existing structures.~~

~~b. When an increase in the height limit is permitted, upper-level setbacks shall be provided. The applicant may choose to provide the upper-level setbacks pursuant to the provisions of subsection B of Section 23.49.106, or as follows:~~

~~(1) Coverage limit areas shall be established at two (2) elevations:~~

~~i. Between an elevation of sixty-five (65) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20)~~

~~feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)~~

~~ii. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)~~

~~iii. Within the coverage limit area, coverage and maximum facade lengths shall be as follows:~~

	~~Structure Elevation~~	
	~~Less than 65'~~	~~65' and Above~~
~~Priority 1 streets shown on Map IVB~~		
~~Maximum coverage in coverage limit area~~	~~100%~~	~~20%~~
~~Maximum facade length~~	~~no limit~~	~~90'~~
~~Priority 2 streets shown on Map IVB~~		
~~Maximum coverage in coverage limit area~~	~~100%~~	~~30%~~
~~Maximum facade length~~	~~no limit~~	~~90'~~
~~Priority 3 streets shown on Map IVB~~		
~~Maximum coverage in coverage limit area~~	~~Upper level development standards of abutting zones shall apply~~	

~~Maximum facade length. Facade length limited only within fifteen (15) feet of street property line. The minimum distance between facades within fifteen (15) feet of street property lines shall be sixty (60) feet.~~

~~(2) All existing structures retained as part of the proposed project shall be calculated together with the new structure to determine permitted coverage.~~

~~c. To contribute to a sense of openness and increase opportunities for light and air to streets, portions of facades of new structures which exceed an elevation of one hundred twenty-five (125) feet shall be separated from all other portions of facades on the same block front which exceed that elevation, both on the project lot and abutting lots, by a minimum distance of sixty (60) feet above an elevation of one hundred (100) feet. (See Exhibit 23.49.096 B.) The depth of the separation shall be at least sixty (60) feet, measured from the street property line.~~

~~5. Design Treatment. The materials, scale and details of new development using the major retail store or performing arts theater bonus shall harmonize with existing development in the area and contribute to the visual interest of the pedestrian environment.~~

~~a. In addition to the street facade requirements of Section 23.49.106, large expanses of blank walls above street level which are visible from any street or public open space are prohibited. Below an elevation of sixty-five (65) feet, all street facades shall be articulated and contain architectural design features such as~~

~~windows, columns or other structural features, belt courses, cornices, setbacks, ornamentation, awnings or canopies, that reflect the character of nearby structures.~~

~~b. Building materials shall be compatible with those of existing structures in the Downtown Retail Core. Large areas of dark or reflective materials are prohibited.~~

~~c. Overhead weather protection is required on all street frontages of the project. Coverings that are transparent and allow sunlight to reach the sidewalk are preferred.~~

~~6. Scale of Surrounding Development. Project proposals using the major retail store or performing arts theater bonus shall be considered with respect to similar scale developments in the Downtown Retail Core. The bonus shall not be granted if it would result in additional large-scale development which, considered together with other projects of similar scale, would create traffic and pedestrian circulation problems and would conflict with the desired scale and pedestrian character of the area.~~

~~7. Combined Lot Option.~~

~~a. Two (2) lots located in the DRC zone may be combined for the purpose of calculating the density for a total project incorporating a major retail store or a performing arts theater. The lots may be located on the same block or on different blocks. The administrative conditional use process shall apply to both lots.~~

~~b. The density for all development shall be calculated as if both lots were a single lot and shall conform to the permitted FAR set forth in Section 23.49.098 B. In no circumstance shall the FAR for the two (2) lots taken together exceed the permitted density.~~

~~c. The height limits and development standards of subsection B4 of this section shall apply to each lot.~~

~~d. The fee owners of each of the combined lots shall execute a deed or other agreement which shall be recorded with the titles to both lots. In the agreement or deed, the owners shall acknowledge that development on the combined lots shall not exceed the combined FAR limits for both lots and, should development on one (1) lot exceed the FAR limit for that lot, then development on the other lot shall be restricted by the amount of excess FAR used on the more developed lot, for the life of the improvement on the more developed lot. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by The City of Seattle.~~))

* * *

Section 39. Section 23.49.098 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 40. Section 23.49.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 41. Section 23.49.102 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 42. Section 23.49.104 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 43. Section 23.49.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is further amended as follows:

23.49.106 Downtown Retail Core, street facade requirements.

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

Minimum facade height
Setback limits
((~~Upper-level setbacks~~))
Facade transparency
Blank facade limits
Screening of parking
Street trees.

These standards apply to each lot line ((~~which~~)) that abuts a street.

A. Minimum Facade Height. Minimum facade height shall be thirty-five (35) feet (((~~see Exhibit 23.49.106 A~~))), except that this requirement shall not apply when all portions of the structure are lower than an elevation of thirty-five (35) feet.

((~~B. Maximum Facade Heights and Upper-level Setbacks.~~

~~1. As depicted in Exhibit 23.49.106 B, upper-level setbacks and maximum facade heights shall be established for all structures greater than one hundred twenty-five (125) feet in height as follows:~~

~~Height of Structure~~	~~Setback From Street Property Line Above Maximum Street Facade~~	~~Maximum Street Facade Height~~
~~126' - 170'~~	~~15'~~	~~95'~~
~~Greater than 170'~~	~~Setback = Height - 125'~~	~~125' - 2x (where x = setback in feet)~~

~~2. The required upper-level setback shall be at the elevation of the maximum street facade height, and shall continue for the full height of the structure. (See Exhibit 23.49.106 B.)~~)))

((~~C.~~)) B. Facade Setback Limits.

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

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

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

b. Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the street property line shall be permitted according to the following standards (see Exhibit 23.49.106A):

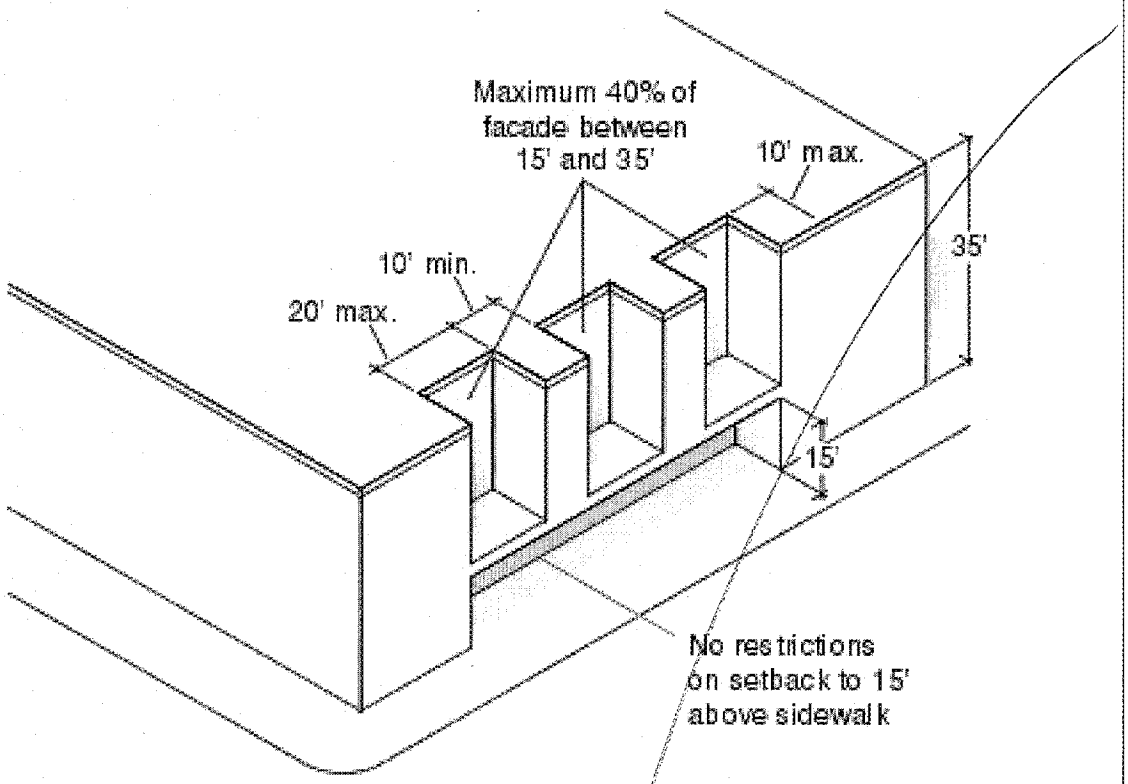
(1) The maximum setback shall be ten (10) feet.

(2) The total area of the portion of the facade between the elevations of fifteen (15) feet and thirty-five (35) feet above sidewalk grade at the street property line 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 these elevations.

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

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

Exhibit 23.49.106A



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

((~~D.~~)) C. Facade Transparency Requirements.

1. Facade transparency requirements 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, this subsection shall apply.

3. On all streets, a minimum of sixty (60) percent of the street level facade shall be transparent.

((~~E.~~)) D. Blank Facade Limits.

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

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

3. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors, which may be wider than fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

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

5. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage.

((~~F.~~)) E. Screening of Parking. Parking located at or above street level in parking garages shall be screened according to the following requirements:

1. Parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

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

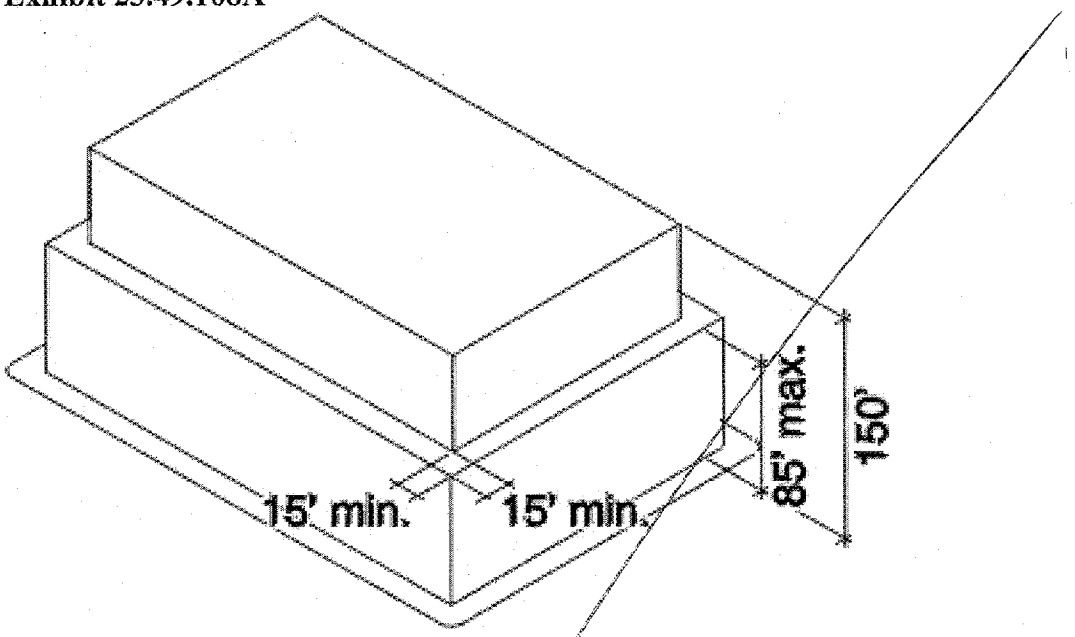
((~~G.~~)) F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle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

Section 44. A new Section 23.49.108 of the Seattle Municipal Code is hereby added as follows:

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.)

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 150 feet in height pursuant to 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.

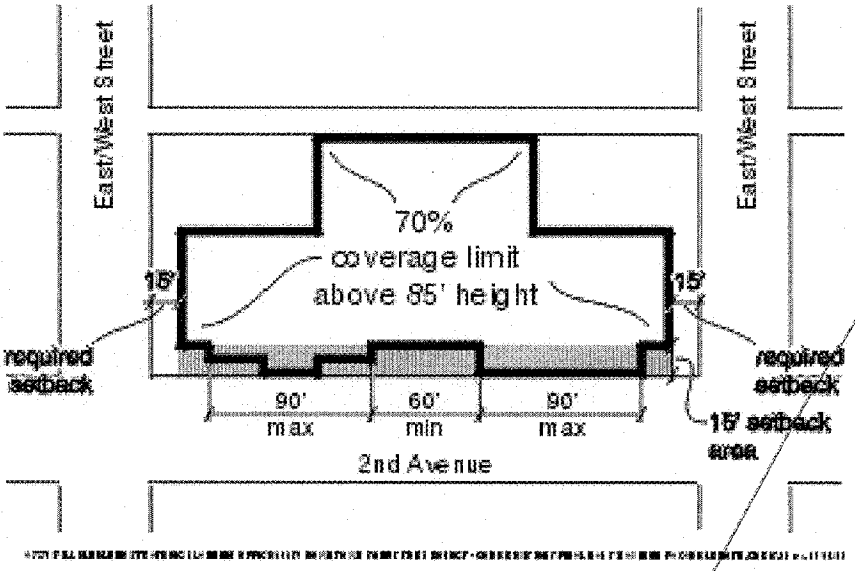
2. Structure Setbacks. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk on east/west streets only.

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.)

Exhibit 23.49.108B.



Section 45. Subsections A and B of Section 23.49.120 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, are amended as follows:

23.49.120 Downtown Mixed Commercial, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map ((~~VA~~)) 1J 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 ((~~shall either be:~~

~~a. Permitted outright when the garage contains short-term parking spaces for which additional floor area is granted pursuant to Section 23.49.126; or~~

~~b. Conditional uses in all other cases,~~)) 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 ((~~VA~~)) 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 ((~~VA~~)) 1J and containing twenty (20) or fewer parking spaces; or

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

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

Section 46. Subsection B of Section 23.49.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.122 Downtown Mixed Commercial, conditional uses and Council decisions.

* * *

B. Principal use parking garages for long-term parking in areas designated on Map ((~~VA~~)) 1J, and for short-term parking at any location, ((~~, except those permitted outright by Section 23.49.120B2,~~)) may be permitted as conditional uses, if the Director finds that:

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

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

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

* * *

Section 47. Section 23.49.124 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 48. Subsection A and the subsection titled Public Benefit Feature Bonus Table of Section 23.49.126 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, are hereby amended as follows:

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 ((~~which~~)) causes the destruction of any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

((~~2~~))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 allocation of bonus credits to low and low and low-moderate income housing, to establish a schedule of bonus ratios that provides greater weight for low-income housing than for low-moderate income housing.

((~~3~~))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.

Public Benefit Feature Bonus Table for Section 23.49.126

Public Benefit Feature	Bonus 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 ((~~VB~~)) 1K, where shopping corridors are bonused	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map ((~~VB~~)) 1K	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map ((~~VB~~)) 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 ((~~HB~~)) 1K	1.0 FAR[4]	Not applicable
Hillside terrace in area shown on Map ((~~VB~~)) 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 ((~~VD~~)) 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.

****

Section 49. Section 23.49.128 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 50. Section 23.49.132 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 51. The introductory subsection and Subsections A and B of Section 23.49.134 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.134 Downtown Mixed Commercial, street facade requirements.

Standards for the street facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~VD~~)) 1G 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 ((~~VD~~)) 1G, and whether property line facades are required by Map ((~~VC~~)) 1I.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.134A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

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

* Except as provided in subsection A2 regarding ((~~modified by~~)) view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~VC~~)) 1I 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.134B:

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

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

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map ((~~VC~~)) 1I. 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 23.49.134C.) 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 ((~~which~~)) is fifteen (15) feet or less in height.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.134D). 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 23.49.134D.)

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 23.49.134E.)

d. Any exterior public open space that ((~~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 23.49.134C.)

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.

* * *

Section 52. Subsections A and B of Section 23.49.136 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.136 Downtown Mixed Commercial, upper-level development standards.

* * *

A. Coverage Limits. On streets designated on Map ((~~VD~~)) 1G 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 23.49.136A), is established as 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:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
Above 125'	60%	50%	25%

b. All other projects:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
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 or more abutting lots, whether occupied by existing structures or not, provided that:

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

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

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

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

	Lots With Two or More Street Frontages	
Lots With	**Lots 40,000**	**Lots Greater**

Elevation	One Street Frontage	Sq. Ft. or Less in Size	Than 40,000 Sq. Ft. in Size
126' to 240'	120'	120'	120'
Above 240'	90'*	120'	90'

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

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that ((~~which~~)) is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of facade that ((~~which~~)) is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.136B.).

C. When a lot in a DMC zone is across a street from the Pike Place Market Historical District, Map ((~~VE~~)) 1L, 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.

Section 53. Section 23.49.150 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 54. Section 23.49.152 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 55. Section 23.49.154 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 56. Section 23.49.160 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 57. The introductory subsection and Subsection B of Section 23.49.162 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows:

23.49.162 Downtown Mixed Residential, street facade requirements.

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

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

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~VID~~)) 1G 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 ((~~VID~~)) 1G, and whether property line facades are required by Map ((~~VIC~~)) 1I.

* * *

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~VIC~~)) 1I 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the property line shall be permitted according to the following standards. (See Exhibit 23.49.162 B.)

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

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

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

-- The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten

feet (10'). Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades as shown on Map ((~~VIC~~)) 1I. Except when the entire structure is fifteen feet(15') or less in height, or when the minimum facade height established in subsection A is fifteen feet (15'), the setback limits shall apply to the facade between an elevation of fifteen feet (15') above sidewalk grade and the minimum facade height established in subsection A (see Exhibit 23.49.162 C). When the structure is fifteen feet (15') or less in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen feet (15'), the setback limits shall apply to the portion of the street facade that ((~~which~~)) is fifteen feet (15') or less in height.

a. The maximum area of all setbacks between the lot line and facade shall be limited according to an averaging technique. The maximum area of all setbacks along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along the street. (See Exhibit 23.49.162 D.) The averaging factor shall be five (5) on Class I pedestrian streets, twenty(20) on Class II pedestrian streets, and thirty (30) on green streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen feet (15') from the street property line shall not exceed eighty feet (80'), or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.162 D.)

c. The maximum setback of the facade from the street property line at intersections shall be ten feet (10'). The minimum distance the facade must conform to under this limit shall be twenty feet (20') along each street.(See Exhibit 23.49.162 E.)

d. Any exterior public open space that ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.162 C.)

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

* * *

Section 58. Subsection B of Section 23.49.166 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended as follows:

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

* * *

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

Elevation of Portion of Structure	**Required Setback**
65' to 85'	10'
86' to 240'	(H - 85') x .2 + 10'

where H equals the highest point of the portion of the structure located within one hundred twenty (120) feet of the green street lot line, in feet.

Section 59. Section 23.49.180 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 60. Section 23.49.210 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 61. Section 23.49.212 of the Seattle Municipal Code, which Section was last amended by Ordinance 119618, is hereby repealed.

Section 62. Section 23.49.214 of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is hereby repealed.

Section 63. Section 23.49.238 of the Seattle Municipal Code, which Section was last amended by Ordinance 113279, is hereby repealed.

Section 64. Section 23.49.240 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 65. Subsection B of Section 23.49.248 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended as follows:

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

* * *

B. Green Street Setbacks. A setback from the street property line shall be required on green streets, Map ((~~IXA~~)) 1G, 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') x .2 + 10' where H = Total structure height in feet

Section 66. Section 23.49.304 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 67. Subsections A and B of Section 23.49.322 of the Seattle Municipal Code, which Section was enacted by Ordinance 112303, are amended as follows:

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 ((~~XIA~~)) 1J, and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.324.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright.

2. Accessory surface parking areas shall either be:

a. Permitted outright when located in areas shown on Map ((~~XIA~~)) 1J and containing twenty (20) or fewer parking spaces; or

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

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

* * *

Section 68. Section 23.49.328 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 69. Section 23.49.330 of the Seattle Municipal Code, which Section was last amended by Ordinance 117130, is hereby repealed.

Section 70. Section 23.49.331 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 71. The introductory subsection of Section 23.49.332 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

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 ((~~of a lot which~~)) that abuts a street designated on Map ((~~XIA~~)) 1G as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map ((~~XIA~~)) 1G.

* * *

Section 72. Subsections A and B of Section 23.49.336 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, are amended as follows:

23.49.336 Pike Market Mixed, permitted uses.

A. Permitted uses within the Pike Place Market Historical District, shown on Map ((~~XIIA~~)) 1L, 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 ((~~XIIA~~)) 1L, all uses are permitted outright except those specifically prohibited by Section 23.49.338.

* * *

Section 73. Subsections A and B of Section 23.49.338 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, are amended as follows:

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

1. Drive-in businesses, except gas stations located in parking garages;
2. Outdoor storage;
3. Adult motion picture theaters and adult panorams;
4. Transportation facilities;
5. Communication utilities;
6. All general manufacturing uses;
7. All salvage and recycling uses, except recycling collection stations;
8. All industrial uses;
9. Jails; and
10. Work-release centers.

B. Within the Pike Place Market Historical District, Map ((~~XIIA~~)) 1L, uses may be prohibited by the Pike Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance.

* * *

Section 74. Section 23.49.342 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 75. Section 23.49.344 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is hereby repealed.

Section 76. Section 23.84.006 "C" of the Seattle Municipal Code, which Section was last amended by Ordinance 118720, is amended to add a new subsection, as follows:

* * *

"Chargeable floor area" means gross floor area of all structures on any lot in a downtown zone, except portions of structures or uses that are expressly exempt from floor area limits under the provisions of this Title, and after reduction by any applicable adjustment for mechanical equipment. Chargeable floor area is computed using the exemptions and adjustments in effect at the time the computation is made. Chargeable floor area includes

any floor area, not otherwise exempt, that is in a structure in a downtown zone where floor area limits do not apply or that is permitted to be occupied by reason of the Landmark status of the structure in which it is located.

* * *

Section 77. The subsection entitled "Human service use" of Section 23.84.016 "H" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended, and a new subsection is added to such section, as follows:

* * *

"Housing TDR site" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;

2. Each structure on the lot has a minimum of fifty (50) percent of total gross above grade floor area committed to low-income housing or low and low-moderate income housing use for a minimum of fifty (50) years;

3. The lot has above grade gross floor area equivalent to at least one (1) FAR committed to low-income housing use for a minimum of fifty (50) years;

4. The above grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of the date of passage of this ordinance and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of the Office of Housing; and

5. The low-income housing or low and low-moderate income housing commitments on the lot provide for satisfaction of the standards in Section 23.49.012 B1b and are accepted by the Director of the Office of Housing.

* * *

"Human service use" means ((~~public or nonprofit agencies organized and operated exclusively for charitable purposes, which provide at least one (1) of the following services:~~)) a use in which structure(s) and related grounds or portions thereof are used to provide one or more of the following: emergency food, medical or shelter services; community health care clinics, including those that provide mental health care((~~,~~)); alcohol or drug abuse services; information and referral services for dependent care, housing, emergency services, transportation assistance, employment or education; consumer and credit counseling; or day care services for adults. Human service uses ((~~shall~~)) provide at least one (1) of the listed services directly to a client group on the premises, rather than serve only administrative functions.

Section 78. Section 23.84.024 "L" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended by repealing and amending certain subsections, as follows:

* * *

((~~"Landmark TDR" means development rights eligible for transfer from one lot to another based on the landmark status of the improvements on the sending lot, under Sections 23.49.052, 23.49.072 , 23.49.102, or 23.49.128, but does not include development rights that would be eligible for transfer based upon the status of the sending lot as a low-income housing TDR site or Pioneer Square infill site.~~))

* * *

((~~"Landmark theater/housing TDR site" means any lot meeting the requirements of paragraphs 1, 2, and 3 below:~~

~~1. There is located on the lot a landmark performing arts theater as defined in this section; and~~

~~2. The owner of the lot satisfies all requirements for the transfer of landmark TDR; and~~

~~3. One (1) of the following conditions (a) or (b) is met, as applicable:~~

~~a. If one (1) or more housing units on the lot were occupied or habitable on January 1, 1990, then either:~~

~~(i) The equivalent of all floor area on such lot that was in use as housing or habitable at any time since January 1, 1990 is committed to low-income housing use on the terms required for the transfer of development rights from low-income housing TDR sites by Chapter 23.49 and the Public Benefit Features Rule; or~~

~~(ii) The owner of such lot enters into a voluntary agreement satisfactory to the Director of Housing and Human Services that guarantees the provision of low-income housing in an amount equivalent to the difference between (A) all floor area on such lot in use as housing or habitable at anytime since January 1, 1990 and (B) the floor area on the lot that is committed to low-income housing use as described in subsection 3a(i) above. The provision of low-income housing may include new construction, substantial rehabilitation, or preservation of housing that the Director determines would otherwise be converted to uses other than low-income housing. In each case there shall be recorded covenants limiting the rents and occupancy of the housing for a period of at least twenty (20) years. The housing shall be provided in a Downtown zone, except that the Director may approve housing elsewhere in the downtown Special Objectives Area (SOA) in the City's Comprehensive Housing Affordability Strategy (CHAS), consistent with the goals and policies of the CHAS (or successor document).~~

~~b. If no housing units were occupied or habitable on the lot on January 1,1990, then at least one (1) FAR of the sending site shall be committed to low-income housing use on the terms required for transfer of development rights from low-income housing TDR sites by Chapter 23.49 and the Public Benefit Features Rules.~~))

* * *

"Lot" means, except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, a platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or

abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley (Exhibit 23.84.024A). For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel described in the ordinance approving controls for the sending lot. For purposes of a sending lot for housing TDR, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after the date of passage of this ordinance, that contain the structure or structures that make the TDR eligible for transfer.

* * *

~~"Low income housing or low and low-moderate income housing TDR site" means a lot meeting the following requirements:~~

~~1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;~~

~~2. Each structure on the lot shall have a minimum of fifty (50) percent of total gross floor area committed to low income housing or low and low-moderate income housing use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule, except that a lot in an IDM zone may meet the following alternative standards;~~

~~a. At least forty (40) percent of the combined gross floor area in all structures on the lot is committed to low income housing for twenty (20)years, and~~

~~b. A total of at least one thousand (1,000) square feet of combined gross floor area in all structures on the lot is committed to use for social services providing necessary support to a special population served by the low income housing on the sending lot, on terms approved by the Director of the City Human Services Department (such services also may serve other persons);~~

~~3. The lot has gross floor area equivalent to at least one (1) FAR committed to low-income housing use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule; and~~

~~4. The low income housing or low and low-moderate income housing commitment on the lot has been certified by the Director of the Office of Housing as satisfying the Public Benefit Features Rule.~~

* * *

Section 79. Section 23.84.025 "M" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended to add a new subsection, as follows:

* * *

"Maximum structure height" for any lot in a downtown zone means the height limit designated on the Official Land Use Map, Chapter 23.32, for such lot. If more than one limit is designated for the lot on such map, then "maximum structure height" means the lowest of the limits designated for the lot.

* * *

Section 80. Section 23.84.030 "P" of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is amended to add a new subsection as follows:

* * *

"Public Benefit Features Rule" means the DCLU Director's Rule 20-93, subject heading *Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects, Administrative Procedures and Submittal Requirements in Downtown Zones*, to the extent the provisions thereof have not been superseded by amendments to, or repeal of, provisions of this Title. References to the "Public Benefit Features Rule" for provisions on a particular subject also shall include, where applicable, any successor rule or rules issued by the Director to incorporate provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to implement amendments to this Title since the date of such Rule.

* * *

Section 81. Section 23.84.038 "T" of the Seattle Municipal Code, which Section was last amended by Ordinance 119974, is amended to add new subsections as follows:

* * *

"Transferable development rights" or "TDR," means development potential, measured in square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this Title authorizing such transfer. Such terms do not include development credits transferable from rural King County. Such terms do not denote or imply that the owner of TDR has a legal or vested right to construct or develop any project or to establish any use.

* * *

"TDR, housing" means TDR that are eligible for transfer based on the status of the sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

"TDR, Landmark" means TDR that are eligible for transfer based on the landmark status of the sending lot or a structure on such lot, except housing TDR.

"TDR, open space" means development rights that may be transferred from a lot or lots based on the provision of public open space meeting certain standards on that lot.

"TDR site, open space" means a lot that has been approved by the Director as a sending lot for open space TDR, which approval is still in effect, and for which all the conditions to transfer open space TDR have been satisfied.

* * *

Section 82. Twenty-six codified maps, IA, IB, IE, IIA, IIB, IIC, IID, IIIA, IIIB, IIIC, IIID, IVA, IVB, IVC, VA, VB, VC, VD, VE, VIA, VIB, VIC, VID, IXA, XIA and XIIA, located at the end of Chapter 23.49 of the Seattle Municipal Code, are repealed.

Section 83. Thirteen codified maps, 1A Downtown Zones, 1B Street Classifications, 1E Existing Public Benefit Features Under Title 24, 1F Transit Access, 1G Pedestrian Street Classifications, 1H Street Level Use Required, 1I Property Line Facades, 1J Parking Uses Permitted, 1K Public Amenity Features, 1L Pike Place Market, 1M Downtown Retail Core, 1N Retail and Short-term Parking Public Amenity Features and 1O 20% Additional Height, as depicted in the Attachment to this ordinance, are added to Chapter 23.49 of the Seattle Municipal Code, to be codified at the end of such Chapter.

Section 84. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision. To the extent that sections of this ordinance recodify or incorporate into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor

shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the provisions of such Title as in effect prior to such repeal.

Section 85. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ___ day of _____, 2001, and signed by me in open session in authentication of its passage this ___ day of _____, 2001.

_____
President of the City Council

Approved by me this _____ day of _____, 2001.

_____
Paul Schell, Mayor

Filed by me this _____ day of _____, 2001.

_____
City Clerk

(SEAL)

Attachment 1

Table of Contents:

1. Map 1A, Downtown Zones;
2. Map 1B, Street Classifications;
(Maps 1C and 1D are existing and are not amended.);
3. Map 1E, Existing Public Benefit Features Under Title 24;
4. Map 1F, Transit Access;
5. Map 1G, Pedestrian Street Classifications;
6. Map 1H, Street Level Use Required;
7. Map 1I, Property Line Facades;
8. Map 1J, Parking Uses Permitted;
9. Map 1K, Public Amenity Features;
10. Map 1L, Pike Place Market;
11. Map 1M, Downtown Retail Core;
12. Map 1N, Retail and Short-term Parking Public Amenity Features;
13. Map 1O, 20% Additional Height.

Proposed Changes to the Downtown Development Regulations
Committee of the Whole
June 25, 2001

Joyce C. Kling
June 21, 2001

This decision agenda is accompanied by a notebook containing a number of important pieces of background information, including the DCLU Director's Report, a series of White Papers prepared by staff, a report from Historic Seattle and the Jobs Housing Nexus Analysis. The Childcare Nexus Analysis has been newly added; it is behind Tab 7 with the Housing Nexus Analysis. A few additional issue papers are specifically referred to and appended to this decision agenda.

1. Substitute Bill

The Executive proposes a number of clarifying, technical and cleanup amendments. These are included in the substitute bill in the notebooks, which shows all the changes.

Note: One of the changes amends a portion of the bill now written to allow projects in the DMC zone to elect to use the old bonus and FAR exemption provisions instead of the new code provisions. The substitute ordinance is changed to permit projects already in the pipeline to make the same election within 60 days after the effective date of the ordinance, avoiding the need for applicants to re-apply and pay new fees to have the same right new applicants would have. This change would affect a very small number of applications (pending applications vested to the old Code would not be governed by the new rules in any case).

Committee Action

passed?

(where is substitute bill?)

2. Executive Proposal for Base Density, Bonuses, Transfers of Development Rights and Height

A. Redefinition of elements qualifying for downtown "bonus"

Restructure this program to create a voluntary housing/child care bonus designed to mitigate the additional impact of extra floor area above the base upon the demand for affordable housing and child care downtown. Some amenity bonuses would also

remain as options, but a number of others would be eliminated. Those bonuses remaining would be open space, access to transit facilities, human services, shopping corridors and hillclimb assists.

Committee Action
Moved to eliminate shopping bonus 1-8 Failed

B. Sites from which Development Rights can be transferred, and changed concepts in the transferable development rights (TDR) system 9-0

The main features of the system are the following:

- Continue recognition of certain TDR sending sites. Sites developed with landmarks and sites developed with housing for households with incomes up to 80% median income--provided a minimum amount of housing for households with incomes up to 50% median income is included--would continue to qualify as TDR sending sites.
- Enlarge the area for qualifying Landmark sites north from Virginia Street to Denny Way.
- Eliminate transfer from Pioneer Square infill sites, from sites occupied by new housing, or from new or existing performing arts facilities (unless in Landmarks) (See attachment at Tab A.)
- Unused base density could be transferred from qualifying sites. Housing would be exempt from calculations, even on TDR sending sites. In some cases, these changes will enable more density to be transferred. In some instances, particularly on some Landmark sites, less density would be available for transfer. (See attached table at Tab B.)
- Lots providing new downtown public open space would become eligible to transfer development rights if certain provisions are met.

Committee Action 9-0

C. Increases to Base FAR

Base FAR in DOC 1, DOC 2 and DRC zones would be increased to establish a graduated range of base FAR focusing greatest density in the office core.

Committee Action
Kaplan - Bring back to FC

An additional one FAR above the base could be earned in DOC 1 and DOC 2 zones by providing certain amenities, such as short-term parking and retail uses.

Committee Action
Kaplan - Bring back to FC

D. TDR and Bonus Program: Formulas for Increasing Density

i) Executive Proposal: In certain zones, floor area above the first FAR above the base could be earned as follows:

- 75% (exactly) can be earned by transferring development rights from qualifying housing sites or by a bonus for providing housing and child care facilities to meet some portion of the additional demand created by the extra space. The bonus can be attained by building the facility or by contributing money, at a rate determined by the City, into funds for building housing and child care facilities.
- At least 5% must be earned by transferring development rights from qualifying landmark sites, if such transferable development rights (TDRs) are available. TDRs are considered to be available if there is a supply of them in the City's TDR bank, available for sale at a price no greater than the current established bonus payment. The TDRs can be purchased from the bank or from another seller.
- The additional 20% can be earned by non-housing TDR, other bonuses, or a combination.

ii) Councilmember Steinbrueck's Proposal: In DOC zones, floor area above the first FAR above the base could be earned as follows:

- The first 50% of additional floor area could be achieved by first purchasing housing TDR if available; if not, then by a bonus for creating housing and child care or making a housing/child care bonus cash contribution.
- The remaining floor area must be achieved by transfers of any kind of development rights up to the amount available. "Availability" is measured as under the Executive system. This would encourage the transfer of existing floor area capacity rather than the creation of additional density.

- If fewer TDR are available than would result in attaining maximum or desired floor area, then amenity bonus or the housing/child bonus can be used.

(Councilmember Steinbrueck's paper attached at Tab C.)

Committee Action
Moved to 7/9 Cow or FC

E. Increases to Height

Allow an increase up to 10% in Downtown Office Core 1 (DOC 1), Downtown Office Core 2 (DOC 2) and Downtown Retail Core (DRC) zones to replace the sculptured building top bonus.

Committee Action
8-0

Allow an increase in height up to 20% in the DOC1 zone and a portion of the DOC 2 zone to provide flexibility for towers; increase contingent upon provision of open space, low-scale structures, or preservation of a landmark structure on site. (See attached Map at Tab D.)

Committee Action
7

F. Downtown Mixed Commercial

The Executive proposes that developers in Downtown Mixed Commercial (DMC) be able to choose whether to earn bonuses and claim exemptions under the new system or under the existing system during Phase I.

Committee Action
8-0

3. Housing Affordability Levels

Executive Proposal: The Executive proposes that housing provided for households with incomes from 0 to 80% of median income qualify for bonus.
Alternate Proposals: Concerns have been raised about the proportion of low-income housing to be provided through the bonus. A number of different concepts have been discussed, including limiting qualifying income to 50% or less of median income and setting goals for the proportion of housing to be built at various income levels. Note: Table IV-2 of the Housing Nexus Paper (Tab 7 in Notebook) indicates how the amount to be charged per square foot relates to the demand created for housing at different income levels. (Attached paper at Tab E.)

Among other options for consideration are the following:

- Changing allocations in the table in 23.49.012, so to weight more to lower-income housing;

- Changing TDR sending site qualifications to require that a greater percentage of housing on housing TDR sites be available at rents affordable to households with lower income levels. Currently, structures on lots from which TDR may be sent must have a minimum of fifty percent of total gross floor area above grade committed to low- or low-and low-moderate income housing use for a minimum of twenty (to be changed to fifty) years; and at least one FAR must be committed to low-income housing.

Committee Action
JPL Amends – eliminate 50-80% ✓ 4-4 ? & make it 0-50% / 5 yes 4 no Hill Sanders – 6-0 ; 6-0 ;

4. Downtown Retail Core: FAR and Height Limits in General

Executive Proposal: Reduce maximum FAR from 6 to 5, recognizing the limitations of the 85-foot height limit created by the CAP measure. Permit increases in height to 150 feet for mixed-use development including residential use, retail and/or entertainment use.

Committee Action
6-0

5. Downtown Retail Core: Second Avenue Height Amendment

Executive Proposal: Allow up to 30% additional height beyond 150 feet (195 feet) along the two half blocks on the western edge of the retail core on the east side of 2nd Avenue between Pine and Union Streets. (Attached drawing at Tab F and White Paper 11.)

Committee Action
7-0

6. Council Conditional Use Authorization for Downtown Hotels

Councilmemember Nicastro proposes discussion of a proposal from the Hotel Employees and Restaurant Employees Union (HERE). Language is proposed to make downtown hotels subject to Council conditional use authorization, with eight standards to be considered in determining whether to permit them. (Attached paper at Tab G)

Committee Action
Held indefinitely

7. TDR Bank

Councilmember Steinbrueck's Proposal, co-sponsored by Councilmember Conlin and supported by the Executive: Separate legislation has been drafted to expand the current TDR Bank to enable acquisition and sale of all the kinds of TDR proposed by the amendment under discussion. In addition, the Council will also have before it a resolution directing the Executive to propose the goals, objectives, policies and procedures necessary for the bank's operation and setting out a schedule for additional steps to be taken. (Attached papers at Tabs H, I , and J.)

A number of issues are raised by the proposal:

- Authority is given to the Office of Housing to negotiate for any kind of TDR, subject to Council approval by ordinance and funding, but the decisions must be made jointly with the affected departments, e.g. Department of Neighborhoods for transactions involving Landmarks. Is this structure acceptable as an interim measure until a final proposal is adopted?

- Should the Bank be authorized to purchase both Landmark and Open Space TDR? In the absence of a fully developed structure for determining priorities for purchase and sale (to be created before the end of this year pursuant to the proposed resolution), will this authority lead to the possibility that the Council might purchase TDRs on a first-available-first-purchased basis? Is that desirable?

- The ordinance eliminates language specific to Landmark Performing Arts Theater TDRs, a category no longer recognized as distinct from other Landmark TDR under the proposed land use regulations.

- Should the Bank be authorized to purchase and sell TDRs without the need for Council approval for each transaction? If so, should limits be placed on the authority to purchase and sell?

  - Under an uncodified 1988 ordinance, the Director of Community Development was authorized to implement a TDR bank program substantially as described in an attached report. That ordinance included purported authority to purchase, lease and sell TDRs from residential structures, presumably those identified in the TDR Report referred to in that ordinance, but without specific guidelines. However, all purchase and sales have been by specific ordinance, consistent with other real property transactions. Should the 1988 ordinance be repealed, or should the authority under it be clarified or limited as discussed below? Or should authority be for purchases be limited to buying options at some limited amount per s.f., with exercise of the option to be approved by Council?

  - Both the Executive proposal and Councilmember Steinbrueck's proposal rely in part upon the concept of "available" TDR. In the Executive proposal, Landmark TDR must be purchased if "available;" Councilmember Steinbrueck proposes that "available" TDR be used in most circumstances. The proposed bank legislation states that when the City holds TDR (or only Landmark TDR, depending on the proposal selected), the Housing Director is authorized to offer and sell it to a Downtown MUP applicant "on the following terms and conditions:"

The price per square foot shall not be less than fair market value as determined by the Housing Director, and in any event not less than (a formula or set amount to be determined).

The total amount of TDRs sold for use in any one project shall not exceed (a limit to be determined) without express approval of the sale by ordinance.

The draft also would authorize a "published standing offer," which would be necessary to make TDR "available" as defined.

Staff will present suggestions for amounts and limits at the committee meeting.

