

Ordinance No. 122233

Council Bill No. 115652

AN ORDINANCE relating to land use and zoning, amending Chapter 23.49 of the Seattle Municipal Code to incorporate updated and corrected maps, revise provisions for street level use requirements and tower width limits, provide for tower spacing in DMC zones south of Union Street, and revise requirements for provision of lighting; amending Section 23.41.012 to limit the scope of Design Review departures from Land Use Code requirements; clarifying provisions for the location of parking and access to parking in 23.49.019; amending Chapters 23.76 and 23.84 to repeal provisions made obsolete by Ordinance 122054; amending Section 23.45.008 to clarify the effect of changes in definitions on special provisions for low-income housing; removing an obsolete reference from the Downtown Amenity Standards; and making technical corrections.

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The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Peter Stamburk

Councilmember  
Approved 3-0  
PS, TR, RC

Committee Action:

9-18-06 Passed 9-0

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

Law Department

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ORDINANCE 122235

AN ORDINANCE relating to land use and zoning, amending Chapter 23.49 of the Seattle Municipal Code to incorporate updated and corrected maps, revise provisions for street level use requirements and tower width limits, provide for tower spacing in DMC zones south of Union Street, and revise requirements for provision of lighting; amending Section 23.41.012 to limit the scope of Design Review departures from Land Use Code requirements; clarifying provisions for the location of parking and access to parking in 23.49.019; amending Chapters 23.76 and 23.84 to repeal provisions made obsolete by Ordinance 122054; amending Section 23.45.008 to clarify the effect of changes in definitions on special provisions for low-income housing; removing an obsolete reference from the Downtown Amenity Standards; and making technical corrections.

WHEREAS, by Ordinance 122054 the City Council substantially revised Chapter 23.49 of the Seattle Municipal Code, regulating development Downtown; and

WHEREAS Ordinance 122054 adopted certain new and revised maps in Chapter 23.49 and repealed other maps, inadvertently giving two maps the same letter designation; and

WHEREAS some of the maps in Chapter 23.49 can be made clearer and more useful by replacing them with maps with higher quality graphics and in some cases updated information;

WHEREAS in Ordinance 122054 the same tower spacing requirement that applies in the Denny Triangle Urban Center was inadvertently not applied to the Downtown Mixed Commercial zones south of Union Street;

WHEREAS, other technical corrections should be made in light of Ordinance 122054; NOW, THEREFORE,

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

Section 1. Subsection B of Section 23.41.012, which Section was enacted by Ordinance 122054, is amended, and a new subsection C is added to that Section, as follows:

**23.41.012 Development standard departures.**

\* \* \*

B. Departures may be granted from any Land Use Code standard or requirement, except for the following:

1. Procedures;

2. Permitted, prohibited or conditional use provisions, except that departures may be granted from development standards for required Downtown street level uses;
3. Residential density limits;
4. In ((d))Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49;
5. In ((d))Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036;
6. In ((d))Downtown zones, the average floor area limit for stories in residential use in Chart 23.49.058D1;
7. In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041;
8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in 23.49.058E;
9. Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code;
10. Floor Area Ratios;
11. Maximum size of use;
12. Structure height, except that:
  - a. Within the Roosevelt Commercial Core building height departures may be granted (up to an additional three (3) feet) for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);



b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal Center Master Plan Area). The additional height may not exceed nine (9) feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

c: In Downtown zones building height departures may be granted for minor communication utilities as set forth in Section 23.57.013B;

13. Quantity of parking required, maximum parking limit in Downtown zones, and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000" may be reduced. The parking requirement shall not be less than the required parking for Pedestrian designated areas shown in Section 23.54.015 Chart D;

14. Provisions of the Shoreline District, Chapter 23.60;

15. Standards for storage of solid-waste containers;

16. The quantity of open space required for major office projects in Downtown zones as provided in Section 23.49.016B;

17. Noise and odor standards((?));

18. Standards for the location of access to parking in Downtown zones;

19. Provisions of Chapter 23.52, Transportation Concurrency Project Review System;

20. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements, except that departures may be granted from the access easement standards in Section 23.53.025 and the provisions for structural building overhangs in Section 23.53.035;

## 22. Measurements.

Section 2. Subsection B of Seattle Municipal Code Section 23.45.008, which Section was last amended by Ordinance 120608, is amended as follows:

\* \* \*

Lowrise 4 -- One (1) dwelling unit per four hundred (400) square feet of lot area.

\* \* \*

Section 3. Maps 1A through 1K, inclusive, in Chapter 23.49 of the Seattle Municipal Code, as last amended by Ordinance 122054, are hereby repealed and Maps 1A through 1K attached to this ordinance are hereby enacted, to be codified at the end of Chapter 23.49.

Section 4. Subsection A of Seattle Municipal Code Section 23.49.009, as enacted by Ordinance 122054, is amended as follows:

**23.49.009 Street-level use requirements.**

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

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

1. Retail sales and services, except lodging;
2. Human service uses and childcare facilities;
3. Customer service offices;
4. Entertainment uses;
5. Museums, and administrative offices within a museum expansion space meeting the requirement of subsection 23.49.011B1h;
6. Libraries;
7. Elementary and secondary schools; and
- ~~((7))~~ 8. Public atriums.

\* \* \*

Section 5. Subsections A and B of Seattle Municipal Code Section 23.49.015, as enacted by Ordinance 122054, are amended as follows:

**23.49.015 Bonus residential floor area for voluntary agreements for low-income housing and moderate income housing.**

1           A. General Provisions.

2                   1. The purpose of this section is to encourage residential development in addition to that  
3 authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts  
4 from the bonus development are mitigated. "Basic zoning regulations" for purposes of this section are  
5 the provisions of Section 23.49.008 that determine base height limits for residential use in DOC-1,  
6 DOC-2 and DMC zones, and for DMC zones, the provisions of Section 23.49.058 that determine the  
7 maximum average floor area per story. The City has determined that one impact of high-rise residential  
8 development is an increased need for low-income housing and moderate-income housing downtown to  
9 house the families of workers having lower paid jobs who serve the residents of such development. The  
10 City also finds that DOC-1, DOC-2 , and DMC zones are areas in which increased residential  
11 development will assist in achieving local growth management and housing policies, and has determined  
12 that increased residential development capacity and height of residential structures can be achieved  
13 within these zones, subject to consideration of other regulatory controls on development. The City  
14 Council finds that in the case of affordable housing for rental occupancy, use of the income level for  
15 low-income housing rather than a lower level is necessary to address local housing market conditions,  
16 and that in the case of affordable housing for owner occupancy, higher income levels than those for low-  
17 income housing are needed to address local housing market conditions. The City hereby adopts the  
18 extension of the authority of Chapter 149, Laws of 2006 of the State of Washington, to the bonus  
19 development program under this Section 23.49.015, in addition to the City's preexisting authority. To  
20 the extent that any provision of this Section or the application thereof to any project for which a Master  
21 Use Permit application is considered under the Land Use Code as in effect after the effective date of  
22 Section 2 of Chapter 149, Laws of 2006 would conflict with any requirement of that statute, the terms of  
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1 this Section shall be deemed modified to conform to the requirements of Section 2 of Chapter 149, Laws  
2 of 2006.

3           2. An applicant may elect to seek bonus development under this section only for a  
4 project in a DOC1, DOC2 or DMC zone that includes residential development. If an applicant elects to  
5 seek approval of bonus development under this section, the applicant must execute a voluntary  
6 agreement with the City in which the applicant agrees to provide mitigation for impacts described in  
7 subsection A1 of this section. The mitigation may be provided in the form of low-income housing or  
8 moderate-income housing, or both, either within or adjacent to the residential project using the bonus  
9 development (the "performance option"), by paying the City to build or provide the housing (the  
10 "payment option"), or by a combination of the performance and payment options.

11           3. No bonus development under this section shall be granted to any proposed  
12 development that would result in significant alteration to any designated feature of a Landmark structure  
13 unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

14           4. No bonus development under this section shall be granted for any housing in a new  
15 structure unless the applicant makes a commitment that the structure shall earn a LEED Silver rating.  
16 When such a commitment is made, the provisions of SMC Section 23.49.020 shall apply. This  
17 subsection 4 shall expire and be of no further effect five (5) years after the effective date of this  
18 ordinance.

19           5. The Master Use Permit application to establish any bonus development under this  
20 section shall include a calculation of the amount of bonus development sought and shall identify the  
21 manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the  
22 time of issuance of any Master Use Permit decision approving any such bonus development, issue a  
23 Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus  
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development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with this section and any other conditions of the permit, including Design Review conditions if applicable.

B. Voluntary Agreements for Housing.

1. The voluntary agreement shall commit the applicant to provide or contribute to low-income housing or moderate-income housing, or both, in an amount as set forth in this subsection B. The quantities in this subsection are based on findings of an analysis that quantifies the linkages between new market-rate units in high-rise residential structures in DOC1, DOC2, and DMC zones and the demand that residents of such units generate for low-income housing and moderate-income housing. The amount of such housing and income levels served, and the amount of any cash payment, shall be determined as follows:

a. For the performance option, the applicant shall provide, as low-income housing or moderate-income housing, net rentable floor area equal to eleven (11) percent of the net residential floor area sought as bonus development, computed by multiplying the following sum by an efficiency factor of eighty (80) percent: (i) the total square footage of gross residential floor area to be developed on the lot above the base height limit for residential use under SMC Section 23.49.008, plus (ii) the excess, if any, in each tower to be developed on the lot, of (X) the total number of square feet of gross residential floor area between the height of eighty-five (85) feet and such base height limit, over (Y) the product of the "average residential gross floor area limit of stories above 85 feet if height does not exceed the base height limit for residential use" as provided in Chart 23.49.058D1, column 2, multiplied by the number of stories with residential use in such tower above eighty-five (85) feet and below such base height limit. All low-income housing or moderate income housing provided under the performance option shall be on the lot where the bonus development is used or an adjacent lot. The

adjacent lot must be within the block where the bonus development is used and either abut the lot where bonus development is used, or be separated only by public right-of-way. All rental housing provided under the performance option shall be low-income housing.

b. For the payment option, the applicant shall pay the lesser of the following:

(1) an amount that equals the approximate cost of developing the same number and quality of housing units that would be developed under the performance option, as determined by the Director ; or

(2) (i) in DMC zones, ten (10) dollars per square foot of net residential floor area sought as bonus development between the height of eighty-five (85) feet and the base height limit for residential use under Section 23.49.008, fifteen (15) dollars per square foot of the net residential floor area of the first four (4) floors above the base height limit for residential use, twenty (20) dollars per square foot of net residential floor area of the next three (3) floors, and twenty-five (25) dollars per square foot of net residential floor area of the remaining floors up to the maximum residential height limit, not to exceed an average of eighteen dollars and ninety-four cents (18.94) per square foot of net residential floor area sought as bonus development; and (ii) in DOC1 and DOC2 zones, eighteen dollars and ninety-four cents (18.94) per square foot of net residential floor area sought as bonus development above the base height limit for residential use under Section 23.49.008. Net residential floor area shall be computed by multiplying the total gross floor area sought as bonus development by an efficiency factor of eighty (80) percent. The full amount must be paid to the City in cash, except that if the City shall approve by ordinance the acceptance of specific real property in lieu of all or part of the cash payment, the Housing Director may accept such real property.

2. Each low-income housing unit provided as a condition to the bonus allowed under this section shall serve only households with incomes at or below eighty (80) percent of median income at

1 the time of their initial occupancy. Each moderate-income housing unit provided as a condition to the  
2 bonus allowed under this section shall serve only as owner-occupied housing for households with  
3 incomes no higher than median income at the time of their initial occupancy. For rental housing,  
4 housing costs, including rent and basic utilities, shall not exceed 30% of eighty (80) percent of median  
5 income, adjusted for the average size of family expected to occupy the unit based on the number of  
6 bedrooms, all as determined by the Housing Director, for a minimum period of fifty (50) years. For  
7 owner-occupied housing, the initial sale price shall not exceed an amount determined by the Housing  
8 Director to be consistent with affordable housing for a moderate-income household with the average  
9 family size expected to occupy the unit based on the number of bedrooms, and the units shall be subject  
10 to recorded instruments satisfactory to the Housing Director providing for sales prices on any resale  
11 consistent with affordability on the same basis. The Housing Director may promulgate rules specifying  
12 the method of determining affordability, including eligible monthly housing costs. The Housing  
13 Director may also promulgate rules for determining whether units satisfy the requirements of this section  
14 and any requirements relating to down-payment amount, design, quality, maintenance and condition of  
15 the low-income housing or moderate-income housing.

16 3. For purposes of this section, housing may be considered to be provided by the  
17 applicant seeking bonus development under the performance option if the housing satisfies all of the  
18 following conditions:

19 (i) It is committed to serve an eligible income group, and for a time period,  
20 referred to in this section pursuant to an agreement between the housing owner and the City.

21 (ii) The agreement required by subsection (i) is executed and recorded prior to  
22 the issuance of the master use permit to establish the use for the project using the bonus development,  
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1 but except when subsection (iii)(B) below applies, no earlier than 1 year prior to issuance of that master  
2 use permit.

3 (iii) Either (A) the Certificate of Occupancy for the new low-income housing or  
4 moderate income housing, or both, must be issued within 3 years of the date the Certificate of  
5 Occupancy is issued for the project using the bonus((s)) development, unless the Housing Director  
6 approves an extension based on delays that the applicant or housing developer could not reasonably  
7 have avoided, or (B) only in the case of low-income housing on a lot adjacent to the project using bonus  
8 development, which housing is subject to a regulatory agreement related to long-term City financing of  
9 low-income housing and was developed under a master use permit issued pursuant to a decision that  
10 considered the housing together with a project then proposed on that adjacent site, a final Certificate of  
11 Occupancy for the low-income housing was issued within 5 years of the building permit issuance for the  
12 project proposed for bonus development on the adjacent lot.

13 (iv) If the low-income housing or moderate-income housing is not owned by the  
14 applicant, then the applicant made a financial contribution to the low-income housing or moderate-  
15 income housing, or promised such contribution and has provided to the City an irrevocable,  
16 unconditional letter of credit to ensure its payment, in form and content satisfactory to the Housing  
17 Director, in either case in an amount determined by the Housing Director to be, when reduced by the  
18 value of any expected benefits to be received for such contribution other than the bonus development,  
19 approximately equal to the cost of providing units within the project using the bonus development, and  
20 the owner of the low-income housing or moderate-income housing has entered into a linkage agreement  
21 with the applicant pursuant to which only the applicant has the right to claim such housing for purposes  
22 of bonus development under this section or any other bonus under this title.

1                   4. Any applicant seeking to qualify for bonus floor area based on development of new  
2 housing shall provide to the City, prior to the date when a contribution would be due for the cash option  
3 under subsection C of this section, an irrevocable bank letter of credit or other sufficient security  
4 approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end  
5 of the three (3) year period specified in subsection B3 of this section, if the housing does not qualify or  
6 is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash  
7 contribution for housing in the amount determined pursuant to this section after credit for any qualifying  
8 housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the  
9 prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per  
10 annum, from the date of issuance of the first building permit for the project using the bonus. If and when  
11 the City becomes entitled to realize on any such security, the Director of the Office of Housing shall  
12 take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the  
13 same manner as cash contributions for housing made under this section. In the case of any project  
14 proposing to use bonus development for which no building permit is required, references to the building  
15 permit in this subsection shall mean the master use permit allowing establishment or expansion of the  
16 use for which bonus development is sought.

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

3           6. The Director of the Office of Housing is authorized to accept and execute agreements  
4 and instruments to implement this section. For the performance option, the voluntary agreement by the  
5 applicant or, if the applicant is not the housing owner, then a recorded agreement of the housing owner  
6 acceptable to the Housing Director, shall provide for an initial monitoring fee payable to the City of  
7 \$500 per unit of low-income housing or moderate-income housing provided, and in the case of rental  
8 housing, an annual monitoring fee payable to the City of \$65 for each such unit. For rental housing,  
9 such agreement also shall require the housing owner to submit to the City annual reports with such  
10 information as the Housing Director shall require for monitoring purposes. In the case of housing for  
11 owner-occupancy, the recorded resale restrictions also shall include a provision requiring payment to the  
12 City, on any sale or other transfer, of a fee of \$500 for the review and processing of transfer documents  
13 to determine compliance with income and affordability restrictions.

14           7. If the Housing Director shall certify to the Director that the Housing Director has  
15 accepted and there have been recorded one or more agreements or instruments satisfactory to the  
16 Housing Director providing for occupancy and affordability restrictions on housing provided for  
17 purposes of the performance option under this section, and that either all affordable housing has been  
18 completed or the applicant has provided the City with an irrevocable, unconditional letter of credit  
19 satisfactory to the Housing Director in the amount of the contribution to the affordable housing  
20 approved by the Housing Director, if applicable, then any failure of such housing to satisfy the  
21 requirements of this subsection B shall not affect the right to maintain or occupy the bonus development.  
22 Unless and until the Housing Director shall so certify, it shall be a continuing permit condition, whether  
23 or not expressly stated, for each project obtaining bonus floor area based on the provision of housing  
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1 under this subsection, that the low-income or moderate-income housing units, or both, as applicable,  
2 shall continue to satisfy the requirements of this subsection throughout the term specified in this section  
3 and that such compliance shall be documented to the satisfaction of the Director of the Office of  
4 Housing. The Director of the Office of Housing may provide by rule for circumstances in which low-  
5 income or moderate-income housing units, or both, as applicable, may be replaced if lost due to casualty  
6 or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of  
7 continuing to provide low-income housing or moderate-income housing, or both, under the terms of this  
8 subsection.

9           8. Housing units produced with voluntary contributions made under this section, shall  
10 include a range of unit sizes, including units suitable for families with children. Housing units provided  
11 to qualify for bonus development shall comply with the following: (i) they shall be provided in a range  
12 of sizes comparable to those available to other residents; (ii) to the extent practicable, the number of  
13 bedrooms in low-income units and moderate-income units must be in the same proportion as the number  
14 of bedrooms in units within the entire building; (iii) the low-income units and moderate-income units  
15 shall generally be distributed throughout the building, except that they may be provided in an adjacent  
16 building; and (iv) the low-income units and moderate-income units shall have substantially the same  
17 functionality as the other units in the building or buildings. The Housing Director is authorized to  
18 prescribe by rule standards and procedures for determining compliance with the requirements of this  
19 subsection ((7)) 8. The Housing Director is further authorized to adopt policies for distribution of unit  
20 sizes in housing developments funded by contributions received under this section.

21           9. References in this subsection B to a Certificate of Occupancy for a project mean the  
22 first Certificate of Occupancy issued by the City for the project, whether temporary or permanent.

23                           \* \* \*

Section 6. Subsection E of Seattle Municipal Code Section 23.49.018, as enacted by Ordinance 122054, is amended as follows:

**23.49.018 Overhead Weather Protection and Lighting.**

\* \* \*

E. Adequate ~~((L))~~ lighting for pedestrians shall be provided ~~((if ambient lighting from other sources is not adequate))~~. The lighting may be located on the facade of the building or on the overhead ~~((canopy))~~ weather protection.

Section 7. Subsections B and H of Seattle Municipal Code Section 23.49.019, as enacted by Ordinance 122054, are amended as follows:

**23.49.019 Parking quantity, location and access requirements, and screening and landscaping of surface parking areas.**

\* \* \*

**B. Parking Location within Structures.**

**1. Parking at street level**

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

b. On Class II pedestrian streets, parking may be permitted at street level if:

(1) at least thirty (30) percent of the street frontage of any street level parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses;

(2) the facade of the separating uses satisfies the transparency and blank wall standards for Class I pedestrian streets for the zone in which the structure is located;

(3) the portion of the parking, excluding garage doors, that is not separated from the street by other uses is screened from view at street level; and

(4) the street facade is enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

2. Except as provided in subsection B1 above for parking at street level, parking within structures shall be located below street level or separated from the street by other uses, except as follows:

a. On lots that are less than thirty thousand (30,000) square feet in size or that are less than one hundred and fifty (150) feet in depth measured from the lot line with the greatest street frontage, parking shall be permitted above the first story under the following conditions:

(1). One story of parking shall be permitted above the first story of a structure for each story of parking provided below grade that is of at least equivalent capacity, up to a maximum of four stories of parking above the first story.

(2). Parking above the third story of a structure shall be separated from the street by another use for a minimum of 30% of each street frontage of the structure. For structures on lots located at street intersections, the separation by another use shall be provided at the corner portion(s) of the structure.

(3) The perimeter of each story of parking above the first story of the structure shall have an opaque screen at least three and one-half (3½) feet high where the parking is not separated from the street by another use.

b. The Director may permit more than four stories of parking above the first story of the structure, or may permit other exceptions to subsection B2a(1) as a Type I decision if the Director finds that locating parking below grade is infeasible due to physical site conditions such as a high water table

or proximity to a tunnel. In such cases, the applicant shall place the maximum feasible amount of parking below grade before more than four stories of parking above the first story shall be permitted.

Site size is not a basis for granting an exception under this subsection 2b.

\* \* \*

H. Standards for location of access to parking.

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

1. Curbcut Location.

a. When a lot abuts an alley, alley access shall be required, unless the Director otherwise determines under subsection H1c.

b. When a lot does not abut an alley and abuts more than one (1) right-of-way, the location of access shall be determined by the Director as a Type I decision after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection H1c, ((The Director shall consider the)) access shall be allowed only from a right-of-way in the category, determined by the classifications ((of rights-of-way)) shown on Map 1B and Map 1F, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth ((and the ranking of the classifications)) below, from most to least preferred (a portion of a street that is included in more than one of the categories in subsections i - vii below shall be considered as belonging only to the least preferred of the categories in which it is included):

((a. Alley, if of sufficient width to accommodate existing and anticipated uses;))

((b)) i. Access street;

1 ((e))ii. Class II pedestrian street-Minor arterial;

2 ((d))iii. Class II pedestrian street-Principal arterial;

3 ((e))iv. Class I pedestrian street-Minor arterial;

4 ((f))v. Class I pedestrian street-Principal arterial;

5 ((g))vi. Principal transit street((-));

6 vii. Designated green street.

7  
8 ((2. Curbside controls on designated green streets shall be evaluated on a case-by-case  
9 basis, but generally access from green streets is not allowed.

10 3. ~~The preferred~~)c. The Director may allow or require access from a right-of-way  
11 ~~((for access))~~ other than one indicated by subsection H1a or H1b if,((shall be further evaluated by the  
12 ~~Director,))~~ after consulting with the Director of Transportation((, for a final determination based-)) on  
13 whether and to what extent alternative((the)) locations of ((the)) access ((will)) would enhance  
14 pedestrian safety and comfort, facilitate transit operations, facilitate the movement of vehicles,  
15 ~~((expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid))~~ minimize the on-street  
16 queuing of vehicles, enhance vehicular safety((and pedestrian comfort)), or ((create-a)) minimize  
17 hazards, the Director finds that an exception to the general policy is warranted. Curbside controls on  
18 designated green streets shall be evaluated on a case-by-case basis, but generally access from green  
19 streets is not allowed if access from any other right-of-way is possible.

20 ((4))2. Curbside Width and Number. The width and number of curbside shall comply with  
21 the provisions of Section 23.54.030, Parking space standards.

22 \* \* \*

Section 8. Subsection A of Seattle Municipal Code Section 23.49.024, which Section was last amended by Ordinance 113279, is amended as follows:

**23.49.024 View corridor requirements.**

A. Upper-level setbacks shall be required for the following view corridors, identified on Map ((F))1D:

1. Broad, Clay, Vine, Wall, Battery and Bell Streets west of First Avenue; and
2. University, Seneca, Spring, Madison and Marion Streets west of Third Avenue.

\* \* \*

Section 9. Subsections C, D and E of Seattle Municipal Code Section 23.49.058, which Section was last amended by Ordinance 122054, are amended as follows:

**23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards.**

\* \* \*

C. ((Maximum tower)) Upper-level width limit. On lots where the width and depth of the lot each exceed two hundred (200) feet, the maximum façade width for any portion((s)) of a building above two hundred forty (240) feet shall be one hundred forty-five (145) feet along the general north/south axis of a site (parallel to the Avenues), and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot above ((145)) two hundred forty (240) feet by at least eighty (80) feet at all points.

D. Tower floor area limits and tower width limits for portions of structures in residential use. The requirements of this subsection D apply only to structures that include portions in residential use above a height of one hundred and sixty (160) feet.

1. Maximum limits on average residential gross floor area per story and maximum residential floor area per story of towers are prescribed in Chart 23.49.058D1.

**Chart 23.49.058D1**  
**Average residential gross floor area per story and maximum residential gross floor area per story of a tower\***

| (1) Zone                            | (2) Average residential gross floor area limit ((e)) per story of a tower if height does not exceed the base height limit for residential use | (3) Average residential gross floor area limit per story of a tower when height exceeds the base height limit for residential use | (4) Maximum residential floor area of any story in a tower |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| DMC 240/290-400 and DMC 340/290-400 | 10,000 sq. ft.                                                                                                                                | 10,700 sq. ft.                                                                                                                    | 11,500 sq. ft.                                             |
| DOC2                                | 15,000 sq. ft.                                                                                                                                | 12,700 sq. ft.                                                                                                                    | 16,500 sq. ft.                                             |
| DOC1                                | 15,000 sq. ft.                                                                                                                                | 13,800 sq. ft.                                                                                                                    | 16,500 sq. ft.                                             |

\*For the height at which a "tower" begins, see the definition at the beginning of this Section 23.49.058.

a. For structures that do not exceed the base height limit for residential use, each tower is subject to the average floor area per story limits specified in column (2) on Chart 23.49.058D1.

b. For structures that exceed the base height limit for residential use (which requires that the applicant obtain bonus residential floor area pursuant to Section 23.49.015), the average residential gross floor area per story of each tower is subject to the applicable maximum limit specified in column (3) on Chart 23.49.058D1.

c. In no instance shall the residential gross floor area of any story in a tower exceed the applicable maximum limit specified in column (4) on Chart 23.49.058D1.

d. Unoccupied space provided for architectural interest pursuant to Section 23.49.008B shall not be included in the calculation of gross floor area.

