Ordinance No. 124591

Council Bill No. 118163

AN ORDINANCE related to land use and zoning; amending Seattle Municipal Code Sections 23.49.011, 23.49.013, and 23.49.014 to remove provisions related to the bonus for a Landmark performing arts theater (LPAT) and to increase the base floor area ratio (FAR) of a lot with an LPAT to provide a new incentive for rehabilitating and maintaining these structures; and amending the Downtown Amenity Standards to delete reference to the bonus for the restoration and preservation of a Landmark performing arts theater and to update references to the Public Art Advisory Committee.

Related Legislation File: CF 313896

Date Introduced and Referred:	To: (committee):
7/28/14	Finance and culture
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 9.29.14	Date Presented to Mayor: 10.3.14
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Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Nick Licata

Committee Action:

Date	Recommendation	Vote
9/24/14	pass as amended 3-0 NL, JG, TB	LH

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

Full Council Action:

Date	Decision	Vote
9.29.14	Passed	9-0

CITY OF SEATTLE

ORDINANCE 124591

COUNCIL BILL 118163

AN ORDINANCE related to land use and zoning; amending Seattle Municipal Code Sections 23.49.011, 23.49.013, and 23.49.014 to remove provisions related to the bonus for a Landmark performing arts theater (LPAT) and to increase the base floor area ratio (FAR) of a lot with an LPAT to provide a new incentive for rehabilitating and maintaining these structures; and amending the Downtown Amenity Standards to delete reference to the bonus for the restoration and preservation of a Landmark performing arts theater and to update references to the Public Art Advisory Committee.

WHEREAS, Downtown Seattle is home to some of the City's most historic live-performance venues; and

WHEREAS, in 2011 the City Council adopted Resolution 31341 establishing the Downtown Historic Theatre District and recognizing the economic and cultural contributions of live-performance venues; and

WHEREAS, the large Landmark theaters are the anchors of the Downtown Historic Theatre District and are critical to the vitality of the district and success of a wide variety of businesses; and

WHEREAS, the City recognizes that, due to the size and unique characteristics of design and function, these large Landmark theaters present extraordinary challenges for ongoing maintenance and operation, and the City desires to support and promote the continued preservation and operation of these Landmark theaters and the downtown neighborhood where they are located; and

WHEREAS, changes to the City's Land Use Code to increase the base FAR of lots with large Landmark performing arts theaters will provide additional incentives to support the preservation, promotion and use of these large Landmark theaters, and the continued success of the Downtown Historic Theatre District; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.49.011 Floor area ratio

A. General standards

DIS CITY CLERK

* * *

3. In a DOC1, DOC2, DRC, or DMC zone, for a lot that includes a qualifying Landmark structure with a performing arts theater, the base FAR specified in Table A for 23.49.011 is increased by 4 FAR, or by the amount of FAR between the base and maximum FAR of the zone, whichever is less, provided that the conditions of this subsection 23.49.011.A.3 are met.

a. For purposes of this subsection 23.49.011.A.3, a "qualifying Landmark structure with a performing arts theater" is a structure that is a designated Landmark pursuant to Chapter 25.12 and that meets the following:

1) the structure was built before 1930;

2) the structure contains performing arts theater space that has combined seating capacity in one or more venues for at least 800; and

3) the structure is subject to an ordinance granting incentives for and imposing controls on the Landmark structure.

b. At the time a qualifying Landmark structure with a performing arts theater uses the additional base FAR, either on the site or through transfer of TDR to another site, the following conditions shall be met:

1) the performing arts theater use established under approved permits, including combined seating capacity in one or more venues for at least 800, shall be ensured by binding covenants between the property owner and the City for at least 40 years from the first use of any of the additional base FAR, either on the site or through the first transfer of any TDR to another site; and

2) the Director, after consulting with the property owner, determines, as a Type I decision, that the property owner has executed a contract(s) with one or more theater groups or performing arts organizations for regularly scheduled use of the Landmark structure for live performances and that the anticipated use of the Landmark theater

2015 CITY CLERK

structure for live theater performances, combined with any other use of the structure, is adequate to contribute sufficiently to the presence of live theater in the Downtown Historic Theatre District established by Resolution 31341 and to support the desired level of activity in the area near the Landmark structure. In making this determination, the Director shall consider the following:

a) the extent and duration of the contract(s) between the property owner and one or more theater groups or performing arts organizations for regularly scheduled use of the Landmark structure for live performances;

b) the presence of uses in the structure that will contribute to activity in the area beyond the typical workday hours; and

c) programmed use of the Landmark structure by other activities during periods when the structure is not in use for live performances; and

3) any use of the additional base FAR on the site complies with all provisions of the designating ordinance and Chapter 25.12.

c. If a Landmark structure is on a lot that is not entirely regulated by a designating ordinance, then the area used to calculate the additional base FAR is the area of the footprint of the Landmark structure.

d. A lot that uses the additional base FAR on the site as allowed by this subsection 23.49.011.A.3 is not allowed to gain chargeable floor area under subsection 23.49.011.A.2.j.

e. If a qualifying Landmark structure with a performing arts theater is on a lot that is not entirely regulated by a designating ordinance, then the additional base FAR may be transferred as TDR to another site, or may be used on the site on the portion of the lot that is within the footprint of the Landmark structure, but shall not be used elsewhere on the lot.

((~~3~~))4. The Master Use Permit application to establish any bonus development under this subsection 23.49.011.A.((~~3~~))4 shall include a calculation of the amount of bonus

DIS CITY CLERK

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 23.49.011 and any other conditions of the permit, including Design Review if applicable.

* * *

Section 2. Section 23.49.013 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.49.013 Bonus floor area for amenities

A. An applicant may achieve a portion of the chargeable floor area to be established in addition to base FAR through bonuses for amenities, subject to the limits in this ((e))Chapter 23.49. Amenities for which bonuses may be allowed are limited to:

1. Public open space amenities, including hillside terraces on sites shown as eligible for bonuses on Map 1J, urban plazas in DOC1, DOC2 and DMC 340/290-400 zones, parcel parks in DOC1, DOC2, DMC, DMR, DH2, and IDM zones, public atria in DOC1, DOC2, DMC 340/290-400, and DMC 85/65-150 zones, green street improvements and green street setbacks on designated green streets;

2. Hillclimb assists or shopping corridors on sites shown as eligible for these respective bonuses on Map 1J;

3. Human services uses as follows:

a. Information and referral for support services;

b. Health clinics;

c. Mental health counseling services;

THIS CITY CLERK

d. Substance abuse prevention and treatment services;

e. Consumer credit counseling;

f. Day care services for adults; and

g. Jobs skills training services;

4. Public restrooms; and

((~~5. For projects in a DOC1, DOC2, or DMC 340/290-400 zone, rehabilitation and preservation of Landmark performing arts theaters, provided that the following conditions are met:~~

~~a. the theater contains space that was designed for use primarily as, or is suitable for use as, a performing arts theater;~~

~~b. the theater is located in a DOC1, DOC2, DRC, or DMC zone;~~

~~c. the theater is a designated Landmark pursuant to Chapter 25.12;~~

~~d. the theater is subject to an ordinance establishing an incentive and controls, or the owner of the theater executes, prior to the approval of a floor area bonus under any agreement with respect to such theater, an incentives and controls agreement approved by the City Landmarks Preservation Board;~~

~~e. the theater has, or will have upon completion of a proposed plan of rehabilitation, a minimum floor area devoted to performing arts theater space and accessory uses of at least 20,000 square feet; and~~

~~f. The theater will be available, for the duration of any commitment made to qualify for a floor area bonus, for live theater performances no fewer than 180 days per year; and~~

~~6~~))5. Transit station access for fixed rail transit facilities.

B. Standards for amenities

1. Location of amenities. Amenities provided by the applicant by performance shall be located on the lot using the bonus, except as follows:

CITY CLERK

a. Green street improvements may be located within an abutting right-of-way subject to applicable Director's rules.

b. An open space amenity, other than green street improvements, may be on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of the following conditions are satisfied:

1) The open space must be open to the general public without charge, must meet the eligibility conditions of the Downtown Amenity Standards, and must be one of the open space features cited in subsection 23.49.013.A.1.

2) The open space must be within 1/4 mile of the lot using the bonus, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4.

3) The open space must have a minimum contiguous area of 5,000 square feet, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4.

4) Departures from standards for the minimum size of off-site open space and maximum distance from the project may be allowed by the Director as a Type I decision if the Director determines that if such departures are approved, the proposed open space will meet the additional need for open space caused by the project, and improve public access to the open space compared to provision of the open space on-site.

5) The owner of any lot on which off-site open space is provided to meet the requirements of this Section 23.49.013 shall execute and record an easement or other instrument in a form acceptable to the Director assuring compliance with the requirements of this Section 23.49.013, including applicable conditions of the Downtown Amenity Standards.

c. Public restrooms shall be on a ground floor; shall satisfy all codes and accessibility standards; shall be open to the general public during hours that the structure is open to the public, although access may be monitored by a person located at the restroom facility; shall be maintained by the owner of the structure for the life of the structure that includes the bonused space; and shall be designated by signs sufficient so that they are readily located by

CITY CLERK

pedestrians on an abutting street or public open space. The Director is authorized to establish standards for the design, construction, operation and maintenance of public restrooms qualifying for a bonus, consistent with the intent of this subsection 23.49.013.B.1.c to encourage the provision of accessible, clean, safe and environmentally sound facilities.

2. Options for provision of amenities.

((~~a.~~))Amenities must be provided by performance except as expressly permitted in this Section 23.49.013. The Director may accept a cash payment for green street improvements and a related voluntary agreement from the applicant, subject to this Section 23.49.013, the Downtown Amenity Standards and the Green Street Director's Rule, DR 11-2007, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully 1 square foot of green street space for each 5 square feet of bonus floor area allowed for such payment. The cash payment shall be maintained in a restricted account and shall be used to improve a green street abutting or in the vicinity of the lot.

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

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

~~2) The owner of the Landmark performing arts theater executes and records covenants enforceable by the City, agreeing to maintain the structure and the performing arts theater use, consistent with the Downtown Amenity Standards; and~~

2015 CITY CLERK

~~3) Prior to the issuance of any building permit after the first building permit for the project using the bonus, and in any event before any permit for any construction activity other than excavation and shoring issued for that project, unless the rehabilitation work has then been completed, the applicant posts security for completion of that work, consistent with the Downtown Amenity Standards.~~))

3. Ratios and limits

a. Amenities may be used to gain floor area according to the applicable ratios, and subject to the limits in Section 23.49.011 and in Table A for 23.49.013.

Table A for 23.49.013
Downtown ((a))Amenities

Amenity	Zone location of lots eligible to use bonus							Bonus ((R))ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC1	DOC2	DMC 340/290-400	DH2,DMC 125, DMC 160, DMC 85/65-150, and DMC 240/290-400	DRC	DMR	IDM		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	6,000
Urban Plaza	X	X	X					5:1	15,000
Commercial Parcel Park	X	X	X	X			X	5:1	7,000
Residential Parcel Park			X	X		X	X	5:1	12,000
Green Street Parcel Park	Eligible for bonus only on lots abutting a designated green street							5:1	7,000
Public Atrium	X	X	X					5:1	5,500
Green Street Improvement	Eligible for bonus only on lots abutting a designated green street							5:1	No limit
Green Street Setback	Eligible for bonus only on lots abutting a designated green street that are not subject to property line street wall requirement							1:1	10 times the length of lot's green street frontage
Hillclimb Assist	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							Not applicable	Maximum gain of 0.5 FAR

2015 CITY CLERK

Table A for 23.49.013
Downtown ((~~a~~))Amenities

Amenity	Zone location of lots eligible to use bonus							Bonus ((~~R~~))ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC1	DOC2	DMC 340/290-400	DH2,DMC 125, DMC 160, DMC 85/65-150, and DMC 240/290-400	DRC	DMR	IDM		
Shopping Corridor	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	7,200
Transit Station Access	X	X	X	X	X	X		Not ((~~A~~))applicable	Maximum gain of 1.0 FAR
Public Restroom	X	X	X	X	X	X		7:1	No limit
Human Services	X	X	X	X	X	X		7:1	10,000
((~~Preservation of Landmark Theater~~	~~X~~	~~X~~	~~X~~					~~Variable; maximum of 12:1~~	~~Maximum gain of 1.0 FAR~~))

"X" indicates that bonus is potentially available.

((~~b. Any bonus for rehabilitation and preservation of a Landmark performing arts theater shall not exceed a maximum of one FAR. Such bonus may be allowed at a variable ratio, as described in the Downtown Amenity Standards, of up to 12 square feet of floor area granted per 1 square foot (12:1) of floor area of a Landmark performing arts theater rehabilitated by the applicant, or previously rehabilitated so as to have a useful life at the time the bonus is allowed of no less than 20 years, in each case consistent with any controls applicable to the Landmark performing arts theater and any certificates of approval issued by the Landmarks Preservation Board. For purposes of this subsection 23.49.013.B.3.b, "rehabilitation" means the process of returning a building or buildings to a state of utility, through repair or alteration, that makes possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values. For~~

CITY CLERK

~~any Landmark performing arts theater from which TDR has been transferred, or that has received any public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited, pursuant to a subsidy review, to the lowest ratio, as determined by the Director of Housing, such that the benefits of the bonus, together with the value of any TDR and any public funding or subsidy, are no more than the amounts reasonably necessary to make economically feasible:~~

~~1) The rehabilitation and preservation of the Landmark performing arts theater; and~~

~~2) Any replacement by the owner of such theater of low-income housing that is reasonably required to be eliminated from the lot of the Landmark performing arts theater to make rehabilitation, preservation and operation of the performing arts theater economically feasible.~~))

* * *

Section 3. Section 23.49.014 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.49.014 Transfer of development rights

* * *

E. TDR ((~~S~~))sales ((~~B~~))before ((~~B~~))base FAR ((~~I~~))increases and ((~~C~~))changes in ((~~E~~))exemptions. Except for transfers of TDR from a sending lot with a major performing arts facility, or from a Landmark performing arts theater satisfying the conditions of subsection 23.49.011.A.3, transfers of TDR from any lot from which a TDR transfer was made prior to August 26, 2001, are limited to the amount of TDR available from such lot immediately prior to that date.

F. Projects ((~~D~~))developed ((~~U~~))under ((~~P~~))prior ((~~C~~))code ((~~P~~))provisions((~~.~~))

1. Any project that is developed pursuant to a master use permit issued under the provisions of this ((~~t~~))Title 23 as in effect prior to August 26, 2001, which permit provides for

BDS CITY CLERK

the use of TDR, may use TDR that were transferred from the sending lot consistent with such prior provisions prior to August 26, 2001.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot on or after August 26, 2001.

3. The use of TDR by any such project must be consistent with the provisions of Title 23 applicable to the project, including any limits on the range of FAR in which a type of TDR may be used, except that open space TDR may be used by such a project in lieu of any other TDR or any bonus, or both, allowable under such provisions.

G. TDR ((~~S~~))satisfying ((~~C~~))conditions to ((~~T~~))transfer ((~~U~~))under ((~~P~~))prior ((~~C~~))code((~~.~~))

1. If the conditions to transfer Landmark TDR, as in effect immediately prior to August 26, 2001, were satisfied on or before December 31, 2001, such TDR may be transferred from the sending lot in the amounts eligible for transfer as determined under the provisions of this Title 23 in effect immediately prior to August 26, 2001. If the conditions to transfer housing TDR were satisfied prior to August 26, 2001, under the provisions of this Title 23 then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that date. If the conditions to transfer TDR from a major performing arts facility were satisfied prior to August 26, 2001, under the provisions of this Title 23 then in effect, such TDR may be transferred from the sending lot after that date, for use on any receiving lots in zones where housing TDR may be used according to Table A for 23.49.014 or as provided in Section 23.50.053, in an amount as determined under subsection 23.49.014.B, provided that the cumulative amount of TDR that may be transferred after June 1, 2005, from any sending lot based on the presence of a major performing arts facility is limited to 150,000 square feet.

2. For purposes of this subsection 23.49.014.G, conditions to transfer include, without limitations, the execution by the owner of the sending lot, and recording in the King County real property records, of any agreement required by the provisions of this Title 23 or the

2015 CITY CLERK

Public Benefit Features Rule in effect immediately prior to August 26, 2001, but such conditions do not include any requirement for a master use permit application for a project intending to use TDR, or any action connected with a receiving lot. TDR transferable under this subsection 23.49.014.G are eligible either for use consistent with the terms of Section 23.49.011 ((~~or Section 23.50.051~~))or for use by projects developed pursuant to permits issued under the provisions of this Title 23 in effect prior to August 26, 2001. The use of TDR transferred under this subsection 23.49.014.G on the receiving lot shall be subject only to those conditions and limits that apply for purposes of the master use permit decision for the project using the TDR.

H. Time of ((~~D~~))determination of TDR ((~~E~~))eligible for ((~~T~~))transfer. Except as stated in subsection 23.49.014.G, the eligibility of a sending lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the date of transfer from the sending lot and shall not be affected by the date of any application, permit decision or other action for any project seeking to use such TDR.

I. Use of ((~~P~~))previously ((~~T~~))transferred TDR by ((~~N~~))new ((~~P~~))projects. Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR that were transferred from the sending lot consistent with the provisions of this Title 23 in effect at the time of such transfer. For purposes of this subsection 23.49.014.I, the owner of TDR that were transferred based upon a housing commitment accepted by the City shall be entitled to have such TDR considered as housing TDR.

Section 4. The Downtown Amenity Standards are amended as shown on Attachment A to this ordinance to delete reference to the bonus for the restoration and preservation of a Landmark performing arts theater and to update references to the Public Art Advisory Committee. The amended Downtown Amenity Standards shall be filed with the City Clerk in a Clerk File.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

DIS CITY CLERK

Passed by the City Council the 29th day of September, 2014, and signed by me in open session in authentication of its passage this 29th day of September, 2014.

President _____ of the City Council

Approved by me this 13th day of October, 2014.

Edward B. Murray, Mayor

Filed by me this 13th day of October, 2014.

Monica Martinez Simmons, City Clerk

(Seal)

Attachment A: Amendments to Downtown Amenity Standards

CITY CLERK

DOWNTOWN AMENITY STANDARDS
((~~April 2011~~)) September 2014

TABLE of CONTENTS

Introduction 2
Legislative History 3

Section I General Eligibility Conditions for Amenity Features 4

Section II Specific Eligibility Conditions and Guidelines for Amenity Features to Qualify for a Bonus 12

- **Interior Amenity Features**
  A. Hillclimb assist 12
  B. Public atrium 14
  C. Public restrooms 16

- **Open Space Amenity Features**
  D. Commercial, residential, and green street parcel park 17
  E. Neighborhood open space 22
  F. Residential hillside terrace 22
  G. Green street setback 24
  H. Mid-block corridor 25

- **Retail-related Amenity Feature**
  I. Shopping corridor 26

- **Streetscape and Circulation-related Amenity Features**
  J. Green street improvement 28
  K. Hillside terrace 29
  L. Urban plaza 31

- **Transit-related Amenity Features**
  M. Transit station access easement 33
  N. Transit station access: mechanical assists 35
  O. Transit station access: grade level 37

- **Other Amenity Features**
  P. Human services 40
  ((~~Q. Restoration and preservation of landmark performing arts theater~~ ..... ~~41~~))

Section III Specific Eligibility Conditions and Guidelines for Amenity Features Eligible for Floor Area Exemption Only 43
((~~R~~))Q. Museum 43
((~~S~~))R. Shopping Atrium ((~~Major retail store~~)) 44

CITY CLERK

((~~T~~))S. Major Retail Store ((~~Shopping atrium~~)) 46

INTRODUCTION

In some Downtown zones, increases in floor area above the base Floor Area Ratio (FAR) limit or base height limit of the zone may be allowed, subject to specified conditions. SMC Chapters 23.49 and 23.58.A establish the amenity features eligible for a bonus in each zone, together with the other conditions and limits that govern the amount of floor area that may be obtained for each amenity feature. SMC 23.49.011 addresses the amenity features that may be exempted from the calculation of chargeable floor area.