Committee Action
to be separate legislation not included

8. Evaluation System

Councilmember Steinbrueck's Proposal, supported by the Executive: This proposal would create a formal reporting system on downtown housing, Landmarks, and open space goals, objectives and progress; and on the activities of the TDR Bank. The departments with responsibilities for all these programs would all join in preparing reports to the Council every four years, on the same year scheduled for adoption of a biennial budget. (Councilmember Steinbrueck's paper attached at Tab C.)

Committee Action
6-0

9. Transition Issues

Executive Proposal: A number of provisions seek to clarify transition rules, and in some cases create exceptions to generally applicable vesting rules to specifically address TDR issues. They are found in section 23.49.014 and can be summarized as follows:

- E: limiting sales of TDR from lots from which sales of TDR were made under the old program.
- F: setting out what TDR may be used by projects vested to prior rules; allowing use of previously transferred TDR subject to old rules, and use of open space TDR.

- G: addressing development rights that have not been transferred, but have qualified for transfer prior to the effective date of the new ordinance. (Attached paper).

Committee Action
6-0

10. Miscellaneous Provisions

Executive Proposal: The proposal includes consolidation of many provisions now repeated in many sections of the Downtown provisions. It is a step toward simplification of the code's organization. The proposal also repeals certain sections considered obsolete or unnecessary, changes some definitions to be consistent with proposed changes, eliminates unnecessary definitions, and adds definitions of new terms.

Committee Action
6-0

? 11) How answer Amends to Section 957 on Changes to value

Hsg component - Yes? 3 HW JN JC RL — No 3 ?

General Rules for Vesting



Projects vest when a MUP decision is issued or when a building permit application is accepted.

Vesting When Design Review is Involved



Projects vest when an application for design review early design guidance is accepted, provided that a MUP application is filed within 90 days of the early design guidance meeting. (This vested right terminates unless a building permit application is submitted within 120 days of MUP issuance.)

General Rules for Expiration of Permits/Permit Decisions/Permit Applications

Master Use Permit (MUP) Application	Applicants must make progress on meeting permit application requirements, or after 60 days are subject to cancellation.
Master Use Permit (MUP) Decision	Good for 90 days*
MUP	Good for 18 months**
Building Permit(s)	Good for 18 months***

* Can extend for "good reasons" with the Director's Approval. MUPs may be renewed for 12 month periods, not to exceed 5 years from the original date of issuance of the decision.

** Time spent resolving pending litigation is not counted against the 18 months (special rules apply when the MUP includes a variance or major phased development component).

*** Applicant must demonstrate "substantial progress" to keep the permit alive. May be renewed as long as the project can comply with current code, unless the first inspection has occurred, which vests the project.

PROPOSED CHANGES TO TDR PROVISIONS IN PIONEER SQUARE AND THE INTERNATIONAL DISTRICT

One of the goals guiding revisions to the downtown bonus and TDR provisions was to simplify the programs and make them more focussed on key City priorities. The following are changes proposed that affect Pioneer Square and the International District and the rationale behind them:

Eliminate TDR from Pioneer Square infill projects
This provision applies to a limited number of vacant (as of 1984) lots in the Pioneer Square Mixed (PSM) zone, defined by the Code to include "lots with structures subject to abatement orders on or before January 1, 1984, and surface parking lots with minor structures accessory to parking operations."

This form of TDR has never been used. Changed circumstances resulting from substantial public and private investment have improved conditions in the Pioneer Square area to the point where there is no longer as great a need for this type of TDR to stimulate new development on these sites. For TDR from infill projects to work, developers would need to propose projects built below the height and bulk limits in order to have floor area to transfer. Not building to the full extent permitted in the PSM zone runs counter to City and neighborhood goals to fully utilize available sites. Where developers are now proposing new projects in this area, they appear to be willing to build to the maximum limits allowed. If they do not, it may not be consistent with public priorities to allow development rights from these new structures to compete with use of other bonus options, including TDRs from other higher priority sending sites.

Landmark TDR
Individual structures within the Pioneer Square Preservation District are not designated as Seattle Landmarks, and therefore are not eligible to sell development rights under the current or proposed TDR provisions. Landmark TDR is intended to provide incentives for the preservation of Landmark structures in areas where they are most threatened by redevelopment pressure. The Pioneer Square Preservation District was established to create conditions that would ensure the preservation of structures within its boundaries, making them much less susceptible to redevelopment than other downtown areas. A building in an historic district receives reciprocal benefits from the preservation of the surrounding historic buildings and character of the district, so that there is less potential for a claim of an uncompensated economic burden from regulation than in the case of a standalone landmark. For similar reasons, sites occupied by landmark structures in the International District currently are not eligible as landmark TDR sending sites and are not proposed to be.

Low-income Housing TDR
The proposed provisions continue to allow TDR from existing low-income housing structures in Pioneer Square and International District zones. However, under the proposal, the option to use TDR from newly built low-income housing structures would no longer be allowed anywhere downtown. As under current regulations, available TDR from qualifying housing sites is calculated as 6 FAR less the above-grade floor area on-site. Under the proposal, there may be additional exempt floor area other than housing that would not be counted in calculating the amount available to transfer, which may benefit some sites.

In the PSM zone, a density limit of 6 FAR is established for calculating the amount of floor area available to transfer. This limit is as higher than the current base FAR used for the same calculation in the DOC 1, DOC 2 and DMC zones. Because of the relatively high density

allowed, to avoid an oversupply of available TDR from any one area of downtown, on sending sites in Pioneer Square, the floor area of a structure occupied by residential use is not exempted from the FAR calculations, and would be subtracted from the 6 FAR limit to determine the amount of floor area available to transfer, as is the current practice.

In the PSM zone, the calculation of how much can be built after a transfer still would be based on the height limits. The amount of permitted floor area is the same for both non-residential and residential use. It is assumed that when TDR is used, the development rights for commercial floor area are transferred from the site. Therefore, for a non-residential project, the floor area that could be built on the site after TDR would be the total amount allowed under the permitted height limit, less the amount of TDR sent from a site and the amount of non-exempt floor area in the structure remaining on the site. However, new residential floor area on the sending site would be exempt from FAR calculations and could be added to the structure up to the height limit.

Receiving Sites for TDR

Sites in Pioneer Square and the International District are not currently allowed, nor proposed to be allowed, to "receive" TDR from other downtown sites. The PSM zone does not have a base FAR established that can be increased through incentives like TDR. In the IDM zone, the density limit is 3 FAR for commercial uses, except for hotels, which are limited to 6 FAR; this density limit is both the base and the maximum. In general, the current density limits in these zones are intended to reflect densities compatible with existing development.

Note: Estimates are subject to change as more information becomes available.

Historic P. ervation

	Landmark Buildings	Zone	Site Size (s.f.)	CURRENT CODE Chargeable Floor Area (s.f.)	Base FAR or multiplying factor	Estimated TDR (s.f.)	PROPOSED CODE Chargeable Floor Area (s.f.)	Base FAR	Estimated TDR (s.f.)	Difference Estimated TDR (s.f.)	Notes
1	Austin A. Bell Building	DMR/R 85/65	10,302		N. of Virginia	-	-	1	10,302	10,302	
2	Barnes Building	DMR/R 85/65	4,417	19,400	N. of Virginia	-	-	1	4,417	4,417	
3	Camlin Hotel	DOC 2 300	28,800	112,711	4	2,489	112,711	5	31,289	28,800	
4	Fire Station 2	DMR/C 240/125	19,445	36,000	N. of Virginia	-	36,000	2	2,890	2,890	
5	Guiry Hotel/Schillestad Building	DMR/R 85/65	13,332	44,104	N. of Virginia	-	-	1	13,332	13,332	
6	Holyoke Building	DMC 240	26,588	126,540	8	86,164	126,540	5	6,400	(79,764)	
7	New Pacific Apartments	DMR/R 125/65	6,668	26,640	N. of Virginia	-	-	1	6,668	6,668	
8	Norway Hall	DMC 125	13,998	8,562	N. of Virginia	-	8,562	5	61,428	61,428	
9	P Patch Cottages	DMR/C 125/65	5,000	800	N. of Virginia	-	800	1	4,200	4,200	
10	Puget Sound Bank (Key Bank)	DOC 2 240	6,954	21,970	4	5,846	21,970	5	12,800	6,954	
11	Rainier Club	DOC 1 450	28,564	57,452	5	85,368	57,452	6	113,932	28,564	
12	Seattle Empire Laundry Building (66 Bell)	DMR/C	7,208	28,800	N. of Virginia	-	-	1	7,208	7,208	
13	Shafer Building/6th & Pine Building	DRC	6,476	100,000	6	-	-	3	19,428	19,428	
14	Times Square Building	DOC 2 300	14,349	69,080	4	-	69,080	5	2,665	2,665	
	Subtotal Estimated TDR (Proposed System)					**179,867**			**296,959**		
1	Josephinium	DMC 240	15,696	234,900	8	-	-	5	78,480	78,480	Housing TDR eligible
2	Leamington/Pacific Hotel and Apartments	DOC 1 450	13,318	45,500	5	21,090	-	6	79,908	58,818	Housing TDR eligible
	Subtotal Housing TDR from Landmark Buildings					**21,090**			**158,388**		
1	1411 4th Avenue Building	DRC	12,760	151,039	6	-	151,039	3	-	-	
2	Arctic Building	DOC 1 450	14,280	101,682	5	-	101,682	6	-	-	
3	Bon Marche Building	DRC	81,191	878,050	6	-	878,050	3	-	-	
4	Brooklyn Building	DOC 1 450		-	5	-		6	-	-	Within-Block Sending Site (WA Mutual)
5	Decatur Building	DRC	26,640	201,480	6	-	201,480	3	-	-	Within-Block Sending Site (6th & Pike)
6	Exchange Building	DOC 2 240	21,228	384,302	4	-	384,302	5	-	-	
7	Frederick & Nelson Building (Nordstrom)	DRC	65,485	740,171	6	-	740,171	3	-	-	
8	Great Northern Building	DRC	6,098	30,525	6	6,063	30,525	3	-	(6,063)	
9	Hoge Building	DOC 2 240	6,464	116,640	4	-	116,640	5	-	-	
10	Hull Building	DMR/R 85/65	6,652	16,800	N. of Virginia	-	16,800	1	-	-	Vacant residential
11	J.S. Graham Store/Doyle Building	DMC 240	8,958	47,310	8	24,354	47,310	5	-	(24,354)	
12	Joshua Green Building	DRC	13,313	109,264	6	-	109,264	3	-	-	
13	Liggett/4th Avenue Building	DRC	12,204	132,326	6	-	132,326	3	-	-	
14	Lyon Building	DOC 2 400	13,342	71,720	4	-	71,720	5	-	-	
15	Mann Building	DRC	13,320	39,960	6	39,960	39,960	3	-	(39,960)	
16	Moore Theater and Hotel	DMC 240	23,283	122,810	8	63,454	122,810	5	-	(63,454)	
17	Northern Bank and Trust/Seaboard Bldg	DRC	10,003	94,697	6	-	94,697	3	-	-	
18	Olympic Tower	DRC	12,214	94,453	6	-	94,453	3	-	-	
19	Olympic Warehouse and Cold Storage	DMC 160	16,804	117,932	6	-	117,932	5	-	-	
20	Terminal Sales Building	DMC 125	13,730	120,000	5	-	120,000	5	-	-	
21	Waterfront Center: Coleman Building	DMC 240	26,888	213,120	8	1,984	213,120	5	-	(1,984)	
22	Waterfront Center: Globe Building (Alexis)	DMC 240	13,315	79,200	8	27,320	79,200	5	-	(27,320)	
23	Waterfront Center: Grand Pacific/Colonial Hotel	DMC 240	16,780	133,200	8	1,040	133,200	5	-	(1,040)	
24	Waterfront Center: Hotel Cecil/Beebe Building	DMC 240	13,316	-	8	-		5	-	-	Check assessor's data
25	Waterfront Center: National Building	DMC 160	24,010	168,000	6	-	168,000	5	-	-	
26	YMCA Downtown Branch	DOC 1 450	26,658	195,120	5	-	195,120	6	-	-	Within-Block Sending Site (Madison Financial)
	Subtotal No or Minimal TDR (Proposed System)					**164,175**			-		
1	Eagles Temple Building	DOC 1 450	20,866	59,400	5	44,930	59,400	6	65,796	20,866	29,003 s.f. LPAT TDR sold; 75,997 s.f. available
2	Julie Apartments (El Rio Apt Hotel)	DMC 240	7,199	29,600	8	27,992	-	5	35,995	8,003	29,557 s.f. Housing TDR--sale pending
3	Coliseum Theater	DRC	13,067	36,504	6	41,898	36,504	3	2,697	(39,201)	Within-Block TDR (6th & Pike)
4	Paramount Theater	DOC 2 300	27,960	95,201	4	16,639	95,201	5	44,599	27,960	136,144 s.f. LPAT TDR sold
	Subtotal TDR Sold					**131,459**			**149,087**		
	TOTAL					**496,591**			**604,434**		

Note: Downtown buildings have not been surveyed; other buildings designated as landmarks in the future may have available development rights as well.

DOWNTOWN TDR/BONUS PROGRAM OPTIONS

Peter Steinbrueck
June 15, 2001

OVERALL GOAL

To create a viable TDR system that will result in landmark preservation; development of public open space; and preservation of existing below market-rate housing downtown.

The City's proposed program for transferring development rights (TDRs) would allow flexibility in moving existing density from one downtown site to another. It would enable open space, existing housing to meet affordability standards, and landmark structures to be preserved, while new buildings can exceed the base density they would otherwise be allowed. It also allows density to be transferred within a block to encourage diversity in building scale.

Two other options also enable increases in commercial floor area: certain onsite amenities and payment into a housing/child care fund. The former recognizes that addition of certain amenities to downtown, for example, hill-climb assists, enables the additional density created by new development to be more easily absorbed. The latter allows some of the demand for additional lower income housing and child-care created by new development to be paid for by that development.

If the City expects to continue a program in which more than one kind of TDR is available and possibly competing with other options for increasing floor area, a viable and effective TDR system would require four components:

1. A banking system for purchasing, holding and selling TDRs.
2. Requirements for attaining additional floor area above the base (FAR) and an allocation system.
3. A process for re-evaluating the relative importance and need for different kinds of TDRs.

Ultimately, the success of the system will depend upon achieving a relative balance in the supply of TDRs and the development demand for them over time.

1. TDR Management Bank

Goal: To enable city acquisition of TDRs at times when development is slow or inactive and demand for TDRs is low. Enable the city to manage the TDR Bank

in a way that supports the private market while allowing the most effective use of proceeds from the sale of city-owned TDRs.

An effective TDR system requires a well-capitalized TDR bank. Regardless of how tightly constrained the private market for TDRs may be (due to cyclical swings in the economy, a glut in the supply of TDRs, etc.) the system will work more effectively if there is a ready buyer for TDRs when they become available. In the absence of a bank, the private market demand would have to be encouraged, perhaps by severely limiting other options for increasing building density, or by allowing sale or use of TDRs as collateral in transactions independent of ownership of the receiving site.

Issues

The only clear mechanism for "banking" TDRs is the purchase of them by the city. Under the executive proposal, TDRs can continue to be sold to parties who do not have an interest in real estate to which they might attach. However, as history has shown, it is highly doubtful that any market for privately held TDRs will exist.

The desire to sell TDRs can happen at a time when there is no market demand. For example any of the following could occur at a time when developers are not seeking TDRs:

- A private site becomes available for a permanent park open space;
- The city wishes to develop new park or open space on public land;
- The owner of a landmark building or low-income housing has excess on-site development capacity (TDRs) that could be sold to preserve and rehabilitate the structure.

Proposal One

The purchase and sale of TDRs involves City Council approval as a real estate transaction. The TDR Bank should be established under regulations requiring the following:

- Purchase TDRs when available, based upon factors to be determined by the Council using the evaluation system described below;
- Purchase and sell TDRs at current fair market value;
- Hold TDRs indefinitely and sell when market conditions are ripe;
- Seek private funding sources for TDR Bank;
- Facilitate purchase and sale of TDRs through TDR Bank management and information service

The TDR Bank should be staffed with a manager who is responsible for record keeping, including a database inventory system of TDR availability and demand, coordination of transactions, monitoring private development plans, and other collection of information required for the evaluation system. In addition the

TDR manager shall seek sources of funding the purchase of TDRs, coordinate efforts with departments, and report to the Executive and Council.

2. Requirements for attaining floor area above the base

Goal: To create a regulatory system for administering land use and development that combines predictability, efficiency, and ease of application, while reflecting the public values and necessities placed upon affordable housing, open space, and historic preservation.

Issues:

The Executive's current proposal allows up to 75% of floor area above the base (and 1 FAR Amenities Bonus tier) to be earned by housing TDR or housing/child care bonus. The remaining 25% would be split between Landmarks TDRs (5% set aside), Open Space TDRs, or other non-housing amenities.

A number of issues are presented:

The Executive's TDR proposal serves four distinct public purposes, potentially limiting the extent to which any one of them is achieved, particularly when only a small portion of additional floor area can be earned through the use of TDR (i.e. landmarks and open space) other than from housing.

Under the executive proposal, the system does not provide a strong market for the TDRs that are being generated. For example, the Executive's analysis shows that open-space TDR alone would probably meet the demand for additional floor area for the next ten years. In fact, there is a three-to-one imbalance in the supply of TDRs, and the demand for them.

Extensive studies by acknowledged experts in this field conclude that these systems work best if they are the exclusive mechanism for earning additional floor area. If other means are available, some emphasis should be given to TDR so it will be used.

Proposal Two

Require the first 50% of additional floor area (above the base FAR and 1 FAR that can be earned through on site amenity bonus) to be achieved by first purchasing housing TDR if available, or creating the necessary housing, or making a housing/child care bonus cash contribution.The 50% remaining floor area must be earned by TDR of any kind (housing, open space, Landmark, or within-block) if available, encouraging the transfer of existing floor area capacity rather than the creation of additional density. If TDR is not available, amenity bonuses or the housing/child care bonus could be used. No more than 25% remaining may be earned by payment of the housing/child care bonus

contribution. "Availability" would be defined to mean available in the TDR bank, at a price no higher than the child/carehousing bonus. If TDRs were available, then they could be purchased from *any* source, not necessarily the city's TDR Bank.

3. A System of Re-evaluation

Goal: To maintain a system for facilitating development rights transfers that is responsive to public needs and for re-evaluating the relative importance of different kinds of TDRs.

Issues:

The public priorities for open space, housing, and historic preservation can shift as goals are achieved and new priorities warranting creation of new TDR opportunities arise.

The planning phase for major downtown buildings is about five years. If rules change to reflect differing priorities, both practical and legal (vesting) issues can result. The willingness to sell TDRs is contingent on a number of independent factors for each of the three areas. The need for money for rehabilitation and the market for TDRs may not always be in sync.

The availability of a large quantity of TDRs from a single sending site, either on the private market or in a public bank, may limit the market for a period of time, for TDRs from other sources.

Proposal Three

The proposed system would be used for a regular re-evaluation of the bonus and TDR system by the City Council. The result could be changes in the regulations governing what kinds of elements can be used to increase floor area and/or changes in the authority of the bank to make decisions as to the purchase of TDR.

The proposal provides that every four years the concerned department directors will send a report and recommendation to the Council. Among the factors to consider are the general goals for each program and objectives for the review period. These must include the Seattle Comprehensive Plan, Consolidated Plan, Inventory of Landmark Structures, and Open Space goals.

Examples of objectives might be:

- **Landmarks:** to save particular sites in greatest danger of potential demolition; to leverage funding known to be available from other sources; to complement development taking place on adjacent or nearby sites;
- **Open Space**: to save sites identified in an open space plan when they might be put up for sale; to enable development of open space complementary to other city-sponsored projects, e.g., green streets in the Denny Triangle; to enable development of open space adjacent to public projects;
- **Low-income Housing Preservation:** to leverage other funds becoming available; to take advantage of complementary public or private development.

Status Report on Goals

Analysis might include the following:

- How many housing units affordable to households of different income levels are available?
- What is the length of time for which these units are covenanted?
- Are landmark designation efforts leading to preservation of particularly desired landmarks?
- How close is the City to accomplishing its downtown Open Space Plan?

General economic conditions

Are development pressures in certain areas more likely than before to discourage preservation of housing, landmarks, or open space?
Strength of the private market for TDRs, in general and specifically for TDR sold in smaller quantities.

Current Inventory of TDRs

This could be an approximation based on information available to the city or could be based on pre-certifications of available TDR.

Language similar to the following should be considered:

> In 2004, and every four-years thereafter, the City Council will review the allocation system for allowing additional floor area to be earned by the housing/childcare bonus and by Landmark, Open Space, and Housing TDR to determine if changes are warranted to any of the components.

Reporting

The Executive will submit a report including individual reports by the Directors of the Department of Design, Construction and Land Use, the Department of Parks and Recreation, the Department of Neighborhoods, and the Office of Housing, or their successor agencies, and an overall

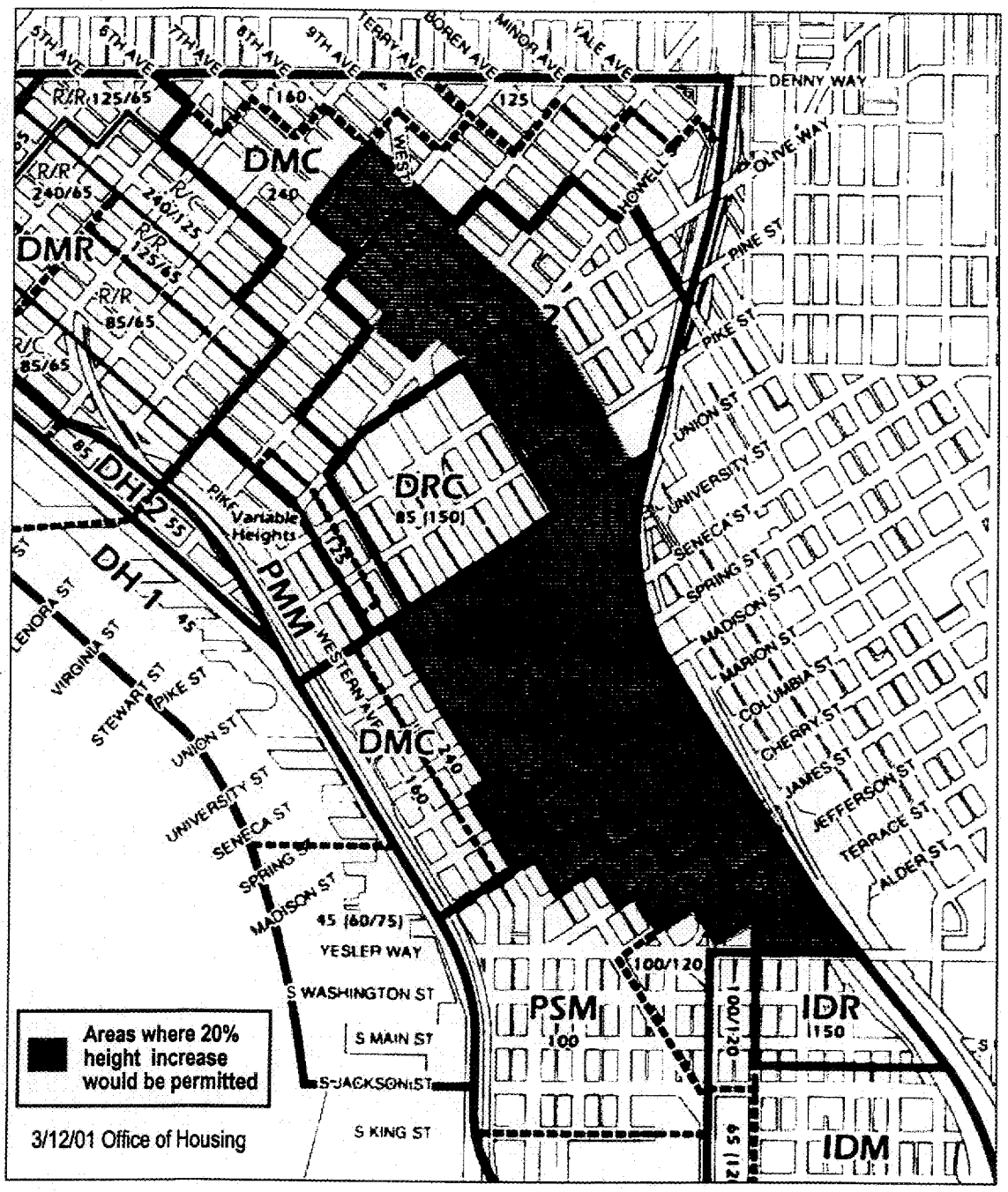
report and recommendation by the Director of the Strategic Planning Office, or its successor agency. The report should include the following components:

1. goals of the programs expected to be served by the bonus/TDR system;
2. objectives of the programs for the preceding four years and the upcoming four years;
3. an analysis of success in meeting the objectives of the preceding four years and progress toward attaining overall goals;
4. an analysis of economic and market conditions as they pertain to the effectiveness of the bonus/TDR system;
5. an inventory of TDR available in the TDR bank, TDR known to be available on the private market, and an estimate of total TDR potentially available;
6. information concerning other programs and funding sources that could achieve the program objectives in addition to the bonus/TDR program.

The Council will consider the recommendation of the Executive and the information in the report and determine whether the system should remain the same, or whether the Land Use Code should be amended to change the components of the system and /or their proportions.

* * *

Proposed Height Increases



City of Seattle
Paul Schell, Mayor

Executive Department - Office of Housing
Cynthia A. Parker, Director

MEMORANDUM

June 22, 2001

TO: Council President, Margaret Pageler
Councilmember, Jim Compton
Councilmember, Richard Conlin
Councilmember, Jan Drago
Councilmember, Nick Licata
Councilmember, Richard McIver
Councilmember, Judy Nicastro
Councilmember, Peter Steinbrueck
Councilmember, Heidi Wills

FROM: Cynthia A. Parker

SUBJECT: TDR/Bonus Programs – Housing Goals, Affordability Targets, and significance of Bonus Contribution amount

Questions have been raised by Councilmembers during the course of the TDR/Bonus Program review regarding affordability of Downtown housing:

- What are the City's affordability goals for Downtown?
- What affordability categories do current Downtown units fall into??
- Should we begin looking beyond current Downtown boundaries to the "Center City" area?
- What affordability levels should TDR/Bonus programs target in the future?

The purpose of this memo is to provide background information and comment on those questions.

A. Downtown Housing Goals:

- Seattle's 1985 Downtown Plan set a goal of maintaining 7,311 units of housing in the Downtown for people with income at or below 50% of median.

Alaska Building, 618 Second Avenue, 8th Floor, Seattle, WA 98104
Tel: (206) 684-0721, TDD: (206) 684-0274, Fax: (206) 233-7117, M/S 15-08-01
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- Seattle's current Downtown housing affordability goals are laid out in two documents: the 1994 Seattle Comprehensive Plan (containing general statements) and the Downtown Urban Center Neighborhood Plan (containing numerical targets). The Downtown Urban Center Neighborhood Plan included specific affordability targets shown below. These targets are numbers of units to have available by 2014:

AFFORDABILITY CATEGORY	2014	
0 – 50% median	9,180	(34%)
51% - 80% median	6,750	(25%)
81%+ median	11,070	(41%)
TOTAL:	27,000	

B. Current Downtown unit counts

- We have adopted a new counting methodology in attempts to arrive at an accurate count:
  - Patty Dupre of Dupre+Scott has provided affordability information on Downtown market rate units (data from the Dupre+Scott annual survey);
  - Subsidized unit information is from OH data.

- Current unit counts:

AFFORDABILITY CATEGORY	COUNTS	
0 – 50% median	6,794	(45%)
50 – 80% median	2,219	(15%)
81%+ median	6,086	(40%)
TOTAL	15,099	

- To confirm accuracy of the Downtown subsidized housing count; OH will be performing a building-by-building survey, to be complete by the end of August.

- The number of subsidized units Downtown has gone up dramatically:
  - 3,185 units were subsidized in 1985;
  - 6,231 units are currently subsidized (about 41% of current Downtown housing units), nearly a 100% increase.

- The number of subsidized units in the City as a whole has gone up dramatically:
  - About 8,000 units were subsidized in 1985;
  - Over 26,000 units are currently subsidized, a 225% increase

C. "Center City" area

- Many times during the last 18 months, as we have been reviewing TDR/Bonus issues, Councilmembers and others involved in the process have asked if our current Downtown boundary should be expanded. Should housing preserved or built under TDR/Bonus programs be limited to the Downtown boundary established for the 1985 Downtown Plan?? Should TDR/Bonus program elements be extended to adjacent neighborhoods??

- Increasingly, we are looking to a "Center City" area for future planning purposes. Slightly different boundary variations are under discussion, but generally an expanded boundary would include these expanded areas:

  Lower Queen Anne
  South Lake Union
  SW Capitol Hill
  Pike-Pine
  First Hill
  ID east to Rainier
  Dearborn south to Holgate

- We plan to explore expansion of TDR/Bonus elements to the larger Center City over the next 12 to 24 months.

- We will be working over the next few months to develop and confirm accuracy of Center City housing unit counts and affordability levels.

D. TDR/Bonus Program Affordability Targets

- **TDR Program History**
  - TDR housing target was set at 50% or less of median income in 1985.
  - Council ordinance 119484, adopted in May, 1999, changed TDR affordability: one FAR at a minimum within a building containing housing affordable at 50% of median or below – rest of housing can go to 80% of median.
  - 1999 change was in response to the Downtown Urban Core Planning Group (DUCPG) work and recommendations.

- **Bonus Program History**
  - Bonus program housing target was set at 150% of median income in 1985 (Bonus Program was seen as way to achieve moderate income housing Downtown).

  - Bonus program target was changed in 1989 to reduce the maximum income eligible for Bonus units from 150 % of median to 80%; in addition, commercial developers using the housing Bonus options have to

earn at least half their "credits" through provision of housing at 50% of median or below---half through housing at 80% of median or below.

- **Executive package leaves affordability targets at current levels; the TDR/Bonus Advisory Committee agreed: no change needed.**

- **Reasons for no change:**
  - Jobs/Housing Nexus analysis estimates number of new Downtown workers that will likely require housing at low-income (defined as 80% of median or less) rent levels. The Nexus analysis identifies number of units by affordability levels shown below, and breaks the housing portion of the proposed Bonus Contribution amount down into sub-amounts:

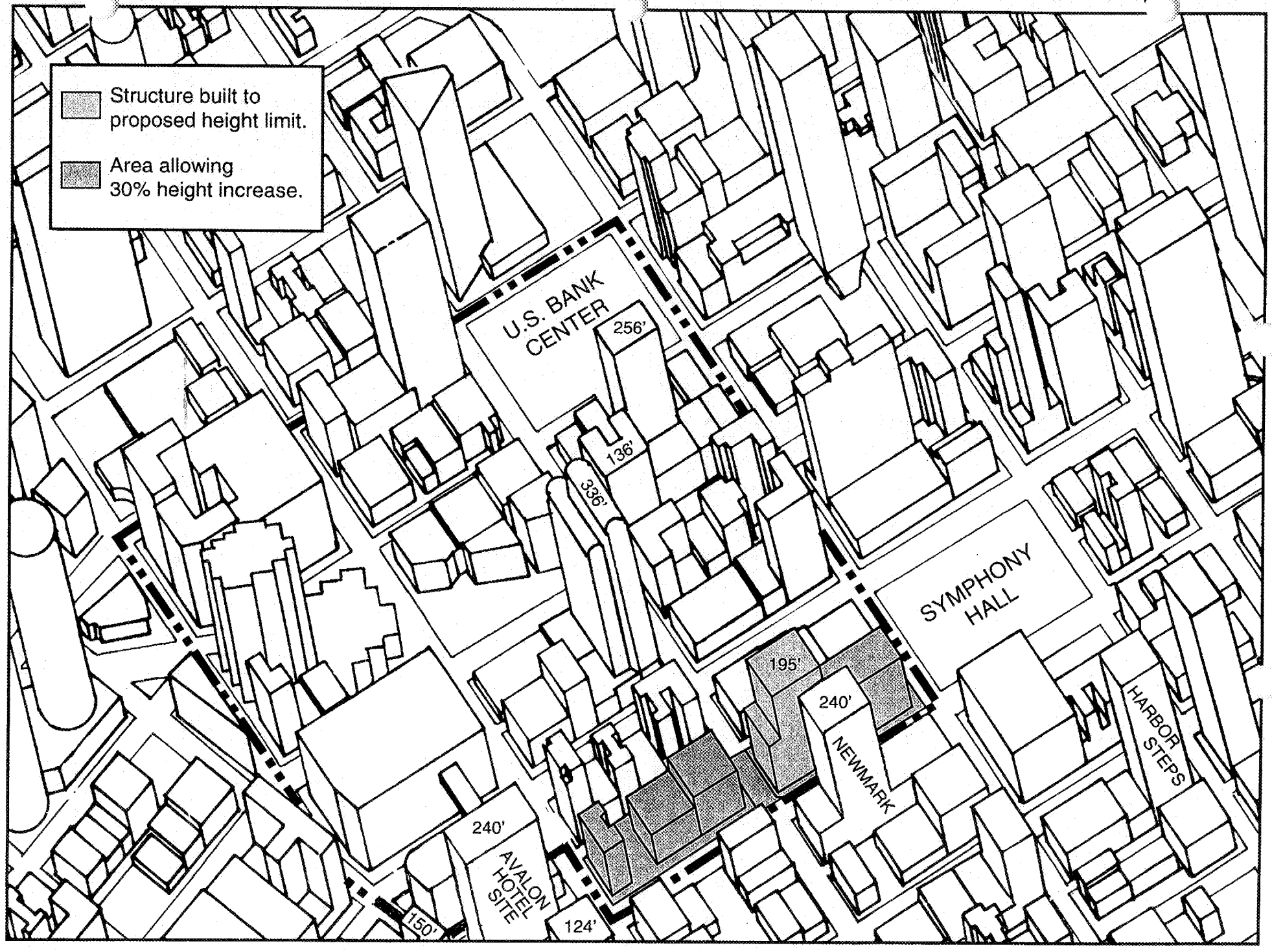
Affordability Levels	Bonus Value
0-30% Median	$3.20
30-50%	$9.28
50-80%	$6.27
Total:	$18.75

The critical point to recognize here is that these amounts cannot arbitrarily be moved between categories. A desire to produce more housing in one of the affordability categories cannot be done by shifting dollars from another category. What would happen instead is less money would be available in the category where less housing may be desired, reducing the overall Bonus Contribution amount.

To explain further: The Bonus values for each income category are established using the City's Jobs Housing Nexus Analysis. Thus, the Bonus value for the 50-80% income category (about $6.27/s.f.) is established based upon the housing needs *for that specific income category* generated by new Downtown office development. Similarly, the Bonus values for the 0-50% income ranges are based upon the nexus analysis for those income categories. Because a nexus must be established to support any such payment, it is not possible simply to eliminate one income category (e.g., the 50-80% category) and reallocate its bonus value to the other categories. The $6.27/s.f. set for the 50-80% category is based on a unique analysis relating to the housing needs of that group generated by new Downtown office development. If the bonus/TDR is not permitted to serve the 50-80% category, then the $6.27/s.f. amount must simply be deducted from the gross bonus value, leaving a final bonus value of $15.73/s.f. or less.

- DUCPG recommends affordability targets at the 0 to 80% range.

- Over the last 15 years, the City has helped double the number of subsidized units Downtown from 3,185 in 1985 to 6,231 in 2001. We believe continuing the City's strong commitment to Downtown housing can boost the subsidized stock by another 3,000 units over the next 12 to 13 years, to enable us to meet our 2014 Comprehensive/Neighborhood Plan targets in the 0 to 50% median category.



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Legislative Department
Seattle City Council
Memorandum

Date: June 21, 2001

To: Committee of the Whole

From: Joyce C. Kling

Subject: Conditional Use for hotels in downtown zones

SUMMARY

The Hotel Employees and Restaurant Employees Union's (HERE) proposal to make downtown hotels a Council conditional use raises a number of questions.

- Although likely consistent with the Comprehensive Plan, the proposal does raise a potential question of consistency, at least for DOC-1.
- The proposal has criteria unlike those for any other conditional uses now in the code in that the investigation does not center upon the land use impacts of a high-intensity use (e.g., heliport, jail) or the usurpation of commercial or industrial land for other purposes, but rather upon the impact of low-income employees upon the demand for housing, childcare and other services; and the track record of the operator.
- Although downtown hotel development is different from other kinds of development in many respects, the proposal would create possible precedent, since other uses also employ disproportionate numbers of workers at lower incomes, and proposals to make these conditional uses might follow.
- San Francisco's ordinance, which served as a starting point for this proposal, is different from that proposed. The regulatory system is unlike Seattle's.
- Some of the proposed standards raise practical and legal considerations.

PROPOSAL

The Hotel Employees and Restaurant Employees Union (HERE) has requested an amendment to the proposed Downtown Land Use Code amendments to make new hotel development subject to a Council conditional use procedure. HERE proposes the following language:

> Lodging uses may be permitted as Council conditional uses, based on the following criteria.
>
> 1. Lodging uses shall be subject to all of the existing height, density, and approval criteria governing other commercial uses in the downtown zone.
> 2. The degree to which the applicant presents a plan for the project that will likely lead to the creation of quality, living-wage, stable and full-time permanent jobs for residents of the City of Seattle, generally, and of nearby neighborhoods, in particular;
> 3. The track record of the proposed lodging use operator and the proposed developer in meeting commitments to local agencies, community-based organizations and employees in other locations;
> 4. The degree to which any potential adverse effect that might result from the lodging use project (including the costs of meeting the increased demand for public health care, child care, public transportation, affordable housing and social services) will be mitigated; and

CONSISTENCY WITH EXISTING LAND USE CODE PROVISIONS

The Land Use Code classifies very few private sector uses as Council Conditional Uses. A number of public uses are permitted by Council conditional use, for example, jails downtown. Most of these uses are permitted outright in some zones but are allowed only following Council approval in others.

- *Single Family*—Planned residential development and communication utilities
- *Commercial*—Transit vehicle bases, helistops, major communication utilities, work release centers.
- *Various Downtown zones*—Helistops and heliports.
- *Industrial zones*—Helistops and heliports, airports, power plants, sewage treatment plants, solid waste incineration facilities

There are many more administrative conditional uses. In residential zones, institutional uses and other nonresidential uses are permitted only by conditional use; in multifamily zones, institutional uses not meeting development standards set out in the code can be permitted by conditional use. In commercial zones, the list of administrative conditional uses (which varies among the five zones) includes fast food restaurant, taverns, brewpubs, and single-purpose residential structures. In downtown zones, certain parking uses, bonuses for major performing arts theaters and major retail stores, and certain rooftop features may be allowed. In industrial zones the uses include heavy manufacturing, medical services, fast food restaurants, lodging, transit vehicle bases, major communications utilities, solid waste transfer stations, hospitals, park and ride lots, and residential uses.

The standards for review of conditional uses address primarily impacts upon properties in the area. A second category of standard in commercial and industrial zones addresses the concern that non-commercial or non-industrial uses not usurp scarce commercial and industrial land. Very few address other issues. A few examples follow:

- Use of landmark structures for uses other than those allowed in residential zones requires a showing that "uses permitted in the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in reasonably good physical condition."

- Structures unsuited to uses permitted outright may be put to uses not permitted in single family zones if, among other things, "the proposed use will provide a public benefit."

- Artist's studio dwellings can be allowed in industrial zones when "the nature of the artist's work shall be such that there is a genuine need for the space."

- Lodging uses are allowed in industrial zones if "designed primarily to serve users in the industrial area."

- Work release centers must demonstrate the extent to which the applicant has demonstrated that the facility can be made secure; the applicant must submit a security plan.

A number of the standards in the proposal are unlike any others in the Land Use Code, particularly those addressed to the operator of the use, rather than the use itself.

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5. The track record of the proposed lodging use operator and the proposed developer regarding compliance with local, state and federal discrimination, wage and hour, disability and occupational and environmental health and safety laws, and local and state labor relations and employment laws, and its track record in dealings with its employees and their representatives at other locations;
6. The impact of the employees of the lodging use on the demand in the City for housing, public transit, childcare, and other social services. To the extent relevant, the Council shall also consider the seasonal and part-time nature of employment in the lodging use;
7. The measures that will be taken by the project sponsor to employ residents of Seattle in order to minimize increased demand for regional transportation; and
8. The market demand for lodging uses of the type proposed.

