

Ordinance No. 121278

Council Bill No. 114647

AN ORDINANCE relating to land use and zoning and to uses in the City's street rights-of-way, providing for a permitting and approval system for monorail transit facilities as may be proposed by a city transportation authority; amending Seattle Municipal Code sections 23.41.004, 23.47.012, 23.49.011, 23.50.024, 23.50.026, 23.50.028, 23.76.004, 23.76.006, 23.80.004, 23.84.006, 23.84.010, 23.84.025, 23.84.038; and adding a new chapter 15.54 to the Seattle Municipal Code.

The City of Seattle
Council Bill/Ordinance

8/4/03 held
9-8-03 Held
9-15-03 Passed

CF No. _____

| | | |
|------------------------------|---------------------------------------|--|
| Date Introduced: | <u>7/28/03</u> | |
| Date 1st Referred: | <u>7/28/03</u> | |
| To: (committee) | <u>Full Council</u> | |
| Date Re - Referred: | To: (committee) | |
| Date Re - Referred: | To: (committee) | |
| Date of Final Passage: | <u>9-15-03</u> | |
| Full Council Vote: | <u>8-0</u> | |
| Date Presented to Mayor: | <u>9-16-03</u> | |
| Date Approved: | <u>9/16/03</u> | |
| Date Returned to City Clerk: | Date Published: | T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/> |
| Date Vetoed by Mayor: | <u>16 PAR</u> Date Veto Published: | |
| Date Passed Over Veto: | Veto Sustained: | |

This file is complete and ready

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

[Signature]

Councilmember

Committee Action:

8/4/03 held to 9/8/03

9-8-03 Held 1 week

[Handwritten initials]

9-15-03 Passed As Amended 80 (Excused: Drago)

This file is complete and ready for presentation to Full Council.

Committee: _____

(initial/date)

[Handwritten notes:]
Approved 10/20/03
Amended
Full Text (indul)
Sponsor
NO Tables
NO Bill form prepared
Tables on page 7, 8 (found)

Law Dept. Review

OMP
Review

City Clerk
Review

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1 establishments to which public access is limited to customers or clients, even where such
2 establishments are primarily intended to serve monorail riders).

3
4 **Section 3.** Subsection B of Section 23.49.011 of the Seattle Municipal Code, which section was last
5 amended by Ordinance 120443, is amended as follows:

6 **23.49.011 Floor area ratio.**

7 * * *

8 B. Exemptions and Deductions from FAR Calculations.

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

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

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

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

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

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

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

23 d. Child care;

24 e. Human service use;

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

26 g. Museums;

27 h. Performing arts theaters;

28 i. Floor area below grade;



1 j. Floor area that is used only for short-term parking or parking accessory to
2 residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory
3 to residential uses of one (1) parking space for each dwelling unit on the lot with the residential use
4 served by the parking; ((and))

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

8 l. Public restrooms(-); and

9 m. All gross floor area of a monorail station, including all floor area open to
10 the general public during normal hours of station operation (but excluding retail or service
11 establishments to which public access is limited to customers or clients, even where such
12 establishments are primarily intended to serve monorail riders).

13 2. As an allowance for mechanical equipment, three and one-half (3½) percent of
14 the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The
15 allowance shall be calculated on the gross floor area after all exempt space permitted under
16 subsection B1, or B3 if applicable, has been deducted. Mechanical equipment located on the roof of
17 a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the
18 structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical
19 equipment may be placed on the roof and will not be counted in gross floor area calculations.

20 3. In lieu of the exemptions allowed in subsection B1 of this section, an applicant
21 may elect in writing, at the time of filing of an original master use permit application that involves
22 the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which
23 no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section
24 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR
25 calculations:

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

28 b. All gross floor area below grade;



1 c. All gross floor area used for accessory parking;

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

7 * * *

8
9 **Section 4.** Subsection A of Section 23.50.024 of the Seattle Municipal Code, which section was
10 last amended by Ordinance 113658, is amended as follows:

11
12 **23.50.024 Industrial Buffer – Structure height.**

13 A. Except as regulated in the Airport District Regulations at Chapter 23.64, and except that
14 monorail transit facilities may exceed the height limit of the zone according to the provisions of
15 Section 23.80.004 or Section 15.54.020, ((F))there shall be no maximum height limit in the
16 Industrial Buffer (IB) zone (~~(except)~~)other than for those specific uses listed in subsection B of this
17 section and (~~(except)~~)for those circumstances outlined in subsections C, D, E and F(~~(except as~~
18 ~~regulated in the Airport District Regulations at Chapter 23.64))~~).

19 * * *

20
21 **Section 5.** Subsection A of Section 23.50.026 of the Seattle Municipal Code, which section was
22 last amended by Ordinance 120609, is amended as follows:

23
24 **23.50.026 Structure height in IC zones.**

25 A. Except for the provisions of Section 23.50.020, and except as may be otherwise provided
26 in this title for any overlay district, and except that monorail transit facilities may exceed the height
27 limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020, the
28 maximum structure height for all uses shall be thirty (30) feet, forty-five (45) feet, sixty-five (65)



1 feet, eighty-five (85) feet or one hundred twenty-five (125) feet, as designated on the Official Land
2 Use Map, Chapter 23.32. Only areas in the Stadium Transition Area Overlay District abutting the
3 PSM 85/120 zone may be designated for a height limit of one hundred twenty-five (125) feet.