These Downtown Amenity Standards ("Standards") supplement the provisions of the Land Use Code with additional, detailed eligibility criteria that the Department of Planning and Development (DPD) uses to determine whether a floor area bonus or exemption will be allowed for an amenity feature. The Standards include requirements for the ongoing operation of amenity features, which apply to the successor owners and operators of the buildings and lots where the amenity features are located.

The Downtown Amenity Standards are presented in the following three sections:

Section I General Eligibility Conditions for Amenity Features
Section I sets forth general eligibility conditions that focus on the procedures, operation, mandatory elements, maintenance, identification, and other requirements generally associated with amenity features that are eligible for a floor area or height bonus or floor area exemption. Some conditions apply to all amenity features, while others apply only to specific amenity features. These general eligibility conditions must be satisfied for the amenity feature to qualify for a bonus or exemption. Pursuant to SMC Sections 23.49.013 and 23.58A.016, the Director has the authority to grant departures from the general eligibility conditions as a Type I decision. In some instances, there are specified criteria for particular types of departures.

Section II Specific Eligibility Conditions and Guidelines for Amenity Features
This section of the Standards provides the basis for reviewing each proposed amenity feature to determine eligibility for a bonus. It states the intended function and public benefit of each amenity feature, and sets forth specific eligibility conditions and guidelines.

- **Eligibility Conditions**. Specific eligibility conditions are basic requirements in addition to any set forth in the Land Use Code. These conditions relate primarily to the size of the amenity feature and its location on the lot. Pursuant to SMC Sections 23.49.013 and 23.58A.016, the Director has the authority to grant departures from the specific eligibility conditions in these Standards. In some instances, there are specified criteria for particular types of departures.

- **Guidelines.** The guidelines are more flexible statements about the characteristics desired for each amenity feature. They provide direction for the siting and design of an amenity

SEA CITY CLERK

feature, while allowing the flexibility to respond to the special circumstances of individual projects and development sites.

Section III Specific Eligibility Conditions and Guidelines for Amenity Features Eligible for Floor Area Exemption Only

Section III of the Standards contains specific eligibility conditions and guidelines for exemption of certain amenity features from the calculation of chargeable floor area.

LEGISLATIVE HISTORY

- The Downtown Amenity Standards were originally adopted by Ordinance 122054 on April 3, 2006. The Standards replaced DPD Director's Rule 20-93.
- The Standards were amended by Ordinance 122235, passed on September 18, 2006, to change the introduction to the subsection about Landmark Performing Arts Theatres.
- ((~~This version of the~~))The Standards ((~~was adopted~~))were amended by ((~~the~~))Ordinance 123589, passed ((~~introduced as Council Bill 117140~~))on April 25, 2011, to include new amenity features.
- This version of the Standards was adopted by the Ordinance introduced as Council Bill 118163, passed on September 29, 2014, to delete reference to the bonus for a Landmark performing arts theater and to update references to the Public Art Advisory Committee.

2015 CITY CLERK

SECTION I: GENERAL ELIGIBILITY CONDITIONS FOR AMENITY FEATURES

The following eligibility conditions apply to all amenity features for which a floor area bonus is sought under SMC Sections 23.49.013 and 23.58A.016 and to specific amenity features for which a floor area exemption is allowed as described in these Standards. The categories of general eligibility conditions are:

A. Installation Timeframes
B. Public Access and Hours of Operation
C. Maintenance
D. Combination of Amenity Features
E. Art in Bonused Public Spaces
F. Use of Bonused Public Spaces
G. Landscaping and Furnishings
H. Safety
I. Identification
J. Required Street Level Uses
K. Information in Permit Application and Recording Conditions

A. Installation Timeframes

The required elements of amenity features shall be installed within the timeframe shown on Table A. If an element is not installed when required, further occupancy of the building will not be allowed until the element of the amenity feature is provided. The Director may extend the time allowed when installation is not feasible due to construction scheduling or other good cause, but in no case shall the Final Certificate of Occupancy be issued until all the elements of all amenity features in the project have been provided.

Table A: Timing of Installation for Required Elements of Amenity Features

	Prior to Issuance of any C of O* for chargeable floor area	6 months from issuance of first C of O* for chargeable floor area	2 years from issuance of first C of O* for chargeable floor area
Art Installation**	X		
Seating and Furnishings	X		
Identification Signs		X	
Performing Arts Theatre Signs			X
Required Street Level Uses Are In Operation***			X
Green Street Improvements			X

CITY CLERK

	Prior to Issuance of any C of O* for chargeable floor area	6 months from issuance of first C of O* for chargeable floor area	2 years from issuance of first C of O* for chargeable floor area
Mechanical Conveyance for Hillclimb Assist	X		
Lease or Plan for a Museum Eligible for a Floor Area Exemption			X

Footnotes for Table A:
* C of O stands for Certificate of Occupancy
**A Preliminary Plan for the art installation is required at the time of MUP application; the Final Plan is required prior to MUP issuance.
***Applies for the following amenity features with frontage on a where street level uses are required by SMC 23.49.009: Shopping corridor, Hillside terrace, Urban plaza, Commercial parcel park, and Residential and Green street parcel parks.

B. Public Access and Hours of Operation

1. Hours of Operation. The amenity features listed in this subsection B.1 provide open spaces for public use and enjoyment. These open spaces shall be easily recognized as available for use by the general public, and shall generally be as accessible to the public as publicly provided open space. Standards for hours of operation are as follows:

a. Interior Amenity Features: Amenity features integrated with interior spaces are required to be open and accessible to the general public without charge **during normal operating hours of the building**. These amenity features are:

- Hillclimb assist
- Museum
- Public atrium
- Public restrooms

b. Open Space Amenity Features: Amenity features listed in this subsection B.1.b must be open and accessible to the general public, without charge, for reasonable and predictable hours, for a **minimum of 10 hours each day of the year, except that mid-block corridors must be open for a minimum of 16 hours each day of the year**. The hours of public access for these amenity features shall be during daylight, except that when there are insufficient daylight hours, the open space must also be open for all daylight hours and also during nighttime hours for the balance of the hours that the open space is to remain open. These amenity features are:

CITY CLERK

- Commercial parcel park
- Green Street parcel park
- Residential parcel park
- Neighborhood open space
- Residential hillside terrace
- Green street setback
- Mid-block corridor

c. Retail-related Amenity Features: Amenity features listed in this subsection B.3 that support retail activity Downtown shall be open and accessible to the general public during normal shopping hours, which at a minimum shall be **five days a week for at least eight hours a day.** These amenity features are:

- Major retail store
- Shopping atrium
- Shopping corridor

d. Streetscape and Circulation-related Amenity Features: The following amenity features, which are integrated with the public street environment and intended to function as part of the outdoor pedestrian circulation network, are required to be open and accessible to the general public without charge **24 hours a day, every day throughout the year**. These amenity features are:

- Green street improvement
- Hillside terrace
- Urban plaza

e. Transit-related Amenity Features: Amenity features integrated with public transportation facilities shall provide free public access at **all times the transportation facility is in operation**. These amenity features are:

- Transit station access easement
- Transit station access: grade level
- Transit station access: mechanical assist

2. Public Access

a. Within the open space amenity features in subsection B.1.b and the streetscape and circulation-related amenity features in subsection B.1.d, during the hours of operation set in subsection B.1, except for seating reserved for customers of restaurants or other uses permitted pursuant to subsection G.2.a, property owners, tenants, and their agents shall allow individuals to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent

DAS CITY CLERK

amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others.

b. Public access may be limited temporarily for necessary maintenance or for reasons of public safety during hours when an amenity feature is otherwise required to be open to the public.

C. Maintenance

Unless otherwise stated in the specific conditions for an amenity feature, the property owner shall maintain all elements of the amenity feature, including but not limited to landscaping, seating, and lighting, in a safe, clean, and well-maintained condition.

D. Combination of Amenity Features

Some projects earning a floor area bonus may incorporate several amenity features, including features that are exempt from FAR limits. In these cases, the intent is to encourage the integration of the various amenity features within the project design. Should conflicts among requirements arise when combining amenity features in one project, the Director may resolve the conflict by granting departures from eligibility conditions, provided the intent of each amenity feature is fulfilled.

E. Art In Bonused Amenity Features

1. **Definition**: For the purposes of these Standards, art is broadly defined to encourage high-quality, imaginative interpretations of the various media, and includes works that are only decorative, or are both decorative and functional. Over time, new materials and art forms may be developed. Therefore, such innovations in form and media are included in this definition of art.

2. **Amenity Features Requiring Art**: To make a positive contribution to the identity of the public space, art is required in the following amenity features:

   - Commercial, Residential, and Green street parcel parks
   - Neighborhood open space
   - Residential hillside terrace
   - Mid-block corridor
   - Hillclimb assist
   - Public atrium
   - Green street improvement
   - Hillside terrace
   - Urban plaza
   - Shopping corridor
   - Transit station access—all types

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3. **General Requirements**
   a. When more than one amenity feature is incorporated in a project, the requirement for artwork may be filled in a variety of ways, such as providing one major work as a focal point, or several smaller works, as appropriate to the design of the public spaces, and commensurate with the amount of bonused public space.

   b. Artwork may include but need not be limited to two or three dimensional works in all media, such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Artwork may also include fountains, mobiles, special wall or paving surfaces, bas-reliefs, mosaics, murals, landscaping elements, and other decorative elements. Interdisciplinary projects and collaborations are encouraged, as are works that are not only visual, but engage other senses, such as sound and touch.

   c. The artwork shall be clearly visible to people using the public space, and, wherever possible, should be visible from the street. If it is not visible from the street, it shall be visible from primary circulation paths adjacent to or through the public space. However, it shall not impede circulation in the open space.

   d. The setting for the artwork shall be designed to provide comfort and accommodate people viewing the art by incorporating such elements as steps, ledges, benches, and other seating or by providing rails or other architectural features to lean against.

   e. The property owner is responsible for the maintenance of all artwork for the life of the building.

   f. The selection of artists to work as members of design teams along with building architects, landscape architects and/or engineers is encouraged. The intent is to promote art that is an integral part of the design of the public space and compatible in bulk, scale, design, texture, color, and shape with the space in which it is located.

4. **Artwork Plan Process**
   a. To encourage integration of the artwork into the overall design of the project, the Master Use Permit application shall include a Preliminary Artwork Plan, which shall be submitted to the ((~~Seattle Arts Commission~~))Public Art Advisory Committee, who will review it, advise the applicant and the DPD Director, and make recommendations on the proposal. The Preliminary Artwork Plan shall include the following elements:

      - Concept Statement - Outline of the art proposal in terms of proposed location(s) and type(s) of art, e.g., sculpture, two-dimensional work, interdisciplinary process, etc.
      - Proposed budget
      - Proposed process for selection of artist(s)
      - Schedule for implementation

CITY CLERK

b. Before a building permit for the project is issued, a Final Artwork Plan shall be submitted by the applicant to the ((~~Seattle Arts Commission~~))Public Art Advisory Committee, who will review it and make recommendations to the DPD Director. The Final Artwork Plan shall be a refinement of the Preliminary Artwork Plan, and include the following elements:
   - Selected artist(s)
   - Drawings indicating location, size, placement of artwork
   - Technical documents outlining in detail the materials and method of attachment of the proposed art
   - Maintenance, safety and security considerations
   - Final budget
   - Final schedule for installations

c. The final Certificate of Occupancy shall not be issued until the artwork is complete and installed.

5. **Removal or Modification of Art in Bonused Spaces**
   a. Proposed alterations to or removal of artwork in amenity features that have earned a bonus may be subject to the Visual Artists Rights Act. Therefore, such alteration or removal requires review by the ((~~Seattle Arts Commission~~))Public Art Advisory Committee. The ((~~Commission~~))Committee will advise the Director if, in its opinion, the proposed alterations would constitute destruction of the artwork, and would thus require replacement artwork to satisfy the bonus requirements. The Director may require replacement artwork.

   b. Proposals for replacement artwork in bonused public spaces shall be reviewed by the ((~~Seattle Arts Commission~~))Public Art Advisory Committee, who will make a recommendation to the Director. The recommendation will be based on the suitability of the new artwork, taking into account the Final Artwork Plan and any changed conditions since the original installation of the artwork. The Director may approve, condition, or deny the placement of the replacement artwork.

F. Use of Bonused Public Spaces

No amenity feature may be used for storage, or for a driveway, parking area, or loading berth, except as provided in these Standards.

G. Landscaping and Furnishing

1. Amenity Features Requiring Landscaping: Landscaping is required for the following amenity features to be eligible for a bonus or floor area exemption. The landscaping must be consistent with the applicable guidelines specified for each amenity feature in Section II:

- Hillclimb assist
- Public atrium
- Commercial, residential, and green street parcel parks

DPS CITY CLERK

- Neighborhood open space
- Residential hillside terrace
- Green street setback
- Mid-block corridor—in additional abutting open space only
- Shopping corridors with bonus for natural light
- Green street improvement
- Hillside terrace
- Urban plaza
- Shopping atrium

2. **Types of Landscaping and Furnishings:** Required landscaping is subject to the review and approval of the Director, and shall be provided consistent with the Landscape Standards Director's Rule (DR 6-2009 or successor rule). It may include a wide variety of living trees, shrubs, and ground covers, as well as fountains and planters, and should include seasonal plantings. Required public art may be located in a landscaped area. All required landscaping shall be located in permanently installed beds or planters, or in large containers that, while movable, cannot be readily removed.

   a. **Seating and tables.** All amenity features that require landscaping shall also provide seating for use by the general public at all times the space is open. Tables may also be provided for use by the general public. The type and amount of seating should reflect the intended function of the space and anticipated volume of users, with a desired minimum amount indicated in the guidelines for each amenity feature. The seating may be either permanent or movable. Additional seating, and/or tables, may be reserved for customers of restaurants or other uses. To avoid dominating the space and conflicting with its intended public use, the area reserved for such seating shall not exceed 15 percent of the bonused area, or 500 square feet, whichever is less. The location, size and delineation of the area used for reserved seating are subject to the review and approval of the Director.

   b. **Perimeter walls**. Non-transparent perimeter walls shall be decoratively finished or lined with continuous planting to a minimum height of approximately one story, or to the top of the wall(s), whichever is less. Exterior perimeter walls shall be light in color to reflect light into outdoor open spaces.

   c. **Temporary elements.** Temporary kiosks, displays, art exhibits, and retail stalls may be permitted, provided they are portable and do not restrict public access and use of the amenity feature or restrict pedestrian circulation.

H. Safety

To increase public safety and security, the amenity features listed in subsection G.1 shall be designed to avoid creation of isolated areas, and to maintain lines of sight into the space from streets and major pedestrian walkways if possible.

DPS CITY CLERK

a. **Landscaping:** Trees and shrubs shall be planted and maintained so as to avoid public safety problems that could arise when vegetation interferes with normal lines of sight or negates the effects of nighttime security lighting.

b. **Lighting:** Lighting shall be provided in amenity features with public open spaces that are required to be accessible at night, and adequate lighting shall be provided along street edges of such amenity features.

I. Identification

Each amenity feature listed in subsection G.1 shall be identified clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the amenity feature. The plaque shall indicate, in letters legible to passersby, the nature of the amenity feature, its availability for general public access, and additional directional information as required by the Director.

J. Required Street Level Uses

1. **Amenity Features Requiring Street Level Uses:** To enliven the space and promote public use, street level uses identified in Section 23.49.009 of the Land Use Code are required along frontages of public areas for the following amenity features:

   - Commercial parcel park
   - Green street setbacks on street frontages where such uses are required, as indicated on Map 1G in the Downtown Chapter of the Land Use Code.
   - Hillside terrace
   - Residential parcel park and Green street parcel park with frontage on a street requiring street level uses, as identified on Map IG in the Downtown Chapter of the Land Use Code
   - Shopping atrium
   - Shopping corridor
   - Urban plaza

2. **Frontage:** The amount of frontage to be occupied by qualified street level uses is specified in Section II under the guidelines for each amenity feature.

K. Information in Permit Application and Recording of Conditions

1. **MUP Application Requirements:** The application for a Master Use Permit for the project shall include schematic drawings and FAR calculations showing how the amenity feature will be incorporated into the building design or, if it is off-site, showing how it meets the criteria of the Land Use Code and these Standards. The application to achieve additional floor area based on a bonus for amenity features shall include diagrams that identify the location and dimensions of all amenity features being provided for a floor

DPS CITY CLERK

area bonus, and identify the use of any space for which a floor area exemption is claimed, and shall include a floor area calculation identifying the additional bonus floor area anticipated to be generated by each amenity feature, along with other bonuses, transfers of development potential (TDPs), and transfers of development rights (TDRs), if applicable, to be used for floor area increases.

2. **Summary of Applicable Conditions:** A document summarizing applicable conditions related to each amenity feature, including but not limited to time commitment, maintenance, public access, and hours of operation, shall be signed by the applicant and recorded with the King County Recorder by DPD.

3. **Notification Requirement:** If an amenity feature is operated by a lessee, the property owner shall notify the Director in writing if the lessee no longer occupies the leased space.

SECTION II: SPECIFIC ELIGIBILITY CONDITIONS AND GUIDELINES FOR AMENITY FEATURES ELIGIBLE FOR A FLOOR AREA BONUS

A. Hillclimb Assist

Hillclimb assists facilitate pedestrian movement in steeply sloping areas in Downtown that have high concentrations of employment and heavy pedestrian traffic.

Eligibility Conditions

1. **Continuous and direct route:** The hillclimb assist must provide a continuous direct route across the block connecting parallel Avenues.

2. **Accessibility**: The assist corridor must be accessible from the street or from a public open space that opens directly onto the sidewalk. Access to the corridor shall be at the same grade level as the sidewalk or a public open space that provides access to the sidewalk level without requiring the use of stairs. Any change in elevation shall be accommodated by ramps or gradual level changes in the floor of the open space.

3. **Mechanical conveyance:** The hillclimb assist shall incorporate a mechanical conveyance, such as an escalator, for conveying pedestrians up at least eighty percent of the vertical distance between the elevations of the two avenues it connects. The mechanical conveyance shall be in operation during the normal operating hours of the building.

4. **Independent system:** The mechanical conveyance of the assist shall be independent of the main internal circulation system of the project. Elevators do not qualify as the required, although a supplementary assist providing access for the physically disabled may be part of the internal circulation system of the building.

SEA CITY CLERK

Guidelines

1. **Area and dimensions:** The hillclimb assist corridor should comfortably accommodate heavy volumes of pedestrians and be aligned and designed to visually communicate that a direct passageway is provided across the site for use by the general public.

    a. Excluding mechanical conveyances, the minimum clear dimensions of the corridor connecting the Avenues should be approximately 12 feet wide and any covered portion of the corridor should have at least 10 feet of vertical clearance.
    b. Most of the travel path between Avenues should be covered to provide protection from inclement weather. Covering of the corridor outside the principal structure should be transparent.