ISSUES

CONSISTENCY WITH THE COMPREHENSIVE PLAN

In general, Comprehensive Plan policies encourage a mix of activity downtown, seek to restrict or prohibit uses that are not compatible with the desired character and function of specific areas, and encourage employment opportunities. LUP4 is the only one specifically referring to hotels, as one of the uses to be accommodated in the Downtown Office Core 1 (DOC-1) zone. LUP 2 calls for restriction of uses not compatible with the desired character and function of specific areas, suggesting that uses that are compatible should not be so restricted. Following are a few pertinent policies:

> DT G2 Encourage economic development activities consistent with the comprehensive Plan to attract and retain businesses and to expand employment and training opportunities for Seattle area residents.
>
> DT LUP2 Allow a wide range of uses downtown, consistent with the goals to maintain downtown's regional importance, create a strong residential community, improve the physical environment and add activity and diversity to the areas of varied character. *Restrict or prohibit uses that are not compatible with the desired character and function of specific areas.*
>
> DT LUP4
> The DOC-1 land use district is intended to:. . .accommodate other uses, including housing, retail, **hotels** and cultural and entertainment facilities, that complement the primary office function while adding diversity and activity beyond the working day.
>
> The DOC-2 land use district is intended to: . . .accommodate a mix of other activities, in addition to primary office use, to add diversity, particularly beyond the hours of the normal working day, while providing for scale and density transitions to adjacent areas.
>
> DT-EP2 Seek to expand employment, training and placement opportunities for Seattle residents with the objectives of: 1)expanding opportunities to target employment population; 2) providing a mechanism for the coordination and funding of training and referral programs.
> . . .

CONSISTENCY WITH EXISTING LAND USE CODE PROVISIONS

The Land Use Code classifies very few private sector uses as Council Conditional Uses. A number of public uses are permitted by Council conditional use, for example, jails downtown. Most of these uses are permitted outright in some zones but are allowed only following Council approval in others.

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The standards for review of conditional uses address primarily impacts upon properties in the area. A second category of standard in commercial and industrial zones addresses the concern that non-commercial or non-industrial uses not usurp scarce commercial and industrial land. Very few address other issues. A few examples follow:

- Use of landmark structures for uses other than those allowed in residential zones requires a showing that "uses permitted in the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in reasonably good physical condition."

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A number of the standards in the proposal are unlike any others in the Land Use Code, particularly those addressed to the operator of the use, rather than the use itself.

POTENTIAL PRECEDENT

The questions presented are twofold:

1. what factors, if any, distinguish downtown hotels sufficiently to support a distinct set of regulations for them;
2. whether similar factors would support similar regulations for other kinds of uses in other zones.

The proposal is made because hotel workers as an occupational group are among the lowest paid, and data presented by the union suggest that hotel workers rely upon subsidized housing and other public services to enable them to live within the city and care for their families. Data for workers in service industries sustain that position. According to state occupational employment statistics released in January 2001, maids and housekeeping cleaners in King County earned an average annual wage of $16,610; baggage porters and bellhops, $13,600; concierges, $19,730. Unlike other kinds of developments in downtown in which separately operated uses lease space in one building (offices, banks, restaurants, retail stores) hotels downtown tend to be large, single-purpose uses. Thus, the combination of factors is unique for most downtown locations.

Food service workers also earn incomes at the lower end of the service category. (e.g., hosts and hostesses, $14,940; food preparation and serving workers, $13,700; short order cooks, $19,570; fast food cooks, $13,120 dining room attendants, $13,100; dishwashers, $15,940; waiters and waitresses, $12,660). Child care workers earn an average $16,340. Veterinary assistants average $16,560. Ushers, lobby attendants, and ticket takers average $13,980.

If low industry wages are an argument for special review of development proposals, then restaurants, certain animal service uses, child care facilities, and motion picture theaters would also be appropriate uses for separate consideration. It could be urged, especially in zones other than downtown, that these uses also can have substantial land use impacts, comparable to the relative impact of a new downtown hotel in its location, and ought to undergo additional scrutiny.

There is thus some potential precedential effect from enacting the kind of regulation requested here.

SAN FRANCISCO'S PROVISION

Code Provisions

San Francisco requires conditional use authorization for hotels. The Planning Commission, not the city legislative body, grants the authorization. The general standards are the following:

The use

- Provides a development that is necessary or desirable for, and compatible with, the neighborhood or the community,
- Will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the nature of the proposed site, pedestrian access, traffic, parking, and loading, safeguards afforded to prevent offensive emissions, and the treatment of landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs, and
- Complies with the Planning Code and will not adversely affect the General Plan.

The San Francisco Code also has three specific criteria for hotels:

- The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child care, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel.
- The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation.
- The market demand for a hotel or motel of the type proposed.

Application of Provisions

In a recent case, the Planning Commission applied these criteria, concluding and conditioning as follows:

- Housing: The applicant would implement a program to encourage hiring San Francisco residents. The Commission determined that the overall impact on housing, even if a significant number of the employees were to move into the City, would be minimal. A portion of the Transient Occupancy Tax in San Francisco is devoted to affordable housing; thus, about $99,430 would be generated each year for the housing fund (of the $2.8 million annual tax expected to be paid by the hotel.)
- Transit: The overall project would have only a minor impact on transit service
- Child care: The sponsor paid a fee in lieu of providing a child care facility.
- Other social services: The hotel would provide new employment for some currently unemployed workers, and possibly increase hours and income for others, which may have some positive impact on existing needs for social services. The Transient occupancy Tax would also general substantial revenue for the general fund.
- Measures to employ San Francisco residents to minimize increased demand for regional transportation: The sponsor agreed to implement and monitor a local hiring program.
- Market demand: It is reasonable to assume that growth in tourism would translate into strong market demand.

The conditions to the permit state that the project sponsor volunteered to implement and monitor a local hiring program, and required participation in a "First Source Hiring Program" being developed by the city. The conditions also state that the project sponsor agreed that the hotel operations would be subject to the City card check legislation in the same manner as if the City had a proprietary interest in the project. (San Francisco generally requires a hotel owner to agree to a "card check" procedure for determining whether employees desire union representation, when the city has a proprietary interest in a hotel, such as when it is on leased city property.)

The San Francisco system differs from Seattle's. In Seattle, a Council conditional use is considered through a quasi-judicial procedure. In San Francisco, the Planning Commission, a Charter body composed of Mayoral appointees, holds public hearings and decides conditional use applications, subject to appeal to the Board of Supervisors (legislative body), which may overturn a decision by a 2/3 vote. In Seattle, the final determination by the Council must be based solely on the record made by the Hearing Examiner, who in turn must base his or her recommendation upon the record made at the hearing. Ex parte contacts with officials acting in a quasi-judicial capacity are limited.

PROPOSED CRITERIA

The standards proposed for Seattle raise a number of questions.

- *Lodging uses shall be subject to all of the existing height, density, and approval criteria governing other commercial uses in the downtown zone.*

Hotels are not now subject to all the requirements that apply to office buildings. For example, there is no open space requirement for hotels. With clarification of this issue, the proposed criterion would present no issues.

- *The degree to which the applicant presents a plan for the project that will likely lead to the creation of quality, living-wage, stable and full-time permanent jobs for residents of the City of Seattle, generally, and of nearby neighborhoods, in particular;*

This criterion would require an evaluation of jobs rather than land use impacts, and would require standards of quality, "living-wage," and stability. It raises a question whether it is appropriate to look at employment for city residents in an area intended to be a regional center. It leaves open to what extent a "plan" would become a binding set of conditions, requiring DCLU monitoring of employment conditions at the hotel.

- *The track record of the proposed lodging use operator and the proposed developer in meeting commitments to local agencies, community-based organizations and employees in other locations;*

This would require obtaining substantial information about the developer's past practices and being able to evaluate them against commitments to a variety of groups in other cities. This level of fact-finding and interpretation would be highly unusual. This and the fifth criterion also raise the question, whether the identity of the operator (and even of its corporate parent or controlling interests) would become a condition of the permit, and how changes in operator or control would be reviewed or permitted.

- *The degree to which any potential adverse effect that might result from the lodging use project (including the costs of meeting the increased demand for public health care, child care, public transportation, affordable housing and social services) will be mitigated; and*

A number of these items are subject to SEPA review. Insofar as some have been evaluated in the nexus reports, it appears that the impacts of hotels on housing and child care are not so great, per square foot of developed space, as the impacts of office buildings. This is because of the lower density of employees per square foot in hotels. Some of the assumptions in the reports are admittedly conservative as to the impacts of hotels, and more refined analysis might show greater impacts. The general approach of the proposed ordinance is to use the quantified impacts of high-density office and hotel development on affordable housing and child care needs Downtown as the basis for conditions on bonus floor area set by formula, while recognizing that there will be impacts, from development up to the base zoning, that will be borne by the public generally, as in the case of development in other zones. The conditional use proposal would take a different approach for hotels downtown: the Council would undertake analysis of a wide range of impacts on the entire City for each specific proposal, even if it were limited to the base zoning (which might mean a less dense hotel than would be permitted outright in another zone).

- *The track record of the proposed lodging use operator and the proposed developer regarding compliance with local, state and federal discrimination, wage and hour, disability and occupational and environmental health and safety laws, and local and state labor relations and employment laws, and its track record in dealings with its employees and their representatives at other locations.*

This criterion presents both practical issues with implementation, that is, gathering and interpreting the necessary information, and a number of legal questions as well.

- *The impact of the employees of the lodging use on the demand in the City for housing, public transit, childcare, and other social services. To the extent relevant, the Council shall also consider the seasonal and part-time nature of employment in the lodging use;*

This raises considerations similar to those discussed above.

- *The measures that will be taken by the project sponsor to employ residents of Seattle in order to minimize increased demand for regional transportation; and*

Transportation demand is an appropriate subject for SEPA review. Whether it is appropriate to seek measures to limit employment in the downtown regional center to Seattle employees is a question here, as earlier. Any substantive conditions of this nature could raise legal issues.

- *The market demand for lodging uses of the type proposed.*

It is unclear what the purpose of this provision would be.

Concept Paper

Expansion of the TDR Bank: Objectives and Issues

June 21, 2001

Introduction

Successful implementation of the City of Seattle's Transfer of Development Rights (TDR) program has required creation of the TDR Bank. The city created the TDR Bank in 1988 in anticipation of a dramatic downturn in the commercial development cycle. In the absence of demand by commercial developers, the Bank serves as an intermediary by purchasing TDRs and holding them for resale at a later date.

Initially, the TDR Bank was set up to facilitate preservation of affordable housing in Downtown Seattle. The focus has changed over the years to accommodate several large-scale high-priority projects: renovations of the Eagles and Paramount theaters and construction of Benaroya Symphony Hall. The Executive is proposing that landmark preservation and creation of new open space be added as TDR Bank objectives. Affordable housing would remain as a TDR Bank objective; the special theater provisions would be removed. The TDR Bank should serve as an intermediary for sale and purchase of all kinds of TDR established by law.

Outlined in this paper is information to assist in the process of redesigning the TDR Bank:

- **TDR Bank Facts**
- **TDR Bank Administration**
- **TDR Supply and Demand**
- **TDR Bank Objectives**
- **TDR Bank Issues**

TDR Bank Facts

Legislative History		
Year	**Ordinance #**	**Action**
1988	114029	❑ Created TDR Bank Program; Authorized acquisition and sale of Housing TDRs
1993	116513	❑ Authorized and granted priority for city purchase of TDRs for Landmark Performing Arts Theaters (LPAT TDRs)
1995	117954	❑ Authorized City Purchase of TDRs from Major Performing Arts Facilities (MPAF TDRs)
1998	119051	❑ Amended agreement with Seattle Symphony Orchestra; granted priority of sale of MPAF TDRs over other TDRs owned by the City

City Appropriations History	
	Action
Housing TDR = $1,125,000 June 1988 #114029 November 1989 #114800	❑ Initial appropriation of $900,000 from Cumulative Reserve Fund for acquisition and sale of Housing TDRs ❑ Budget for FY 1990 included an additional $225,000 for the TDR Bank Program
Landmark Performing Arts Theater (LPAT) TDR = $3,100,000 October 1994 #117342	❑ Transferred $3.1 million from undesignated and unreserved balance in the General Fund to a new Development Rights Fund for the City purchase of LPAT TDRs
Major Performing Arts Facility(MPAF) TDR =$5,000,000 April 1996 #118112	❑ Amendments to agreement with Seattle Symphony Orchestra executed in June 1996 pursuant to April ordinance committing City funding for Benaroya Hall construction costs; proceeds of sale by City of MPAF TDRs to be used to pay down the debt

Current TDR Bank Balances (See attached for more detail)	
Fund Balance:	$4,775
Square Feet Balance:	TOTAL = 248,439 s.f. ▫ 109,842 s.f. MPAF TDR ▫ 18,190 s.f. Housing TDR ▫ 88,252 s.f. Housing TDR once Devonshire, Julie Apartments, and ID Village Square transactions are complete (all have been approved by City Council)

Program Accomplishments (1988-present)

- Housing ($3.2 million)
  - 9 projects with 429 TDR-regulated low-income units have been preserved through the TDR Bank Program---all 9 projects required City funding in addition to proceeds from TDR sales
  - Per unit subsidy ranges from $2,000-13,700
  - Affordability breakdown: 157 units @ 0-30% of median income and 272 units @ 31-50% of median income
- Landmark Performing Arts Theaters ($3.1 million)
  - Paramount Theater
  - Eagles Auditorium
- Major Performing Arts Facilities ($5 million)
  - Benaroya Symphony Hall

TDR Bank Sales (1988-present)

- In past 13 years, the City has transacted 2 cash TDR Bank sales to commercial developers
  - W Hotel (September 1996): 130,012 square feet of LPAT and Housing TDRs for $1,471,653 and public benefits provided by the W Hotel (detail attached)
  - Madison Financial (August 1999): 313,158 square feet of MPAF TDRs for $4,055,396 and 58,460 square feet of Housing TDRs for $757,057
- The City also sold 119,368 square feet of LPAT TDRs to the YMCA in consideration for public benefits (August 1998). The YMCA then re-sold these TDRs to developers of the Nordstom Office Tower and Millenium Tower and used the combined proceeds of $1,468,226 to renovate the historic YMCA building.

TDR Bank Administration

The Office of Housing (OH) has administered the TDR Bank since its inception in 1988. Administration has been coordinated with:

- Department of Design, Construction and Land Use --- lead Department on the Downtown Land Use Code;
- Department of Neighborhoods and Landmark Preservation Board --- for LPAT TDR transactions;
- Finance Department --- for MPAF TDR transactions

All TDR Bank transactions are approved by City Council via ordinance.

Primary OH administrative responsibilities include:

- Holding pre-application conferences with potential sending and receiving site developers;
- Accepting and reviewing applications from sending site projects;
- Certifying project eligibility---identifying conditions to participation in the TDR program;
- Preparing TDR legislation for Council consideration;
- Completing TDR Performance Agreements and other related legal documents;
- Ongoing Asset Management project tracking;
- Tracking Downtown commercial development activity.

Administration of the TDR and Bonus Programs requires approximately 1 FTE total administrative capacity --- the TDR Bank constitutes about ½ of that, or 0.5 FTE.

TDR Demand and Supply Estimates (Under Executive Proposal)

DEMAND for TDR and Bonus Credits (S.F. shown below are estimates for what commercial developers are likely to need over the next 10 years---s.f. could be gained through TDR or Bonus)

VESTED: 370,000 s.f. (Estimated s.f. above base for projects vested under current code---projects coming in under current code provisions)

NEW: 1,050,951 s.f. (75% Housing = 788,213; 25% Other = 262,938)

SUPPLY: Currently in TDR Bank = 248,439 s.f.

SUPPLY: Potential HOUSING TDR = 1,600,000 s.f. (approximately)

By Square Footage and Building Ownership

	1K-9,999 sf	10k-19,999 sf	20K-29,999 sf	30K-39,999 sf	40K-49,999 sf	50K-59,999 sf	60K-79,999 sf	Total Buildings
Subsidized Nonprofit	8	5	3	3	0	4	1	24
Subsidized For-Profit	9	7	1	1	0	0	0	18
Unsubsidized For-Profit	8	14	7	3	2	0	3	37
Total Buildings	25	26	11	7	2	4	4	79

- 62 of the 79 buildings (78%) have less than 30,000 s.f. of development rights to sell
- Historically, 9 of the 13 TDR housing projects have had <30,000 s.f. to sell; overall, about 27% of total City funding required for TDR housing projects has come from TDR sale---typically, City identifies TDR availability during project funding review cycles and TDR proceeds becomes one fund source among others the City ends up providing.

SUPPLY: Potential Landmark TDR = 300,000 s.f. (approximately)								
By Square Footage and Building Ownership								
	1K-9,999sf	10K-19,999sf	20K-29,999sf	30K-39,999sf	40K-49,999sf	50K-59,999sf	60K-115,000 sf	Total Buildings
City owned	2							2
Privately Owned	5	4		1			2	12
Total Buildings	7	4	0	1	0	0	2	14

SUPPLY: Open Space TDR = 1,100,000 s.f. (approximately)

Projects below have been mentioned during the past year:

- Olympic Sculpture Park =271,390 s.f.
- Civic Center PSB Site =191,033 s.f. (2/3 block open space)
- Civic Center City Hall Site =147,228 s.f.
- Westlake Circle =107,285 s.f.
- Olive/Howell Triangle =359,240 s.f.

1,076,176 s.f.

TDR Issues For Analysis

1. Address Timing Issues

Use TDR Bank funding to purchase TDRs from sending sites and hold for resale at a later time to commercial developers. The TDR Bank bridges the gap that typically exists between when a sending site needs financing and demand among commercial developers for TDR. Theoretically, this can range from less than a year (in cases where development schedules do not coincide precisely) to several years (during slow portion of commercial development cycle.

2. Pricing based on market conditions

TDR transactions---the buying and selling of TDR's---should be based on prices that reflect market factors. TDR Bank administrators must track those market factors and set purchase and sale prices accordingly.

3. Seek TDR Bank funding from non-City sources

Until now the City has been the sole source of funding for initial TDR Bank purchases. Other fund sources should be sought to help with TDR purchases. Proceeds from TDR Bank sales would be recycled for future TDR purchases.

4. Meet priority housing, landmark preservation, and open-space needs/objectives

Housing, landmark preservation and open-space objectives should be set and outcomes monitored. These objectives should be tied to TDR Bank support, and results periodically reviewed by the Mayor and City Council.

Every four years the Mayor should send to City Council a report that includes the following:

- Goals of the programs expected to be served by the TDR/Bonus system;
- Objectives of the programs for the preceding four years and the upcoming four years;
- An analysis of success in meeting the objectives of the preceding four years and progress toward attaining overall goals;
- An analysis of economic and market conditions as they pertain to the effectiveness of the TDR/Bonus system;
- An inventory of TDR available in the TDR Bank, TDR known to be available on the private market, and an estimate of total TDR potentially available;
- Information concerning other programs and funding sources that could achieve the program objectives in addition to the TDR/Bonus program;
- Recommendations for program changes, if appropriate.

TDR Bank Issues: Issues / Options to explore further

1. Who administers the TDR Bank: City vs. Nonprofit??

The City will need to oversee certain TDR Bank functions:

- Setting TDR Bank goals and objectives.
- Reviewing TDR Bank progress.
- Make program changes as part of larger TDR/Bonus program oversight/administration.

Other TDR Bank administrative responsibilities could be performed by a City Department, or contracted out to a Nonprofit entity---these responsibilities include:

- Tracking potential TDR sending sites and status of commercial projects that could be TDR receiving sites.
- Maintain transaction records.
- Facilitate transactions to further City-established goals and objectives.
- Seek non-City funding for TDR purchase.
- Periodically report on TDR Bank status.

Issues to explore further:

- Should the City or a Nonprofit perform activities listed above??
- Who would likely do the best job of attracting resources to enable TDR purchase during slower commercial development market??
- Administrative cost difference??
- What are Council approvals required if outside entity buys and sells TDR??
- Are funds for each TDR type held in separate accounts and tracked separately, or is a single account used, with funds available to purchase any type of TDR

2. Bank Funding: How much is needed when??

Issues to explore further:

- Identify TDR/Bonus objectives for next 3 to 4 year period---housing objectives; landmark preservation objectives, open space objectives.
- Determine Bank funding and policies needed to help achieve objectives---explore possible fund sources; in particular, explore hto interest philanthropic community in helping to achieve goals/objectives.

MPAF = Major Performing Arts Facility (Benaroya Hall) **L** = Landmark
LPAT = Landmark Performing Arts Theater **LIH** = Low-Income Housing

--- = low-income housing produced but units not reflected to prevent doublecounting due to multiple transactions involvings TDRs from the same sending site

Completed Transactions

Owner	Sending Site	Regulated Units	TDR/Bonus Type	Amount	Owner	Receiving Site	Price	Cost per SF	Date	
DIRECT LINKAGES										
909 4th YMCA Limited Partnership	YMCA Renovation	---	LPAT	41,608 sf	Nordstrom Clise	Nordstrom Office Tower	$ 511,778	$ 12.30	Dec-99	
Seattle-Chinatown International District PDA	ID Village Square Phase I	75	LIH	40,367 sf	Nordstrom Clise	Nordstrom Office Tower	$ 496,514	$ 12.30	Dec-99	
909 4th YMCA Limited Partnership	YMCA Renovation	---	LPAT	77,760 sf	HA L.L.C. (Martin Smith)	Millenium Tower	$ 956,448	$ 12.30	May-99	
HRG	Adams Apartments	12	LIH	20,700 sf	Third & University Ltd. Partnership	Washington Mutual Tower	$ 165,000	$ 7.97	May-86	****
HRG	Olive Tower	43	LIH	8,790 sf	Third & University Ltd. Partnership	Washington Mutual Tower	$ 87,900	$ 10.00	Dec-86	****
CHHIP	Bremer Apartments	49	LIH	12,000 sf	Third & University Ltd. Partnership	Washington Mutual Tower	$ 144,000	$ 12.00	Dec-86	****
TDR BANK PURCHASES										
Plymouth Housing Group	Lewiston Hotel	50	LIH	18,190 sf	City of Seattle	TDR Bank	$ 227,375	$ 12.50	Sep-00	
Capitol Hill Housing Improvement Program (CHHIP)	Fleming Apartments	36	LIH	33,500 sf	City of Seattle	TDR Bank	$ 436,274	$ 13.02	Dec-98	
Archdiocesan Housing Authority	Dorothy Day House	41	LIH	24,960 sf	City of Seattle	TDR Bank	$ 287,040	$ 11.50	Oct-98	
Benaroya Music Hall Center (BMHC)	Benaroya Hall	---	MPAF	423,000 sf	City of Seattle	TDR Bank	$ 5,000,000	$ 11.82	Nov-95	
Eagles Auditorium Limited Partnership	Eagles Auditorium	---	LPAT	29,003 sf	City of Seattle	TDR Bank	$ 383,420	$ 13.22	Jun-95	
Paramount Defined Limited Partnership	Paramount Theatre	---	LPAT	136,144 sf	City of Seattle	TDR Bank	$ 1,800,000	$ 13.22	Mar-95	
CHHIP	Bremer Apartments	---	LIH	2,580 sf	City of Seattle	TDR Bank	$ 33,540	$ 13.00	Nov-93	
CHHIP	John Carney	27	LIH	5,531 sf	City of Seattle	TDR Bank	$ 71,903	$ 13.00	Jun-93	
CHHIP	Larned Apartments	33	LIH	7,548 sf	City of Seattle	TDR Bank	$ 89,972	$ 11.92	Dec-92	
Housing Resources Group (HRG)	Terry Apartments	13	LIH	9,039 sf	City of Seattle	TDR Bank	$ 105,485	$ 11.67	Jan-92	****
HRG	Graham Apartments	71	LIH	59,535 sf	City of Seattle	TDR Bank	$ 694,773	$ 11.67	Jan-92	****
	TOTAL HOUSING UNITS =	**450**								
TDR BANK SALES										
City of Seattle	TDR Bank	n/a	LIH	58,460 sf	National Office Partners	Madison Financial Center	$ 757,057	$ 12.95	Jun-00	
City of Seattle	TDR Bank	n/a	MPAF	313,158 sf	National Office Partners	Madison Financial Center	$ 4,055,396	$ 12.95	Jun-00	
City of Seattle	TDR Bank	n/a	LPAT	119,368 sf	909 4th YMCA Limited Partnership	YMCA Renovation	$ -	$ -	Dec-98	*
City of Seattle	TDR Bank	n/a	LIH/LPAT	130,012 sf	SLT Realty LP	Seattle W Hotel	$ 1,471,653	$ 11.32	Oct-96	

Other TDR (Including Fund Reservations)

Owner	Sending Site	Housing Units	TDR/Bonus Type	Amount	Purchaser	Receiving Site	Price	Cost per SF	Date	
City of Seattle	TDR Bank	0	MPAF	109,842 sf						**
LIHI	Julie Apartments	47	LIH	29,557 sf	City of Seattle	TDR Bank	$ 325,127	$ 11.00	Sep-00	**
Seattle-Chinatown International District PDA	ID Village Square Phase I	---	LIH	32,155 sf	City of Seattle	TDR Bank	$ 450,170	$ 14.00		**
Seattle-Chinatown International District PDA	ID Village Square Phase I	---	LIH	67,127 sf						**
CHHIP	Devonshire Apartments	62	LIH	58,695 sf	City of Seattle	TDR Bank	$ 821,730	$ 14.00		**
CHHIP	Devonshire Apartments	---	LIH	8,731 sf						**
	TOTAL Housing Units	**109**		**297,376 sf**	= estimated development rights available					

Notes:

* Non-cash sale by City to the YMCA in exchange for public benefits valued at $1,432,560 ($12.00/s.f.)

** Certified TDRs

*** TDR Application submitted

**** Total units (versus units regulated under the TDR Program):

Graham	107
Terry	14
Adams	22
Olive Tower	85
Bremer	51

TDR BANK SALES

HOUSING & LPAT TDR

Project Name	s.f.	type	Purchase: total purchase price	Purchase: per s.f. price	Purchase: ordinance date	Sale: total sale price	Sale: per s.f. price	Sale: ordinance date
Fleming Apartments	33,500	LIH	$ (436,274.00)	$ 13.02	Jun-98	$ 433,825.00	$ 12.95	Aug-99
Dorothy Day	24,960	LIH	$ (287,040.00)	$ 11.50	Aug-98	$ 323,232.00	$ 12.95	Aug-99
Paramount Theater	45,779	LPAT	$ (1,800,000.00)	$ 13.22	Feb-95	$ 518,218.28	$ 11.32	Sep-96
	90,365	LPAT		$ 13.22	Feb-95	$ 1,084,380.00	$ 12.00	Aug-98
Eagles Auditorium	29,003	LPAT	$ (383,420.00)	$ 13.22	Apr-95	$ 348,036.00	$ 12.00	Aug-98
Bremer Apartments	2,580	LIH	$ (33,540.00)	$ 13.00	Sep-92	$ 29,205.60	$ 11.32	Sep-96
John Carney	5,531	LIH	$ (71,903.00)	$ 13.00	Sep-92	$ 62,610.92	$ 11.32	Sep-96
Larned Apartments	7,548	LIH	$ (90,000.00)	$ 11.92	Sep-92	$ 85,443.36	$ 11.32	Sep-96
Graham Apartments	9,039	LIH	$ (105,485.00)	$ 11.67	Sep-92	$ 102,321.48	$ 11.32	Sep-96
Terry Apartments	59,535	LIH	$ (694,515.00)	$ 11.67	Sep-92	$ 673,936.20	$ 11.32	Sep-96
	307,840 s.f.		$ (3,902,177.00)	$ 12.68		$ 3,661,208.84	$ 11.89	

MPAF TDR

Project Name	s.f.	type	Purchase: total purchase price	Purchase: per s.f. price	Purchase: ordinance date	Sale: total sale price	Sale: per s.f. price	Sale: ordinance date
Benaroya Hall	313,158 s.f.	MPAF	$ (3,701,631.21)	$ 11.82	Oct-95	$ 4,055,396.10	$ 12.95	Aug-99
	0.74							

Sales Summary

Project Name	s.f.		total sale proceeds	average per s.f. price	ordinance date	
Madison Financial	(371,618)	LIH	$ 4,812,453.10	$ 12.95	Aug-99	
YMCA	(119,368)	LPAT	in-kind benefits	n/a	Aug-98	*
W Hotel	(130,012)	LIH/LPAT	$ 1,471,653.00	$ 11.32	Sep-96	*
	(620,998) s.f.		$ 6,284,106.10	$ 12.53		

*The terms of both of these sales incorporated public benefits required of the purchaser in lieu of cash.

YMCA --discounted memberships and 20 years of housing affordability

W Hotel --anti-discrimination clauses in construction subcontracts; 10% of construction contracts value to WMBEs; 15% total construction labor hours hired through apprenticeship/training programs; 30% total permanent entry level to midlevel-skill jobs initially held by low-income persons

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RESOLUTION _____

A RESOLUTION relating to the City's Transfer of Development Rights (TDR) Program including the TDR Bank, directing the Executive to consider and make recommendations on issues, and establishing a schedule for reporting back to City Council.

WHEREAS, Ordinance 114029 created the TDR Bank, in order to facilitate purchase and sale of TDR's; and

WHEREAS, Ordinances 116513 and 117954 expanded TDR Bank activity for purchase and sale of Landmark Performing Arts Theater and Major Performing Arts Facility TDR's, respectively; and

WHEREAS, Ordinance _____ contains further changes to the types of TDR's that may be purchased and sold through the TDR Bank; and

WHEREAS, changes contained in Ordinance _____ raise issues relating to TDR Bank funding and administration that need future consideration;

WHEREAS, the City's TDR program allows the sale of development rights from sites developed with Landmark structures in certain Downtown zones, from Downtown sites with existing affordable housing, and from Downtown sites to be developed with public open space;

WHEREAS, the TDR bank provides a mechanism for purchasing TDRs at times when there is no private market for them and holding them until such time as there is demand; and

WHEREAS, the most effective TDR bank would have authority to buy and sell TDRs with flexibility to implement the City's policy as it may be changed from time to time, to seek potential sellers and purchasers of TDRs, to maintain records of available TDR, to facilitate purchases and sales between private parties, to seek private funding when consistent with City purposes, and to provide effective and efficient service to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. Executive staff is directed to consider the following issues relating to the TDR Program:

- Develop long term and short term goals and outcomes for the TDR program as it relates to housing, landmark preservation and open space, and how these components in combination can contribute to the liveability of the community and smart growth;
- Develop long term and short term goals and outcomes for the work of the TDR Bank;

- Develop options and analysis relating to who should administer the TDR Bank and how it should be administered. The analysis should include consideration of whether the bank should be administered by a City Department or by a nonprofit entity. The analysis should also address all those issues outlined in the "TDR Bank Concept Paper" attached as Exhibit 1.
- Develop options for funding the TDR Bank. Options should explore funding sufficient to carry out TDR Bank goals and outcomes, in particular focusing on possible sources other than City funding.

Executive staff should invite full public comment, and seek comment from persons or agencies with expertise in the issues involved in the TDR program and its administration. Options should be presented in a report along with Executive recommendations.

Section 2. Executive staff is directed to report back to City Council through a Committee of the Whole or other appropriate committee to be decided by the Council according to the following schedule:

- Proposed long and short term goals and outcomes: no later than September 30, 2001;
- Administrative options: no later than November 30, 2001;
- Funding options: no later than November 30, 2001.

Adopted by the City Council the _____ day of _____, 2001, and signed by me in open session in authentication of its adoption this _____ day of _____, 2001.

_____

President of the City Council

THE MAYOR CONCURRING:

_____

Paul Schell, Mayor

Filed by me this _____ day of _____, 2001.

_____

City Clerk

(Seal)

6/21/01 DRAFT for Discussion purposes only – ATTORNEY/CLIENT PRIVILEGED

ORDINANCE _____

AN ORDINANCE relating to transferable development rights, providing for administration of the City TDR Bank, [repealing Ordinance 114029,] and amending SMC Section 3.20.320.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.20.320 of the Seattle Municipal Code, which section was last amended by Ordinance 119484, is hereby further amended as follows:

3.20.320 TDR Bank ((~~created~~)).

A. The City may from time to time purchase and sell transferable development rights ("TDR") in accordance with the Land Use Code, Title 23, and the provisions of this section. TDR held by the City for potential sale, whether from land owned by the City or as a result of TDR purchases, are considered to be in the City's "TDR Bank". The TDR Bank is a program rather than a separate entity, fund or City department.

B. TDR Eligible for Purchase and Sale. Landmark TDR, housing TDR, and open space TDR, each as defined in SMC Chapter 23.84, are ((~~Transferable development rights ("TDR") from landmark performing arts theaters as defined in Section 23.49.033 shall be~~))eligible for purchase ((~~and sale~~)) by the City's TDR Bank((~~established under Ordinance No. 114029, to the same extent as TDRs from low income housing or low and low-moderate income housing~~)), subject to the provisions of this section. Any TDR eligible for transfer under SMC Chapter 23.49 are eligible for sale by the TDR Bank.

C. Administration. The Office of Housing has general responsibility for the administration of the TDR Bank. The Housing Director is authorized to execute, deliver, and accept for and on behalf of the City, agreements, deeds and other instruments in order to carry out TDR Bank transactions authorized [by this section or otherwise authorized] by ordinance.

D.((~~B.~~)) Housing TDR Purchases. The Housing Director may negotiate the purchase of housing TDR, subject to approval of each purchase by ordinance and subject to budget authority. [With respect to housing TDR, the Housing Director also has the authority granted in Ordinance 114029 to the Director of Community Development, to the extent not inconsistent with any provisions of the Land Use Code or rules promulgated thereunder.] The Office of Housing shall conduct a s((S)ubsidy review ((~~shall be a precondition~~)) prior to any purchase of housing TDR for ((~~by~~)) the TDR Bank, whether or not other public funds or subsidies are involved. ((~~The price paid by the City for housing TDR shall not exceed the lesser of the financing gap as determined by the subsidy review process or the reduction in value of the property resulting from the transfer of TDRs and the burdens imposed, including both use~~

~~restrictions and affirmative covenants regarding the preservation of the property, as a condition of the transfer.~~

~~C. As an alternative to purchases, the TDR Bank may lease and/or option TDRs from landmark performing arts theaters. In addition, the TDR Bank may purchase fewer than all development rights and may accept a commitment for preservation of a landmark performing arts theater for less than forty (40) years, but no less than ten (10)years, in order to permit commencement of a phased rehabilitation program.~~

~~D. In the event of a lease, option, or limited term commitment as described in subsection C above, controls imposed on the landmark performing arts theater under Chapter 25.12 shall not lapse automatically upon expiration of the relevant period, but the owner shall then have the right to petition for removal of controls on the same basis as other landmark owners.~~

~~E. The Office of Housing is authorized to negotiate purchases, leases and/or options of TDRs from landmark performing arts theaters, subject to Council approval by ordinance and appropriation of funds. Priority consideration shall be given to TDRs from land-mark performing arts theaters with low-income housing that is to be preserved as part of the rehabilitation under a binding commitment from the owner and all others with interests in the property. Landmark performing arts theaters with housing shall not be eligible for TDR bank purchases if any on-site low or low-to-moderate housing is to be eliminated, unless the owner enters into a voluntary agreement satisfactory to the Director of Housing that guarantees replacement of any low-income housing with low-income housing, and any low-to-moderate income housing with low-to-moderate income housing, that will remain affordable to low- or low-to-moderate income tenants, as the case may be, or contributes an amount equal to the cost to replace such low- or low-to-moderate income housing with housing affordable to low- or low-to-moderate income tenants, as the case may be, in addition to any agreement or contribution made in order to qualify for housing bonus.))~~

E. Open Space TDR Purchases. The Housing Director or his or her designee shall consult with the Director of Neighborhoods, the Director of the Department of Design, Construction and Land Use, and the Superintendent of Parks, or their respective designees, regarding any proposed purchase of open space TDR for the TDR Bank. Following a joint decision of all such officers in favor of acquiring open space TDR from a site, the Housing Director, or such other officer as the Mayor may designate, may negotiate an agreement for the purchase of open space TDR from that site, subject to approval by ordinance and to budget authority.

F. Landmark TDR Purchases. The Housing Director or his or her designee shall consult with the Director of Neighborhoods or his or her designee regarding any proposed purchase of Landmark TDR for the TDR Bank. The Director of Neighborhoods, or his or her designee, shall consult with the Landmarks Preservation Board regarding the proposed purchase. Following a joint decision by such Directors or their designees in favor of acquiring the open space TDR from a site, the Housing Director, or such other officer as the Mayor may designate, may negotiate the purchase of Landmark TDR from that site, subject to approval by ordinance and to budget authority.

G. Sale of TDR in General. The Housing Director or his or her designee may negotiate the sale of any TDR held in the TDR Bank, subject to approval or each sale by ordinance[except as specified in subsections H and I of this section].

H. Sale of Landmark TDR. Whenever the City shall hold landmark TDR, previously purchased by the City and not required to meet any commitments for TDR sales, the Housing Director is authorized to offer and sell such Landmark TDR to any person who has filed an application for a master use permit for a downtown project, on the following terms and conditions:

(1) the price per square foot shall not be less than fair market value as determined by the Housing Director, and in any event not less than [dollar amount, formula?];

(2) the total amount of TDRs sold for use in any one project shall not exceed _____ without express approval of the sale by ordinance.

Proceeds from any sales of landmark TDR shall be deposited _____.

I. Standing Offer to Sell Landmark TDR. The Housing Director may publish a standing offer for the sale to any permit applicant, consistent with subsection H of this section, of Landmark TDR previously purchased by the City and not otherwise committed, on such terms, limitations and conditions as the Housing Director shall determine are in the best interests of the City. The terms and conditions may include, without limitation, limits on the amount that any permit applicant may purchase. Any such standing offer may be revoked or modified by the City at any time, except as to TDR under contract to a purchaser who shall have satisfied all conditions specified by the Housing Director to the formation of a binding contract to purchase TDR from the TDR Bank and who shall be in full compliance with the terms of such contract.]

[Section 2. Ordinance 114029, as amended by Ordinance 116366, is repealed.]

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2001, and signed by me in open session in authentication of its passage this _____ day of _____, 2001.

_____
President _____ of the City Council

Approved by me this _____ day of _____, 2001.

_____
Mayor

Filed by me this _____ day of _____, 2001.

_____
City Clerk

(Seal)

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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the property line shall be permitted according to the following standards. (See Exhibit 23.49.162 B.)

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

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

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades as shown on Map ((~~VIC~~)) II. Except when the entire structure is fifteen feet(15') or less in height, or when the minimum facade height established in subsection A is fifteen feet (15'), the setback limits shall apply to the facade between an elevation of fifteen feet (15') above sidewalk grade and the minimum facade height established in subsection A (see Exhibit 23.49.162 C). When the structure is fifteen feet (15') or less in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen feet (15'), the setback limits shall apply to the portion of the street facade that ((~~which~~)) is fifteen feet (15') or less in height.

a. The maximum area of all setbacks between the lot line and facade shall be limited according to an averaging technique. The maximum area of all setbacks along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along the street. (See Exhibit 23.49.162 D.) The averaging factor shall be five (5) on Class I pedestrian streets, twenty(20) on Class II pedestrian streets, and thirty (30) on green streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen feet (15') from the street property line shall not exceed eighty feet (80'), or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.162 D.)

c. The maximum setback of the facade from the street property line at intersections shall be ten feet (10'). The minimum distance the facade must conform to under this limit shall be twenty feet (20') along each street.(See Exhibit 23.49.162 E.)

d. Any exterior public open space that ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.162 C.)

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

Section 58. Subsection B of Section 23.49.166 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended as follows:

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

* * *

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

Elevation of Portion of Structure	**Required Setback**
65' to 85'	10'
86' to 240'	(H - 85') x .2 + 10'

where H equals the highest point of the portion of the structure located within one hundred twenty (120) feet of the green street lot line, in feet.

Section 59. Section 23.49.180 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 60. Section 23.49.210 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 61. Section 23.49.212 of the Seattle Municipal Code, which Section was last amended by Ordinance 119618, is hereby repealed.

Section 62. Section 23.49.214 of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is hereby repealed.

Section 63. Section 23.49.238 of the Seattle Municipal Code, which Section was last amended by Ordinance 113279, is hereby repealed.