4 * * *

5
6 **Section 6.** Subsection E of Section 23.50.028 of the Seattle Municipal Code, which section was last
7 amended by Ordinance 119370, is amended as follows:

8
9 **23.50.028 Floor area ratio.**

10 * * *

11 E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall be
12 exempt from FAR calculations:

- 13 1. All gross floor area below grade;
- 14 2. All gross floor area used for accessory parking;
- 15 3. All gross floor area used for mechanical equipment, stair and elevator penthouses
16 and communication equipment and antennas located on the rooftop of structures;
- 17 4. All gross floor area uses for covered rooftop recreational space of a building
18 existing as of December 31, 1998, when complying with the provisions of Section 23.50.012 D((-));
- 19 5. All gross floor area of a monorail station, including all floor area open to the
20 general public during normal hours of station operation (but excluding retail or service
21 establishments to which public access is limited to customers or clients, even where such
22 establishments are primarily intended to serve monorail riders).

23
24 **Section 7.** Chart A of Section 23.76.004 of the Seattle Municipal Code, which section was last
25 amended by Ordinance 119974, is amended as follows:

26 //

27 //

28 //



**Exhibit 23.76.004A
 LAND USE DECISION FRAMEWORK**

**DIRECTOR'S AND HEARING EXAMINER'S
 DECISIONS REQUIRING MASTER USE PERMITS**

| TYPE I Director's Decision (No Administrative Appeal) | TYPE II Director's Decision (Appealable to Hearing Examiner*) | TYPE III Hearing Examiner's Decision (No Administrative Appeal) |
|---|---|---|
| <ul style="list-style-type: none"> • Compliance with development standards • Uses permitted outright • Temporary uses, four weeks or less • Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased | <ul style="list-style-type: none"> • Temporary uses, more than four weeks • Variances • Administrative conditional uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special exceptions • Design review • Northgate General Development Plan • Light rail transit facilities • <u>Monorail transit facilities</u> • The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determination of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or | <ul style="list-style-type: none"> • Subdivision (preliminary plats) |



| TYPE I Director's Decision (No Administrative Appeal) | TYPE II Director's Decision (Appealable to Hearing Examiner*) | TYPE III Hearing Examiner's Decision (No Administrative Appeal) |
|--|--|--|
| Development Permit | deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development | |

COUNCIL LAND USE DECISIONS

| TYPE IV (Quasi-Judicial) | TYPE V (Legislative) |
|---|---|
| <ul style="list-style-type: none"> • Land use map amendments (Rezoning) • Public project approvals • Major Institution master plans • Council conditional uses • Downtown planned community developments | <ul style="list-style-type: none"> • Land Use Code text amendments • Rezoning to implement new City Policies • Concept approval for City facilities • Major Institution designations • Waive or modify development standards for City facilities • Planned Action Ordinance |

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1 **Section 8.** Subsection C of Section 23.76.006 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 120611, is amended as follows:

3 **23.76.006 Master Use Permits required.**

4 * * *

5 C. The following are Type II decisions:

6 1. The following procedural environmental decisions for Master Use Permits and for
7 building, demolition, grading and other construction permits are subject to appeal to the Hearing
8 Examiner and are not subject to further appeal to the City Council (supplemental procedures for
9 environmental review are established in SMC Chapter 25.05, Environmental Policies and
10 Procedures):

- 11 a. Determination of Nonsignificance (DNSs), including mitigated DNSs;
12 b. Determination that a final environmental impact statement (EIS) is
13 adequate; and
14 c. Determination of Significance based solely on historic and cultural
15 preservation.
16

17 2. The following decisions, including any integrated decisions to approve, condition
18 or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline
19 decisions and related environmental determinations which are appealable to the Shorelines Hearings
20 Board):

- 21 a. Establishment or change of use for temporary uses more than four (4)
22 weeks not otherwise permitted in the zone or not meeting development standards, including the
23 establishment of temporary uses and facilities to construct a light rail transit system for so long as is
24 necessary to construct the system as provided in Section 23.42.040 E, and excepting temporary
25 relocation of police and fire stations for twelve (12) months or less;

- 26 b. Short subdivisions;
27
28

1 c. Variances; provided that, variances sought as part of a Type IV decision
2 may be granted by the Council pursuant to Section 23.76.036;

3 d. Special exceptions; provided that, special exceptions sought as part of a
4 Type IV decision may be granted by the Council pursuant to Section 23.76.036;

5 e. Design review;

6 f. Administrative conditional uses; provided that, administrative conditional
7 uses sought as part of a Type IV decision may be approved by the Council pursuant to Section
8 23.76.036;

9 g. The following shoreline decisions (supplemental procedures for shoreline
10 decisions are established in Chapter 23.60):

11 (1) Shoreline substantial development permits,

12 (2) Shoreline variances,

13 (3) Shoreline conditional uses;

14 h. Northgate General Development Plan;

15 i. Major Phased Development;

16 j. Determination of project consistency with a planned action ordinance and
17 EIS;~~((and))~~

18 k. Establishment of light rail transit facilities necessary to operate and
19 maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;~~((:))~~ and

20 l. Establishment of monorail transit facilities necessary to operate and
21 maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and
22 Section 15.54.020.