2. **Street orientation:** Through the location of access points and orientation on the block, integrate the hillclimb assist with pedestrian circulation patterns in the surrounding area. Promote maximum pedestrian use by providing a direct, visible path across the lot logically aligned to link with the local pedestrian network.

    a. Align the assist with other through-block assists or existing pedestrian crosswalks, and, whenever possible, link with transit stations to develop an integrated network of pedestrian routes and assists.
    b. Consider major pedestrian destinations in the surrounding area to orient hillclimb corridors with likely paths of pedestrian movement.

3. **Access: Entrances to the assist should be clearly visible, inviting and directly accessible from the street.**

    a. Access points may be completely open or may be enclosed with clear, transparent doors and glazing. Identification of public access to the assist should be prominently displayed.
    b. The minimum height of entrances to the hillclimb assist should be approximately twelve feet, and the minimum width approximately 15 feet.

4. **Landscaping and furnishings:** Required landscaping within the assist corridor, including artwork, should enhance the space without conflicting with pedestrian movement. The major element of the hillclimb assist is the mechanical conveyance, which should be visually prominent. Wherever possible, opportunities for views from the assist should be considered in the design and siting of the assist route.

    a. Excluding the area occupied by the mechanical conveyance, a minimum of approximately fifteen percent of the area of the hillclimb assist corridor should be landscaped.
    b. Provide seating along the hillclimb assist corridor, with approximately one lineal foot of seating for every 30 square feet of area eligible for bonus.

2015 CITY CLERK

5. **Natural lighting:** To enhance the quality of the space and avoid a tunnel effect, the corridor should have as much access to natural light as possible. At a minimum, approximately one quarter of the length of the corridor should have access to natural light, either through transparent covering, windows. and/or skylights.

B. Public Atrium

Public atriums provide weather protected spaces within concentrated employment areas for passive recreation, as well as events and public gatherings that are best accommodated indoors. Atriums are appropriate for Seattle's climate because they provide an alternative to outdoor public spaces during inclement weather, and, when integrated with transit stations, provide protected public space for the comfort and convenience of transit riders.

Eligibility Conditions

1. **Location:** To ensure strategic locations in relation to the street environment and other public amenities, lots eligible for a public atrium bonus must be approved by the Director according to the following criteria:

    a. Public atriums are limited to locations where they will reinforce the use of nearby open spaces and not detract from activity in streets and other outdoor public areas, or where they will enhance conditions for transit riders around high volume transit stations or stops.
    b. Only one atrium per block is eligible for a bonus, unless the Director determines that, because the atrium serves a transit station or major transfer point or is integrated with another amenity feature that generates a high volume of pedestrian activity, such as a hillclimb assist, there will be sufficient activity to support the additional indoor space.

2. **Minimum size:** To provide sufficient space to accommodate intended functions, the minimum area of an atrium shall be 2,000 square feet.

3. **Accessibility and visibility:** The indoor space of the atrium shall be directly accessible and visible from the street or from another amenity feature providing direct access to the street. The Director may waive these requirements for atriums integrated with transit stations, provided that, if the space is at a grade substantially above or below street level, it is connected to the street by a mechanical assist, the path to the atrium is direct and clearly marked, and the atrium is open to the public during hours of transit system operation.

4. **Natural lighting:** To improve the quality of the space, support interior landscaping, and increase the overall sense of spaciousness, access to natural light is required as a major element of the atrium.

DOS CITY CLERK

a. In order to provide sufficient access to natural light, one of the following three options is required:

i. At least half of the roof of the space is open to the sky except for a covering of transparent or translucent material. Systems allowing the space to be open to the sky in good weather are desirable; or
ii. A minimum of half the perimeter of the atrium has clerestory windows at least eight feet in height; or
iii. A combination of skylights and clerestory windows, or similar elements, admits at least as much natural light as the options in subsections 4.a.i and 4.a.ii above.

b. Where glass walls or skylights are exposed to direct sunlight, heat loss and gain shall be controlled by overhangs, mechanical venting, or mechanically operating shading devices, such as blinds. Such mechanical systems shall be specified in the application and a program for their operation included.
c. For atriums integrated with transit stations, since the space may be below grade, the Director may allow departures from the provisions for transparent perimeter walls.

5. **Public restrooms:** Public restroom facilities are required at a location easily accessible to the atrium, with directional signs placed in the atrium.

Guidelines

1. **Area and dimensions:** The atrium should be arranged as one large, contiguous space with horizontal and vertical dimensions sufficient to create a sense of openness while providing flexible space adaptable to a variety of activities.

   a. The minimum horizontal dimension unobstructed by any permanent element over 3 feet in height should be approximately 30 feet.
   b. The height of the atrium should be generous, with most of the area eligible for bonus at least two stories in height.
   c. The elevation of the atrium floor should generally be level, but may vary, provided that grade changes are gradual and do not significantly disrupt the continuity of the space.

2. **Street orientation:** While frontage on high volume pedestrian and transit corridors is desirable, the length of the atrium's street frontage should be minimized to avoid disruption of street level activity.

   a. Maximize the transparency of atrium façades abutting a street or public open space.
   b. The treatment of street frontages should be consistent with applicable street facade development standards.
   c. Frontage on a Class I Pedestrian Street identified on Map 1F of the Downtown Chapter of the Land Use Code should generally not exceed 60 feet.

CITY CLERK

d. On street frontages where street level uses are required, the atrium space should be separated from the street with street level uses as much as possible while still maintaining clear, direct access to the space from the street.

3. **Access:** The space should be designed as a functionally independent area within the building, separate from the building lobby. However, it should be visible and directly accessible from the lobby and major internal circulation routes.

   a. If integrated with a hillclimb assist, access from the assist should be at the same level as a landing along the assist route.
   b. The atrium space should be directly accessible, with minimal change of grade, from a prominent entrance on an abutting street or public open space.

4. **Landscaping and furnishing:** Incorporate landscaping and required art into the design of the space to enhance comfort and aesthetic quality, while also accommodating flexible use. The design of the atrium should be conducive to temporary arts events and gatherings and should include electrical outlets, open areas for performers or exhibits, and seating.

   a. Design of the space should encourage a range of activities determined to be of a public benefit, such as designing the atrium floor to serve as amphitheater seating for public entertainment.
   b. Approximately one lineal foot of seating should be provided for every 30 square feet of area eligible for bonus.

5. **Limits on retail use:** The amount of retail space accessible inside the atrium should be limited to prevent the space from assuming a retail character that detracts from outdoor street activity. However, the treatment of the atrium's street frontages should minimize interruptions in the continuity of street-oriented retail activity by including retail space, which may or may not have access to the atrium.

C. Public Restrooms

Public restrooms enhance the public environment Downtown by providing for the comfort and convenience of pedestrians.

Eligibility Conditions

1. **Use and Access:** Public restrooms eligible for a bonus are rooms, separated by gender except as expressly permitted in this subsection C, containing toilets and lavatories for the use of the general public. For purposes of personal safety, limited control of access shall be allowed, such as required use of a key, provided that an attendant is available to ensure access. If access to the public restroom is monitored by a person located at the restroom facility during the normal operating hours of the building in which the restroom is located, separation by gender is not required.

DAS CITY CLERK

2. **Location**: To serve the general public, the location of bonused public restrooms must be easily recognizable and accessible from either the street or other public areas.

    a. Public restrooms must be directly accessible from the street, from an outdoor public area directly accessible from the street, from an outdoor public area easily accessible from the street, or from interior public spaces that qualify as amenity features.
    b. Public restrooms may be located above or below street level only if they are directly accessible from:
        i. public areas providing connections to transportation facilities located above or below grade, such as transit station mezzanines, or
        ii. interior public spaces eligible for bonus, such as public atriums, that may include public areas above or below street level. These areas must meet ADA accessibility standards.
    c. The location of public restrooms shall be designated by signs sufficient to enable pedestrians on abutting streets or public open spaces to readily locate them.
    d. Access to public restrooms may be monitored by a person located at the restroom facility. Where such an attendant is available to provide access, restroom facilities may be locked when not in use.
    e. The Director may determine that public restrooms directly accessible from building lobbies qualify for a bonus, provided that signage visible from the street indicates the presence of the restroom facility, and clear and direct access is provided.
    f. The Director may allow restrooms serving the street level uses of a project to qualify for a bonus if signage clearly visible from the street is provided to indicate availability for general public use.

3. **Hours of operation:** Public restrooms shall be open to the general public during the hours that the structure is open to the general public. If access is provided from an amenity feature that receives a floor area bonus, the restroom shall remain open during the time of required access to the bonused feature.

D. Parcel Park

Parcel parks are small open spaces adaptable to a wide variety of site conditions and open space needs. Their design and character vary in response to the different open space functions they serve in different Downtown environments. To provide amenities best suited to varying needs and locations, three types of parcel parks are eligible for floor area bonuses, including: 1) commercial parcel parks, 2) residential parcel parks, and 3) Green street parcel parks.

- **Commercial parcel parks** provide protected enclaves of open space designed as quiet retreats to provide enclosure and refuge from surrounding activity in high density employment and mixed use areas. While relatively small open spaces, through flexible design, passive recreational activities as well as temporary events

2015 CITY CLERK

and small public gatherings can be accommodated, with some retail activity to serve those using the space.

- **Residential parcel parks** reinforce the residential character of Downtown neighborhoods and provide landscaped public space for residents to engage in passive and active recreational activities.

- **Green street parcel parks** expand the amount of public open space along an abutting designated Green Street, thereby increasing the open space value of these amenities. Because Green Streets are quieter streets with relatively low traffic volumes and a greater pedestrian orientation, abutting parcel parks need not provide the same level of enclosure and sense of refuge desired for Commercial Parcel Parks at other locations.

Eligibility Conditions

1. **Space Size, Configuration, and Elements:** For all types of parcel parks, the area eligible for a bonus shall be one contiguous space, with elements such as landscaping, fountains, seating, and public art counted as part of the contiguous space. In addition, the following conditions apply:

    a. A parcel park must have a minimum area of 3,000 square feet.
    b. Except on designated Green Streets, only one parcel park is eligible for a bonus on a block front, unless the Director determines an additional parcel park can be designed and integrated as an extension of an existing parcel park. A maximum of two parcel parks are eligible for a bonus on any individual lot. Green street parcel parks are eligible for a bonus on any lot abutting a designated Green Street.

2. **Allowable Departures:** To accommodate transit station access and to account for the different relationship required between the street level and the level of a parcel park, the Director may allow departure from these Standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

Guidelines

1. **Area and dimensions:** Parcel parks should be large enough to accommodate a variety of activities and small gatherings of users while also providing more intimate spaces for retreat from activity.

    a. The area of the principal space should be at least 2,000 square feet, or 60 percent of the total park area, whichever is greater.
    b. No dimension of the principal space should be less than 30 feet.
    c. In general, the principal space should be:
        i. directly accessible from the sidewalk,

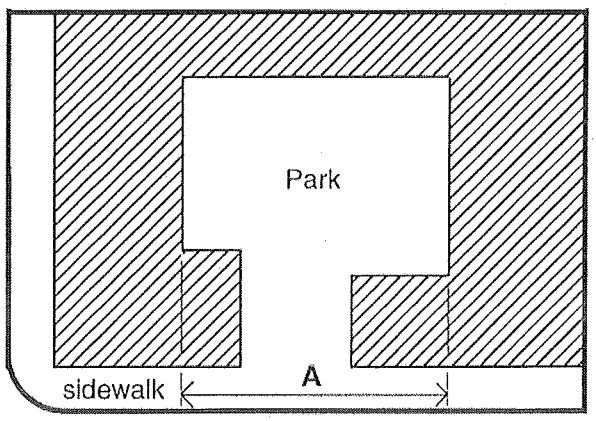
THIS CITY CLERK

ii. within approximately three feet of average sidewalk grade at the primary entrance to the park, (exceptions may be appropriate for steeply sloping streets in the office core)
iii. no further from the sidewalk than the width of the access to the park, and
iv. a level surface, except with grade changes required for drainage.

d. The accessory spaces of the park should accommodate complementary activities in a more flexible manner and may be at different levels from the principal space and from each other, as long as they are physically and visually connected.

2. **Street orientation and relationship to adjacent development:** Parcel parks should be highly visible from adjacent sidewalks and public areas and directly and easily accessible to abutting streets.

a. Parcel parks should be sited or designed to prevent topography from presenting a significant barrier to public access.
b. Parcel park locations should maximize direct or reflected solar access and increase light and air to the public street environment. Preferable locations are south of tower development and where the siting of the park would improve solar access to the sidewalk.
c. To promote safety and security, residential parcel parks should be located where they can be seen and actively used by nearby residents. Because these spaces are intended for more localized public use, locations on neighborhood Green Streets or within residential "enclaves" are most desirable, while locations on principal transit streets identified on Map 1B of the Downtown Chapter of the Land Use Code are less desirable.
d. The siting and design of parcel parks should minimize interruptions to street level activity and the physical continuity of the street wall, especially along streets where heavy pedestrian traffic is anticipated and/or street level uses are required. For the purposes of this guideline, street frontage shall be the maximum width of the parcel park measured parallel to the street, projected to the street lot line, Figure A.

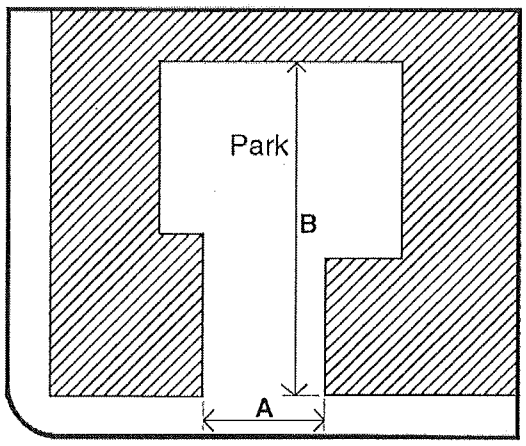


A = Street Frontage

Figure A

2015 CITY CLERK

i. On Class I Pedestrian Streets, parcel parks should be oriented to minimize interruptions to street level uses. The total opening to the street of any parcel park should generally be less than the depth of the park measured perpendicular to the street lot line, Figure B.



A = opening to street

B = depth of park

A shall not exceed B

Figure B

ii. Where street level uses are required, the width of street openings should be further minimized to generally no more than forty feet by separating areas of the park from the sidewalk by a structure(s) containing required street level uses. However, for parcel parks with frontage on Green Streets, no separation is needed if the required uses are located within about 40 feet of the lot line of the abutting designated Green Street and are easily accessible from the Green Street.

e. Corner locations are generally less desirable for commercial parcel parks because of the potential for eroding a well defined streetscape and interrupting the continuity of street level activity. However, in some situations, a corner location may be optimal in terms of solar exposure or for other reasons. To protect the integrity of the streetscape, on corners where property line street facades are required on both streets on Map 1H of the Downtown Chapter of the Land Use Code, parcel parks should be enclosed by structural elements provided along the street edges, except at access points, consistent with the property line street façade requirements established in the Land Use Code. Access to commercial parcel parks at corner locations should generally be at least 30 feet from any intersecting street, with a structural element, such as a retail pavilion, placed at the corner.

f. To add interest and increase the security of the space, the design of the walls, uses, colonnade, or other elements separating a parcel park from the street to provide enclosure should ensure that the interior park space is highly visible from the street.

g. Transparent materials or openings to permit views and light should be used on walls enclosing any parcel park along street lot lines. When a parcel park is separated from the street by a structure containing retail uses, the structure should meet the street façade requirements, except height, for the zone in which the park is located.

2015 CITY CLERK

3. **Treatment of required street-level uses`:** Required street level uses should be convenient to park users and add interest and activity to the space. Where street level uses are required, at least twenty percent of the perimeter of the parcel park should be occupied by street level uses having direct access to the park.

4. **Access**

   a. Parcel parks should be directly accessible from the sidewalk or another public open space, and should be highly visible from the street.
   b. Parcel parks should not serve primarily as a forecourt to a project's principal entrance. When a parcel park is located between the street and the principal building entrance, pedestrian access to the development should not disrupt the passive nature of the park. The path from the street to the project entrance should be located to the edge of the park, and an area along this path approximately fifteen feet wide should not be bonused.
   c. Where the street frontage exceeds 40 feet on more than one street, access generally should be provided from both streets.
   d. Through siting and design, residential parcel parks on lots with housing should complement and be well integrated with the residential use, taking advantage of the added security of having "eyes" on the space, while also promoting access and use by the general public.

5. **Landscaping and furnishings:** To provide relief from the "hardscape" of the surrounding urban environment, parcel parks should provide sufficient greenery, including trees, to give the space a strong, landscaped character. In addition to reinforcing the desired function of different types of parcel parks, landscaping and furnishings, including required art, should lend identity and interest to the space and provide for the comfort of park users. Design elements such as walls, structures containing retail uses, low planters or benches, and seating should be used as appropriate to minimize interruptions in the street wall and breaks in retail activity.

   a. **Commercial Parcel Park.** The landscaping and design of commercial parcel parks should enhance the feeling of intimacy and quiet. Along with other design elements of the space, landscaping should provide enclosure, and minimize disruption to the street wall and street level activity. Approximately one lineal foot of seating should be provided for every 30 square feet of area eligible for bonus.
   b. **Residential Parcel Park.** The design and landscaping of residential parcel parks, should introduce greenery into the neighborhood, while allowing for flexible use of the space to accommodate recreational activities of the nearby residential population. Approximately one lineal foot of seating should be provided for every 60 square feet of area eligible for bonus.
   c. **Green Street Parcel Park.** The design and landscaping of Green Street parcel parks should reinforce the concept plan for the abutting Green Street, if one exists, or otherwise ensure integration of the space with the Green Street. The Director should evaluate the status of design for the abutting Green Street to determine the

THIS CITY CLERK

appropriate landscaping and seating for the abutting park area. Where a design concept plan is not available to guide landscaping decisions, the Director should consider the intended use of the parcel park based on the intended function of the area where it is located and the surrounding development context.

6. **Coverage**: All parcel parks should be open to the sky, except that portions may be covered to accommodate activities that complement use of the space and make it more comfortable and usable. This coverage may include retail kiosks or overhead weather protection. While kiosks and temporary overhead weather protection may be located within the principal space, no portion of the principal space should be permanently covered.

CITY CLERK

E. Neighborhood Open Space

Neighborhood open spaces are intended to provide relatively level and open areas that introduce greenery into downtown residential neighborhoods, and provide opportunities for passive recreational activities for those who live nearby.

Eligibility Conditions

1. The area eligible for a bonus shall be one contiguous space, with elements such as landscaping, fountains, seating, retail kiosks, and public art counted as part of the contiguous space.

2. A neighborhood open space shall have a minimum area of 3,000 square feet.

3. The minimum horizontal dimension for a neighborhood open space is 10 feet.

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

Guidelines

1. Landscaping and Furnishings

a. Approximately 35 percent of the neighborhood open space should be landscaped.
b. Approximately1 lineal foot of seating should be provided for every 200 square feet of neighborhood open space.
c. All neighborhood open spaces should be open to the sky, except that up to 20 percent of the neighborhood open space may be covered to accommodate activities that complement use of the space and make it more comfortable and usable, such as retail kiosks or overhead weather protection.

2. Access

a. The neighborhood open space should be located and configured to maximize solar exposure to the space, allow easy access from streets or other abutting public spaces, including access for persons with disabilities, and allow convenient pedestrian circulation through all portions of the open space.
b. The neighborhood open space should have a minimum frontage of approximately 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

F. Residential Hillside Terrace

Residential hillside terraces are open spaces adapted to conditions in steeply sloping downtown residential areas, as opposed to hillside terraces located in commercial areas. They enhance pedestrian movement on steep streets and better integrate development with the street

2015 CITY CLERK

environment on sloping lots. They contribute to a more spacious street environment, and, if located along east/west streets, afford opportunities to expand views to Elliott Bay.