Section 64. Section 23.49.240 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 65. Subsection B of Section 23.49.248 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended as follows:

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

* * *

B. Green Street Setbacks. A setback from the street property line shall be required on green streets, Map ((~~IXA~~)) 1G, 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') x .2 + 10' where H = Total structure height in feet

Section 66. Section 23.49.304 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 67. Subsections A and B of Section 23.49.322 of the Seattle Municipal Code, which Section was enacted by Ordinance 112303, are amended as follows:

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 ((~~XIA~~)) 1J, and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.324.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright.

2. Accessory surface parking areas shall either be:

a. Permitted outright when located in areas shown on Map ((~~XIA~~)) 1J and containing twenty (20) or fewer parking spaces; or

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

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

Section 68. Section 23.49.328 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 69. Section 23.49.330 of the Seattle Municipal Code, which Section was last amended by Ordinance 117130, is hereby repealed.

Section 70. Section 23.49.331 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 71. The introductory subsection of Section 23.49.332 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

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 ((~~of a lot which~~)) that abuts a street designated on Map ((~~XIA~~)) 1G as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map ((~~XIA~~)) 1G.

* * *

Section 72. Subsections A and B of Section 23.49.336 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, are amended as follows:

23.49.336 Pike Market Mixed, permitted uses.

A. Permitted uses within the Pike Place Market Historical District, shown on Map ((~~XIIA~~)) 1L, 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 ((~~XIIA~~)) 1L, all uses are permitted outright except those specifically prohibited by Section 23.49.338.

Section 73. Subsections A and B of Section 23.49.338 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, are amended as follows:

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

1. Drive-in businesses, except gas stations located in parking garages;
2. Outdoor storage;

3. Adult motion picture theaters and adult panorams;
4. Transportation facilities;
5. Communication utilities;
6. All general manufacturing uses;
7. All salvage and recycling uses, except recycling collection stations;
8. All industrial uses;
9. Jails; and
10. Work-release centers.

B. Within the Pike Place Market Historical District, Map ((~~XIIA~~)) 1L, uses may be prohibited by the Pike Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance.

Section 74. Section 23.49.342 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 75. Section 23.49.344 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is hereby repealed.

Section 76. Section 23.84.006 "C" of the Seattle Municipal Code, which Section was last amended by Ordinance 118720, is amended to add a new subsection, as follows:

* * *

"Chargeable floor area" means gross floor area of all structures on any lot in a downtown zone, except portions of structures or uses that are expressly exempt from floor area limits under the provisions of this Title, and after reduction by any applicable adjustment for mechanical equipment. Chargeable floor area is computed using the exemptions and adjustments in effect at the time the computation is made. Chargeable floor area includes any floor area, not otherwise exempt, that is in a structure in a downtown zone where floor area limits do not apply or that is permitted to be occupied by reason of the Landmark status of the structure in which it is located.

* * *

Section 77. The subsection entitled "Human service use" of Section 23.84.016 "H" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended, and a new subsection is added to such section, as follows:

* * *

"Housing TDR site" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;

2. Each structure on the lot has a minimum of fifty (50) percent of total gross above grade floor area committed to low-income housing or low and low-moderate income housing use for a minimum of fifty (50) years;

3. The lot has above grade gross floor area equivalent to at least one (1) FAR committed to low-income housing use for a minimum of fifty (50) years;

4. The above grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of the date of passage of this ordinance and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of the Office of Housing; and

5. The low-income housing or low and low-moderate income housing commitments on the lot provide for satisfaction of the standards in Section 23.49.012 B1b and are accepted by the Director of the Office of Housing.

* * *

"Human service use" means ((~~public or nonprofit agencies organized and operated exclusively for charitable purposes, which provide at least one (1) of the following services:~~)) a use in which structure(s) and related grounds or portions thereof are used to provide one or more of the following: emergency food, medical or shelter services; community health care clinics, including those that provide mental health care((~~,~~)); alcohol or drug abuse services; information and referral services for dependent care, housing, emergency services, transportation assistance, employment or education; consumer and credit counseling; or day care services for adults. Human service uses ((~~shall~~)) provide at least one (1) of the listed services directly to a client group on the premises, rather than serve only administrative functions.

Section 78. Section 23.84.024 "L" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended by repealing and amending certain subsections, as follows:

* * *

((~~"Landmark TDR" means development rights eligible for transfer from one lot to another based on the landmark status of the improvements on the sending lot, under Sections 23.49.052, 23.49.072 , 23.49.102, or 23.49.128, but does not include~~

~~development rights that would be eligible for transfer based upon the status of the sending lot as a low-income housing TDR site or Pioneer Square infill site.~~))

* * *

((~~"Landmark theater/housing TDR site" means any lot meeting the requirements of paragraphs 1, 2, and 3 below:~~

~~1. There is located on the lot a landmark performing arts theater as defined in this section; and~~

~~2. The owner of the lot satisfies all requirements for the transfer of landmark TDR; and~~

~~3. One (1) of the following conditions (a) or (b) is met, as applicable:~~

~~a. If one (1) or more housing units on the lot were occupied or habitable on January 1, 1990, then either:~~

~~(i) The equivalent of all floor area on such lot that was in use as housing or habitable at any time since January 1, 1990 is committed to low-income housing use on the terms required for the transfer of development rights from low-income housing TDR sites by Chapter 23.49 and the Public Benefit Features Rule; or~~

~~(ii) The owner of such lot enters into a voluntary agreement satisfactory to the Director of Housing and Human Services that guarantees the provision of low-income housing in an amount equivalent to the difference between (A) all floor area on such lot in use as housing or habitable at anytime since January 1, 1990 and (B) the floor area on the lot that is committed to low-income housing use as described in subsection 3a(i) above. The provision of low-income housing may include new construction, substantial rehabilitation, or preservation of housing that the Director determines would otherwise be converted to uses other than low-income housing. In each case there shall be recorded covenants limiting the rents and occupancy of the housing for a period of at least twenty (20) years. The housing shall be provided in a Downtown zone, except that the Director may approve housing elsewhere in the downtown Special Objectives Area (SOA) in the City's Comprehensive Housing Affordability Strategy (CHAS), consistent with the goals and policies of the CHAS (or successor document).~~

~~b. If no housing units were occupied or habitable on the lot on January 1,1990, then at least one (1) FAR of the sending site shall be committed to low-income housing use on the terms required for transfer of development rights from low-income housing TDR sites by Chapter 23.49 and the Public Benefit Features Rules.~~))

* * *

"Lot" means, except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, a platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley (Exhibit 23.84.024A). For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel described in the ordinance approving controls for the sending lot. For purposes of a sending lot for

housing TDR, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after the date of passage of this ordinance, that contain the structure or structures that make the TDR eligible for transfer.

* * *

~~"Low income housing or low and low-moderate income housing TDR site" means a lot meeting the following requirements:~~

~~1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;~~

~~2. Each structure on the lot shall have a minimum of fifty (50) percent of total gross floor area committed to low income housing or low and low-moderate income housing use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule, except that a lot in an IDM zone may meet the following alternative standards;~~

~~a. At least forty (40) percent of the combined gross floor area in all structures on the lot is committed to low income housing for twenty (20)years, and~~

~~b. A total of at least one thousand (1,000) square feet of combined gross floor area in all structures on the lot is committed to use for social services providing necessary support to a special population served by the low income housing on the sending lot, on terms approved by the Director of the City Human Services Department (such services also may serve other persons);~~

~~3. The lot has gross floor area equivalent to at least one (1) FAR committed to low income housing use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule; and~~

~~4. The low income housing or low and low-moderate income housing commitment on the lot has been certified by the Director of the Office of Housing as satisfying the Public Benefit Features Rule.~~

* * *

Section 79. Section 23.84.025 "M" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended to add a new subsection, as follows:

* * *

"Maximum structure height" for any lot in a downtown zone means the height limit designated on the Official Land Use Map, Chapter 23.32, for such lot. If more than one limit is designated for the lot on such map, then "maximum structure height" means the lowest of the limits designated for the lot.

* * *

Section 80. Section 23.84.030 "P" of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is amended to add a new subsection as follows:

* * *

"Public Benefit Features Rule" means the DCLU Director's Rule 20-93, subject heading *Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects, Administrative Procedures and Submittal Requirements in Downtown Zones*, to the extent the provisions thereof have not been superseded by amendments to, or repeal of, provisions of this Title. References to the "Public Benefit Features Rule" for provisions on a particular subject also shall include, where applicable, any successor rule or rules issued by the Director to incorporate provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to implement amendments to this Title since the date of such Rule.

* * *

Section 81. Section 23.84.038 "T" of the Seattle Municipal Code, which Section was last amended by Ordinance 119974, is amended to add new subsections as follows:

* * *

"Transferable development rights" or "TDR," means development potential, measured in square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this Title authorizing such transfer. Such terms do not include development credits transferable from rural King County. Such terms do not denote or imply that the owner of TDR has a legal or vested right to construct or develop any project or to establish any use.

* * *

"TDR, housing" means TDRs that are eligible for transfer based on the status of the sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

"TDR, Landmark" means TDRs that are eligible for transfer based on the landmark status of the sending lot or a structure on such lot, except housing TDR.

"TDR, open space" means development rights that may be transferred from a lot or lots based on the provision of public open space meeting certain standards on that lot.

"TDR site, open space" means a lot that has been approved by the Director as a sending lot for open space TDR, which approval is still in effect, and for which all the conditions to transfer open space TDR have been satisfied.

* * *

Section 82. Twenty-three codified maps, IIA, IIB, IIC, IID, IIIA, IIIB, IIIC, IIID, IVA, IVB, IVC, VA, VB, VC, VD, VE, VIA, VIB, VIC, VID, IXA, XIA and XIIA, located at the end of Chapter 23.49 of the Seattle Municipal Code, are repealed.

Section 83. Thirteen codified maps, 1A Downtown Zones, 1B Street Classifications, 1E Existing Public Benefit Features Under Title 24, 1F Transit Access, 1G Pedestrian Street Classifications, 1H Street Level Use Required, 1I Property Line Facades, 1J Parking Uses Permitted, 1K Public Amenity Features, 1L Pike Place Market, 1M Downtown Retail Core, 1N Retail and Short-term Parking Public Amenity Features and 1O 20% Additional Height, as depicted in the Attachment to this ordinance, are added to Chapter 23.49 of the Seattle Municipal Code, to be codified at the end of such Chapter.

Section 84. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision. To the extent that sections of this ordinance recodify or incorporate into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor

shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the provisions of such Title as in effect prior to such repeal.

Section 85. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ___ day of _____, 2001, and signed by me in open session in authentication of its passage this ___ day of _____, 2001.

_____
President of the City Council

Approved by me this _____ day of _____, 2001.

_____
Paul Schell, Mayor

Filed by me this _____ day of _____, 2001.

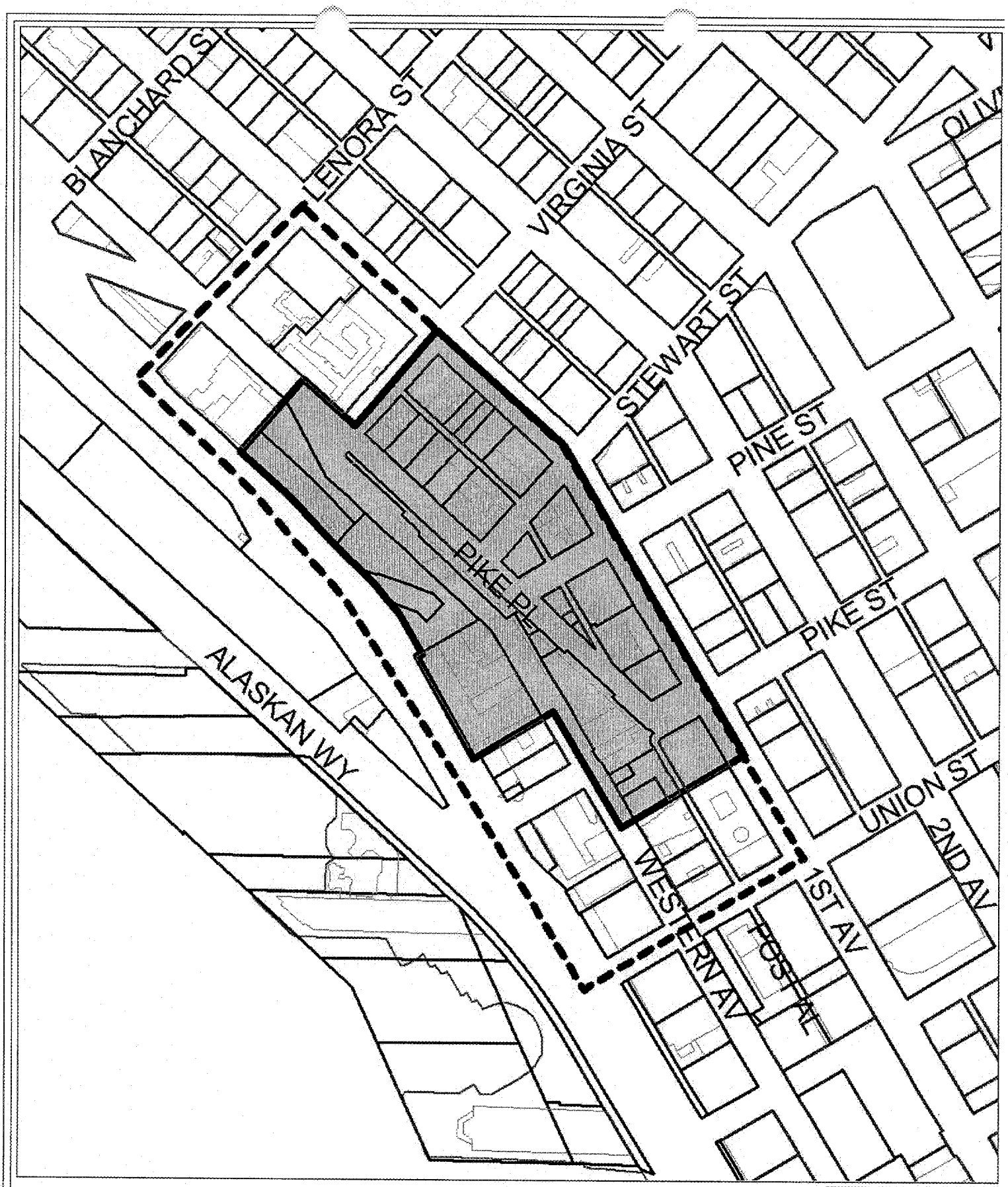
_____
City Clerk

(SEAL)

Attachment 1

Table of Contents:

1. Map 1A, Downtown Zones;
2. Map 1B, Street Classifications;
   (Maps 1C and 1D are existing and are not amended.);
3. Map 1E, Existing Public Benefit Features Under Title 24;
4. Map 1F, Transit Access;
5. Map 1G, Pedestrian Street Classifications;
6. Map 1H, Street Level Use Required;
7. Map 1I, Property Line Facades;
8. Map 1J, Parking Uses Permitted;
9. Map 1K, Public Amenity Features;
10. Map 1L, Pike Place Market;
11. Map 1M, Downtown Retail Core;
12. Map 1N, Retail and Short-term Parking Public Amenity Features;
13. Map 1O, 20% Additional Height.



Pike Place Market

Pike Market Mixed Zone

Pike Place Market Historical District

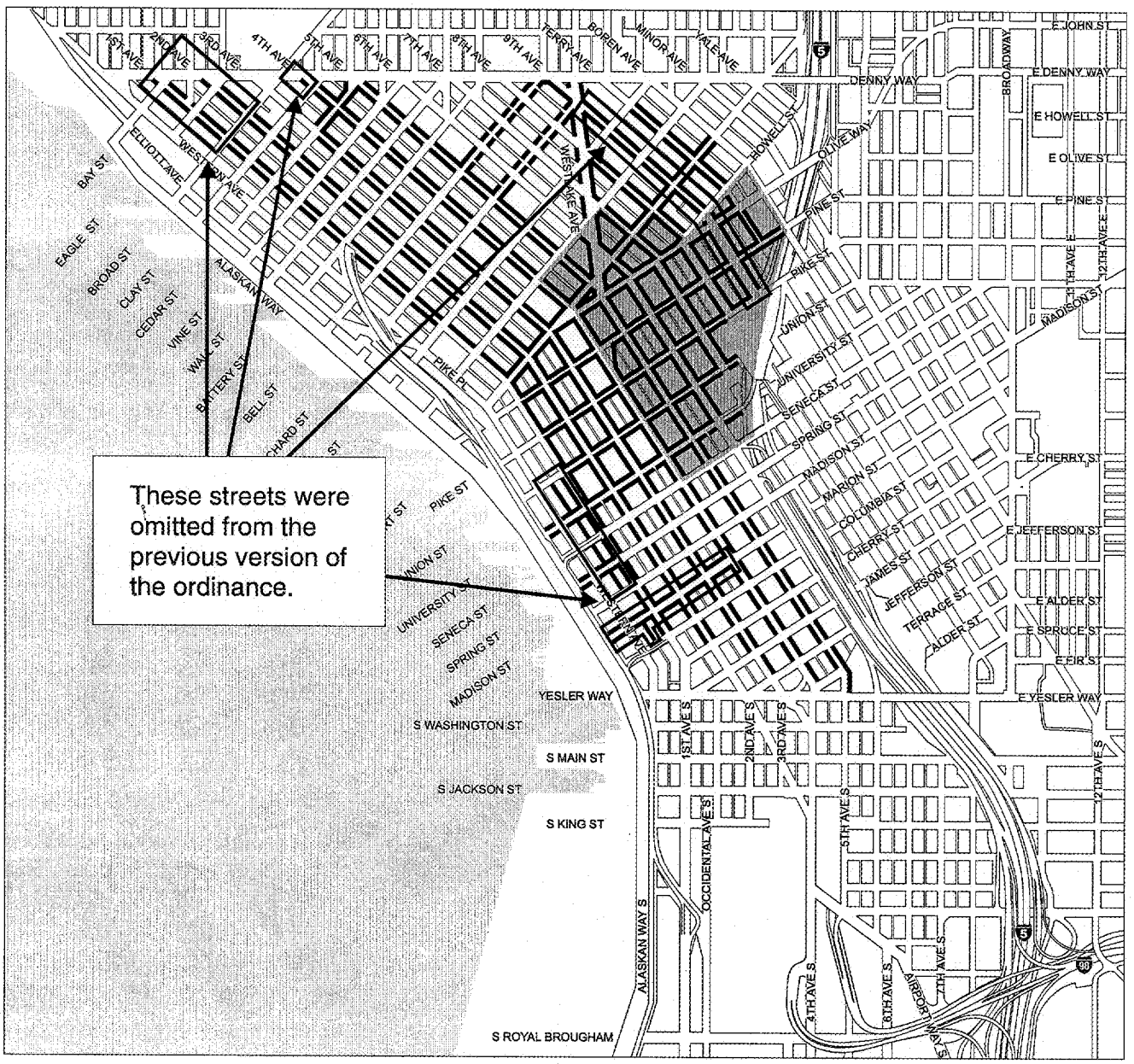
N

100 0 100 Feet

Map1L

Downtown Zones

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Prepared June 11, 2001 by DCLU-GIS



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

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

N

0 2 4 6 8 10
SCALE IN 100 FEET

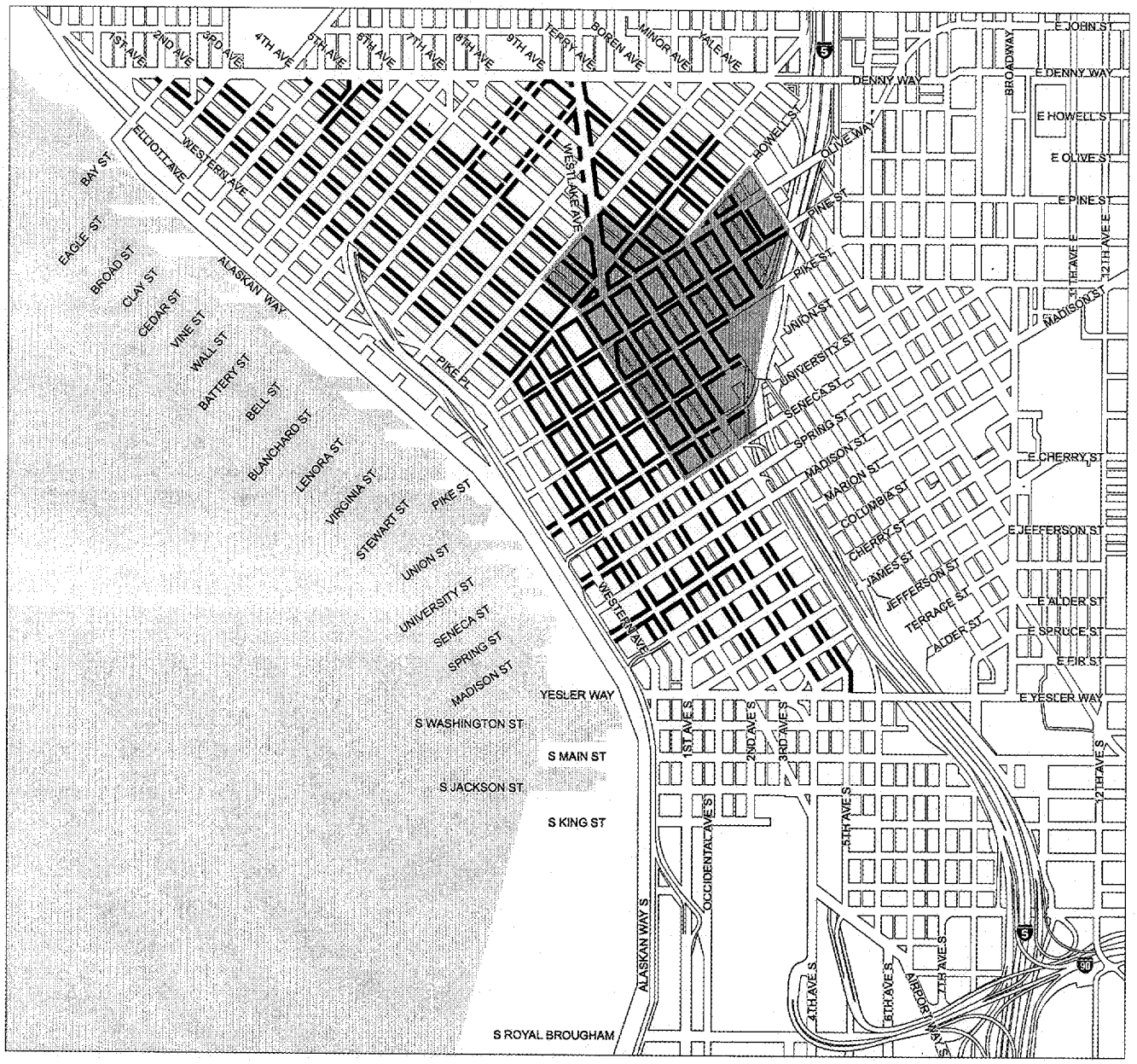
Retail and Short-term Parking Public Amenity Features

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Map 1N

Downtown Zones



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

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

N

0 2 4 6 8 10
SCALE IN 100 FEET

Map 1N

Downtown Zones

Retail and Short-term Parking Public Amenity Features

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ORDINANCE _____

AN ORDINANCE relating to land use and zoning, amending Chapters 23.41, 23.49 and 23.84 of the Seattle Municipal Code, modifying development regulations for downtown zones and responding to certain recommendations from the Downtown Urban Center Planning Group (DUCPG).

WHEREAS, on May 24, 1999, the City Council adopted Resolution 29900, recognizing the Downtown Urban Center Planning Group (DUCPG) Neighborhood Plan, and approving the City's work program in response to the DUCPG Neighborhood Plan; and

WHEREAS, on June 19, 2000, the City Council adopted Resolution 30192, accepting the TDR/Bonus Program Review Advisory Committee Report and establishing a schedule for policy and code changes necessary to revise and update the TDR/Bonus Programs; and

WHEREAS, on December 11, 2000, the City Council enacted Ordinance 120201, amending the Comprehensive Plan to include policies for Downtown Seattle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds that:

A. This ordinance is consistent with the policies contained in the Comprehensive Plan as amended and will promote the health, safety and welfare of the general public.

B. Housing.

1. Large-scale office and hotel developments in downtown Seattle have attracted and continue to attract additional employees to the City, and create the need for additional housing in the downtown area, particularly housing affordable to households of lower and moderate income. Office and hotel uses in the City are benefited by the availability of affordable housing for persons employed in such offices and hotels close to their place of employment.

2. There is a low vacancy rate for housing affordable to persons of lower and moderate income. This low vacancy rate is due in part to large office and hotel developments that have attracted and will continue to attract additional employees and residents to downtown Seattle. Consequently, some of the employees attracted to these large office and hotel developments are competing with present residents for scarce, vacant affordable housing units in downtown Seattle. Competition for housing generates

the greatest pressure on the supply of housing affordable to households of lower and moderate income. In downtown Seattle, office or hotel uses of land generally yield higher income to the owner than housing. Because of these market forces, the supply of non-publicly-subsidized affordable housing units will not be expanded. Furthermore, federal, state and local subsidy programs are not sufficient by themselves to satisfy lower and moderate income housing requirements of downtown, as they will be expanded by higher-density office and hotel development.

3. To allow total downtown office and hotel development at substantially higher densities than the base floor area ratios established in this ordinance, without provision for a significant portion of the additional affordable housing needed to support such development, would result in adverse effects including, without limitation, excessive demands on transportation networks from additional downtown workers; upward pressure on rents for modest housing in and near downtown; displacement of existing occupants of such housing; households paying large percentages of income on housing and unable to provide for other necessities, causing further strains on public and private resources available for social services and other support of lower income households. An increase in affordable housing units downtown sufficient to accommodate approximately one-third of the low-income and low-moderate income workers in the new office and hotel projects would be required to offset the housing impacts identified above.

4. The State Growth Management Act calls for jurisdictions planning under it to utilize innovative management techniques including, but not limited to, density bonuses and transfer of development rights to achieve the planning goals established under that Act, which include making provision for housing needs of all economic segments of the community.

5. The City of Seattle's Comprehensive Plan calls for the provision of additional housing to accommodate the demands of new residents attracted here by expanding employment opportunity made available by growth of office and hotel use in downtown Seattle. Land Use Policy L123 calls for the use of bonuses and TDRs downtown to increase development potential where it is desirable to accommodate growth, while providing for mitigation of impacts associated with higher densities.

6. The City should provide floor area bonuses conditioned on voluntary agreements by developers to mitigate the adverse effects of the expanded employment facilitated by such projects.

7. The amounts of additional affordable housing downtown for households at different income levels that are necessary to accommodate higher density office and hotel development are approximately as set forth in the Housing Nexus Analysis, prepared by Keyser Marston Associates. The Housing Nexus Analysis describes the nexus between new office and hotel development and the increased demand for housing in the City, and provides the numerical relationship between new office and hotel development and the formulas for provision of housing set forth in this ordinance. The housing to be produced to qualify for bonus floor area under this ordinance therefore represents less than the full impact of the additional floor area.

8. In order for development of housing affordable to households with incomes below 80 percent of median family income to be feasible downtown, capital

subsidies are required in approximately the amounts set forth in the Housing Nexus Analysis, according to the income levels to be served. Therefore, the amounts of the voluntary cash contribution to the City's downtown housing fund that would be equivalent to providing floor area of affordable housing units as a condition of bonus floor area are as set forth in the Nexus Analysis. These dollar amounts may be expected to increase.

9. Because the additional demand for affordable housing created by office development in the City can be expected to continue for many years, it is necessary to maintain the affordability of the housing units constructed by office developers under this program. In order to maintain the long-term affordability of such housing, mechanisms such as recorded covenants are necessary.

C. Child Care.

1. Large scale office and hotel developments in downtown Seattle add thousands of employees to the downtown workforce and thus result in an increased demand for licensed child care space for children of employees working in the downtown. Office and hotel uses benefit from the availability of child care accessible to workers.

2. There is currently a scarcity of child care in the downtown for all income groups. Because child care costs in the downtown exceed costs elsewhere, low and moderate income workers are especially impacted. The supply of child care in the downtown has not kept pace with the demand for child care created by increased development in the downtown. As densities continue to increase, the supply of child care in the downtown is expected to become increasingly scarce.

3. The Child Care Nexus Analysis prepared by Keyser Marston Associates describes the relationship between large scale office and hotel development and the increased demand for child care in the downtown. Based on this analysis, the City finds that at least 39 additional child care spaces are needed in the downtown for each addition of 1,000 employees, and that the private market will not provide for this need in the absence of conditions on bonuses for high-density development. The analysis includes a formula for calculating the amount of additional child care space needed, costs associated with construction of child care space, and subsidy needs to ensure affordability for low and moderate income workers. Based on that analysis, the City finds that the amount of child care space per square foot of bonus floor area of commercial development established in this ordinance, if provided on terms that ensure a sufficient portion of that space will be used to provide child care affordable to low-income families, will mitigate a substantial portion, though not all, of the increased child care needs from that floor area, and that in the alternative the payment to the City of the cash option amount for child care set forth in this ordinance will allow the City to provide for mitigation of a similar portion of those increased needs.

D. Open Space.

1. The City of Seattle has experienced substantial commercial and residential development recently in the downtown neighborhoods without development of open space or space for the display of art and cultural resources.

2. Further commercial and residential development activity in downtown is anticipated in the next decade, which will decrease opportunities for acquisition and development of open space and space for the arts accessible to the general public.

3. The City of Seattle Comprehensive Plan, the Downtown Urban Center Plan and other downtown neighborhood plans identify the desire for additional open space and space for the arts accessible to the general public free of charge.

4. The Open Space Policies of the Comprehensive Plan for the Downtown Urban Center specifically support an expansion of the open space system through an open space bonus and/or allowing development rights to transfer from open space sites.

5. The open space bonus and allowing development rights to be transferred from open space meeting certain standards as provided in this ordinance will achieve the goals of the Comprehensive Plan and will help mitigate the impacts of increased commercial and residential development.

6. Allowing the transfer of development rights from usable, attractive, open space downtown will promote the public health, safety and welfare by, among other things, increasing access to light and air at street level and contributing to a varied pattern of use and development that makes downtown more attractive and desirable to residents, workers and visitors. However, allowing transfer of development rights from a vacant site without regard to its development, maintenance or use as public open space could adversely affect the public health, safety and welfare by contributing to blight and potential public safety problems, causing downtown to be a less desirable place for workers, residents and visitors than it would be if development rights could be used only on-site. Therefore, allowance of TDR from open space should be conditioned upon the dedication of such open space for public access and the development and maintenance of such open space in a safe, attractive and accessible condition.

Section 2. Subsection B of Section 23.41.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 119972, is amended as follows:

23.41.012 Development standard departures.

* * *

B. Departures may be granted from the following requirements:

1. Structure width and depth limits;
2. Setback requirements;
3. Modulation requirements;

4. SCM zone facade requirements, including transparency and blank facade provisions;

5. Design, location and access to parking requirements;

6. Open space or common recreation area requirements;

7. Lot coverage limits;

8. Screening and landscaping requirements;

9. Standards for the location and design of nonresidential uses in mixed use buildings;

10. Within Urban Centers, in L3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty (20) percent of the maximum height permitted subject to the following limitations:

a. A pitched roof may not incorporate the additional height if the structure is on a ((~~site~~)) lot abutting or across a street or alley from a single-family residential zone,

b. The proposed structure must be compatible with the general development potential anticipated within the zone,

c. The additional height must not substantially interfere with views from up-slope properties, and

d. No more than one (1) project on one (1) lot within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height;

11. Building height within the Roosevelt Commercial Core (up to an additional three (3) feet for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);

12. Downtown or Stadium Transition Overlay District street facade requirements;

13. Downtown upper-level development standards;

14. Downtown coverage and floor size limits;

15. Downtown maximum wall dimensions;

16. Downtown street level use requirements; ((~~and~~))

17. Combined coverage of all rooftop features in downtown zones subject to the limitations in Section 23.49.008 C2((.)); and

18. Certain conditions to allowance of additional height in DOC 1 and DOC 2 zones pursuant to subsection 23.49.008A 2, as follows:

a. limits on gross floor area of stories under subsection 23.49.008 A2a(2); and

b. percentages of lot area that must be occupied by open space or by structures no greater than thirty-five (35) or sixty-five (65) feet in height, under subsection 23.49.008 A2b(1).

* * *

Section 3. Subsection A of Section 23.49.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.49.008 Structure height.

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

A. Maximum structure heights for downtown zones are ((~~forty-five (45) feet, fifty-five (55) feet,~~)) sixty-five (65) feet, ((~~seventy-five (75) feet,~~)) eighty-five (85) feet, one hundred (100) feet, ((~~one hundred twenty (120) feet~~)), one hundred twenty-five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred (300) feet and four hundred fifty (450) feet, as designated on the Official Land Use Map, Chapter 23.32. The height of a structure shall not exceed the maximum structure height, except that:

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

((~~2.~~))1. Any ((~~property~~)) lot in the Pike Market Mixed zone that is subject to an urban renewal covenant may be built no higher than the height permitted by the covenant for the life of the covenant.

2. Any lot that meets the provisions of this subsection may gain additional structure height using one, but not both of subsections 2a and 2b below:

a. A structure in a DOC 1 zone, or in a DOC 2 zone, may gain additional height of ten (10) percent of the maximum structure height, when

(1) the gross floor area of each story wholly or partly above the maximum structure height is no greater than 80 percent of the gross floor area of at least one story below the maximum structure height, which story must have gross floor area at least as great as all stories lower than it that are wholly above a height of one hundred twenty-five (125) feet. For structures with separate towers, the limits on area apply to each tower individually; and

(2) the above-grade gross floor area in all structures on the lot, including all floor area exempt from FAR limits, except exempt street-level uses and bonused housing, does not exceed the sum of the maximum FAR for the lot established by Section 23.49.011 plus any credit floor area above the maximum structure height allowed under Section 23.49.041, City/County Transfer of Development Credits Program.

b. A structure within the area shown on Map 1O may gain additional height of twenty (20) percent of the maximum structure height, when the conditions in subsection A2a of this Section are satisfied, and either:

(1) the lot has either (A) 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 (B) 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; or

(2) the lot contains a Landmark structure and satisfies all conditions to the transfer of Landmark TDR from such lot under this Chapter and the Public Benefit Features Rule, other than conditions related to the availability of unused base floor area.

3. On any lot in the DRC a height of one hundred fifty (150) feet is permitted subject to the restrictions in subsection 4 of this Section in the following cases:

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

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

c. When a minimum of 1.5 FAR of retail sales and service or entertainment uses, or any combination thereof, is provided on the lot; or

d. For residential floor area created by infill of a light well on a Landmark structure. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height allowed under this subsection A3d shall be the lesser of one hundred fifty (150) feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.

4. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the eighty-five (85) foot maximum height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

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

Sixth and Pine Building	523 Pine Street
Decatur	1513 - 6th Avenue
Coliseum Theater	5th and Pike
Seaboard Building	1506 Westlake Avenue

Fourth and Pike Building	1424 - 4th Avenue
Pacific First Federal Savings	1400 - 4th Avenue
Joshua Green Building	1425 - 4th Avenue
Equitable Building	1415 - 4th Avenue
1411 Fourth Avenue Building	1411 - 4th Avenue
Mann Building	1411 - 3rd Avenue
Olympic Savings Tower	217 Pine Street
Fischer Studio Building	1519 - 3rd Avenue
Bon Marche	3rd and Pine
Melbourne House	1511 - 3rd Avenue
Former Woolworth's Building	1512 - 3rd Avenue

c. The restrictions in this subsection 4 are in addition to, and not in substitution for, the requirements of the Landmarks Ordinance, SMC Ch. 25.12.

5. ((~~In the Downtown Retail Core zone, residential floor area created by infill of a light well on a City-designated Landmark structure shall be permitted above eighty-five (85) feet. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height limit for any infill allowed under this subsection A4 shall be the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.~~)) Any structure on a lot on either of the two half blocks abutting the east side of 2nd Avenue, between Pine and Union Streets, that qualifies for the one hundred fifty (150) foot height limit under subsection A3 of this Section, is allowed a height limit of 195 feet if all portions of the structure above eighty-five (85) feet in height contain only residential use.

((~~3.~~)6. A structure on a((~~A~~))ny lot in the Denny Triangle Urban Village, as shown on Map 23.49.041A, may gain up to an additional thirty (30) percent in height if credit floor area is allowed pursuant to Section 23.49.041, City/County Transfer of Development Credits Program. The maximum height that may be allowed is one hundred thirty (130) percent of the maximum structure height.

7. Rooftop features, as provided in subsection C, are allowed in addition to the extra height permitted under this subsection.

* * *

Section 4. Subsections C and D and of 23.49.009 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, are amended as follows:

23.49.009 Open space.

* * *

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

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

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for public benefit feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of ((~~the zone in which the feature is located~~)) Section 23.49.013 and the Public Benefit Features Rule for one (1) or more of the following:

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

b. On-site open space satisfying the requirement of subsection C2a of this section may achieve a bonus as a public benefit feature not to exceed ((~~one (1) FAR~~)) any limits pursuant to Section 23.49.013, which bonus shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (1/4) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area.

b. Public open space on a site other than the project site shall be a bonusable feature if the open space meets the standards of ((~~the zone in which the open space is located and is one (1) of the~~)) Section 23.49.013 and is one of the open space features cited in subsection C2a of this section. Bonus ratios for off-site open space shall be ((~~determined by the zone of the project receiving the bonus,~~)) as set forth in ((~~the Tables for Sections 23.49.050B~~)) Section 23.49.013. Projects that provide off-

site open space satisfying this requirement may achieve a public benefit feature bonus not to exceed ((~~one (1) FAR~~)) any limits pursuant to Section 23.49.013 for such open space, which shall be counted against, and not increase the total FAR bonus available from the provision of Public Benefit Features.

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

D. Payment in Lieu. In lieu of providing ((~~required~~)) open space under this requirement, an owner may make a payment to the City((~~'s Open Space Fund~~)) if the Director determines that the payment will contribute to the improvement of a green street abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that the improvement of such green street within a reasonable time is feasible. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt for the development of such a green street, unless the property owner and the City agree upon another use involving the acquisition or development of public open space that will mitigate the impact of the project. ((~~purchase and/or development of an identified open space that is consistent with City policy and priorities, that the open space will mitigate the impacts of the project, and that acquisition of the open space (if applicable) is assured. The payment and use thereof shall be consistent with RCW 82.02.020.~~

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

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

~~3. Funds received in lieu of providing open space within Downtown shall be applied to acquisition or development of new open space in a Downtown zone, within one-quarter (¼) mile of the contributing sites, except that when a contributor or contributors agree with the City that a new open space within a Downtown zone but more than one-quarter (¼) mile from the project site(s) would be an appropriate mitigation to the project impacts, the in-lieu of payments from those projects may be used for that open space.~~)) A bonus may be allowed for a payment for green street improvements made wholly or in part to satisfy the requirements of this section, pursuant to SMC 23.49.013.

* * *

Section 5. Section 23.49.011 of the Seattle Municipal Code, which Section was added by Initiative 31, is hereby repealed.

Section 6. A new Section 23.49.011 is hereby added to the Seattle Municipal Code, as follows:

23.49.011 Floor area ratio.

A. General Standards.

1. The base and maximum floor area ratio (FAR) for each zone is provided in Chart A as follows:

23.49.011 - Chart A

Base and Maximum Floor Area Ratios (FARs)		
Zone Designation	**Base FAR**	**Maximum FAR***
Downtown Office Core 1 (DOC1)	6	14
Downtown Office Core 2 (DOC 2)	5	10
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in 65' height district 4.5 in 85' height district 5 in height districts above 85'	4 in 65' height district 6 in 85' height district 7 in height districts above 85'
Downtown Mixed Residential/Residential (DMR/R)	1 in 85/65' height district 1 in 125/65' height district 1 in 240/65' height district	1 in 85/65' height district 2 in 125/65' height district 2 in 240/65' height district
Downtown Mixed Residential/Commercial (DMR/C)	1 in 85/65' height district 1 in 125/65' height district 2 in 240/125 height district	4 in 85/65' height district 4 in 125/65' height district 5 in 240/125 height district
Pioneer Square Mixed (PSM)	N.A.	N.A.
International District Mixed (IDM)	3, except hotels. 6 for hotels.	3, except hotels. 6 for hotels.
International District Residential (IDR)	1	2 when 50% or more of the total gross floor area on the lot is in residential use.
Downtown Harborfront 1 (DH1)	N.A.	N.A.
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR.
Pike Market Mixed (PMM)	7	7

*Provisions for how to gain floor area above the base FAR are found in subsection 2 of this Section and in Sections 23.49.012, 23.49.013 and 23.49.014.
N.A. = Not Applicable.