2. Maximum Tower Width.

1 a. In DMC zones, the maximum façade width for portions of a building above  
2 eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one-  
3 hundred twenty (120) feet or eighty (80) percent of the width of the lot measured on the Avenue, which  
4 ever is less, except that:

5 (1) On a lot where the limiting factor is the eighty (80) percent width limit,  
6 the façade width is one ~~((--))~~ hundred twenty (120) feet, when at all elevations above a height of eighty-  
7 five (85) feet, no more than fifty (50) percent of the area of the lot located within fifteen (15) feet of the  
8 street lot line(s) is occupied by the structure; and

9 (2) On lots smaller than ten thousand seven hundred (10,700) square feet  
10 that are bounded on all sides by street right-of-way, the maximum façade width shall be one hundred  
11 twenty (120) feet.

12 b. In DOC1 and DOC2 zones, the maximum façade width for portions of a  
13 building above eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues)  
14 shall be one hundred forty-five (145) feet.

15 ~~((e. the maximum width of tower structures may be increased if lot is combined~~  
16 ~~with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:~~

17 ~~(1). All lots have frontage on the same street;~~

18 ~~(2). Any existing structure does not exceed a height of one hundred~~  
19 ~~twenty five (125) feet;~~

20 ~~(3). The coverage and spacing of both the proposed and any existing~~  
21 ~~structures meets the limits established in this Section; and~~

1 (4). ~~The fee owners of the abutting lot(s) execute and record a covenant~~  
2 ~~that restricts future development on the abutting lot to a maximum height of one hundred twenty-five~~  
3 ~~(125) feet for the life of the proposed structure; and that precludes the use of the abutting lot(s) in~~  
4 ~~combination with any other lots for purposes of meeting the requirements of this section.))~~

5 ((d)) c. The projection of unenclosed decks and balconies, and architectural  
6 features such as cornices, shall be disregarded in calculating the maximum width of a façade.

7 E. Tower spacing for all structures over 160 feet in height in those DMC zoned areas specified  
8 below:

9 1. For the purposes of this section, no separation is required:

10 a. between structures on different blocks, except as may be required by view  
11 corridor or designated green street setbacks, or

12 b. from a structure on the same block that is not located in a DMC zone; or

13 c. from a structure allowed pursuant to the Land Use Code in effect prior to the  
14 effective date of ~~((this -e))~~ Ordinance 122054.

15 2. Except as otherwise provided in this subsection E, in the DMC 240'/290'-400' zone  
16 located between Stewart Street, Union Street, Third Avenue and First Avenue, if any part of a tower  
17 exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred  
18 and twenty-five (125) feet in height shall be separated by a minimum of two hundred (200) feet from  
19 any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

20 3. Except as otherwise provided in this subsection E, on DMC zoned sites with  
21 maximum height limits of more than one hundred sixty (160) feet located either in the Belltown Urban  
22 Center Village, as shown on Exhibit 23.49.058E, or south of Union Street, if any part of a tower exceeds  
23  
24

one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and twenty-five (125) feet in height must be separated by a minimum of eighty (80) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

4. Except as otherwise provided in this subsection E, on DMC zoned sites with maximum height limits of more than one hundred sixty (160) feet located in the Denny Triangle Urban Center Village, as shown on Exhibit 23.49.056F, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and twenty-five (125) feet in height must be separated by a minimum of sixty (60) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

5. The projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating tower separation.

6. If the presence of an existing tower would preclude the addition of another tower proposed on the same block, as a special exception, the Director may waive or modify the tower spacing requirements of this section to allow a maximum of two towers to be located on the same block that are not separated by at least the minimum spacing required in subsections E2, E3 and E4, other than towers described in subsection E1. The Director shall determine that issues raised in the design review process related to the presence of the additional tower have been adequately addressed before granting any exceptions to tower spacing standards. The Director shall consider the following factors in determining whether such an exception shall be granted:

a. potential impact of the additional tower on adjacent residential structures, located within the same block and on adjacent blocks, in terms of views, privacy, and shadows;

b. potential public benefits that offset the impact of the reduction in required separation between towers, including the provision of public open space, designated green street or other

streetscape improvements, preservation of landmark structures, and provision of neighborhood commercial services, such as a grocery store, or community services, such as a community center or school;

c. potential impact on the public environment, including shadow and view impacts on nearby streets and public open spaces;

d. design characteristics of the additional tower in terms of overall bulk and massing, façade treatments and transparency, visual interest, and other features that may offset impacts related to the reduction in required separation between towers;

e. the City's goal of encouraging residential development downtown; and

f. the feasibility of developing the site without an exception from the tower spacing requirement.

7. For purposes of this section, an "existing" tower is either:

(a) a tower that is physically present, except as provided below in this subsection E6, or

(b) a proposed tower for which a Master Use Permit decision that includes approval of the Design Review element has been issued, unless and until either (i) the Master Use Permit issued pursuant to such decision expires or is cancelled, or the related application is withdrawn by the applicant, without the tower having been constructed; or (ii) a ruling by a hearing examiner or court of competent jurisdiction reversing or vacating such decision, or determining such decision or the Master Use Permit issued thereunder to be invalid, becomes final and no longer subject to judicial review.

A tower that is physically present shall not be considered "existing" if the owner of the lot where such tower is located shall have applied to the Director for a permit to demolish such tower and such

1 application shall be pending or a permit issued for such demolition shall be in effect, but any permit  
2 decision or permit for any structure that would not be permitted under this section if such tower were  
3 considered "existing" may be conditioned upon the actual demolition of such tower.

4 Section 10. Subsection B of Seattle Municipal Code Section 23.49.248, as last amended by  
5 Ordinance 120443, is amended as follows:

6 **23.49.248 International District Residential, side setback and green street setback requirements.**

7 \* \* \*

8 B. Green Street Setbacks. A setback from the street ((property)) lot line shall be required on  
9 green streets, Map 1((G))F, at an elevation of forty (40) feet. The setback shall be as follows:

10 Elevation of Portion of Structure      Required Setback

11 40' to 85'      10'

12 86' to 240'       $(H-85') \times .2 + 10'$

13 where H = Total structure height in feet.

14 Section 11. Seattle Municipal Code Section 23.49.322, as last amended by Ordinance 120443, is  
15 amended as follows:

16 **23.49.322 Downtown Harborfront 2, principal and accessory parking.**

17 A. Principal Use Parking.

18 1. Principal use parking garages for both long-term and short-term parking shall be  
19 conditional uses, according to Section 23.49.324.

20 2. Principal use surface parking areas shall be conditional uses in areas shown on Map  
21 1I((J)), and shall be prohibited in other locations, except that temporary principal use surface parking  
22 areas may be permitted as conditional uses pursuant to Section 23.49.324.

23 B. Accessory Parking.

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

3                   2. Accessory surface parking areas shall ~~((either))~~ be:

- 4                   a. Permitted outright when located in areas shown on Map 1I~~((J))~~ and containing  
5 twenty (20) or fewer parking spaces; or  
6                   b. Permitted as a conditional use when located in areas shown on Map 1I~~((J))~~ and  
7 containing more than twenty (20) spaces; or  
8                   c. Prohibited in areas not shown on Map 1I~~((J))~~, except that temporary accessory  
9 surface parking areas may be permitted as a conditional use pursuant to Section 23.49.324.

10           Section 12. Seattle Municipal Code Section 23.49.336, which Section was last amended by  
11 Ordinance 120443, is amended as follows:

12 **23.49.336 Pike Market Mixed, permitted uses.**

13           A. Permitted uses within the Pike Place Market Historical District, shown on Map 1K~~((L))~~, shall  
14 be determined by the Pike Place Market Historical Commission pursuant to the Pike Place Market  
15 Historical District Ordinance, Chapter 25.24, Seattle Municipal Code.

16           B. In areas outside of the Pike Place Market Historical District in the Pike Market Mixed (PMM)  
17 zone, as shown on Map 1K~~((L))~~, all uses are permitted outright except those specifically prohibited by  
18 Section 23.49.338

19           Section 13. The introductory subsection of Section 12 of Ordinance 122054 is amended as  
20 follows:

21           Section 12. S~~((ubs))~~ection 23.49.026 of the Seattle Municipal Code, which Section was last  
22 amended by Ordinance 121196, is renumbered to Section 23.49.010, and subsection B is amended to  
23 read as follows:  
24

\* \* \*

Section 14. Subsection F of Seattle Municipal Code Section 23.76.026, which Section was last amended by Ordinance 121477, is repealed.

Section 15. The subsection entitled "Maximum structure height" in SMC Section 23.84.025, which Section was last amended by Ordinance 122054, is repealed.

Section 16. The introductory subsection of Section II.N of the Downtown Amenity Standards, which Standards were enacted by Ordinance 122054, is amended as follows:

\* \* \*

N. Restoration and Preservation of Landmark Performing Arts Theatre

The landmark performing arts theater (LPAT) bonus is intended to contribute to the city's architectural, historic and cultural heritage by encouraging the preservation, rehabilitation and use of landmark performing arts theaters ((as defined by the City in SMC Chapter 23.84)).

\* \* \*

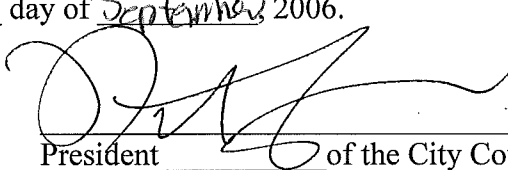
Section 17. This ordinance is intended in part to clarify the intent of existing law, including without limitation the intent that the map designated "1G" in Ordinance 122054 be designated "1F" and that definitions, measurements, transportation concurrency and certain right-of-way improvement requirements are not within the scope of standards or requirements from which departures may be granted.

Section 18. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances. To the extent that sections of this ordinance enact maps that are substantively identical to maps being repealed hereby, this ordinance shall be construed to continue the substance of the previous maps in

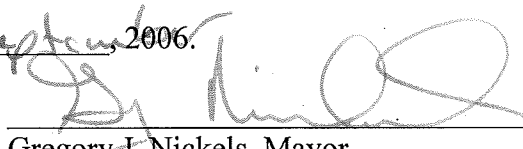
1 effect. The repeal of various sections or maps of Title 23 of the Seattle Municipal Code by this  
2 ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any  
3 permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor shall it relieve  
4 any person or property of any obligations, conditions or restrictions in any agreement or instrument  
5 made or granted pursuant to, or with reference to, the provisions of such Title in effect prior to such  
6 repeal.

Section 19. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

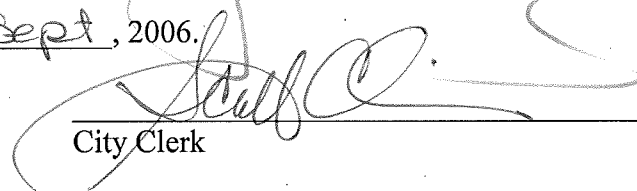
Passed by the City Council the 16<sup>th</sup> day of September, 2006, and signed by me in open session in authentication of its passage this 18<sup>th</sup> day of September, 2006.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this 25<sup>th</sup> day of September, 2006.

  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this 28<sup>th</sup> day of Sept, 2006.

  
\_\_\_\_\_  
City Clerk

(Seal)

Attachment 1: Downtown Maps:

Map 1A Downtown Zones

Map 1B Street Classifications

Map 1C Sidewalk Widths

Map 1D View Corridors

Map 1E Existing Public Benefit Features under Title 24

Map 1F Pedestrian Street Classifications

Map 1G Street Level Use Required

Map 1H Property Line Facades

Map 1I Parking Uses Permitted

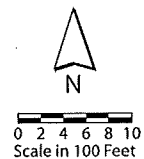
Map 1J Public Amenity Features

Map 1K Pike Place Market

## Downtown Zones



- |       |                                    |
|-------|------------------------------------|
| DOC1  | Office Core - 1                    |
| DOC2  | Office Core - 2                    |
| DRC   | Retail Core                        |
| DMC   | Mixed Commercial                   |
| DMR/R | Mixed Residential / Residential    |
| DMR/C | Mixed Residential / Commercial     |
| PSM   | Pioneer Square Mixed               |
| IDM   | International District Mixed       |
| IDR   | International District Residential |
| PMM   | Pike Market Mixed                  |
| DH1   | Harborfront - 1                    |
| DH2   | Harborfront - 2                    |

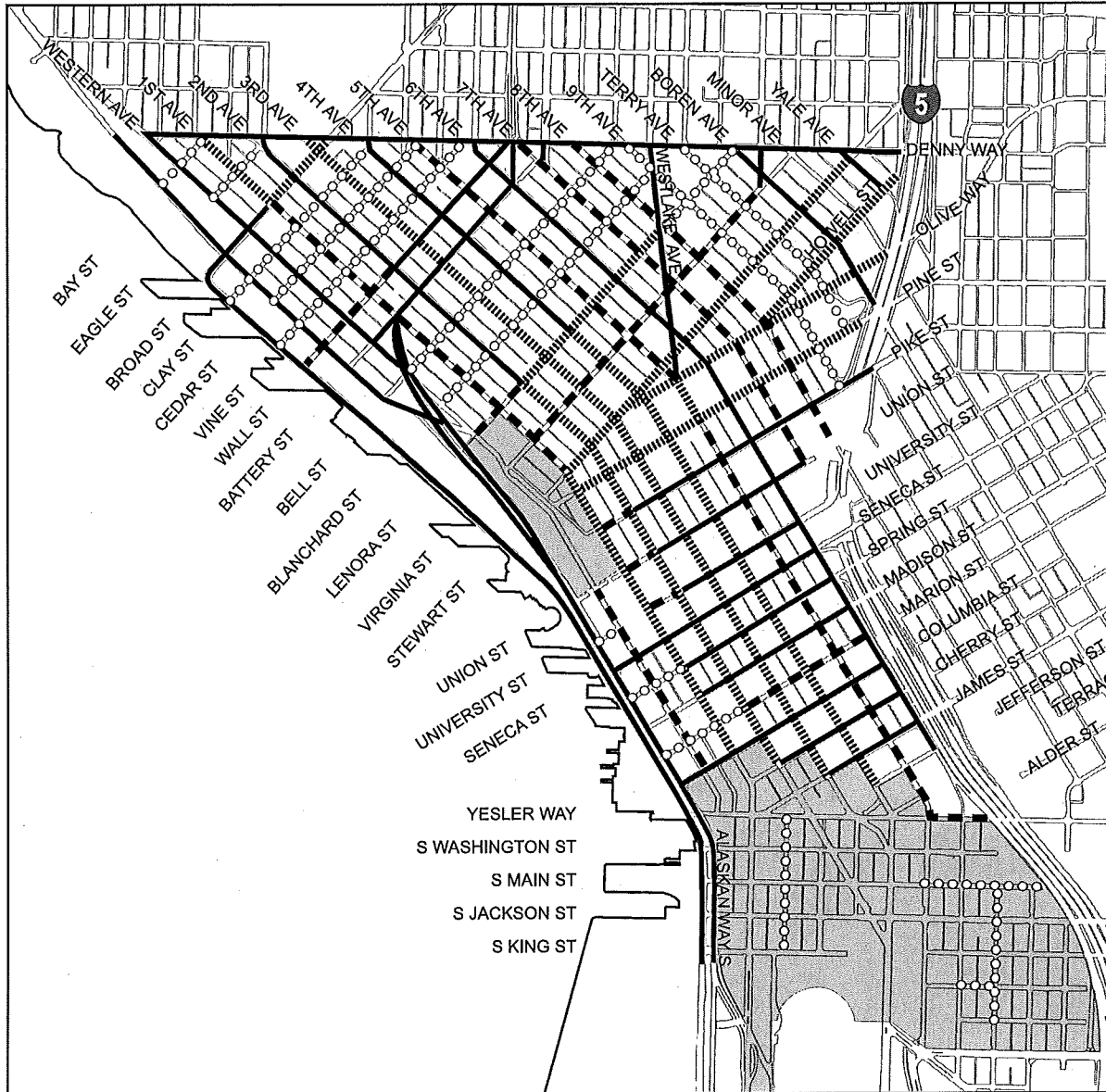


**Map 1A**  
**Downtown Zones**

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# Street Classifications



—+— Access Street

— Principal Arterial  
(other than Principal  
Transit Street)

— ■ ■ ■ Minor Arterial  
(other than Principal  
Transit Street)

○ ○ ○ ○ Green Street

— — — — — Principal Transit Street

■ Access to parking regulated  
by Special Review or Historic  
District Regulations



0 2 4 6 8 10  
Scale in 100 Feet

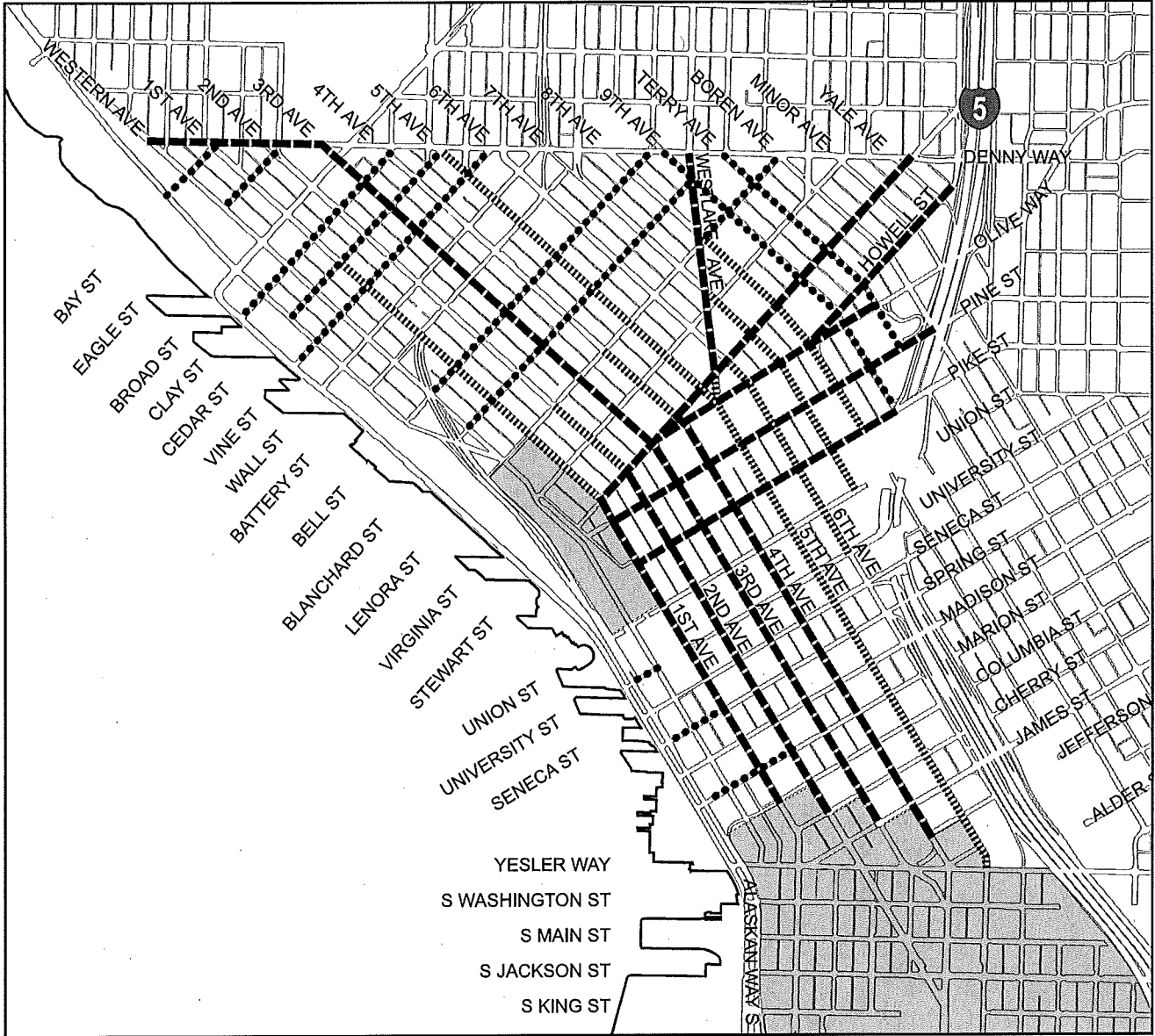
Note: This map is only for purposes of Section 23.49.019, the Downtown Amenity Standards, and any other provisions that refer specifically to Map 1B. Exhibit 23.53.015A should be referred to for a complete identification of arterials for other purposes.

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DOWNTOWN ZONING

**Map 1B**  
**Street Classifications**

# Sidewalk Widths

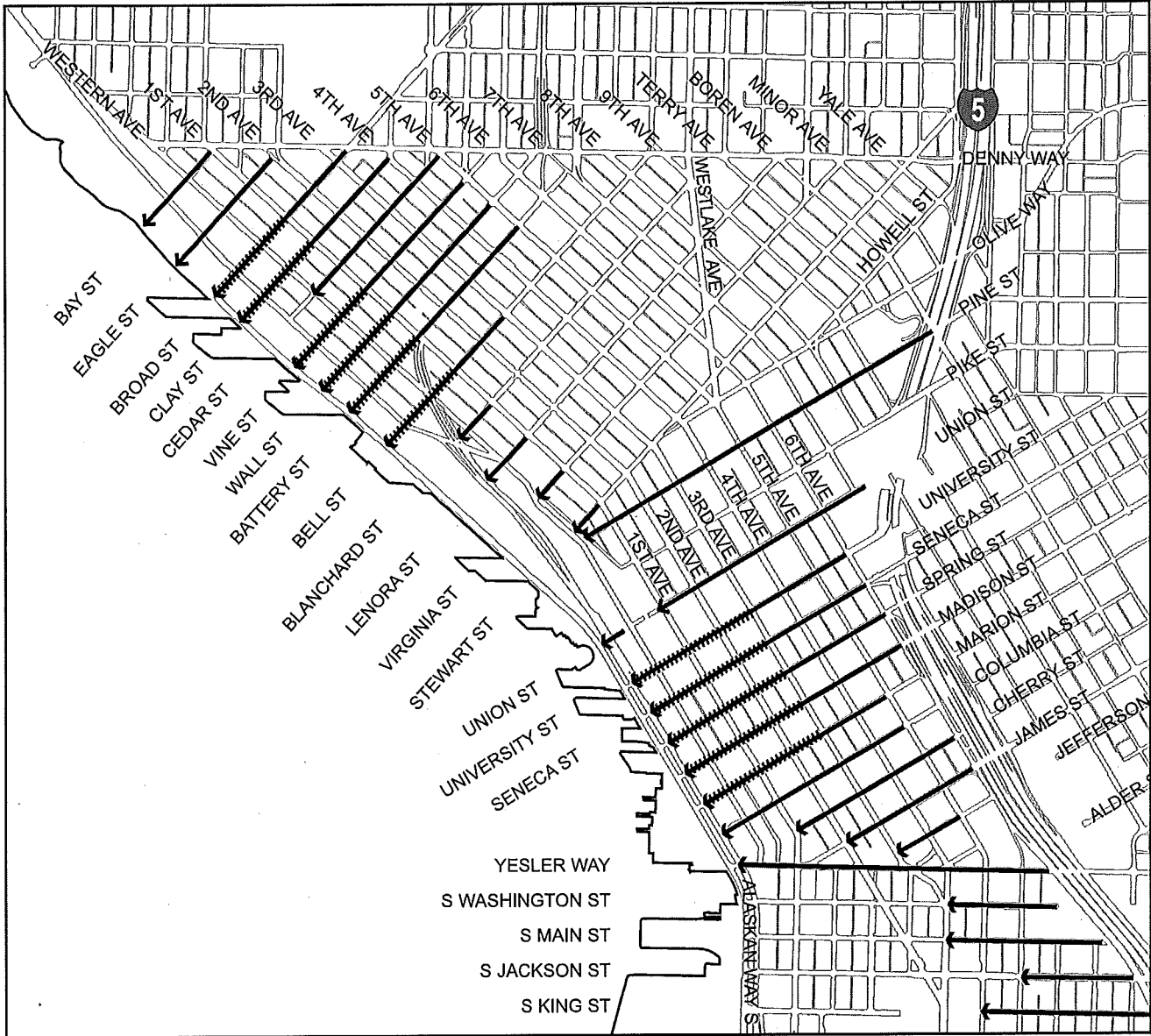


- ..... Variable
- 12' applies to all unmarked streets
- ..... 15'
- 18' (when on a one-way street, only the side with transit stops shall be 18'; the other side shall be 15'.)
-  Sidewalk widths addressed by Special Review or Historic District regulations

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DOWNTOWN ZONING  
**Map 1C**  
**Sidewalk Widths**

# View Corridors



- View Corridors as established in Downtown View Corridor Map, Exhibit 3.5.C of Resolution 30297 (black line indicates extent of View Corridor)
- ▨ Portions of View Corridor requiring View Corridor setbacks according to Section 23.49.024
- ← Arrow indicates direction of View



0 2 4 6 8 10  
Scale in 100 Feet

DOWNTOWN ZONING

**Map 1D**  
**View Corridors**

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# Existing Public Benefit Features under Title 24



## Public Benefit Features

### A Plaza

▨ Type I

■ Type II

### B Shopping Plaza

▨ Type I

■ Type II

### C Arcade

### D Shopping Arcade

▲ Interior

△ Exterior

### E Voluntary Building Setback

## Projects (current building names as of June 2006)

- |                                                  |                                     |
|--------------------------------------------------|-------------------------------------|
| 1 Sixth & Lenora Building—A C E                  | 11 Wells Fargo Center—A B C D E     |
| 2 Westin Building—A C                            | 12 1001 4th Avenue Plaza—A C        |
| 3 Plaza 600 Building—C E                         | 13 Abraham Lincoln Building—C       |
| 4 1600 Qwest Plaza—A C E                         | 14 1111 Third Avenue Building—B C D |
| 5 One Union Square—A E                           | 15 Seattle Municipal Tower—A B C D  |
| 6 Park Place—A C                                 | 16 Century Square Tower—D           |
| 7 Crowne Plaza Hotel—A C                         | 17 720 Olive Way—A                  |
| 8 Renaissance Madison Hotel—A C D E              | 18 Westin Hotel—A E                 |
| 9 Fifth Avenue Plaza—A B C D E                   | 19 1000 2nd Avenue—A C              |
| 10 Columbia Center/Bank of America Tower—A B C D |                                     |



