

Ordinance No. 120967

Council Bill No. 114386

The City of Seattle
Council Bill/Ordinance

An ordinance relating to land use and zoning, amending Sections 23.49.008, 23.49.009, 23.49.011, 23.49.014, 23.49.025 and 23.49.058 to address lots zoned DOC1 and DMC, make revisions to regulations for achieving chargeable floor area and use of transfer of development rights and recognize the needs of museums as a part of mixed-use development in downtown.

11/5/02 PASS 4-0 (UN)

11-2-02 Pass

CF No. _____

Date Introduced: <u>OCT 28 2002</u>		
Date 1st Referred: <u>OCT 28 2002</u>	To: (committee) <u>Land Use Committee</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>11-2-02</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>11-2-02</u>	Date Approved: <u>11/18/02</u>	
Date Returned to City Clerk: <u>11/18/02</u>	Date Published: <u>11/19</u>	T.O. <input checked="" type="checkbox"/> P.T. _____
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: J. NICASTRO
Councilmember

4,
of

Committee Action:

11/15/02 PASS 4-0 (UN, RC, MP, PS)

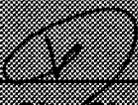
11-2-02 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department

Law Dept. Review

OMP
Review


City Clerk
Review

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 No fiscal note
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ORDINANCE 120967

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3 AN ORDINANCE relating to land use and zoning, amending Sections 23.49.008, 23.49.009,
4 23.49.011, 23.49.014, 23.49.025 and 23.49.058 to address lots zoned DOC1 and DMC,
5 make revisions to regulations for achieving chargeable floor area and use of transfer of
6 development rights and recognize the needs of museums as a part of mixed-use
7 development in downtown.

8 WHEREAS, the Seattle Art Museum and Washington Mutual Bank have proposed to develop a
9 structure on the northern two-thirds of the block bounded by First and Second Avenues
10 and Union and University Streets, adjacent to the current museum; and

11 WHEREAS, the proposed structure would allow the museum to realize its long-term expansion
12 plan to accommodate growth of the museum's collection, visitor capacity and staff and
13 enable the bank to consolidate office space needs and provide for anticipated job growth;
14 and

15 WHEREAS, current zoning provisions Downtown would not allow the relationship established
16 between the bank's office space needs and the museum's future expansion plans; and

17 WHEREAS, the proposed code amendment would allow this mutually beneficial proposal to
18 move forward, with broader, though limited, application to other sites downtown; and

19 WHEREAS, the proposed amendments are in the public interest, supporting the City's
20 preeminent fine arts institution, contributing to the health and well being Seattle's
21 citizens; NOW THEREFORE,

22 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

23 Section 1. Subsection A of Section 23.49.008 of the SMC, which Section was last
24 amended by Ordinance (C.B. 114222), is further amended as follows:

25 **23.49.008 Structure Height**

26 The following provisions regulating structure height apply to all property in downtown
27 zones except the DH1, PSM, IDM, and IDR zones.
28



1 A. Maximum structure heights for downtown zones are sixty-five (65) feet, eighty-
2 five (85) feet, one hundred (100) feet, one hundred twenty-five (125) feet, one hundred fifty
3 (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred (300) feet
4 and four hundred fifty (450) feet, as designated on the Official Land Use Map, Chapter 23.32.

5 The height of a structure shall not exceed the maximum structure height, except that:

6
7 1. Any lot in the Pike Market Mixed zone that is subject to an urban renewal
8 covenant may be built no higher than the height permitted by the covenant for the life of the
9 covenant.

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

12 a. A structure in a DOC1 zone, or in a DOC2 zone may gain
13 additional height of ten (10) percent of the maximum structure height, when:

14 (1) The gross floor area of each story wholly or partly above
15 the maximum structure height is no greater than eighty (80) percent of the gross floor area of at
16 least one story below the maximum structure height, which story must have gross floor area no
17 greater than that of each story lower than it that is wholly above a height of one hundred twenty-
18 five (125) feet, except that structures on lots zoned both DOC1 and DMC are not subject to this
19 provision. For structures with separate towers, the limits on area apply to each tower
20 individually; and

21 (2) The above-grade gross floor area in all structures on the lot,
22 including all floor area exempt from FAR limits, except exempt street-level uses, museums and
23 museum expansion space, within-block TDR transferred from a lot zoned DMC to a lot zoned
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1 b. When at least twenty-five (25) percent of the gross floor area of all
2 structures on a lot is in residential use; or

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

5 d. For residential floor area created by infill of a light well on a
6
7 Landmark structure. For the purpose of this subsection a light well is defined as an inward
8 modulation on a non-street facing facade that is enclosed on at least three sides by walls of the
9 same structure, and infill is defined as an addition to that structure within the light well. The
10 maximum height allowed under this subsection A3d shall be the lesser of one hundred fifty (150)
11 feet or the highest level at which the light well is enclosed by the full length of walls of the
12 structure on at least three sides.