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

a. In DOC1 and DOC2 zones the first one (1) FAR above the base FAR may be gained, at the applicant's option, by any combination of the following: providing one of the amenity features listed in Section 23.49.013, subject to the limits and conditions in that section; providing short-term parking meeting the basic standards in the Public Benefit Features Rule, where such parking is allowed pursuant to Map 1N; providing retail sales and service or entertainment uses as street-level uses meeting the requirements of Section 23.49.018, where such uses are required as indicated on Map 1H; or using development rights transferred from an open space TDR site or Landmark TDR

site pursuant to Section 23.49.014. An applicant using the option allowed under this subsection A2a may achieve additional chargeable floor area consistent with subsections A2c through A2f of this Section.

b. In the DMC zone chargeable floor area above the base FAR may be achieved, at the applicant's option, by qualifying for bonuses pursuant to Section 23.49.126, Downtown Mixed Commercial ratios for public benefit features. Such option may be exercised only by election in writing by the applicant as part of the original application for a Master Use Permit for the project that will use such bonus. An applicant making such election shall not be granted bonus floor area for the lot pursuant to Sections 23.49.012 or 23.49.013, but may use TDR consistent with Section 23.49.014. An applicant making such election thereby also elects to have the optional exemptions under subsection B3 of this Section, and not those in subsection B1, apply in determining chargeable floor area.

c. Except as provided in subsection A2a and A2b of this Section, additional chargeable floor area above the base FAR may be achieved only by qualifying for bonuses pursuant to Sections 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Section 23.49.014, or both, subject to the limits of this Chapter and to any other applicable conditions and limitations.

d. In no event shall the use of bonuses or TDR be allowed to result in chargeable floor in excess of the maximum as set forth in Chart A.

e. Except as otherwise provided in this subsection A2e, not less than five percent of all floor area above the base FAR to be gained on any lot , excluding any floor area gained under subsection A2a of this Section, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR is available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities . An applicant may satisfy the minimum Landmark TDR requirement in this section by purchases from private parties, by transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection A2e does not apply to any lot in a DMR zone, or to any lot in a DMC zone for which an election has been made under subsection A2b of this Section

f. On any lot except a lot in a DMR zone or a lot in a DMC zone for which an election has been made under subsection A2b of this Section, the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any housing TDR used for the same project, shall equal seventy-five (75) percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of the base FAR, as determined under this Section and 23.49.032

if applicable, plus any chargeable floor area gained on the lot pursuant to subsection A2a of this Section. The remaining twenty-five (25) percent shall be gained through other bonuses or other TDR, or both, consistent with this Chapter.

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

h. Bonuses for street-level uses may be allowed only pursuant to subsection A2a or A2b of this Section. Bonuses for short-term parking may be allowed only pursuant to subsection A2a of this Section. The bonus ratio for street-level uses is three square feet of floor area granted per one square foot (3:1) of bonus feature. The bonus ratio for short-term parking is one (1) square foot of floor area granted per one (1) square foot (1:1) of bonus feature up to a maximum of 200 parking spaces for above grade parking and is two (2) square feet of floor area granted per one (1) square foot (2:1) of bonus feature for below grade parking up to a maximum of 200 parking spaces. Ratios and limits for the other features for which a bonus may be granted under subsection A2a are in Section 23.49.013.

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment use in the DRC zone up to a maximum FAR of 2;

b. Street level uses meeting the requirements of Section 23.49.025, Street-level use requirements, whether or not street-level use is required pursuant to Map 1H, if the uses and structure also satisfy the following standards:

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

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

(3) Overhead weather protection is provided satisfying the provisions of 23.49.025B5.

c. In the DRC zone on sites shown on Map 1J, shopping corridors and retail atriums;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Museums;

h. Performing arts theaters;

i. Floor area below grade;

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

k. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations.

2. As an allowance for mechanical equipment, three and one-half (3-1/2) percent of the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1, or B3 if applicable, has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

3. In lieu of the exemptions allowed in subsection B1 of this Section, an applicant may elect in writing, at the time of filing of an original Master Use Permit application that involves the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except on lots from which development rights have been or are transferred;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking;

d. The gross floor area of public benefit features, other than housing, that satisfy the requirements of Section 23.49.126, ratios for public benefit features, or that satisfy the requirements for a FAR bonus amenity allowable to a structure in a DOC1 or DOC2 zone for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.

Section 7. Section 23.49.012, Noise standards, of the Seattle Municipal Code is hereby recodified as Section 23.49.019.

Section 8. A new Section 23.49.012 of the Seattle Municipal Code is hereby added, as follows:

23.49.012 Bonus floor area for Voluntary Agreements for Housing and Child Care.

A. General Provisions.

1. The purpose of this Section is to allow chargeable floor area above the base FAR when the applicant, by voluntary agreement provides, funds or partially funds public benefit features or capital projects that mitigate a portion of the impacts of higher-density development. The City has determined that a major impact of such development is the increased need for low-income and low-moderate income housing downtown to serve workers in lower-paid jobs and their families attracted by the development. The general intent of this section is that voluntary agreements for bonus floor area shall mitigate impacts, with primary emphasis on housing.

2. There shall be a voluntary agreement between the applicant and the City with respect to all floor area earned pursuant to this Section. The agreement commits the applicant to provide eligible bonus features ("performance option"), or to make payments to the City to fund such features ("cash option"), or a combination of both the cash option and the performance option, in amounts sufficient to qualify for the amount of floor area desired.

3. No floor area beyond the base FAR shall be granted for any project that would cause significant alteration to any designated feature of a Landmark structure, unless a Certificate of Approval is granted by the Landmarks Preservation Board.

B. Voluntary Agreements for Housing and Child Care. For each square foot of chargeable floor area above the base FAR to be earned under this Section, the voluntary agreement shall commit the developer to provide or contribute to the following facilities in the following amounts:

1. Housing.

a. For each square foot of bonus floor area, housing serving specified income levels, or an alternative cash contribution, must be provided according to Chart A:

23.49.012 Chart A

Income Level	Gross Square Feet of Housing	Cash Contribution*
Up to 30% of median income	0.01905335	$3.20
Up to 50% of median income	0.06058827	$9.28
Up to 80% of median income	0.07614345	$6.27
Total	0.15578507	$18.75

* The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84= 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. In the alternative, the Director of the Office of Housing may adjust the cash contribution amounts based on changes to commercial and/or housing development costs estimated in such manner as the Director deems appropriate.

b. For purposes of this subsection, a housing unit serves households up to an income level only if all of the following are satisfied for a period of fifty years beginning upon the issuance of a certificate of acceptance by the Director of the Office of Housing in accordance with subsection 23.49.012 B1i:

(1) the housing unit is used as rental housing solely for households with incomes, at the time of each household's initial occupancy, not exceeding that level; and

(2) the rent charged for the housing unit together with a reasonable allowance for any basic utilities that are not included in the rent, does not exceed one-twelfth of 30% of that income level as adjusted for the estimated size of household corresponding to the size of unit, in such manner as the Director of the Office of Housing shall determine;

(3) there are no charges for occupancy other than rent; and

(4) the housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances, for such fifty-year period.

c. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus floor area if it is committed to serve one or more of the income groups referred to in this section pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the construction of such housing or conversion of nonresidential space to such housing, but no earlier than three (3) years prior to the issuance of a master use permit for the project using the bonus floor area, and either:

i. the housing unit is newly constructed, is converted from nonresidential use, or is renovated space that was vacant as of the date of this ordinance, on the lot using the bonus floor area, pursuant to the same master use permit as the project using the bonus floor area; or

ii. the housing is newly constructed, is converted from nonresidential use, or is renovated in a residential building that was vacant as of the date of this ordinance on a lot in a Downtown zone in compliance with the Public Benefit Features Rule, and:

-- the housing is owned by the applicant seeking to use the bonus, or

-- the owner of the housing has signed, and there is in effect, a linkage agreement approved by the Director of the Office of Housing allowing the use of the housing bonus in return for necessary and adequate financial support to the development of the housing, and either the applicant has, by the terms of the linkage agreement, the exclusive privilege to use the housing to satisfy conditions for bonus floor area; or the applicant is the assignee of the privilege to use the housing to satisfy conditions for bonus floor area, pursuant to a full and exclusive assignment, approved by the Director of the Office of Housing, of the linkage agreement, and all provisions of this section respecting assignments are complied with.

If housing is developed in advance of a linkage agreement, payments by the applicant used to retire or reduce interim financing may be considered necessary and adequate support for the development of the housing.

d. Housing that is not yet constructed, or is not ready for occupancy, at the time of the issuance of a building permit for the project intending to use bonus floor area, may be considered to be provided by the applicant if, within 3 years of the issuance of the first building permit for such project, Director of the Office of Housing issues a certificate of acceptance for such housing. Any applicant seeking to qualify for bonus floor area based on such housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this Section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the 3-year period, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus floor area for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus floor area is sought.

e. Only the party named in the linkage agreement with the owner of the housing as having the privilege to use the housing to satisfy bonus conditions may assign that privilege, and any assignment must be absolute and irrevocable. No assignment by an assignee, whether to a new party or back to the

assignor or housing owner, is permitted. The Director of the Office of Housing may require, as conditions to recognizing any assignment, that

i. the applicant obtain a written acknowledgment from the owner of the housing that the linkage agreement, as so assigned, is valid and effective;

ii. the assignor execute any documents deemed necessary by the Director of the Office of Housing to ensure that no party other than the permitted assignee has used, or will have any claim to use, the same housing to qualify for any floor area or development potential of any kind under any ordinance or other provision of law; and

iii. the owner and such assignor agree to indemnify and hold harmless the City and its officers and employees from any claims of the type described in subsection ii above and any damages from the City's refusal to honor such claims.

f. Nothing in this Chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon the regulations in effect at the relevant time for the project proposing to use such bonus floor area, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on such housing.

g. The Director of the Office of Housing shall review the design and proposed management plan for any housing proposed under the performance option to determine whether it will comply with the terms of this Section.

h. The Director of the Office of Housing is authorized to accept a voluntary agreement for the provision of housing and related agreements and instruments consistent with this Section. The Director of the Office of Housing is further authorized to issue a certificate of acceptance with respect to any housing units developed to satisfy the conditions of this rule, when the construction or rehabilitation of such housing units and the structure in which they are located has been completed; any necessary certificate of occupancy or final permit approval has been issued for the housing units; and either are rented consistent with this section or are vacant, ready for occupancy and offered for rent consistent with this section; and the owner of the housing provides such evidence of compliance with the requirements of this section and the Public Benefit Features Rule as the Director of the Office of Housing may require.

i. Any provision of any Director's Rule notwithstanding, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the housing units shall continue to satisfy the requirements of this subsection throughout the required fifty-year period that that such compliance shall be documented annually to the satisfaction of the Director of the Office of Housing, and the owner of any project using such bonus floor area shall be in violation of this Title if any such housing unit does not satisfy such requirements, or if satisfactory documentation is not provided to the

Director of the Office of Housing, at any time during such period. The Director of the Office of Housing may provide by rule for circumstances in which housing units may be replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide housing units under the terms of this subsection.

2. Child Care.

a. For each square foot of bonus floor area allowed under this Section, in addition to providing housing or an alternative cash contribution pursuant to subsection B1, the applicant shall provide fully improved child care facility space sufficient for 0.000127 of a child care slot, or a cash contribution to the City of $3.25, to be administered by the Human Services Department. The Director of the Human Services Department may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84= 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The minimum interior space in the child care facility for each child care slot is 100 net rentable square feet. Child care facility space shall be deemed provided only if the applicant causes the space to be newly constructed or newly placed in child care use after the submission of a permit application for the project intended to use the bonus floor area, except as provided in subsection B2b(6) below. If any contribution or subsidy in any form is made by any public entity to the acquisition, development, financing or improvement of any child care facility, then any portion of the space in such facility determined by the Director of the Human Services Department to be attributable to such contribution or subsidy shall not be considered as provided by any applicant other than that public entity.

b. Child care space shall be provided on the same lot as the project using the bonus floor area or on another lot in a downtown zone and shall be contained in a child care facility satisfying the following standards:

(1) The child care facility and accessory exterior space must be approved for licensing by the State of Washington Department of Social and Health Services.

(2) At least 20% of the number of child care slots for which space is provided as a condition of bonus floor area must be reserved for, and affordable to, families with annual incomes at or below the federal department of Housing and Urban Development Low Income Standard for Section 8 Housing based on family size (or, if such standard shall no longer be published, a standard established by the Human Services Director based generally on 80% of the median family income of the Metropolitan Statistical Area that includes Seattle, adjusted for family size). Child care slots shall be deemed to meet these conditions if they serve, and are limited to, (A) children receiving child care subsidy from the City of Seattle, King County or State Department of Social and Health Services, and/or (B) children whose families have annual incomes no higher than the above standard that are charged according to a sliding fee scale such that the fees paid by any family do not exceed the amount it would be charged, exclusive of subsidy, if the family were enrolled in the City of Seattle Child Care Subsidy Program.

(3) Child care space provided to satisfy bonus conditions shall be dedicated to child care use, consistent with the terms of this section, for twenty years. The dedication shall be established by a recorded covenant, running with the land, and enforceable by the City, signed by the owner of the lot where the child care facility is located and by the owner of the lot where the bonus floor area is used, if different from the lot of the child care facility. The child care facility shall be maintained in operation, with adequate staffing, at least 11 hours per day, 5 days per week, 48 weeks per year.

(4) The minimum area of the child care facility shall be six thousand (6,000) square feet of net rentable floor area plus two thousand (2,000) square feet of exterior space suitable as recreation area accessory to the interior child care space and dedicated to such use during daytime hours on all days when the child care facility is in operation, or is required to be open. Exterior space for which a bonus is or has been allowed under any other section of this Title or under former Title 24 shall not be eligible to satisfy the conditions of this Section. The Director of the Human Services Department may approve exceptions to the minimum space requirement based on review of the management plan and an assessment of the economic feasibility of operating a smaller child care facility.

(5) Unless the applicant is the owner of the child care space and is a duly licensed and experienced child care provider approved by the Director of the Human Services Department, the applicant shall provide to the Director of the Human Services Department a signed agreement, acceptable to such Director, with a duly licensed child care provider, under which the child care provider agrees to operate the child care facility consistent with the terms of this Section and of the recorded covenant, and to provide reports and documentation to the City to demonstrate such compliance. The agreement shall have an initial term of no less than three (3) years and shall require both parties to notify the Director of the Human Services Department at least ninety (90) days in advance of the its expiration, if not renewed, or any termination.

(6) One child care facility may fulfill the conditions for a bonus for more than one project if it includes sufficient space, and provides sufficient slots affordable to limited income families, to satisfy the conditions for each such project without any space or child care slot being counted toward the conditions for more than one project. If the child care facility is located on the same lot as one of the projects using the bonus, then the owner of that lot shall be responsible for maintaining compliance with all the requirements applicable to the child care facility; otherwise responsibility for such requirements shall be allocated by agreement in such manner as the Director of the Human Services Department may approve. If a child care facility developed to qualify for bonus floor area by one applicant includes space exceeding the amount necessary for the bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted by the Director of the Human Services Department from that applicant so provides, such excess space may be deemed provided by the applicant for a later project pursuant to a new voluntary agreement signed by both such

applicants and by any other owner of the child care facility, and a modification of the recorded covenant, each in form and substance acceptable to such Director.

c. The Director of the Human Services Department shall review the design and proposed management plan for any child care facility proposed to qualify for bonus floor area to determine whether it will comply with the terms of this Section. The allowance of bonus floor area is conditioned upon approval of the design and proposed management plan by the Director of the Human Service Department. The child care facility shall be constructed consistent with the design approved by such Director and shall be operated for the minimum 20-year term consistent with the management plan approved by such Director, in each case with only such modifications as shall be approved by such Director. If the proposed management plan includes provisions for payment of rent or occupancy costs by the provider, the management plan must include a detailed operating budget, staffing ratios, and other information requested by the Director to assess whether the child care facility may be economically feasible and able to deliver quality services.

d. The Director of the Human Services Department is authorized to accept a voluntary agreement for the provision of a child care facility to satisfy bonus conditions, and related agreements and instruments consistent with this Section. The voluntary agreement may provide, in case a child care facility is not maintained in continuous operation consistent with this subsection B2 at any time within the minimum 20-year period, for the City's right to receive payment of a prorated amount of the alternative cash contribution that then would be applicable to a new project seeking bonus floor area. Such Director may require security or evidence of adequate financial responsibility, or both, as a condition to acceptance of an agreement under this subsection.

C. Cash Option Payments. Cash payments under voluntary agreements for bonuses shall be made prior to issuance of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, or if the bonus is for use of existing floor area, the cash payment shall be made prior to issuance of any permit or modification allowing for use of such space as chargeable floor area. Such payments shall deposited in special accounts established solely to fund capital expenditures for the public benefit features for which the payments are made as set forth in this section.

D. No Subsidies for Bonused Housing; Exception.

1. Intent. Housing provided through the bonus system is intended to mitigate a portion of the additional housing needs resulting from increased density, beyond those needs that would otherwise exist, which the City and other governmental and charitable entities attempt to meet through various subsidy programs. Allowing bonus floor area under the performance option for housing that uses such subsidy programs therefore could undermine the intent of this Section.

2. Agreement Concerning Subsidies. The Director of the Office of Housing may require, as a condition of any bonus floor area for housing under the performance option, that the owner of the lot upon which the housing is located agree not to seek or accept any subsidies, including without limitation those items referred to in subsection D3 of this Section, related to the housing, except for any subsidies that may be allowed by the Director of the Office of Housing under that subsection. The Director of the Office of Housing may require that such agreement provide for the payment to the City, for deposit in the Downtown Housing Bonus Account, of the value of any subsidies received in excess of any amounts allowed by such agreement.

3. No Bonus for Subsidized or Restricted Housing. In general, no bonus may be earned by providing housing if

a. any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, County housing funds, State of Washington housing funds, or property tax exemptions or other special tax treatment; or

b. the housing is or would be, independent of the requirements for the bonus, subject to any restrictions on the use, occupancy or rents.

4. Exceptions by Rule. The Director of the Office of Housing may provide, by rule promulgated after the effective date of this ordinance, for terms and conditions on which exceptions to the restriction on subsidies in this subsection may be allowed. Such rule may provide that, as a condition to any exception, the Director of the Office of Housing shall increase the amount of housing floor area per bonus square foot, as set forth in subsection B1 of this Section, to an amount that allows credit for only the Director's estimate of the incremental effect, in meeting the City's housing needs for the next fifty (50) years, of the net financial contribution that is being made by the applicant pursuant to the voluntary agreement and not funded or reimbursed, directly or indirectly, from any other source.

Section 9. A new Section 23.49.013 is hereby added to the Seattle Municipal Code as follows:

23.49.013 Bonus Floor Area for Amenity Features.

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

1. Public open space amenity, including hillside terrace, urban plaza, parcel park, public atrium, green street improvement, green street setback or any combination of these and the amenities in subsection 2;

2. Hillclimb assist, shopping corridor, or transit tunnel station access may be provided on sites shown as eligible for these respective bonuses on Map 1J or any combination of these and the amenities in subsection 1; and

3. Human Services uses as follows:
   a. Information and referral for support services;
   b. Health clinics;
   c. Mental health counseling services;
   d. Substance abuse prevention and treatment services;
   e. Consumer credit counseling;
   f. day care services for adults;
   g. Jobs skills training services.

B. Standards for Amenity Features.

1. Location of Amenity Features. Amenity features must be located on the lot using the bonus, except as follows:

a. Green street improvements may be located within an abutting right-of-way subject to applicable Directors' Rules;

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

(1) The open space must be open to the public without charge, must meet the standards of the Public Benefit Features Rule, and must be one of the open space features cited in subsection A1 of this section.

(2) The open space must be within one-quarter (1/4) mile of the lot using the bonus.

(3) The open space must have a minimum contiguous area of five thousand (5,000) square feet.

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

2. Options for Provision of Amenity Features. Amenity features other than green street improvements must be provided by performance. The Director may accept a cash payment for green street improvements subject to the provisions of this section, the Public Benefit Features Rule and the Green Street Director's Rule, DR 11-93, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully one (1) square foot of green street space for each five (5) square feet of bonus floor area allowed for such payment.

3. Ratios and limits. Public benefit features may be used to gain floor area according to the applicable ratios, and subject to the limits in Section 23.49.011 and in this section.

a. Bonuses for open space amenities smaller than five thousand (5,000) square feet each, including hillside terrace, urban plaza, parcel park, green street improvement, or public atrium, plus any bonuses for green street setbacks, shall not exceed in the aggregate one (1) FAR or 15% of the total chargeable floor area to be added above the base FAR, whichever is less.

b. Bonuses for open space amenities meeting the provisions of this Chapter and the Public Benefit Features Rule and having an area of five thousand (5,000) square feet or greater shall not exceed in the aggregate twenty-five (25) percent of the total chargeable floor area to be added above the base FAR. The maximum bonusable area is fifteen thousand (15,000) square feet per open space amenity.

c. A hillclimb assist, shopping corridor or transit tunnel station access may be provided on sites shown on Map 1J to gain 0.5 FAR for each amenity. The total bonus used on any lot from each of such types of amenity shall not exceed 0.5 FAR.

d. Bonuses for human service use may be allowed at a ratio of seven (7) square feet of floor area granted per one (1) square foot (7:1) of human service feature up to a maximum bonusable human service amenity of ten thousand (10,000) square feet in area.

e. The bonus ratio for open space amenities other than green street setbacks is five (5) square feet of floor area granted per one (1) square foot (5:1) of open space feature. Green street setback may be allowed at a ratio of one (1) square feet of floor area granted per one (1) square foot (1:1) of open space feature.

4. Public Benefit Features Rule. Amenity features must satisfy the applicable provisions of the Public Benefit Features Rule in order to generate a bonus, except that the Director may allow departures from the provisions of the Public Benefit Features Rule if the applicant can demonstrate that the feature provides at least an equivalent public benefit and better achieves the intent of the feature as described in this Chapter and the Public Benefit Features Rule.

5. Open Space Amenity Features. Open Space amenity features must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this Chapter and the Public Benefit Features Rule.

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

Section 10. Section 23.49.014 of the Seattle Municipal Code is hereby recodified as Section 23.49.017.

Section 11. A new Section 23.49.014 of the Seattle Municipal Code is added as follows:

23.49.014 Transfer of Development Rights (TDRs).

A. General standards.

1. The following types of TDR may be transferred to the extent permitted in Chart A, subject to the limits and conditions in this Chapter:
   a. housing TDR;
   b. Landmark TDR; and
   c. open space TDR.
2. In addition to transfers permitted under subsection A1, TDR may be transferred from any lot to another lot on the same block, to the extent permitted in Chart A, subject to the limits and conditions in this Chapter.
3. Location of Sending and Receiving Lots. A lot's eligibility to be either a sending or receiving lot is regulated by 23.49.014 Chart A.

23.49.014 Chart A.

	TDR transferable within-block.	**Types of TDR transferable between blocks.**		
Zones*	Transfer from any lot within the same Downtown Block.	Housing TDR	Landmark TDR	Open Space TDR
DOC 1 and 2	S, R	S, R	S, R	S, R
DRC	S, R**	S, R**	S, R**	S, R**
DMC zones with a height limit of 85' or greater.	X	S, R	S, R	S, R
DMC 65'	X	S	S	S
DMR	X	S, R***	S, R***	S, R***
IDM, IDR and PSM.	X	S	X	X

S = Eligible sending lot.
R = Eligible receiving lot.
X = Not permitted.

*Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.
**Transfers to lots in the DRC zone are permitted only from lots that also are zoned DRC.
***Transfers to lots in the DMR zone are permitted only from lots that also are zoned DMR.

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

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

B. Standards for Sending Lots.

1. The maximum amount of floor area that may be transferred, except as open space TDR, from an eligible sending lot, except a sending lot in the PSM or IDM zones, is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in 23.49.011, exceeds the sum of any existing chargeable gross floor area on the sending lot plus any TDRs previously transferred from the sending lot. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in 23.49.011, exceeds the sum of (a) any existing chargeable gross floor area that is built on or over the eligible lot area on the sending lot, plus (b) the amount, if any, by which the total of any other chargeable floor

area on the sending lot exceeds the product of the base FAR of the sending lot, as provided in 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus (c) any TDRs previously transferred from the sending lot. The eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over one-quarter (1/4) of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by any portion of the lot ineligible under Section 23.49.027.

2. When the sending lot is located in the PSM or IDM zones, the gross floor area that may be transferred is 6 FAR, minus the sum of any existing chargeable gross floor area and any floor area in residential use on the sending lot, and further reduced by any TDRs previously transferred from the sending lot.

3. When TDRs are transferred from a sending lot in a zone with a base FAR limit, the amount of chargeable gross floor area that may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.011, minus the total of:

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

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

4. When TDRs are sent from a sending lot in a PSM zone, the combined maximum chargeable floor area and residential floor area that may then be built on the sending lot shall be equal to the total gross floor area that could have been built on the sending lot consistent with applicable development standards as determined by the Director, had no TDRs been transferred, less the sum of:

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

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

5. Gross floor area allowed above base FAR under any bonus provisions of this Title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDRs may be transferred from a lot that contains chargeable floor area exceeding the base FAR only to the extent, if any, that:

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

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

c. The excess amount of TDRs previously transferred to such lot would have been eligible for transfer from the original sending lot under the provisions of this section at the time of their original transfer from that lot.

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

7. Housing on lots from which housing TDRs are transferred shall be restored to the extent required to provide decent, sanitary, and habitable conditions, in compliance with applicable codes, and so as to have an estimated minimum useful life of

at least fifty (50) years from the time of the TDR transfer, all as approved by the Director of the Office of Housing. If housing TDRs are proposed to be transferred prior to the completion of work necessary to satisfy this subsection B7, the Director of the Office of Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

C. Limit on Variable Scale of Development TDR. Any receiving lot is limited to a gain of one (1) FAR or fifteen (15) percent of the floor area above the base FAR, whichever is less, from TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot.

D. Transfer of Development Rights Deeds and Agreements.

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

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

3. For transfers of housing TDR, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of the Office of Housing for good cause, to provide for the maintenance of the required housing on the sending lot

for a minimum of fifty (50) years. Such agreement shall commit to limits on rent and occupancy, consistent with the definition of housing TDR site and acceptable to the Director of the Office of Housing.

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

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

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

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

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

E. TDR Sales Before Base FAR Increases and Changes in Exemptions. Transfers of TDRs from any lot from which a TDR transfer was made prior to the effective date of this ordinance are limited to the amount of TDRs available from such lot immediately prior to such date.

F. Projects Developed Under Prior Code Provisions.

1. Any project that is developed pursuant to a Master Use Permit issued under the provisions of this Title as in effect prior to the effective date of this ordinance, which permit provides for the use of TDRs, may use TDRs that were transferred from the sending lot consistent with such prior provisions prior to such effective date.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot after the effective date of this ordinance.

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

G. TDRs Approved for Transfer Under Prior Code. If the conditions to transfer of Landmark TDR were satisfied prior to the effective date of this ordinance under the provisions of this Title then in effect, such TDR may be transferred in the amounts eligible for transfer immediately prior to that effective date, but only for use by projects developed pursuant to permits issued under the provisions of this Title in effect prior to that effective date. If the conditions to transfer of housing TDR or TDR from

Major Performing Arts Facilities were satisfied prior to the effective date of this ordinance under the provisions of this Title then in effect, such TDR may be transferred in the amounts eligible for transfer immediately prior to that effective date, either for use consistent with the terms of Section 23.49.011 or for use by projects developed pursuant to permits issued under the provisions of this Title in effect prior to the effective date of this ordinance. The use of TDR transferred under this subsection H on the receiving lot shall not be subject to limits that were not in effect for purposes of the Master Use Permit decision for the project using the TDR.

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

I. Use of Previously Transferred TDRs by New Projects. Any project using TDR according to applicable limits on types and amounts of TDRs in Section 23.49.011 may use TDRs that were transferred from the sending lot consistent with the provisions of this Title in effect at the time of such transfer.

Section 12. Subsection A of Section 23.49.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.49.016 Parking quantity requirements.

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

A. General Standards.

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

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

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

b. No parking shall be required for residential uses.

c. No parking, either long-term or short-term, shall be required for the first thirty thousand (30,000) square feet of retail sales and service use on lots in areas with high transit access, as identified on Map ((~~IA~~)) 1F. No parking, either long-term or short-term, shall be required for the first seven thousand five hundred (7,500) square feet of retail sales and service use on lots in other areas.

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

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

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

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

h. In International District Mixed and International District Residential zones, the Director of the Department of Neighborhoods, upon the recommendation of the International District Special Review District Board, may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access. In these zones, the parking requirements for restaurants, motion picture theaters, and other entertainment uses and places of public assembly shall be established pursuant to the requirements of Section 23.66.342, rather than the provisions of this section.

3. Location of Required Parking.

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

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

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

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

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

* * *

Section 13. A new Section 23.49.025 of the Seattle Municipal Code, which Section is added as follows:

23.49.025 Street-level use requirements.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated on Map 1H. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses qualify as required street-level uses:
1. Retail sales and services, except lodging;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses;
5. Museums and libraries; and
6. Public atriums.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage at street-level where street-level uses are required must be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage at street-level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space that qualifies for a floor area bonus, whether it receives a bonus or not, <u>any eligible lot area of an open space TDR site,</u> and any outdoor common recreation area required for residential uses, shall not be counted in street frontage.

2. In the DRC zone, no more than twenty (20) percent of the total street frontage of the lot may be occupied by human service uses, child care centers, customer service offices, entertainment uses, or museums.

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

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

5. Overhead weather protection. The entire length of facade where street-level uses are required must include overhead weather protection at street level meeting the following standards:

a. Overhead weather protection must have a minimum dimension of six (6) feet measured horizontally from the building wall or must extend to a line two (2) feet from the curb line, whichever is less;

b. A minimum of one half (1/2) of the overhead weather protection, for the entire length of facade where protection is required, must be over the public right-of-way or a widened sidewalk on private property;

c. The applicant will not install any obstructions in the sidewalk area as part of the structure of the overhead weather protection;

d. The lower edge of the overhead weather protection must be a minimum of eight (8) feet and a maximum of twelve (12) feet above the sidewalk for projections of up to six (6) feet measured horizontally from the facade and a minimum of ten (10) feet and a maximum of fifteen (15) feet for projections greater than six (6) feet measured horizontally from the façade;

e. Overhead weather protection must be continuous where feasible.

Section 14. Subsection A of Section 23.49.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is amended as follows:

23.49.026 General requirements for residential uses.

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

* * *

Section 15. A new Section 23.49.027 is hereby added to the Seattle Municipal Code, as follows:

23.49.027 Open space TDR site eligibility.

A. Intent. The intent of open space TDR is to provide opportunities for establishing a variety of usable public open space generally distributed to serve all areas of downtown.

B. Application and Approval. The owner of a lot shall apply to the Director for approval of the lot as a sending lot for open space TDR. The application shall include a design in such detail as the Director shall require and a maintenance plan. The Director shall review the application pursuant to the provisions of this Section, and shall approve, disapprove or conditionally approve the application. Conditions may include, without limitation, assurance of funding for long-term maintenance and dates when approvals shall expire if the open space is not developed.

C. Area Eligible for Transfer. For purposes of calculating the amount of TDRs transferable under Section 23.49.014, Transfer of Development Rights (TDRs),

eligible area does not include any portion of the lot occupied above grade by structures or uses not accessory to the open space.

D. Basic requirements. In order to qualify as a sending lot for open space TDR, the lot must include open space that satisfies the basic requirements of this subsection, unless an exception is granted by the Director pursuant to 23.49.039. An open space TDR site must:

1. include a minimum area as follows:

a. contiguous open space with a minimum area of fifteen thousand (15,000) square feet; or

b. a network of adjacent open spaces, which may be separated by a street right-of-way, that are physically and visually connected with a minimum area of thirty thousand (30,000) square feet;

2. be directly accessible from the sidewalk or another public open space, including access for persons with disabilities;

3. be at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected;

4. not have more than twenty (20) percent of the lot area occupied by any above grade structures; and

5. be located a minimum of one quarter (¼) mile from the closest lot approved by the Director as an open space TDR sending lot.

E. Open Space Guidelines. The Director shall consider the following guidelines, and may disapprove or condition an application based on one or more of them. If the Director determines that the design for the open space will substantially satisfy the intent of the guidelines as a whole, the Director need not require that every guideline be satisfied as a condition to approval. Open space should be designed to:

1. be well integrated with downtown's pedestrian and transit network;

2. be oriented to promote access to sun and views and protection from wind, taking into account potential development on adjacent lots built to the maximum limits zoning allows;

3. enhance user safety and security and ease of maintenance;

4. be highly visible because of the relation to the street grid, topographic conditions, surrounding development pattern, or other factors, thereby enhancing public access and identification of the space as a significant component of the urban landscape;

5. incorporate various features, such as seating and access to food service, that are appropriate to the type of area and that will enhance public use of the area as provided by the guidelines for an urban plaza in the Public Benefit Features Rule;

6. provide such ingress and egress as will make the areas easily accessible to the general public along street perimeters;

7. be aesthetically pleasing space that is well integrated with the surrounding area through landscaping and special elements, which should establish an identity for the space while providing for the comfort of those using it;

8. increase activity and comfort while maintaining the overall open character of public outdoor space; and

9. include artwork as an integral part of the design of the public space.

F. Public Access.

1. Recorded Documents. The open space must be subject to a recorded easement, or other instrument acceptable to the Director, to limit any future development on the lot and to ensure general public access and the preservation and maintenance of the open space, unless such requirement is waived by the Director for open space in public ownership.

2. Hours of Operation. The open space must be open to the general public without charge for a reasonable and predictable hours, such as those for a public park, for a minimum of six (6) hours each day of every week.

3. Plaque requirement. A plaque indicating the nature of the site and its availability for general public access must be placed in a visible location at the entrances to the site. The text on the plaque is subject to the approval of the Director.

G.Maintenance. The property owner and/or another responsible party who shall have assumed obligations for maintenance on terms approved by the Director, shall maintain all elements of the site, including but not limited to landscaping, parking, seating and lighting, in a safe and clean condition as provided for in a maintenance plan to be approved by the Director.

Section 16. Section 23.49.032 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is amended as follows:

23.49.032 Additions of gross floor area to lots with existing structures.

A. ((~~Existing structures may be expanded to the maximum permitted FAR. If the gross floor area is greater than that permitted by the base FAR, the expansion shall be achieved by providing public benefit features or by transferring development rights pursuant to the provisions of the zone in which the structure is located. Existing FAR shall be calculated under the rules for exempt and nonexempt space of the zone in which the structure is located.~~)) When development is proposed on a lot that will retain existing structures containing chargeable floor area in excess of the applicable base FAR, additional chargeable floor area may be added to the lot up to the maximum permitted FAR, by qualifying for bonuses or using TDR, or both, subject to the general rules for FAR and use of bonuses and TDR, SMC Sections 23.49.012, 23.49.013 and 23.49.014. Solely for the purpose of determining the amounts and types of bonus and TDRs that may be used to achieve the proposed increase in chargeable floor area, the legally established continuing chargeable floor area of the existing structures on the lot shall be considered as the base FAR.

B. When mechanical equipment or ((~~above-grade~~)) parking that ((~~which~~))was exempted from floor area calculation under the provisions of Title 24 is proposed to be changed to uses that ((~~which~~)) are not exempt from floor area calculations under this Chapter, and ((~~the structure is over~~)) the chargeable floor area on the lot exceeds the base FAR for the zone in which it is located, the gross floor area ((~~in an amount equivalent to the gross floor area~~)) proposed to be changed shall be achieved through qualifying for bonuses ((~~provision of public benefit features~~)) or transfer of development rights, according to the provisions of Sections 23.49.012, 23.49.013 and 23.49.014 as applicable to the zone in which the structure is located. ((~~This provision shall apply whether or not the structure is conforming.~~))

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

Section 17. Section 23.49.033 of the Seattle Municipal Code, which Section was last amended by Ordinance 112522, is hereby repealed.

Section 18. Subsection C of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

* * *

C. Vested Projects. A holder of a permit for a project ((~~which~~)) that is vested to an earlier code on the effective date of ((~~the ordinance codified in this section,~~)) Ordinance 115657 may apply for approval of a PCD as provided in this section. The proposed PCD constitutes a new project and, except as provided in this section, is subject to requirements applicable to such projects.

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

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

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

~~4.~~)) Tolling and Expiration of Vested Permit.

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

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

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

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

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

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

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

* * *

Section 19. A new Section 23.49.039 is hereby added to the Seattle Municipal Code, as follows:

23.49.039 Special exception for open space TDR sites.

The Director may authorize an exception to the requirements for open space TDR sites, Section 23.49.027, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.

A. The provisions of this section will be used by the Director in determining whether to grant, grant with condition or deny a special exception. The Director will grant exceptions only to the extent such exceptions further the provisions of this Section.

B. In order for the Director to grant, or grant with conditions, an exception to the requirements for open space TDR sites, one or more of the following must be satisfied:

1. The exception allows the design of the open space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings; or

2. The applicant demonstrates that the exceptions would result in an open space that better meets the intent of the provisions for open space TDR sites in 23.49.014.

Section 20. Subsection E of Section 23.49.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is amended as follows:

23.49.041 Transfer of Development Credits (TDCs).

* * *

E. King County Certification and Security. No permit after the first building permit, and in any event no permit for any construction activity other than excavation and

shoring, will be issued for development that includes credit floor area until (1) the applicant's possession of necessary rural development credits is certified by King County; and (2) either security is provided for the provision of amenities or an optional cash contribution is made, sufficient to generate the amount of amenity credits necessary under the terms of this section and any rules promulgated by the Director to implement this Section.

* * *

Section 21. Subsections A and B of Section 23.49.045 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, are amended as follows:

23.49.045 Downtown Office Core 1, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map ((~~Ha~~)) 1I may be permitted as conditional uses, pursuant to Section 23.49.046. Principal use parking garages for long-term parking ((~~shall be~~)) are prohibited in other locations.

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

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

~~b. Conditional uses in all other cases, pursuant to Section 23.49.046.~~)) may be permitted as conditional uses, pursuant to Section 23.49.046.

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

B. Accessory Parking.

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

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

Section 22. Subsection B of Section 23.49.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

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

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

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

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

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

* * *

Section 23. Section 23.49.048 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 24. Section 23.49.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 25. Section 23.49.052 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 26. Section 23.49.054 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 27. The introduction and Subsections A and B of Section 23.49.056 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows:

23.49.056 Downtown Office Core 1, street facade requirements.

Standards for the street facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;

Screening of parking;
Street trees.

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~HD~~)) 1G 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 ((~~HD~~)) 1G, and whether property line facades are required by Map ((~~HC~~)) 1K.

A. Minimum Facade Height.

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

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

* Except as ((~~modified by~~))provided in subsection A2 regarding view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~HC~~)) 1K 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

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

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

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

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

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

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

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

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

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

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

d. Any exterior public open space that ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor

common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.056 C.)

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

* * *

Section 28. The introduction and Subsections A and B of Section 23.49.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 29. Subsections A and B of Section 23.49.064 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, are amended as follows:

23.49.064 Downtown Office Core 2, principal and accessory parking.

A. Principal Use Parking.

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

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

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

~~b. Conditional uses in all other cases,~~)) may be permitted by conditional use pursuant to Section 23.49.066.

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

B. Accessory Parking.

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

2. Accessory surface parking areas shall be:

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

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

c. Prohibited in areas not shown on Map ((~~IIIA~~)) 1I, except that temporary accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.066.

Section 30. Subsection B of Section 23.49.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

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

* * *

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

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

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

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

* * *

Section 31. Section 23.49.068 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is hereby repealed.

Section 32. Section 23.49.070 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 33. Section 23.49.072 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 34. Section 23.49.074 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 35. The introductory subsection and subsections A and B of Section 23.49.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.076 Downtown Office Core 2, street facade requirements.

Standards for the street facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line ((~~of a lot~~)) that ((~~which~~)) abuts a street designated on Map ((~~IIID~~)) 1G 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 ((~~IIID~~)) 1G, and whether property line facades are required by Map ((~~IIIC~~)) 1K.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.076 A, but minimum facade heights shall not apply when all portions

of the structure are lower than the elevation of the required minimum facade height listed below.