0 2 4 6 8 10  
SCALE IN 100 FEET

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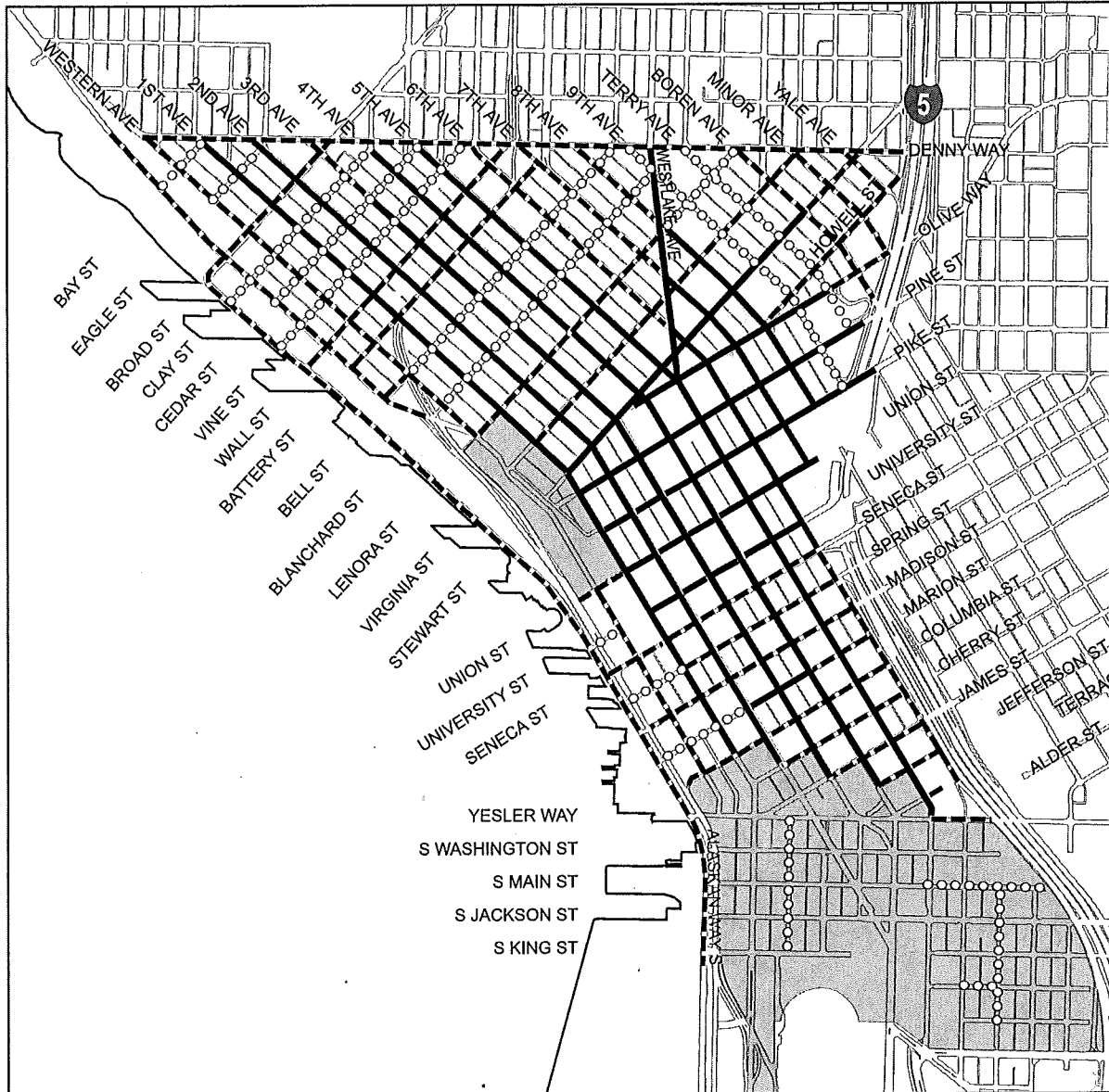
DOWNTOWN ZONING

## Map 1E

Existing Public Benefit Features under Title 24



# Pedestrian Street Classifications



— Class I

- - - Class II

oooo Green Street

 Pedestrian Street Classifications regulated by Special Review or Historic District Regulations, except that Green Street setbacks in the International District Residential zone are regulated by Section 23.49.248



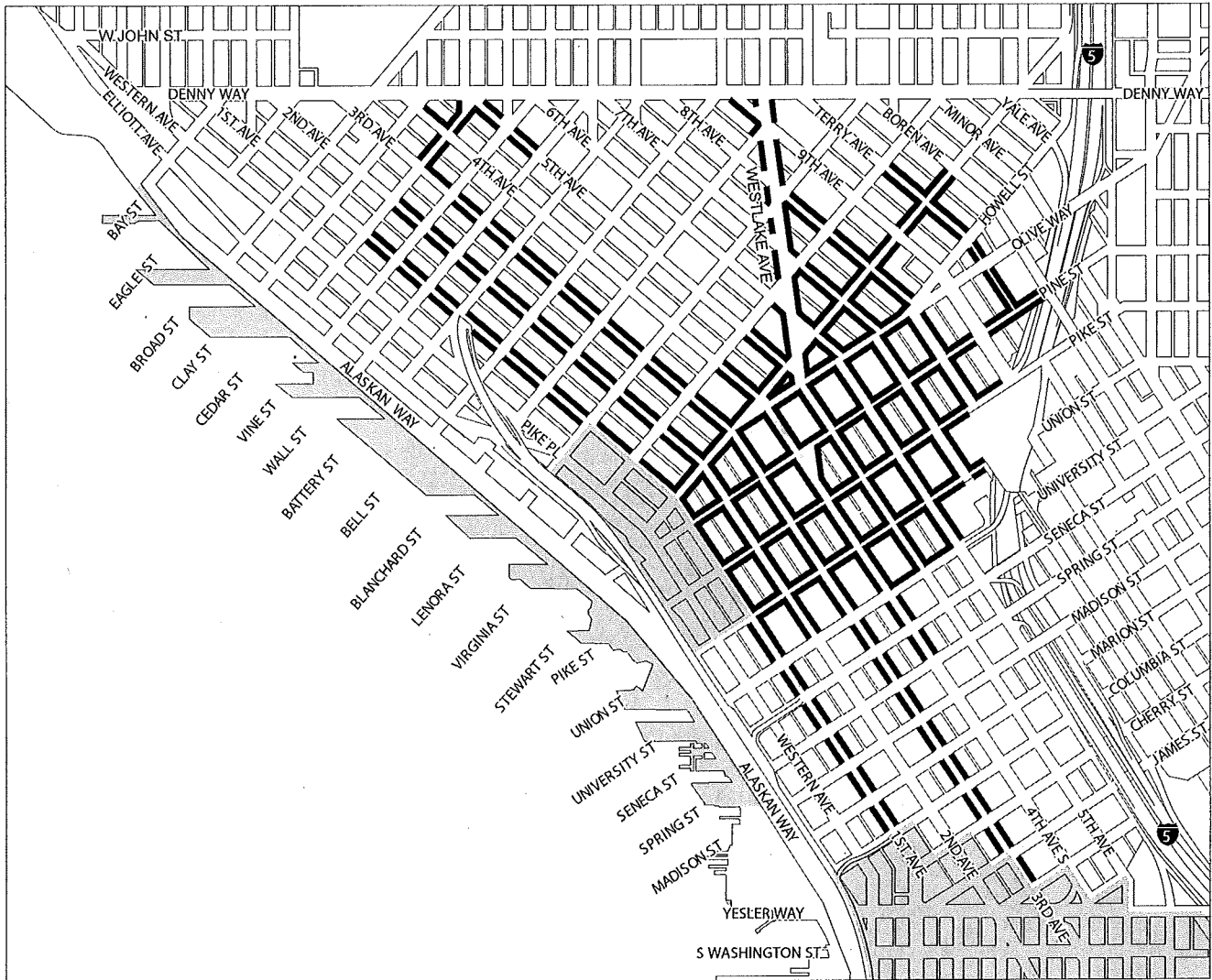
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Scale in 100 Feet

DOWNTOWN ZONING

**Map 1F**  
**Pedestrian Street**  
**Classifications**

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# Street Level Use Required



— Street-level  
Uses Required

■ Street Level Use Regulated by  
Special Overlay District



0 2 4 6 8 10  
SCALE IN 100 FEET

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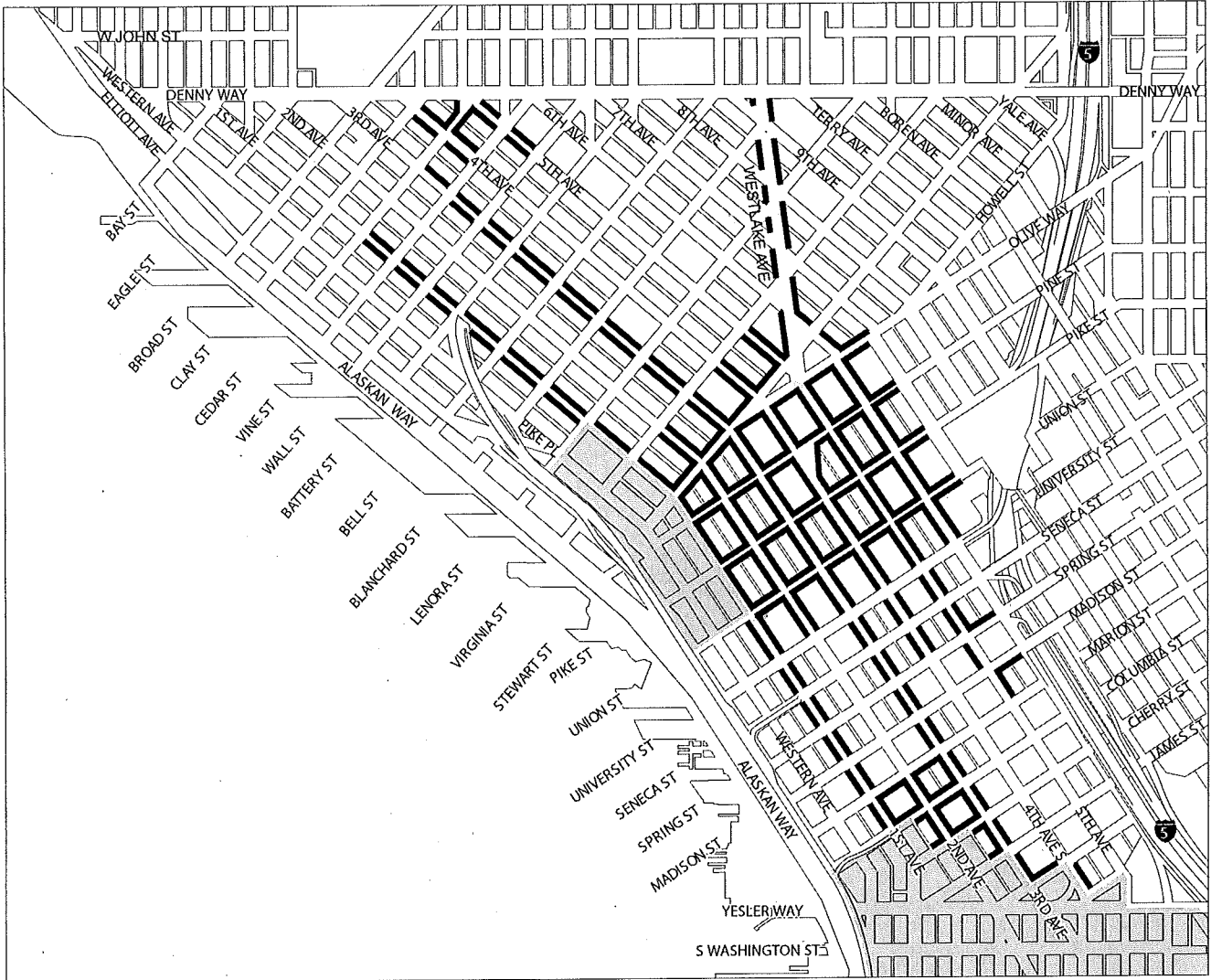
DOWNTOWN ZONING

**Map 1G**

Street Level Use  
Required



# Property Line Façades



— Property Line  
Façades Required

■ Street Façades regulated by  
Special Review or Historic  
District Regulations



0 2 4 6 8 10  
SCALE IN 100 FEET

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DOWNTOWN ZONING

**Map 1H**

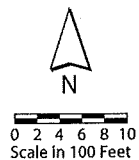
Property Line  
Façades



# Parking Uses Permitted



 Accessory and Principal Use  
 Surface Parking Areas Permitted  
 According to the Parking Use  
 Provisions of the Zone



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DOWNTOWN ZONING

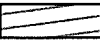
## Map 11

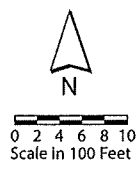
Parking Uses Permitted



# Public Amenity Features



- Hill Climb Assist
-  Hillside Terrace
-  Major Retail Store and Shopping Atrium (FAR Exemption Only - No Bonus)
-  Shopping Corridor Bonus



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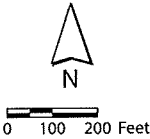
DOWNTOWN ZONING

**Map 1J**

Public Amenity Features



# Pike Place Market



-  Pike Place Market Historical District
-  Pike Market Mixed Zone

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DOWNTOWN ZONING

**Map 1K**

Pike Place Market



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

| <b>Department:</b> | <b>Contact Person/Phone:</b> | <b>DOF Analyst/Phone:</b> |
|--------------------|------------------------------|---------------------------|
| Legislative        | Rebecca Herzfeld/5-1674      | Not Applicable            |

**Legislation Title:**

AN ORDINANCE relating to land use and zoning, amending Chapter 23.49 of the Seattle Municipal Code to incorporate updated and corrected maps, revise provisions for street level use requirements and tower width limits, provide for tower spacing in DMC zones south of Union Street, and revise requirements for provision of lighting; amending Section 23.41.012 to limit the scope of Design Review departures from Land Use Code requirements; clarifying provisions for the location of parking and access to parking in 23.49.019; amending Chapters 23.76 and 23.84 to repeal provisions made obsolete by Ordinance 122054; amending Section 23.45.008 to clarify the effect of changes in definitions on special provisions for low-income housing; removing an obsolete reference from the Downtown Amenity Standards; and making technical corrections.

• **Summary of the Legislation:**

This bill amends Chapter 23.49 and other Sections of the Land Use Code to make technical corrections and clarifications required as a result of adoption of Ordinance 122054 and to repeal provisions made obsolete by this ordinance.

• **Background:**

Ordinance 122054, which went into effect on May 12, 2006, made extensive changes to the zoning for downtown Seattle. The proposed bill would correct inadvertent errors in Ordinance 122054, such as misspellings and incorrectly numbered maps. The proposed bill would also make corrections that are within the intent of the Ordinance 122054, and repeal provisions that are no longer needed now that Ordinance 122054 has taken effect.

• *Please check one of the following:*

☒ **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

☐ **This legislation has financial implications.** *(Please complete all relevant sections that follow.)*

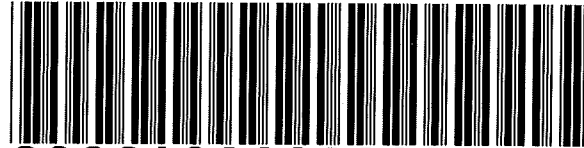
**Return Address:**

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



**20061006002026**

SEATTLE CITY C ORD  
PAGE001 OF 042  
10/06/2006 15:10  
KING COUNTY, WA

73.00

**WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)**

Please print or type information

**Document Title(s)** (or transaction contained therein): (Insert Ordinance or Resolution Number Here)

1. 122235

AN ORDINANCE relating to land use and zoning, amending Chapter 23.49 of the Seattle Municipal Code to incorporate updated and corrected maps, revise provisions for street level use requirements and tower width limits, provide for tower spacing in DMC zones south of Union Street, and revise requirements for provision of lighting; amending Section 23.41.012 to limit the scope of Design Review departures from Land Use Code requirements; clarifying provisions for the location of parking and access to parking in 23.49.019; amending Chapters 23.76 and 23.84 to repeal provisions made obsolete by Ordinance 122054; amending Section 23.45.008 to clarify the effect of changes in definitions on special provisions for low-income housing; removing an obsolete reference from the Downtown Amenity Standards; and making technical corrections.

**Grantor(s)**

- ☐ 1.City of Seattle  
☐ Additional names on page \_\_\_ of document.

**Grantee(s)** Public (Last name first, then first name and initials)

- ☐ 1.N/A  
☐ 2.  
☐ 3.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

Additional reference #'s on page \_\_\_ of document

- ☐ N/A

**Assessor's Property Tax Parcel/Account Number**

#

- ☐ Assessor Tax # not yet assigned.  
☐ N/A

ORDINANCE **122235**

AN ORDINANCE relating to land use and zoning, amending Chapter 23.49 of the Seattle Municipal Code to incorporate updated and corrected maps, revise provisions for street level use requirements and tower width limits, provide for tower spacing in DMC zones south of Union Street, and revise requirements for provision of lighting; amending Section 23.41.012 to limit the scope of Design Review departures from Land Use Code requirements; clarifying provisions for the location of parking and access to parking in 23.49.019; amending Chapters 23.76 and 23.84 to repeal provisions made obsolete by Ordinance 122054; amending Section 23.45.008 to clarify the effect of changes in definitions on special provisions for low-income housing; removing an obsolete reference from the Downtown Amenity Standards; and making technical corrections.

WHEREAS, by Ordinance 122054 the City Council substantially revised Chapter 23.49 of the Seattle Municipal Code, regulating development Downtown; and

WHEREAS Ordinance 122054 adopted certain new and revised maps in Chapter 23.49 and repealed other maps, inadvertently giving two maps the same letter designation; and

WHEREAS some of the maps in Chapter 23.49 can be made clearer and more useful by replacing them with maps with higher quality graphics and in some cases updated information;

WHEREAS in Ordinance 122054 the same tower spacing requirement that applies in the Denny Triangle Urban Center was inadvertently not applied to the Downtown Mixed Commercial zones south of Union Street;

WHEREAS, other technical corrections should be made in light of Ordinance 122054; NOW, THEREFORE,

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

Section 1. Subsection B of Section 23.41.012, which Section was enacted by Ordinance 122054, is amended, and a new subsection C is added to that Section, as follows:

**23.41.012 Development standard departures.**

\* \* \*

B. Departures may be granted from any Land Use Code standard or requirement, except for the following:

1. Procedures;



- 1                   2. Permitted, prohibited or conditional use provisions, except that departures may be  
2 granted from development standards for required Downtown street level uses;
- 3                   3. Residential density limits;
- 4                   4. In ((d))Downtown zones, provisions for exceeding the base FAR or achieving bonus  
5 development as provided in Chapter 23.49;
- 6                   5. In ((d))Downtown zones, the minimum size for Planned Community Developments as  
7 provided in Section 23.49.036;
- 8                   6. In ((d))Downtown zones, the average floor area limit for stories in residential use in  
9 Chart 23.49.058D1;
- 10                  7. In Downtown zones, the provisions for combined lot developments as provided in  
11 Section 23.49.041;
- 12                  8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in  
13 23.49.058E;
- 14                  9. Downtown view corridor requirements, provided that departures may be granted to  
15 allow open railings on upper level roof decks or rooftop open space to project into the required view  
16 corridor, provided such railings are determined to have a minimal impact on views and meet the  
17 requirements of the Building Code;
- 18                  10. Floor Area Ratios;
- 19                  11. Maximum size of use;
- 20                  12. Structure height, except that:
  - 21                   a. Within the Roosevelt Commercial Core building height departures may be  
22 granted (up to an additional three (3) feet) for properties zoned NC3-65', (Exhibit 23.41.012 A,  
23 Roosevelt Commercial Core);
- 24



1                   b. Within the Ballard Municipal Center Master Plan area building height  
2 departures may be granted for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal  
3 Center Master Plan Area). The additional height may not exceed nine (9) feet, and may be granted only  
4 for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard  
5 Municipal Center Master Plan;

6                   c: In Downtown zones building height departures may be granted for minor  
7 communication utilities as set forth in Section 23.57.013B;

8                   13. Quantity of parking required, maximum parking limit in Downtown zones, and  
9 maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area  
10 required parking for ground level retail uses that abut established mid-block pedestrian connections  
11 through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines,  
12 2000" may be reduced. The parking requirement shall not be less than the required parking for  
13 Pedestrian designated areas shown in Section 23.54.015 Chart D;

14                   14. Provisions of the Shoreline District, Chapter 23.60;

15                   15. Standards for storage of solid-waste containers;

16                   16. The quantity of open space required for major office projects in Downtown zones as  
17 provided in Section 23.49.016B;

18                   17. Noise and odor standards((-));

19                   18. Standards for the location of access to parking in Downtown zones;

20                   19. Provisions of Chapter 23.52, Transportation Concurrency Project Review System;

21                   20. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements, except  
22 that departures may be granted from the access easement standards in Section 23.53.025 and the  
23 provisions for structural building overhangs in Section 23.53.035;  
24



1                    21. Definitions; and

2                    22. Measurements.

3                    C. Limitations upon departures through the design review process established in subsection B of  
4 this section do not limit departures expressly permitted by other provisions of this title or other titles of  
5 the Seattle Municipal Code.

6                    Section 2. Subsection B of Seattle Municipal Code Section 23.45.008, which Section was last  
7 amended by Ordinance 120608, is amended as follows:

8 **23.45.008 Density -- Lowrise zones.**

9                    \* \* \*

10                    B. 1. In Lowrise 3 and Lowrise 4 zones, low-income disabled multifamily structures,  
11 low-income elderly multifamily structures ((for low-income elderly or low-income disabled residents  
12 or)) and low-income elderly/low-income disabled multifamily structures, operated by a public agency or  
13 a private nonprofit corporation, shall have a maximum density as follows:

14                    Lowrise 3 -- One (1) dwelling unit per five hundred fifty (550) square feet of lot area.

15                    Lowrise 4 -- One (1) dwelling unit per four hundred (400) square feet of lot area.

16                    2. In order to qualify for the density provisions of this subsection B, a majority of the  
17 dwelling units of the structure shall be designed for and dedicated to tenancies of at least three (3)  
18 months.

19                    3. The dwelling units shall remain as a low-income disabled multifamily structure, low-  
20 income elderly multifamily structure, or low-income elderly/low-income disabled multifamily structure  
21 for the life of the structure.

22                    \* \* \*

1 Section 3. Maps 1A through 1K, inclusive, in Chapter 23.49 of the Seattle Municipal Code, as  
2 last amended by Ordinance 122054, are hereby repealed and Maps 1A through 1K attached to this  
3 ordinance are hereby enacted, to be codified at the end of Chapter 23.49.

4 Section 4. Subsection A of Seattle Municipal Code Section 23.49.009, as enacted by Ordinance  
5 122054, is amended as follows:

6 **23.49.009 Street-level use requirements.**

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

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

- 10 1. Retail sales and services, except lodging;
- 11 2. Human service uses and childcare facilities;
- 12 3. Customer service offices;
- 13 4. Entertainment uses;
- 14 5. Museums, and administrative offices within a museum expansion space meeting the  
15 requirement of subsection 23.49.011B1h;
- 16 6. Libraries;
- 17 7. Elementary and secondary schools; and
- 18 ~~((7))~~ 8. Public atriums.

19 \* \* \*

20 Section 5. Subsections A and B of Seattle Municipal Code Section 23.49.015, as enacted by  
21 Ordinance 122054, are amended as follows:

22 **23.49.015 Bonus residential floor area for voluntary agreements for low-income housing and**  
23 **moderate income housing.**

1           A. General Provisions.

2                   1. The purpose of this section is to encourage residential development in addition to that  
3 authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts  
4 from the bonus development are mitigated. "Basic zoning regulations" for purposes of this section are  
5 the provisions of Section 23.49.008 that determine base height limits for residential use in DOC-1,  
6 DOC-2 and DMC zones, and for DMC zones, the provisions of Section 23.49.058 that determine the  
7 maximum average floor area per story. The City has determined that one impact of high-rise residential  
8 development is an increased need for low-income housing and moderate-income housing downtown to  
9 house the families of workers having lower paid jobs who serve the residents of such development. The  
10 City also finds that DOC-1, DOC-2 , and DMC zones are areas in which increased residential  
11 development will assist in achieving local growth management and housing policies, and has determined  
12 that increased residential development capacity and height of residential structures can be achieved  
13 within these zones, subject to consideration of other regulatory controls on development. The City  
14 Council finds that in the case of affordable housing for rental occupancy, use of the income level for  
15 low-income housing rather than a lower level is necessary to address local housing market conditions,  
16 and that in the case of affordable housing for owner occupancy, higher income levels than those for low-  
17 income housing are needed to address local housing market conditions. The City hereby adopts the  
18 extension of the authority of Chapter 149, Laws of 2006 of the State of Washington, to the bonus  
19 development program under this Section 23.49.015, in addition to the City's preexisting authority. To  
20 the extent that any provision of this Section or the application thereof to any project for which a Master  
21 Use Permit application is considered under the Land Use Code as in effect after the effective date of  
22 Section 2 of Chapter 149, Laws of 2006 would conflict with any requirement of that statute, the terms of  
23  
24

1 this Section shall be deemed modified to conform to the requirements of Section 2 of Chapter 149, Laws  
2 of 2006.

3           2. An applicant may elect to seek bonus development under this section only for a  
4 project in a DOC1, DOC2 or DMC zone that includes residential development. If an applicant elects to  
5 seek approval of bonus development under this section, the applicant must execute a voluntary  
6 agreement with the City in which the applicant agrees to provide mitigation for impacts described in  
7 subsection A1 of this section. The mitigation may be provided in the form of low-income housing or  
8 moderate-income housing, or both, either within or adjacent to the residential project using the bonus  
9 development (the "performance option"), by paying the City to build or provide the housing (the  
10 "payment option"), or by a combination of the performance and payment options.