Eligibility Conditions

1. **Minimum standards:**
   a. A residential hillside terrace must be located on a street that slopes at least 7 percent, and must abut the street for at least half of the length of the side of the block where it abuts the street, after deducting from that length the width of an alley, if one exists, where it bisects that side of the block.
   b. The area eligible for a bonus must be one contiguous space, except that a driveway may separate parts of the terrace but is not included in the area eligible for a bonus. Landscaping, fountains, seating and art are considered part of the contiguous space.

2. **Minimum dimensions:** The minimum depth of the residential hillside terrace measured at any point from the street lot line is 10 feet, and the maximum depth of any terrace area eligible for a bonus is 30 feet from the street lot line (see Figure A).

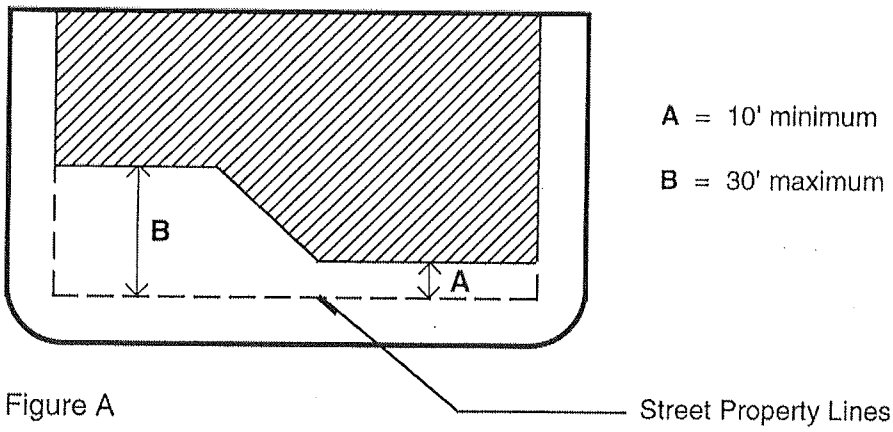


Figure A

3. The terrace shall be accessible to persons with disabilities.

Guidelines

1. **Access**: The residential hillside terrace should facilitate pedestrian movement up and down the hillside by integrating the sidewalk with the project site.

   a. Minimize obstructions separating the sidewalk from the terrace.
   b. Maximize direct connections across the space from the sidewalk to abutting development, for example by providing at least one entrance to a retail use or to the predominant use in the structure for every 100 feet of building frontage along the terrace.
   c. Limit vehicular access across the hillside terrace to abutting development. Vehicular access to the lot from other street frontages is preferable, consistent with development standards for access to parking in the Land Use Code.
   d. The residential hillside terrace may be on several different levels.

2015 CITY CLERK

2. **Landscaping and furnishings:** Use landscaping and furnishings, including required art, to integrate the terrace area with the sidewalk and abutting structures, as well as provide for the comfort and visual enjoyment of pedestrians.

    a. The arrangement of seating and landscaping should enhance the quality of the space and allow a variety of passive recreational activities without obstructing pedestrian movement.
    b. Approximately one lineal foot of seating should be provided for every 30 square feet of terrace area.

3. **Coverage**: To remain open to the street environment and maximize opportunities for views, residential hillside terraces should be open to the sky. However, limited coverage may be permitted in order to increase comfort, encourage activity, and better integrate the space with abutting development, provided that the space maintains its overall character as an extension of the sidewalk. Permitted coverage may be permitted in the form of permanent, free-standing elements, such as retail kiosks or pedestrian shelters, or as permanent or temporary overhead weather protection associated with abutting development.

G. Green Street Setback

A Green street setback extends the improvements of the public right-of-way area of a designated Green Street onto one or more abutting lots to provide additional space for landscaping and other elements that will enhance the open space character of the Green Street.

Eligibility Conditions

1. **Location**: A green street setback may be eligible for a bonus only if located on a lot line that abuts a Green Street designated on Downtown zoning Map 1F. Green street setbacks are not eligible for a bonus on streets designated on Downtown zoning Map 1H as streets where property line facades are required.

2. **Minimum length**: A green street setback must be continuous for the length of the street lot line that abuts the Green Street.

3. **Areas eligible for bonus:** On designated Green Streets where street level setbacks are required, the required setback area may be included as area eligible for a bonus if the green street setback overall meets these Downtown Amenity Standards.

4. **Size requirements:**

    a. The minimum setback from the Green Street lot line is 5 feet.
    b. The maximum setback area eligible for a bonus is the area that is set back from the abutting Green Street lot line by an average of not more than 10 feet, and a maximum of 15 feet.

DPS CITY CLERK

c. The Director may allow departures from the conditions in this subsection G.4 to provide more usable space or special landscaping treatments within the green street setback area, if such treatments are consistent with the concept plan for the abutting Green Street.

5. **Configuration:** The green street setback area shall be open to the sky, except that the Director may allow some encroachments, such as bay windows, balconies, building cornices, and other architectural elements that add visual interest to the abutting building facades and/or enhance public safety by making the Green Street more visible to building occupants.
   a. No more than 10 percent of the setback area may be occupied by any temporary use for more than five days.
   b. Permanent coverage of the setback area is not permitted unless approved as part of the Green Street concept plan.

Guidelines

1. **Street orientation:** Building facades that face the setback area along the Green Street should provide visual interest for pedestrians and complement the landscaped treatment of the setback area. Façade design should encourage integration of activities at the ground floor of the abutting structure with the setback area and the Green Street.

2. **Access:** The design of the setback area should allow for public access, such as access to street level uses in abutting structures or access to areas for seating.

3. **Street Level Uses**: For green street setbacks on street frontages where street level uses are required, the amount of required street level uses is determined by SMC 23.49.009.

4. **Landscaping and furnishings:** Provide sufficient landscaping within the setback area to enhance the open space character of the Green Street, and coordinate landscaping, paving, and furnishings with improvements in the abutting Green Street right-of-way.

   a. At least 50 percent of the setback area should be landscaped.
   b. Temporary elements, such as kiosks, art exhibits, and retail use of the setback area may be permitted, provided such elements are compatible with the Green Street concept plan.

H. Mid-block Corridor

Mid-block corridors are intended to provide open space and pedestrian circulation across extremely long blocks located in the Downtown Urban Center east of Interstate 5.

Eligibility Conditions

1. **Location:** The mid-block corridor must be located a minimum of 200 feet from the nearest street that is oriented generally north-south.

2. **Access**

DPS CITY CLERK

a. Each end of the corridor must be directly accessible from the sidewalk, including access for persons with disabilities.
b. The corridor must be improved with a surface and necessary drainage so as to be suitable for pedestrian use in all seasons.

3. Size Requirements:
a. The average width of the corridor must be at least 25 feet, and its minimum width must be at least 15 feet. Any corridor segment that is fully covered from side to side must be at least 20 feet in width.
b. There must be at least one additional open space area on the lot that abuts the mid-block corridor and has an area of at least 1,500 square feet and a minimum horizontal dimension of 30 feet.

4. Configuration: The mid-block corridor shall be provided at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected and there is access for persons with disabilities through the entire corridor.

5. Coverage: At least 65 percent of the mid-block corridor must be open to the sky; and any covered portions of the corridor must have a minimum height of 13 feet between the ground and any overhead projection or overhanging structure.

Guidelines

1. Landscaping and Furnishings
a. Approximately 35 percent of the open space area required in subsection H.3.b above should be landscaped.
b. Approximately 1 lineal foot of seating should be provided for every 200 square feet of the open space required in subsection H.3.b above.
c. The open space required in subsection H.3.b above should be open to the sky, except that up to 20 percent of the it may be covered to accommodate activities that complement use of the space and make it more comfortable and usable, such as retail kiosks or overhead weather protection.

2. **Lighting:** The corridor must include sufficient lighting to provide visible and safe passage for pedestrians during all hours that the corridor is available for public use.

I. Shopping Corridor

Shopping corridors provide weather protected, through-block pedestrian connections with retail frontage to reinforce retail activity and enhance pedestrian circulation in areas of concentrated shopping activity and heavy pedestrian traffic. Shopping corridors expand the pedestrian network in these areas by creating additional "pedestrian streets" through private development that are well integrated with adjacent streets and complement street-oriented retail activity.

CITY CLERK

Eligibility Conditions

1. **Location**: Shopping corridors shall be located near the middle of the long, rectangular blocks (360 feet along the Avenue frontage) in the retail core area and shall provide a continuous connection between two Avenues.

2. **Access**: Entrances to the corridor must be at the same grade as the sidewalk.

3. **Number of bonused corridors per block:** The number of shopping corridors eligible for a bonus shall be limited to two on a block to avoid a significant diversion of pedestrian activity from the street.

Guidelines

1. **Location**: Site shopping corridors to improve pedestrian circulation and provide additional retail frontage without detracting from sidewalk activity.

    a. The shopping corridor should generally not be closer than 120 feet to any parallel street lot line, and the minimum distance between corridors should be 60 feet.
    b. Where possible, align shopping corridors with mid-block pedestrian crosswalks or entries to other pedestrian corridors on adjacent blocks to better integrate them with pedestrian circulation patterns.

2. **Area and dimensions:** The shopping corridor should provide an apparent and convenient connection between Avenues, as well as a pleasant space for pedestrian movement and shopping. Limit the overall area of the block occupied by corridor space to maximize the amount of street level floor area available for retail use.

    a. The minimum height of the corridor should generally be twelve feet, although additional height for at least portions of the corridor is desirable to prevent a tunnel-like space.
    b. The unobstructed width of the corridor connecting the Avenues should generally be at least 20 feet.
    c. To accommodate pedestrian movement through the block while ensuring easy access to shops on both sides of the corridor, the width of the corridor should not exceed 30 feet.

3. **Access:** Shopping corridor entrances should be highly visible from the street, easily accessible, and inviting.

    a. Permit changes in the level of the corridor route to accommodate changes in grade, although avoid level changes that require the use of stairs or mechanical assists.
    b. The height and width of entrances should be prominent to signify the corridor's function as a public access route through the block.

4. **Treatment of required uses:** To ensure the intended retail function, the frontages of the shopping corridor should be occupied by street level uses similar to conditions established

CITY CLERK

for streets where street level uses are required. These uses should have entrances directly onto the corridor, except that uses abutting a street should also have access to the street.

5. **Facade treatment and furnishings**: Design the facades and furnishings of shopping corridors to enhance the shopping environment and increase pedestrian comfort without detracting from the corridor's function as a through-block connection.

    a. Temporary kiosks, displays, art exhibits, and retail use of the corridor space may be permitted provided they don't obstruct the use, access, and circulation through the space by the general public is not obstructed. Temporary structures are those that are movable or designed to be easily dismantled. Any temporary use of the space should not reduce the circulation path to a width less than ten feet.
    b. To promote visual interest and enhance retail activity, transparency and blank walls along shopping corridor walls should be treated similarly to facades along a Class 1 Pedestrian Street.

6. **Natural light:** Access to natural light is desirable and should be provided through skylights and/or clerestory windows to prevent a tunnel-like space and to increase the overall quality of the corridor.

J. Green Street Improvement

A Green street improvement implements a portion of the concept plan for the street right-of-way design of a designated Green Street. Such improvements, which might include sidewalk widening, landscaping, traffic calming, street furniture, and pedestrian oriented lighting, enhance the public use of the Green Street right-of-way for pedestrian circulation and open space.

Eligibility Conditions

1. **Eligible streets:** Green Streets improvements shall be in accordance with the Green Street Director's Rule 11-2007 or successor Rules. The improvements must be to a designated Green Street abutting or in the vicinity of the lot for which a bonus is sought, and must be made within a reasonable amount of time, as determined by the Director.

2. **Requirements:** The following conditions must be met to ensure an integrated design for the length of the Green Street:

    a. Paving and landscaping improvements and other elements specified in the Green Street concept plan for the public right-of-way are required along the entire Green Street frontage of the lot, extending to the centerline of the street or other location approved in the Green Street concept plan.
    b. Art shall be incorporated as set forth in subsection I.E. The nature of the artwork and locations shall be determined as part of the Green Street review process specified in the Green Street Director's Rule 11-2007 or successor Rules.

2015 CITY CLERK

c. The area of the public right-of-way developed as a Green Street shall remain in the public domain.

3. **Maintenance**

a. All areas separated from the vehicular right-of-way by a curb, and all nonstandard elements located between curbs, shall be maintained by the property owner for the life of the project or as specified in the Master Use Permit decision.
b. On Green Streets without a curb, the Director shall determine the area for which the property owner will assume maintenance responsibility or the amount of reimbursement required to cover the cost to the City or other party for maintaining the area.

K. Hillside Terrace

Hillside terraces are open spaces adapted to conditions in steeply sloping downtown areas. They enhance pedestrian movement on steep streets and better integrate development with the street environment on sloping lots. They contribute to a more spacious street environment, and, when located along east/west streets, afford opportunities to expand views to Elliott Bay.

Eligibility Conditions

1. **Minimum standards:** To provide usable open space, accommodate continuous pedestrian movement along the sloping street, and integrate sidewalk activity with abutting development, the following standards apply:

a. A hillside terrace must be located on a street that slopes at least 7 percent, and must abut the street for at least half of the length of the side of the block where it abuts the street, after deducting from that length the width of an alley, if one exists, where it bisects that side of the block.
b. The area eligible for a bonus must be one contiguous space, except that a driveway may separate parts of the terrace but is not included in the area eligible for a bonus. Landscaping, fountains, seating, and art are considered part of the contiguous space.
c. The minimum depth of the terrace measured at any point from the street lot line is 10 feet, Figure A.

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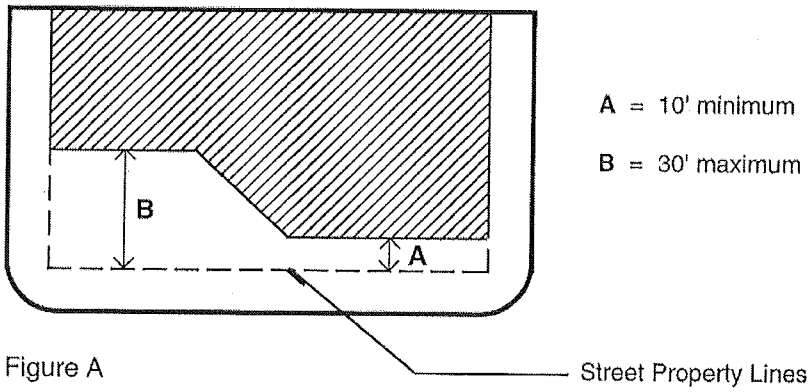

Figure A

e. The maximum depth from the street lot line of any hillside terrace area eligible for bonus is 30 feet.

2. **Transit access:** To accommodate transit station access and to account for the different relationship required between the street level and the level of the hillside terrace, the Director may allow departure from these standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

Guidelines

1. **Access:** Integrate the sidewalk with the project site by designing the hillside terrace to facilitate pedestrian movement up and down the hillside along the sidewalk.

   a. Maximize direct connections across the space from the sidewalk to abutting development and minimize obstructions separating the sidewalk from the terrace.
   b. Vehicular access across the hillside terrace to abutting development should be limited. Access to the lot from other street frontages is preferable, consistent with development standards for access to parking in the Land Use Code.

2. **Treatment of required street-level use:** Locate street level uses in structures abutting the hillside terrace to activate the space and provide visual interest. Frontage equivalent to about half of the length of the hillside terrace, measured along the street lot line, should be occupied by qualifying uses that are directly accessible from the terrace.

3. **Landscaping and furnishings:** Use landscaping and furnishings, including required art, to integrate the terrace area with the sidewalk and abutting structures, as well as provide for the comfort and visual enjoyment of pedestrians.

   a. The arrangement of seating and landscaping should enhance the quality of the space and allow a variety of passive recreational activities without obstructing pedestrian movement.
   b. Approximately one lineal foot of seating should be provided for every 30 square feet of area eligible for bonus.

CITY CLERK

4. **Coverage:** To remain open to the street environment and maximize opportunities for views, hillside terraces should be open to the sky. However, limited coverage may be permitted to increase comfort, encourage activity, and better integrate the space with abutting development, provided that the space maintains its overall character as an extension of the sidewalk.

   Permitted coverage may occur as permanent, free-standing elements, such as retail kiosks or pedestrian shelters, or as an overhead arcade or other form of permanent or temporary overhead weather protection associated with abutting development.

L. Urban Plaza

Urban plazas are relatively large, strategically located open spaces that denote important downtown places, create a public focus for surrounding development, increase access to light and air at street level, and provide points of orientation within downtown. As key elements of the streetscape, urban plazas are especially beneficial when sited to complement the transit network by physically denoting major transit facilities, facilitating access to station entrances for large volumes of pedestrians, and providing amenities that contribute to the comfort and convenience of transit riders.

Eligibility Conditions

1. **Minimum size:** To ensure that the urban plaza is large enough to function as intended, and that the overall streetscape remains well-defined, the minimum size of a plaza shall be 6,000 square feet.

2. **Wind and solar access:** If required by the Director, the design shall include special measures to reduce downdraft wind impacts from abutting development and to increase solar access to the plaza.

3. **Transit access:** To accommodate transit station access and to account for the different relationship required between the street level and the level of the plaza, the Director may allow departure from these standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

4. **Exceptions:** An urban plaza is **not** eligible for a bonus on any block containing an existing plaza bonused under Title 24 that exceeds 6,000 square feet, or an existing urban plaza bonused under Title 23, unless the Director determines that:

   a. the existing and proposed spaces can be integrated to create the appearance of a larger, unified space, provide a more prominent public focus, and increase public use by providing more activity, usable space and better pedestrian connections;

2015 CITY CLERK

b. the intensity of surrounding activity and volume of pedestrian traffic will ensure active use of the space; and
c. the interruptions to the street edge created by relatively large open spaces will not detract from street activity or substantially erode the streetscape.

Guidelines

1. **Street orientation and relationship to surrounding development:** To denote their locations as transit access points and gateways, urban plazas should provide highly visible openings in the street façade, in contrast to the more enclosed character of adjacent streets with uninterrupted facades. However, the plaza space itself should be well defined by abutting structures, and interruptions to street level activity and the physical continuity of the streetscape should be minimized.

    a. The opening of a plaza onto a Class 1 Pedestrian Street should not exceed 120 feet.
    b. To minimize breaks in activity along streets requiring street level uses, the maximum plaza frontage open to the street should generally not exceed 80 feet, with structures containing street level uses separating other areas of the plaza from the sidewalk.
    c. Plazas at corner locations should be open and accessible from both streets, with the corner area clear of permanent structures.
    d. Siting and design of the plaza in relation to the rest of the project and surrounding development should maximize direct and/or reflected solar access. Preferable plaza locations are to the south of tower development, or where the siting of the plaza would improve solar access to the sidewalk.

2. **Area and dimensions:** Urban plazas should be large enough to provide a prominent open space focus and accommodate a high level of pedestrian activity. Some areas within the plaza should be of sufficient size and designed to allow heavy volumes of pedestrian movement through the space, while other areas should accommodate more passive use.

    a. Provide a principal space that is a relatively large and open area to serve as the focus of the plaza. The principal space should be open to the sky, with a minimum area of about 4,000 square feet or 60 percent of the total plaza area, whichever is greater, and a minimum horizontal dimension of approximately 40 feet.
    b. The principal space should be directly accessible from the sidewalk and located no further from the sidewalk than the clear, unobstructed width of access along the street. This space should be generally at one level.
    c. The elevation of the plaza floor should generally be level, but may vary, provided that grade changes are gradual and do not significantly disrupt the continuity of the space. Greater grade changes may be allowed, as necessary, to provide access to transit tunnel stations.
    d. Variations to these conditions may be appropriate to improve access to transit stations or to respond to other special conditions of a particular lot.