14 4. Restrictions on Demolition and Alteration of Existing Structures.

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

23 b. The Director shall evaluate whether the manner in which the
24 facade is proposed to be preserved meets the intent to preserve the architecture, character and
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1 history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the
2 Landmarks Preservation Board for any proposed modifications to controlled features is required
3 prior to a decision by the Director to allow or condition additional height for the project. The
4 Landmarks Preservation Board's decision shall be incorporated into the Director's decision.
5
6 Inclusion of a structure on the list below is solely for the purpose of conditioning additional
7 height under this subsection, and shall not be interpreted in any way to prejudge the structure's
8 merit as a Landmark((-));

9 Sixth and Pine Building	523 Pine Street
10 Decatur	1513 - 6th Avenue
11 Coliseum Theater	5th and Pike
12 Seaboard Building	1506 Westlake Avenue
13 Fourth and Pike Building	1424 - 4th Avenue
14 Pacific First Federal Savings	1400 - 4th Avenue
15 Joshua Green Building	1425 - 4th Avenue
16 Equitable Building	1415 - 4th Avenue
17 Mann Building	1411 - 3rd Avenue
18 Olympic Savings Tower	217 Pine Street
19 Fischer Studio Building	1519 - 3rd Avenue
20 Bon Marche	3rd and Pine
21 Melbourne House	1511 - 3rd Avenue
22 Former Woolworth's Building	1512 - 3rd Avenue

23
24 c. The restrictions in this subsection 4 are in addition to, and not in
25 substitution for, the requirements of the Landmarks Ordinance, SMC Chapter 25.12.

26
27 5. Any structure on a lot on either of the two half blocks abutting the east
28 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 one
hundred ninety-five (195) feet if all portions of the structure above eighty-five (85) feet in height
contain only residential use.

1 **23.49.011 Floor area ratio.**

2 A. General Standards.

3 1. The base and maximum floor area ratio (FAR) for each zone is provided in
4 Chart 23.49.011A.

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

7 a. In DOC1 and DOC2 zones the first one (1) FAR above the base
8 FAR may be gained, at the applicant's option, by any combination of the following: providing
9 one of the amenity features listed in Section 23.49.013, subject to the limits and conditions in
10 that section; providing short-term parking meeting the basic standards in the Public Benefit
11 Features Rule, where such parking is eligible pursuant to Map 1N; providing retail sales and
12 service or entertainment uses as street-level uses meeting the requirements of Section 23.49.025,
13 where such uses are eligible as indicated on Map 1N; or using development rights transferred
14 from an open space TDR site or Landmark TDR site pursuant to Section 23.49.014. An
15 applicant using the option allowed under this subsection A2a may achieve additional chargeable
16 floor area consistent with subsections A2((e))d through A2((f))g of this section.

17 b. In the DMC zone chargeable floor area above the base FAR may
18 be achieved, at the applicant's option, by qualifying for bonuses pursuant to Section 23.49.126,
19 Downtown Mixed Commercial, ratios for public benefit features. Such option may be exercised
20 only by election in writing by the applicant as part of the original application for a Master Use
21 Permit, or within sixty (60) days of the effective date of this ordinance, for the project that will
22 use such bonus. An applicant making such election shall not be granted bonus floor area for the
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1 lot pursuant to Sections 23.49.012 or 23.49.013, but may use TDR consistent with Section
2 23.49.014. An applicant making such election thereby also elects to have the optional exemptions
3 under subsection B3 of this section, and not those in subsection B1, apply in determining
4 chargeable floor area.

5
6 c. On lots zoned DOC1 and DMC chargeable floor area above the
7 base FAR may be achieved by using within-block TDR pursuant to Section 23.49.014, Transfer
8 of development rights (TDR), and by meeting the requirements of subsections A2d through A2g
9 of this section.

10
11 d. Except as provided in subsection A2a (~~and~~), A2b, and A2c of this
12 section, additional chargeable floor area above the base FAR may be achieved only by qualifying
13 for bonuses pursuant to Sections 23.49.012 or 23.49.013, or by the transfer of development rights
14 pursuant to Section 23.49.014, or both, subject to the limits of this chapter and to any other
15 applicable conditions and limitations.