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

* Except as provided in subsection A2 regarding ((~~modified by~~)) view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~IIC~~)) 1K 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the street property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.076 B:

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

-- The total area of a facade that ((~~which~~)) is set back more than two (2) feet from the street property line shall not exceed forty (40)

percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map ((~~IIIC~~)) 1K. Except when the entire structure is fifteen (15) feet or less in height, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.076 C. When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.076 D). The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II Pedestrian streets.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.076 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.)

d. Any exterior public open space that ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.076 C.)

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.

* * *

Section 36. Subsection A and B of Section 23.49.078 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.078 Downtown Office Core 2, upper-level development standards.

* * *

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

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

2. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.078 A), is established as the coverage limit area, except as stated in subsection A3 below.

3. For projects participating in the TDC Program pursuant to SMC Section 23.49.041, the coverage limit areas above an elevation of two hundred forty (240) feet for structures three hundred (300) feet in height or less are the same as the coverage limit areas under subsection A1 above for the entire height of the structure above one hundred twenty-five (125) feet above the adjacent sidewalk.

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

a. Projects, except those described in subsection A4b below:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
126' to 240'	60%	40%	20%
Above 240'	50%	40%	20%

b. Certain Projects Participating in the TDC Program. For projects participating in the TDC Program pursuant to SMC 23.49.041, on lots that either (i) have at least 25% of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than 35' in height, or any combination thereof; or (ii) have at least 50% of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than 65' in height, or any combination thereof:

Elevation	Lots With One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Sq. Ft. or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Sq. Ft. in Size
126' to 240'	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 or more abutting lots, whether occupied by existing structures or not, provided that:

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

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

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

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

Elevation	Lots With One Street Frontage	Lots With Two or More Street Frontages: Lots 45,000 Sq. Ft. or Less in Size	Lots With Two or More Street Frontages: Lots Greater Than 45,000 Sq. Ft. in Size
126' to 240'	120'	120'	120'
Above 240'	90'*	120'	90'

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

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above

an elevation of one hundred twenty-five (125) feet that ((~~which~~)) is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of façade that ((~~which~~)) is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.078 B.).

Section 37. Subsection C of Section 23.49.090 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.49.090 Downtown Retail Core, permitted uses.

* * *

C. Public Facilities.

1. Except as provided in Section 23.49.096((~~E2~~)), uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

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

* * *

Section 38. Subsection B of 23.49.096 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.096 Downtown Retail Core, conditional uses and Council decisions.

* * *

B. **Reserved**((~~Major retail stores and performing arts theaters may be granted a public benefit feature bonus through an administrative conditional use process, Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Through the bonus, increases in permitted height and floor area ratios, and changes in development standards may be granted if the desired quality of the public environment can be maintained, according to the following standards:~~

~~1. Standards for Major Retail Store.~~

~~a. Type of Store. Major retail stores shall be operated by an established concern with a reputation for quality and service, which is not located in the Downtown Retail Core when the conditional use is sought and shall provide a range of merchandise and services.~~

~~b. Size Standards and Bonus Ratio.~~

~~(1) Minimum lot size shall be twenty-five thousand (25,000) square feet.~~

~~(2) The minimum size of a major retail store shall be eighty thousand (80,000) square feet. Major retail stores shall be under the management of a single retail firm and shall function as a single business establishment. Storage area, store offices, and other support space necessary for the operation of the retail sales area shall also be bonused.~~

~~(3) For each square foot of major retail store, two and one-half (2-1/2) square feet of additional floor area shall be granted, up to the maximum set in subsection B1b(4).~~

~~(4) Up to two hundred thousand (200,000) square feet of the store shall be eligible for a floor area bonus.~~

~~c. Access. The store should be oriented to activity on the street and should, wherever possible, provide opportunities for through-block circulation.~~

~~(1) At least one (1) major pedestrian entrance shall be provided directly from the sidewalk of each street frontage of the store. All entrances shall be at the same elevation as the sidewalk.~~

~~(2) Bonused major retail store space may be provided above and below street level as long as all areas are connected and function as a single retail establishment.~~

~~d. Hours of Operation. Major retail stores shall be open to the general public during established shopping hours for a minimum of eight (8) hours a day, six (6) days per week.~~

~~2. Standards for Performing Arts Theater.~~

~~a. Type of Theater. Theaters shall provide a place for live performances of drama, dance and music. The auditorium area should be specifically designed for the presentation of live performances under optimum viewing and acoustical conditions. Theaters principally intended for nightclub or cabaret type entertainment or adult entertainment will not qualify for conditional use approval. The developer shall commit to manage the theater or shall secure a lease for at least ten (10) years from a theater operator or resident theater group with acceptable credentials.~~

~~b. Area, Dimensions and Bonus Ratio. Theaters eligible for conditional use approval may include a wide variety of theater sizes and types to encourage a broad range of live entertainment offerings downtown.~~

~~(1) The minimum theater size eligible for a bonus shall have a seating area of at least two hundred (200) seats and the necessary support areas.~~

~~(2) For each square foot of performing arts theater, twelve (12) square feet of additional floor area shall be granted.~~

~~(3) The maximum area eligible for a bonus shall be established as part of the review process. The process shall include an assessment of existing theaters and the sizes of future theaters needed to provide a range of performing arts facilities in the downtown.~~

~~(4) The arrangement of seating and stage areas of the theater shall be expressly designated for the presentation of performing arts. The size of the stage area, floor slopes, ceiling heights and acoustical and lighting systems shall be~~

~~adequate to meet the viewing requirements of the audience relative to the size of the auditorium.~~

~~c. Access and Street Orientation. The theater shall be designed to promote activity on the street and add visual interest. It shall be highly accessible and visible from a street or public open space.~~

~~(1) A lighted marquee, display signs, and/or banners related to the theater operation shall be located above the main street entrance. Lobby areas with transparent walls located on the street front are desirable.~~

~~(2) To avoid creating large expanses of street frontage with limited visual interest or activity, theater street frontage shall be limited. Theater frontage shall be limited to sixty (60) feet; any street-level area of the theater exceeding this limit must be separated from the street by another use. Departure from these standards may be permitted to address special conditions of the lot which may affect the theater's street orientation or to accommodate specific needs related to the theater's operation.~~

~~(3) A covered queuing area shall be provided; interior lobby space may satisfy this requirement.~~

~~(4) Direct access shall be provided to the theater lobby from the street or a bonused public open space. The theater itself, however, may be above or below street level.~~

~~(5) Truck loading/unloading space shall be provided off-street, preferably off an alley.~~

~~3. Restrictions on Demolition and Alteration of Existing Structures.~~

~~a. The design of projects including a major retail store or performing arts theater shall incorporate the existing exterior street front facade(s) of the structures listed below which are significant to the architecture, history and character of downtown. Changes may be permitted to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).~~

~~b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If the listed structures are also Landmark structures, approval by the Landmarks Board shall be required prior to consideration of the project by the Director. The Landmarks Board's recommendation shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of approving additional height and FAR under Section 23.49.096 B, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark.~~

~~Sixth and Pine Building~~	~~523 Pine Street~~
~~Decatur Building~~	~~1513 6th Avenue~~
~~Coliseum Theater~~	~~5th and Pike~~
~~Seaboard Building~~	~~1506 Westlake Avenue~~
~~Fourth and Pike Building~~	~~1424 4th Avenue~~

~~Pacific First Federal Savings~~	~~1400 4th Avenue~~
~~Joshua Green Building~~	~~1425 4th Avenue~~
~~Equitable Building~~	~~1415 4th Avenue~~
~~1411 Fourth Avenue Building~~	~~1411 4th Avenue~~
~~Mann Building~~	~~1411 3rd Avenue~~
~~Olympic Savings Tower~~	~~217 Pine Street~~
~~Fischer Studio Building~~	~~1519 3rd Avenue~~
~~Bon Marche~~	~~3rd and Pine~~
~~Melbourne House~~	~~1511 3rd Avenue~~
~~Former Woolworth's Building~~	~~1512 3rd Avenue~~

~~4. Height and Scale. In determining the amount of change permitted in development standards for height and setbacks, the primary objective shall be the preservation of the existing sense of openness and the human scale environment in the Downtown Retail Core. The acceptability of negative impacts associated with departure from the base regulations shall depend on the priority of the streets adjacent to the proposed project, according to Map IVB.(Note 1)~~

~~a. An increase in the height up to one hundred fifty (150) feet may be permitted when the primary objective described above will be furthered and:~~

~~(1) The additional height and bulk will not result in substantial wind impacts on public open spaces and sidewalks; and~~

~~(2) The shadows cast on the Westlake Park south of Pine Street, and all Priority 1 Streets shown on Map IVB,(Note 1) from eleven a.m. to two p.m. on March 21st and September 21st will not be increased beyond those cast by existing structures.~~

~~b. When an increase in the height limit is permitted, upper-level setbacks shall be provided. The applicant may choose to provide the upper-level setbacks pursuant to the provisions of subsection B of Section 23.49.106, or as follows:~~

~~(1) Coverage limit areas shall be established at two (2) elevations:~~

~~i. Between an elevation of sixty-five (65) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)~~

~~ii. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)~~

~~iii. Within the coverage limit area, coverage and maximum facade lengths shall be as follows:~~

	~~Structure Elevation~~	
	~~Less than 65'~~	~~65' and Above~~
~~Priority 1 streets shown on Map IVB~~		

Maximum coverage in coverage limit area	100%	20%
Maximum facade length	no limit	90'
Priority 2 streets shown on Map IVB		
Maximum coverage in coverage limit area	100%	30%
Maximum facade length	no limit	90'
Priority 3 streets shown on Map IVB		
Maximum coverage in coverage limit area	Upper-level development standards of abutting zones shall apply	

Maximum facade length. Facade length limited only within fifteen (15) feet of street property line. The minimum distance between facades within fifteen (15) feet of street property lines shall be sixty (60) feet.

(2) All existing structures retained as part of the proposed project shall be calculated together with the new structure to determine permitted coverage.

c. To contribute to a sense of openness and increase opportunities for light and air to streets, portions of facades of new structures which exceed an elevation of one hundred twenty-five (125) feet shall be separated from all other portions of facades on the same block front which exceed that elevation, both on the project lot and abutting lots, by a minimum distance of sixty (60) feet above an elevation of one hundred (100) feet.(See Exhibit 23.49.096 B.) The depth of the separation shall be at least sixty (60) feet, measured from the street property line.

5. Design Treatment. The materials, scale and details of new development using the major retail store or performing arts theater bonus shall harmonize with existing development in the area and contribute to the visual interest of the pedestrian environment.

a. In addition to the street facade requirements of Section 23.49.106, large expanses of blank walls above street level which are visible from any street or public open space are prohibited. Below an elevation of sixty-five (65) feet, all street facades shall be articulated and contain architectural design features such as windows, columns or other structural features, belt courses, cornices, setbacks, ornamentation, awnings or canopies, that reflect the character of nearby structures.

b. Building materials shall be compatible with those of existing structures in the Downtown Retail Core. Large areas of dark or reflective materials are prohibited.

c. Overhead weather protection is required on all street frontages of the project. Coverings that are transparent and allow sunlight to reach the sidewalk are preferred.

6. Scale of Surrounding Development. Project proposals using the major retail store or performing arts theater bonus shall be considered with respect to similar scale developments in the Downtown Retail Core. The bonus shall not be granted if it would result in additional large-scale development which, considered together with

~~other projects of similar scale, would create traffic and pedestrian circulation problems and would conflict with the desired scale and pedestrian character of the area.~~

~~7. Combined Lot Option.~~

~~a. Two (2) lots located in the DRC zone may be combined for the purpose of calculating the density for a total project incorporating a major retail store or a performing arts theater. The lots may be located on the same block or on different blocks. The administrative conditional use process shall apply to both lots.~~

~~b. The density for all development shall be calculated as if both lots were a single lot and shall conform to the permitted FAR set forth in Section 23.49.098 B. In no circumstance shall the FAR for the two (2) lots taken together exceed the permitted density.~~

~~c. The height limits and development standards of subsection B4 of this section shall apply to each lot.~~

~~d. The fee owners of each of the combined lots shall execute a deed or other agreement which shall be recorded with the titles to both lots. In the agreement or deed, the owners shall acknowledge that development on the combined lots shall not exceed the combined FAR limits for both lots and, should development on one (1) lot exceed the FAR limit for that lot, then development on the other lot shall be restricted by the amount of excess FAR used on the more developed lot, for the life of the improvement on the more developed lot. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by The City of Seattle.~~))

* * *

Section 39. Section 23.49.098 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 40. Section 23.49.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 41. Section 23.49.102 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 42. Section 23.49.104 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 43. Section 23.49.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is further amended as follows:

23.49.106 Downtown Retail Core, street facade requirements.

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

Minimum facade height
Setback limits
((~~Upper-level setbacks~~))
Facade transparency
Blank facade limits
Screening of parking
Street trees.

These standards apply to each lot line ((~~which~~)) that abuts a street.

A. Minimum Facade Height. Minimum facade height shall be thirty-five (35) feet (((~~see exhibit 106 A~~))), except that this requirement shall not apply when all portions of the structure are lower than an elevation of thirty-five (35) feet.

((~~B. Maximum Facade Heights and Upper-level Setbacks.~~

~~1. As depicted in Exhibit 23.49.106 B, upper-level setbacks and maximum facade heights shall be established for all structures greater than one hundred twenty-five (125) feet in height as follows:~~

~~Height of Structure~~	~~Setback From Street Property Line Above Maximum Street Facade Height~~	~~Maximum Street Facade Height~~
~~126' - 170'~~	~~15'~~	~~95'~~
~~Greater than 170'~~	~~Setback = Height - 125'~~	~~125' - 2x (where x = 3 setback in feet)~~

~~2. The required upper-level setback shall be at the elevation of the maximum street facade height, and shall continue for the full height of the structure. (See Exhibit 23.49.106 B.)~~)))

((~~C.~~)) B. Facade Setback Limits.

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

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

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

b. Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the street property line shall be permitted according to the following standards (see Exhibit 23.49.106A):

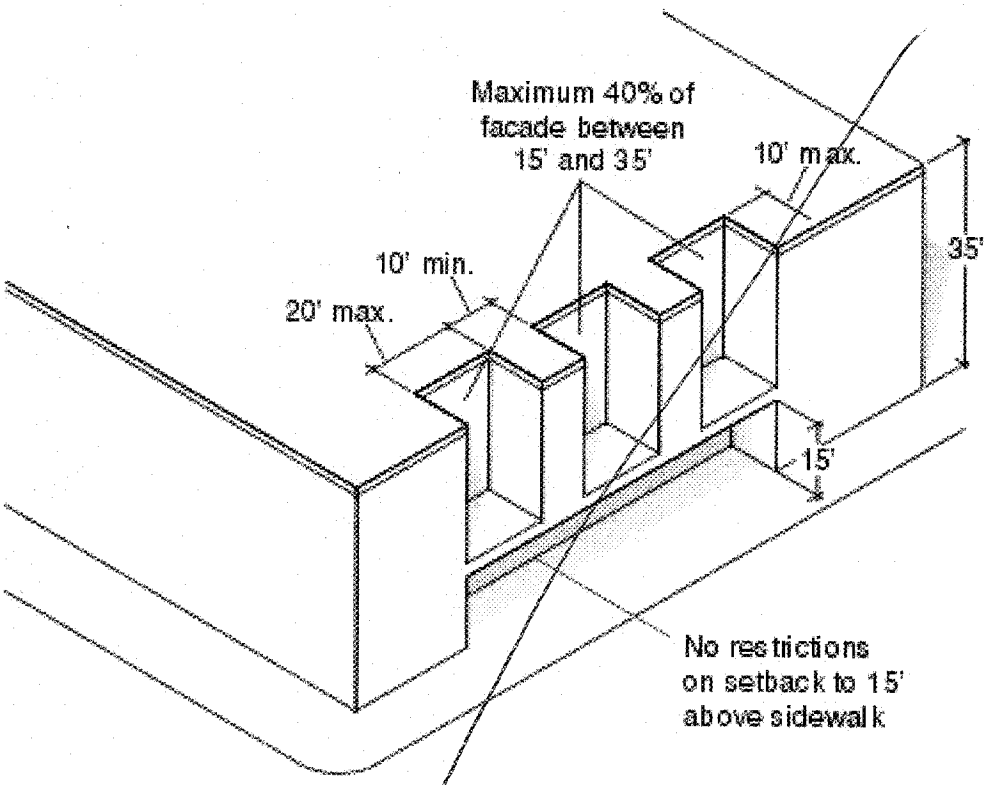
(1) The maximum setback shall be ten (10) feet.

(2) The total area of the portion of the facade between the elevations of fifteen (15) feet and thirty-five (35) feet above sidewalk grade at the street property line 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 these elevations.

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

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

Exhibit 23.49.106A



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

((~~D.~~)) C. Facade Transparency Requirements.

1. Facade transparency requirements 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, this subsection shall apply.

3. On all streets, a minimum of sixty (60) percent of the street level facade shall be transparent.

((~~E.~~)) D. Blank Facade Limits.

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

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

3. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors, which may be wider than fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

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

5. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage.

((~~F.~~)) E. Screening of Parking. Parking located at or above street level in parking garages shall be screened according to the following requirements:

1. Parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

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

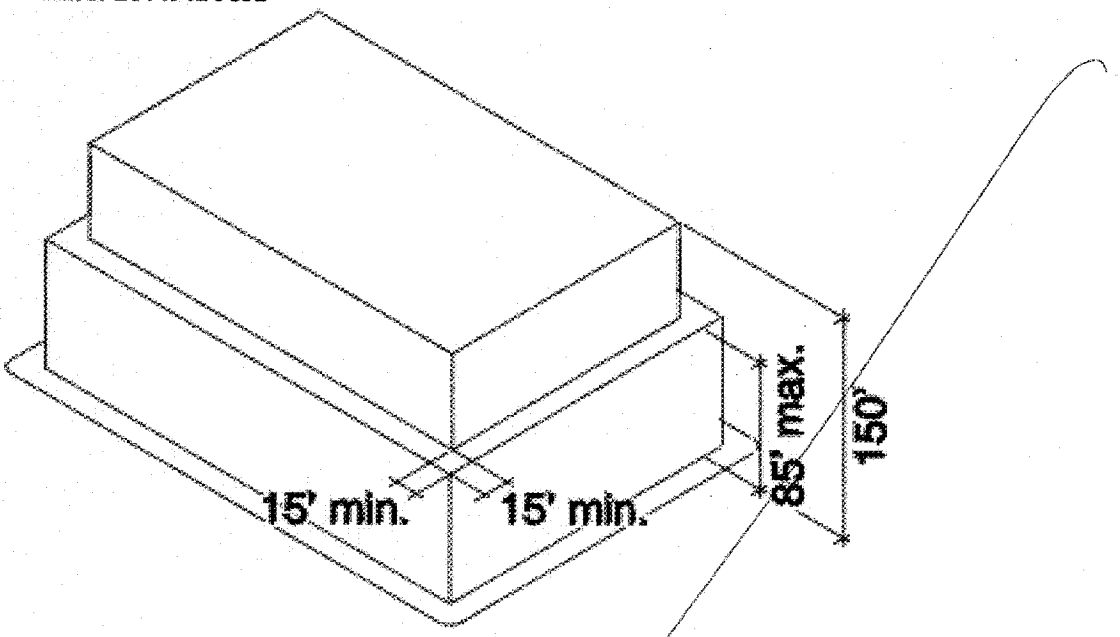
((~~G.~~)) F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle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

Section 44. A new Section 23.49.108 of the Seattle Municipal Code is hereby added as follows:

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.)

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 150 feet in height pursuant to 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.

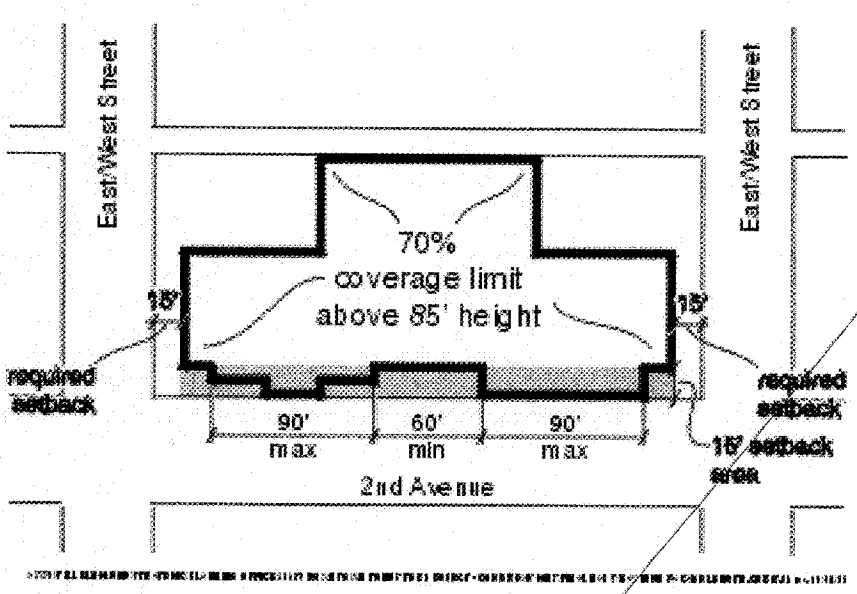
2. Structure Setbacks. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk on east/west streets only.

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.)

Exhibit 23.49.108B.



Section 45. Subsections A and B of Section 23.49.120 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, are amended as follows:

23.49.120 Downtown Mixed Commercial, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map ((~~VA~~)) 1I 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 ((~~shall either be:~~

~~a. Permitted outright when the garage contains short-term parking spaces for which additional floor area is granted pursuant to Section 23.49.126; or~~

~~b. Conditional uses in all other cases,~~)) 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 ((~~VA~~)) 1I, and shall be prohibited in other locations, except that temporary principal use parking areas may be permitted as conditional uses pursuant to Section 23.49.122.

B. Accessory Parking.

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

2. Accessory surface parking areas shall ((~~either~~)) be:

a. Permitted outright when located in areas shown on Map ((~~VA~~)) 1I and containing twenty (20) or fewer parking spaces; or

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

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

Section 46. Subsection B of Section 23.49.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.122 Downtown Mixed Commercial, conditional uses and Council decisions.

* * *

B. Principal use parking garages for long-term parking in areas designated on Map ((~~VA~~)) 1I, and for short-term parking at any location ((~~, except those permitted outright by Section 23.49.120B2~~,)) may be permitted as conditional uses, if the Director finds that:

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

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

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

* * *

Section 47. Section 23.49.124 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 48. Subsections A and B, including the table, of Section 23.49.126 of the Seattle Municipal Code, of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, are hereby amended as follows:

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 ((which)) causes the destruction of any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

((~~2~~))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 allocation of bonus credits to low and low and low-moderate income housing, to establish a schedule of bonus ratios that provides greater weight for low-income housing than for low-moderate income housing.

((~~3~~))4. Except for housing, human services, child care, and off-site opens pace 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.

*** * *Public Benefit Feature Bonus Table for Section 23.49.126**

Public Benefit Feature	Bonus Ratio	Maximum Area of Public Benefit Feature Eligible for Bonus
Human service us 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 area shown on Map ((~~VB~~)) 1K, where shopping corridors are bonused	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map ((~~VB~~)) 1K	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on Map ((VB)) 1N	2.5	0.5 time the area of the lot, not the exceed 15,000 square feet

Parcel Park	4	7,000 square feet
Green street	4	1 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 ((~~IIB~~)) 1K	1.0 FAR[4]	Not applicable
Hillside terrace in area shown on Map ((~~VB~~)) 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 1 streets designated on Map ((~~VD~~)) 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 Benetif Features Rule.
[7] See Section 23.49.009.

****

Section 49. Section 23.49.128 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 50. Section 23.49.132 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 51. The introduction and Subsections A and B of Section 23.49.134 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.134 Downtown Mixed Commercial, street facade requirements.

Standards for the street facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~VD~~)) 1G 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 ((~~VD~~)) 1G, and whether property line facades are required by Map ((~~VC~~)) 1K.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.134A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

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

* Except as provided in subsection A2 regarding ((~~modified by~~)) view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~VC~~)) 1K 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.134B:

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

-- The total area of a facade that ((~~which~~)) is set back more than two (2) feet from the street property line shall not exceed forty (40)

percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map ((~~VC~~)) 1K. 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 23.49.134C.) 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 ((~~which~~)) is fifteen (15) feet or less in height.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.134D). 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 23.49.134D.)

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 23.49.134E.)

d. Any exterior public open space that ((~~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 23.49.134C.)

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.

* * *

Section 52. Subsections A and B of Section 23.49.136 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.136 Downtown Mixed Commercial, upper-level development standards.

* * *

A. Coverage Limits. On streets designated on Map ((~~VD~~)) 1G 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 23.49.136A), is established as 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:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
Above 125'	60%	50%	25%

b. All other projects:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
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 or more abutting lots, whether occupied by existing structures or not, provided that:

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

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

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

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

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

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

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that ((~~which~~)) is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of facade that ((~~which~~)) is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.136B.).

C. When a lot in a DMC zone is across a street from the Pike Market Historic District, Map ((~~VE~~)) 1M, a continuous upper-level setback of fifteen (15) feet shall be provided on all street frontages across from the Historic District at a maximum height of eighty-five (85) feet. The fifteen (15) feet setback line shall be considered the street property line for the application of the provisions of subsections A and B.

Section 53. Section 23.49.150 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 54. Section 23.49.152 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 55. Section 23.49.154 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 56. Section 23.49.160 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 57. The introduction and Subsection B of Section 23.49.162 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows:

23.49.162 Downtown Mixed Residential, street facade requirements.

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

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

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~VID~~)) 1G 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 ((~~VID~~)) 1G, and whether property line facades are required by Map ((~~VIC~~)) 1K.

* * *

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~VIC~~)) 1K 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the property line shall be permitted according to the following standards. (See Exhibit 23.49.162 B.)

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

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

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades as shown on Map ((~~VIC~~)) 1K. Except when the entire structure is fifteen feet(15') or less in height, or when the minimum facade height established in subsection A is fifteen feet (15'), the setback limits shall apply to the facade between an elevation of fifteen feet (15') above sidewalk grade and the minimum facade height established in subsection A (see Exhibit 23.49.162 C). When the structure is fifteen feet (15') or less in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen feet (15'), the setback limits shall apply to the portion of the street facade that ((~~which~~)) is fifteen feet (15') or less in height.

a. The maximum area of all setbacks between the lot line and facade shall be limited according to an averaging technique. The maximum area of all setbacks along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along the street. (See Exhibit 23.49.162 D.) The averaging factor shall be five (5) on Class I pedestrian streets, twenty(20) on Class II pedestrian streets, and thirty (30) on green streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen feet (15') from the street property line shall not exceed eighty feet (80'), or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.162 D.)

c. The maximum setback of the facade from the street property line at intersections shall be ten feet (10'). The minimum distance the facade must conform to under this limit shall be twenty feet (20') along each street.(See Exhibit 23.49.162 E.)

d. Any exterior public open space that ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.162 C.)

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

Section 58. Subsection B of Section 23.49.166 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended as follows:

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

* * *

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

Elevation of Portion of Structure	**Required Setback**
65' to 85'	10'
86' to 240'	(H - 85') x .2 + 10'

where H equals the highest point of the portion of the structure located within one hundred twenty (120) feet of the green street lot line, in feet.

Section 59. Section 23.49.180 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 60. Section 23.49.210 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 61. Section 23.49.212 of the Seattle Municipal Code, which Section was last amended by Ordinance 119618, is hereby repealed.

Section 62. Section 23.49.214 of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is hereby repealed.

Section 63. Section 23.49.238 of the Seattle Municipal Code, which Section was last amended by Ordinance 113279, is hereby repealed.

Section 64. Section 23.49.240 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 65. Subsection B of Section 23.49.248 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, is amended as follows:

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

* * *

B. Green Street Setbacks. A setback from the street property line shall be required on green streets, Map ((~~IXA~~)) 1G, 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') x .2 + 10' where H = Total structure height in feet

Section 66. Section 23.49.304 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 67. Subsections A and B of Section 23.49.322 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, are amended as follows:

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 ((~~XIA~~)) 1I, and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.324.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright.

2. Accessory surface parking areas shall either be:

a. Permitted outright when located in areas shown on Map ((~~XIA~~)) 1I and containing twenty (20) or fewer parking spaces; or

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

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

Section 68. Section 23.49.328 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 69. Section 23.49.330 of the Seattle Municipal Code, which Section was last amended by Ordinance 117130, is hereby repealed.

Section 70. Section 23.49.331 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 71. The introduction of Section 23.49.332 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

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 ((~~of a lot which~~)) that abuts a street designated on Map ((~~XIA~~)) 1G as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map ((~~XIA~~)) 1G.

* * *

Section 72. Subsections A and B of Section 23.49.336 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, are amended as follows:

23.49.336 Pike Market Mixed, permitted uses.

A. Permitted uses within the Pike Market Historic District, shown on Map ((~~XIIA~~)) 1M, shall be determined by the Pike Place Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance, Chapter 25.24, Seattle Municipal Code.

B. In areas outside of the Pike Market Historic District in the Pike Market Mixed (PMM) zone, as shown on Map ((~~XIIA~~)) 1M, all uses are permitted outright except those specifically prohibited by Section 23.49.338.

Section 73. Subsections A and B of Section 23.49.338 of the Seattle Municipal Code, which Section was last amended by Ordinance 116295, are amended as follows:

A. The following uses are prohibited as both principal and accessory uses in areas outside of the Pike Market Historic District, Map ((~~XIIA~~)) 1M.

1. Drive-in businesses, except gas stations located in parking garages;
2. Outdoor storage;
3. Adult motion picture theaters and adult panorams;

4. Transportation facilities;
5. Communication utilities;
6. All general manufacturing uses;
7. All salvage and recycling uses, except recycling collection stations;
8. All industrial uses;
9. Jails; and
10. Work-release centers.

B. Within the Pike Market Historical District, Map ((~~XIIA~~)) 1M, uses may be prohibited by the Pike Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance.

Section 74. Section 23.49.342 of the Seattle Municipal Code, which Section was last amended by Ordinance 119370, is hereby repealed.

Section 75. Section 23.49.344 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is hereby repealed.

Section 76. Section 23.84.006 "C" of the Seattle Municipal Code, which Section was last amended by Ordinance 118720, is amended to add a new subsection, as follows:

* * *

"Chargeable floor area" means gross floor area of all structures on any lot in a downtown zone, except portions of structures or uses that are expressly exempt from floor area limits under the provisions of this Title, and after reduction by any applicable adjustment for mechanical equipment. Chargeable floor area is computed using the exemptions and adjustments in effect at the time the computation is made. Chargeable floor area includes any floor area, not otherwise exempt, that is in a structure in a downtown zone where floor area limits do not apply or that is permitted to be occupied by reason of the Landmark status of the structure in which it is located.

* * *

Section 77. The subsection entitled "Human service use" of Section 23.84.016 "H" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended, and a new subsection is added to such section, as follows:

* * *

"Housing TDR site" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;

2. Each structure on the lot has a minimum of fifty (50) percent of total gross above grade floor area committed to low-income housing or low and low-moderate income housing use for a minimum of fifty (50) years;

3. The lot has above grade gross floor area equivalent to at least one (1) FAR committed to low-income housing use for a minimum of fifty (50) years;

4. The above grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of the date of passage of this ordinance and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of the Office of Housing; and

5. The low-income housing or low and low-moderate income housing commitments on the lot provide for satisfaction of the standards in Section 23.49.012 B1b and are accepted by the Director of the Office of Housing.

* * *

"Human service use" means ((~~public or nonprofit agencies organized and operated exclusively for charitable purposes, which provide at least one (1) of the following services:~~)) a use in which structure(s) and related grounds or portions thereof are used to provide one or more of the following: emergency food, medical or shelter services; community health care clinics, including those that provide mental health care((~~,~~)); alcohol or drug abuse services; information and referral services for dependent care, housing, emergency services, transportation assistance, employment or education; consumer and credit counseling; or day care services for adults. Human service uses ((~~shall~~)) provide at least one (1) of the listed services directly to a client group on the premises, rather than serve only administrative functions.

Section 78. Section 23.84.024 "L" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended by repealing and amending certain subsections, as follows:

* * *

((~~"Landmark TDR" means development rights eligible for transfer from one lot to another based on the landmark status of the improvements on the sending lot, under Sections 23.49.052, 23.49.072 , 23.49.102, or 23.49.128, but does not include~~

~~development rights that would be eligible for transfer based upon the status of the sending lot as a low-income housing TDR site or Pioneer Square infill site.~~))

* * *

((~~"Landmark theater/housing TDR site" means any lot meeting the requirements of paragraphs 1, 2, and 3 below:~~

~~1. There is located on the lot a landmark performing arts theater as defined in this section; and~~

~~2. The owner of the lot satisfies all requirements for the transfer of landmark TDR; and~~

~~3. One (1) of the following conditions (a) or (b) is met, as applicable:~~

~~a. If one (1) or more housing units on the lot were occupied or habitable on January 1, 1990, then either:~~

~~(i) The equivalent of all floor area on such lot that was in use as housing or habitable at any time since January 1, 1990 is committed to low-income housing use on the terms required for the transfer of development rights from low-income housing TDR sites by Chapter 23.49 and the Public Benefit Features Rule; or~~

~~(ii) The owner of such lot enters into a voluntary agreement satisfactory to the Director of the Office of Housing and Human Services that guarantees the provision of low-income housing in an amount equivalent to the difference between (A) all floor area on such lot in use as housing or habitable at anytime since January 1, 1990 and (B) the floor area on the lot that is committed to low-income housing use as described in subsection 3a(i) above. The provision of low-income housing may include new construction, substantial rehabilitation, or preservation of housing that the Director determines would otherwise be converted to uses other than low-income housing. In each case there shall be recorded covenants limiting the rents and occupancy of the housing for a period of at least twenty (20) years. The housing shall be provided in a Downtown zone, except that the Director may approve housing elsewhere in the downtown Special Objectives Area (SOA) in the City's Comprehensive Housing Affordability Strategy (CHAS), consistent with the goals and policies of the CHAS (or successor document).~~
~~b. If no housing units were occupied or habitable on the lot on January 1,1990, then at least one (1) FAR of the sending site shall be committed to low-income housing use on the terms required for transfer of development rights from low-income housing TDR sites by Chapter 23.49 and the Public Benefit Features Rules.~~))

* * *

"Lot" means, except for the purposes of a TDR sending lot for Landmark TDR or Housing TDR, a platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley (Exhibit 23.84.024A). For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel described in the ordinance approving controls for the sending lot. For purposes of a sending lot for

Housing TDR, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after the date of passage of this ordinance, that contain the structure or structures that make the TDR eligible for transfer.

* * *

~~"Low income housing or low and low-moderate income housing TDR site" means a lot meeting the following requirements:~~

~~1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;~~

~~2. Each structure on the lot shall have a minimum of fifty (50) percent of total gross floor area committed to low income housing or low and low-moderate income housing use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule, except that a lot in an IDM zone may meet the following alternative standards;~~

~~a. At least forty (40) percent of the combined gross floor area in all structures on the lot is committed to low income housing for twenty (20)years, and~~

~~b. A total of at least one thousand (1,000) square feet of combined gross floor area in all structures on the lot is committed to use for social services providing necessary support to a special population served by the low income housing on the sending lot, on terms approved by the Director of the City Human Services Department (such services also may serve other persons);~~

~~3. The lot has gross floor area equivalent to at least one (1) FAR committed to low-income housing use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule; and~~

~~4. The low income housing or low and low-moderate income housing commitment on the lot has been certified by the Director of the Office of Housing as satisfying the Public Benefit Features Rule.~~

* * *

Section 79. Section 23.84.025 "M" of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended to add a new subsection, as follows:

* * *

"Maximum structure height" for any lot in a downtown zone means the height limit designated on the Official Land Use Map, Chapter 23.32, for such lot. If more than one limit is designated for the lot on such map, then "maximum structure height" means the lowest of the limits designated for the lot.

* * *

Section 80. Section 23.84.030 "P" of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is amended to add a new subsection as follows:

* * *

"Public Benefit Features Rule" means the DCLU Director's Rule 20-93, subject heading *Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects, Administrative Procedures and Submittal Requirements in Downtown Zones*, to the extent the provisions thereof have not been superseded by amendments to, or repeal of, provisions of this Title. References to the "Public Benefit Features Rule" for provisions on a particular subject also shall include, where applicable, any successor rule or rules issued by the Director to incorporate provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to implement amendments to this Title since the date of such Rule.

* * *

Section 81. Section 23.84.038 "T" of the Seattle Municipal Code, which Section was last amended by Ordinance 119974, is amended to add new subsections as follows:

* * *

"Transferable development rights" or "TDR," means development potential, measured in square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this Title authorizing such transfer. Such terms do not include development credits transferable from rural King County. Such terms do not denote or imply that the owner of TDR has a legal or vested right to construct or develop any project or to establish any use.

* * *

"TDR, housing" means TDRs that are eligible for transfer based on the status of the sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

"TDR, Landmark" means TDRs that are eligible for transfer based on the landmark status of the sending lot or a structure on such lot, except housing TDR.

"TDR, open space" means development rights that may be transferred from a lot or lots based on the provision of public open space meeting certain standards on that lot.

"TDR site, open space" means a lot that has been approved by the Director as a sending lot for open space TDR, which approval is still in effect, and for which all the conditions to transfer open space TDR have been satisfied.

* * *

Section 82. Twenty-three codified maps, IIA, IIB, IIC, IID, IIIA, IIIB, IIIC, IIID, IVA, IVB, IVC, VA, VB, VC, VD, VE, VIA, VIB, VIC, VID, IXA, XIA and XIIA, located at the end of Chapter 23.49 of the Seattle Municipal Code, are repealed.

Section 83. Thirteen codified maps, 1A Downtown Zones, 1B Street Classifications, 1E Existing Public Benefit Features Under Title 24, 1F Transit Access, 1G Pedestrian Street Classifications, 1H Street Level Use Required, 1I Property Line Facades, 1J Parking Uses Permitted, 1K Public Amenity Features, 1L Downtown Retail Core, 1M Pike Market Mixed, 1N Short-term Parking and 1O 20% Additional Height, as depicted in the Attachment to this ordinance, are added to Chapter 23.49 of the Seattle Municipal Code, to be codified at the end of such Chapter.

Section 84. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision. To the extent that sections of this ordinance recodify or incorporate into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor

shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the provisions of such Title as in effect prior to such repeal.

Section 85. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ___ day of _____, 2001, and signed by me in open session in authentication of its passage this ___ day of _____, 2001.

_____
President of the City Council

Approved by me this _____ day of _____, 2001.

_____
Paul Schell, Mayor

Filed by me this _____ day of _____, 2001.

_____
City Clerk

(SEAL)

Attachment 1

Table of Contents:

1. Map 1A, Downtown Zones;
2. Map 1B, Street Classifications;
(Maps 1C and 1D are existing and are not amended.);
3. Map 1E, Existing Public Benefit Features Under Title 24;
4. Map 1F, Transit Access;
5. Map 1G, Pedestrian Street Classifications;
6. Map 1H, Street Level Use Required;
7. Map 1I, Property Line Facades;
8. Map 1J, Parking Uses Permitted;
9. Map 1K, Public Amenity Features;
10. Map 1L, Downtown Retail Core;
11. Map 1M, Pike Market Mixed;
12. Map 1N, Short-term Parking;
13. Map 1O, 20% Additional Height.

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, amending Chapters 23.41, 23.49 and 23.84 of the Seattle Municipal Code, modifying development regulations for downtown zones and responding to certain recommendations from the Downtown Urban Center Planning Group (DUCPG).

WHEREAS, on May 24, 1999, the City Council adopted Resolution 29900, recognizing the Downtown Urban Center Planning Group (DUCPG) Neighborhood Plan, and approving the City's work program in response to the DUCPG Neighborhood Plan; and

WHEREAS, on June 19, 2000, the City Council adopted Resolution 30192, accepting the TDR/Bonus Program Review Advisory Committee Report and establishing a schedule for policy and code changes necessary to revise and update the TDR/Bonus Programs; and

WHEREAS, on December 11, 2000, the City Council enacted Ordinance 120201, amending the Comprehensive Plan to include policies for Downtown Seattle;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds that:

A. This ordinance is consistent with the policies contained in the Comprehensive Plan as amended and will promote the health, safety and welfare of the general public.