DAS CITY CLERK

3. **Access:** The urban plaza should function as an extension of the public sidewalk, with minimal obstruction between the plaza and the sidewalk. On steeply sloping lots, the plaza should be designed to assist pedestrian movement up and down the hillside.

4. **Treatment of required street-level uses:** The urban plaza should promote a high level of activity complementing that of the abutting street. Frontage equivalent to at least fifty percent of the perimeter of the plaza should be occupied by uses qualifying as required street level uses and having direct access onto the plaza.

5. **Landscaping and furnishings:** Incorporate landscaping and special elements, including required public art, into the design of the plaza to create an aesthetically pleasing space that is well integrated with the surrounding street environment.

    a. Elements of the plaza should establish an identity for the space and provide for the comfort of those using it, while also maintaining the desired sense of openness and easy street access. Elements, including trees and artwork, should be of a scale appropriate for the size and prominence of these spaces.
    b. Landscaping and other furnishings should be arranged to enhance the quality of the space and allow a variety of passive recreational activities. A significant portion of the plaza area should be landscaped to soften the paved surfaces and other "hardscape" characteristics of these active, urban spaces.
    c. To ensure year round vegetation and color, seasonal plantings should be included.
    d. Approximately one lineal foot of seating should be provided for every 30 square feet of area eligible for bonus.

6. **Coverage:** To maximize access to light and air and the sense of openness within the public street environment, plazas should be predominantly open to the sky. However, limited coverage may be appropriate to increase activity in the space and provide for the comfort of users, while maintaining the overall character of the space as an extension of the outdoor public street environment.

TRANSIT STATION ACCESS

Lots including amenity features that improve public access to stations serving major transit facilities may be eligible for a floor area bonus. To accommodate a variety of access conditions related to differences in the type, operation, and location of these facilities, the following station access improvements may be provided: 1) access easements, 2) mechanical assists, and 3) grade level access to transit stations.

M. Transit Station Access Easement

Access easements increase opportunities for direct access to transit stations from the street level. The easement defines a volume of space adjacent to a transit station on a lot, either inside or outside of a structure, or both, in which the transit provider would construct a station entrance.

DOS CITY CLERK

An easement may be combined with bonused hillside terraces, urban plazas, shopping atriums, and shopping corridors to integrate public open space amenities with access to transit stations.

Eligibility Conditions

1. **Transit provider approval:** The size of the access, and location, and suitability of the easement shall be subject to approval by the transit provider. The configuration and all vertical and horizontal dimensions of the easement shall allow for construction and maintenance of the station access and include sufficient space to accommodate both mechanical and a non-mechanical means of travel to the station.

2. **Incorporation with other amenities:** To increase visibility and comfort and convenience for transit riders, the access easement may, upon approval by the Director, be incorporated as part of bonused hillside terraces, urban plazas, public atriums and shopping corridors.

3. **Location:**

    a. Lots on which the easement for access to the transit station is provided shall abut a station mezzanine or be located within a 300 foot radius of the station mezzanine.
    b. The maximum distance from the public sidewalk adjacent to the transit station access easement to the station mezzanine shall be 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.

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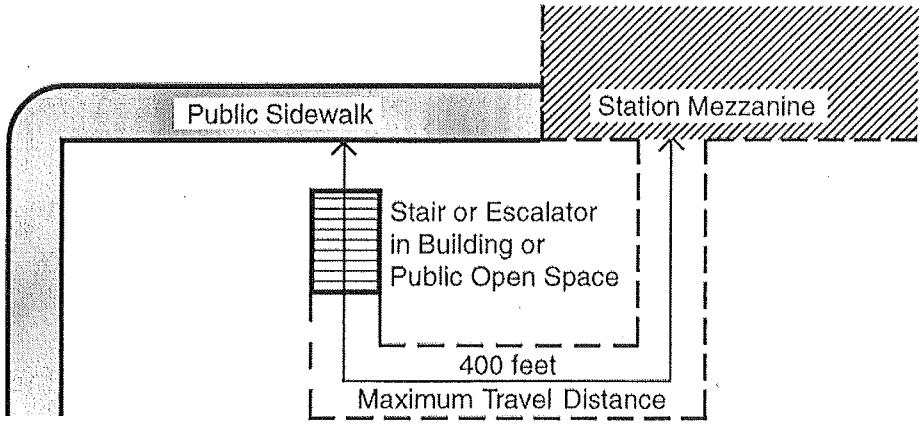


Figure A

c. The minimum distance from the proposed access point in the easement area to the nearest existing or proposed station entrance on the same block, measured along the street lot line, shall be 180 feet.
d. The Director may approve a proposed access easement that uses a public right-of-way to reach a station mezzanine only if the Director determines that the connection will not adversely affect other uses of the right-of-way including utilities.

5. **Construction of station access:** The design and construction of the station access within the easement area shall be the responsibility of the transit provider. The property owner shall deliver a signed commitment from the transit provider for the construction of the station access to the Director, in a form acceptable to the Director. The property owner shall cooperate as necessary during construction to facilitate installation of the station access, including but not limited to the potential temporary closure of some areas of the site or structure adjacent to the defined easement.

6. **Access and hours of operation**

a. The area and location of the easement shall be configured to allow direct access from the sidewalk or public open space to the station.
b. All portions of the easement area that are part of the path of travel for access to the transit station shall be open to the public for the purpose of access to and from the transit station at all times when the station is open.

7. **Maintenance of landscaping and furnishings**

DPS CITY CLERK

a. When landscaping, furnishings or other amenities are provided within an easement area, the owner is responsible for maintenance except when the area is under the exclusive regulation of the transit provider.
b. The owner shall maintain all landscaping, furnishings, or other elements in the easement area that are also a part of another amenity feature that earns a bonus, in accordance with the requirements of the particular amenity feature.

8. **Special Conditions:** The property owner and the transit provider shall execute an agreement specifying the area and all dimensions of the easement. The property owner shall grant in favor of the transit provider, and the transit provider shall accept, a permanent easement for public use of the station access in connection with transit operations. The easement shall be recorded with the King County Recorder.

N. Transit Station Access: Mechanical Assists

Mechanical assists facilitate pedestrian access to transit stations located above or below grade by providing direct access from the street level.

Eligibility Conditions

1. **Eligible locations:** Mechanically assisted transit station access shall be eligible for a bonus at locations approved by the transit provider and the Director.

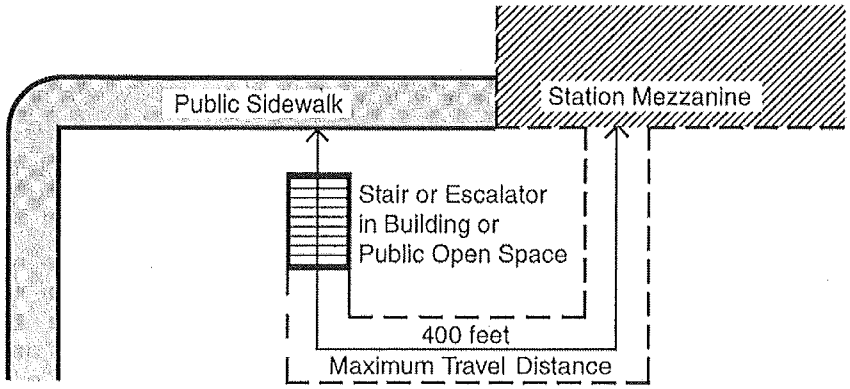
2. **Size**: The size of the access shall be determined by the transit provider. The access may be located partially in the street right-of-way.

3. **Evaluation criteria:** The Director shall use the following locational criteria to evaluate the eligibility of a lot for the station access bonus:

   a. Lots from which the mechanical access to the transit station is provided shall abut a station mezzanine or be located within a 300-foot radius of the station mezzanine.
   b. The maximum distance from the public sidewalk adjacent to the transit station access to the station mezzanine is 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.
   c. The minimum distance from a bonused access to the nearest existing or proposed station entrance on the same block, measured along the street lot line, is 180 feet, unless the Director and transit provider determine that additional access is warranted.
   d. The Director may approve a proposed access that uses a public right-of-way to reach a station mezzanine only when the Director determines that the connection will not adversely affect other uses of the right-of-way, including utilities.

2015 CITY CLERK

Figure A



e. Queuing and circulation space off the existing sidewalk, in the form of a widened sidewalk, arcade, or public open space, shall be provided at both ends of the assist and shall have minimum dimensions as required by the Director after consultation with the transit provider.
f. To increase visibility and comfort and convenience for transit riders, the mechanical assist may, upon approval by the Director, be incorporated as part of a bonused hillside terrace, urban plaza, public atrium, or shopping corridor.

4. **Visibility and accessibility:** Mechanical assists shall be visible and directly accessible from the street. The assist entrance shall be immediately adjacent and accessible to a public sidewalk or public open space without any obstruction.

5. **Access times:** The assist shall provide free access to the public at all times when the station is open.

6. **Vertical circulation elements:** The vertical circulation elements of the access shall include stairways, escalators, and/or elevators, as determined by the transit provider. These elements shall meet the transit provider's standards for the following: escalator widths, stair rise and tread relationships, handrails, passageways, ramps, lighting, finishes and materials, ventilation, and information signage.

7. **Disabled access:** Convenient access for the physically disabled shall be provided from the street level to the station, as determined by the transit provider.

8. **Special conditions**

a. The applicant shall submit a plan and commitment, acceptable to the Director after consultation with the transit provider, binding the applicant to construct the access in accordance with the plan, prior to issuance of any building permit that is required to build the access.
b. The property owner shall grant in favor of the transit provider, and the transit provider shall accept a permanent easement for public use of the assist in connection

DIS CITY CLERK

with transit operations. The easement shall be recorded with the King County Recorder.

Guidelines

1. **Area and dimensions:** Access ways should provide sufficient space to comfortably move large volumes of pedestrians between the transit station and the street without conflicting with sidewalk activity.

    a. Where access is not directly from the public sidewalk, the transit provider should determine the minimum width of the circulation path from the sidewalk to stairs and escalators to ensure adequate space to accommodate anticipated pedestrian volumes.
    b. All below-grade passages of the assist and all covered areas at or above grade should have a minimum height from finished floor to finished ceiling, including all lighting fixtures and signs, as required by the transit operator.

a. **Access**

    a. The assist should connect, either directly or via an underground or above grade passageway, the sidewalk level with the transit station. When directly connected to the station mezzanine, portions of the station access above or below grade may be constructed within the street right-of-way.
    b. The assist entrance may be within a building, provided that hours of access are the same as the operating hours of the transit system.

b. **Landscaping and furnishing:** Design of the station access should incorporate elements that establish an identity for the facility and help orient transit riders. Elements that add interest to the space without conflicting with pedestrian movement are encouraged, as well as measures to increase access to natural light and reduce noise.

    a. Non-transparent walls should be architecturally finished in an interesting way. Advertising shall be permitted in conformance with the transit provider's standards for size, area and location.

    b. Temporary kiosks, retail uses such as bookstalls, flower stands and newsstands, displays and exhibits are permitted provided they do not obstruct pedestrian movement and width of the main circulation path is no less than required by the transit provider.

c. **Lighting:** Increasing access to natural light should be encouraged as much as possible through the siting of openings at street level and the use of transparent coverings.

O. Transit Tunnel Station Access: Grade Level

Topographic conditions along the transit tunnel alignment present opportunities for admitting natural light and providing pedestrian access to transit stations at approximately the same level as

CITY CLERK

station mezzanines. The intent of grade level transit station access is to improve the accessibility and the quality of station environments by increasing daylight access into stations and integrating station connections with public open spaces.

Eligibility Conditions

1. **Integration with open space:** Grade Level Transit Tunnel Station Access must be integrated with public open space. The location of the access is subject to the approval of the transit provider and the Director.

2. **Size**: The size of the access must be approved by the transit provider. The access shall be on multiple levels, and may be located partially in the street right-of-way.

3. **Locational criteria:** The Director shall use the following locational criteria to evaluate the eligibility of a lot for the station access bonus:

    a. Lots from which grade level access to transit stations is provided shall abut a station mezzanine or be located within a 300-foot radius of the station mezzanine.
    b. The maximum distance from the public sidewalk adjacent to the transit station access to the station mezzanine shall be 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.

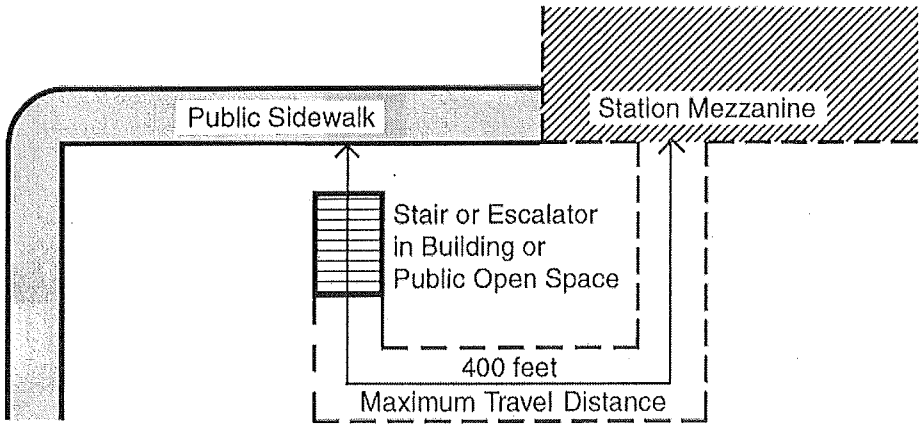


Figure A

    c. The minimum distance from a bonused access to the nearest existing or proposed station entrance on the same block, measured along the street lot line, shall be 180 feet.
    d. The Director may approve a proposed access using a public right-of-way to reach a station mezzanine only when the Director determines that the connection will not adversely affect other uses of the right-of-way including utilities.

CITY CLERK

4. **Access:** A physically and visually direct path through the required open space integrated with the Transit Tunnel Station Access shall connect the street with the station access and shall meet the following conditions established by the transit provider and the Director:

    a. A clear path with a minimum width established by the Director after consultation with the transit provider shall be required between the transit station frontage and a public sidewalk. Stairs may be a part of the path, but the difference in grade between the station access frontage and the elevation of the street providing access to the station shall accommodated by ramps or gradual level changes in the floor of the open space.
    b. Signage indicating the location of the transit station shall be provided at the entrance to the open space on the street front.
    c. The public shall have unobstructed, well lighted access through the open space at all hours that the station mezzanine is open.

5. **Special conditions**

    a. Approval of any building permit required to build the access shall depend upon approval of a plan submitted by the developer to the Director and the transit provider binding the developer to construct the access in accordance with the plan.
    b. An agreement shall be required between the property owner and the transit provider granting a permanent easement for public use of the access in connection with transit operations. The easement shall be recorded with the deed to the property at the King County Recorder.

Guidelines

1. **Access:** Amenity features eligible for a bonus that are adapted to accommodate station access should provide a relatively level route between the street and the mezzanine or concourse of the transit station.

    a. Providing open space at the same elevation as a transit station mezzanine may require portions of the amenity feature to be substantially below some street elevations. Departure from provisions regarding the elevation of a particular amenity feature may be permitted. However, changes in grade between the sidewalk and abutting depressed portions of open space should not create the effect of a precipice along the sidewalk edge.
    b. The level of the amenity feature should generally not be more than 5 feet below the street elevation along the sidewalk edge. If portions of the amenity feature are more than 5 feet below the street elevation, they should be separated from the sidewalk by another use or a landscaped area directly accessible from the sidewalk and extending a minimum of 10 feet from the sidewalk onto the lot.

CITY CLERK

2. **Landscaping and furnishing:** Amenity features providing access to transit stations should be designed to reinforce clear and direct connections from the street through the space to the station, while also serving their intended function as public open space. In both overall design and details, the treatment of station areas and public open space areas should be coordinated to produce a cohesive whole.

    a. Any amenity feature eligible for a bonus that is used to provide access to the transit station should conform to the applicable landscaping standards and guidelines for that particular amenity feature. However, at the discretion of the Director, departures may be allowed to better adapt the space to specific conditions associated with its relationship to the transit station.
    b. Non-transparent walls should be architecturally finished in an interesting way. Advertising shall be permitted in conformance with standards of the transit provider for size, area, and location.
    c. Temporary kiosks, retail uses such as bookstalls, flower stands and newsstands, displays, and exhibits may be permitted provided they do not obstruct pedestrian movement and the width of the main circulation path is no less than required by the transit provider.

3. **Natural Lighting:** To enhance conditions in the transit station, the amenity feature should be sited and designed to increase as much as possible the amount of natural light reaching access areas and the mezzanine level.

P. Human Services

The human services bonus is intended to provide space for human service uses at locations easily accessible to client populations.

Eligibility Conditions

1. **Location**. Space for human service uses shall be eligible for a bonus in all downtown zones where such a bonus is authorized by SMC 23.49.013.

2. **Street orientation**. The location of a human service must be evident from the street, either as a result of frontage at street level or through exterior and interior signage clearly visible from the street.

3. **Area and dimensions**. The minimum area shall be 1,000 square feet or interior space.

4. **Special conditions**: The applicant shall secure at least a five year lease with a qualified human service agency.

    a. Any additional improvements beyond the minimum requirements needed for specific service activities may be provided either by the applicant or the agency. The specifics shall be included in the lease agreement. Depending on the terms of the agreement, the tenant may be required to pay for utilities, insurance, taxes, and

2015 CITY CLERK

maintenance expenses. In addition, the tenant may be required to pay for development costs specifically required to meet the needs of the lessee.

b. Rent shall not be charged for use of the space.
c. On an interim basis (not to exceed six months from any time the space is vacated by a qualifying human service use), if the space remains unoccupied, it may be used for non-profit purposes as a community and/or public area, under the following conditions:
    i. The space shall be made available to community and charitable organizations (not to be used for profit-making activities).
    ii. The space shall be made available for both day and evening use.
    iii. The space shall be made available on a first come, first serve basis to community and charitable organizations.
    iv. There shall be no charge for use of the space, except for any costs that may be necessary by the interim use.
    v. The space shall be accessible to the elderly and disabled.
    vi. Availability of the space and the contact persons shall be made known to community and charitable groups through means such as newspaper articles, radio announcements, flyers to organizations, and contacts with umbrella organizations such as the Downtown Human Services Council and the Central Seattle Community Council Federation.

5. **Access**: The human services space must either have direct access to the street or be accessible along a well marked route that leads from a building entrance located on a street and does not require the use of steps.

6. **Finishings**: The applicant shall finish the space with ceilings, walls, floors, and utility connections.