16
17 ~~((d-))~~e. In no event shall the use of bonuses or TDR be allowed to result in
18 chargeable floor area in excess of the maximum as set forth in Chart A(~~(-)~~), except that a
19 structure on a lot zoned both DOC1 and DMC may exceed the floor area ratio permitted in either
20 zone, provided the chargeable floor area on the lot as a whole does not exceed the combined total
21 permitted chargeable floor area.

22
23 ~~((e-))~~f. Except as otherwise provided in this subsection A2(~~(e))~~f, not less
24 than five (5) percent of all floor area above the base FAR to be gained on any lot, excluding any
25 floor area gained under subsection A2a or A2c of this Section, shall be gained through the
26 transfer of Landmark TDR, to the extent that Landmark TDR is available. Landmark TDR shall
27

1 be considered "available" only to the extent that, at the time of the Master Use Permit application
2 to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price
3 per square foot no greater than the total bonus contribution under Section 23.49.012 for a project
4 using the cash option for both housing and childcare facilities. An applicant may satisfy the
5 minimum Landmark TDR requirement in this section by purchases from private parties, by
6 transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any
7 combination of the foregoing. This subsection A2((e))f does not apply to any lot in a DMR zone,
8 or to any lot in a DMC zone for which an election has been made under subsection A2b of this
9 section.
10

11
12 ((f))g. On any lot except a lot in a DMR zone or a lot in a DMC zone for
13 which an election has been made under subsection A2b of this section, the total amount of
14 chargeable floor area gained through bonuses under Section 23.49.012, together with any
15 housing TDR used for the same project, shall equal seventy-five (75) percent of the amount, if
16 any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the
17 base FAR, as determined under this section and Section 23.49.032 if applicable, plus (ii) any
18 chargeable floor area gained on the lot pursuant to subsection A2a or A2c of this section. The
19 remaining twenty-five (25) percent shall be gained through other bonuses or other TDR, or both,
20 consistent with this chapter.
21

22
23 ((g))h. In order to gain chargeable floor area on any lot in a DMR zone, an
24 applicant may (i) use any types of TDR eligible under this chapter in any proportions, or (ii) use
25 bonuses under Section 23.49.012 or 23.49.013, or both, subject to the limits for particular types
26 of bonus under Section 23.49.013, or (iii) combine such TDR and bonuses in any proportions.
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1 ((h-))i. Bonuses for street-level uses may be allowed only pursuant to
2 subsection A2a or A2b of this section. Bonuses for short-term parking may be allowed only
3 pursuant to subsection A2a of this section. The bonus ratio for street-level uses is three square
4 feet of floor area granted per one square foot (3:1) of bonus feature. The bonus ratio for short-
5 term parking is one (1) square foot of floor area granted per one (1) square foot (1:1) of bonus
6 feature up to a maximum of two hundred (200) parking spaces for above grade parking and is
7 two (2) square feet of floor area granted per one (1) square foot (2:1) of bonus feature for below
8 grade parking up to a maximum of two hundred (200) parking spaces. Ratios and limits for the
9 other features for which a bonus may be granted under subsection A2a are in Section 23.49.013.
10

11 B. Exemptions and Deductions from FAR Calculations.

12 1. The following are not included in chargeable floor area, except as
13 specified below in this section:
14

15 a. Retail sales and service uses and entertainment use in the DRC
16 zone up to a maximum FAR of two (2);
17

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

21 (1) The street level of the structure containing the exempt
22 space must have a minimum floor to floor height of thirteen (13) feet;
23

24 (2) The street level of the structure containing the exempt
25 space must have a minimum depth of fifteen (15) feet;
26

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

3 c. In the DRC zone, shopping corridors and retail atriums;
4 d. Child care;
5 e. Human service use;
6 f. Residential use, except in the PMM and DH2 zones;
7 g. Museums, and the floor area identified as expansion space for the
8 museum, where such expansion space satisfies the following:
9

10 (1.) The floor area that will contain the museum expansion
11 space is owned by a museum or a museum development authority; and
12

13 (2.) The museum expansion space will be occupied by a
14 museum, existing as of October 31, 2002 on a downtown zoned lot; and
15

16 (3.) The museum expansion space is physically designed in
17 conformance with Seattle Building Code standards for museum use either at the time of original
18 construction or at such time as museum expansion is proposed.