1 **Section 9.** Section 23.80.004 of the Seattle Municipal Code, which section was last amended by
2 Ordinance 119974, is amended to add a new subsection D to read as follows:

3
4 **23.80.004 Review criteria.**

5 * * *

6 D. Monorail transit facilities.

7 1. Monorail transit facilities necessary to support the operation and maintenance of a
8 monorail transit system are permitted in all zones within the City of Seattle, except that a monorail
9 operations and/or maintenance center is prohibited in a residential or neighborhood commercial
10 zone. Any commercial use over two hundred (200) square feet as part of a monorail transit station is
11 prohibited unless otherwise permitted in the underlying zone.

12 2. The Director may approve a monorail transit facility, pursuant to Chapter 23.76,
13 Procedures for Master Use Permits and Council Land Use Decisions, only if the horizontal and
14 vertical alignment and locations of the monorail guideway, monorail transit stations, and monorail
15 operations center have been approved by the City Council by ordinance or resolution. The City
16 Council may also approve the horizontal and vertical alignment and location of other monorail
17 transit facilities.

18 3. The Director shall review for approval all monorail transit facilities, except
19 monorail guideways, which must be reviewed for approval by the Director of Transportation
20 pursuant to the procedures of Title 15, provided that for any monorail transit facility or portion
21 thereof subject to review pursuant to Chapter 23.60, the Director shall conduct the review required
22 by that chapter.

23 4. A Master Use Permit is not required for minor alterations of monorail transit
24 facilities involving no material expansion or change of use, and other minor new construction at
25 monorail transit facilities that, in the determination of the Director, is not likely to have significant
26 adverse impacts on surrounding properties.

27 5. Waiver or modification of development standards.
28

1 a. Where necessary to achieve consistency with the terms of the City
2 Council's approval of the monorail transit system, development standards, including but not limited
3 to, height, setbacks, yards, landscaping, or lot coverage, may be waived or modified, provided that
4 height may be waived only for the monorail guideway or monorail transit stations and not for any
5 other monorail transit facilities, and further provided that height of monorail transit stations shall not
6 exceed sixty-five feet (65') or the height limit in the underlying zone, whichever is greater.

7 b. To promote consistency with any monorail transit system-specific design
8 guidelines to be developed by the City and a city transportation authority and approved by the City
9 Council by ordinance, development standards other than height may be waived or modified.

10 c. Development standards may be waived or modified under this subsection
11 only for structures or portions of structures that are devoted to a use directly associated with
12 operation of the monorail transit facility and not for other portions of the structure unrelated to the
13 monorail transit use.

14 6. The Director may impose reasonable conditions:

15 a. Where necessary to achieve consistency with the terms of the City
16 Council's approval of the monorail transit system; or

17 b. Pursuant to Chapter 25.05 to lessen identified impacts caused by the
18 monorail transit facilities; or

19 c. To ensure consistency with any monorail transit system-specific design
20 guidelines to be developed by the City and a city transportation authority and approved by the City
21 Council by ordinance.

22 7. Within twenty (20) days after issuing a Master Use Permit for a monorail transit
23 station, the Director shall send a written report to the City Council describing any development
24 standards that were waived or modified pursuant to this section, and describing any conditions that
25 were imposed on the permit pursuant to this section.

26 //

27 //

28 //



1 **Section 10.** Section 23.84.006 of the Seattle Municipal Code, which section was last amended by
2 Ordinance 120928, is amended by adding the following definition:

3
4 **23.84.006** "C."

5 * * *

6 "City transportation authority" means a city transportation authority within the meaning of
7 RCW Chapter 35.95A.

8
9 **Section 11.** The definition of "essential public facilities" in Section 23.84.010 of the Seattle
10 Municipal Code, which section was last amended by Ordinance 121145, is amended as follows:

11
12 **23.84.010** "E."

13 * * *

14 "Essential public facilities" means airports, sewage treatment plants, jails, light rail transit
15 systems, monorail transit systems, and power plants.

16
17 **Section 12.** Section 23.84.025 of the Seattle Municipal Code, which section was last amended by
18 Ordinance 120443, is amended by adding the following definitions:

19
20 **23.84.025** "M."

21 * * *

22 "Monorail guideway" means the beams, with their foundations and all supporting columns
23 and structures, including incidental elements for access and safety, along which a city transportation
24 authority monorail train runs.

25 "Monorail transit facility" means a structure, guideway, equipment, or other improvement of
26 a monorail transit system, including but not limited to monorail transit stations and related passenger
27 amenities, power substations, maintenance and/or operations centers.



1
2 **Section 14.** A new chapter 15.54, Monorail Guideways, is hereby added to the Seattle Municipal
3 Code, to read as follows:

4
5 **Chapter 15.54**

6 **MONORAIL GUIDEWAYS**

7 **15.54.010 Definitions.**

8 The terms "city transportation authority," "monorail guideway," "monorail transit facility,"
9 "monorail transit station," and "monorail transit system" shall have the same meaning as the
10 definitions of those terms in Chapter 23.84.

11 **15.54.020 Review and Approval of a Monorail Guideway.**

12 A. Any city transportation authority desiring to construct a monorail guideway in City right-
13 of-way or city transportation authority right-of-way (even where such rights-of-way may consist only
14 of aerial easements) shall obtain the approval of the Director of Transportation of final construction
15 plans before commencing any such work. In exercising his or her authority under this chapter, the
16 Director of Transportation shall follow applicable procedures in this title and not procedures in
17 Chapter 23.76.