((~~**Q. 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.~~

~~**Eligibility Conditions**~~

~~1. **Application Process**: Proposals that include a LPAT bonus require a Certificate of Approval from the Seattle Landmarks Preservation Board for any modifications to the LPAT in accordance with the requirements of Part 6 of the Seattle Landmarks Preservation Ordinance (Seattle Municipal Code, Sections 25.12.670-.790), unless the plan of rehabilitation is incorporated in the controls and incentives approved by City Council pursuant to SMC 25.12.510. If the owner of a LPAT is also applying to transfer development rights, or for public subsidies, subsidy review will be performed by the Office of Housing (OH). Use of this bonus is subject to completion of subsidy review by OH. Application for the LPAT bonus is made at the Department of Planning and Development~~

DPS CITY CLERK

~~(DPD) using application forms provided by DPD in conjunction with OH. The forms will describe the financial and other documentation required for the OH subsidy review.~~

2. ~~**Security:** If a LPAT bonus is sought, the applicant for a permit for the project proposing to use the bonus will be required to provide security for the completion of the rehabilitation of the landmark theater. Security may be provided in the form of cash in a restricted escrow account, letter of credit or other form acceptable to the City. Security shall be posted when the final building permit is issued for the project using the bonus FAR. A waiver from the security requirement may be permitted for an on-site LPAT at time of issuance of building permit. The Landmarks Preservation Board may modify this requirement to allow for a phased rehabilitation program and/or a phased occupancy for the landmark theater. Funds may be drawn from the security by the owner of the theater during the course of the rehabilitation work with prior approval of the OH Director.~~

3. ~~**Duration:** The theater is required to be available for the duration of any commitment made to qualify for a Floor Area Ratio (FAR) bonus for at least 180 days a year for live theater performances. An annual report by the theater owner to DPD shall specify the number of days when live performances took place, number of days not open, and number of days when other types of entertainment were provided.~~

   ~~The use of the theater primarily as a performing arts theater for at least 40 years* shall be ensured by binding covenants between the theater owner and the City. The recipient of the bonus (unless also the theater owner) shall have no obligation for the operation of the theater.~~

   ~~**and for so long thereafter as any of the interior features of the theater portion of the structure remains subject to controls under the Landmarks Ordinance or successor provisions, unless after the minimum 40 year period the owner demonstrates to the satisfaction of the Landmarks Board that a change in use is required to allow the owner a sufficient economic return under the standards then applicable to proceedings for removal or modification of such controls.*~~

4. ~~Restrictive Covenant: A restrictive covenant approved by DPD in consultation with OH and DON shall be recorded by DPD with the King County Department of Records and Elections on the property on which the LPAT is located. If other bonuses or TDRs are used, the restrictive covenant may be combined with a Performance Agreement, as approved by OH. The covenant will include the terms, duration, priority of commitment, commitment to repair and maintain the structure and right to access by City staff.~~

   ~~If the requirements of the covenant are not met, then in addition to other remedies, the City may apply to a court for appointment of a receiver to manage the theater.~~

DPS CITY CLERK

~~5. Variable Bonus Ratio: The Land Use Code permits a variable bonus ratio (maximum of 12). It is intended to be set at a ratio which makes the LPAT bonus competitive with other bonuses available for use by the project. Determination of the exact bonus ratio will depend upon the cost of rehabilitation, the cost per square foot of theater space eligible for bonus of obtaining a linkage (market conditions), other subsidies available for the theater rehabilitation and a comparative analysis of costs per square foot of using other bonuses. DPD shall request documentation of sources and uses of funds for theater rehabilitation. DPD will review information, and consult with other departments and determine what bonus ratio is appropriate.~~))

PART III: SPECIFIC ELIGIBILITY CONDITIONS AND GUIDELINES FOR AMENITY FEATURES ELIGIBLE FOR FLOOR AREA EXEMPTION ONLY

((~~R~~))Q. Museum

Museums add to the mix of Downtown activity and provide educational, cultural and/or recreational opportunities by establishing permanent interior areas for viewing objects, programs or presentations of natural, scientific, historical, cultural or literary interest.

Eligibility Conditions for Floor Area Exemption

1. **Eligibility criteria:** Museum space eligible for a floor area exemption must meet the following criteria:

    a. The museum does not have a commercial character or is not used for commercial purposes, although associated uses, such as a museum shop or snack bar, may be permitted.
    b. The use of the space has significant, long term educational, cultural and/or recreational value and interest to the public.
    c. Information is available to enhance public enjoyment and knowledge of items on display. Presentations that encourage public participation or direct interaction with the display are desirable.
    d. Ample space is provided to ensure that displayed items can be viewed to best advantage. Renderings illustrating typical elements of the display area shall be available for review by the Director.

2. **Use proposal:** The developer must present a proposal for the use of the museum identifying the nature of items to be displayed or programs to be presented as well as examples of typical design and layout of exhibits in the space.

2015 CITY CLERK

3. **Lease requirements:** If the operator of the museum is not the same as the developer, a ten year lease from the operator of the museum identifying the use of the space shall be secured by the developer for review by the Director. The lease shall be secured within two years of the date that the first Certificate of Occupancy is issued for the project with the museum, or when the final Certificate of Occupancy is issued, whichever is first.

Guidelines

1. **Area and Dimensions:** Adequate space should be provided for exhibits and public viewing, as well as necessary storage and support facilities. All such support spaces may be exempted from calculations of chargeable floor area.

2. **Street orientation:** The street level treatment of museums should provide pedestrian interest and attraction.

    a. To minimize disruption of street level activity, the museum's street frontage should be limited. Separating museum space from the street by other more active street level uses may be appropriate.
    b. Either transparent frontage sufficient to allow views into the exhibition area, or exterior signage and display cases visible from the street or a public open space shall be provided.

3. **Access**

    a. Access to the museum should be apparent to pedestrians through signs or direct visibility from the street or public open space.
    b. The museum should be functionally separate from other areas of the project. While access to the major circulation areas of a building, such as elevator lobbies, is desirable, and may be provided, the display space should be independent of these circulation areas. If needed, walls or other enclosure should be provided.

((~~S~~))R. Shopping Atrium

Shopping atriums provide enclosed, weather protected public spaces in concentrated shopping areas to enhance shopping activity while maintaining active and visually interesting retail streets. The enclosed space of the atrium may be on multiple levels and must be of sufficient size to accommodate public gatherings and events where shoppers can rest, relax, and enjoy surrounding activity.

Eligibility Conditions for Floor Area Exemption

1. **Pedestrian access:** A pedestrian entrance with direct access from the sidewalk shall be provided on each street frontage of the atrium.

CITY CLERK

2. **Uses**: Shopping atriums should intensify retail activity within shopping areas by increasing available retail frontage on streets and public areas. Uses that help activate the space are required on the perimeter of the atrium, as follows:

   a. At least 75 percent of the perimeter of each level of the entire exempt area of the atrium space shall be occupied by uses that qualify as street level uses in SMC 23.49.009. All of these uses shall have direct access to the atrium.
   b. Any street level uses on the perimeter of the shopping atrium with frontage on a street shall also be accessible from the street.

3. **Natural Lighting:** To improve the quality of the space, support interior landscaping and increase the overall sense of openness, the principal space of the shopping atrium must have access to natural light, consistent with the applicable guidelines below.

Guidelines

1. **Area and dimensions**: Shopping atriums should be spacious to accommodate a high level of activity and multiple uses, including public gatherings. Interior spaces should be arranged to integrate the shopping atrium with both the exterior street environment and the internal circulation of the project.

   a. The shopping atrium should include a principal space of at least 2,400 square feet that provides the public focus and is proportionally the largest and most prominent element of the atrium. Other areas may accommodate functions and activities that support the principal space and further integrate the atrium with the rest of the project and the street environment.
   b. The entire floor area of the principal space should generally be level with the average sidewalk grade at the main entrance to the shopping atrium. The principal space should be at one level, with minor adjustments of levels permitted, provided that the difference in elevation between the highest and lowest points is generally within four feet.
   c. The exempt floor area may be on multiple levels. All exempt floor area should be directly accessible by escalator, walkway, or stairs to the principal space. All exempt floor area should have visual access to the principal space.
   d. Exempt floor area should generally be clear and unobstructed by walls or other elements exceeding approximately three feet in height, except that escalators; artwork; and free standing retail kiosks may be permitted. The height and the total area covered by these elements should be limited to ensure the desired sense of spaciousness and unobstructed pedestrian circulation.

2. **Access and street orientation:** The location of a shopping atrium should be highly apparent from the street and easily accessible and inviting to pedestrians. Wherever possible, the atrium and its connections to the street should be designed to improve overall pedestrian circulation on the block.

   a. The main entrance to the atrium should be at sidewalk grade.

2015 CITY CLERK

b. For lots with frontage on two Avenues, the atrium should provide a clear direct connection between the Avenues.
c. Because shopping atriums are located in active shopping areas, the street frontage of the atrium space should be limited to avoid disrupting the continuity of retail activity along the street. The maximum street frontage of the shopping atrium space, including entrances, but not including retail uses with access to the street, should be approximately sixty feet on any one street.
d. The principal space of the atrium should be visible from adjacent sidewalks. Visual and physical access to the space should be provided along as much of the atrium's street frontage as possible.

3. **Landscaping and furnishings:** Landscaping and furnishings of the shopping atrium, including required art, should create an attractive and comfortable atmosphere for shoppers. Such elements should add interest and activity while allowing flexible use of the space, especially for public gatherings and events. Landscaping and other design treatments should reinforce the prominence of the principal space, while ensuring a cohesive relationship between the principal space and abutting accessory space.

4. **Natural lighting:** The Director shall use the following guidelines for required skylights and/or clerestory windows to ensure sufficient natural light:

a. Skylights that, at a minimum, provide access to natural light for approximately 25 percent of the roof area above the principal space; or
b. Windows or clerestory windows at a height of approximately 8feet or more that, at a minimum, allow access to natural light through approximately 25 percent of the perimeter of the principal space; or
c. A combination of skylights and clerestories, or similar elements, admits at least as much natural light as the options in subsections 4.a and 4.b above.

((~~T~~))S. Major Retail Store

Major retail stores, including full service department stores, provide retail anchors that reinforce shopping activity in the Downtown retail core and increase the area's regional draw for customers. These facilities expand the range of goods and services available to Downtown shoppers and, as retail "magnets," support other uses necessary to the health and vitality of the area. One way to help offset the cost of accommodating the large amount of floor area a major retail store requires is to include them as part of the mix in a larger development with more revenue generating uses. Allowing a floor area exemption will enable major retail stores to be accommodated in mixed use developments, without reducing the amount of floor area allowed for other commercial uses.

Eligibility Conditions for Floor Area Exemption

CITY CLERK

1. **Access**: Direct access to the street is required, although exempt retail space may be provided above and below the street level as long as all areas are connected and function as a single retail establishment.

2. **Management structure:** The store must function as a single retail establishment, under the management of a single retail operation.

Guidelines

Access: The store should be oriented to activity on the street and, wherever possible, provide opportunities for through block circulation. At least one major entrance should be provided directly from the sidewalk of each street frontage, with at least one principal entrance at the same elevation as the sidewalk. Multiple access points are desirable, as well as protected areas set back from the sidewalk at entrances to accommodate pedestrian flow and provide shelter.

CITY CLERK

Form revised: February 26, 2014

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
DPD / Legislative	Martha Lester / 4-8149	NA

Legislation Title:

AN ORDINANCE related to land use and zoning; amending Seattle Municipal Code Sections 23.49.011, 23.49.013, and 23.49.014 to remove provisions related to the bonus for a Landmark performing arts theater (LPAT) and to increase the base floor area ratio (FAR) of a lot with an LPAT to provide a new incentive for rehabilitating and maintaining these structures; and amending the Downtown Amenity Standards to delete reference to the bonus for the restoration and preservation of a Landmark performing arts theater and to update references to the Public Art Advisory Committee.

Summary of the Legislation:

This legislation would amend the Downtown chapter of the City's Land Use Code (Seattle Municipal Code chapter 23.49) to provide incentives for the rehabilitation and use of a designated Landmark structure that includes a performing arts theater, referred to as a Landmark performing arts theater (LPAT). This legislation would increase the base floor area ratio (FAR) of a lot that includes a LPAT. The higher base FAR would result in the following: 1) additional chargeable floor area could be added to the lot with a LPAT, potentially allowing for more revenue-generating space in a qualifying theater structure, provided the Landmarks Board approves any changes; and 2) the increase in base FAR would create more floor area that could be sold and transferred as Landmark TDR (transferable development rights) to eligible receiving sites. This would benefit a LPAT that has sold its existing LPAT TDR, since the increase in base FAR would provide more TDR to sell.

Background:

Currently, Downtown Landmark performing arts theaters are eligible for two incentives: 1) Landmark performing arts theater transfer of development rights (LPAT TDR), and 2) a floor area bonus for the restoration and preservation of Landmark performing arts theaters (LPAT bonus). At the request of stakeholders advocating for the historic theaters, DPD reviewed the performance of these incentives, and concluded the following:

- While the use of LPAT TDRs has been successful, two of the three eligible LPATs have sold all their development rights, so this incentive is no longer available to them; and
- The LPAT bonus has never been used, primarily because of uncertainties as to how it is to be administered and because the types of improvements that can be funded to gain the bonus have been too narrowly defined. (The list of types of eligible improvements has recently been expanded, but it's not known whether this will make the LPAT bonus significantly more usable.) There is also a concern that modifying the bonus to make it more usable

2015 CITY CLERK

could, over the long-term, have negative consequences on the use of incentives for other amenity features.

The proposed legislation addresses these concerns by repealing the LPAT bonus and increasing the base FAR for a LPAT.

Please check one of the following:

__x__ This legislation does not have any financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

b) **What is the financial cost of not implementing the legislation?**
None.

c) **Does this legislation affect any departments besides the originating department?**
The Office of Housing tracks use of TDRs, so it might be called on to process TDR transactions related to the increase in base FAR reflected in this legislation.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
Changing the structure of the existing LPAT bonus might achieve similar objectives.

e) **Is a public hearing required for this legislation?**
Yes, a City Council public hearing is required by SMC 23.76.062.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
Notice of the SEPA determination was published in the City's Land Use Information Bulletin (LUIB) and in the DJC. Notice of the public hearing will be published in the LUIB and in the DJC.

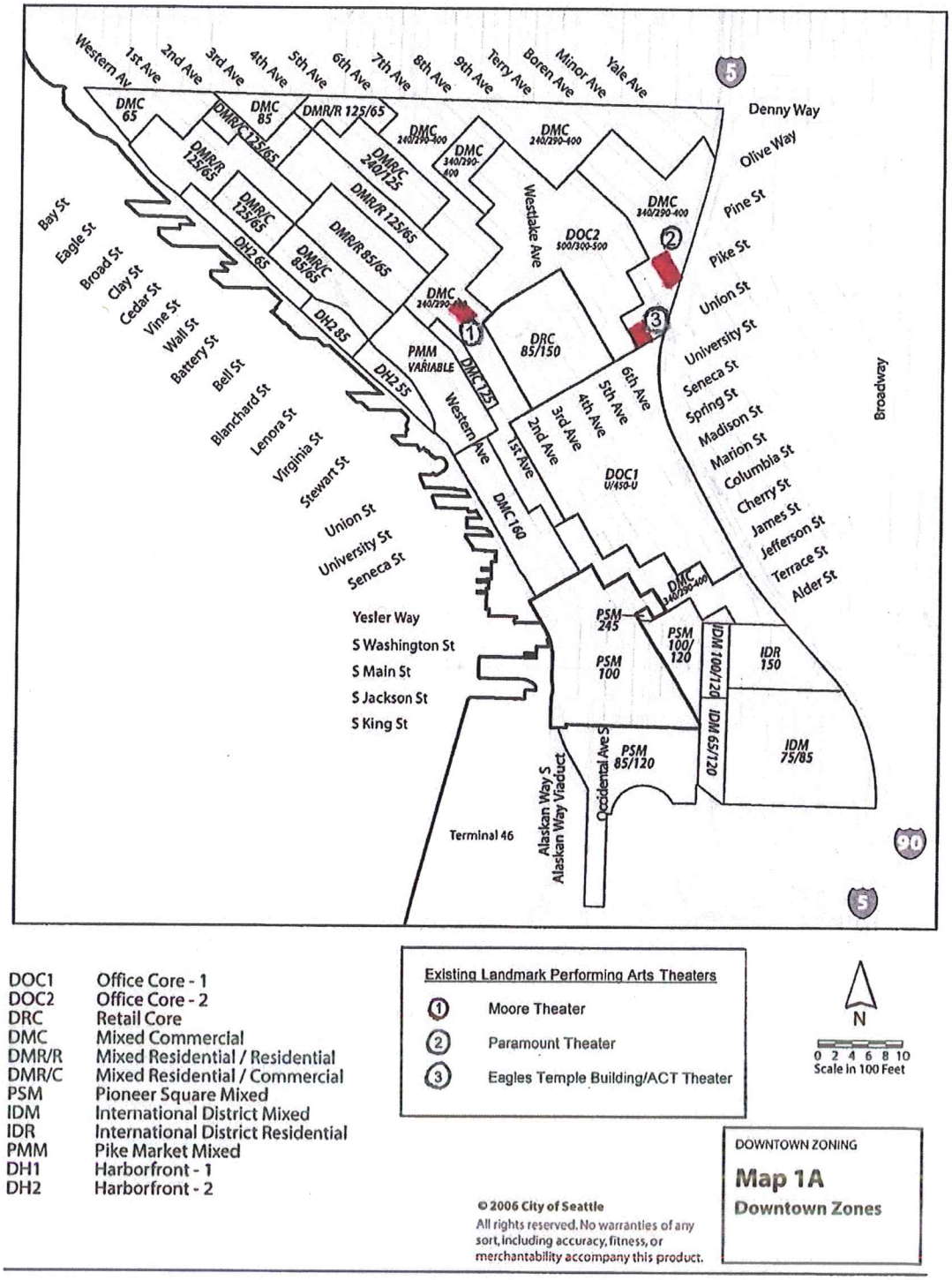
g) **Does this legislation affect a piece of property?**
This legislation could affect one or more Landmark performing arts theaters, which are shown on Exhibit 1 to this fiscal note.

h) **Other Issues:**

List attachments to the fiscal note below:

Exhibit 1: Map of Existing Landmark Performing Arts Theaters and Downtown Zoning

Map of Existing Landmark Performing Arts Theaters and Downtown Zoning



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

Existing Landmark Performing Arts Theaters

1. Moore Theater
2. Paramount Theater
3. Eagles Temple Building/ACT Theater

N

0 2 4 6 8 10
Scale in 100 Feet

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DOWNTOWN ZONING
Map 1A
Downtown Zones

Note: This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

CITY CLERK

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 118163

AN ORDINANCE related to land use and zoning; amending Seattle Municipal Code Sections 23.49.011, 23.49.013, and 23.49.014 to remove provisions related to the bonus for a Landmark performing arts theater (LPAT) and to increase the base floor area ratio (FAR) of a lot with an LPAT to provide a new incentive for rehabilitating and maintaining these structures; and amending the Downtown Amenity Standards to delete reference to the bonus for the restoration and preservation of a Landmark performing arts theater and to update references to the Public Art Advisory Committee.