B. Housing.

1. Large-scale office and hotel developments in downtown Seattle have attracted and continue to attract additional employees to the City, and create the need for additional housing in the downtown area, particularly housing affordable to households of lower and moderate income. Office and hotel uses in the City are benefited by the availability of affordable housing for persons employed in such offices and hotels close to their place of employment.

2. There is a low vacancy rate for housing affordable to persons of lower and moderate income. This low vacancy rate is due in part to large office and hotel developments that have attracted and will continue to attract additional employees and residents to downtown Seattle. Consequently, some of the employees attracted to these large office and hotel developments are competing with present residents for scarce,

vacant affordable housing units in downtown Seattle. Competition for housing generates the greatest pressure on the supply of housing affordable to households of lower and moderate income. In downtown Seattle, office or hotel uses of land generally yield higher income to the owner than housing. Because of these market forces, the supply of non-publicly-subsidized affordable housing units will not be expanded. Furthermore, federal, state and local subsidy programs are not sufficient by themselves to satisfy lower and moderate income housing requirements of downtown, as they will be expanded by higher-density office and hotel development.

3. To allow total downtown office and hotel development at substantially higher densities than the base floor area ratios established in this ordinance, without provision for a significant portion of the additional affordable housing needed to support such development, would result in adverse effects including, without limitation, excessive demands on transportation networks from additional downtown workers; upward pressure on rents for modest housing in and near downtown; displacement of existing occupants of such housing; households paying large percentages of income on housing and unable to provide for other necessities, causing further strains on public and private resources available for social services and other support of lower income households. An increase in affordable housing units downtown sufficient to accommodate approximately one-third of the low-income and low-moderate income workers in the new office and hotel projects would be required to offset the housing impacts identified above.

4. The State Growth Management Act calls for jurisdictions planning under it to utilize innovative management techniques including, but not limited to, density bonuses and transfer of development rights to achieve the planning goals established under that Act, which include making provision for housing needs of all economic segments of the community.

5. The City of Seattle's Comprehensive Plan calls for the provision of additional housing to accommodate the demands of new residents attracted here by expanding employment opportunity made available by growth of office and hotel use in downtown Seattle. Land Use Policy L123 calls for the use of bonuses and TDRs downtown to increase development potential where it is desirable to accommodate growth, while providing for mitigation of impacts associated with higher densities.

6. The City should provide floor area bonuses conditioned on voluntary agreements by developers to mitigate the adverse effects of the expanded employment facilitated by such projects.

7. The amounts of additional affordable housing downtown for households at different income levels that are necessary to accommodate higher density office and hotel development are approximately as set forth in the Housing Nexus Analysis, prepared by Keyser Marston Associates. The Housing Nexus Analysis describes the nexus between new office and hotel development and the increased demand for housing in the City, and provides the numerical relationship between new office and hotel development and the formulas for provision of housing set forth in this ordinance. The housing to be produced to qualify for bonus floor area under this ordinance therefore represents less than the full impact of the additional floor area.

8. In order for development of housing affordable to households with incomes below 80 percent of median family income to be feasible downtown, capital subsidies are required in approximately the amounts set forth in the Housing Nexus Analysis, according to the income levels to be served. Therefore, the amounts of the voluntary cash contribution to the City's downtown housing fund that would be equivalent to providing floor area of affordable housing units as a condition of bonus floor area are as set forth in the Nexus Analysis. These dollar amounts may be expected to increase.

9. Because the additional demand for affordable housing created by office development in the City can be expected to continue for many years, it is necessary to maintain the affordability of the housing units constructed by office developers under this program. In order to maintain the long-term affordability of such housing, mechanisms such as recorded covenants are necessary.

C. Child Care.

1. Large scale office and hotel developments in downtown Seattle add thousands of employees to the downtown workforce and thus result in an increased demand for licensed child care space for children of employees working in the downtown. Office and hotel uses benefit from the availability of child care accessible to workers.

2. There is currently a scarcity of child care in the downtown for all income groups. Because child care costs in the downtown exceed costs elsewhere, low and moderate income workers are especially impacted. The supply of child care in the downtown has not kept pace with the demand for child care created by increased development in the downtown. As densities continue to increase, the supply of child care in the downtown is expected to become increasingly scarce.

3. The Child Care Nexus Analysis prepared by Keyser Marston Associates describes the relationship between large scale office and hotel development and the increased demand for child care in the downtown. Based on this analysis, the City finds that at least 39 additional child care spaces are needed in the downtown for each addition of 1,000 employees, and that the private market will not provide for this need in the absence of conditions on bonuses for high-density development. The analysis includes a formula for calculating the amount of additional child care space needed, costs associated with construction of child care space, and subsidy needs to ensure affordability for low and moderate income workers. Based on that analysis, the City finds that the amount of child care space per square foot of bonus floor area of commercial development established in this ordinance, if provided on terms that ensure a sufficient portion of that space will be used to provide child care affordable to low-income families, will mitigate a substantial portion, though not all, of the increased child care needs from that floor area, and that in the alternative the payment to the City of the cash option amount for child care set forth in this ordinance will allow the City to provide for mitigation of a similar portion of those increased needs.

D. Open Space.

1. The City of Seattle has experienced substantial commercial and residential development recently in the downtown neighborhoods without development of open space or space for the display of art and cultural resources.

2. Further commercial and residential development activity in downtown is anticipated in the next decade, which will decrease opportunities for acquisition and development of open space and space for the arts accessible to the general public.

3. The City of Seattle Comprehensive Plan, the Downtown Urban Center Plan and other downtown neighborhood plans identify the desire for additional open space and space for the arts accessible to the general public free of charge.

4. The Open Space Policies of the Comprehensive Plan for the Downtown Urban Center specifically support an expansion of the open space system through an open space bonus and/or allowing development rights to transfer from open space sites.

5. The open space bonus and allowing development rights to be transferred from open space meeting certain standards as provided in this ordinance will achieve the goals of the Comprehensive Plan and will help mitigate the impacts of increased commercial and residential development.

6. Allowing the transfer of development rights from usable, attractive, open space downtown will promote the public health, safety and welfare by, among other things, increasing access to light and air at street level and contributing to a varied pattern of use and development that makes downtown more attractive and desirable to residents, workers and visitors. However, allowing transfer of development rights from a vacant site without regard to its development, maintenance or use as public open space could adversely affect the public health, safety and welfare by contributing to blight and potential public safety problems, causing downtown to be a less desirable place for workers, residents and visitors than it would be if development rights could be used only on-site. Therefore, allowance of TDR from open space should be conditioned upon the dedication of such open space for public access and the development and maintenance of such open space in a safe, attractive and accessible condition.

Section 2. Subsection B of Section 23.41.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 120209, is amended as follows:

23.41.012 Development standard departures.

* * *

B. Departures may be granted from the following requirements:

1. Structure width and depth limits;
2. Setback requirements;
3. Modulation requirements;

4. SCM zone facade requirements, including transparency and blank facade provisions;

5. Design, location and access to parking requirements;

6. Open space or common recreation area requirements;

7. Lot coverage limits;

8. Screening and landscaping requirements;

9. Standards for the location and design of nonresidential uses in mixed use buildings;

10. Within Urban Centers, in L3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty (20) percent of the maximum height permitted, as provided in Section 23.45.009 A, subject to the following limitations:

a. A pitched roof may not incorporate the additional height if the structure is on a ((~~site~~)) lot abutting or across a street or alley from a single-family residential zone,

b. The proposed structure must be compatible with the general development potential anticipated within the zone,

c. The additional height must not substantially interfere with views from up-slope properties, and

d. No more than one (1) project on one (1) lot within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height;

11. Building height within the Roosevelt Commercial Core (up to an additional three (3) feet for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core)((~~.~~));

12. Building height within the Ballard Municipal Center Master Plan area, up to an additional 9 feet, for properties zoned NC3-65', (Exhibit 23.41.012B, Ballard Municipal Center Master Plan area)((~~.~~));

13. Reduction in required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000". The parking requirement must be no less than the required parking for Pedestrian 1 designated areas shown in Section 23.47.004 Chart E((~~.~~));

14. Downtown or Stadium Transition Overlay District street facade requirements;

15. Downtown upper-level development standards;

16. Downtown coverage and floor size limits;

17. Downtown maximum wall dimensions;

18. Downtown street level use requirements; ((~~and~~))

19. Combined coverage of all rooftop features in downtown zones subject to the limitations in Section 23.49.008 C2((~~.~~)); and

20. Certain conditions to allowance of additional height in DOC 1 and DOC 2 zones pursuant to subsection 23.49.008A 2, as follows:

a. limits on gross floor area of stories under subsection 23.49.008 A2a(2); and

b. percentages of lot area that must be occupied by open space or by structures no greater than thirty-five (35) or sixty-five (65) feet in height, under subsection 23.49.008 A2b(1).

* * *

Section 3. Subsection A of Section 23.49.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.49.008 Structure height.

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

A. Maximum structure heights for downtown zones are ((~~forty-five (45) feet, fifty-five (55) feet,~~)) sixty-five (65) feet, ((~~seventy-five (75) feet,~~)) eighty-five (85) feet, one hundred (100) feet, ((~~one hundred twenty (120) feet~~)), one hundred twenty-five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred (300) feet and four hundred fifty (450) feet, as designated on the Official Land Use Map, Chapter 23.32. The height of a structure shall not exceed the maximum structure height, except that:

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

((~~2.~~)1. Any ((~~property~~)) lot in the Pike Market Mixed zone that is subject to an urban renewal covenant may be built no higher than the height permitted by the covenant for the life of the covenant.

2. Any lot that meets the provisions of this subsection may gain additional structure height using one, but not both of subsections 2a and 2b below:

a. A structure in a DOC 1 zone, or in a DOC 2 zone, may gain additional height of ten (10) percent of the maximum structure height, when

(1) the gross floor area of each story wholly or partly above the maximum structure height is no greater than 80 percent of the gross floor area of at least one story below the maximum structure height, which story must have gross floor area no greater than that of each story lower than it that is wholly above a height of one hundred twenty-five (125) feet. For structures with separate towers, the limits on area apply to each tower individually; and

(2) the above-grade gross floor area in all structures on the lot, including all floor area exempt from FAR limits, except exempt street-level uses and bonused housing, does not exceed the sum of the maximum FAR for the lot established

by Section 23.49.011 plus any credit floor area above the maximum structure height allowed under Section 23.49.041, City/County Transfer of Development Credits Program.

b. A structure within the area shown on Map 1O may gain additional height of twenty (20) percent of the maximum structure height, when the conditions in subsection A2a of this Section are satisfied, and either:

(1) the lot has either (A) 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 (B) 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; or

(2) the lot contains a Landmark structure and satisfies all conditions to the transfer of Landmark TDR from such lot under this Chapter and the Public Benefit Features Rule, other than conditions related to the availability of unused base floor area.

3. On any lot in the DRC a height of one hundred fifty (150) feet is permitted subject to the restrictions in subsection 4 of this Section in the following cases:

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

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

c. When a minimum of 1.5 FAR of retail sales and service or entertainment uses, or any combination thereof, is provided on the lot; or

d. For residential floor area created by infill of a light well on a Landmark structure. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height allowed under this subsection A3d shall be the lesser of one hundred fifty (150) feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.

4. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the eighty-five (85) foot maximum height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks Preservation Board for any proposed modifications to controlled features is required prior to a decision by the Director to allow or condition

additional height for the project. The Landmarks Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of conditioning additional height under this subsection, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark.

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

c. The restrictions in this subsection 4 are in addition to, and not in substitution for, the requirements of the Landmarks Ordinance, SMC Ch. 25.12.

5. ((~~In the Downtown Retail Core zone, residential floor area created by infill of a light well on a City designated Landmark structure shall be permitted above eighty-five (85) feet. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height limit for any infill allowed under this subsection A4 shall be the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.~~)) Any structure on a lot on either of the two half blocks abutting the east side of 2nd Avenue, between Pine and Union Streets, that qualifies for the one hundred fifty (150) foot height limit under subsection A3 of this Section, is allowed a height limit of 195 feet if all portions of the structure above eighty-five (85) feet in height contain only residential use.

((~~3.~~)6. A structure on a((~~A~~))ny lot in the Denny Triangle Urban Village, as shown on Map 23.49.041A, may gain up to an additional thirty (30) percent in height if credit floor area is allowed pursuant to Section 23.49.041, City/County Transfer of Development Credits Program. The maximum height that may be allowed is one hundred thirty (130) percent of the maximum structure height.

7. Rooftop features, as provided in subsection C, are allowed in addition to the extra height permitted under this subsection.

* * *

Section 4. Subsections C and D of 23.49.009 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, are amended as follows:

23.49.009 Open space.

* * *

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

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

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for public benefit feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of ((~~the zone in which the feature is located~~)) Section 23.49.013 and the Public Benefit Features Rule for one (1) or more of the following:

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

b. On-site open space satisfying the requirement of subsection C2a of this section may achieve a bonus as a public benefit feature not to exceed ((~~one (1) FAR~~)) any limits pursuant to Section 23.49.013, which bonus shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (1/4) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area.

b. Public open space on a site other than the project site shall be a bonusable feature if the open space meets the standards of ((~~the zone in which the open space is located and is one (1) of the~~)) Section 23.49.013 and is one of the open space features cited in subsection C2a of this section. Bonus ratios for off-site open space shall be ((~~determined by the zone of the project receiving the bonus,~~)) as set forth in ((~~the Tables for Sections 23.49.050, 23.49.070, 23.49.126, 23.49.152, and 23.49.330~~

~~B~~)) Section 23.49.013. Projects that provide off-site open space satisfying this requirement may achieve a public benefit feature bonus not to exceed ((~~one (1) FAR~~)) any limits pursuant to Section 23.49.013 for such open space, which shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

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

D. Payment in Lieu. In lieu of providing open space under this requirement, an owner may make a payment to the City((~~'s Open Space Fund~~)) if the Director determines that the payment will contribute to the improvement of a green street abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that the improvement of such green street within a reasonable time is feasible. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt for the development of such a green street, unless the property owner and the City agree upon another use involving the acquisition or development of public open space that will mitigate the impact of the project. ((~~purchase and/or development of an identified open space that is consistent with City policy and priorities, that the open space will mitigate the impacts of the project, and that acquisition of the open space (if applicable) is assured. The payment and use thereof shall be consistent with RCW 82.02.020.~~

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

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

~~3. Funds received in lieu of providing open space within Downtown shall be applied to acquisition or development of new open space in a Downtown zone, within one-quarter (¬) mile of the contributing sites, except that when a contributor or contributors agree with the City that a new open space within a Downtown zone but more than one-quarter (¬) mile from the project site(s) would be an appropriate mitigation to the project impacts, the in-lieu of payments from those projects may be used for that open space.~~)) A bonus may be allowed for a payment for green street improvements made wholly or in part to satisfy the requirements of this section, pursuant to Section 23.49.013.

* * *

Section 5. Section 23.49.011 of the Seattle Municipal Code, which Section was added by Initiative 31, is hereby repealed.

Section 6. A new Section 23.49.011 is hereby added to the Seattle Municipal Code, as follows:

23.49.011 Floor area ratio.

A. General Standards.

1. The base and maximum floor area ratio (FAR) for each zone is provided in Chart A as follows:

23.49.011 - Chart A

Base and Maximum Floor Area Ratios (FARs)		
Zone Designation	**Base FAR**	**Maximum FAR***
Downtown Office Core 1 (DOC1)	6	14
Downtown Office Core 2 (DOC 2)	5	10
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in 65' height district 4.5 in 85' height district 5 in height districts above 85'	4 in 65' height district 6 in 85' height district 7 in height districts above 85'
Downtown Mixed Residential/Residential (DMR/R)	1 in 85/65' height district 1 in 125/65' height district 1 in 240/65' height district	1 in 85/65' height district 2 in 125/65' height district 2 in 240/65' height district
Downtown Mixed Residential/Commercial (DMR/C)	1 in 85/65' height district 1 in 125/65' height district 2 in 240/125 height district	4 in 85/65' height district 4 in 125/65' height district 5 in 240/125 height district
Pioneer Square Mixed (PSM)	N.A.	N.A.
International District Mixed (IDM)	3, except hotels. 6 for hotels.	3, except hotels. 6 for hotels.
International District Residential (IDR)	1	2 when 50% or more of the total gross floor area on the lot is in residential use.
Downtown Harborfront 1 (DH1)	N.A.	N.A.
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR.
Pike Market Mixed (PMM)	7	7

*Provisions for how to gain floor area above the base FAR are found in subsection 2 of this Section and in Sections 23.49.012, 23.49.013 and 23.49.014.
N.A. = Not Applicable.

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

a. In DOC1 and DOC2 zones the first one (1) FAR above the base FAR may be gained, at the applicant's option, by any combination of the following: providing one of the amenity features listed in Section 23.49.013, subject to the limits and conditions in that section; providing short-term parking meeting the basic standards in the Public Benefit Features Rule, where such parking is eligible pursuant to Map 1N; providing retail sales and service or entertainment uses as street-level uses meeting the requirements of Section 23.49.025, where such uses are eligible as indicated on Map 1N; or using development rights transferred from an open space TDR site or Landmark TDR site pursuant to Section 23.49.014. An applicant using the option allowed under this subsection A2a may achieve additional chargeable floor area consistent with subsections A2c through A2f of this Section.

b. In the DMC zone chargeable floor area above the base FAR may be achieved, at the applicant's option, by qualifying for bonuses pursuant to Section 23.49.126, Downtown Mixed Commercial ratios for public benefit features. Such option may be exercised only by election in writing by the applicant as part of the original application for a Master Use Permit, or within sixty (60) days of the effective date of this ordinance, for the project that will use such bonus. An applicant making such election shall not be granted bonus floor area for the lot pursuant to Sections 23.49.012 or 23.49.013, but may use TDR consistent with Section 23.49.014. An applicant making such election thereby also elects to have the optional exemptions under subsection B3 of this Section, and not those in subsection B1, apply in determining chargeable floor area.

c. Except as provided in subsection A2a and A2b of this Section, additional chargeable floor area above the base FAR may be achieved only by qualifying for bonuses pursuant to Sections 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Section 23.49.014, or both, subject to the limits of this Chapter and to any other applicable conditions and limitations.

d. In no event shall the use of bonuses or TDR be allowed to result in chargeable floor in excess of the maximum as set forth in Chart A.

e. Except as otherwise provided in this subsection A2e, not less than five percent of all floor area above the base FAR to be gained on any lot, excluding any floor area gained under subsection A2a of this Section, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR is available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities . An applicant may satisfy the minimum Landmark TDR requirement in this section by purchases from private parties, by transfer from an eligible

sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection A2e does not apply to any lot in a DMR zone, or to any lot in a DMC zone for which an election has been made under subsection A2b of this Section

f. On any lot except a lot in a DMR zone or a lot in a DMC zone for which an election has been made under subsection A2b of this Section, the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any housing TDR used for the same project, shall equal seventy-five (75) percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the base FAR, as determined under this Section and 23.49.032 if applicable, plus (ii) any chargeable floor area gained on the lot pursuant to subsection A2a of this Section. The remaining twenty-five (25) percent shall be gained through other bonuses or other TDR, or both, consistent with this Chapter.

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

h. Bonuses for street-level uses may be allowed only pursuant to subsection A2a or A2b of this Section. Bonuses for short-term parking may be allowed only pursuant to subsection A2a of this Section. The bonus ratio for street-level uses is three square feet of floor area granted per one square foot (3:1) of bonus feature. The bonus ratio for short-term parking is one (1) square foot of floor area granted per one (1) square foot (1:1) of bonus feature up to a maximum of 200 parking spaces for above grade parking and is two (2) square feet of floor area granted per one (1) square foot (2:1) of bonus feature for below grade parking up to a maximum of 200 parking spaces. Ratios and limits for the other features for which a bonus may be granted under subsection A2a are in Section 23.49.013.

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment use in the DRC zone up to a maximum FAR of 2;

b. Street level uses meeting the requirements of Section 23.49.025, Street-level use requirements, whether or not street-level use is required pursuant to Map 1H, if the uses and structure also satisfy the following standards:

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

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

(3) Overhead weather protection is provided satisfying the provisions of 23.49.025B5.

c. In the DRC zone, shopping corridors and retail atriums;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Museums;

h. Performing arts theaters;

i. Floor area below grade;

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

k. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations.

2. As an allowance for mechanical equipment, three and one-half (3-1/2) percent of the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1, or B3 if applicable, has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

3. In lieu of the exemptions allowed in subsection B1 of this Section, an applicant may elect in writing, at the time of filing of an original Master Use Permit application that involves the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except on lots from which development rights have been or are transferred;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking;

d. The gross floor area of public benefit features, other than housing, that satisfy the requirements of Section 23.49.126, ratios for public benefit features, or that satisfy the requirements for a FAR bonus amenity allowable to a structure in a DOC1 or DOC2 zone for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.

Section 7. Section 23.49.012, Noise standards, of the Seattle Municipal Code is hereby recodified as Section 23.49.019.

Section 8. A new Section 23.49.012 of the Seattle Municipal Code is hereby added, as follows:

23.49.012 Bonus floor area for Voluntary Agreements for Housing and Child Care.

A. General Provisions.

1. The purpose of this Section is to allow chargeable floor area above the base FAR when the applicant, by voluntary agreement provides, funds or partially funds public benefit features or capital projects that mitigate a portion of the impacts of higher-density development. The City has determined that a major impact of such development is the increased need for low-income and low-moderate income housing downtown to serve workers in lower-paid jobs and their families attracted by the development. The general intent of this section is that voluntary agreements for bonus floor area shall mitigate impacts, with primary emphasis on housing.

2. There shall be a voluntary agreement between the applicant and the City with respect to all floor area earned pursuant to this Section. The agreement commits the applicant to provide eligible bonus features ("performance option"), or to make payments to the City to fund such features ("cash option"), or a combination of both the cash option and the performance option, in amounts sufficient to qualify for the amount of floor area desired.

3. No floor area beyond the base FAR shall be granted for any project that would cause significant alteration to any designated feature of a Landmark structure, unless a Certificate of Approval is granted by the Landmarks Preservation Board.

B. Voluntary Agreements for Housing and Child Care. For each square foot of chargeable floor area above the base FAR to be earned under this Section, the voluntary agreement shall commit the developer to provide or contribute to the following facilities in the following amounts:

1. Housing.

a. For each square foot of bonus floor area, housing serving specified income levels, or an alternative cash contribution, must be provided according to Chart A:

23.49.012 Chart A

Income Level	Gross Square Feet of Housing	Cash Contribution*
Up to 30% of median income	0.01905335	$3.20
Up to 50% of median income	0.06058827	$9.28
Up to 80% of median income	0.07614345	$6.27
Total	0.15578507	$18.75

* The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84= 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. In the alternative, the Director of the Office of Housing may adjust the cash contribution amounts based on changes to commercial and/or housing development costs estimated in such manner as the Director deems appropriate. Any such adjustment to the cash contribution amounts may be implemented through a rule-making process.

b. For purposes of this subsection, a housing unit serves households up to an income level only if all of the following are satisfied for a period of fifty years beginning upon the issuance of a certificate of acceptance by the Director of the Office of Housing in accordance with subsection 23.49.012 B1i:

(1) the housing unit is used as rental housing solely for households with incomes, at the time of each household's initial occupancy, not exceeding that level; and

(2) the rent charged for the housing unit together with a reasonable allowance for any basic utilities that are not included in the rent, does not exceed one-twelfth of 30% of that income level as adjusted for the estimated size of household corresponding to the size of unit, in such manner as the Director of the Office of Housing shall determine;

(3) there are no charges for occupancy other than rent; and

(4) the housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances, for such fifty-year period.

c. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus floor area if it is committed to serve one or more of the income groups referred to in this section pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the construction of such housing or conversion of nonresidential space to such housing, but no earlier than three (3) years prior to the issuance of a master use permit for the project using the bonus floor area, and either:

i. the housing unit is newly constructed, is converted from nonresidential use, or is renovated space that was vacant as of the date of this

ordinance, on the lot using the bonus floor area, pursuant to the same master use permit as the project using the bonus floor area; or

ii. the housing is newly constructed, is converted from nonresidential use, or is renovated in a residential building that was vacant as of the date of this ordinance on a lot in a Downtown zone in compliance with the Public Benefit Features Rule, and:

-- the housing is owned by the applicant seeking to use the bonus, or

-- the owner of the housing has signed, and there is in effect, a linkage agreement approved by the Director of the Office of Housing allowing the use of the housing bonus in return for necessary and adequate financial support to the development of the housing, and either the applicant has, by the terms of the linkage agreement, the exclusive privilege to use the housing to satisfy conditions for bonus floor area; or the applicant is the assignee of the privilege to use the housing to satisfy conditions for bonus floor area, pursuant to a full and exclusive assignment, approved by the Director of the Office of Housing, of the linkage agreement, and all provisions of this section respecting assignments are complied with.

If housing is developed in advance of a linkage agreement, payments by the applicant used to retire or reduce interim financing may be considered necessary and adequate support for the development of the housing.

d. Housing that is not yet constructed, or is not ready for occupancy, at the time of the issuance of a building permit for the project intending to use bonus floor area, may be considered to be provided by the applicant if, within 3 years of the issuance of the first building permit for such project, Director of the Office of Housing issues a certificate of acceptance for such housing. Any applicant seeking to qualify for bonus floor area based on such housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this Section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the 3-year period, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus floor area for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus floor area is sought.

e. Only the party named in the linkage agreement with the owner of the housing as having the privilege to use the housing to satisfy bonus conditions may assign that privilege, and any assignment must be absolute and

irrevocable. No assignment by an assignee, whether to a new party or back to the assignor or housing owner, is permitted. The Director of the Office of Housing may require, as conditions to recognizing any assignment, that

i. the applicant obtain a written acknowledgment from the owner of the housing that the linkage agreement, as so assigned, is valid and effective;

ii. the assignor execute any documents deemed necessary by the Director of the Office of Housing to ensure that no party other than the permitted assignee has used, or will have any claim to use, the same housing to qualify for any floor area or development potential of any kind under any ordinance or other provision of law; and

iii. the owner and such assignor agree to indemnify and hold harmless the City and its officers and employees from any claims of the type described in subsection ii above and any damages from the City's refusal to honor such claims.

f. Nothing in this Chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon the regulations in effect at the relevant time for the project proposing to use such bonus floor area, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on such housing.

g. The Director of the Office of Housing shall review the design and proposed management plan for any housing proposed under the performance option to determine whether it will comply with the terms of this Section.

h. The Director of the Office of Housing is authorized to accept a voluntary agreement for the provision of housing and related agreements and instruments consistent with this Section. The Director of the Office of Housing is further authorized to issue a certificate of acceptance with respect to any housing units developed to satisfy the conditions of this rule, when the construction or rehabilitation of such housing units and the structure in which they are located has been completed; any necessary certificate of occupancy or final permit approval has been issued for the housing units; and either are rented consistent with this section or are vacant, ready for occupancy and offered for rent consistent with this section; and the owner of the housing provides such evidence of compliance with the requirements of this section and the Public Benefit Features Rule as the Director of the Office of Housing may require.

i. Any provision of any Director's Rule notwithstanding, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the housing units shall continue to satisfy the requirements of this subsection throughout the required fifty-year period and that such compliance shall be documented annually to the satisfaction of the Director of the Office of Housing, and the owner of any project using such bonus floor area shall be in violation of this Title if any such housing unit

does not satisfy such requirements, or if satisfactory documentation is not provided to the Director of the Office of Housing, at any time during such period. The Director of the Office of Housing may provide by rule for circumstances in which housing units may be replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide housing units under the terms of this subsection.

2. Child Care.

a. For each square foot of bonus floor area allowed under this Section, in addition to providing housing or an alternative cash contribution pursuant to subsection B1, the applicant shall provide fully improved child care facility space sufficient for 0.000127 of a child care slot, or a cash contribution to the City of $3.25, to be administered by the Human Services Department. The Director of the Human Services Department may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84= 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The minimum interior space in the child care facility for each child care slot is 100 net rentable square feet. Child care facility space shall be deemed provided only if the applicant causes the space to be newly constructed or newly placed in child care use after the submission of a permit application for the project intended to use the bonus floor area, except as provided in subsection B2b(6) below. If any contribution or subsidy in any form is made by any public entity to the acquisition, development, financing or improvement of any child care facility, then any portion of the space in such facility determined by the Director of the Human Services Department to be attributable to such contribution or subsidy shall not be considered as provided by any applicant other than that public entity.

b. Child care space shall be provided on the same lot as the project using the bonus floor area or on another lot in a downtown zone and shall be contained in a child care facility satisfying the following standards:

(1) The child care facility and accessory exterior space must be approved for licensing by the State of Washington Department of Social and Health Services.

(2) At least 20% of the number of child care slots for which space is provided as a condition of bonus floor area must be reserved for, and affordable to, families with annual incomes at or below the federal department of Housing and Urban Development Low Income Standard for Section 8 Housing based on family size (or, if such standard shall no longer be published, a standard established by the Human Services Director based generally on 80% of the median family income of the Metropolitan Statistical Area that includes Seattle, adjusted for family size). Child care slots shall be deemed to meet these conditions if they serve, and are limited to, (A) children receiving child care subsidy from the City of Seattle, King County or State Department of Social and Health Services, and/or (B) children whose families have annual incomes no higher than the above standard that are charged according to a sliding fee scale such that the fees paid by any family do not exceed the amount it would be

charged, exclusive of subsidy, if the family were enrolled in the City of Seattle Child Care Subsidy Program.

(3) Child care space provided to satisfy bonus conditions shall be dedicated to child care use, consistent with the terms of this section, for twenty years. The dedication shall be established by a recorded covenant, running with the land, and enforceable by the City, signed by the owner of the lot where the child care facility is located and by the owner of the lot where the bonus floor area is used, if different from the lot of the child care facility. The child care facility shall be maintained in operation, with adequate staffing, at least 11 hours per day, 5 days per week, 48 weeks per year.

(4) The minimum area of the child care facility shall be six thousand (6,000) square feet of net rentable floor area plus two thousand (2,000) square feet of exterior space suitable as recreation area accessory to the interior child care space and dedicated to such use during daytime hours on all days when the child care facility is in operation, or is required to be open. Exterior space for which a bonus is or has been allowed under any other section of this Title or under former Title 24 shall not be eligible to satisfy the conditions of this Section. The Director of the Human Services Department may approve exceptions to the minimum space requirement based on review of the management plan and an assessment of the economic feasibility of operating a smaller child care facility.

(5) Unless the applicant is the owner of the child care space and is a duly licensed and experienced child care provider approved by the Director of the Human Services Department, the applicant shall provide to the Director of the Human Services Department a signed agreement, acceptable to such Director, with a duly licensed child care provider, under which the child care provider agrees to operate the child care facility consistent with the terms of this Section and of the recorded covenant, and to provide reports and documentation to the City to demonstrate such compliance. The agreement shall have an initial term of no less than three (3) years and shall require both parties to notify the Director of the Human Services Department at least ninety (90) days in advance of the its expiration, if not renewed, or any termination.

(6) One child care facility may fulfill the conditions for a bonus for more than one project if it includes sufficient space, and provides sufficient slots affordable to limited income families, to satisfy the conditions for each such project without any space or child care slot being counted toward the conditions for more than one project. If the child care facility is located on the same lot as one of the projects using the bonus, then the owner of that lot shall be responsible for maintaining compliance with all the requirements applicable to the child care facility; otherwise responsibility for such requirements shall be allocated by agreement in such manner as the Director of the Human Services Department may approve. If a child care facility developed to qualify for bonus floor area by one applicant includes space exceeding the amount necessary for the bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted by the Director of the Human Services Department

from that applicant so provides, such excess space may be deemed provided by the applicant for a later project pursuant to a new voluntary agreement signed by both such applicants and by any other owner of the child care facility, and a modification of the recorded covenant, each in form and substance acceptable to such Director.

c. The Director of the Human Services Department shall review the design and proposed management plan for any child care facility proposed to qualify for bonus floor area to determine whether it will comply with the terms of this Section. The allowance of bonus floor area is conditioned upon approval of the design and proposed management plan by the Director of the Human Services Department. The child care facility shall be constructed consistent with the design approved by such Director and shall be operated for the minimum 20-year term consistent with the management plan approved by such Director, in each case with only such modifications as shall be approved by such Director. If the proposed management plan includes provisions for payment of rent or occupancy costs by the provider, the management plan must include a detailed operating budget, staffing ratios, and other information requested by the Director to assess whether the child care facility may be economically feasible and able to deliver quality services.

d. The Director of the Human Services Department is authorized to accept a voluntary agreement for the provision of a child care facility to satisfy bonus conditions, and related agreements and instruments consistent with this Section. The voluntary agreement may provide, in case a child care facility is not maintained in continuous operation consistent with this subsection B2 at any time within the minimum 20-year period, for the City's right to receive payment of a prorated amount of the alternative cash contribution that then would be applicable to a new project seeking bonus floor area. Such Director may require security or evidence of adequate financial responsibility, or both, as a condition to acceptance of an agreement under this subsection.

C. Cash Option Payments. Cash payments under voluntary agreements for bonuses shall be made prior to issuance of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, or if the bonus is for use of existing floor area, the cash payment shall be made prior to issuance of any permit or modification allowing for use of such space as chargeable floor area. Such payments shall deposited in special accounts established solely to fund capital expenditures for the public benefit features for which the payments are made as set forth in this section.

D. No Subsidies for Bonused Housing; Exception.

1. Intent. Housing provided through the bonus system is intended to mitigate a portion of the additional housing needs resulting from increased density, beyond those needs that would otherwise exist, which the City and other governmental and charitable entities attempt to meet through various subsidy programs. Allowing

bonus floor area under the performance option for housing that uses such subsidy programs therefore could undermine the intent of this Section.

2. Agreement Concerning Subsidies. The Director of the Office of Housing may require, as a condition of any bonus floor area for housing under the performance option, that the owner of the lot upon which the housing is located agree not to seek or accept any subsidies, including without limitation those items referred to in subsection D3 of this Section, related to the housing, except for any subsidies that may be allowed by the Director of the Office of Housing under that subsection. The Director of the Office of Housing may require that such agreement provide for the payment to the City, for deposit in the Downtown Housing Bonus Account, of the value of any subsidies received in excess of any amounts allowed by such agreement.

3. No Bonus for Subsidized or Restricted Housing. In general, no bonus may be earned by providing housing if

a. any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, County housing funds, State of Washington housing funds, or property tax exemptions or other special tax treatment; or

b. the housing is or would be, independent of the requirements for the bonus, subject to any restrictions on the use, occupancy or rents.

4. Exceptions by Rule. The Director of the Office of Housing may provide, by rule promulgated after the effective date of this ordinance, for terms and conditions on which exceptions to the restriction on subsidies in this subsection may be allowed. Such rule may provide that, as a condition to any exception, the Director of the Office of Housing shall increase the amount of housing floor area per bonus square foot, as set forth in subsection B1 of this Section, to an amount that allows credit for only the Director's estimate of the incremental effect, in meeting the City's housing needs for the next fifty (50) years, of the net financial contribution that is being made by the applicant pursuant to the voluntary agreement and not funded or reimbursed, directly or indirectly, from any other source.

Section 9. A new Section 23.49.013 is hereby added to the Seattle Municipal Code as follows:

23.49.013 Bonus Floor Area for Amenity Features.

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

1. Public open space amenity, including hillside terrace, urban plaza, parcel park, public atrium, green street improvement, green street setback or any combination of these and the amenities in subsection 2;

2. Hillclimb assist, shopping corridor, or transit tunnel station access may be provided on sites shown as eligible for these respective bonuses on Map 1K or any combination of these and the amenities in subsection 1; and

3. Human Services uses as follows:

a. Information and referral for support services;
b. Health clinics;
c. Mental health counseling services;
d. Substance abuse prevention and treatment services;
e. Consumer credit counseling;
f. Day care services for adults;
g. Jobs skills training services.

B. Standards for Amenity Features.

1. Location of Amenity Features. Amenity features must be located on the lot using the bonus, except as follows:

a. Green street improvements may be located within an abutting right-of-way subject to applicable Directors' Rules;

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

(1) The open space must be open to the public without charge, must meet the standards of the Public Benefit Features Rule, and must be one of the open space features cited in subsection A1 of this section.

(2) The open space must be within one-quarter (1/4) mile of the lot using the bonus.

(3) The open space must have a minimum contiguous area of five thousand (5,000) square feet.

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

2. Options for Provision of Amenity Features. Amenity features other than green street improvements must be provided by performance. The Director may accept a cash payment for green street improvements subject to the provisions of this section, the Public Benefit Features Rule and the Green Street Director's Rule, DR 11-93, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully one (1) square foot of green street space for each five (5) square feet of bonus floor area allowed for such payment.

3. Ratios and limits. Public benefit features may be used to gain floor area according to the applicable ratios, and subject to the limits in Section 23.49.011 and in this section.

a. Bonuses for open space amenities smaller than five thousand (5,000) square feet each, including hillside terrace, urban plaza, parcel park, green street improvement, or public atrium, plus any bonuses for green street setbacks, shall not exceed in the aggregate one (1) FAR or 15% of the total chargeable floor area to be added above the base FAR, whichever is less.

b. Bonuses for open space amenities meeting the provisions of this Chapter and the Public Benefit Features Rule and having an area of five thousand (5,000) square feet or greater shall not exceed in the aggregate twenty-five (25) percent of the total chargeable floor area to be added above the base FAR. The maximum bonusable area is fifteen thousand (15,000) square feet per open space amenity.

c. A hillclimb assist, shopping corridor or transit tunnel station access may be provided on sites shown on Map 1K to gain 0.5 FAR for each amenity, regardless of the area of such amenity provided. The total bonus used on any lot from each of such types of amenity shall not exceed 0.5 FAR.

d. Bonuses for human service use may be allowed at a ratio of seven (7) square feet of floor area granted per one (1) square foot (7:1) of human service feature up to a maximum bonusable human service amenity of ten thousand (10,000) square feet in area.

e. The bonus ratio for open space amenities other than green street setbacks is five (5) square feet of floor area granted per one (1) square foot (5:1) of open space feature. Green street setback may be allowed at a ratio of one (1) square foot of floor area granted per one (1) square foot (1:1) of open space feature.

4. Public Benefit Features Rule. Amenity features must satisfy the applicable provisions of the Public Benefit Features Rule in order to generate a bonus, except that the Director may allow departures from the provisions of the Public Benefit Features Rule if the applicant can demonstrate that the feature provides at least an equivalent public benefit and better achieves the intent of the feature as described in this Chapter and the Public Benefit Features Rule.

5. Open Space Amenity Features. Open Space amenity features must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this Chapter and the Public Benefit Features Rule.

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

Section 10. Section 23.49.014 of the Seattle Municipal Code is hereby recodified as Section 23.49.017.

Section 11. A new Section 23.49.014 of the Seattle Municipal Code is added as follows:

23.49.014 Transfer of Development Rights (TDRs).

A. General standards.

1. The following types of TDR may be transferred to the extent permitted in Chart A, subject to the limits and conditions in this Chapter:
   a. housing TDR;
   b. Landmark TDR; and
   c. open space TDR.
2. In addition to transfers permitted under subsection A1, TDR may be transferred from any lot to another lot on the same block, to the extent permitted in Chart A, subject to the limits and conditions in this Chapter.
3. Location of Sending and Receiving Lots. A lot's eligibility to be either a sending or receiving lot is regulated by 23.49.014 Chart A.

23.49.014 Chart A.

	TDR transferable within-block.	**Types of TDR transferable between blocks.**		
Zones*	Transfer from any lot within the same Downtown Block.	Housing TDR	Landmark TDR	Open Space TDR
DOC 1 and 2	S, R	S, R	S, R	S, R
DRC	S, R**	S, R**	S, R**	S, R**
DMC zones with a height limit of 85' or greater.	X	S, R	S, R	S, R
DMC 65'	X	S	S	S
DMR	X	S, R***	S, R***	S, R***
IDM, IDR and PSM.	X	S	X	X

S = Eligible sending lot.
R = Eligible receiving lot.
X = Not permitted.

*Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.
**Transfers to lots in the DRC zone are permitted only from lots that also are zoned DRC.
***Transfers to lots in the DMR zone are permitted only from lots that also are zoned DMR.