18 B. The Director of Transportation may approve a monorail guideway only if the horizontal
19 and vertical alignment of the monorail guideway has been approved by the City Council by
20 ordinance or resolution.

21 C. Where necessary to achieve consistency with the terms of the City Council's approval of
22 the monorail transit system, the Director of Transportation may waive or modify development
23 standards pursuant to Title 23, including but not limited to, height, setbacks, yards, landscaping, or
24 lot coverage. In addition, to promote consistency with any monorail transit system-specific design
25 guidelines to be developed by the City and a city transportation authority and approved by the City
26 Council by ordinance, development standards other than height may be waived or modified.

27 D. The Director of Transportation may impose reasonable conditions:
28





Seattle City Council
Full Council – Monday, September 8, 2003

yellow

DRAFT

**C.B. 114647 – Monorail Code Amendments
Amendment Proposed by Councilmember Pageler**

Amend Section 9 of C.B. 114647 (pages 11-12 on v.7, blue mark-up in Bill Books) to add a new subsection D.7. to SMC 23.80.004, to read as follows:

7. Within twenty (20) days after issuing a Master Use Permit for a monorail transit station, the Director shall send a written report to the City Council describing any development standards that were waived or modified pursuant to this section, and describing any conditions that were imposed on the permit pursuant to this section.



From: Roger Wynne
To: LESTERM.P0100.DOM01,DOM01.P0100.PIPPINJ
Date: 7/29/03 5:31PM
Subject: Re: C.B. 114647

That's OK with me.

Cheers, - Roger

>>> Martha Lester 07/29/03 16:47 PM >>>
Hi Judith,

Roger Wynne in the Law Department was indeed involved in developing C.B. 114647 (monorail code amendments, v.6, with revised title). And he has a copy of it. I'm cc'ing him on this message so that he can confirm if it is okay for you to write his name in on the yellow cover sheet in the legislation jacket as having reviewed this version.

Martha

CC: DOM01.P0107.WynneR



ORDINANCE

AN ORDINANCE relating to land use and zoning and to uses in the City's street rights-of-way, providing for a permitting and approval system for monorail transit facilities as may be proposed by a city transportation authority; amending Seattle Municipal Code sections 23.41.004, 23.47.012, 23.49.011, 23.50.024, 23.50.026, 23.50.028, 23.76.004, 23.76.006, 23.80.004, 23.84.006, 23.84.010, 23.84.025, 23.84.038; and adding a new chapter 15.54 to the Seattle Municipal Code.

WHEREAS, in 2002, the Washington State Legislature enacted 2002 Washington Laws, ch. 248 (which was primarily codified as RCW Chapter 35.95A) to allow voters to create a "city transportation authority," a municipal corporation that would have the power to plan, construct, and operate a monorail transportation system; and

WHEREAS, in July 2002, the City of Seattle expressed its intent in Resolution 30486 to facilitate fast, coordinated, cost-effective construction of a Seattle monorail system, including expedited review and approvals; and

WHEREAS, on November 5, 2002, Seattle voters passed Seattle Citizen Petition No. 1, creating the Seattle Popular Monorail Authority (known as the "Seattle Monorail Project") pursuant to RCW Chapter 35.95A, requiring the Seattle Monorail Project to adopt the Seattle Popular Monorail Plan, and approving local funding for implementation of Phase One of the Seattle Popular Monorail Plan; and

WHEREAS, the City of Seattle enacted Ordinance No. 121134 in April 2003 authorizing execution of an Agreement for Intergovernmental Cooperation between the City and the Seattle Monorail Project, in which the City and the Seattle Monorail Project recognized that the monorail transit facilities constituting Phase One of the Seattle Popular Monorail Plan are an essential public facility within the meaning of the state Growth Management Act and that the timely and cost-effective construction of Phase One may require some changes to City development regulations so that they incorporate monorail transit facilities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection C of Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

23.41.004 Applicability.

C. Exemptions. The following structures are exempt from design review:



1 1. New structures located within special review districts, as regulated by Chapter
2 23.66;

3 2. New structures within Landmark districts as regulated by SMC Title 25,
4 Environmental Protection and Historic Preservation;

5 3. New structures that are within the historic character area of the Downtown
6 Harborfront 1 zone, as regulated by Section 23.60.704, or are otherwise required to undergo
7 shoreline design review as regulated by Chapter 23.60; and

8 4. New monorail transit facilities that have been subject to review by the Seattle
9 Design Commission.

10
11 **Section 2.** Subsections A and D of Section 23.47.012 of the Seattle Municipal Code, which section
12 was last amended by Ordinance 121051, is amended as follows:

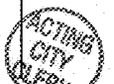
13 **23.47.012 Structure height and floor area ratio.**

14 A. Maximum Height. The maximum structure height for commercial zones shall be thirty
15 (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125)
16 feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter 23.32(
17 ~~In addition~~)), except that mixed use structures located in commercial zones with a thirty (30) foot or
18 forty (40) foot height limit may exceed the height limit of the zone according to the provisions of
19 Section 23.47.008, and except that monorail transit facilities may exceed the height limit of the zone
20 according to the provisions of Section 23.80.004 or Section 15.54.020.