WHEREAS, Downtown Seattle is home to some of the City's most historic live-performance venues; and

WHEREAS, in 2011 the City Council adopted Resolution 31341 establishing the Downtown Historic Theatre District and recognizing the economic and cultural contributions of live-performance venues; and

WHEREAS, the large Landmark theaters are the anchors of the Downtown Historic Theatre District and are critical to the vitality of the district and success of a wide variety of businesses; and

WHEREAS, the City recognizes that, due to the size and unique characteristics of design and function, these large Landmark theaters present extraordinary challenges for ongoing maintenance and operation, and the City desires to support and promote the continued preservation and operation of these Landmark theaters and the downtown neighborhood where they are located; and

WHEREAS, changes to the City's Land Use Code to increase the base FAR of lots with large Landmark performing arts theaters will provide additional incentives to support the preservation, promotion and use of these large Landmark theaters, and the continued success of the Downtown Historic Theatre District; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.49.011 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.49.011 Floor area ratio

A. General standards

THE CITY CLERK

* * *

3. In a DOC1, DOC2, DRC, or DMC zone, for a lot that includes a qualifying Landmark structure with a performing arts theater, the base FAR specified in Table A for 23.49.011 is increased by 4 FAR, or by the amount of FAR between the base and maximum FAR of the zone, whichever is less, provided that the conditions of this subsection 23.49.011.A.3 are met.

a. For purposes of this subsection 23.49.011.A.3, a "qualifying Landmark structure with a performing arts theater" is a structure that is a designated Landmark pursuant to Chapter 25.12 and that meets the following:

1) the structure was built before 1930;

2) the structure contains performing arts theater space that has combined seating capacity in one or more venues for at least 800; and

3) the structure is subject to an ordinance granting incentives for and imposing controls on the Landmark structure.

b. At the time a qualifying Landmark structure with a performing arts theater uses the additional base FAR, either on the site or through transfer of TDR to another site, the following conditions shall be met:

1) the performing arts theater use established under approved permits, including combined seating capacity in one or more venues for at least 800, shall be ensured by binding covenants between the property owner and the City for at least 40 years from the first use of any of the additional base FAR, either on the site or through the first transfer of any TDR to another site; and

2) the Director, after consulting with the property owner, determines, as a Type I decision, that the property owner has executed a contract(s) with one or more theater groups or performing arts organizations for regularly scheduled use of the Landmark structure for live performances and that the anticipated use of the Landmark theater

DPS CITY CLERK

structure for live theater performances, combined with any other use of the structure, is adequate to contribute sufficiently to the presence of live theater in the Downtown Historic Theatre District established by Resolution 31341 and to support the desired level of activity in the area near the Landmark structure. In making this determination, the Director shall consider the following:

a) the extent and duration of the contract(s) between the property owner and one or more theater groups or performing arts organizations for regularly scheduled use of the Landmark structure for live performances;

b) the presence of uses in the structure that will contribute to activity in the area beyond the typical workday hours; and

c) programmed use of the Landmark structure by other activities during periods when the structure is not in use for live performances; and

3) any use of the additional base FAR on the site complies with all provisions of the designating ordinance and Chapter 25.12.

c. If a Landmark structure is on a lot that is not entirely regulated by a designating ordinance, then the area used to calculate the additional base FAR is the area of the footprint of the Landmark structure.

d. A lot that uses the additional base FAR on the site as allowed by this subsection 23.49.011.A.3 is not allowed to gain chargeable floor area under subsection 23.49.011.A.2.j.

e. If a qualifying Landmark structure with a performing arts theater is on a lot that is not entirely regulated by a designating ordinance, then the additional base FAR may be transferred as TDR to another site, or may be used on the site on the portion of the lot that is within the footprint of the Landmark structure, but shall not be used elsewhere on the lot.

((~~3~~))4. The Master Use Permit application to establish any bonus development under this subsection 23.49.011.A.((~~3~~))4 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 23.49.011 and any other conditions of the permit, including Design Review if applicable.

* * *

Section 2. Section 23.49.013 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.49.013 Bonus floor area for amenities

A. An applicant may achieve a portion of the chargeable floor area to be established in addition to base FAR through bonuses for amenities, subject to the limits in this ((e))Chapter 23.49. Amenities for which bonuses may be allowed are limited to:

1. Public open space amenities, including hillside terraces on sites shown as eligible for bonuses on Map 1J, urban plazas in DOC1, DOC2 and DMC 340/290-400 zones, parcel parks in DOC1, DOC2, DMC, DMR, DH2, and IDM zones, public atria in DOC1, DOC2, DMC 340/290-400, and DMC 85/65-150 zones, green street improvements and green street setbacks on designated green streets;

2. Hillclimb assists or shopping corridors on sites shown as eligible for these respective bonuses on Map 1J;

3. Human services uses as follows:

a. Information and referral for support services;

b. Health clinics;

c. Mental health counseling services;

d. Substance abuse prevention and treatment services;

e. Consumer credit counseling;

f. Day care services for adults; and

g. Jobs skills training services;

4. Public restrooms; and

((~~5. For projects in a DOC1, DOC2, or DMC 340/290-400 zone, rehabilitation and preservation of Landmark performing arts theaters, provided that the following conditions are met:~~

~~a. the theater contains space that was designed for use primarily as, or is suitable for use as, a performing arts theater;~~

~~b. the theater is located in a DOC1, DOC2, DRC, or DMC zone;~~

~~c. the theater is a designated Landmark pursuant to Chapter 25.12;~~

~~d. the theater is subject to an ordinance establishing an incentive and controls, or the owner of the theater executes, prior to the approval of a floor area bonus under any agreement with respect to such theater, an incentives and controls agreement approved by the City Landmarks Preservation Board;~~

~~e. the theater has, or will have upon completion of a proposed plan of rehabilitation, a minimum floor area devoted to performing arts theater space and accessory uses of at least 20,000 square feet; and~~

~~f. The theater will be available, for the duration of any commitment made to qualify for a floor area bonus, for live theater performances no fewer than 180 days per year; and~~

~~6~~))5. Transit station access for fixed rail transit facilities.

B. Standards for amenities

1. Location of amenities. Amenities provided by the applicant by performance shall be located on the lot using the bonus, except as follows:

a. Green street improvements may be located within an abutting right-of-way subject to applicable Director's rules.

b. An open space amenity, other than green street improvements, may be on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of the following conditions are satisfied:

1) The open space must be open to the general public without charge, must meet the eligibility conditions of the Downtown Amenity Standards, and must be one of the open space features cited in subsection 23.49.013.A.1.

2) The open space must be within 1/4 mile of the lot using the bonus, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4.

3) The open space must have a minimum contiguous area of 5,000 square feet, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4.

4) Departures from standards for the minimum size of off-site open space and maximum distance from the project may be allowed by the Director as a Type I decision if the Director determines that if such departures are approved, the proposed open space will meet the additional need for open space caused by the project, and improve public access to the open space compared to provision of the open space on-site.

5) The owner of any lot on which off-site open space is provided to meet the requirements of this Section 23.49.013 shall execute and record an easement or other instrument in a form acceptable to the Director assuring compliance with the requirements of this Section 23.49.013, including applicable conditions of the Downtown Amenity Standards.

c. Public restrooms shall be on a ground floor; shall satisfy all codes and accessibility standards; shall be open to the general public during hours that the structure is open to the public, although access may be monitored by a person located at the restroom facility; shall be maintained by the owner of the structure for the life of the structure that includes the bonused space; and shall be designated by signs sufficient so that they are readily located by

pedestrians on an abutting street or public open space. The Director is authorized to establish standards for the design, construction, operation and maintenance of public restrooms qualifying for a bonus, consistent with the intent of this subsection 23.49.013.B.1.c to encourage the provision of accessible, clean, safe and environmentally sound facilities.

2. Options for provision of amenities.

((~~a.~~))Amenities must be provided by performance except as expressly permitted in this Section 23.49.013. The Director may accept a cash payment for green street improvements and a related voluntary agreement from the applicant, subject to this Section 23.49.013, the Downtown Amenity Standards and the Green Street Director's Rule, DR 11-2007, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully 1 square foot of green street space for each 5 square feet of bonus floor area allowed for such payment. The cash payment shall be maintained in a restricted account and shall be used to improve a green street abutting or in the vicinity of the lot.

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

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

~~2) The owner of the Landmark performing arts theater executes and records covenants enforceable by the City, agreeing to maintain the structure and the performing arts theater use, consistent with the Downtown Amenity Standards; and~~

~~3) Prior to the issuance of any building permit after the first building permit for the project using the bonus, and in any event before any permit for any construction activity other than excavation and shoring issued for that project, unless the rehabilitation work has then been completed, the applicant posts security for completion of that work, consistent with the Downtown Amenity Standards.~~))

3. Ratios and limits

a. Amenities may be used to gain floor area according to the applicable ratios, and subject to the limits in Section 23.49.011 and in Table A for 23.49.013.

Table A for 23.49.013
Downtown ((a))Amenities

Amenity	Zone location of lots eligible to use bonus							Bonus ((R))ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC1	DOC2	DMC 340/290-400	DH2,DMC 125, DMC 160, DMC 85/65-150, and DMC 240/290-400	DRC	DMR	IDM		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	6,000
Urban Plaza	X	X	X					5:1	15,000
Commercial Parcel Park	X	X	X	X			X	5:1	7,000
Residential Parcel Park			X	X		X	X	5:1	12,000
Green Street Parcel Park	Eligible for bonus only on lots abutting a designated green street							5:1	7,000
Public Atrium	X	X	X					5:1	5,500
Green Street Improvement	Eligible for bonus only on lots abutting a designated green street							5:1	No limit
Green Street Setback	Eligible for bonus only on lots abutting a designated green street that are not subject to property line street wall requirement							1:1	10 times the length of lot's green street frontage
Hillclimb Assist	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							Not applicable	Maximum gain of 0.5 FAR

Table A for 23.49.013
Downtown ((~~a~~))Amenities

Amenity	Zone location of lots eligible to use bonus							Bonus ((~~R~~))ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC1	DOC2	DMC 340/290-400	DH2,DMC 125, DMC 160, DMC 85/65-150, and DMC 240/290-400	DRC	DMR	IDM		
Shopping Corridor	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	7,200
Transit Station Access	X	X	X	X	X	X		Not ((~~A~~))applicable	Maximum gain of 1.0 FAR
Public Restroom	X	X	X	X	X	X		7:1	No limit
Human Services	X	X	X	X	X	X		7:1	10,000
((~~Preservation of Landmark Theater~~	~~X~~	~~X~~	~~X~~					~~Variable; maximum of 12:1~~	~~Maximum gain of 1.0 FAR~~))

"X" indicates that bonus is potentially available.

((~~b. Any bonus for rehabilitation and preservation of a Landmark performing arts theater shall not exceed a maximum of one FAR. Such bonus may be allowed at a variable ratio, as described in the Downtown Amenity Standards, of up to 12 square feet of floor area granted per 1 square foot (12:1) of floor area of a Landmark performing arts theater rehabilitated by the applicant, or previously rehabilitated so as to have a useful life at the time the bonus is allowed of no less than 20 years, in each case consistent with any controls applicable to the Landmark performing arts theater and any certificates of approval issued by the Landmarks Preservation Board. For purposes of this subsection 23.49.013.B.3.b, "rehabilitation" means the process of returning a building or buildings to a state of utility, through repair or alteration, that makes possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values. For~~

~~any Landmark performing arts theater from which TDR has been transferred, or that has received any public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited, pursuant to a subsidy review, to the lowest ratio, as determined by the Director of Housing, such that the benefits of the bonus, together with the value of any TDR and any public funding or subsidy, are no more than the amounts reasonably necessary to make economically feasible:~~

~~1) The rehabilitation and preservation of the Landmark performing arts theater; and~~

~~2) Any replacement by the owner of such theater of low-income housing that is reasonably required to be eliminated from the lot of the Landmark performing arts theater to make rehabilitation, preservation and operation of the performing arts theater economically feasible.~~))

* * *

Section 3. Section 23.49.014 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.49.014 Transfer of development rights

* * *

E. TDR ((~~S~~))sales ((~~B~~))before ((~~B~~))base FAR ((~~I~~))increases and ((~~C~~))changes in ((~~E~~))exemptions. Except for transfers of TDR from a sending lot with a major performing arts facility, or from a Landmark performing arts theater satisfying the conditions of subsection 23.49.011.A.3, transfers of TDR from any lot from which a TDR transfer was made prior to August 26, 2001, are limited to the amount of TDR available from such lot immediately prior to that date.

F. Projects ((~~D~~))developed ((~~U~~))under ((~~P~~))prior ((~~C~~))code ((~~P~~))provisions((~~.~~))

1. Any project that is developed pursuant to a master use permit issued under the provisions of this ((~~t~~))Title 23 as in effect prior to August 26, 2001, which permit provides for

CITY CLERK

the use of TDR, may use TDR that were transferred from the sending lot consistent with such prior provisions prior to August 26, 2001.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot on or after August 26, 2001.

3. The use of TDR by any such project must be consistent with the provisions of Title 23 applicable to the project, including any limits on the range of FAR in which a type of TDR may be used, except that open space TDR may be used by such a project in lieu of any other TDR or any bonus, or both, allowable under such provisions.

G. TDR ((~~S~~))satisfying ((~~C~~))conditions to ((~~T~~))transfer ((~~U~~))under ((~~P~~))prior ((~~C~~))code((~~.~~))

1. If the conditions to transfer Landmark TDR, as in effect immediately prior to August 26, 2001, were satisfied on or before December 31, 2001, such TDR may be transferred from the sending lot in the amounts eligible for transfer as determined under the provisions of this Title 23 in effect immediately prior to August 26, 2001. If the conditions to transfer housing TDR were satisfied prior to August 26, 2001, under the provisions of this Title 23 then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that date. If the conditions to transfer TDR from a major performing arts facility were satisfied prior to August 26, 2001, under the provisions of this Title 23 then in effect, such TDR may be transferred from the sending lot after that date, for use on any receiving lots in zones where housing TDR may be used according to Table A for 23.49.014 or as provided in Section 23.50.053, in an amount as determined under subsection 23.49.014.B, provided that the cumulative amount of TDR that may be transferred after June 1, 2005, from any sending lot based on the presence of a major performing arts facility is limited to 150,000 square feet.

2. For purposes of this subsection 23.49.014.G, conditions to transfer include, without limitations, the execution by the owner of the sending lot, and recording in the King County real property records, of any agreement required by the provisions of this Title 23 or the

Public Benefit Features Rule in effect immediately prior to August 26, 2001, but such conditions do not include any requirement for a master use permit application for a project intending to use TDR, or any action connected with a receiving lot. TDR transferable under this subsection 23.49.014.G are eligible either for use consistent with the terms of Section 23.49.011 ((~~or Section 23.50.051~~))or for use by projects developed pursuant to permits issued under the provisions of this Title 23 in effect prior to August 26, 2001. The use of TDR transferred under this subsection 23.49.014.G on the receiving lot shall be subject only to those conditions and limits that apply for purposes of the master use permit decision for the project using the TDR.

H. Time of ((~~D~~))determination of TDR ((~~E~~))eligible for ((~~T~~))transfer. Except as stated in subsection 23.49.014.G, the eligibility of a sending lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the date of transfer from the sending lot and shall not be affected by the date of any application, permit decision or other action for any project seeking to use such TDR.

I. Use of ((~~P~~))previously ((~~T~~))transferred TDR by ((~~N~~))new ((~~P~~))projects. Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR that were transferred from the sending lot consistent with the provisions of this Title 23 in effect at the time of such transfer. For purposes of this subsection 23.49.014.I, the owner of TDR that were transferred based upon a housing commitment accepted by the City shall be entitled to have such TDR considered as housing TDR.

Section 4. The Downtown Amenity Standards are amended as shown on Attachment A to this ordinance to delete reference to the bonus for the restoration and preservation of a Landmark performing arts theater and to update references to the Public Art Advisory Committee. The amended Downtown Amenity Standards shall be filed with the City Clerk in Clerk File _____.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

CITY CLERK

Passed by the City Council the ____ day of _____, 2014, and signed by me in open session in authentication of its passage this _____ day of _____, 2014.

_____
President _____of the City Council

Approved by me this ____ day of _____, 2014.

_____
Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

_____
Monica Martinez Simmons, City Clerk

(Seal)

Attachment A: Amendments to Downtown Amenity Standards

DOWNTOWN AMENITY STANDARDS
((~~April 2011~~))April 2014

TABLE of CONTENTS

Introduction 2
Legislative History.....3

Section I General Eligibility Conditions for Amenity Features.....4

Section II Specific Eligibility Conditions and Guidelines for Amenity Features to Qualify for a Bonus.....12

- **Interior Amenity Features**
  A. Hillclimb assist.....12
  B. Public atrium.....14
  C. Public restrooms.....16

- **Open Space Amenity Features**
  D. Commercial, residential, and green street parcel park.....17
  E. Neighborhood open space.....22
  F. Residential hillside terrace.....22
  G. Green street setback.....24
  H. Mid-block corridor.....25

- **Retail-related Amenity Feature**
  I. Shopping corridor.....26

- **Streetscape and Circulation-related Amenity Features**
  J. Green street improvement.....28
  K. Hillside terrace.....29
  L. Urban plaza.....31

- **Transit-related Amenity Features**
  M. Transit station access easement.....33
  N. Transit station access: mechanical assists 35
  O. Transit station access: grade level 37

- **Other Amenity Features**
  P. Human services.....40
  ((~~Q. Restoration and preservation of landmark performing arts theater.....41~~))

Section III Specific Eligibility Conditions and Guidelines for Amenity Features Eligible for Floor Area Exemption Only.....43
((~~R~~))Q. Museum.....43
((~~S~~))R. Shopping Atrium ((~~Major retail store~~)).....44

DPS CITY CLERK

((~~T~~))S. Major Retail Store ((~~Shopping atrium~~)) 46

INTRODUCTION

In some Downtown zones, increases in floor area above the base Floor Area Ratio (FAR) limit or base height limit of the zone may be allowed, subject to specified conditions. SMC Chapters 23.49 and 23.58.A establish the amenity features eligible for a bonus in each zone, together with the other conditions and limits that govern the amount of floor area that may be obtained for each amenity feature. SMC 23.49.011 addresses the amenity features that may be exempted from the calculation of chargeable floor area.

These Downtown Amenity Standards ("Standards") supplement the provisions of the Land Use Code with additional, detailed eligibility criteria that the Department of Planning and Development (DPD) uses to determine whether a floor area bonus or exemption will be allowed for an amenity feature. The Standards include requirements for the ongoing operation of amenity features, which apply to the successor owners and operators of the buildings and lots where the amenity features are located.

The Downtown Amenity Standards are presented in the following three sections:

Section I General Eligibility Conditions for Amenity Features
Section I sets forth general eligibility conditions that focus on the procedures, operation, mandatory elements, maintenance, identification, and other requirements generally associated with amenity features that are eligible for a floor area or height bonus or floor area exemption. Some conditions apply to all amenity features, while others apply only to specific amenity features. These general eligibility conditions must be satisfied for the amenity feature to qualify for a bonus or exemption. Pursuant to SMC Sections 23.49.013 and 23.58A.016, the Director has the authority to grant departures from the general eligibility conditions as a Type I decision. In some instances, there are specified criteria for particular types of departures.

Section II Specific Eligibility Conditions and Guidelines for Amenity Features
This section of the Standards provides the basis for reviewing each proposed amenity feature to determine eligibility for a bonus. It states the intended function and public benefit of each amenity feature, and sets forth specific eligibility conditions and guidelines.

- **Eligibility Conditions**. Specific eligibility conditions are basic requirements in addition to any set forth in the Land Use Code. These conditions relate primarily to the size of the amenity feature and its location on the lot. Pursuant to SMC Sections 23.49.013 and 23.58A.016, the Director has the authority to grant departures from the specific eligibility conditions in these Standards. In some instances, there are specified criteria for particular types of departures.

- **Guidelines.** The guidelines are more flexible statements about the characteristics desired for each amenity feature. They provide direction for the siting and design of an amenity

feature, while allowing the flexibility to respond to the special circumstances of individual projects and development sites.

Section III Specific Eligibility Conditions and Guidelines for Amenity Features Eligible for Floor Area Exemption Only

Section III of the Standards contains specific eligibility conditions and guidelines for exemption of certain amenity features from the calculation of chargeable floor area.