11           3. No bonus development under this section shall be granted to any proposed  
12 development that would result in significant alteration to any designated feature of a Landmark structure  
13 unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

14           4. No bonus development under this section shall be granted for any housing in a new  
15 structure unless the applicant makes a commitment that the structure shall earn a LEED Silver rating.  
16 When such a commitment is made, the provisions of SMC Section 23.49.020 shall apply. This  
17 subsection 4 shall expire and be of no further effect five (5) years after the effective date of this  
18 ordinance.

19           5. The Master Use Permit application to establish any bonus development under this  
20 section shall include a calculation of the amount of bonus development sought and shall identify the  
21 manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the  
22 time of issuance of any Master Use Permit decision approving any such bonus development, issue a  
23 Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus  
24



development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with this section and any other conditions of the permit, including Design Review conditions if applicable.

B. Voluntary Agreements for Housing.

1. The voluntary agreement shall commit the applicant to provide or contribute to low-income housing or moderate-income housing, or both, in an amount as set forth in this subsection B. The quantities in this subsection are based on findings of an analysis that quantifies the linkages between new market-rate units in high-rise residential structures in DOC1, DOC2, and DMC zones and the demand that residents of such units generate for low-income housing and moderate-income housing. The amount of such housing and income levels served, and the amount of any cash payment, shall be determined as follows:

a. For the performance option, the applicant shall provide, as low-income housing or moderate-income housing, net rentable floor area equal to eleven (11) percent of the net residential floor area sought as bonus development, computed by multiplying the following sum by an efficiency factor of eighty (80) percent: (i) the total square footage of gross residential floor area to be developed on the lot above the base height limit for residential use under SMC Section 23.49.008, plus (ii) the excess, if any, in each tower to be developed on the lot, of (X) the total number of square feet of gross residential floor area between the height of eighty-five (85) feet and such base height limit, over (Y) the product of the "average residential gross floor area limit of stories above 85 feet if height does not exceed the base height limit for residential use" as provided in Chart 23.49.058D1, column 2, multiplied by the number of stories with residential use in such tower above eighty-five (85) feet and below such base height limit. All low-income housing or moderate income housing provided under the performance option shall be on the lot where the bonus development is used or an adjacent lot. The

1 adjacent lot must be within the block where the bonus development is used and either abut the lot where  
2 bonus development is used, or be separated only by public right-of-way. All rental housing provided  
3 under the performance option shall be low-income housing.

4 b. For the payment option, the applicant shall pay the lesser of the following:

5 (1) an amount that equals the approximate cost of developing the same  
6 number and quality of housing units that would be developed under the performance option, as  
7 determined by the Director ; or

8 (2) (i) in DMC zones, ten (10) dollars per square foot of net residential  
9 floor area sought as bonus development between the height of eighty-five (85) feet and the base height  
10 limit for residential use under Section 23.49.008, fifteen (15) dollars per square foot of the net  
11 residential floor area of the first four (4) floors above the base height limit for residential use, twenty  
12 (20) dollars per square foot of net residential floor area of the next three (3) floors, and twenty-five (25)  
13 dollars per square foot of net residential floor area of the remaining floors up to the maximum residential  
14 height limit, not to exceed an average of eighteen dollars and ninety-four cents (18.94) per square foot  
15 of net residential floor area sought as bonus development; and (ii) in DOC1 and DOC2 zones, eighteen  
16 dollars and ninety-four cents (18.94) per square foot of net residential floor area sought as bonus  
17 development above the base height limit for residential use under Section 23.49.008. Net residential  
18 floor area shall be computed by multiplying the total gross floor area sought as bonus development by  
19 an efficiency factor of eighty (80) percent. The full amount must be paid to the City in cash, except that  
20 if the City shall approve by ordinance the acceptance of specific real property in lieu of all or part of the  
21 cash payment, the Housing Director may accept such real property.

22 2. Each low-income housing unit provided as a condition to the bonus allowed under this  
23 section shall serve only households with incomes at or below eighty (80) percent of median income at  
24

1 the time of their initial occupancy. Each moderate-income housing unit provided as a condition to the  
2 bonus allowed under this section shall serve only as owner-occupied housing for households with  
3 incomes no higher than median income at the time of their initial occupancy. For rental housing,  
4 housing costs, including rent and basic utilities, shall not exceed 30% of eighty (80) percent of median  
5 income, adjusted for the average size of family expected to occupy the unit based on the number of  
6 bedrooms, all as determined by the Housing Director, for a minimum period of fifty (50) years. For  
7 owner-occupied housing, the initial sale price shall not exceed an amount determined by the Housing  
8 Director to be consistent with affordable housing for a moderate-income household with the average  
9 family size expected to occupy the unit based on the number of bedrooms, and the units shall be subject  
10 to recorded instruments satisfactory to the Housing Director providing for sales prices on any resale  
11 consistent with affordability on the same basis. The Housing Director may promulgate rules specifying  
12 the method of determining affordability, including eligible monthly housing costs. The Housing  
13 Director may also promulgate rules for determining whether units satisfy the requirements of this section  
14 and any requirements relating to down-payment amount, design, quality, maintenance and condition of  
15 the low-income housing or moderate-income housing.

16 3. For purposes of this section, housing may be considered to be provided by the  
17 applicant seeking bonus development under the performance option if the housing satisfies all of the  
18 following conditions:

19 (i) It is committed to serve an eligible income group, and for a time period,  
20 referred to in this section pursuant to an agreement between the housing owner and the City.

21 (ii) The agreement required by subsection (i) is executed and recorded prior to  
22 the issuance of the master use permit to establish the use for the project using the bonus development,  
23  
24

1 but except when subsection (iii)(B) below applies, no earlier than 1 year prior to issuance of that master  
2 use permit.

3 (iii) Either (A) the Certificate of Occupancy for the new low-income housing or  
4 moderate income housing, or both, must be issued within 3 years of the date the Certificate of  
5 Occupancy is issued for the project using the bonus((5)) development, unless the Housing Director  
6 approves an extension based on delays that the applicant or housing developer could not reasonably  
7 have avoided, or (B) only in the case of low-income housing on a lot adjacent to the project using bonus  
8 development, which housing is subject to a regulatory agreement related to long-term City financing of  
9 low-income housing and was developed under a master use permit issued pursuant to a decision that  
10 considered the housing together with a project then proposed on that adjacent site, a final Certificate of  
11 Occupancy for the low-income housing was issued within 5 years of the building permit issuance for the  
12 project proposed for bonus development on the adjacent lot.

13 (iv) If the low-income housing or moderate-income housing is not owned by the  
14 applicant, then the applicant made a financial contribution to the low-income housing or moderate-  
15 income housing, or promised such contribution and has provided to the City an irrevocable,  
16 unconditional letter of credit to ensure its payment, in form and content satisfactory to the Housing  
17 Director, in either case in an amount determined by the Housing Director to be, when reduced by the  
18 value of any expected benefits to be received for such contribution other than the bonus development,  
19 approximately equal to the cost of providing units within the project using the bonus development, and  
20 the owner of the low-income housing or moderate-income housing has entered into a linkage agreement  
21 with the applicant pursuant to which only the applicant has the right to claim such housing for purposes  
22 of bonus development under this section or any other bonus under this title.



1                   4. Any applicant seeking to qualify for bonus floor area based on development of new  
2 housing shall provide to the City, prior to the date when a contribution would be due for the cash option  
3 under subsection C of this section, an irrevocable bank letter of credit or other sufficient security  
4 approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end  
5 of the three (3) year period specified in subsection B3 of this section, if the housing does not qualify or  
6 is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash  
7 contribution for housing in the amount determined pursuant to this section after credit for any qualifying  
8 housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the  
9 prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per  
10 annum, from the date of issuance of the first building permit for the project using the bonus. If and when  
11 the City becomes entitled to realize on any such security, the Director of the Office of Housing shall  
12 take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the  
13 same manner as cash contributions for housing made under this section. In the case of any project  
14 proposing to use bonus development for which no building permit is required, references to the building  
15 permit in this subsection shall mean the master use permit allowing establishment or expansion of the  
16 use for which bonus development is sought.

17                   5. Nothing in this chapter shall be construed to confer on any owner or developer of  
18 housing, any party to a linkage agreement, or any assignee, any development rights or property interests.  
19 Because the availability and terms of allowance of bonus development depend upon the regulations in  
20 effect at the relevant time for the project proposing to use such bonus development, pursuant to SMC  
21 Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the  
22 eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a  
23  
24



1 linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus  
2 development will be permitted based on such housing.

3           6. The Director of the Office of Housing is authorized to accept and execute agreements  
4 and instruments to implement this section. For the performance option, the voluntary agreement by the  
5 applicant or, if the applicant is not the housing owner, then a recorded agreement of the housing owner  
6 acceptable to the Housing Director, shall provide for an initial monitoring fee payable to the City of  
7 \$500 per unit of low-income housing or moderate-income housing provided, and in the case of rental  
8 housing, an annual monitoring fee payable to the City of \$65 for each such unit. For rental housing,  
9 such agreement also shall require the housing owner to submit to the City annual reports with such  
10 information as the Housing Director shall require for monitoring purposes. In the case of housing for  
11 owner-occupancy, the recorded resale restrictions also shall include a provision requiring payment to the  
12 City, on any sale or other transfer, of a fee of \$500 for the review and processing of transfer documents  
13 to determine compliance with income and affordability restrictions.

14           7. If the Housing Director shall certify to the Director that the Housing Director has  
15 accepted and there have been recorded one or more agreements or instruments satisfactory to the  
16 Housing Director providing for occupancy and affordability restrictions on housing provided for  
17 purposes of the performance option under this section, and that either all affordable housing has been  
18 completed or the applicant has provided the City with an irrevocable, unconditional letter of credit  
19 satisfactory to the Housing Director in the amount of the contribution to the affordable housing  
20 approved by the Housing Director, if applicable, then any failure of such housing to satisfy the  
21 requirements of this subsection B shall not affect the right to maintain or occupy the bonus development.  
22 Unless and until the Housing Director shall so certify, it shall be a continuing permit condition, whether  
23 or not expressly stated, for each project obtaining bonus floor area based on the provision of housing  
24



1 under this subsection, that the low-income or moderate-income housing units, or both, as applicable,  
2 shall continue to satisfy the requirements of this subsection throughout the term specified in this section  
3 and that such compliance shall be documented to the satisfaction of the Director of the Office of  
4 Housing. The Director of the Office of Housing may provide by rule for circumstances in which low-  
5 income or moderate-income housing units, or both, as applicable, may be replaced if lost due to casualty  
6 or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of  
7 continuing to provide low-income housing or moderate-income housing, or both, under the terms of this  
8 subsection.

9           8. Housing units produced with voluntary contributions made under this section, shall  
10 include a range of unit sizes, including units suitable for families with children. Housing units provided  
11 to qualify for bonus development shall comply with the following: (i) they shall be provided in a range  
12 of sizes comparable to those available to other residents; (ii) to the extent practicable, the number of  
13 bedrooms in low-income units and moderate-income units must be in the same proportion as the number  
14 of bedrooms in units within the entire building; (iii) the low-income units and moderate-income units  
15 shall generally be distributed throughout the building, except that they may be provided in an adjacent  
16 building; and (iv) the low-income units and moderate-income units shall have substantially the same  
17 functionality as the other units in the building or buildings. The Housing Director is authorized to  
18 prescribe by rule standards and procedures for determining compliance with the requirements of this  
19 subsection ((7)) 8. The Housing Director is further authorized to adopt policies for distribution of unit  
20 sizes in housing developments funded by contributions received under this section.

21           9. References in this subsection B to a Certificate of Occupancy for a project mean the  
22 first Certificate of Occupancy issued by the City for the project, whether temporary or permanent.

23                               \* \* \*



1 Section 6. Subsection E of Seattle Municipal Code Section 23.49.018, as enacted by Ordinance  
2 122054, is amended as follows:

3 **23.49.018 Overhead Weather Protection and Lighting.**

4 \* \* \*

5 E. Adequate ~~((L))~~ lighting for pedestrians shall be provided ~~((if ambient lighting from other~~  
6 ~~sources is not adequate))~~. The lighting may be located on the facade of the building or on the overhead  
7 ~~((canopy))~~ weather protection.

8 Section 7. Subsections B and H of Seattle Municipal Code Section 23.49.019, as enacted by  
9 Ordinance 122054, are amended as follows:

10 **23.49.019 Parking quantity, location and access requirements, and screening and landscaping of**  
11 **surface parking areas.**

11 \* \* \*

12 **B. Parking Location within Structures.**

13 **1. Parking at street level**

14 a. On Class I pedestrian streets and designated green streets, parking is not  
15 permitted at street level unless separated from the street by other uses, provided that garage doors need  
16 not be separated.

17 b. On Class II pedestrian streets, parking may be permitted at street level if:

18 (1) at least thirty (30) percent of the street frontage of any street level  
19 parking area, excluding that portion of the frontage occupied by garage doors, is separated from the  
20 street by other uses;

21 (2) the facade of the separating uses satisfies the transparency and blank  
22 wall standards for Class I pedestrian streets for the zone in which the structure is located;

1 (3) the portion of the parking, excluding garage doors, that is not separated  
2 from the street by other uses is screened from view at street level; and

3 (4) the street facade is enhanced by architectural detailing, artwork,  
4 landscaping, or similar visual interest features.

5 2. Except as provided in subsection B1 above for parking at street level, parking within  
6 structures shall be located below street level or separated from the street by other uses, except as  
7 follows:

8 a. On lots that are less than thirty thousand (30,000) square feet in size or that are less  
9 than one hundred and fifty (150) feet in depth measured from the lot line with the greatest street  
10 frontage, parking shall be permitted above the first story under the following conditions:

11 (1). One story of parking shall be permitted above the first story of a structure for  
12 each story of parking provided below grade that is of at least equivalent capacity, up to a maximum of  
13 four stories of parking above the first story.

14 (2). Parking above the third story of a structure shall be separated from the street  
15 by another use for a minimum of 30% of each street frontage of the structure. For structures on lots  
16 located at street intersections, the separation by another use shall be provided at the corner portion(s) of  
17 the structure.

18 (3) The perimeter of each story of parking above the first story of the structure  
19 shall have an opaque screen at least three and one-half (3½) feet high where the parking is not separated  
20 from the street by another use.

21 b. The Director may permit more than four stories of parking above the first story of the  
22 structure, or may permit other exceptions to subsection B2a(1) as a Type I decision if the Director finds  
23 that locating parking below grade is infeasible due to physical site conditions such as a high water table  
24

1 or proximity to a tunnel. In such cases; the applicant shall place the maximum feasible amount of  
2 parking below grade before more than four stories of parking above the first story shall be permitted.  
3 Site size is not a basis for granting an exception under this subsection 2b.

4 \* \* \*

5 H. Standards for location of access to parking.

6 This subsection does not apply to Pike Market Mixed, Pioneer Square Mixed, International  
7 District Mixed, and International District Residential zones.

8 1. Curbcut Location.

9 a. When a lot abuts an alley, alley access shall be required, unless the Director  
10 otherwise determines under subsection H1c.

11 b. When a lot does not abut an alley and abuts more than one (1) right-of-way, the  
12 location of access shall be determined by the Director as a Type I decision after consulting with the  
13 Director of Transportation. Unless the Director otherwise determines under subsection H1c,((The  
14 Director shall consider the)) access shall be allowed only from a right-of-way in the category,  
15 determined by the classifications ((of rights-of-way)) shown on Map 1B and Map 1F, that is most  
16 preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth ((and  
17 the ranking of the classifications)) below, from most to least preferred (a portion of a street that is  
18 included in more than one of the categories in subsections i - vii below shall be considered as belonging  
19 only to the least preferred of the categories in which it is included):

20  
21 ((a. Alley, if of sufficient width to accommodate existing and anticipated  
22 uses;))

23 ((b)) i. Access street;  
24

1 ((e))ii. Class II pedestrian street-Minor arterial;

2 ((d))iii. Class II pedestrian street-Principal arterial;

3 ((e))iv. Class I pedestrian street-Minor arterial;

4 ((f))v. Class I pedestrian street-Principal arterial;

5 ((g))vi. Principal transit street((-));

6 vii. Designated green street.

7  
8 ((2. Curbside controls on designated green streets shall be evaluated on a case-by-case  
9 basis, but generally access from green streets is not allowed.

10 3. The preferred))c. The Director may allow or require access from a right-of-way  
11 ((for access)) other than one indicated by subsection H1a or H1b if,((shall be further evaluated by the  
12 Director,)) after consulting with the Director of Transportation((, for a final determination based-)) on  
13 whether and to what extent alternative((the)) locations of ((the)) access ((will)) would enhance  
14 pedestrian safety and comfort, facilitate transit operations, facilitate the movement of vehicles,  
15 ((expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid)) minimize the on-street  
16 queuing of vehicles, enhance vehicular safety((and pedestrian comfort)), or ((create-a)) minimize  
17 hazards, the Director finds that an exception to the general policy is warranted. Curbside controls on  
18 designated green streets shall be evaluated on a case-by-case basis, but generally access from green  
19 streets is not allowed if access from any other right-of-way is possible.

20 ((4))2. Curbside Width and Number. The width and number of curbside shall comply with  
21 the provisions of Section 23.54.030, Parking space standards.

22 \* \* \*

1 Section 8. Subsection A of Seattle Municipal Code Section 23.49.024, which Section was last  
2 amended by Ordinance 113279, is amended as follows:

3 **23.49.024 View corridor requirements.**

4 A. Upper-level setbacks shall be required for the following view corridors, identified on Map  
5 ~~((F))~~D:

- 6 1. Broad, Clay, Vine, Wall, Battery and Bell Streets west of First Avenue; and
- 7 2. University, Seneca, Spring, Madison and Marion Streets west of Third Avenue.

8 \* \* \*

9 Section 9. Subsections C, D and E of Seattle Municipal Code Section 23.49.058, which Section  
10 was last amended by Ordinance 122054, are amended as follows:

11 **23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial**  
12 **upper-level development standards.**

13 \* \* \*

14 C. ~~((Maximum tower))~~ Upper-level width limit. On lots where the width and depth of the lot  
15 each exceed two hundred (200) feet, the maximum façade width for any portion((s)) of a building above  
16 two hundred forty (240) feet shall be one hundred forty-five (145) feet along the general north/south axis  
17 of a site (parallel to the Avenues), and this portion of the structure shall be separated horizontally from  
18 any other portion of a structure on the lot above ~~((145))~~ two hundred forty (240) feet by at least eighty  
19 (80) feet at all points.

20 D. Tower floor area limits and tower width limits for portions of structures in residential use. The  
21 requirements of this subsection D apply only to structures that include portions in residential use above a  
22 height of one hundred and sixty (160) feet.

1. Maximum limits on average residential gross floor area per story and maximum residential floor area per story of towers are prescribed in Chart 23.49.058D1.

**Chart 23.49.058D1**  
**Average residential gross floor area per story and maximum residential gross floor area per story of a tower\***

| (1) Zone                            | (2) Average residential gross floor area limit ((e)) per story of a tower if height does not exceed the base height limit for residential use | (3) Average residential gross floor area limit per story of a tower when height exceeds the base height limit for residential use | (4) Maximum residential floor area of any story in a tower |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| DMC 240/290-400 and DMC 340/290-400 | 10,000 sq. ft.                                                                                                                                | 10,700 sq. ft.                                                                                                                    | 11,500 sq. ft.                                             |
| DOC2                                | 15,000 sq. ft.                                                                                                                                | 12,700 sq. ft.                                                                                                                    | 16,500 sq. ft.                                             |
| DOC1                                | 15,000 sq. ft.                                                                                                                                | 13,800 sq. ft.                                                                                                                    | 16,500 sq. ft.                                             |

\*For the height at which a "tower" begins, see the definition at the beginning of this Section 23.49.058.

a. For structures that do not exceed the base height limit for residential use, each tower is subject to the average floor area per story limits specified in column (2) on Chart 23.49.058D1.

b. For structures that exceed the base height limit for residential use (which requires that the applicant obtain bonus residential floor area pursuant to Section 23.49.015), the average residential gross floor area per story of each tower is subject to the applicable maximum limit specified in column (3) on Chart 23.49.058D1.

c. In no instance shall the residential gross floor area of any story in a tower exceed the applicable maximum limit specified in column (4) on Chart 23.49.058D1.

d. Unoccupied space provided for architectural interest pursuant to Section 23.49.008B shall not be included in the calculation of gross floor area.

2. Maximum Tower Width.

1 a. In DMC zones, the maximum façade width for portions of a building above  
2 eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one-  
3 hundred twenty (120) feet or eighty (80) percent of the width of the lot measured on the Avenue, which  
4 ever is less, except that:

5 (1) On a lot where the limiting factor is the eighty (80) percent width limit,  
6 the façade width is one ~~((--))~~ hundred twenty (120) feet, when at all elevations above a height of eighty-  
7 five (85) feet, no more than fifty (50) percent of the area of the lot located within fifteen (15) feet of the  
8 street lot line(s) is occupied by the structure; and

9 (2) On lots smaller than ten thousand seven hundred (10,700) square feet  
10 that are bounded on all sides by street right-of-way, the maximum façade width shall be one hundred  
11 twenty (120) feet.

12 b. In DOC1 and DOC2 zones, the maximum façade width for portions of a  
13 building above eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues)  
14 shall be one hundred forty-five (145) feet.

15 ~~((e. the maximum width of tower structures may be increased if lot is combined~~  
16 ~~with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:~~

17 ~~(1). All lots have frontage on the same street;~~

18 ~~(2). Any existing structure does not exceed a height of one hundred~~  
19 ~~twenty-five (125) feet;~~

20 ~~(3). The coverage and spacing of both the proposed and any existing~~  
21 ~~structures meets the limits established in this Section; and~~  
22  
23  
24

1                                   (4). The fee owners of the abutting lot(s) execute and record a covenant  
2 that restricts future development on the abutting lot to a maximum height of one hundred twenty-five  
3 (125) feet for the life of the proposed structure; and that precludes the use of the abutting lot(s) in  
4 combination with any other lots for purposes of meeting the requirements of this section.))

5                                   ((d)) c. The projection of unenclosed decks and balconies, and architectural  
6 features such as cornices, shall be disregarded in calculating the maximum width of a façade.

7  
8                   E. Tower spacing for all structures over 160 feet in height in those DMC zoned areas specified  
9 below:

10                           1. For the purposes of this section, no separation is required:

- 11                                   a. between structures on different blocks, except as may be required by view  
12 corridor or designated green street setbacks, or  
13                                   b. from a structure on the same block that is not located in a DMC zone; or  
14                                   c. from a structure allowed pursuant to the Land Use Code in effect prior to the  
15 effective date of ((this o)) Ordinance 122054.

16                           2. Except as otherwise provided in this subsection E, in the DMC 240'/290-400' zone  
17 located between Stewart Street, Union Street, Third Avenue and First Avenue, if any part of a tower  
18 exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred  
19 and twenty-five (125) feet in height shall be separated by a minimum of two hundred (200) feet from  
20 any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

21                           3. Except as otherwise provided in this subsection E, on DMC zoned sites with  
22 maximum height limits of more than one hundred sixty (160) feet located either in the Belltown Urban  
23 Center Village, as shown on Exhibit 23.49.058E, or south of Union Street, if any part of a tower exceeds  
24

1 one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and  
2 twenty-five (125) feet in height must be separated by a minimum of eighty (80) feet from any portion of  
3 any other existing tower above one hundred and twenty-five (125) feet in height.

4 4. Except as otherwise provided in this subsection E, on DMC zoned sites with maximum  
5 height limits of more than one hundred sixty (160) feet located in the Denny Triangle Urban Center  
6 Village, as shown on Exhibit 23.49.056F, if any part of a tower exceeds one hundred sixty (160) feet in  
7 height, then all portions of the tower that are above one hundred and twenty-five (125) feet in height  
8 must be separated by a minimum of sixty (60) feet from any portion of any other existing tower above  
9 one hundred and twenty-five (125) feet in height.

10 5. The projection of unenclosed decks and balconies, and architectural features such as  
11 cornices, shall be disregarded in calculating tower separation.

12 6. If the presence of an existing tower would preclude the addition of another tower  
13 proposed on the same block, as a special exception, the Director may waive or modify the tower spacing  
14 requirements of this section to allow a maximum of two towers to be located on the same block that are  
15 not separated by at least the ~~min~~((m))imum spacing required in subsections E2, E3 and E4, other than  
16 towers described in subsection E1. The Director shall determine that issues raised in the design review  
17 process related to the presence of the additional tower have been adequately addressed before granting  
18 any exceptions to tower spacing standards. The Director shall consider the following factors in  
19 determining whether such an exception shall be granted:

20 a. potential impact of the additional tower on adjacent residential structures,  
21 located within the same block and on adjacent blocks, in terms of views, privacy, and shadows;

22 b. potential public benefits that offset the impact of the reduction in required  
23 separation between towers, including the provision of public open space, designated green street or other  
24

streetscape improvements, preservation of landmark structures, and provision of neighborhood commercial services, such as a grocery store, or community services, such as a community center or school;

c. potential impact on the public environment, including shadow and view impacts on nearby streets and public open spaces;

d. design characteristics of the additional tower in terms of overall bulk and massing, façade treatments and transparency, visual interest, and other features that may offset impacts related to the reduction in required separation between towers;

e. the City's goal of encouraging residential development downtown; and

f. the feasibility of developing the site without an exception from the tower spacing requirement.

7. For purposes of this section, an "existing" tower is either:

(a) a tower that is physically present, except as provided below in this subsection E6, or

(b) a proposed tower for which a Master Use Permit decision that includes approval of the Design Review element has been issued, unless and until either (i) the Master Use Permit issued pursuant to such decision expires or is cancelled, or the related application is withdrawn by the applicant, without the tower having been constructed; or (ii) a ruling by a hearing examiner or court of competent jurisdiction reversing or vacating such decision, or determining such decision or the Master Use Permit issued thereunder to be invalid, becomes final and no longer subject to judicial review.