21 * * *

22 D. Exemptions from FAR Calculations. The following areas shall be exempted from FAR
23 calculations:

- 24 1. All gross floor area below grade;
25 2. All gross floor area used for accessory parking(-); and
26 3. All gross floor area of a monorail station, including all floor area open to the
27 general public during normal hours of station operation (but excluding retail or service
28



1 establishments to which public access is limited to customers or clients, even where such
2 establishments are primarily intended to serve monorail riders).

3
4 **Section 3.** Subsection B of Section 23.49.011 of the Seattle Municipal Code, which section was last
5 amended by Ordinance 120443, is amended as follows:

6 **23.49.011 Floor area ratio.**

7 * * *

8 B. Exemptions and Deductions from FAR Calculations.

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

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

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

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

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

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

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

23 d. Child care;

24 e. Human service use;

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

26 g. Museums;

27 h. Performing arts theaters;

28 i. Floor area below grade;



1 j. Floor area that is used only for short-term parking or parking accessory to
2 residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory
3 to residential uses of one (1) parking space for each dwelling unit on the lot with the residential use
4 served by the parking; ((and))

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

8 1. Public restrooms(-); and

9 m. All gross floor area of a monorail station, including all floor area open to
10 the general public during normal hours of station operation (but excluding retail or service
11 establishments to which public access is limited to customers or clients, even where such
12 establishments are primarily intended to serve monorail riders).

13 2. As an allowance for mechanical equipment, three and one-half (3½) percent of
14 the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The
15 allowance shall be calculated on the gross floor area after all exempt space permitted under
16 subsection B1, or B3 if applicable, has been deducted. Mechanical equipment located on the roof of
17 a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the
18 structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical
19 equipment may be placed on the roof and will not be counted in gross floor area calculations.

20 3. In lieu of the exemptions allowed in subsection B1 of this section, an applicant
21 may elect in writing, at the time of filing of an original master use permit application that involves
22 the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which
23 no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section
24 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR
25 calculations:

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

28 b. All gross floor area below grade;



1 c. All gross floor area used for accessory parking;

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

7 * * *

8
9 **Section 4.** Subsection A of Section 23.50.024 of the Seattle Municipal Code, which section was
10 last amended by Ordinance 113658, is amended as follows:

11
12 **23.50.024 Industrial Buffer – Structure height.**

13 A. Except as regulated in the Airport District Regulations at Chapter 23.64, and except that
14 monorail transit facilities may exceed the height limit of the zone according to the provisions of
15 Section 23.80.004 or Section 15.54.020, ((F))there shall be no maximum height limit in the
16 Industrial Buffer (IB) zone ((except))other than for those specific uses listed in subsection B of this
17 section and ((except))for those circumstances outlined in subsections C, D, E and F((except as
18 regulated in the Airport District Regulations at Chapter 23.64)).

19 * * *

20
21 **Section 5.** Subsection A of Section 23.50.026 of the Seattle Municipal Code, which section was
22 last amended by Ordinance 120609, is amended as follows:

23
24 **23.50.026 Structure height in IC zones.**

25 A. Except for the provisions of Section 23.50.020, and except as may be otherwise provided
26 in this title for any overlay district, and except that monorail transit facilities may exceed the height
27 limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020, the
28 maximum structure height for all uses shall be thirty (30) feet, forty-five (45) feet, sixty-five (65)



1 feet, eighty-five (85) feet or one hundred twenty-five (125) feet, as designated on the Official Land
2 Use Map, Chapter 23.32. Only areas in the Stadium Transition Area Overlay District abutting the
3 PSM 85/120 zone may be designated for a height limit of one hundred twenty-five (125) feet.

4 * * *

5
6 **Section 6.** Subsection E of Section 23.50.028 of the Seattle Municipal Code, which section was last
7 amended by Ordinance 119370, is amended as follows:

8
9 **23.50.028 Floor area ratio.**

10 * * *

11 E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall be
12 exempt from FAR calculations:

- 13 1. All gross floor area below grade;
- 14 2. All gross floor area used for accessory parking;
- 15 3. All gross floor area used for mechanical equipment, stair and elevator penthouses
16 and communication equipment and antennas located on the rooftop of structures;
- 17 4. All gross floor area uses for covered rooftop recreational space of a building
18 existing as of December 31, 1998, when complying with the provisions of Section 23.50.012 D((-));
- 19 5. All gross floor area of a monorail station, including all floor area open to the
20 general public during normal hours of station operation (but excluding retail or service
21 establishments to which public access is limited to customers or clients, even where such
22 establishments are primarily intended to serve monorail riders).

23
24 **Section 7.** Chart A of Section 23.76.004 of the Seattle Municipal Code, which section was last
25 amended by Ordinance 119974, is amended as follows:

26 //

27 //

28 //



**Exhibit 23.76.004A
 LAND USE DECISION FRAMEWORK**

**DIRECTOR'S AND HEARING EXAMINER'S
 DECISIONS REQUIRING MASTER USE PERMITS**

| TYPE I Director's Decision (No Administrative Appeal) | TYPE II Director's Decision (Appealable to Hearing Examiner*) | TYPE III Hearing Examiner's Decision (No Administrative Appeal) |
|---|---|--|
| <ul style="list-style-type: none"> • Compliance with development standards • Uses permitted outright • Temporary uses, four weeks or less • Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased | <ul style="list-style-type: none"> • Temporary uses, more than four weeks • Variances • Administrative conditional uses • Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special exceptions • Design review • Northgate General Development Plan • Light rail transit facilities • <u>Monorail transit facilities</u> • The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determination of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or | <ul style="list-style-type: none"> • Subdivision (preliminary plats) |



| TYPE I Director's Decision (No Administrative Appeal) | TYPE II Director's Decision (Appealable to Hearing Examiner*) | TYPE III Hearing Examiner's Decision (No Administrative Appeal) |
|--|--|--|
| Development Permit | deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development | |