19 h. Performing arts theaters;
20 i. Floor area below grade;
21 j. Floor area that is used only for short-term parking or parking
22 accessory to residential uses, or both, subject to a limit on floor area used wholly or in part as
23 parking accessory to residential uses of one (1) parking space for each dwelling unit on the lot
24 with the residential use served by the parking; ((and))
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1 k. Floor area of a public benefit feature that would be eligible for a
2 bonus on the lot where the feature is located. The exemption applies regardless of whether a
3 floor area bonus is obtained, and regardless of maximum bonusable area limitations((-)); and

4 ((+))l. Public restrooms.

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

13 3. In lieu of the exemptions allowed in subsection B1 of this section, an
14 applicant may elect in writing, at the time of filing of an original master use permit application
15 that involves the proposed addition or change of use of floor area on any lot wholly within a
16 DMC zone on which no bonus floor area has been or is proposed to be gained under Section
17 23.49.012 or Section 23.49.013, that the following areas on such lot shall be exempt from base
18 and maximum FAR calculations:

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

21 b. All gross floor area below grade;

22 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.

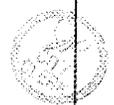
Section 4. Chart 23.49.014A of Section 23.49.014 of the SMC, which Section was adopted by Ordinance 120443, is amended as follows:

Section 23.49.014 Transfer of development rights (TDR).

Chart 23.49.014 A

Zones*	TDR Transferable within-block	Types of TDR transferable within or between blocks		
		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 of 85' or greater	((X)) S****	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.



1 *Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.
2 **Transfers to lots in the DRC zone are permitted only from lots that also are zoned DRC.
3 ***Transfers to lots in the DMR zone are permitted only from lots that also are zoned DMR.
4 ****Transfers are permitted only from lots zoned DMC to lots zoned DOC1.

5 ****

6 Section 5. Subsection C of Section 23.49.014 of the SMC, which Section was adopted by
7 Ordinance 120443, is amended as follows:

8 **Section 23.49.014 Transfer of development rights (TDR).**

9 ****

10 C. Limit on (~~Variable Scale of Development~~)with-in block TDR. Any receiving lot
11 is limited to a gain of one (1) FAR or fifteen (15) percent of the floor area above the base FAR,
12 whichever is less, from TDR from sending lots that are eligible to send TDR solely because they
13 are on the same block as the receiving lot; provided that this limitation shall not apply to within-
14 block TDR in the DMC and DOC 1 zones for the purpose of building a structure that contains a
15 museum or a museum expansion space that meets the requirements of subsection 23.49.011 B1g.

16 ****

17 Section 6. Subsection A of Section 23.49.025 of the SMC, which Section was adopted by
18 Ordinance 120443, is amended as follows:

19 **23.49.025 Street-level use requirements.**

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

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

- 23 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 administrative offices within a museum expansion space

meeting the requirements of subsection 23.49.011 B1g; and

6. ~~((4))~~ Libraries; and
- ~~((6.))~~ 7. Public atriums.

* * *

Section 7. Subsection C of Section 23.49.058 of the SMC, which Section was adopted by Ordinance 120443, is amended as follows:

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

The regulations in this section apply to all structures in which any floor above an elevation of one hundred twenty-five (125) feet above the sidewalk exceeds fifteen thousand (15,000) square feet.

For structures with separate, individual towers, the fifteen thousand (15,000) square foot threshold will be applied to each tower individually.

A. Coverage Limits. On streets designated on Map 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.

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

5 3. The percentage of the coverage limit area that may be covered by a portion
6 of a structure is as follows:
7

	Lots With Two or More Street Frontages		
Elevation	Lots With One Street Frontage	Lots ((40,000))<u>45,000</u> Sq. Ft. or Less in Size	Lots Greater Than ((40,000))<u>45,000</u> Sq. Ft. in Size
12 126' to 240'	60%	40%	20%
13 Above 240'	50%	40%	20%

14 4. To qualify as uncovered area, at least half the area required to be
15 uncovered shall be contiguous and shall have a minimum depth of fifteen (15) feet.
16

17 5. To meet the coverage limits, a lot may be combined with one or more
18 abutting lots, whether occupied by existing structures or not, provided that:
19

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

22 b. The fee owners of the abutting lot(s) execute a deed or other
23 agreement, that is recorded with the title to the lots, that restricts future development so that in
24 combination with the other lots, the coverage limits shall not be exceeded.
25

26 * * *

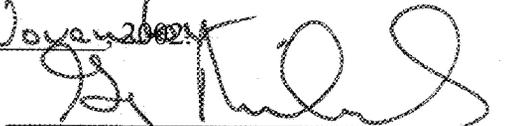
1 Section 8. The provisions of this ordinance are declared to be separate and severable.