A tower that is physically present shall not be considered "existing" if the owner of the lot where such tower is located shall have applied to the Director for a permit to demolish such tower and such

1 application shall be pending or a permit issued for such demolition shall be in effect, but any permit  
2 decision or permit for any structure that would not be permitted under this section if such tower were  
3 considered "existing" may be conditioned upon the actual demolition of such tower.

4 Section 10. Subsection B of Seattle Municipal Code Section 23.49.248, as last amended by  
5 Ordinance 120443, is amended as follows:

6 **23.49.248 International District Residential, side setback and green street setback requirements.**

7 \* \* \*

8 B. Green Street Setbacks. A setback from the street ((property)) lot line shall be required on  
9 green streets, Map 1((G))E, at an elevation of forty (40) feet. The setback shall be as follows:

10 Elevation of Portion of Structure Required Setback

11 40' to 85'

10'

12 86' to 240'

$(H-85') \times .2 + 10'$

13 where H = Total structure height in feet.

14 Section 11. Seattle Municipal Code Section 23.49.322, as last amended by Ordinance 120443, is  
15 amended as follows:

16 **23.49.322 Downtown Harborfront 2, principal and accessory parking.**

17 A. Principal Use Parking.

18 1. Principal use parking garages for both long-term and short-term parking shall be  
19 conditional uses, according to Section 23.49.324.

20 2. Principal use surface parking areas shall be conditional uses in areas shown on Map  
21 1I((J)), and shall be prohibited in other locations, except that temporary principal use surface parking  
22 areas may be permitted as conditional uses pursuant to Section 23.49.324.

23 B. Accessory Parking.



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

3                   2. Accessory surface parking areas shall ~~((either))~~ be:

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

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

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

10                  Section 12. Seattle Municipal Code Section 23.49.336, which Section was last amended by  
11 Ordinance 120443, is amended as follows:

12 **23.49.336 Pike Market Mixed, permitted uses.**

13                  A. Permitted uses within the Pike Place Market Historical District, shown on Map 1K((L)), shall  
14 be determined by the Pike Place Market Historical Commission pursuant to the Pike Place Market  
15 Historical District Ordinance, Chapter 25.24, Seattle Municipal Code.

16                  B. In areas outside of the Pike Place Market Historical District in the Pike Market Mixed (PMM)  
17 zone, as shown on Map 1K((L)), all uses are permitted outright except those specifically prohibited by  
18 Section 23.49.338

19                  Section 13. The introductory subsection of Section 12 of Ordinance 122054 is amended as  
20 follows:

21                  Section 12. S~~((ubs))~~ection 23.49.026 of the Seattle Municipal Code, which Section was last  
22 amended by Ordinance 121196, is renumbered to Section 23.49.010, and subsection B is amended to  
23 read as follows:  
24

\* \* \*

Section 14. Subsection F of Seattle Municipal Code Section 23.76.026, which Section was last amended by Ordinance 121477, is repealed.

Section 15. The subsection entitled "Maximum structure height" in SMC Section 23.84.025, which Section was last amended by Ordinance 122054, is repealed.

Section 16. The introductory subsection of Section II.N of the Downtown Amenity Standards, which Standards were enacted by Ordinance 122054, is amended as follows:

\* \* \*

N. Restoration and Preservation of Landmark Performing Arts Theatre

The landmark performing arts theater (LPAT) bonus is intended to contribute to the city's architectural, historic and cultural heritage by encouraging the preservation, rehabilitation and use of landmark performing arts theaters ((as defined by the City in SMC Chapter 23.84)).

\* \* \*

Section 17. This ordinance is intended in part to clarify the intent of existing law, including without limitation the intent that the map designated "1G" in Ordinance 122054 be designated "1F" and that definitions, measurements, transportation concurrency and certain right-of-way improvement requirements are not within the scope of standards or requirements from which departures may be granted.

Section 18. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances. To the extent that sections of this ordinance enact maps that are substantively identical to maps being repealed hereby, this ordinance shall be construed to continue the substance of the previous maps in

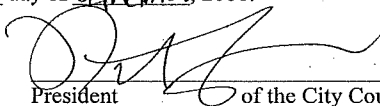


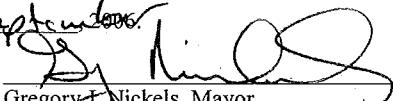
1 effect. The repeal of various sections or maps of Title 23 of the Seattle Municipal Code by this  
2 ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any  
3 permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor shall it relieve  
4 any person or property of any obligations, conditions or restrictions in any agreement or instrument  
5 made or granted pursuant to, or with reference to, the provisions of such Title in effect prior to such  
6 repeal.

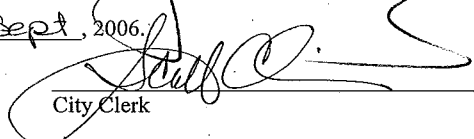
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1 Section 19. This ordinance shall take effect and be in force thirty (30) days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 16<sup>th</sup> day of September 2006, and signed by me in open session  
5 in authentication of its passage this 18<sup>th</sup> day of September 2006.

6  
7   
President \_\_\_\_\_ of the City Council

8 Approved by me this 25<sup>th</sup> day of September 2006.  
9   
Gregory J. Nickels, Mayor

10 Filed by me this 28<sup>th</sup> day of Sept, 2006.  
11   
12 City Clerk

13 (Seal)  
14

15 Attachment 1: Downtown Maps:

16 Map 1A Downtown Zones

17 Map 1B Street Classifications

18 Map 1C Sidewalk Widths

19 Map 1D View Corridors

20 Map 1E Existing Public Benefit Features under Title 24

21 Map 1F Pedestrian Street Classifications

22 Map 1G Street Level Use Required

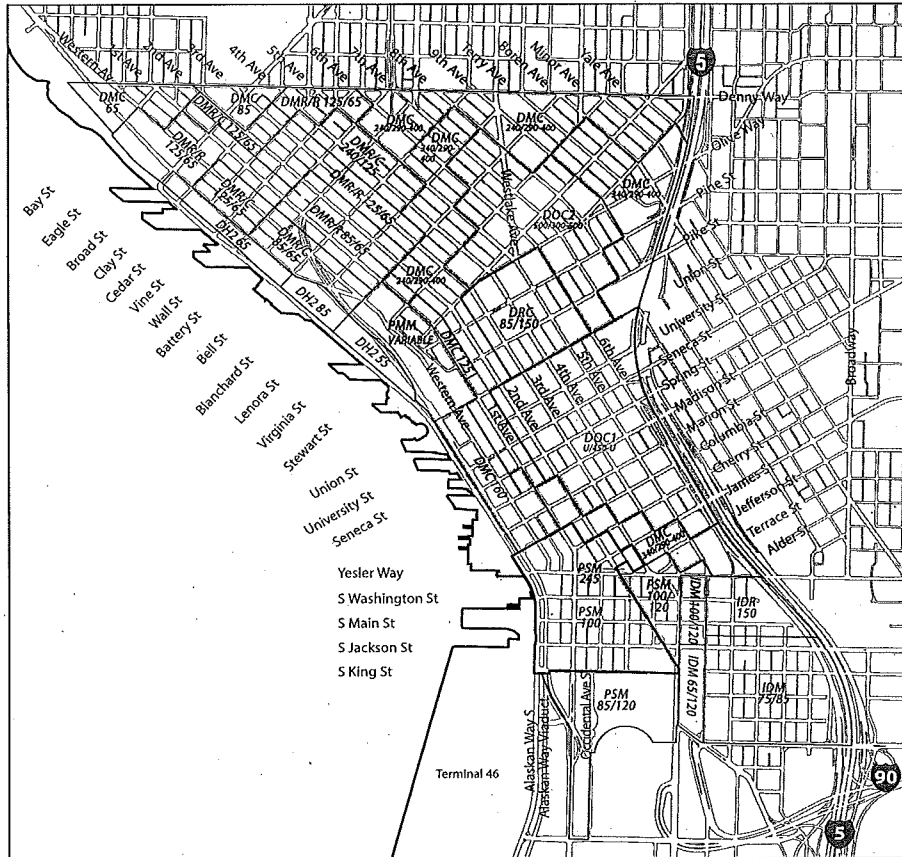
23 Map 1H Property Line Facades

24 Map 1I Parking Uses Permitted

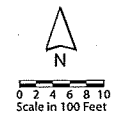
Map 1J Public Amenity Features

Map 1K Pike Place Market

## Downtown Zones



|       |                                    |
|-------|------------------------------------|
| DOC1  | Office Core - 1                    |
| DOC2  | Office Core - 2                    |
| DRC   | Retail Core                        |
| DMC   | Mixed Commercial                   |
| DMR/R | Mixed Residential / Residential    |
| DMR/C | Mixed Residential / Commercial     |
| PSM   | Pioneer Square Mixed               |
| IDM   | International District Mixed       |
| IDR   | International District Residential |
| PMM   | Pike Market Mixed                  |
| DH1   | Harborfront - 1                    |
| DH2   | Harborfront - 2                    |

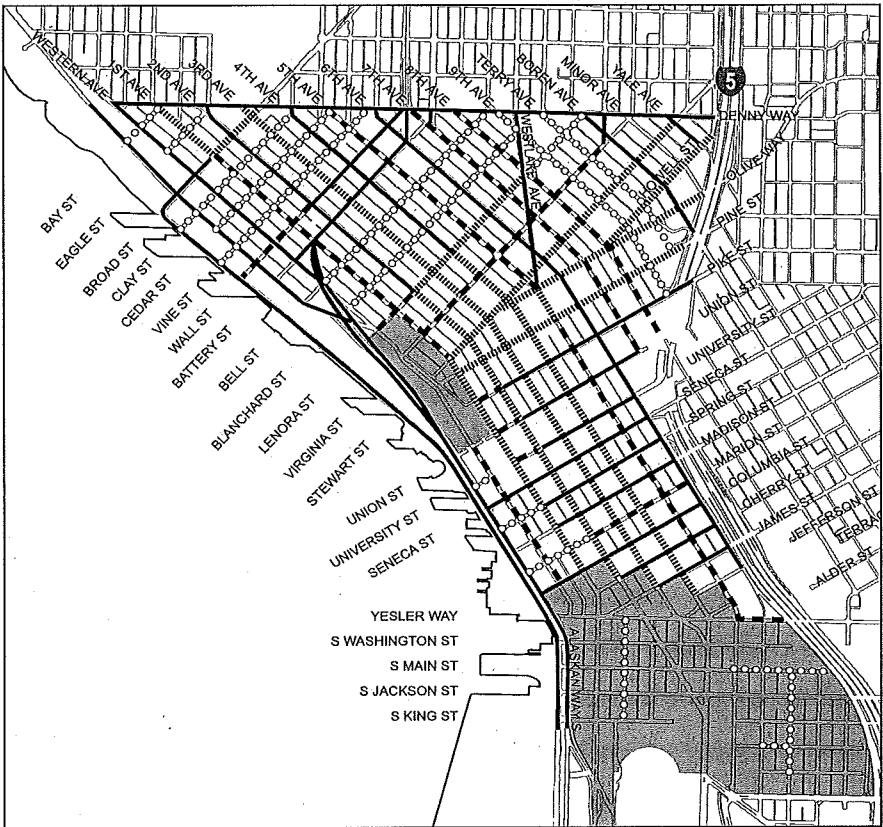


DOWNTOWN ZONING  
**Map 1A**  
Downtown Zones

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sort, including accuracy, fitness, or  
merchantability accompany this product.



# Street Classifications



—+— Access Street

— Principal Arterial  
(other than Principal  
Transit Street)

— ■ — Minor Arterial  
(other than Principal  
Transit Street)

○ ○ ○ ○ Green Street

||||| Principal Transit Street

■ Access to parking regulated  
by Special Review or Historic  
District Regulations



0 2 4 6 8 10  
Scale in 100 Feet

DOWNTOWN ZONING

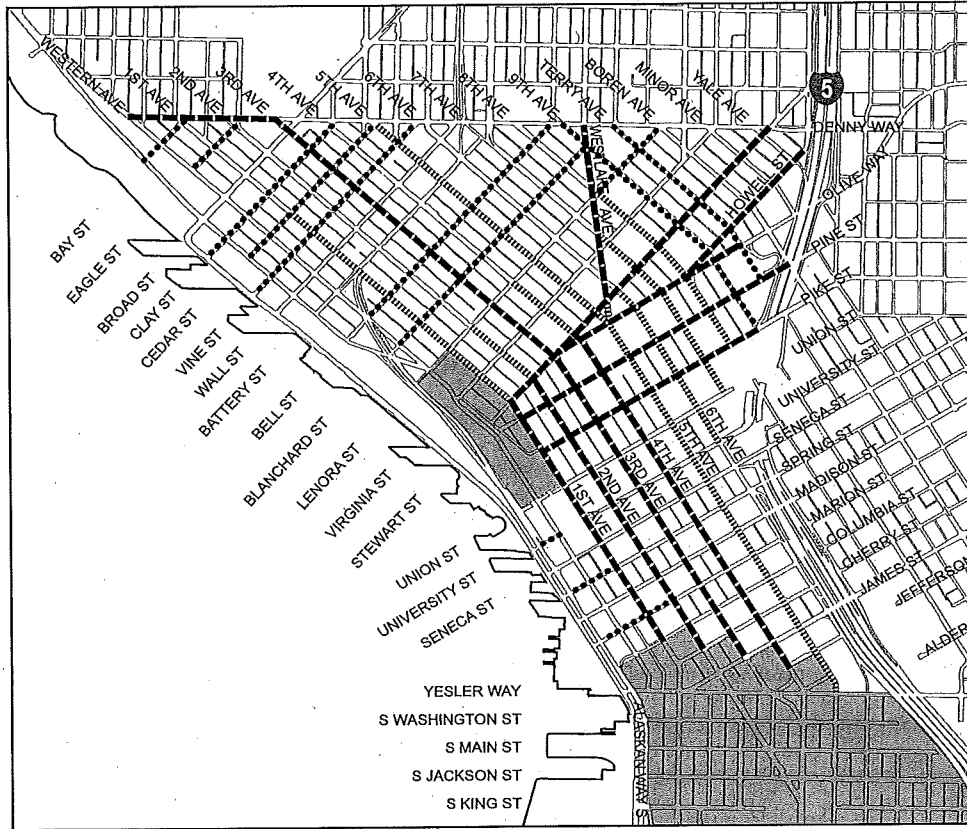
**Map 1B**  
**Street Classifications**

Note: This map is only for purposes of Section 23.49.019, the Downtown Amenity Standards, and any other provisions that refer specifically to Map 1B. Exhibit 23.53.015A should be referred to for a complete identification of arterials for other purposes.

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## Sidewalk Widths



..... Variable

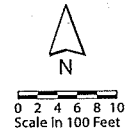
12' applies to all unmarked streets

===== 15'

----- 18' (when on a one-way street, only  
the side with transit stops shall be 18';  
the other side shall be 15'.)

■ Sidewalk widths addressed by  
Special Review or Historic  
District regulations

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sort, including accuracy, fitness, or  
merchantability accompany this product.

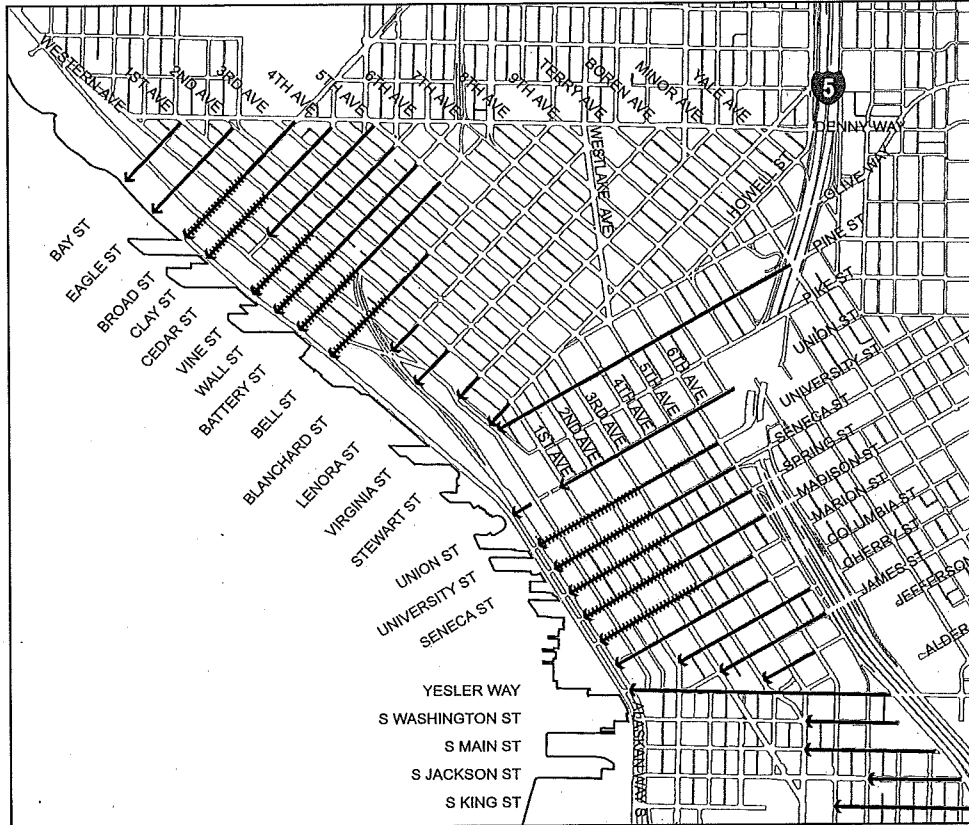


DOWNTOWN ZONING

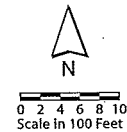
**Map 1C**  
**Sidewalk Widths**



## View Corridors



- View Corridors as established in Downtown View Corridor Map, Exhibit 3.5.C of Resolution 30297 (black line indicates extent of View Corridor)
- Portions of View Corridor requiring View Corridor setbacks according to Section 23.49.024
- ← Arrow Indicates direction of View

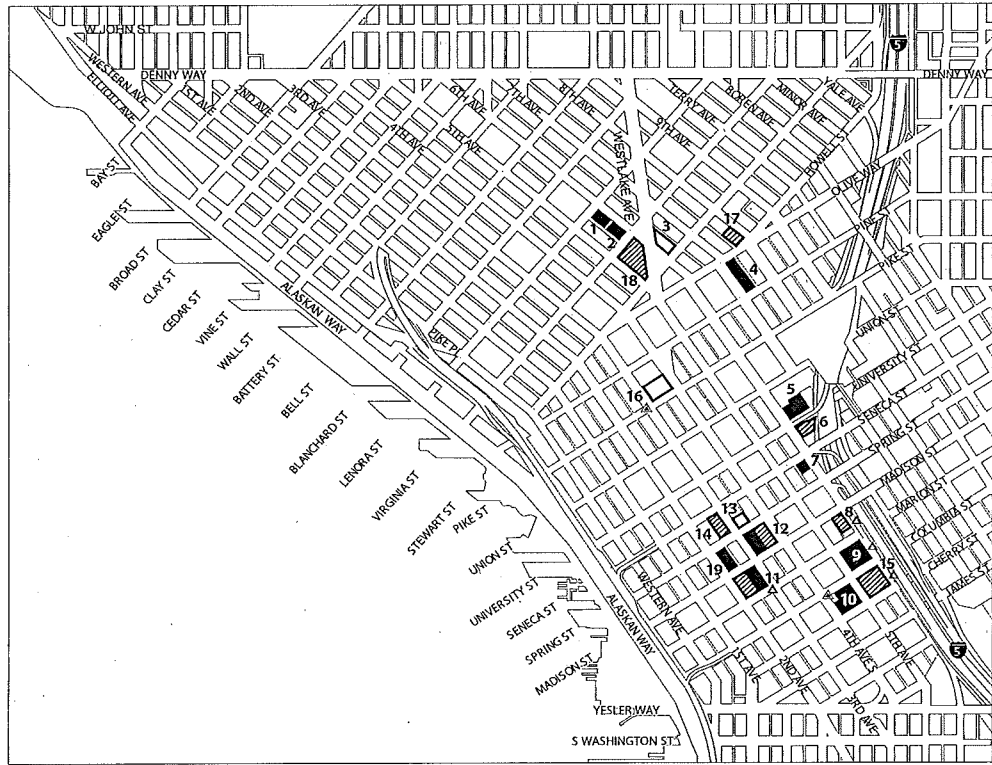


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DOWNTOWN ZONING  
**Map 1D**  
View Corridors



## Existing Public Benefit Features under Title 24



### Public Benefit Features

## A Plaza

-  Type I  
 Type II

### B Shopping Plaza

-  Type I  
 Type II

## C Arcade

### D Shopping Arcade

-  Interior  
 Exterior

### E Voluntary Building Setback

**Projects** (current building names as of June 2006)

- |                                                  |                                     |
|--------------------------------------------------|-------------------------------------|
| 1 Sixth & Lenora Building—A C E                  | 11 Wells Fargo Center—A B C D E     |
| 2 Westin Building—A C                            | 12 1001 4th Avenue Plaza—A C        |
| 3 Plaza 600 Building—C E                         | 13 Abraham Lincoln Building—C       |
| 4 1600 Qwest Plaza—A C E                         | 14 1111 Third Avenue Building—B C D |
| 5 One Union Square—A E                           | 15 Seattle Municipal Tower—A B C D  |
| 6 Park Plaza—A C                                 | 16 Century Square Tower—D           |
| 7 Crowne Plaza Hotel—A C                         | 17 720 Olive Way—A                  |
| 8 Renaissance Madison Hotel—A C D E              | 18 Westin Hotel—A E                 |
| 9 Fifth Avenue Plaza—A B C D E                   | 19 1000 2nd Avenue—A C              |
| 10 Columbia Center/Bank of America Tower—A B C D |                                     |
- DOWNTOWN  
Map

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0 2 4 6 8 10  
SCALE IN 100 FEET

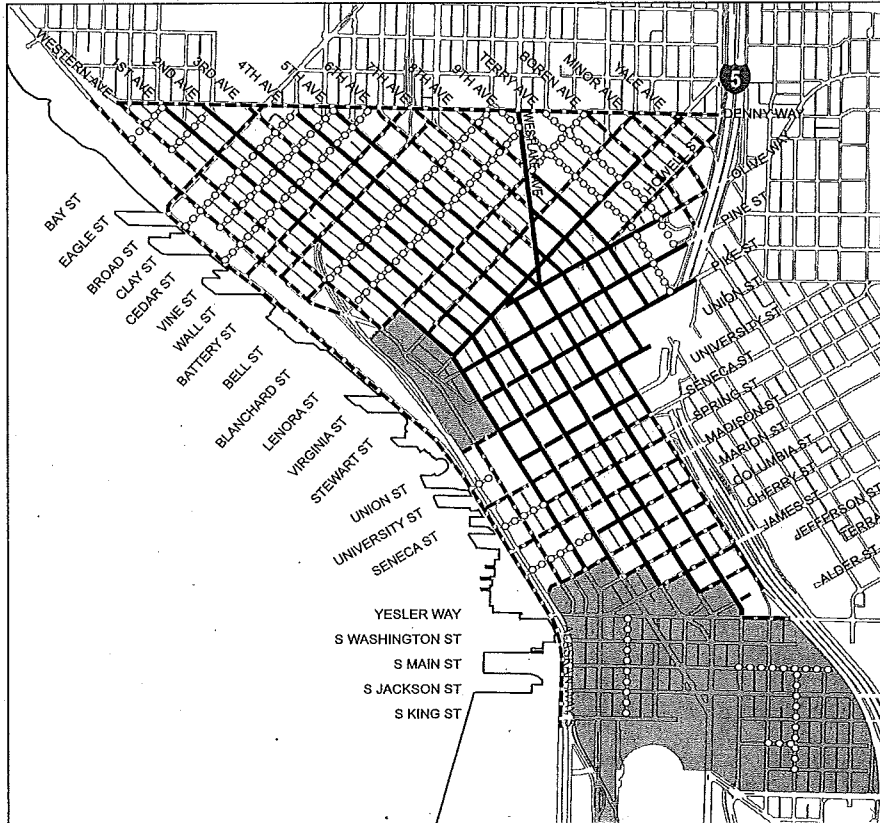
## DOWNTOWN ZONING

### Map 1E

**Existing Public Benefit  
Features under Title 24**



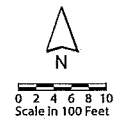
## Pedestrian Street Classifications



- Class I
- - - Class II
- ooooo Green Street

 Pedestrian Street Classifications regulated by Special Review or Historic District Regulations, except that Green Street setbacks in the International District Residential zone are regulated by Section 23.49.248

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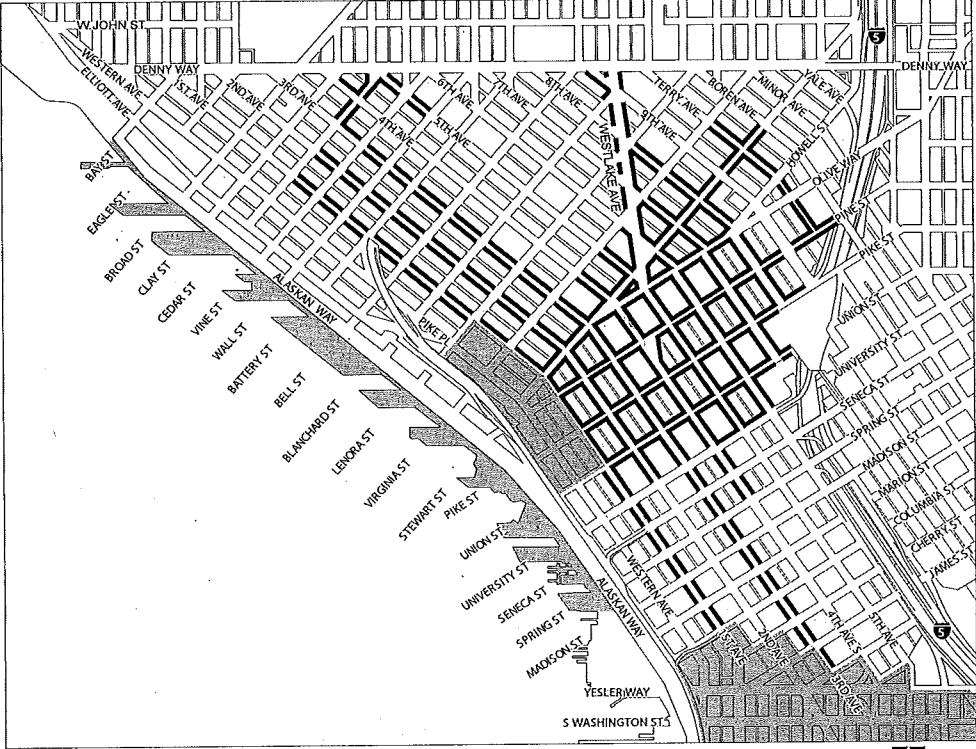