COUNCIL LAND USE DECISIONS

| TYPE IV (Quasi-Judicial) | TYPE V (Legislative) |
|---|---|
| <ul style="list-style-type: none"> • Land use map amendments (Rezoning) • Public project approvals • Major Institution master plans • Council conditional uses • Downtown planned community developments | <ul style="list-style-type: none"> • Land Use Code text amendments • Rezoning to implement new City Policies • Concept approval for City facilities • Major Institution designations • Waive or modify development standards for City facilities • Planned Action Ordinance |

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1 **Section 8.** Subsection C of Section 23.76.006 of the Seattle Municipal Code, which section was last
2 amended by Ordinance 120611, is amended as follows:

3 **23.76.006 Maser Use Permits required.**

4 * * *

5 C. The following are Type II decisions:

6 1. The following procedural environmental decisions for Master Use Permits and for
7 building, demolition, grading and other construction permits are subject to appeal to the Hearing
8 Examiner and are not subject to further appeal to the City Council (supplemental procedures for
9 environmental review are established in SMC Chapter 25.05, Environmental Policies and
10 Procedures):
11

- 12 a. Determination of Nonsignificance (DNSs), including mitigated DNSs;
13 b. Determination that a final environmental impact statement (EIS) is
14 adequate; and
15 c. Determination of Significance based solely on historic and cultural
16 preservation.
17

18 2. The following decisions, including any integrated decisions to approve, condition
19 or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline
20 decisions and related environmental determinations which are appealable to the Shorelines Hearings
21 Board):

- 22 a. Establishment or change of use for temporary uses more than four (4)
23 weeks not otherwise permitted in the zone or not meeting development standards, including the
24 establishment of temporary uses and facilities to construct a light rail transit system for so long as is
25 necessary to construct the system as provided in Section 23.42.040 E, and excepting temporary
26 relocation of police and fire stations for twelve (12) months or less;

- 27 b. Short subdivisions;
28



1 c. Variances; provided that, variances sought as part of a Type IV decision
2 may be granted by the Council pursuant to Section 23.76.036;

3 d. Special exceptions; provided that, special exceptions sought as part of a
4 Type IV decision may be granted by the Council pursuant to Section 23.76.036;

5 e. Design review;

6 f. Administrative conditional uses; provided that, administrative conditional
7 uses sought as part of a Type IV decision may be approved by the Council pursuant to Section
8 23.76.036;

9 g. The following shoreline decisions (supplemental procedures for shoreline
10 decisions are established in Chapter 23.60):

11 (1) Shoreline substantial development permits,

12 (2) Shoreline variances,

13 (3) Shoreline conditional uses;

14 h. Northgate General Development Plan;

15 i. Major Phased Development;

16 j. Determination of project consistency with a planned action ordinance and
17 EIS;~~((and))~~

18 k. Establishment of light rail transit facilities necessary to operate and
19 maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;~~((:))~~ and

20 l. Establishment of monorail transit facilities necessary to operate and
21 maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and
22 Section 15.54.020.

1 **Section 9.** Section 23.80.004 of the Seattle Municipal Code, which section was last amended by
2 Ordinance 119974, is amended to add a new subsection D to read as follows:

3
4 **23.80.004 Review criteria.**

5 * * *

6 D. Monorail transit facilities.

7 1. Monorail transit facilities necessary to support the operation and maintenance of a
8 monorail transit system are permitted in all zones within the City of Seattle, except that a monorail
9 operations and/or maintenance center is prohibited in a residential or neighborhood commercial
10 zone. Any commercial use over one hundred (100) square feet as part of a monorail transit station is
11 prohibited unless otherwise permitted in the underlying zone.

12 2. The Director may approve a monorail transit facility, pursuant to SMC 23.76,
13 Master Use Permits and Council Land Use Decisions, only if the horizontal and vertical alignment
14 and locations of the monorail guideway, monorail transit stations, and monorail operations center
15 have been approved by the City Council by ordinance or resolution. The City Council may also
16 approve the horizontal and vertical alignment and location of other monorail transit facilities.

17 3. The Director shall review for approval all monorail transit facilities, except
18 monorail guideways, which must be reviewed for approval by the Director of Transportation
19 pursuant to Title 15 of the Seattle Municipal Code, provided that for any monorail transit facility or
20 portion thereof subject to review pursuant to SMC Chapter 23.60, the Director shall conduct the
21 review required by that chapter.

22 4. A Master Use Permit is not required for minor alterations of monorail transit
23 facilities involving no material expansion or change of use, and other minor new construction at
24 monorail transit facilities that, in the determination of the Director, is not likely to have significant
25 adverse impacts on surrounding properties.

26 5. Waiver or modification of development standards.