2 The invalidity of any particular provision shall not affect the validity of any other provision.

3 Section 9. This ordinance shall take effect and be in force thirty (30) days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
5 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
6

7 Passed by the City Council the 12th day of November, 2002, and signed by me in open
8 session in authentication of its passage this 12th day of November 2002.
9

10 
11 President _____ of the City Council

12 Approved by me this 18 day of November, 2002.
13 
14 Gregory J. Nickels, Mayor

15 Filed by me this 18th day of Nov., 2002.
16 
17 City Clerk

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19 (Seal)
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DIRECTOR'S REPORT AND RECOMMENDATION

Museum Related Amendments

INTRODUCTION

Occasionally, development proposals are made that would marry the vision of non-profit cultural organizations with those of commerce and industry. The relationship of business and culture is important to the city. Cultural institutions frequently must rely on the financial support of local business. Therefore, when opportunities arise that would facilitate the union of business and culture to the mutual benefit of both, it is a substantial benefit to the city. The City can support this relationship through Code incentives that encourage commercial development to incorporate the needs of cultural institutions in their future planning, much as the Land Use Code currently contains incentives for social services, housing, or pedestrian amenities. Recently, Seattle's preeminent museum and largest local banking corporation devised a plan that would support both organizations and requested that the City acknowledge and accommodate this unique relationship.

The Seattle Art Museum and Washington Mutual Bank are proposing to develop a structure on the northern two-thirds of the block bounded by First and Second Avenues and Union and University Streets, adjacent to the current museum. The proposed project would allow the museum to realize its long-term expansion plan to accommodate growth of the museum's collection, visitor capacity and staff. It would also enable the bank to consolidate extensive office space currently scattered throughout downtown, and to provide space for anticipated job growth downtown.

Conceptually, the building would include approximately 300,000 square feet of museum expansion space, owned by the Seattle Art Museum, at the base of the building. It would also include 600 to 800 parking spaces in a below grade garage and approximately 750,000 to 800,000 square foot office tower above, owned by Washington Mutual.

Under current code provisions, the relationship established between the bank's office space needs and the museum's future expansion plans cannot be realized. While the proposed code amendment would allow this particular project to move forward, the amendments would have broader, though limited, application. Thus, the Seattle Art Museum/Washington Mutual proposal is an example of what could result from the adoption of the proposed amendments.

BACKGROUND

Downtown regulations are governed by density in most zones by establishing a base and maximum floor area ratio (FAR)¹, varying among the downtown zones. The downtown

¹ FAR is the relationship between the amount of floor area in a structure and the size of a building site. Therefore, on a site that is 10,000 square feet in area, 3 FAR would allow a building that has 30,000 square feet of floor area.

zones include: Downtown Office Core 1 and 2 (DOC1 and DOC2); Downtown Mixed Commercial (DMC); Downtown Mixed Residential (DMR); and Downtown Retail Core (DRC). Base FAR in the downtown zones establishes a graduated range reflecting a land use pattern that focuses greatest density on the downtown office core in the DOC 1 zone, with the next greatest density permitted in the DOC 2 zone and so on. Base floor area is the maximum that may be built on a site unless a developer gains the rights to additional floor area. In order to exceed the base and achieve the maximum allowable FAR on a site, a developer must either gain additional floor area through bonus provisions for low income housing, human services, or pedestrian amenities, or by purchasing and transferring floor area from another site. Floor area bonuses are gained by providing the required amenity or housing and human services in an amount commensurate with the floor area gained under a formula that ensures equity in the transaction. Floor area transferred from another site is any portion or all of the unused development potential on a site containing low income housing or landmark structures where the purchase and transfer of development rights would preserve the use or structure by minimizing development pressure.

Amendments adopted in July 2001 changed the system for increasing floor area above the base FAR and related development standards including height provisions. The following is a summary of the major aspects of the current regulations for downtown Seattle:

- The height of structures may be increased by up to 10% in the Downtown Office Core 1 (DOC1) and Downtown Office Core 2 (DOC2); and by up to 20% in the DOC1 zone and a limited portion of the DOC2 zone under specified circumstances. This is generally intended 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.
- The features that must be provided in order to exceed the base FAR are intended to mitigate certain impacts of commercial development, particularly office and hotel development. Mitigation addresses a number of needs, but generally prioritizes housing, open space and historic preservation. This prioritization is reflected in the way that mitigation is directed as follows: in DOC1 and DOC2 zones, 75 percent of any floor area above 1 FAR above the base FAR may be earned by development rights that are transferred (called Transfer of Development Rights or TDR) 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 may be earned from other (non-housing) development rights transfers or amenity bonuses, or both. Five percent (one-fifth of the twenty-five percent) could be achieved through TDR from Landmark structures when available. In the DRC zone,

the 75%-25% split is applied to chargeable floor area² above the base FAR.