DOWNTOWN ZONING

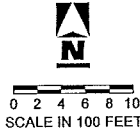
**Map 1F**  
**Pedestrian Street**  
**Classifications**



# Street Level Use Required



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



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DOWNTOWN ZONING  
**Map 1G**  
 Street Level Use  
 Required

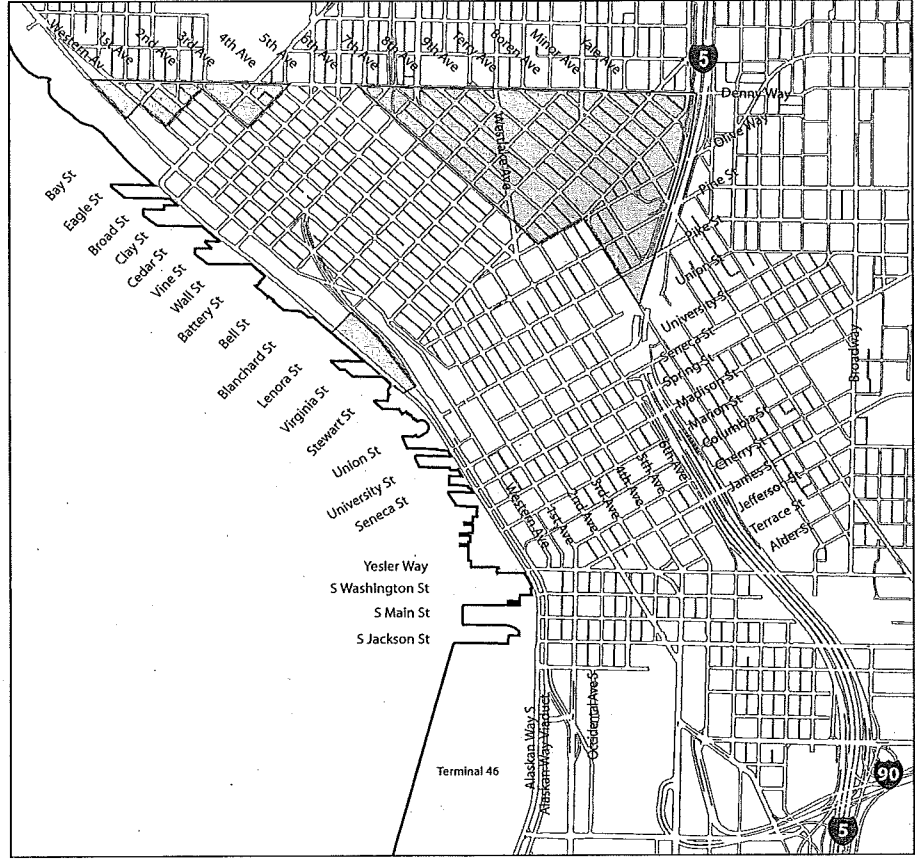
34143 DOW DOWNTOWN ZONING TDR PROJECT MAP REVISED MAP 1G REVISED 10.01 REV. 07/23/04



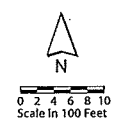
This is a detailed street map of the University City area in San Diego. The map shows a grid of streets, with major thoroughfares like Denny Way, Alaskan Way, and various numbered streets (e.g., 1st St, 2nd St, 3rd St, 4th St, 5th St, 6th St, 7th St, 8th St, 9th St, 10th St, 11th St, 12th St, 13th St, 14th St, 15th St, 16th St, 17th St, 18th St, 19th St, 20th St, 21st St, 22nd St, 23rd St, 24th St, 25th St, 26th St, 27th St, 28th St, 29th St, 30th St, 31st St, 32nd St, 33rd St, 34th St, 35th St, 36th St, 37th St, 38th St, 39th St, 40th St, 41st St, 42nd St, 43rd St, 44th St, 45th St, 46th St, 47th St, 48th St, 49th St, 50th St, 51st St, 52nd St, 53rd St, 54th St, 55th St, 56th St, 57th St, 58th St, 59th St, 60th St, 61st St, 62nd St, 63rd St, 64th St, 65th St, 66th St, 67th St, 68th St, 69th St, 70th St, 71st St, 72nd St, 73rd St, 74th St, 75th St, 76th St, 77th St, 78th St, 79th St, 80th St, 81st St, 82nd St, 83rd St, 84th St, 85th St, 86th St, 87th St, 88th St, 89th St, 90th St, 91st St, 92nd St, 93rd St, 94th St, 95th St, 96th St, 97th St, 98th St, 99th St, 100th St). The map also shows the coastline and the location of the University City neighborhood, which is shaded in a darker color. The map is oriented with North at the top.

0 2 4 6 8 10  
SCALE IN 100 FEET

# Parking Uses Permitted



Accessory and Principal Use  
 Surface Parking Areas Permitted  
 According to the Parking Use  
 Provisions of the Zone

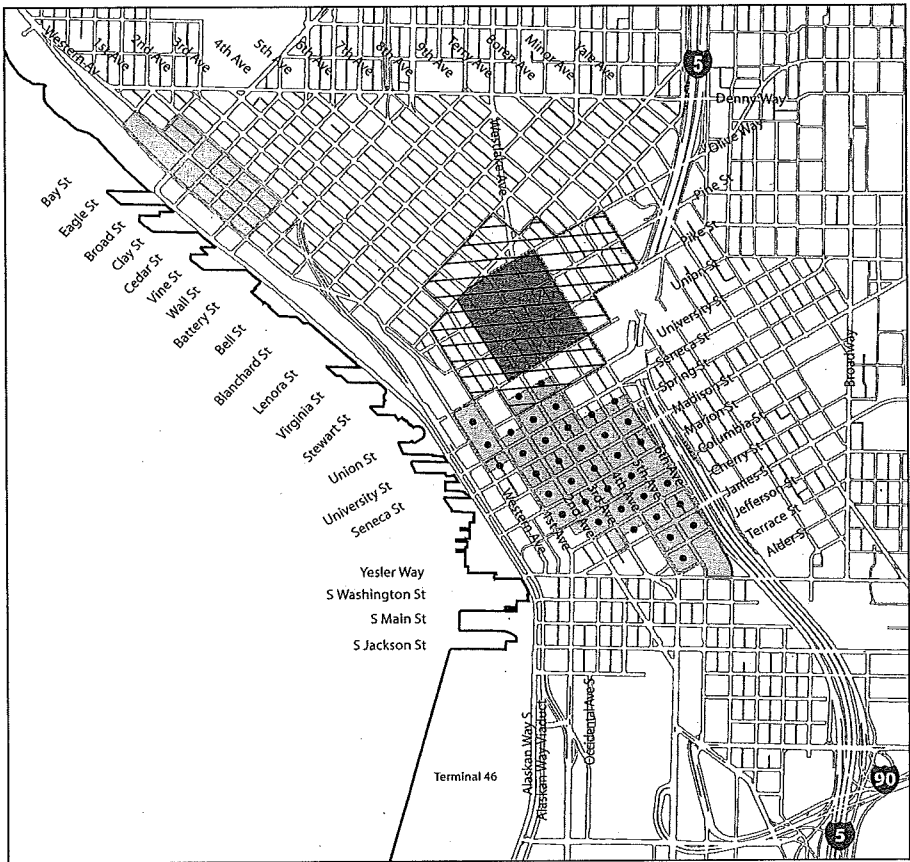


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 including accuracy, fitness, or merchantability  
 accompany this product.

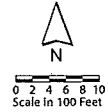
DOWNTOWN ZONING  
**Map 11**  
 Parking Uses Permitted



# Public Amenity Features



- Hill Climb Assist
- Hillside Terrace
- Major Retail Store and Shopping Atrium (FAR Exemption Only - No Bonus)
- Shopping Corridor Bonus



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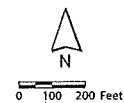
DOWNTOWN ZONING

**Map 1J**

Public Amenity Features



# Pike Place Market



-  Pike Place Market Historical District
-  Pike Market Mixed Zone

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DOWNTOWN ZONING

**Map 1K**  
Pike Place Market



STATE OF WASHINGTON  
COUNTY OF KING  
CITY OF SEATTLE

} ss

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY  
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT  
COPY.

*Ordinance 122235*

AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED  
THE SEAL TO THE CITY OF SEATTLE, THIS

JUDITH E. PIPPIN  
CITY CLERK

BY:

*[Signature]*

DEPUTY CLERK

*2nd day October 2006*

## ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to land use and zoning, amending Chapter 23.49 of the Seattle Municipal Code to incorporate updated and corrected maps, revise provisions for street level use requirements and tower width limits, provide for tower spacing in DMC zones south of Union Street, and revise requirements for provision of lighting; amending Section 23.41.012 to limit the scope of Design Review departures from Land Use Code requirements; clarifying provisions for the location of parking and access to parking in 23.49.019; amending Chapters 23.76 and 23.84 to repeal provisions made obsolete by Ordinance 122054; amending Section 23.45.008 to clarify the effect of changes in definitions on special provisions for low-income housing; removing an obsolete reference from the Downtown Amenity Standards; and making technical corrections.

WHEREAS, by Ordinance 122054 the City Council substantially revised Chapter 23.49 of the Seattle Municipal Code, regulating development Downtown; and

WHEREAS Ordinance 122054 adopted certain new and revised maps in Chapter 23.49 and repealed other maps, inadvertently giving two maps the same letter designation; and

WHEREAS some of the maps in Chapter 23.49 can be made clearer and more useful by replacing them with maps with higher quality graphics and in some cases updated information;

WHEREAS in Ordinance 122054 the same tower spacing requirement that applies in the Denny Triangle Urban Center was inadvertently not applied to the Downtown Mixed Commercial zones south of Union Street;

WHEREAS, other technical corrections should be made in light of Ordinance 122054; NOW, THEREFORE,

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

Section 1. Subsection B of Section 23.41.012, which Section was enacted by Ordinance 122054, is amended, and a new subsection C is added to that Section, as follows:

#### **23.41.012 Development standard departures.**

\* \* \*

B. Departures may be granted from any Land Use Code standard or requirement, except for the following:

1. Procedures;

2. Permitted, prohibited or conditional use provisions, except that departures may be granted from development standards for required Downtown street level uses;
3. Residential density limits;
4. In ((d))Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49;
5. In ((d))Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036;
6. In ((d))Downtown zones, the average floor area limit for stories in residential use in Chart 23.49.058D1;
7. In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041;
8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in 23.49.058E;
9. Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code;
10. Floor Area Ratios;
11. Maximum size of use;
12. Structure height, except that:
  - a. Within the Roosevelt Commercial Core building height departures may be granted (up to an additional three (3) feet) for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);

1                   b. Within the Ballard Municipal Center Master Plan area building height  
2 departures may be granted for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal  
3 Center Master Plan Area). The additional height may not exceed nine (9) feet, and may be granted only  
4 for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard  
5 Municipal Center Master Plan;

6                   c. In Downtown zones building height departures may be granted for minor  
7 communication utilities as set forth in Section 23.57.013B;

8                   13. Quantity of parking required, maximum parking limit in Downtown zones, and  
9 maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area  
10 required parking for ground level retail uses that abut established mid-block pedestrian connections  
11 through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines,  
12 2000" may be reduced. The parking requirement shall not be less than the required parking for  
13 Pedestrian designated areas shown in Section 23.54.015 Chart D;

14                   14. Provisions of the Shoreline District, Chapter 23.60;

15                   15. Standards for storage of solid-waste containers;

16                   16. The quantity of open space required for major office projects in Downtown zones as  
17 provided in Section 23.49.016B;

18                   17. Noise and odor standards((-));

19                   18. Standards for the location of access to parking in Downtown zones;

20                   19. Provisions of Chapter 23.52, Transportation Concurrency Project Review System;

21                   20. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements, except  
22 that departures may be granted from the access easement standards in Section 23.53.025 and the  
23 provisions for structural building overhangs in Section 23.53.035;  
24

21. Definitions; and

22. Measurements.

C. Limitations upon departures through the design review process established in subsection B of this section do not limit departures expressly permitted by other provisions of this title or other titles of the Seattle Municipal Code.

Section 2. Subsection B of Seattle Municipal Code Section 23.45.008, which Section was last amended by Ordinance 120608, is amended as follows:

**23.45.008 Density -- Lowrise zones.**

\* \* \*

B. 1. In Lowrise 3 and Lowrise 4 zones, low-income disabled multifamily structures, low-income elderly multifamily structures ((for low-income elderly or low-income disabled residents or)) and low-income elderly/low-income disabled multifamily structures, operated by a public agency or a private nonprofit corporation, shall have a maximum density as follows:

Lowrise 3 -- One (1) dwelling unit per five hundred fifty (550) square feet of lot area.

Lowrise 4 -- One (1) dwelling unit per four hundred (400) square feet of lot area.

2. In order to qualify for the density provisions of this subsection B, a majority of the dwelling units of the structure shall be designed for and dedicated to tenancies of at least three (3) months.

3. The dwelling units shall remain as a low-income disabled multifamily structure, low-income elderly multifamily structure, or low-income elderly/low-income disabled multifamily structure for the life of the structure.

\* \* \*

Section 3. Maps 1A through 1K, inclusive, in Chapter 23.49 of the Seattle Municipal Code, as last amended by Ordinance 122054, are hereby repealed and Maps 1A through 1K attached to this ordinance are hereby enacted, to be codified at the end of Chapter 23.49.

Section 4. Subsection A of Seattle Municipal Code Section 23.49.009, as enacted by Ordinance 122054, is amended as follows:

**23.49.009 Street-level use requirements.**

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

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

1. Retail sales and services, except lodging;
2. Human service uses and childcare facilities;
3. Customer service offices;
4. Entertainment uses;
5. Museums, and administrative offices within a museum expansion space meeting the requirement of subsection 23.49.011B1h;
6. Libraries;
7. Elementary and secondary schools; and
- ((7)) 8. Public atriums.

\* \* \*

Section 5. Subsection E of Seattle Municipal Code Section 23.49.018, as enacted by Ordinance 122054, is amended as follows:

**23.49.018 Overhead Weather Protection and Lighting.**

\* \* \*



1 E. Adequate ~~((L))~~ lighting for pedestrians shall be provided ~~((if ambient lighting from other~~  
2 ~~sources is not adequate))~~. The lighting may be located on the facade of the building or on the overhead  
3 ~~((canopy))~~ weather protection.

4 Section 6. Subsections B and H of Seattle Municipal Code Section 23.49.019, as enacted by  
5 Ordinance 122054, are amended as follows:

6 **23.49.019 Parking quantity, location and access requirements, and screening and landscaping of**  
7 **surface parking areas.**

\* \* \*

8 B. Parking Location within Structures.

9 1. Parking at street level

10 a. On Class I pedestrian streets and designated green streets, parking is not  
11 permitted at street level unless separated from the street by other uses, provided that garage doors need  
12 not be separated.

13 b. On Class II pedestrian streets, parking may be permitted at street level if:

14 (1) at least thirty (30) percent of the street frontage of any street level  
15 parking area, excluding that portion of the frontage occupied by garage doors, is separated from the  
16 street by other uses;

17 (2) the facade of the separating uses satisfies the transparency and blank  
18 wall standards for Class I pedestrian streets for the zone in which the structure is located;

19 (3) the portion of the parking, excluding garage doors, that is not separated  
20 from the street by other uses is screened from view at street level; and

21 (4) the street facade is enhanced by architectural detailing, artwork,  
22 landscaping, or similar visual interest features.

2. Except as provided in subsection B1 above for parking at street level, parking within structures shall be located below street level or separated from the street by other uses, except as follows:

a. On lots that are less than thirty thousand (30,000) square feet in size or that are less than one hundred and fifty (150) feet in depth measured from the lot line with the greatest street frontage, parking shall be permitted above the first story under the following conditions:

(1). One story of parking shall be permitted above the first story of a structure for each story of parking provided below grade that is of at least equivalent capacity, up to a maximum of four stories of parking above the first story.

(2). Parking above the third story of a structure shall be separated from the street by another use for a minimum of 30% of each street frontage of the structure. For structures on lots located at street intersections, the separation by another use shall be provided at the corner portion(s) of the structure.

(3) The perimeter of each story of parking above the first story of the structure shall have an opaque screen at least three and one-half (3½) feet high where the parking is not separated from the street by another use.

b. The Director may permit more than four stories of parking above the first story of the structure, or may permit other exceptions to subsection B2a(1) as a Type I decision if the Director finds that locating parking below grade is infeasible due to physical site conditions such as a high water table or proximity to a tunnel. In such cases, the applicant shall place the maximum feasible amount of parking below grade before more than four stories of parking above the first story shall be permitted.

Site size is not a basis for granting an exception under this subsection 2b.

\* \* \*

H. Standards for location of access to parking.

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

1. Curbcut Location.

a. When a lot abuts an alley, alley access shall be required, unless the Director otherwise determines under subsection H1c.

b. When a lot does not abut an alley and abuts more than one (1) right-of-way, the location of access shall be determined by the Director as a Type I decision after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection H1c, ((The Director shall consider the)) access shall be allowed only from a right-of-way in the category, determined by the classifications ((of rights-of-way)) shown on Map 1B and Map 1F, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth ((and the ranking of the classifications)) below, from most to least preferred (a portion of a street that is included in more than one of the categories in subsections i - vii below shall be considered as belonging only to the least preferred of the categories in which it is included):

~~((a. Alley, if of sufficient width to accommodate existing and anticipated uses;))~~

~~((b)) i. Access street;~~

~~((c)) ii. Class II pedestrian street-Minor arterial;~~

~~((d)) iii. Class II pedestrian street-Principal arterial;~~

~~((e)) iv. Class I pedestrian street-Minor arterial;~~

1 ((f))v. Class I pedestrian street-Principal arterial;

2 ((g))vi. Principal transit street((-));

3 vii. Designated green street.

4 ~~((2. Curbcut controls on designated green streets shall be evaluated on a case-by-case~~  
5 ~~basis, but generally access from green streets is not allowed.~~

6 3. ~~The preferred~~)c. The Director may allow or require access from a right-of-way  
7 ~~((for access))~~ other than one indicated by subsection H1a or H1b if,((shall be further evaluated by the  
8 ~~Director,))~~ after consulting with the Director of Transportation((, for a final determination based-)) on  
9 whether and to what extent alternative((the)) locations of ((the)) access ((will)) would enhance  
10 pedestrian safety and comfort, facilitate transit operations, facilitate the movement of vehicles,  
11 ~~((expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid))~~ minimize the on-street  
12 queuing of vehicles, enhance vehicular safety((and pedestrian comfort)), or ((create a)) minimize  
13 hazards, the Director finds that an exception to the general policy is warranted. Curbcut controls on  
14 designated green streets shall be evaluated on a case-by-case basis, but generally access from green  
15 streets is not allowed if access from any other right-of-way is possible.

16 ((4))2. Curbcut Width and Number. The width and number of curbcuts shall comply with  
17 the provisions of Section 23.54.030, Parking space standards.

18 \* \* \*

19 Section 7. Subsection A of Seattle Municipal Code Section 23.49.024, which Section was last  
20 amended by Ordinance 113279, is amended as follows:

21 **23.49.024 View corridor requirements.**

22 A. Upper-level setbacks shall be required for the following view corridors, identified on Map  
23 ((f))1D:

1. Broad, Clay, Vine, Wall, Battery and Bell Streets west of First Avenue; and
2. University, Seneca, Spring, Madison and Marion Streets west of Third Avenue.

\* \* \*

Section 8. Subsections C, D and E of Seattle Municipal Code Section 23.49.058, which Section was last amended by Ordinance 122054, are amended as follows:

**23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards.**

\* \* \*

C. ~~((Maximum tower))~~ Upper-level width limit. On lots where the width and depth of the lot each exceed two hundred (200) feet, the maximum façade width for any portion((s)) of a building above two hundred forty (240) feet shall be one hundred forty-five (145) feet along the general north/south axis of a site (parallel to the Avenues), and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot above ~~((145))~~ two hundred forty (240) feet by at least eighty (80) feet at all points.

D. Tower floor area limits and tower width limits for portions of structures in residential use. The requirements of this subsection D apply only to structures that include portions in residential use above a height of one hundred and sixty (160) feet.

1. Maximum limits on average residential gross floor area per story and maximum residential floor area per story of towers are prescribed in Chart 23.49.058D1.



**Chart 23.49.058D1**  
**Average residential gross floor area per story and maximum residential gross floor area per story of a tower\***

| (1) Zone                            | (2) Average residential gross floor area limit ((e)) per story of a tower if height does not exceed the base height limit for residential use | (3) Average residential gross floor area limit per story of a tower when height exceeds the base height limit for residential use | (4) Maximum residential floor area of any story in a tower |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| DMC 240/290-400 and DMC 340/290-400 | 10,000 sq. ft.                                                                                                                                | 10,700 sq. ft.                                                                                                                    | 11,500 sq. ft.                                             |
| DOC2                                | 15,000 sq. ft.                                                                                                                                | 12,700 sq. ft.                                                                                                                    | 16,500 sq. ft.                                             |
| DOC1                                | 15,000 sq. ft.                                                                                                                                | 13,800 sq. ft.                                                                                                                    | 16,500 sq. ft.                                             |

\*For the height at which a "tower" begins, see the definition at the beginning of this Section 23.49.058.

a. For structures that do not exceed the base height limit for residential use, each tower is subject to the average floor area per story limits specified in column (2) on Chart 23.49.058D1.

b. For structures that exceed the base height limit for residential use (which requires that the applicant obtain bonus residential floor area pursuant to Section 23.49.015), the average residential gross floor area per story of each tower is subject to the applicable maximum limit specified in column (3) on Chart 23.49.058D1.

c. In no instance shall the residential gross floor area of any story in a tower exceed the applicable maximum limit specified in column (4) on Chart 23.49.058D1.

d. Unoccupied space provided for architectural interest pursuant to Section 23.49.008B shall not be included in the calculation of gross floor area.

## 2. Maximum Tower Width.

a. In DMC zones, the maximum façade width for portions of a building above eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one-

1 hundred twenty (120) feet or eighty (80) percent of the width of the lot measured on the Avenue, which  
2 ever is less, except that:

3 (1) On a lot where the limiting factor is the eighty (80) percent width limit,  
4 the façade width is one ~~((--))~~ hundred twenty (120) feet, when at all elevations above a height of eighty-  
5 five (85) feet, no more than fifty (50) percent of the area of the lot located within fifteen (15) feet of the  
6 street lot line(s) is occupied by the structure; and

7 (2) On lots smaller than ten thousand seven hundred (10,700) square feet  
8 that are bounded on all sides by street right-of-way, the maximum façade width shall be one hundred  
9 twenty (120) feet.

10 b. In DOC1 and DOC2 zones, the maximum façade width for portions of a  
11 building above eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues)  
12 shall be one hundred forty-five (145) feet.

13 ~~((c. the maximum width of tower structures may be increased if lot is combined  
14 with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:~~

15 ~~(1). All lots have frontage on the same street;~~

16 ~~(2). Any existing structure does not exceed a height of one hundred  
17 twenty-five (125) feet;~~

18 ~~(3). The coverage and spacing of both the proposed and any existing  
19 structures meets the limits established in this Section; and~~

20 ~~(4). The fee owners of the abutting lot(s) execute and record a covenant  
21 that restricts future development on the abutting lot to a maximum height of one hundred twenty-five  
22~~

1 ~~((125) feet for the life of the proposed structure; and that precludes the use of the abutting lot(s) in~~  
2 ~~combination with any other lots for purposes of meeting the requirements of this section.))~~

3 ~~((d))~~ c. The projection of unenclosed decks and balconies, and architectural  
4 features such as cornices, shall be disregarded in calculating the maximum width of a façade.

5 E. Tower spacing for all structures over 160 feet in height in those DMC zoned areas specified  
6 below:

7 1. For the purposes of this section, no separation is required:

8 a. between structures on different blocks, except as may be required by view  
9 corridor or designated green street setbacks, or

10 b. from a structure on the same block that is not located in a DMC zone; or

11 c. from a structure allowed pursuant to the Land Use Code in effect prior to the  
12 effective date of ~~((this o))~~ Ordinance 122054.

13 2. Except as otherwise provided in this subsection E, in the DMC 240'/290-400' zone  
14 located between Stewart Street, Union Street, Third Avenue and First Avenue, if any part of a tower  
15 exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred  
16 and twenty-five (125) feet in height shall be separated by a minimum of two hundred (200) feet from  
17 any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

18 3. Except as otherwise provided in this subsection E, on DMC zoned sites with  
19 maximum height limits of more than one hundred sixty (160) feet located either in the Belltown Urban  
20 Center Village, as shown on Exhibit 23.49.058E, or south of Union Street if any part of a tower exceeds  
21 one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and  
22

twenty-five (125) feet in height must be separated by a minimum of eighty (80) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

4. Except as otherwise provided in this subsection E, on DMC zoned sites with maximum height limits of more than one hundred sixty (160) feet located in the Denny Triangle Urban Center Village, as shown on Exhibit 23.49.056F, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and twenty-five (125) feet in height must be separated by a minimum of sixty (60) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

5. The projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating tower separation.

6. If the presence of an existing tower would preclude the addition of another tower proposed on the same block, as a special exception, the Director may waive or modify the tower spacing requirements of this section to allow a maximum of two towers to be located on the same block that are not separated by at least the minimum spacing required in subsections E2, E3 and E4, other than towers described in subsection E1. The Director shall determine that issues raised in the design review process related to the presence of the additional tower have been adequately addressed before granting any exceptions to tower spacing standards. The Director shall consider the following factors in determining whether such an exception shall be granted:

a. potential impact of the additional tower on adjacent residential structures, located within the same block and on adjacent blocks, in terms of views, privacy, and shadows;

b. potential public benefits that offset the impact of the reduction in required separation between towers, including the provision of public open space, designated green street or other streetscape improvements, preservation of landmark structures, and provision of neighborhood

commercial services, such as a grocery store, or community services, such as a community center or school;

c. potential impact on the public environment, including shadow and view impacts on nearby streets and public open spaces;

d. design characteristics of the additional tower in terms of overall bulk and massing, façade treatments and transparency, visual interest, and other features that may offset impacts related to the reduction in required separation between towers;

e. the City's goal of encouraging residential development downtown; and

f. the feasibility of developing the site without an exception from the tower spacing requirement.