27 a. Where necessary to achieve consistency with the terms of the City
28 Council's approval of the monorail transit system, development standards, including but not limited



1 to, height, setbacks, yards, landscaping, or lot coverage, may be waived or modified, provided that
2 height may be waived only for the monorail guideway or monorail transit stations and not for any
3 other monorail transit facilities, and further provided that height of monorail transit stations shall not
4 exceed sixty-five feet (65') or the height limit in the underlying zone, whichever is greater.

5 b. To promote consistency with any monorail transit system-specific design
6 guidelines to be developed by the City and a city transportation authority and approved by the City
7 Council by ordinance, development standards other than height may be waived or modified.

8 c. Development standards may be waived or modified under this subsection
9 only for structures or portions of structures that are devoted to a use directly associated with
10 operation of the monorail transit facility and not for other portions of the structure unrelated to the
11 monorail transit use.

12 6. The Director may impose reasonable conditions:

13 a. Where necessary to achieve consistency with the terms of the City
14 Council's approval of the monorail transit system; or

15 b. Pursuant to SMC Chapter 25.05 to lessen identified impacts caused by the
16 monorail transit facilities; or

17 c. To ensure consistency with any monorail transit system-specific design
18 guidelines to be developed by the City and a city transportation authority and approved by the City
19 Council by ordinance.

20
21 **Section 10.** Section 23.84.006 of the Seattle Municipal Code, which section was last amended by
22 Ordinance 120928, is amended by adding the following definition:

23
24 **23.84.006 "C."**

25 * * *

26 "City transportation authority" means a city transportation authority within the meaning of
27 RCW Chapter 35.95A.



1 **Section 11.** The definition of "essential public facilities" in Section 23.84.010 of the Seattle
2 Municipal Code, which section was last amended by Ordinance 121145, is amended as follows:

3
4 **23.84.010 "E."**

5 * * *

6 "Essential public facilities" means airports, sewage treatment plants, jails, light rail transit
7 systems, monorail transit systems, and power plants.

8
9 **Section 12.** Section 23.84.025 of the Seattle Municipal Code, which section was last amended by
10 Ordinance 120443, is amended by adding the following definitions:

11
12 **23.84.025 "M."**

13 * * *

14 "Monorail guideway" means the beams, with their foundations and all supporting columns
15 and structures, including incidental elements for access and safety, along which a city transportation
16 authority monorail train runs.

17 "Monorail transit facility" means a structure, guideway, equipment, or other improvement of
18 a monorail transit system, including but not limited to monorail transit stations and related passenger
19 amenities, power substations, maintenance and/or operations centers.

20 "Monorail transit station" means a monorail transit facility, whether at grade or above grade,
21 that provides pedestrian access to monorail transit trains and facilitates transfer from monorail to
22 other modes of transportation. A monorail transit station may include mechanical devices such as
23 elevators and escalators to move passengers, and may also include such passenger amenities as
24 informational signage, seating, weather protection, fountains, artwork or concessions.

25 "Monorail transit system" means a transportation system that uses train cars running on a
26 guideway, along with related facilities, owned or operated by a city transportation authority.

1 **Section 13.** The definition of "transportation facilities" in Section 23.84.038 of the Seattle
2 Municipal Code, which section was last amended by Ordinance 121162, is amended as follows:

3
4 **23.84.038 "T."**

5 * * *

6 "Transportation facilities" means one (1) of the following commercial uses:

7 * * *

8 6. "Passenger terminal" means a transportation facility where passengers embark on
9 or disembark from carriers such as ferries, trains, buses or planes that provide transportation to
10 passengers for hire by land, sea or air. Passenger terminals typically include some or all of the
11 following: ticket counters, waiting areas, management offices, baggage handling facilities, restroom
12 facilities, shops and restaurants. A passenger terminal use on the waterfront may include moorage for
13 cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found
14 aboard such vessels, whether moored or under way, that are incidental to the transport of passengers
15 shall be considered part of the passenger terminal use and shall not be treated as separate uses. Metro
16 street bus stops, monorail transit stations, and light rail transit stations are not included in this
17 definition. Also excluded is the use of sites where passengers occasionally embark on or disembark
18 from transportation in a manner that is incidental to a different established principal use of the site.

19
20 **Section 14.** A new chapter 15.54, Monorail Guideways, is hereby added to the Seattle Municipal
21 Code, to read as follows:

22
23 **Chapter 15.54**

24 **MONORAIL GUIDEWAYS**

25 **15.54.010 Definitions.**

26 The terms "city transportation authority," "monorail guideway," "monorail transit facility,"
27 "monorail transit station," and "monorail transit system" shall have the same meaning as the
28 definitions of those terms in Chapter 23.84.



1 **15.54.020 Review and Approval of a Monorail Guideway.**

2 A. Any city transportation authority desiring to construct a monorail guideway in City right-
3 of-way or city transportation authority right-of-way (even where such rights-of-way may consist only
4 of aerial easements) shall obtain the approval of the Director of Transportation of final construction
5 plans before commencing any such work.

6 B. The Director of Transportation may approve a monorail guideway only if the horizontal
7 and vertical alignment of the monorail guideway has been approved by the City Council by
8 ordinance or resolution.

9 C. Where necessary to achieve consistency with the terms of the City Council's approval of
10 the monorail transit system, the Director of Transportation may waive or modify development
11 standards pursuant to Title 23 of this Code, including but not limited to, height, setbacks, yards,
12 landscaping, or lot coverage. In addition, to promote consistency with any monorail transit system-
13 specific design guidelines to be developed by the City and a city transportation authority and
14 approved by the City Council by ordinance, development standards other than height may be waived
15 or modified.