- The maximum FAR may 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”);
- Other choices for achieving floor area above the base include:
 - 1) For 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) the rules that governed prior to 2001 (“Old Title 23”) for earning floor area in general and for gaining bonus floor area, or b) the bonus and exemption rules adopted in 2001 (“New Title 23”).
- Transferring development rights involves base density, which may be transferred within blocks and from eligible sites in some areas of downtown. Transfers are permitted from sites developed with landmark structures and from sites with housing for households with incomes at or below 80% of median income, provided a minimum amount of housing for households with incomes at or below 50% of median income is included. Transfer is also permitted from sites provided as downtown public open spaces, subject to special conditions.

ANALYSIS

Art museums are uses that when present help to create an active, appealing urban neighborhood that is lively and dynamic beyond the hours of office activity. Cultural institutions enliven the city and are catalysts for other improvements that help to make downtown a safer, more enjoyable and engaging neighborhood in which to live and work. Opportunities are few to encourage and support the success and expansion of these attractions that are the heart and soul of downtown and the city as a whole.

The City’s policies and codes recognize the importance of a mix of uses that extend the life of the city’s neighborhoods into the evening beyond the working day. Examples downtown include requirements or incentives for housing, retail uses and institutions and recreational uses. Were it not for the presence of these uses, the majority of the population downtown would arrive at 8:00 a.m. and depart at 5:00 p.m. leaving

² In general, “chargeable floor area” means the gross floor area of a structure that is subject to floor area limits, which are expressed as a FAR .

downtown vacant and feeling less safe. Uses that encourage people to spend extended time downtown allow for more efficient use of existing infrastructure investments and a reduced need to travel to other areas to find activities that are available downtown.

Cultural institutions of the caliber of the Seattle Art Museum are dependent upon public support for both capital investments and special needs. A proposal has emerged that would allow for the expansion of the museum meeting both the City's policy goals as well as the goals of the museum and its supporters. The museum has indicated that it cannot afford expansion to the extent that would further its presence as a world class cultural institution, at one time. The Museum anticipates incremental growth in order to achieve its long-term goals. The Museum's fund raising capacity is enhanced as opportunities to leverage investments in facilities are anticipated under the current agreement with Washington Mutual.

Proposed changes in the Land Use Code would allow the museum to seize upon a unique opportunity. The following analysis focuses on the main features of the proposal in order to assess the implications of the proposed amendments:

Conditions Required to Qualify for Additional Height. The Code specifies features that must be provided in order to gain additional structure height. Currently the code does not acknowledge the value of specific features of the museum. The museum's atrium and outdoor terraced hillclimb are similar in nature to features that are already identified in the Code that qualify a structure for additional height. Therefore, changes are proposed that would recognize the atrium and terraced hillclimb spaces as features that would qualify for the 20% additional height.

For projects seeking added height, the Code requires that the calculation of chargeable floor area include floor area occupied by uses that would otherwise be exempt from FAR limits. This is intended to help to ensure that towers extending above the height limit will be less bulky. The proposed amendments would add to the list of current exemptions to specify that the floor area occupied by museum space, museum expansion space and within-block TDR is exempt from floor area limits in situations where projects seek added height.

Upper-level Development Standards. Upper-level development standards limit the massing of highrise structures. There currently is a coverage limit expressed as a percentage of an area that may be occupied at certain elevations. This method provides greater design flexibility than mandating upper-level setbacks at specified elevations of a structure.

On all sites, structures are permitted 100% coverage from ground level up to a height of 125 feet. Structures with floor sizes of 15,000 square feet or less above the 125 foot elevation are exempt from any limits on coverage above 125 feet. Development on sites over 40,000 square feet are subject to a stricter standard than most other lots in the DOC1

zone, which are generally around 30,000 square feet in area (40% coverage allowed for a 30,000 square foot lot and 20% coverage for a lot over 40,000).