7. For purposes of this section, an "existing" tower is either:

(a) a tower that is physically present, except as provided below in this subsection E6, or

(b) a proposed tower for which a Master Use Permit decision that includes approval of the Design Review element has been issued, unless and until either (i) the Master Use Permit issued pursuant to such decision expires or is cancelled, or the related application is withdrawn by the applicant, without the tower having been constructed; or (ii) a ruling by a hearing examiner or court of competent jurisdiction reversing or vacating such decision, or determining such decision or the Master Use Permit issued thereunder to be invalid, becomes final and no longer subject to judicial review.

A tower that is physically present shall not be considered "existing" if the owner of the lot where such tower is located shall have applied to the Director for a permit to demolish such tower and such application shall be pending or a permit issued for such demolition shall be in effect, but any permit

1 decision or permit for any structure that would not be permitted under this section if such tower were  
2 considered "existing" may be conditioned upon the actual demolition of such tower.

3 \* \* \*

4 Section 9. Subsection E of Seattle Municipal Code Section 23.49.208, as last amended by  
5 Ordinance 120928, is amended as follows:

6 **23.49.208 International District Mixed, structure height**

7 \* \* \*

8 E. In the sixty-five (65) to one hundred ((twenty (120))) fifty (150) foot height district, structures  
9 in excess of sixty-five (65) feet, to a maximum of one hundred ((twenty (120))) fifty (150) feet, may be  
10 permitted only as a part of a planned community development, pursuant to Section 23.49.036, Planned  
11 community developments.

12 Section 10. Subsection B of Seattle Municipal Code Section 23.49.248, as last amended by  
13 Ordinance 120443, is amended as follows:

14 **23.49.248 International District Residential, side setback and green street setback requirements.**

15 \* \* \*

16 B. Green Street Setbacks. A setback from the street ((property)) lot line shall be required on  
17 green streets, Map 1((G))E, at an elevation of forty (40) feet. The setback shall be as follows:

| 18 Elevation of Portion of Structure | Required Setback          |
|--------------------------------------|---------------------------|
| 19 40' to 85'                        | 10'                       |
| 20 86' to 240'                       | $(H-85') \times .2 + 10'$ |

21 where H = Total structure height in feet.

22 Section 11. Seattle Municipal Code Section 23.49.322, as last amended by Ordinance 120443, is  
23 amended as follows:

**23.49.322 Downtown Harborfront 2, principal and accessory parking.**

**A. Principal Use Parking.**

1. Principal use parking garages for both long-term and short-term parking shall be conditional uses, according to Section 23.49.324.

2. Principal use surface parking areas shall be conditional uses in areas shown on Map 1I((J)), and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.324.

**B. Accessory Parking.**

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

2. Accessory surface parking areas shall ((either)) be:

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

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

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

Section 12. Seattle Municipal Code Section 23.49.336, which Section was last amended by Ordinance 120443, is amended as follows:

**23.49.336 Pike Market Mixed, permitted uses.**

A. Permitted uses within the Pike Place Market Historical District, shown on Map 1K((L)), shall be determined by the Pike Place Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance, Chapter 25.24, Seattle Municipal Code.

1 B. In areas outside of the Pike Place Market Historical District in the Pike Market Mixed (PMM)  
2 zone, as shown on Map 1K((L)), all uses are permitted outright except those specifically prohibited by  
3 Section 23.49.338

4 Section 13. The introductory subsection of Section 12 of Ordinance 122054 is amended as  
5 follows:

6 Section 12. S((ubs))ection 23.49.026 of the Seattle Municipal Code, which Section was last  
7 amended by Ordinance 121196, is renumbered to Section 23.49.010, and subsection B is amended to  
8 read as follows:

9 \* \* \*

10 Section 14. Subsection F of Seattle Municipal Code Section 23.76.026, which Section was last  
11 amended by Ordinance 121477, is repealed.

12 Section 15. The subsection entitled "Maximum structure height" in SMC Section 23.84.025,  
13 which Section was last amended by Ordinance 122054, is repealed.

14 Section 16. The introductory subsection of Section II N of the Downtown Amenity Standards,  
15 which Standards were enacted by Ordinance 122054, is amended as follows:

16 \* \* \*

17 N. Restoration and Preservation of Landmark Performing Arts Theatre

18 The landmark performing arts theater (LPAT) bonus is intended to contribute to the city's  
19 architectural, historic and cultural heritage by encouraging the preservation, rehabilitation and use of  
20 landmark performing arts theaters ((as defined by the City in SMC Chapter 23.84)).

21 \* \* \*

22 Section 17. This ordinance is intended in part to clarify the intent of existing law, including  
23 without limitation the intent that the map designated "1G" in Ordinance 122054 be designated "1F" and  
24

1 that definitions, measurements, transportation concurrency and certain right-of-way improvement  
2 requirements are not within the scope of standards or requirements from which departures may be  
3 granted.

4 Section 18. The provisions of this ordinance are declared to be separate and severable. The  
5 invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect  
6 the validity of any other provision or the application of the particular provision in other circumstances.  
7 To the extent that sections of this ordinance enact maps that are substantively identical to maps being  
8 repealed hereby, this ordinance shall be construed to continue the substance of the previous maps in  
9 effect. The repeal of various sections or maps of Title 23 of the Seattle Municipal Code by this  
10 ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any  
11 permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor shall it relieve  
12 any person or property of any obligations, conditions or restrictions in any agreement or instrument  
13 made or granted pursuant to, or with reference to, the provisions of such Title in effect prior to such  
14 repeal.



Section 19. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_, 2006, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_, 2006.

\_\_\_\_\_  
President \_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_, 2006.

\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_, 2006.

\_\_\_\_\_  
City Clerk

(Seal)

Attachment 1: Downtown Maps:

Map 1A Downtown Zones

Map 1B Street Classifications

Map 1C Sidewalk Widths

Map 1D View Corridors

Map 1E Existing Public Benefit Features under Title 24

Map 1F Pedestrian Street Classifications

Map 1G Street Level Use Required

Map 1H Property Line Facades

Map 1I Parking Uses Permitted

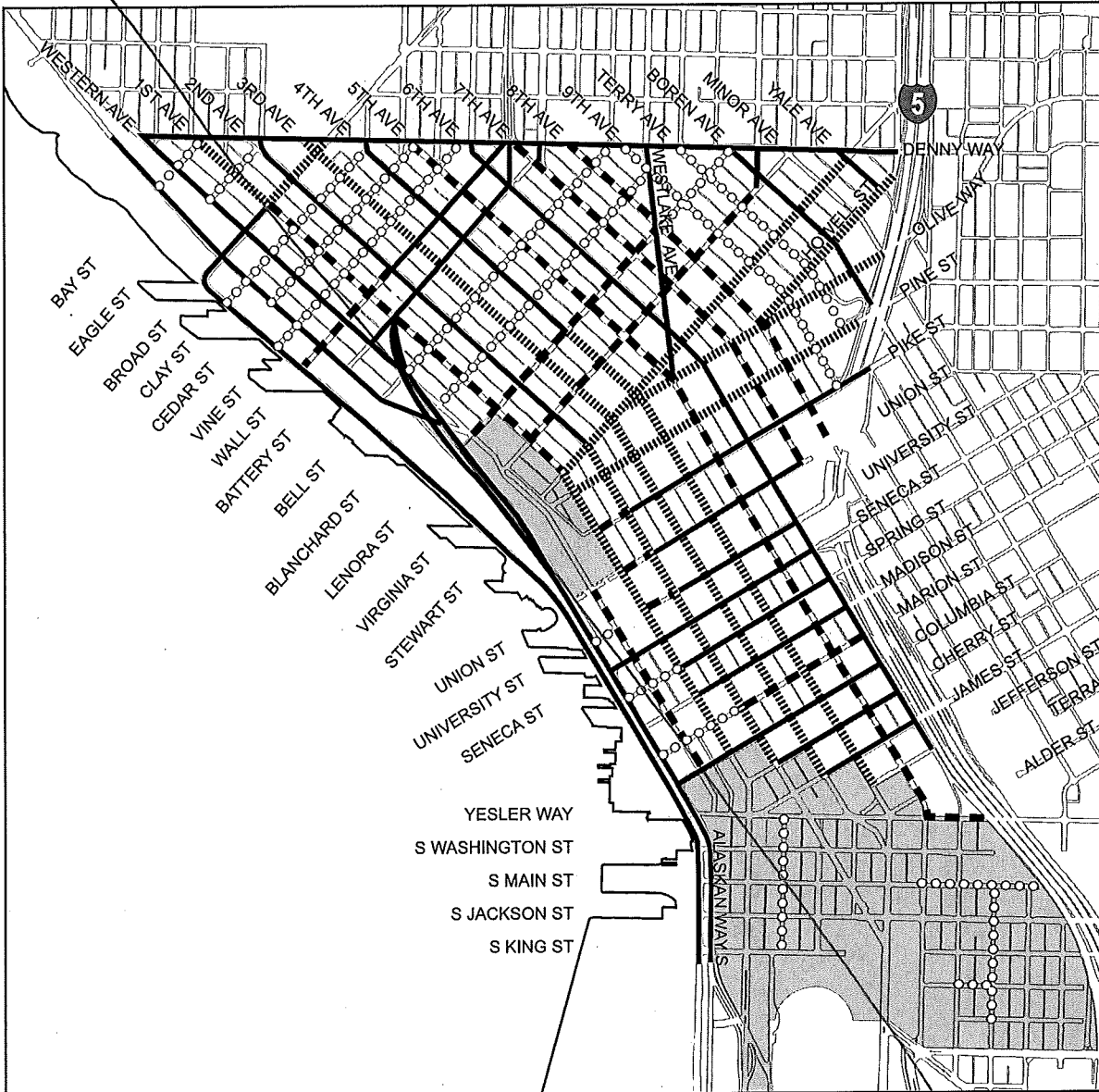
Map 1J Public Amenity Features

Map 1K Pike Place Market

[illegible]

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sort, including accuracy, fitness, or  
merchantability accompany this product.

# Street Classifications



⊕ Access Street

— Principal Arterial  
(other than Principal  
Transit Street)

— Minor Arterial  
(other than Principal  
Transit Street)

○ ○ ○ ○ Green Street

▤ Principal Transit Street

▨ Access to parking regulated  
by Special Review or Historic  
District Regulations



0 2 4 6 8 10  
Scale in 100 Feet

Note: This map is only for purposes of Section 23.49.019, the Downtown Amenity Standards, and any other provisions that refer specifically to Map 1B. Exhibit 23.53.015A should be referred to for a complete identification of arterials for other purposes.

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DOWNTOWN ZONING

**Map 1B**  
**Street Classifications**



The map shows the downtown area of Anchorage, Alaska, with a grid of streets. The proposed route for the Alaska Ferry is highlighted by a thick, dashed line. The route starts at the intersection of 1st Avenue and Western Avenue, runs east along 1st Avenue, then turns south along 1st Avenue, and finally turns east along 1st Avenue. The map also shows the locations of the Alaska Ferry terminal, the Alaska Ferry building, and the Alaska Ferry dock. The map is labeled with street names and includes a scale bar.

Streets shown on the map include:

- Western Ave
- 1st Ave
- 2nd Ave
- 3rd Ave
- 4th Ave
- 5th Ave
- 6th Ave
- 7th Ave
- 8th Ave
- 9th Ave
- Terry Ave
- Boren Ave
- Minor Ave
- Yale Ave
- Denny Way
- Olive Way
- Pine St
- Pike St
- Union St
- University St
- Seneca St
- Spring St
- Madison St
- Marion St
- Columbia St
- Cherry St
- James St
- Jefferson St
- Alder St
- Yesler Way
- S Washington St
- S Main St
- S Jackson St
- S King St
- Alaska Way S
- Stewart St
- Virginia St
- Lenora St
- Blanchard St
- Bell St
- Battery St
- Wall St
- Vine St
- Cedar St
- Clay St
- Broad St
- Eagle St
- Bay St

■■■■■

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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203016  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

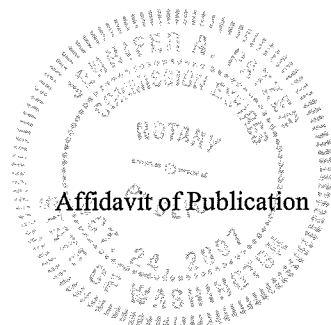
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122235 ORDINANCE

was published on

10/02/06

The amount of the fee charged for the foregoing publication is the sum of \$1,656.00, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/02/06

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### ORDINANCE 122235

AN ORDINANCE relating to land use and zoning, amending Chapter 23.49 of the Seattle Municipal Code to incorporate updated and corrected maps, revise provisions for street level use requirements and tower width limits, provide for tower spacing in DMC zones south of Union Street, and revise requirements for provision of lighting; amending Section 23.41.012 to limit the scope of Design Review departures from Land Use Code requirements; clarifying provisions for the location of parking and access to parking in 23.49.019; amending Chapters 23.76 and 23.84 to repeal provisions made obsolete by Ordinance 122054; amending Section 23.45.008 to clarify the effect of changes in definitions on special provisions for low-rise buildings; removing an obsolete reference from the Downtown Amenity Standards; and making technical corrections.

WHEREAS, by Ordinance 122054 the City Council substantially revised Chapter 23.49 of the Seattle Municipal Code, regulating development Downtown; and

WHEREAS Ordinance 122054 adopted certain new and revised maps in Chapter 23.49 and repealed other maps, inadvertently giving two maps the same letter designation; and

WHEREAS some of the maps in Chapter 23.49 can be made clearer and more useful by replacing them with maps with higher quality graphics and in some cases updated information;

WHEREAS in Ordinance 122054 the same tower spacing requirement that applies in the Denny Triangle Urban Center was inadvertently not applied to the Downtown Mixed Commercial zones south of Union Street;

WHEREAS, other technical corrections should be made in light of Ordinance 122054; NOW, THEREFORE,

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection B of Section 23.41.012, which Section was enacted by Ordinance 122054, is amended, and a new subsection C is added to that Section, as follows:

#### 23.41.012 Development standard departures.

\*\*\*

B. Departures may be granted from any Land Use Code standard or requirement, except for the following:

1. Procedures;
2. Permitted, prohibited or conditional use provisions, except that departures may be granted from development standards for required Downtown street level uses;
3. Residential density limits;
4. In ((d))Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49;
5. In ((d))Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036;
6. In ((d))Downtown zones, the average floor area limit for stories in residential use as Chart 23.49.058D1;
7. In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041;
8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in 23.49.058E;
9. Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code;
10. Floor Area Ratios;
11. Maximum size of use;
12. Structure height, except that:
  - a. Within the Roosevelt Commercial Core building height departures may be granted (up to an additional three (3) feet) for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);
  - b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal Center Master Plan Area). The additional height may not exceed nine (9) feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;
  - c. In Downtown zones building height departures may be granted for minor communication utilities as set forth in Section 23.57.013B;
13. Quantity of parking required, maximum parking limit in Downtown zones, and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000" may be reduced. The parking requirement shall not be less than the required parking for Pedestrian designated areas shown in Section 23.54.015 Chart D;
14. Provisions of the Shoreline District, Chapter 23.60;
15. Standards for storage of solid-waste containers;
16. The quantity of open space required for major office projects in Downtown zones as provided in Section 23.49.016B;
17. Noise and odor standards((-));
18. Standards for the location of access to parking in Downtown zones;
19. Provisions of Chapter 23.52, Transportation Concurrency Project Review Item;
20. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements, except that departures may be granted from the access easement standards in Section 23.53.025 and the provisions for structural building overhangs in Section 23.53.035;
21. Definitions; and
22. Measurements.

15. Standards for storage of solid-waste containers;

16. The quantity of open space required for major office projects in Downtown zones as provided in Section 23.49.016B;

17. Noise and odor standards((-));

18. Standards for the location of access to parking in Downtown zones;

19. Provisions of Chapter 23.52, Transportation Concurrency Project Review Item;

20. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements, except that departures may be granted from the access easement standards in Section 23.53.025 and the provisions for structural building overhangs in Section 23.53.035;

21. Definitions; and

22. Measurements.

C. Limitations upon departures through the design review process established in subsection B of this section do not limit departures expressly permitted by other provisions of this title or other titles of the Seattle Municipal Code.

Section 2. Subsection B of Seattle Municipal Code Section 23.45.008, which was last amended by Ordinance 122054, is amended as follows:

**3.45.008 Density -- Lowrise zones.**

\*\*\*

B. 1. In Lowrise 3 and Lowrise 4 zones, ~~low-income disabled multifamily structures, low-income elderly multifamily structures (for low-income elderly or low-income disabled residents or) and low-income elderly/low-income disabled multifamily structures,~~ operated by a public agency or a private non-profit corporation, shall have a maximum density as follows:

Lowrise 3 -- One (1) dwelling unit per five hundred fifty (550) square feet of lot area.

Lowrise 4 -- One (1) dwelling unit per four hundred (400) square feet of lot area.

2. In order to qualify for the density provisions of this subsection B, a majority of the dwelling units of the structure shall be designed for and dedicated to tenancies of at least three (3) months.

3. The dwelling units shall remain as a ~~low-income disabled multifamily structure, low-income elderly multifamily structure, or low-income elderly/low-income disabled multifamily structure~~ for the life of the structure.

\*\*\*

Section 3. Maps 1A through 1K, inclusive, in Chapter 23.49 of the Seattle Municipal Code, as last amended by Ordinance 122054, are hereby repealed and Maps 1A through 1K attached to this ordinance are hereby enacted, to be codified at the end of Chapter 23.49.

Section 4. Subsection A of Seattle Municipal Code Section 23.49.009, as enacted by Ordinance 122054, is amended as follows:

**23.49.009 Street-level use requirements.**

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

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

1. Retail sales and services, except lodging;

2. Human service uses and childcare facilities;

3. Customer service offices;

4. Entertainment uses;

5. Museums, and administrative offices within a museum expansion space meeting the requirement of subsection 23.49.011B1h;

6. Libraries;

7. ~~Elementary and secondary schools;~~

and  
(7) ~~8.~~ Public atriums.

\*\*\*

Section 5. Subsections A and B of Seattle Municipal Code Section 23.49.015, as enacted by Ordinance 122054, are amended as follows:

**23.49.015 Bonus residential floor area for voluntary agreements for low-income housing and moderate income housing.**

A. General Provisions.

1. The purpose of this section is to encourage residential development in addition to that authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts from the bonus development are mitigated. "Basic zoning regulations" for purposes of this section are the provisions of Section 23.49.008 that determine base height limits for residential use in DOC-1, DOC-2 and DMC zones, and for DMC zones, the provisions of Section 23.49.058 that determine the maximum average floor area per story. The City has determined that one impact of high-rise residential development is an increased need for low-income housing and moderate-income housing downtown to house the families of workers having lower paid jobs who serve the residents of such development. The City also finds that DOC-1, DOC-2, and DMC zones are areas in which increased residential development will assist in achieving local growth management and housing policies, and has determined that increased residential development capacity and height of residential structures can be achieved within these zones, subject to consideration of other regulatory controls on development. The City Council finds that in the case of affordable housing for rental occupancy, use of the income level for low-income housing rather than a lower level is necessary to address local housing market conditions, and that in the case of affordable housing for owner occupancy, higher income levels than those for low-income housing are needed to address local housing market conditions. The City hereby adopts the extension of the authority of Chapter 149, Laws of 2006 of the State of Washington, to the bonus development program under this Section 23.49.015, in addition to the City's preexisting authority. To the extent that any provision of this Section or the application thereof to any project for which a Master Use Permit application is considered under the Land Use Code as in effect after the effective date of Section 2 of Chapter 149, Laws of 2006 would conflict with any requirement of that statute, the terms of this Section shall be deemed modified to conform to the requirements of Section 2 of Chapter 149, Laws of 2006.

2. An applicant may elect to seek bonus development under this section only for a project in a DOC1, DOC2 or DMC zone that includes residential development. If an applicant elects to seek approval of bonus development under this section, the applicant must execute a voluntary agreement with the City in which the applicant agrees to provide mitigation for impacts described in subsection A1 of this section. The mitigation may be provided in the form of low-income housing or moderate-income housing, or both, either within or adjacent to the residential project using the bonus development (the "performance option"), by paying the City to build or provide the housing (the "payment option"), or by a combination of the performance and payment options.

3. No bonus development under this section shall be granted to any proposed development that would result in significant alteration to any designated feature of a Landmark structure unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

4. No bonus development under this sec-

2 of Chapter 149, Laws of 2006 would conflict with any requirement of that statute, the terms of this Section shall be deemed modified to conform to the requirements of Section 2 of Chapter 149, Laws of 2006.

2. An applicant may elect to seek bonus development under this section only for a project in a DOC1, DOC2 or DMC zone that includes residential development. If an applicant elects to seek approval of bonus development under this section, the applicant must execute a voluntary agreement with the City in which the applicant agrees to provide mitigation for impacts described in subsection A1 of this section. The mitigation may be provided in the form of low-income housing or moderate-income housing, or both, either within or adjacent to the residential project using the bonus development (the "performance option"), by paying the City to build or provide the housing (the "payment option"), or by a combination of the performance and payment options.

3. No bonus development under this section shall be granted to any proposed development that would result in significant alteration to any designated feature of a Landmark structure unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

4. No bonus development under this section shall be granted for any housing in a new structure unless the applicant makes a commitment that the structure shall earn a LEED Silver rating. When such a commitment is made, the provisions of SMC Section 23.49.020 shall apply. This subsection 4 shall expire and be of no further effect five (5) years after the effective date of this ordinance.

5. The Master Use Permit application to establish any bonus development under this section shall include a calculation of the amount of bonus development sought and shall identify the manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving any such bonus development, issue a Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with this section and any other conditions of the permit, including Design Review conditions if applicable.

#### B. Voluntary Agreements for Housing.

1. The voluntary agreement shall commit the applicant to provide or contribute to low-income housing or moderate-income housing, or both, in an amount as set forth in this subsection B. The quantities in this subsection are based on findings of an analysis that quantifies the linkages between new market-rate units in high-rise residential structures in DOC1, DOC2, and DMC zones and the demand that residents of such units generate for low-income housing and moderate-income housing. The amount of such housing and income levels served, and the amount of any cash payment, shall be determined as follows:

a. For the performance option, the applicant shall provide, as low-income housing or moderate-income housing, net rentable floor area equal to eleven (11) percent of the net residential floor area sought as bonus devel-

opment, computed by multiplying the following sum by an efficiency factor of eighty (80) percent: (i) the total square footage of gross residential floor area to be developed on the lot above the base height limit for residential use under SMC Section 23.49.008, plus (ii) the excess, if any, in each tower to be developed on the lot, of (X) the total number of square feet of gross residential floor area between the height of eighty-five (85) feet and such base height limit, over (Y) the product of the "average residential gross floor area limit of stories above 85 feet if height does not exceed the base height limit for residential use" as provided in Chart 23.49.058D1, column 2, multiplied by the number of stories with residential use in such tower above eighty-five (85) feet and below such base height limit. All low-income housing or moderate income housing provided under the performance option shall be on the lot where the bonus development is used or an adjacent lot. The adjacent lot must be within the block where the bonus development is used and either abut the lot where bonus development is used, or be separated only by public right-of-way. All rental housing provided under the performance option shall be low-income housing.

b. For the payment option, the applicant shall pay the lesser of the following:

(1) an amount that equals the approximate cost of developing the same number and quality of housing units that would be developed under the performance option, as determined by the Director; or

(2) (i) in DMC zones, ten (10) dollars per square foot of net residential floor area sought as bonus development between the height of eighty-five (85) feet and the base height limit for residential use under Section 23.49.008, fifteen (15) dollars per square foot of the net residential floor area of the first four (4) floors above the base height limit for residential use, twenty (20) dollars per square foot of net residential floor area of the next three (3) floors, and twenty-five (25) dollars per square foot of net residential floor area of the remaining floors up to the maximum residential height limit, not to exceed an average of eighteen dollars and ninety-four cents (18.94) per square foot of net residential floor area sought as bonus development; and (ii) in DOC1 and DOC2 zones, eighteen dollars and ninety-four cents (18.94) per square foot of net residential floor area sought as bonus development above the base height limit for residential use under Section 23.49.008. Net residential floor area shall be computed by multiplying the total gross floor area sought as bonus development by an efficiency factor of eighty (80) percent. The full amount must be paid to the City in cash, except that if the City shall approve by ordinance the acceptance of specific real property in lieu of all or part of the cash payment, the Housing Director may accept such real property.

2. Each low-income housing unit provided as a condition to the bonus allowed under this section shall serve only households with incomes at or below eighty (80) percent of median income at the time of their initial occupancy. Each moderate-income housing unit provided as a condition to the bonus allowed under this section shall serve only as owner-occupied housing for households with incomes no higher than median income at the time of their initial occupancy. For rental housing, housing costs, including rent and basic utilities, shall not exceed 30% of eighty (80) percent of median income, adjusted for the average size of family expected to occupy the unit based on the number of bedrooms, all as determined by the Housing Director, for a minimum period of fifty (50) years. For owner-occupied housing, the initial sale price shall not exceed an amount determined by the Housing Director to be consistent with affordable housing for a moderate-income household with the average family size expected to occupy the unit based on the number of bedrooms, and the units shall be subject to recorded instruments satisfactory to the Housing Director providing for sales prices on any resale consistent with affordability on the same basis. The Housing Director may promulgate rules specifying the method of determining affordability, including eligible monthly housing costs. The Housing Director may also promulgate rules for determining whether units satisfy the requirements of this section and any requirements relating to down-payment amount, design, quality, maintenance and condition of the low-income housing or moderate-income housing.

3. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus development under the performance option if the housing satisfies all of the following conditions:

(i) It is committed to serve an eligible income group, and for a time period, referred to in this section pursuant to an agreement between the housing owner and the City.

ing, the initial sale price shall not exceed an amount determined by the Housing Director to be consistent with affordable housing for a moderate-income household with the average family size expected to occupy the unit based on the number of bedrooms, and the units shall be subject to recorded instruments satisfactory to the Housing Director providing for sales prices on any resale consistent with affordability on the same basis. The Housing Director may promulgate rules specifying the method of determining affordability, including eligible monthly housing costs. The Housing Director may also promulgate rules for determining whether units satisfy the requirements of this section and any requirements relating to down-payment amount, design, quality, maintenance and condition of the low-income housing or moderate-income housing.

3. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus development under the performance option if the housing satisfies all of the following conditions:

(i) It is committed to serve an eligible income group, and for a time period, referred to in this section pursuant to an agreement between the housing owner and the City.

(ii) The agreement required by subsection (i) is executed and recorded prior to the issuance of the master use permit to establish the use for the project using the bonus development, but except when subsection (iii)(B) below applies, no earlier than 1 year prior to issuance of that master use permit.

(iii) Either (A) the Certificate of Occupancy for the new low-income housing or moderate income housing, or both, must be issued within 3 years of the date the Certificate of Occupancy is issued for the project using the bonus development, unless the Housing Director approves an extension based on delays that the applicant or housing developer could not reasonably have avoided, or (B) only in the case of low-income housing on a lot adjacent to the project using bonus development, which housing is subject to a regulatory agreement related to long-term City financing of low-income housing and was developed under a master use permit issued pursuant to a decision that considered the housing together with a project then proposed on that adjacent site, a final Certificate of Occupancy for the low-income housing was issued within 5 years of the building permit issuance for the project proposed for bonus development on the adjacent lot.

(iv) If the low-income housing or moderate-income housing is not owned by the applicant, then the applicant made a financial contribution to the low-income housing or moderate-income housing, or promised such contribution and has provided to the City an irrevocable, unconditional letter of credit to ensure its payment, in form and content satisfactory to the Housing Director, in either case in an amount determined by the Housing Director to be, when reduced by the value of any expected benefits to be received for such contribution other than the bonus development, approximately equal to the cost of providing units within the project using the bonus development, and the owner of the low-income housing or moderate-income housing has entered into a linkage agreement with the applicant pursuant to which only the applicant has the right to claim such housing for purposes of bonus development under this section or any other bonus under this title.

4. Any applicant seeking to qualify for bonus floor area based on development of new housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the three (3) year period specified in subsection B3 of this section, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus development for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus development is sought.

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

6. The Director of the Office of Housing is authorized to accept and execute agreements and instruments to implement this section. For the performance option, the voluntary agreement by the applicant or, if the applicant is not the housing owner, then a recorded agreement of the housing owner acceptable to the Housing Director, shall provide for an initial monitoring fee payable to the City of \$500 per unit of low-income housing or moderate-income housing provided, and in the case of rental housing, an annual monitoring fee payable to the City of \$65 for each such unit. For rental housing, such agreement also shall require the housing owner to submit to the City annual reports with such information as the Housing Director shall require for monitoring purposes. In the case of housing for owner-occupancy, the recorded resale restrictions also shall include a provision requiring payment to the City, on any sale or other transfer, of a fee of \$500 for the

review and processing of transfer documents to determine compliance with income and affordability restrictions.

7. If the Housing Director shall certify to the Director that the Housing Director has accepted and there have been recorded one or more agreements or instruments satisfactory to the Housing Director providing for occupancy and affordability restrictions on housing provided for purposes of the performance option under this section, and that either all affordable housing has been completed or the applicant has provided the City with an irrevocable, unconditional letter of credit satisfactory to the Housing Director in the amount of the contribution to the affordable housing approved by the Housing Director, if applicable, then any failure of such housing to satisfy the requirements of this subsection B shall not affect the right to maintain or occupy the bonus development. Unless and until the Housing Director shall so certify, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the low-income or moderate-income housing units, or both, as applicable, shall continue to satisfy the requirements of this subsection throughout the term specified in this section and that such compliance shall be documented to the satisfaction of the Director of the Office of Housing. The Director of the Office of Housing may provide by rule for circumstances in which low-income or moderate-income housing units, or both, as applicable, may be replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide low-income housing or moderate-income housing, or both,

or the applicant has been completed or the applicant has provided the City with an irrevocable, unconditional letter of credit satisfactory to the Housing Director in the amount of the contribution to the affordable housing approved by the Housing Director, if applicable, then any failure of such housing to satisfy the requirements of this subsection B shall not affect the right to maintain or occupy the bonus development. Unless and until the Housing Director shall so certify, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the low-income or moderate-income housing units, or both, as applicable, shall continue to satisfy the requirements of this subsection throughout the term specified in this section and that such compliance shall be documented to the satisfaction of the Director of the Office of Housing. The Director of the Office of Housing may provide by rule for circumstances in which low-income or moderate-income housing units, or both, as applicable, may be replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide low-income housing or moderate-income housing, or both, under the terms of this subsection.

8. Housing units produced with voluntary contributions made under this section, shall include a range of unit sizes, including units suitable for families with children. Housing units provided to qualify for bonus development shall comply with the following: (i) they shall be provided in a range of sizes comparable to those available to other residents; (ii) to the extent practicable, the number of bedrooms in low-income units and moderate-income units must be in the same proportion as the number of bedrooms in units within the entire building; (iii) the low-income units and moderate-income units shall generally be distributed throughout the building, except that they may be provided in an adjacent building; and (iv) the low-income units and moderate-income units shall have substantially the same functionality as the other units in the building or buildings. The Housing Director is authorized to prescribe by rule standards and procedures for determining compliance with the requirements of this subsection ((7)) 8. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing developments funded by contributions received under this section.

9. References in this subsection B to a Certificate of Occupancy for a project mean the first Certificate of Occupancy issued by the City for the project, whether temporary or permanent.

\*\*\*

Section 6, Subsection E of Seattle Municipal Code Section 23.49.018, as enacted by Ordinance 122054, is amended as follows:

**23.49.018 Overhead Weather Protection and Lighting.**

\*\*\*

E. Adequate ((E))lighting for pedestrians shall be provided ((if ambient lighting from other sources is not adequate)). The lighting may be located on the facade of the building or on the overhead ((canopy)) weather protection.

Section 7, Subsections B and H of Seattle Municipal Code Section 23.49.019, as enacted by Ordinance 122054, are amended as follows:

**23.49.019 Parking quantity, location and access requirements, and screening and landscaping of surface parking areas.**

\*\*\*

**B. Parking Location within Structures.**

**1. Parking at street level**

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

b. On Class II pedestrian streets, parking may be permitted at street level if:

(1) at least thirty (30) percent of the street frontage of any street level parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses;

(2) the facade of the separating uses satisfies the transparency and blank wall standards for Class I pedestrian streets for the zone in which the structure is located;

(3) the portion of the parking, excluding garage doors, that is not separated from the street by other uses is screened from view at street level; and

(4) the street facade is enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

2. Except as provided in subsection B1 above for parking at street level, parking within structures shall be located below street level or separated from the street by other uses, except as follows:

a. On lots that are less than thirty thousand (30,000) square feet in size or that are less than one hundred and fifty (150) feet in depth measured from the lot line with the greatest street frontage, parking shall be permitted above the first story under the following conditions:

(1) One story of parking shall be permitted above the first story of a structure for each story of parking provided below grade that is of at least equivalent capacity, up to a maximum of four stories of parking above the first story.

(2) Parking above the third story of a structure shall be separated from the street by another use for a minimum of 30% of each street frontage of the structure. For structures on lots located at street intersections, the separation by another use shall be provided at the corner portion(s) of the structure.

(3) The perimeter of each story of parking above the first story of the structure shall have an opaque screen at least three and one-half (3½) feet high where the parking is not separated from the street by another use.

b. The Director may permit more than four stories of parking above the first story of the structure, or may permit other exceptions to subsection B2a(1) as a Type I decision if the Director finds that locating parking below grade is infeasible due to physical site conditions such as a high water table or proximity to a tunnel. In such cases, the applicant shall place the maximum feasible amount of parking below grade before more than four stories of parking above the first story shall be permitted. Site size is not a basis for granting an exception under this subsection 2b.

\*\*\*

**H. Standards for location of access to parking.**

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

**1. Curbcut Location.**

a. When a lot abuts an alley, alley access shall be required, unless the Director otherwise determines under subsection H1c.

b. When a lot does not abut an alley and abuts more than one (1) right-of-way, the location of access shall be determined by the Director as a Type I decision after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection H1c, ((The Director shall consider the)) access shall be allowed only from a right-of-way in the category, determined by the classifications ((of rights-of-way)) shown on Map 1B and Map 1F, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth ((and the ranking of the classifications)) below, from most to least preferred (a portion of a street that is included in more than one of the categories in subsections 1 - vii below shall be considered as belonging only to the

a. When a lot abuts an alley, alley access shall be required, unless the Director otherwise determines under subsection H1c.

b. When a lot does not abut an alley and abuts more than one (1) right-of-way, the location of access shall be determined by the Director as a Type I decision after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection H1c, ((The Director shall consider the)) access shall be allowed only from a right-of-way in the category, determined by the classifications ((of rights-of-way)) shown on Map 1B and Map 1F, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth ((and the ranking of the classifications)) below, from most to least preferred (a portion of a street that is included in more than one of the categories in subsections i - vii below shall be considered as belonging only to the least preferred of the categories in which it is included):

((a)) Alley, if of sufficient width to accommodate existing and anticipated uses;))

((b)) i. Access street;

((c)) ii. Class II pedestrian street-Minor arterial;

((d)) iii. Class II pedestrian street-Principal arterial;

((e)) iv. Class I pedestrian street-Minor arterial;

((f)) v. Class I pedestrian street-Principal arterial;

((g)) vi. Principal transit street(-);

vii. Designated green street.

((2)) Curbcut controls on designated green streets shall be evaluated on a case-by-case basis, but generally access from green streets is not allowed.

3. The preferred)) c. The Director may allow or require access from a right-of-way ((for access)) other than one indicated by subsection H1a or H1b if ((shall be further evaluated by the Director.)) after consulting with the Director of Transportation ((for a final determination based )) on whether and to what extent alternative((the)) locations of ((the)) access ((with)) would enhance pedestri-

an safety and comfort, facilitate transit operations, facilitate the movement of vehicles, ((expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid)) minimize the on-street queuing of vehicles, enhance vehicular safety((and pedestrian comfort)), or ((create a)) minimize hazards, the Director finds that an exception to the general policy is warranted. Curbcut controls on designated green streets shall be evaluated on a case-by-case basis, but generally access from green streets is not allowed if access from any other right-of-way is possible.

((4)) 2. Curbcut Width and Number. The width and number of curbcuts shall comply with the provisions of Section 23.54.030. Parking space standards.

\*\*\*

Section 8. Subsection A of Seattle Municipal Code Section 23.49.024, which Section was last amended by Ordinance 113279, is amended as follows:

23.49.024 View corridor requirements.

A. Upper-level setbacks shall be required for the following view corridors, identified on Map ((f))1D:

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

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

\*\*\*

Section 9. Subsections C, D and E of Seattle Municipal Code Section 23.49.058, which Section was last amended by Ordinance 122054, are amended as follows:

23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards.

\*\*\*

C. ((Maximum tower)) Upper-level width limit. On lots where the width and depth of the lot each exceed two hundred (200) feet, the maximum façade width for any portion((s)) of a building above two hundred forty (240) feet shall be one hundred forty-five (145) feet along the general north/south axis of a site (parallel to the Avenues), and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot above ((145)) two hundred forty (240) feet by at least eighty (80) feet at all points.

D. Tower floor area limits and tower width limits for portions of structures in residential use. The requirements of this subsection D apply only to structures that include portions in residential use above a height of one hundred and sixty (160) feet.

1. Maximum limits on average residential gross floor area per story and maximum residential floor area per story of towers are prescribed in Chart 23.49.058D1.

Chart 23.49.058D1

Average residential gross floor area per story and maximum residential gross floor area per story of a tower\*

(1) Zone -- (2) Average residential gross floor area limit ((o)) per story of a tower if height does not exceed the base height limit for residential use -- (3) Average residential gross floor area limit per story of a tower when height exceeds the base height limit for residential use -- (4) Maximum residential floor area of any story in a tower

DMC 240/290-400 and DMC 340/290-400 -- 10,000 sq. ft. -- 10,700 sq. ft. -- 11,500 sq. ft.

DOC2 -- 15,000 sq. ft. -- 12,700 sq. ft. -- 16,500 sq. ft.

DOC1 -- 15,000 sq. ft. -- 13,800 sq. ft. -- 16,500 sq. ft.

\*For the height at which a "tower" begins, see the definition at the beginning of this Section 23.49.058.

a. For structures that do not exceed the base height limit for residential use, each tower is subject to the average floor area per story limits specified in column (2) on Chart 23.49.058D1.

b. For structures that exceed the base height limit for residential use (which requires that the applicant obtain bonus residential floor area pursuant to Section 23.49.015), the average residential gross floor area per story of each tower is subject to the applicable maximum limit specified in column (3) on Chart 23.49.058D1.

c. In no instance shall the residential gross floor area of any story in a tower exceed the applicable maximum limit specified in column (4) on Chart 23.49.058D1.

d. Unoccupied space provided for architectural interest pursuant to Section 23.49.008B shall not be included in the calculation of gross floor area.

2. Maximum Tower Width.

a. In DMC zones, the maximum façade width for portions of a building above eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one-hundred twenty (120) feet or eighty (80) percent of the width of the lot measured on the Avenue, which ever is less, except that:

(1) On a lot where the limiting factor is the eighty (80) percent width limit, the façade width is one (( )) hundred twenty (120) feet, when at all elevations above a height of eighty-five (85) feet, no more than fifty (50) percent of the area of the lot located within fifteen (15) feet of the street lot line(s) is occupied by the structure; and

(2) On lots smaller than ten thousand

c. In no instance shall the residential gross floor area of any story in a tower exceed the applicable maximum limit specified in column (4) on Chart 23.49.058D1.

d. Unoccupied space provided for architectural interest pursuant to Section 23.49.008B shall not be included in the calculation of gross floor area.

## 2. Maximum Tower Width.

a. In DMC zones, the maximum façade width for portions of a building above eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one hundred twenty (120) feet or eighty (80) percent of the width of the lot measured on the Avenue, whichever is less, except that:

(1) On a lot where the limiting factor is the eighty (80) percent width limit, the façade width is one (1) hundred twenty (120) feet, when at all elevations above a height of eighty-five (85) feet, no more than fifty (50) percent of the area of the lot located within fifteen (15) feet of the street lot line(s) is occupied by the structure; and

(2) On lots smaller than ten thousand seven hundred (10,700) square feet that are bounded on all sides by street right-of-way, the maximum façade width shall be one hundred twenty (120) feet.

b. In DOC1 and DOC2 zones, the maximum façade width for portions of a building above eighty-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one hundred forty-five (145) feet.

~~((c. the maximum width of tower structures may be increased if lot is combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:~~

~~((1). All lots have frontage on the same street;~~

~~((2). Any existing structure does not exceed a height of one hundred twenty-five (125) feet;~~

~~((3). The coverage and spacing of both the proposed and any existing structures meets the limits established in this Section; and~~

~~((4). The fee owners of the abutting lot(s) execute and record a covenant that restricts future development on the abutting lot to a maximum height of one hundred twenty-five (125) feet for the life of the proposed structure, and that precludes the use of the abutting lot(s) in combination with any other lots for purposes of meeting the requirements of this section.))~~

~~((d)) c. The projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating the maximum width of a façade.~~

E. Tower spacing for all structures over 160 feet in height in those DMC zoned areas specified below:

1. For the purposes of this section, no separation is required:

a. between structures on different blocks, except as may be required by view corridor or designated green street setbacks, or

b. from a structure on the same block that is not located in a DMC zone; or

c. from a structure allowed pursuant to the Land Use Code in effect prior to the effective date of ~~((this o))~~ Ordinance 122054.

2. Except as otherwise provided in this subsection E, in the DMC 240/290-400' zone located between Stewart Street, Union Street, Third Avenue and First Avenue, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and twenty-five (125) feet in height shall be separated by a minimum of two hundred (200) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

3. Except as otherwise provided in this subsection E, on DMC zoned sites with maximum height limits of more than one hundred sixty (160) feet located either in the Belltown Urban Center Village, as shown on Exhibit 23.49.058E, or south of Union Street, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and twenty-five (125) feet in height must be separated by a minimum of eighty (80) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

4. Except as otherwise provided in this subsection E, on DMC zoned sites with maximum height limits of more than one hundred sixty (160) feet located in the Denny Triangle Urban Center Village, as shown on Exhibit 23.49.056F, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and twenty-five (125) feet in height must be separated by a minimum of sixty (60) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

5. The projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating tower separation.

6. If the presence of an existing tower would preclude the addition of another tower

proposed on the same block, as a special exception, the Director may waive or modify the tower spacing requirements of this section to allow a maximum of two towers to be located on the same block that are not separated by at least the minimum spacing required in subsections E2, E3 and E4, other than towers described in subsection E1. The Director shall determine that issues raised in the design review process related to the presence of the additional tower have been adequately addressed before granting any exceptions to tower spacing standards. The Director shall consider the following factors in determining whether such an exception shall be granted:

a. potential impact of the additional tower on adjacent residential structures, located within the same block and on adjacent blocks, in terms of views, privacy, and shadows;

b. potential public benefits that offset the impact of the reduction in required separation between towers, including the provision of public open space, designated green street or other streetscape improvements, preservation of landmark structures, and provision of neighborhood commercial services, such as a grocery store, or community services, such as a community center or school;

c. potential impact on the public environment, including shadow and view impacts on nearby streets and public open spaces;

d. design characteristics of the additional tower in terms of overall bulk and massing, façade treatments and transparency, visual interest, and other features that may offset impacts related to the reduction in required separation between towers;

e. the City's goal of encouraging residential development downtown; and

f. the feasibility of developing the site without an exception from the tower spacing requirement.

7. For purposes of this section, an "existing" tower is either:

(a) a tower that is physically present, except as provided below in this subsection E6, or

(b) a proposed tower for which a Master Use Permit decision that includes approval of the Design Review element has been issued, unless and until either (i) the Master Use Permit issued pursuant to such decision expires or is cancelled, or the related application is withdrawn by the applicant, without the tower having been constructed; or (ii) a ruling by a hearing examiner or court of competent jurisdiction reversing or vacating such decision, or determining such decision or the Master Use Permit issued thereunder to be invalid, becomes final and no longer subject to judicial review.

Director shall consider the following factors in determining whether such an exception shall be granted:

a. potential impact of the additional tower on adjacent residential structures, located within the same block and on adjacent blocks, in terms of views, privacy, and shadows;

b. potential public benefits that offset the impact of the reduction in required separation between towers, including the provision of public open space, designated green street or other streetscape improvements, preservation of landmark structures, and provision of neighborhood commercial services, such as a grocery store, or community services, such as a community center or school;

c. potential impact on the public environment, including shadow and view impacts on nearby streets and public open spaces;

d. design characteristics of the additional tower in terms of overall bulk and massing, facade treatments and transparency, visual interest, and other features that may offset impacts related to the reduction in required separation between towers;

e. the City's goal of encouraging residential development downtown; and

f. the feasibility of developing the site without an exception from the tower spacing requirement.

7. For purposes of this section, an "existing" tower is either:

(a) a tower that is physically present, except as provided below in this subsection E6, or

(b) a proposed tower for which a Master Use Permit decision that includes approval of the Design Review element has been issued, unless and until either (i) the Master Use Permit issued pursuant to such decision expires or is cancelled, or the related application is withdrawn by the applicant, without the tower having been constructed; or (ii) a ruling by a hearing examiner or court of competent jurisdiction reversing or vacating such decision, or determining such decision or the Master Use Permit issued thereunder to be invalid, becomes final and no longer subject to judicial review.

A tower that is physically present shall not be considered "existing" if the owner of the lot where such tower is located shall have applied to the Director for a permit to demolish such tower and such application shall be pending or a permit issued for such demolition shall be in effect, but any permit decision or permit for any structure that would not be permitted under this section if such tower were considered "existing" may be conditioned upon the actual demolition of such tower.

Section 10. Subsection B of Seattle Municipal Code Section 23.49.248, as last amended by Ordinance 120443, is amended as follows:

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

\*\*\*

B. Green Street Setbacks. A setback from the street ((property)) lot line shall be required on green streets, Map 1((G))F, at an elevation of forty (40) feet. The setback shall be as follows:

Elevation of Portion of Structure -- Required Setback

40' to 85' -- 10'

86' to 240' -- (H-85') x .2 + 10'

where H = Total structure height in feet.

Section 11. Seattle Municipal Code Section 23.49.322, as last amended by Ordinance 120443, is amended as follows:

**23.49.322 Downtown Harborfront 2, principal and accessory parking.**

A. Principal Use Parking.

1. Principal use parking garages for both long-term and short-term parking shall be conditional uses, according to Section 23.49.324.

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

B. Accessory Parking.

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

2. Accessory surface parking areas shall ((either)) be:

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

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

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

Section 12. Seattle Municipal Code Section 23.49.336, which Section was last amended by Ordinance 120443, is amended as follows:

**23.49.336 Pike Market Mixed, permitted uses.**

A. Permitted uses within the Pike Place Market Historical District, shown on Map 1K((B)), shall be determined by the Pike Place Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance, Chapter 25.24, Seattle Municipal Code.

B. In areas outside of the Pike Place Market Historical District in the Pike Market Mixed (PMM) zone, as shown on Map 1K((B)), all uses are permitted outright except those specifically prohibited by Section 23.49.338.

Section 13. The introductory subsection of Section 12 of Ordinance 122054 is amended as follows:

Section 12. S((ubs))ection 23.49.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 121196, is renumbered to Section 23.49.010, and subsection B is amended to read as follows:

\*\*\*

Section 14. Subsection F of Seattle Municipal Code Section 23.76.026, which Section was last amended by Ordinance 121477, is repealed.

Section 15. The subsection entitled "Maximum structure height" in SMC Section 23.84.025, which Section was last amended by Ordinance 122054, is repealed.

Section 16. The introductory subsection of Section II.N of the Downtown Amenity Standards, which Standards were enacted by Ordinance 122054, is amended as follows:

\*\*\*

N. Restoration and Preservation of Landmark Performing Arts Theatre

The landmark performing arts theater (LPAT) bonus is intended to contribute to the city's architectural, historic and cultural heritage by encouraging the preservation, rehabilitation and use of landmark performing arts theaters ((as defined by the City in SMC Chapter 23.84)).

\*\*\*

Section 17. This ordinance is intended in part to clarify the intent of existing law, including without limitation the intent that the map designated "1G" in Ordinance 122054 be designated "1F" and that definitions, measurements, transportation concurrency and certain right-of-way improvement requirements are not within the scope of standards or requirements from which departures may be granted.

Section 18. m.

Ordinance 120443, is amended as follows:  
**23.49.322 Downtown Harborfront 2, principal and accessory parking.**

**A. Principal Use Parking.**

1. Principal use parking garages for both long-term and short-term parking shall be conditional uses, according to Section 23.49.324.

2. Principal use surface parking areas shall be conditional uses in areas shown on Map 1I((d)), and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.324.

**B. Accessory Parking.**

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

2. Accessory surface parking areas shall ((either)) be:

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

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

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

Section 12. Seattle Municipal Code Section 23.49.336, which Section was last amended by Ordinance 120443, is amended as follows:

**23.49.336 Pike Market Mixed, permitted uses.**

A. Permitted uses within the Pike Place Market Historical District, shown on Map 1K((b)), shall be determined by the Pike Place Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance, Chapter 25.24, Seattle Municipal Code.

B. In areas outside of the Pike Place Market Historical District in the Pike Market Mixed (PMM) zone, as shown on Map 1K((b)), all uses are permitted outright except those specifically prohibited by Section 23.49.338

Section 13. The introductory subsection of Section 12 of Ordinance 122054 is amended as follows:

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\*\*\*

Section 17. This ordinance is intended in part to clarify the intent of existing law, including without limitation the intent that the map designated "1G" in Ordinance 122054 be designated "1F" and that definitions, measurements, transportation concurrency and certain right-of-way improvement requirements are not within the scope of standards or requirements from which departures may be granted.

Section 18. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances. To the extent that sections of this ordinance enact maps that are substantively identical to maps being repealed hereby, this ordinance shall be construed to continue the substance of the previous maps in effect. The repeal of various sections or maps of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the provisions of such Title in effect prior to such repeal.

Section 19. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 18th day of September, 2006, and signed by me in open session in authentication of its passage this 18th day of September, 2006.

Nick Licata

President of the City Council

Approved by me this 25th day of September, 2006.

Gregory J. Nickels, Mayor

Filed by me this 28th day of September, 2006.

(Seal) Judith Pippin

City Clerk

Attachment 1: Downtown Maps:

Map 1A Downtown Zones

Map 1B Street Classifications

Map 1C Sidewalk Widths

Map 1D View Corridors

Map 1E Existing Public Benefit Features under Title 24

Map 1F Pedestrian Street Classifications

Map 1G Street Level Use Required

Map 1H Property Line Facades

Map 1I Parking Uses Permitted

Map 1J Public Amenity Features

Map 1K Pike Place Market

See City Clerk for Attachments

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, October 2, 2006

10/2(203016)