16 D. The Director of Transportation may impose reasonable conditions:

17 1. Where necessary to achieve consistency with the terms of the City Council's
18 approval of the monorail transit system; or

19 2. Pursuant to SMC Chapter 25.05 to lessen identified impacts caused by the
20 monorail transit facilities; or

21 3. To ensure consistency with any monorail transit system-specific design guidelines
22 to be developed by the City and a city transportation authority and approved by the City Council by
23 ordinance.

24 E. Nothing in this chapter shall prevent the City from granting further rights to, or imposing
25 further conditions upon, a city transportation authority's use of the City's streets or the City's rights-
26 of-way pursuant to a non-exclusive transit-way agreement for use of said streets or rights-of-way.

1 **Section 15.** The provisions of this ordinance are declared to be separate and severable. The
2 invalidity of any particular provision shall not affect the validity of any other provision.

3
4 **Section 16.** This ordinance shall take effect and be in force thirty (30) days from and after its
5 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
6 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

7
8 Passed by the City Council the ____ day of _____, 2003, and signed by me in open
9 session in authentication of its passage this ____ day of _____, 2003.

10
11 _____
President _____ of the City Council

12 Approved by me this ____ day of _____, 2003.

13
14 _____
Gregory J. Nickels, Mayor

15 Filed by me this ____ day of _____, 2003.

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17 _____
City Clerk

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STATE OF WASHINGTON – KING COUNTY

--SS.

163728
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

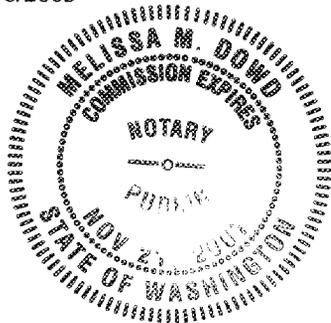
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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

CT:121278 ORD IN FULL

was published on

10/8/2003



Summer Vertigan

Subscribed and sworn to before me on

10/8/2003

Mel Dowd

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 121276

AN ORDINANCE relating to land use and zoning and to uses in the City's street rights-of-way, providing for a permitting and approval system for monorail transit facilities as may be proposed by a city transportation authority, amending Seattle Municipal Code sections 23.41.004, 23.47.012, 23.49.011, 23.50.024, 23.50.026, 23.50.028, 23.76.004, 23.76.006, 23.80.004, 23.84.006, 23.84.010, 23.84.025, 23.84.036, and adding a new chapter 15.54 to the Seattle Municipal Code.

WHEREAS, in 2002, the Washington State Legislature enacted 2002 Washington Laws, ch. 346 (which was primarily codified as RCW Chapter 35.95A) to allow voters to create a "city transportation authority," a municipal corporation that would have the power to plan, construct, and operate a monorail transportation system; and

WHEREAS, in July 2002, the City of Seattle expressed its intent in Resolution 30486 to facilitate fast, coordinated, cost-effective construction of a Seattle monorail system, including expedited review and approvals; and

WHEREAS, on November 5, 2002, Seattle voters passed Seattle Citizen Petition No. 1, creating the Seattle Popular Monorail Authority (known as the "Seattle Monorail Project") pursuant to RCW Chapter 35.95A, requiring the Seattle Monorail Project to adopt the Seattle Popular Monorail Plan, and approving local funding for implementation of Phase One of the Seattle Popular Monorail Plan; and

WHEREAS, the City of Seattle enacted Ordinance No. 121134 in April 2003 authorizing execution of an Agreement for Intergovernmental Cooperation between the City and the Seattle Monorail Project, in which the City and the Seattle Monorail Project recognized that the monorail transit facilities constituting Phase One of the Seattle Popular Monorail Plan are an essential public facility within the meaning of the state Growth Management Act and that the timely and cost-effective construction of Phase One may require some changes to City development regulations so that they incorporate monorail transit facilities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1, Subsection C of Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

23.41.004 Applicability.

C. Exemptions. The following structures are exempt from design review:

1. New structures located within special review districts, as regulated by Chapter 23.66;
2. New structures within Landmark districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation;
3. New structures that are within the historic character area of the Downtown Harborfront 1 zone, as regulated by Section 23.50.704, or are otherwise required to undergo shoreline design review as regulated by Chapter 23.50; and
4. New monorail transit facilities that have been subject to review by the Seattle Design Commission.

Section 2, Subsections A and D of Section 23.47.012 of the Seattle Municipal Code, which section was last amended by Ordinance 121051, is amended as follows:

23.47.012 Structure height and floor area ratio.

A. Maximum Height. The maximum structure height for commercial zones shall be thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter 23.32 (in addition), except that mixed use structures located in commercial zones with a thirty (30) foot or forty (40) foot height limit may exceed the height limit of the zone according to the provisions of Section 23.47.008, and except that monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.50.304 or Section 15.54.020.

D. Exemptions from FAR Calculations. The following areas shall be exempted from FAR calculations:

1. All gross floor area below grade;
2. All gross floor area used for accessory parking; and
3. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders).

Section 3, Subsection B of Section 23.49.011 of the Seattle Municipal Code, which section was last amended by Ordinance 120443, is amended as follows:

23.49.011 Floor area ratio.

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 two (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, shall not be included in chargeable floor area.