When a site is comprised of one-half of a downtown block it may not be able to accommodate a tower structure in the middle portion of the lot, as contemplated when the provisions were drafted. Given these conditions, the Code is proposed to be amended to adjust the threshold to 45,000 square feet. This will apply to longer blocks within the area zoned DOC1 (between Union and University Streets and between I-5 and the alley-line between 1st and 2nd Avenues). The only redevelopment site in this area is the lot on the northern 2/3rds of the block that currently contains the Seattle Art Museum, therefore, this provision is expected to have limited applicability.

An amendment is also proposed to the upper-level coverage limit that is otherwise required at the structure height limit of a zone for projects seeking to gain additional height (other aspects of this are discussed above). The reason for this amendment is to provide flexibility here, as with the other upper-level development standards, due to the split-zoned nature of the four blocks bound by Union and Madison Streets and 1st and 2nd Avenues.

The amendments to upper-level standards would allow slightly more bulk within a limited area of downtown. However, there are limits established for the allowed width of structures encroaching within the coverage limit areas. In addition, there are limited sites that exhibit the characteristics that would qualify for the use of the flexibility offered by the proposed amendments.

Museum Expansion Space. Exempting the museum's expansion space from floor area calculations would mirror treatment otherwise afforded a museum. The Code exempts museums from the calculation of Floor Area Ratio (FAR) limits. The Code does not address a circumstance in which a museum will phase in use of new space. Exempting planned museum expansion space from FAR calculations, may mean that traffic generation during peak travel times may be higher while the museum space is occupied by office use. However, this allows the city to encourage the successful growth of a pre-eminent museum.

Open Space Requirements. The Code requires that open space be provided for new office projects at the rate of 20 square feet for each 1,000 square feet of office area. The current Code does not address a situation where a museum's expansion is phased over time, with office use occupying the planned museum space on an interim basis. The proposed Code change would clarify that open space is not required for planned museum space that is occupied by office on an interim basis.

Within-block TDR. For many years, the Code allowed development rights to be transferred from sites within a DMC zone to a DOC-1 zone site within the same block. Variable scale of development was encouraged within a block since unused FAR could be transferred from an existing or new, smaller-scaled building to a new larger building

on the same block. The provision was never used, and as part of the overall restructuring of TDRs in 2001, this provision was eliminated in the DMC zone. The proposed amendments would reinstate within block TDR limited to blocks which have both DMC and DOC1 zoning.

With only four blocks split between DMC and DOC1 zoning, and one of those blocks already developed with the Second & Seneca office project, this amendment would only affect the blocks between 1st and 2nd Avenues, from Union to Madison Streets.

Measuring FAR Across the Whole Site. Museums are exempt from FAR limits. Since the museum use is expected to occupy a large portion of the DMC zoned portion of the site, there is a significant amount of unused floor area in that zone. In order to use that allowable FAR, this amendment would permit FAR to be calculated based on the entire block. Thus, the FAR limit in the DOC 1 zone could be exceeded, so long as the floor area of the project as a whole does not exceed the maximum floor area permitted in both zones. In no circumstance would the project exceed the height limits for either zone.

RECOMMENDATION

Development is expected to occur on the three blocks most affected by the proposed ordinance within the foreseeable future. Full development of the sites and the other developable sites in the downtown office core will result in office space and a mixture of mitigating features chosen from the variety of options currently available. The proposed amendments would increase the options in a limited manner and adjust development standards only to the extent necessary to allow mixed use development including a museum. The needs that led to these amendments were unanticipated at the time the downtown bonus and TDR programs were revised in 2001. These amendments are consistent with those revisions and with City policy. Further, the amendments will allow the Seattle Art Museum to leverage its investments downtown to improve the institution and thereby the city.

In summary, the proposed Land Use Code amendments would allow for expansion of a museum and address interim non-museum uses in future museum expansion spaces, as well as the complexities that arise when mixed use development is proposed on sites that are split zoned between the DOC1 and DMC zones. The amendments include the following:

- 1. Expand the features that may be provided in order to qualify for a height bonus, including museum public atriums and open space on museum sites; provide an exemption from the upper-level coverage limit; and allow museums, museum expansion space and within-block TDR to be exempt from FAR limits. (SMC 23.49.008)**
- 2. Allow phasing of a museum's expansion with office uses occupying the space anticipated for future museum use and not requiring open space for the interim office use. (SMC 23.49.009)**

3. **Exempt future museum space from floor area calculations. (SMC 23.49.011)**
4. **Permit FAR calculation to be based on the entire site for certain sites with two zone designations. (SMC 23.49.011)**
5. **Allow within-block TDR from DMC zoned sites to DOC1 zoned sites and relax a limit on the use of within-block TDR. (SMC 23.49.014)**
6. **Allow interim office uses within future museum expansion space to qualify as street level uses where required. (SMC 23.49.025)**
7. **Apply DMC zone upper level coverage limits, which allow 40% upper level coverage, for lots 45,000 square feet or less in size. (SMC 23.49.058)**

Recommendations or comments from any affected departments, other government agencies or citizens as well as environmental documentation, are available upon request.