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

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

B. Standards for Sending Lots.

1. The maximum amount of floor area that may be transferred, except as open space TDR, from an eligible sending lot, except a sending lot in the PSM or IDM zones, is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in 23.49.011, exceeds the sum of any existing chargeable gross floor area on the sending lot plus any TDRs previously transferred from the sending lot. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in 23.49.011, exceeds the sum of (a) any existing chargeable gross floor area that is built on or over the eligible lot area on the sending lot, plus (b) the amount, if any, by which the total of any other chargeable floor

area on the sending lot exceeds the product of the base FAR of the sending lot, as provided in 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus (c) any TDRs previously transferred from the sending lot. The eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over one-quarter (1/4) of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by any portion of the lot ineligible under Section 23.49.027.

2. When the sending lot is located in the PSM or IDM zones, the gross floor area that may be transferred is 6 FAR, minus the sum of any existing chargeable gross floor area and any floor area in residential use on the sending lot, and further reduced by any TDRs previously transferred from the sending lot.

3. When TDRs are transferred from a sending lot in a zone with a base FAR limit, the amount of chargeable gross floor area that may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.011, minus the total of:

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

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

4. When TDRs are sent from a sending lot in a PSM zone, the combined maximum chargeable floor area and residential floor area that may then be built on the sending lot shall be equal to the total gross floor area that could have been built on the sending lot consistent with applicable development standards as determined by the Director, had no TDRs been transferred, less the sum of:

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

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

5. Gross floor area allowed above base FAR under any bonus provisions of this Title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDRs may be transferred from a lot that contains chargeable floor area exceeding the base FAR only to the extent, if any, that:

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

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

c. The excess amount of TDRs previously transferred to such lot would have been eligible for transfer from the original sending lot under the provisions of this section at the time of their original transfer from that lot.

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

7. Housing on lots from which housing TDRs are transferred shall be restored to the extent required to provide decent, sanitary, and habitable conditions, in compliance with applicable codes, and so as to have an estimated minimum useful life of

at least fifty (50) years from the time of the TDR transfer, all as approved by the Director of the Office of Housing. If housing TDRs are proposed to be transferred prior to the completion of work necessary to satisfy this subsection B7, the Director of the Office of Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

C. Limit on Variable Scale of Development TDR. Any receiving lot is limited to a gain of one (1) FAR or fifteen (15) percent of the floor area above the base FAR, whichever is less, from TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot.

D. Transfer of Development Rights Deeds and Agreements.

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

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

3. For transfers of housing TDR, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of the Office of Housing for good cause, to provide for the maintenance of the required housing on the sending lot

for a minimum of fifty (50) years. Such agreement shall commit to limits on rent and occupancy, consistent with the definition of housing TDR site and acceptable to the Director of the Office of Housing.

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

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

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

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

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

E. TDR Sales Before Base FAR Increases and Changes in Exemptions. Transfers of TDRs from any lot from which a TDR transfer was made prior to the effective date of this ordinance are limited to the amount of TDRs available from such lot immediately prior to such date.

F. Projects Developed Under Prior Code Provisions.

1. Any project that is developed pursuant to a Master Use Permit issued under the provisions of this Title as in effect prior to the effective date of this ordinance, which permit provides for the use of TDRs, may use TDRs that were transferred from the sending lot consistent with such prior provisions prior to such effective date.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot after the effective date of this ordinance.

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

G. TDRs Approved for Transfer Under Prior Code. If the conditions to transfer of Landmark TDR were satisfied prior to the effective date of this ordinance under the provisions of this Title then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that effective date, but only for use by projects developed pursuant to permits issued under the provisions of this Title in effect prior to that effective date. If the conditions to transfer of housing

TDR or TDR from Major Performing Arts Facilities were satisfied prior to the effective date of this ordinance under the provisions of this Title then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that effective date, either for use consistent with the terms of Section 23.49.011 or for use by projects developed pursuant to permits issued under the provisions of this Title in effect prior to the effective date of this ordinance. The use of TDR transferred under this subsection G on the receiving lot shall not be subject to limits that were not in effect for purposes of the Master Use Permit decision for the project using the TDR.

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

I. Use of Previously Transferred TDRs by New Projects. Any project using TDR according to applicable limits on types and amounts of TDRs in Section 23.49.011 may use TDRs that were transferred from the sending lot consistent with the provisions of this Title in effect at the time of such transfer.

Section 12. Subsection A of Section 23.49.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.49.016 Parking quantity requirements.

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

A. General Standards.

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

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

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

b. No parking shall be required for residential uses.

c. No parking, either long-term or short-term, shall be required for the first thirty thousand (30,000) square feet of retail sales and service use on lots in areas with high transit access, as identified on Map ((~~IA~~)) 1F. No parking, either long-term or short-term, shall be required for the first seven thousand five hundred (7,500) square feet of retail sales and service use on lots in other areas.

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

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

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

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

h. In International District Mixed and International District Residential zones, the Director of the Department of Neighborhoods, upon the recommendation of the International District Special Review District Board, may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access. In these zones, the parking requirements for restaurants, motion picture theaters, and other entertainment uses and places of public assembly shall be established pursuant to the requirements of Section 23.66.342, rather than the provisions of this section.

3. Location of Required Parking.

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

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

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

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

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

* * *

Section 13. A new Section 23.49.025 of the Seattle Municipal Code is added as follows:

23.49.025 Street-level use requirements.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated on Map 1H. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses qualify as required street-level uses:
1. Retail sales and services, except lodging;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses;
5. Museums and libraries; and
6. Public atriums.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage at street-level where street-level uses are required must be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage at street-level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space that qualifies for a floor area bonus, whether it receives a bonus or not, any eligible lot area of an open space TDR site, and any outdoor common recreation area required for residential uses, shall not be counted in street frontage.

2. In the DRC zone, no more than twenty (20) percent of the total street frontage of the lot may be occupied by human service uses, child care centers, customer service offices, entertainment uses, or museums.

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

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

5. Overhead weather protection. The entire length of facade where street-level uses are required must include overhead weather protection at street level meeting the following standards:

a. Overhead weather protection must have a minimum dimension of six (6) feet measured horizontally from the building wall or must extend to a line two (2) feet from the curb line, whichever is less;

b. A minimum of one half (1/2) of the overhead weather protection, for the entire length of facade where protection is required, must be over the public right-of-way or a widened sidewalk on private property;

c. The applicant will not install any obstructions in the sidewalk area as part of the structure of the overhead weather protection;

d. The lower edge of the overhead weather protection must be a minimum of eight (8) feet and a maximum of twelve (12) feet above the sidewalk for projections of up to six (6) feet measured horizontally from the facade and a minimum of ten (10) feet and a maximum of fifteen (15) feet for projections greater than six (6) feet measured horizontally from the façade;

e. Overhead weather protection must be continuous where feasible.

Section 14. Subsection A of Section 23.49.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is amended as follows:

23.49.026 General requirements for residential uses.

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

* * *

Section 15. A new Section 23.49.027 is hereby added to the Seattle Municipal Code, as follows:

23.49.027 Open space TDR site eligibility.

A. Intent. The intent of open space TDR is to provide opportunities for establishing a variety of usable public open space generally distributed to serve all areas of downtown.

B. Application and Approval. The owner of a lot shall apply to the Director for approval of the lot as a sending lot for open space TDR. The application shall include a design in such detail as the Director shall require and a maintenance plan. The Director shall review the application pursuant to the provisions of this Section, and shall approve, disapprove or conditionally approve the application. Conditions may include, without limitation, assurance of funding for long-term maintenance and dates when approvals shall expire if the open space is not developed.

C. Area Eligible for Transfer. For purposes of calculating the amount of TDRs transferable under Section 23.49.014, Transfer of Development Rights (TDRs),

eligible area does not include any portion of the lot occupied above grade by a structure or use unless the structure or use is accessory to the open space.

D. Basic requirements. In order to qualify as a sending lot for open space TDR, the lot must include open space that satisfies the basic requirements of this subsection, unless an exception is granted by the Director pursuant to Section 23.49.039. A sending lot for open space TDR must:

1. include a minimum area as follows:

a. contiguous open space with a minimum area of fifteen thousand (15,000) square feet; or

b. a network of adjacent open spaces, which may be separated by a street right-of-way, that are physically and visually connected with a minimum area of thirty thousand (30,000) square feet;

2. be directly accessible from the sidewalk or another public open space, including access for persons with disabilities;

3. be at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected;

4. not have more than twenty (20) percent of the lot area occupied by any above grade structures; and

5. be located a minimum of one quarter (¼) mile from the closest lot approved by the Director as a separate open space TDR sending lot.

E. Open Space Guidelines. The Director shall consider the following guidelines, and may disapprove or condition an application based on one or more of them. If the Director determines that the design for the open space will substantially satisfy the intent of the guidelines as a whole, the Director need not require that every guideline be satisfied as a condition to approval. Open space should be designed to:

1. be well integrated with downtown's pedestrian and transit network;

2. be oriented to promote access to sun and views and protection from wind, taking into account potential development on adjacent lots built to the maximum limits zoning allows;

3. enhance user safety and security and ease of maintenance;

4. be highly visible because of the relation to the street grid, topographic conditions, surrounding development pattern, or other factors, thereby enhancing public access and identification of the space as a significant component of the urban landscape;

5. incorporate various features, such as seating and access to food service, that are appropriate to the type of area and that will enhance public use of the area as provided by the guidelines for an urban plaza in the Public Benefit Features Rule;

6. provide such ingress and egress as will make the areas easily accessible to the general public along street perimeters;

7. be aesthetically pleasing space that is well integrated with the surrounding area through landscaping and special elements, which should establish an identity for the space while providing for the comfort of those using it;

8. increase activity and comfort while maintaining the overall open character of public outdoor space; and

9. include artwork as an integral part of the design of the public space.

F. Public Access.

1. Recorded Documents. The open space must be subject to a recorded easement, or other instrument acceptable to the Director, to limit any future development on the lot and to ensure general public access and the preservation and maintenance of the open space, unless such requirement is waived by the Director for open space in public ownership.

2. Hours of Operation. The open space must be open to the general public without charge for a reasonable and predictable hours, such as those for a public park, for a minimum of six (6) hours each day of every week.

3. Plaque requirement. A plaque indicating the nature of the site and its availability for general public access must be placed in a visible location at the entrances to the site. The text on the plaque is subject to the approval of the Director.

G.Maintenance. The property owner and/or another responsible party who shall have assumed obligations for maintenance on terms approved by the Director, shall maintain all elements of the site, including but not limited to landscaping, parking, seating and lighting, in a safe and clean condition as provided for in a maintenance plan to be approved by the Director.

Section 16. Section 23.49.032 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is amended as follows:

23.49.032 Additions <u>of</u> ((~~to~~)) gross floor area <u>to lots with existing structures</u>.

A. ((~~Existing structures may be expanded to the maximum permitted FAR. If the gross floor area is greater than that permitted by the base FAR, the expansion shall be achieved by providing public benefit features or by transferring development rights pursuant to the provisions of the zone in which the structure is located. Existing FAR shall be calculated under the rules for exempt and nonexempt space of the zone in which the structure is located.~~)) <u>When development is proposed on a lot that will retain existing structures containing chargeable floor area in excess of the applicable base FAR, additional chargeable floor area may be added to the lot up to the maximum permitted FAR, by qualifying for bonuses or using TDR, or both, subject to the general rules for FAR and use of bonuses and TDR, SMC Sections 23.49.011 through 23.49.014. Solely for the purpose of determining the amounts and types of bonus and TDRs that may be used to achieve the proposed increase in chargeable floor area, the legally established continuing chargeable floor area of the existing structures on the lot shall be considered as the base FAR.</u>

B. When mechanical equipment or ((~~above-grade~~)) parking that ((~~which~~))was exempted from floor area calculation under the provisions of Title 24 is proposed to be changed to uses that ((~~which~~)) are not exempt from floor area calculations under this Chapter, and ((~~the structure is over~~)) the chargeable floor area on the lot exceeds the base FAR for the zone in which it is located, the gross floor area ((~~in an amount equivalent to the gross floor area~~)) proposed to be changed shall be achieved through qualifying for bonuses ((~~provision of public benefit features~~)) or transfer of development rights, according to the provisions of Sections 23.49.011 through 23.49.014 as applicable to the zone in which the structure is located. ((~~This provision shall apply whether or not the structure is conforming.~~))

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

Section 17. Section 23.49.033 of the Seattle Municipal Code, which Section was last amended by Ordinance 119273, is hereby repealed.

Section 18. Subsection C of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

* * *

C. Vested Projects. A holder of a permit for a project ((~~which~~)) that is vested to an earlier code on the effective date of ((~~the ordinance codified in this section,~~)) Ordinance 115657 may apply for approval of a PCD as provided in this section. The proposed PCD constitutes a new project and, except as provided in this section, is subject to requirements applicable to such projects.

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

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

3. ((~~Annual Limits on Downtown Office Development. If a project which is vested for purposes of this subsection is thereby not subject to the annual limits~~

~~on downtown office development prescribed by SMC Section 23.49.011 the proposed PCD which replaces the vested project is not subject to those limits~~.

~~4.~~)) Tolling and Expiration of Vested Permit.

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

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

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

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

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

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

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

* * *

Section 19. A new Section 23.49.039 is hereby added to the Seattle Municipal Code, as follows:

23.49.039 Special exception for open space TDR sites.

The Director may authorize an exception to the requirements for open space TDR sites, Section 23.49.027, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.

A. The provisions of this section will be used by the Director in determining whether to grant, grant with condition or deny a special exception. The Director will grant exceptions only to the extent such exceptions further the provisions of this Section.

B. In order for the Director to grant, or grant with conditions, an exception to the requirements for open space TDR sites, one or more of the following must be satisfied:

1. The exception allows the design of the open space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings; or

2. The applicant demonstrates that the exceptions would result in an open space that better meets the intent of the provisions for open space TDR sites in 23.49.027.

Section 20. Subsection E of Section 23.49.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is amended as follows:

23.49.041 Transfer of Development Credits (TDCs).

* * *

E. King County Certification and Security. No permit <u>after the first building permit, and in any event no permit for any construction activity other than excavation and shoring,</u> will be issued for development that includes credit floor area until (1) the applicant's possession of necessary rural development credits is certified by King County; and (2) either security is provided for the provision of amenities or an optional cash contribution is made, sufficient to generate the amount of amenity credits necessary under the terms of this section and any rules promulgated by the Director to implement this Section.

* * *

Section 21. Subsection A of Section 23.49.045 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, is amended as follows:

23.49.045 Downtown Office Core 1, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map ((~~Ha~~)) 1J may be permitted as conditional uses, pursuant to Section 23.49.046. Principal use parking garages for long-term parking ((~~shall be~~)) are prohibited in other locations.

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

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

~~b. Conditional uses in all other cases, pursuant to Section 23.49.046.~~)) may be permitted as conditional uses, pursuant to Section 23.49.046.

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

Section 22. Subsection B of Section 23.49.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

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

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

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

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

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

* * *

Section 23. Section 23.49.048 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 24. Section 23.49.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 25. Section 23.49.052 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 26. Section 23.49.054 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 27. The introductory subsection and Subsections A and B of Section 23.49.056 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows:

23.49.056 Downtown Office Core 1, street facade requirements.

Standards for the street facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~HD~~)) 1G 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 ((~~HD~~)) 1G, and whether property line facades are required by Map ((~~HC~~)) 1K.

A. Minimum Facade Height.

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

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

* Except as ((~~modified by~~))provided in subsection A2 regarding view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~HC~~)) 1K 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

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

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

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

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

-- The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of

ten (10) feet. Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

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

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

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

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

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

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

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

* * *

Section 28. Subsections A and B of Section 23.49.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 29. Subsections A and B of Section 23.49.064 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, are amended as follows:

23.49.064 Downtown Office Core 2, principal and accessory parking.

A. Principal Use Parking.

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

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

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

~~b. Conditional uses in all other cases;~~)) may be permitted as conditional uses pursuant to Section 23.49.066.

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

B. Accessory Parking.

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

2. Accessory surface parking areas shall be:

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

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

c. Prohibited in areas not shown on Map ((~~IIIA~~)) 1J, except that temporary accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.066.

Section 30. Subsection B of Section 23.49.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

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

* * *

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

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

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

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

* * *

Section 31. Section 23.49.068 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is hereby repealed.

Section 32. Section 23.49.070 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 33. Section 23.49.072 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 34. Section 23.49.074 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 35. The introductory subsection and Subsections A and B of Section 23.49.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.076 Downtown Office Core 2, street facade requirements.

Standards for the street facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line ((~~of a lot~~)) that ((~~which~~)) abuts a street designated on Map ((~~IIID~~)) 1G 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 ((~~IIID~~)) 1G, and whether property line facades are required by Map ((~~IIIC~~)) 1K.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.076 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

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

* Except as provided in subsection A2 regarding ((~~modified by~~)) view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~IIIC~~)) 1I 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the street property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.076 B:

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

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

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map ((~~IIIC~~)) 1I. Except when the entire structure is fifteen (15) feet or less in height, the setback limits shall apply to

the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.076 C. When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.076 D). The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II Pedestrian streets.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.076 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.)

d. Any exterior public open space that ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.076 C.)

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.

* * *

Section 36. Subsection A and B of Section 23.49.078 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.078 Downtown Office Core 2, upper-level development standards.

* * *

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

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

2. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.078 A), is established as the coverage limit area, except as stated in subsection A3 below.

3. For projects participating in the TDC Program pursuant to SMC Section 23.49.041, the coverage limit areas above an elevation of two hundred forty (240) feet for structures three hundred (300) feet in height or less are the same as the coverage limit areas under subsection A1 above for the entire height of the structure above one hundred twenty-five (125) feet above the adjacent sidewalk.

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

a. Projects, except those described in subsection A4b below:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
126' to 240'	60%	40%	20%
Above 240'	50%	40%	20%

b. Certain Projects Participating in the TDC Program. For projects participating in the TDC Program pursuant to SMC 23.49.041, on lots that either (i) have at least 25% of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than 35' in height, or any combination thereof; or (ii) have at least 50% of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than 65' in height, or any combination thereof:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
126' to 240'	60%	50%	25%
Above 240'	50%	50%	25%

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

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

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

b. The fee owners of the abutting lot(s) execute a deed or other agreement, that is recorded with the title to the lots, that restricts future

development so that in combination with the other lots, the coverage limits shall not be exceeded.

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

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

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
126' to 240'	120'	120'	120'
Above 240'	90'*	120'	90'

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

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that ((~~which~~)) is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of façade that ((~~which~~)) is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.078 B.).

Section 37. Subsection C of Section 23.49.090 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.49.090 Downtown Retail Core, permitted uses.

* * *

C. Public Facilities.

1. Except as provided in Section 23.49.096((~~E2~~)), uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

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

* * *

Section 38. Subsection B of 23.49.096 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.096 Downtown Retail Core, conditional uses and Council decisions.

* * *

B. **Reserved**((~~Major retail stores and performing arts theaters may be granted a public benefit feature bonus through an administrative conditional use process, Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Through the bonus, increases in permitted height and floor area ratios, and changes in development standards may be granted if the desired quality of the public environment can be maintained, according to the following standards:~~

~~1. Standards for Major Retail Store.~~

~~a. Type of Store. Major retail stores shall be operated by an established concern with a reputation for quality and service, which is not located in the Downtown Retail Core when the conditional use is sought and shall provide a range of merchandise and services.~~

~~b. Size Standards and Bonus Ratio.~~

~~(1) Minimum lot size shall be twenty-five thousand (25,000) square feet.~~

~~(2) The minimum size of a major retail store shall be eighty thousand (80,000) square feet. Major retail stores shall be under the management of a single retail firm and shall function as a single business establishment. Storage area, store offices, and other support space necessary for the operation of the retail sales area shall also be bonused.~~

~~(3) For each square foot of major retail store, two and one-half (2-1/2) square feet of additional floor area shall be granted, up to the maximum set in subsection B1b(4).~~

~~(4) Up to two hundred thousand (200,000) square feet of the store shall be eligible for a floor area bonus.~~

~~c. Access. The store should be oriented to activity on the street and should, wherever possible, provide opportunities for through block circulation.~~

~~(1) At least one (1) major pedestrian entrance shall be provided directly from the sidewalk of each street frontage of the store. All entrances shall be at the same elevation as the sidewalk.~~

~~(2) Bonused major retail store space may be provided above and below street level as long as all areas are connected and function as a single retail establishment.~~

~~d. Hours of Operation. Major retail stores shall be open to the general public during established shopping hours for a minimum of eight (8) hours a day, six (6) days per week.~~

~~2. Standards for Performing Arts Theater.~~

~~a. Type of Theater. Theaters shall provide a place for live performances of drama, dance and music. The auditorium area should be specifically designed for the presentation of live performances under optimum viewing and acoustical conditions. Theaters principally intended for nightclub or cabaret type entertainment or adult entertainment will not qualify for conditional use approval. The developer shall commit to manage the theater or shall secure a lease for at least ten (10) years from a theater operator or resident theater group with acceptable credentials.~~

~~b. Area, Dimensions and Bonus Ratio. Theaters eligible for conditional use approval may include a wide variety of theater sizes and types to encourage a broad range of live entertainment offerings downtown.~~

~~(1) The minimum theater size eligible for a bonus shall have a seating area of at least two hundred (200) seats and the necessary support areas.~~

~~(2) For each square foot of performing arts theater, twelve (12) square feet of additional floor area shall be granted.~~

~~(3) The maximum area eligible for a bonus shall be established as part of the review process. The process shall include an assessment of existing theaters and the sizes of future theaters needed to provide a range of performing arts facilities in the downtown.~~

~~(4) The arrangement of seating and stage areas of the theater shall be expressly designated for the presentation of performing arts. The size of the stage area, floor slopes, ceiling heights and acoustical and lighting systems shall be adequate to meet the viewing requirements of the audience relative to the size of the auditorium.~~

~~c. Access and Street Orientation. The theater shall be designed to promote activity on the street and add visual interest. It shall be highly accessible and visible from a street or public open space.~~

~~(1) A lighted marquee, display signs, and/or banners related to the theater operation shall be located above the main street entrance. Lobby areas with transparent walls located on the street front are desirable.~~

~~(2) To avoid creating large expanses of street frontage with limited visual interest or activity, theater street frontage shall be limited. Theater frontage shall be limited to sixty (60) feet; any street-level area of the theater exceeding this limit must be separated from the street by another use. Departure from these standards may be permitted to address special conditions of the lot which may affect the theater's street orientation or to accommodate specific needs related to the theater's operation.~~

~~(3) A covered queuing area shall be provided; interior lobby space may satisfy this requirement.~~

~~(4) Direct access shall be provided to the theater lobby from the street or a bonused public open space. The theater itself, however, may be above or below street level.~~

~~(5) Truck loading/unloading space shall be provided off-street, preferably off an alley.~~

~~3. Restrictions on Demolition and Alteration of Existing Structures.~~

~~a. The design of projects including a major retail store or performing arts theater shall incorporate the existing exterior street front facade(s)of the structures listed below which are significant to the architecture, history and character of downtown. Changes may be permitted to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).~~

~~b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If the listed structures are also Landmark structures, approval by the Landmarks Board shall be required prior to consideration of the project by the Director. The Landmarks Board's recommendation shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of approving additional height and FAR under Section 23.49.096 B, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark.~~

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

~~4. Height and Scale. In determining the amount of change permitted in development standards for height and setbacks, the primary objective shall be the preservation of the existing sense of openness and the human scale environment in the Downtown Retail Core. The acceptability of negative impacts associated with departure from the base regulations shall depend on the priority of the streets adjacent to the proposed project, according to Map IVB.(Note 1)~~

a. An increase in the height up to one hundred fifty (150) feet may be permitted when the primary objective described above will be furthered and:

(1) The additional height and bulk will not result in substantial wind impacts on public open spaces and sidewalks; and

(2) The shadows cast on the Westlake Park south of Pine Street, and all Priority 1 Streets shown on Map IVB,(Note 1) from eleven a.m. to two p.m. on March 21st and September 21st will not be increased beyond those cast by existing structures.

b. When an increase in the height limit is permitted, upper-level setbacks shall be provided. The applicant may choose to provide the upper level setbacks pursuant to the provisions of subsection B of Section 23.49.106, or as follows:

(1) Coverage limit areas shall be established at two (2) elevations:

i. Between an elevation of sixty-five (65) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)

ii. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines shall be the coverage limit area. (See Exhibit 23.49.096 A.)

iii. Within the coverage limit area, coverage and maximum facade lengths shall be as follows:

	Structure Elevation	
	Less than 65'	65' and Above
Priority 1 streets shown on Map IVB		
Maximum coverage in coverage limit area	100%	20%
Maximum facade length	no limit	90'
Priority 2 streets shown on Map IVB		
Maximum coverage in coverage limit area	100%	30%
Maximum facade length	no limit	90'
Priority 3 streets shown on Map IVB		
Maximum coverage in coverage limit area	Upper level development standards of abutting zones shall apply	

Maximum facade length. Facade length limited only within fifteen (15) feet of street property line. The minimum distance between facades within fifteen (15) feet of street property lines shall be sixty (60) feet.

~~(2) All existing structures retained as part of the proposed project shall be calculated together with the new structure to determine permitted coverage.~~

~~c. To contribute to a sense of openness and increase opportunities for light and air to streets, portions of facades of new structures which exceed an elevation of one hundred twenty-five (125) feet shall be separated from all other portions of facades on the same block front which exceed that elevation, both on the project lot and abutting lots, by a minimum distance of sixty (60) feet above an elevation of one hundred (100) feet.(See Exhibit 23.49.096 B.) The depth of the separation shall be at least sixty (60) feet, measured from the street property line.~~

~~5. Design Treatment. The materials, scale and details of new development using the major retail store or performing arts theater bonus shall harmonize with existing development in the area and contribute to the visual interest of the pedestrian environment.~~

~~a. In addition to the street facade requirements of Section 23.49.106, large expanses of blank walls above street level which are visible from any street or public open space are prohibited. Below an elevation of sixty-five (65) feet, all street facades shall be articulated and contain architectural design features such as windows, columns or other structural features, belt courses, cornices, setbacks, ornamentation, awnings or canopies, that reflect the character of nearby structures.~~

~~b. Building materials shall be compatible with those of existing structures in the Downtown Retail Core. Large areas of dark or reflective materials are prohibited.~~

~~c. Overhead weather protection is required on all street frontages of the project. Coverings that are transparent and allow sunlight to reach the sidewalk are preferred.~~

~~6. Scale of Surrounding Development. Project proposals using the major retail store or performing arts theater bonus shall be considered with respect to similar scale developments in the Downtown Retail Core. The bonus shall not be granted if it would result in additional large-scale development which, considered together with other projects of similar scale, would create traffic and pedestrian circulation problems and would conflict with the desired scale and pedestrian character of the area.~~

~~7. Combined Lot Option.~~

~~a. Two (2) lots located in the DRC zone may be combined for the purpose of calculating the density for a total project incorporating a major retail store or a performing arts theater. The lots may be located on the same block or on different blocks. The administrative conditional use process shall apply to both lots.~~

~~b. The density for all development shall be calculated as if both lots were a single lot and shall conform to the permitted FAR set forth in Section 23.49.098 B. In no circumstance shall the FAR for the two (2) lots taken together exceed the permitted density.~~

~~c. The height limits and development standards of subsection B4 of this section shall apply to each lot.~~

~~d. The fee owners of each of the combined lots shall execute a deed or other agreement which shall be recorded with the titles to both lots. In the~~

~~agreement or deed, the owners shall acknowledge that development on the combined lots shall not exceed the combined FAR limits for both lots and, should development on one (1) lot exceed the FAR limit for that lot, then development on the other lot shall be restricted by the amount of excess FAR used on the more developed lot, for the life of the improvement on the more developed lot. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by The City of Seattle.~~))

* * *

Section 39. Section 23.49.098 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 40. Section 23.49.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 41. Section 23.49.102 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 42. Section 23.49.104 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 43. Section 23.49.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is further amended as follows:

23.49.106 Downtown Retail Core, street facade requirements.

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

Minimum facade height
Setback limits
((~~Upper-level setbacks~~))
Facade transparency
Blank facade limits
Screening of parking
Street trees.

These standards apply to each lot line ((~~which~~)) that abuts a street.

A. Minimum Facade Height. Minimum facade height shall be thirty-five (35) feet (((~~see Exhibit 23.49.106 A~~))), except that this requirement shall not apply when all portions of the structure are lower than an elevation of thirty-five (35) feet.

((~~B. Maximum Facade Heights and Upper-level Setbacks.~~

~~1. As depicted in Exhibit 23.49.106 B, upper-level setbacks and maximum facade heights shall be established for all structures greater than one hundred twenty-five (125) feet in height as follows:~~

~~Height of Structure~~	~~Setback From Street Property Line Above Maximum Street Facade~~	~~Maximum Street Facade Height~~
~~126' - 170'~~	~~15'~~	~~95'~~
~~Greater than 170'~~	~~Setback = Height - 125'~~	~~125' - 2x (where x = 3 setback in feet)~~

~~2. The required upper-level setback shall be at the elevation of the maximum street facade height, and shall continue for the full height of the structure. (See Exhibit 23.49.106 B.)~~))

((~~C.~~)) B. Facade Setback Limits.

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

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

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

b. Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the street property line shall be permitted according to the following standards (see Exhibit 23.49.106A):

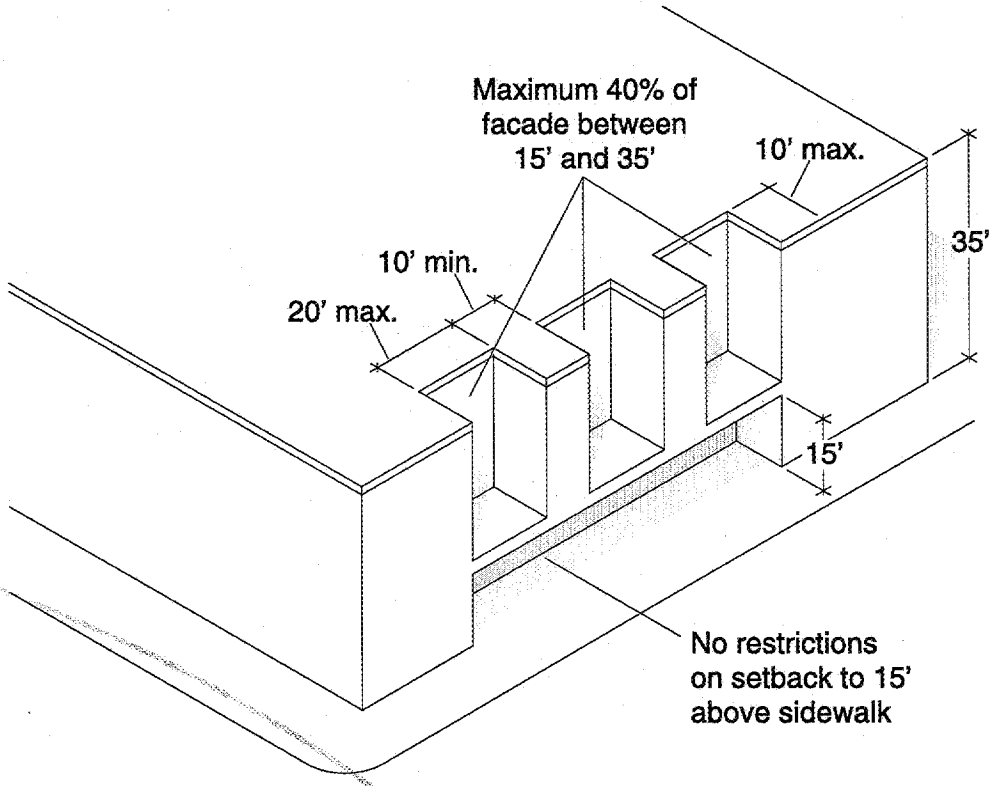
(1) The maximum setback shall be ten (10) feet.

(2) The total area of the portion of the facade between the elevations of fifteen (15) feet and thirty-five (35) feet above sidewalk grade at the street property line 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 these elevations.

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

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

Exhibit 23.49.106A



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

((~~D.~~)) C. Facade Transparency Requirements.

1. Facade transparency requirements 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, this subsection shall apply.

3. On all streets, a minimum of sixty (60) percent of the street level facade shall be transparent.

((~~E.~~)) D. Blank Facade Limits.

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

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

3. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors, which may be wider than fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

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

5. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage.

((~~F.~~)) E. Screening of Parking. Parking located at or above street level in parking garages shall be screened according to the following requirements:

1. Parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

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

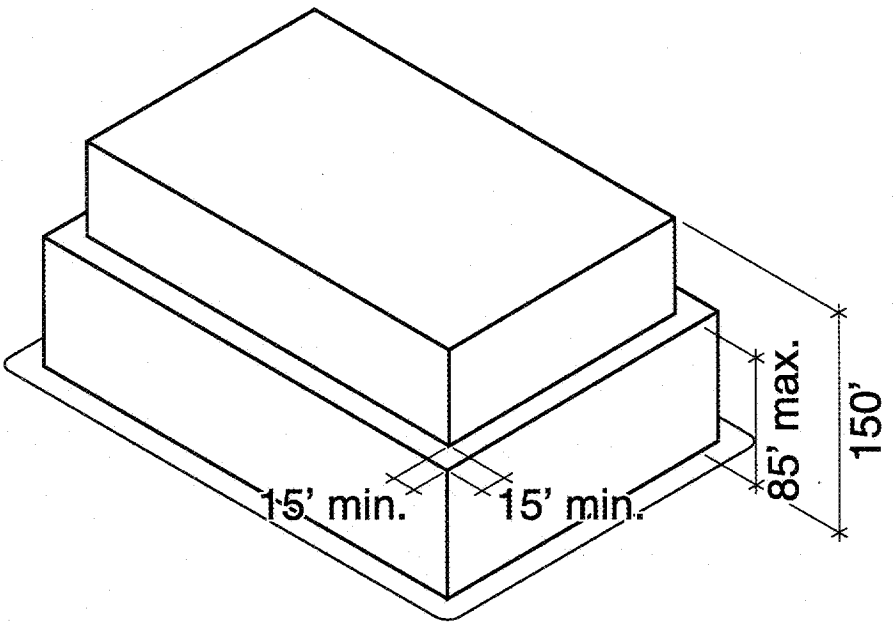
((~~G.~~)) F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle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

Section 44. A new Section 23.49.108 of the Seattle Municipal Code is hereby added as follows:

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.)

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 150 feet in height pursuant to 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.

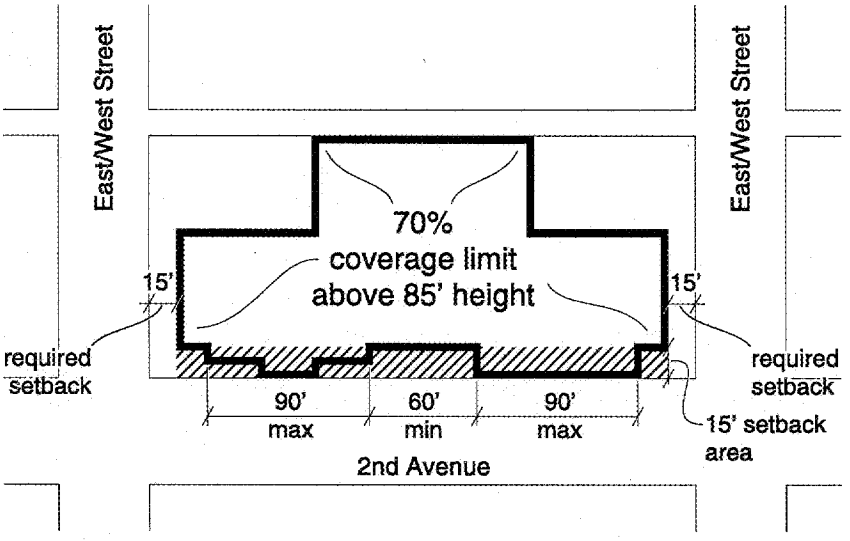
2. Structure Setbacks. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk on east/west streets only.

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.)

Exhibit 23.49.108B.



Section 45. Subsections A and B of Section 23.49.120 of the Seattle Municipal Code, which Section was adopted by Ordinance 112303, are amended as follows:

23.49.120 Downtown Mixed Commercial, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map ((~~VA~~)) 1J 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 ((~~shall either be:~~

~~a. Permitted outright when the garage contains short-term parking spaces for which additional floor area is granted pursuant to Section 23.49.126; or~~

~~b. Conditional uses in all other cases,~~)) 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 ((~~VA~~)) 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 ((~~VA~~)) 1J and containing twenty (20) or fewer parking spaces; or

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

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

Section 46. Subsection B of Section 23.49.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.122 Downtown Mixed Commercial, conditional uses and Council decisions.

* * *

B. Principal use parking garages for long-term parking in areas designated on Map ((~~VA~~)) 1J, and for short-term parking at any location, ((~~except those permitted outright by Section 23.49.120B2,~~)) may be permitted as conditional uses, if the Director finds that:

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

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

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

* * *

Section 47. Section 23.49.124 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 48. Subsection A and the subsection titled Public Benefit Feature Bonus Table of Section 23.49.126 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, are hereby amended as follows:

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 ((~~which~~)) causes the destruction of any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

((~~2~~))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 allocation of bonus credits to low and low and low-moderate income housing, to establish a schedule of bonus ratios that provides greater weight for low-income housing than for low-moderate income housing.

((~~3~~))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.

Public Benefit Feature Bonus Table for Section 23.49.126

Public Benefit Feature	Bonus 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 ((~~VB~~)) 1K, where shopping corridors are bonused	6 or 8[2]	15,000 square feet
Shopping corridor in areas shown on Map ((~~VB~~)) 1K	6 or 7.5[3]	7,200 square feet
Retail shopping in areas shown on	2.5	0.5 times the area of the lot, not to exceed 15,000

Map ((~~VB~~)) 1N		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 ((~~HB~~)) 1K	1.0 FAR[4]	Not applicable
Hillside terrace in area shown on Map ((~~VB~~)) 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 ((~~VD~~)) 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.

****

Section 49. Section 23.49.128 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 50. Section 23.49.132 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 51. The introductory subsection and Subsections A and B of Section 23.49.134 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.134 Downtown Mixed Commercial, street facade requirements.

Standards for the street facades of structures are established for the following elements:
Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~VD~~)) 1G 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 ((~~VD~~)) 1G, and whether property line facades are required by Map ((~~VC~~)) 1I.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.134A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

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

* Except as provided in subsection A2 regarding ((~~modified by~~)) view corridor requirements.

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

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~VC~~)) II 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 ((~~which~~)) satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five(35) feet above sidewalk grade at the property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.134B:

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

-- The total area of a facade that ((~~which~~)) is set back more than two (2) feet from the street property line shall not exceed forty (40)

percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

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

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

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

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map ((~~VC~~)) II. 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 23.49.134C.) 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 ((~~which~~)) is fifteen (15) feet or less in height.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.134D). 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 23.49.134D.)

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 23.49.134E.)

d. Any exterior public open space that ((~~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 23.49.134C.)

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.

* * *

Section 52. Subsections A and B of Section 23.49.136 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, are amended as follows:

23.49.136 Downtown Mixed Commercial, upper-level development standards.

* * *

A. Coverage Limits. On streets designated on Map ((~~VD~~)) 1G 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 23.49.136A), is established as 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:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
Above 125'	60%	50%	25%

b. All other projects:

		Lots With Two or More Street Frontages	
Elevation	**Lots With One Street Frontage**	**Lots 45,000 Sq. Ft. or Less in Size**	**Lots Greater Than 45,000 Sq. Ft. in Size**
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 or more abutting lots, whether occupied by existing structures or not, provided that:

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

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

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

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

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

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

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that ((~~which~~)) is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of facade that ((~~which~~)) is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.136B.).

C. When a lot in a DMC zone is across a street from the Pike Place Market Historical District, Map ((~~VE~~)) 1L, 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.

Section 53. Section 23.49.150 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 54. Section 23.49.152 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 55. Section 23.49.154 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 56. Section 23.49.160 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 57. The introductory subsection and Subsection B of Section 23.49.162 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, are amended as follows:

23.49.162 Downtown Mixed Residential, street facade requirements.

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

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

These standards shall apply to each lot line ((~~of a lot which~~)) that abuts a street designated on Map ((~~VID~~)) 1G 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 ((~~VID~~)) 1G, and whether property line facades are required by Map ((~~VIC~~)) 1I.

* * *

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map ((~~VIC~~)) 1I 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.