DCLU recommends approval of the proposed ordinance.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

October 11, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance would amend the Land Use Code to allow for expansion of a museum over time, while allowing use of the museum's proposed expansion space as interim office use under the City's downtown zoning regulations. The proposal will also provide more flexibility in the Code to address the complexities that arise when mixed use development is proposed on sites that are split between two different downtown zones.

The Seattle Art Museum and Washington Mutual Bank are proposing to develop a structure on the northern two-thirds of the block bounded by First and Second Avenues and Union and University Streets, adjacent to the current museum. The proposed project would allow the museum to realize its long-term expansion plan to accommodate growth of the museum's collection, visitor capacity, and staff. It would also enable the bank to consolidate extensive office space currently scattered throughout downtown, and to provide space for anticipated job growth downtown.

Thank you for your consideration of this legislation. Should you have questions please contact Mike Podowski at 386-1988.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nickels', written over a horizontal line.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



CB 114386

BY:
NICASTRO
OCT 28 2002

From: Jill Berkey
To: Margaret Carter; Theresa Dunbar
Date: 10/23/02 9:46AM
Subject: referral calendar

I'm waiting on the blue file from Neil, but here's the title of the C.B. we hope will be on the referral calendar for Monday:

AN ORDINANCE relating to land use and zoning, amending Sections 23.49.008, 23.49.009, 23.49.011, 23.49.014, 23.49.025 and 23.49.058 to address lots zoned DOC1 and DMC, make revisions to regulations for achieving chargeable floor area and use of transfer of development rights and recognize the needs of museums as a part of mixed-use development in downtown.

To:

Land Use Committee



STATE OF WASHINGTON – KING COUNTY

--SS.

151867
City of Seattle, Clerk's Office

No. TITLE ONLY

Affidavit of Publication

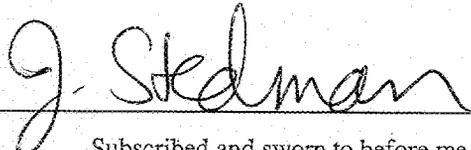
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

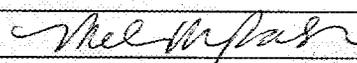
CTOT:ORDINANCE 120965-968

was published on

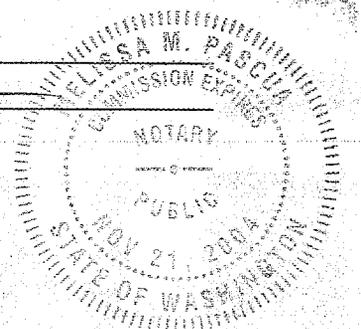
11/20/2002


Subscribed and sworn to before me on

11/20/2002


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle **TITLE BY PUBLICATION**

The full text of the following ordinances, passed by the Council on November 12, 2002, and posted here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-6800.

ORDINANCE NO. 120965

AN ORDINANCE relating to the drainage and wastewater system of The City of Seattle, Washington; acting a system or plan of additions and improvements to and extensions of the drainage and wastewater system; authorizing the issuance and sale of drainage and wastewater revenue bonds for the purposes of paying part of the cost of carrying out that system or plan; providing a reserve and paying the cost of issuing and selling the bonds authorized herein; providing for the terms, conditions, covenants and manner of sale of those bonds; and describing the lien of those

bonds and creating certain accounts of the City relating to those bonds.

ORDINANCE NO. 120966

AN ORDINANCE relating to the establishment of a surcharge on the Business License Fee to preserve needed programs within the Revenue and Consumer Affairs Division of the Department of Executive Administration and amending Subsection A of Section 5.55.030 of the Seattle Municipal Code.

ORDINANCE NO. 120967

AN ORDINANCE relating to land use and zoning, amending Section 23.49.008, 23.49.009, 23.49.011, 23.49.014, 23.49.025 and 23.49.058 to address lots zoned DOC1 and DMC, make revisions to regulations for achieving chargeable floor area and use of transfer of development rights and recognize the needs of museums as a part of mixed-use development in downtown.

ORDINANCE NO. 120968

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, November 20, 2002.

11/20(151867)