LEGISLATIVE HISTORY

- The Downtown Amenity Standards were originally adopted by Ordinance 122054 on April 3, 2006. The Standards replaced DPD Director's Rule 20-93.
- The Standards were amended by Ordinance 122235, passed on September 18, 2006, to change the introduction to the subsection about Landmark Performing Arts Theatres.
- ((~~This version of the~~))The Standards ((~~was adopted~~))were amended by ((~~the~~))Ordinance 123589, passed ((~~introduced as Council Bill 117140~~))on April 25, 2011, to include new amenity features.
- This version of the Standards was adopted by the Ordinance introduced as Council Bill XXXX, passed on [date], to delete reference to the bonus for a Landmark performing arts theater and to update references to the Public Art Advisory Committee.

SECTION I: GENERAL ELIGIBILITY CONDITIONS FOR AMENITY FEATURES

The following eligibility conditions apply to all amenity features for which a floor area bonus is sought under SMC Sections 23.49.013 and 23.58A.016 and to specific amenity features for which a floor area exemption is allowed as described in these Standards. The categories of general eligibility conditions are:

A. Installation Timeframes
B. Public Access and Hours of Operation
C. Maintenance
D. Combination of Amenity Features
E. Art in Bonused Public Spaces
F. Use of Bonused Public Spaces
G. Landscaping and Furnishings
H. Safety
I. Identification
J. Required Street Level Uses
K. Information in Permit Application and Recording Conditions

A. Installation Timeframes

The required elements of amenity features shall be installed within the timeframe shown on Table A. If an element is not installed when required, further occupancy of the building will not be allowed until the element of the amenity feature is provided. The Director may extend the time allowed when installation is not feasible due to construction scheduling or other good cause, but in no case shall the Final Certificate of Occupancy be issued until all the elements of all amenity features in the project have been provided.

Table A: Timing of Installation for Required Elements of Amenity Features

	Prior to Issuance of any C of O* for chargeable floor area	6 months from issuance of first C of O* for chargeable floor area	2 years from issuance of first C of O* for chargeable floor area
Art Installation**	X		
Seating and Furnishings	X		
Identification Signs		X	
Performing Arts Theatre Signs			X
Required Street Level Uses Are In Operation***			X
Green Street Improvements			X

	Prior to Issuance of any C of O* for chargeable floor area	6 months from issuance of first C of O* for chargeable floor area	2 years from issuance of first C of O* for chargeable floor area
Mechanical Conveyance for Hillclimb Assist	X		
Lease or Plan for a Museum Eligible for a Floor Area Exemption			X

Footnotes for Table A:
* C of O stands for Certificate of Occupancy
**A Preliminary Plan for the art installation is required at the time of MUP application; the Final Plan is required prior to MUP issuance.
***Applies for the following amenity features with frontage on a where street level uses are required by SMC 23.49.009: Shopping corridor, Hillside terrace, Urban plaza, Commercial parcel park, and Residential and Green street parcel parks.

B. Public Access and Hours of Operation

1. Hours of Operation. The amenity features listed in this subsection B.1 provide open spaces for public use and enjoyment. These open spaces shall be easily recognized as available for use by the general public, and shall generally be as accessible to the public as publicly provided open space. Standards for hours of operation are as follows:

a. Interior Amenity Features: Amenity features integrated with interior spaces are required to be open and accessible to the general public without charge **during normal operating hours of the building**. These amenity features are:

- Hillclimb assist
- Museum
- Public atrium
- Public restrooms

b. Open Space Amenity Features: Amenity features listed in this subsection B.1.b must be open and accessible to the general public, without charge, for reasonable and predictable hours, for a **minimum of 10 hours each day of the year, except that mid-block corridors must be open for a minimum of 16 hours each day of the year**. The hours of public access for these amenity features shall be during daylight, except that when there are insufficient daylight hours, the open space must also be open for all daylight hours and also during nighttime hours for the balance of the hours that the open space is to remain open. These amenity features are:

- Commercial parcel park
- Green Street parcel park
- Residential parcel park
- Neighborhood open space
- Residential hillside terrace
- Green street setback
- Mid-block corridor

c. Retail-related Amenity Features: Amenity features listed in this subsection B.3 that support retail activity Downtown shall be open and accessible to the general public during normal shopping hours, which at a minimum shall be **five days a week for at least eight hours a day.** These amenity features are:

- Major retail store
- Shopping atrium
- Shopping corridor

d. Streetscape and Circulation-related Amenity Features: The following amenity features, which are integrated with the public street environment and intended to function as part of the outdoor pedestrian circulation network, are required to be open and accessible to the general public without charge **24 hours a day, every day throughout the year**. These amenity features are:

- Green street improvement
- Hillside terrace
- Urban plaza

e. Transit-related Amenity Features: Amenity features integrated with public transportation facilities shall provide free public access at **all times the transportation facility is in operation**. These amenity features are:

- Transit station access easement
- Transit station access: grade level
- Transit station access: mechanical assist

2. Public Access

a. Within the open space amenity features in subsection B.1.b and the streetscape and circulation-related amenity features in subsection B.1.d, during the hours of operation set in subsection B.1, except for seating reserved for customers of restaurants or other uses permitted pursuant to subsection G.2.a, property owners, tenants, and their agents shall allow individuals to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent

amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others.

b. Public access may be limited temporarily for necessary maintenance or for reasons of public safety during hours when an amenity feature is otherwise required to be open to the public.

C. Maintenance

Unless otherwise stated in the specific conditions for an amenity feature, the property owner shall maintain all elements of the amenity feature, including but not limited to landscaping, seating, and lighting, in a safe, clean, and well-maintained condition.

D. Combination of Amenity Features

Some projects earning a floor area bonus may incorporate several amenity features, including features that are exempt from FAR limits. In these cases, the intent is to encourage the integration of the various amenity features within the project design. Should conflicts among requirements arise when combining amenity features in one project, the Director may resolve the conflict by granting departures from eligibility conditions, provided the intent of each amenity feature is fulfilled.

E. Art In Bonused Amenity Features

1. **Definition**: For the purposes of these Standards, art is broadly defined to encourage high-quality, imaginative interpretations of the various media, and includes works that are only decorative, or are both decorative and functional. Over time, new materials and art forms may be developed. Therefore, such innovations in form and media are included in this definition of art.

2. **Amenity Features Requiring Art**: To make a positive contribution to the identity of the public space, art is required in the following amenity features:

   - Commercial, Residential, and Green street parcel parks
   - Neighborhood open space
   - Residential hillside terrace
   - Mid-block corridor
   - Hillclimb assist
   - Public atrium
   - Green street improvement
   - Hillside terrace
   - Urban plaza
   - Shopping corridor
   - Transit station access—all types

3. **General Requirements**
   a. When more than one amenity feature is incorporated in a project, the requirement for artwork may be filled in a variety of ways, such as providing one major work as a focal point, or several smaller works, as appropriate to the design of the public spaces, and commensurate with the amount of bonused public space.

   b. Artwork may include but need not be limited to two or three dimensional works in all media, such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Artwork may also include fountains, mobiles, special wall or paving surfaces, bas-reliefs, mosaics, murals, landscaping elements, and other decorative elements. Interdisciplinary projects and collaborations are encouraged, as are works that are not only visual, but engage other senses, such as sound and touch.

   c. The artwork shall be clearly visible to people using the public space, and, wherever possible, should be visible from the street. If it is not visible from the street, it shall be visible from primary circulation paths adjacent to or through the public space. However, it shall not impede circulation in the open space.

   d. The setting for the artwork shall be designed to provide comfort and accommodate people viewing the art by incorporating such elements as steps, ledges, benches, and other seating or by providing rails or other architectural features to lean against.

   e. The property owner is responsible for the maintenance of all artwork for the life of the building.

   f. The selection of artists to work as members of design teams along with building architects, landscape architects and/or engineers is encouraged. The intent is to promote art that is an integral part of the design of the public space and compatible in bulk, scale, design, texture, color, and shape with the space in which it is located.

4. **Artwork Plan Process**
   a. To encourage integration of the artwork into the overall design of the project, the Master Use Permit application shall include a Preliminary Artwork Plan, which shall be submitted to the ((~~Seattle Arts Commission~~))Public Art Advisory Committee, who will review it, advise the applicant and the DPD Director, and make recommendations on the proposal. The Preliminary Artwork Plan shall include the following elements:

      - Concept Statement - Outline of the art proposal in terms of proposed location(s) and type(s) of art, e.g., sculpture, two-dimensional work, interdisciplinary process, etc.
      - Proposed budget
      - Proposed process for selection of artist(s)
      - Schedule for implementation

b. Before a building permit for the project is issued, a Final Artwork Plan shall be submitted by the applicant to the ((~~Seattle Arts Commission~~))Public Art Advisory Committee, who will review it and make recommendations to the DPD Director. The Final Artwork Plan shall be a refinement of the Preliminary Artwork Plan, and include the following elements:
   - Selected artist(s)
   - Drawings indicating location, size, placement of artwork
   - Technical documents outlining in detail the materials and method of attachment of the proposed art
   - Maintenance, safety and security considerations
   - Final budget
   - Final schedule for installations

c. The final Certificate of Occupancy shall not be issued until the artwork is complete and installed.

5. **Removal or Modification of Art in Bonused Spaces**
   a. Proposed alterations to or removal of artwork in amenity features that have earned a bonus may be subject to the Visual Artists Rights Act. Therefore, such alteration or removal requires review by the ((~~Seattle Arts Commission~~))Public Art Advisory Committee. The ((~~Commission~~))Committee will advise the Director if, in its opinion, the proposed alterations would constitute destruction of the artwork, and would thus require replacement artwork to satisfy the bonus requirements. The Director may require replacement artwork.

   b. Proposals for replacement artwork in bonused public spaces shall be reviewed by the ((~~Seattle Arts Commission~~))Public Art Advisory Committee, who will make a recommendation to the Director. The recommendation will be based on the suitability of the new artwork, taking into account the Final Artwork Plan and any changed conditions since the original installation of the artwork. The Director may approve, condition, or deny the placement of the replacement artwork.

F. Use of Bonused Public Spaces

No amenity feature may be used for storage, or for a driveway, parking area, or loading berth, except as provided in these Standards.

G. Landscaping and Furnishing

1. Amenity Features Requiring Landscaping: Landscaping is required for the following amenity features to be eligible for a bonus or floor area exemption. The landscaping must be consistent with the applicable guidelines specified for each amenity feature in Section II:

- Hillclimb assist
- Public atrium
- Commercial, residential, and green street parcel parks

- Neighborhood open space
- Residential hillside terrace
- Green street setback
- Mid-block corridor—in additional abutting open space only
- Shopping corridors with bonus for natural light
- Green street improvement
- Hillside terrace
- Urban plaza
- Shopping atrium

2. **Types of Landscaping and Furnishings:** Required landscaping is subject to the review and approval of the Director, and shall be provided consistent with the Landscape Standards Director's Rule (DR 6-2009 or successor rule). It may include a wide variety of living trees, shrubs, and ground covers, as well as fountains and planters, and should include seasonal plantings. Required public art may be located in a landscaped area. All required landscaping shall be located in permanently installed beds or planters, or in large containers that, while movable, cannot be readily removed.

   a. **Seating and tables.** All amenity features that require landscaping shall also provide seating for use by the general public at all times the space is open. Tables may also be provided for use by the general public. The type and amount of seating should reflect the intended function of the space and anticipated volume of users, with a desired minimum amount indicated in the guidelines for each amenity feature. The seating may be either permanent or movable. Additional seating, and/or tables, may be reserved for customers of restaurants or other uses. To avoid dominating the space and conflicting with its intended public use, the area reserved for such seating shall not exceed 15 percent of the bonused area, or 500 square feet, whichever is less. The location, size and delineation of the area used for reserved seating are subject to the review and approval of the Director.

   b. **Perimeter walls**. Non-transparent perimeter walls shall be decoratively finished or lined with continuous planting to a minimum height of approximately one story, or to the top of the wall(s), whichever is less. Exterior perimeter walls shall be light in color to reflect light into outdoor open spaces.

   c. **Temporary elements.** Temporary kiosks, displays, art exhibits, and retail stalls may be permitted, provided they are portable and do not restrict public access and use of the amenity feature or restrict pedestrian circulation.

H. Safety

To increase public safety and security, the amenity features listed in subsection G.1 shall be designed to avoid creation of isolated areas, and to maintain lines of sight into the space from streets and major pedestrian walkways if possible.

a. **Landscaping:** Trees and shrubs shall be planted and maintained so as to avoid public safety problems that could arise when vegetation interferes with normal lines of sight or negates the effects of nighttime security lighting.

b. **Lighting:** Lighting shall be provided in amenity features with public open spaces that are required to be accessible at night, and adequate lighting shall be provided along street edges of such amenity features.

I. Identification

Each amenity feature listed in subsection G.1 shall be identified clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the amenity feature. The plaque shall indicate, in letters legible to passersby, the nature of the amenity feature, its availability for general public access, and additional directional information as required by the Director.

J. Required Street Level Uses

1. **Amenity Features Requiring Street Level Uses:** To enliven the space and promote public use, street level uses identified in Section 23.49.009 of the Land Use Code are required along frontages of public areas for the following amenity features:

   - Commercial parcel park
   - Green street setbacks on street frontages where such uses are required, as indicated on Map 1G in the Downtown Chapter of the Land Use Code.
   - Hillside terrace
   - Residential parcel park and Green street parcel park with frontage on a street requiring street level uses, as identified on Map IG in the Downtown Chapter of the Land Use Code
   - Shopping atrium
   - Shopping corridor
   - Urban plaza

2. **Frontage:** The amount of frontage to be occupied by qualified street level uses is specified in Section II under the guidelines for each amenity feature.

K. Information in Permit Application and Recording of Conditions

1. **MUP Application Requirements:** The application for a Master Use Permit for the project shall include schematic drawings and FAR calculations showing how the amenity feature will be incorporated into the building design or, if it is off-site, showing how it meets the criteria of the Land Use Code and these Standards. The application to achieve additional floor area based on a bonus for amenity features shall include diagrams that identify the location and dimensions of all amenity features being provided for a floor

area bonus, and identify the use of any space for which a floor area exemption is claimed, and shall include a floor area calculation identifying the additional bonus floor area anticipated to be generated by each amenity feature, along with other bonuses, transfers of development potential (TDPs), and transfers of development rights (TDRs), if applicable, to be used for floor area increases.

2. **Summary of Applicable Conditions:** A document summarizing applicable conditions related to each amenity feature, including but not limited to time commitment, maintenance, public access, and hours of operation, shall be signed by the applicant and recorded with the King County Recorder by DPD.

3. **Notification Requirement:** If an amenity feature is operated by a lessee, the property owner shall notify the Director in writing if the lessee no longer occupies the leased space.

SECTION II: SPECIFIC ELIGIBILITY CONDITIONS AND GUIDELINES FOR AMENITY FEATURES ELIGIBLE FOR A FLOOR AREA BONUS

A. Hillclimb Assist

Hillclimb assists facilitate pedestrian movement in steeply sloping areas in Downtown that have high concentrations of employment and heavy pedestrian traffic.

Eligibility Conditions

1. **Continuous and direct route:** The hillclimb assist must provide a continuous direct route across the block connecting parallel Avenues.

2. **Accessibility**: The assist corridor must be accessible from the street or from a public open space that opens directly onto the sidewalk. Access to the corridor shall be at the same grade level as the sidewalk or a public open space that provides access to the sidewalk level without requiring the use of stairs. Any change in elevation shall be accommodated by ramps or gradual level changes in the floor of the open space.

3. **Mechanical conveyance:** The hillclimb assist shall incorporate a mechanical conveyance, such as an escalator, for conveying pedestrians up at least eighty percent of the vertical distance between the elevations of the two avenues it connects. The mechanical conveyance shall be in operation during the normal operating hours of the building.

4. **Independent system:** The mechanical conveyance of the assist shall be independent of the main internal circulation system of the project. Elevators do not qualify as the required, although a supplementary assist providing access for the physically disabled may be part of the internal circulation system of the building.

Guidelines

1. **Area and dimensions:** The hillclimb assist corridor should comfortably accommodate heavy volumes of pedestrians and be aligned and designed to visually communicate that a direct passageway is provided across the site for use by the general public.

    a. Excluding mechanical conveyances, the minimum clear dimensions of the corridor connecting the Avenues should be approximately 12 feet wide and any covered portion of the corridor should have at least 10 feet of vertical clearance.
    b. Most of the travel path between Avenues should be covered to provide protection from inclement weather. Covering of the corridor outside the principal structure should be transparent.

2. **Street orientation:** Through the location of access points and orientation on the block, integrate the hillclimb assist with pedestrian circulation patterns in the surrounding area. Promote maximum pedestrian use by providing a direct, visible path across the lot logically aligned to link with the local pedestrian network.

    a. Align the assist with other through-block assists or existing pedestrian crosswalks, and, whenever possible, link with transit stations to develop an integrated network of pedestrian routes and assists.
    b. Consider major pedestrian destinations in the surrounding area to orient hillclimb corridors with likely paths of pedestrian movement.

3. **Access: Entrances to the assist should be clearly visible, inviting and directly accessible from the street.**

    a. Access points may be completely open or may be enclosed with clear, transparent doors and glazing. Identification of public access to the assist should be prominently displayed.
    b. The minimum height of entrances to the hillclimb assist should be approximately twelve feet, and the minimum width approximately 15 feet.

4. **Landscaping and furnishings:** Required landscaping within the assist corridor, including artwork, should enhance the space without conflicting with pedestrian movement. The major element of the hillclimb assist is the mechanical conveyance, which should be visually prominent. Wherever possible, opportunities for views from the assist should be considered in the design and siting of the assist route.

    a. Excluding the area occupied by the mechanical conveyance, a minimum of approximately fifteen percent of the area of the hillclimb assist corridor should be landscaped.
    b. Provide seating along the hillclimb assist corridor, with approximately one lineal foot of seating for every 30 square feet of area eligible for bonus.

5. **Natural lighting:** To enhance the quality of the space and avoid a tunnel effect, the corridor should have as much access to natural light as possible. At a minimum, approximately one quarter of the length of the corridor should have access to natural light, either through transparent covering, windows. and/or skylights.

B. Public Atrium

Public atriums provide weather protected spaces within concentrated employment areas for passive recreation, as well as events and public gatherings that are best accommodated indoors. Atriums are appropriate for Seattle's climate because they provide an alternative to outdoor public spaces during inclement weather, and, when integrated with transit stations, provide protected public space for the comfort and convenience of transit riders.

Eligibility Conditions

1. **Location:** To ensure strategic locations in relation to the street environment and other public amenities, lots eligible for a public atrium bonus must be approved by the Director according to the following criteria:

    a. Public atriums are limited to locations where they will reinforce the use of nearby open spaces and not detract from activity in streets and other outdoor public areas, or where they will enhance conditions for transit riders around high volume transit stations or stops.
    b. Only one atrium per block is eligible for a bonus, unless the Director determines that, because the atrium serves a transit station or major transfer point or is integrated with another amenity feature that generates a high volume of pedestrian activity, such as a hillclimb assist, there will be sufficient activity to support the additional indoor space.

2. **Minimum size:** To provide sufficient space to accommodate intended functions, the minimum area of an atrium shall be 2,000 square feet.

3. **Accessibility and visibility:** The indoor space of the atrium shall be directly accessible and visible from the street or from another amenity feature providing direct access to the street. The Director may waive these requirements for atriums integrated with transit stations, provided that, if the space is at a grade substantially above or below street level, it is connected to the street by a mechanical assist, the path to the atrium is direct and clearly marked, and the atrium is open to the public during hours of transit system operation.

4. **Natural lighting:** To improve the quality of the space, support interior landscaping, and increase the overall sense of spaciousness, access to natural light is required as a major element of the atrium.

a. In order to provide sufficient access to natural light, one of the following three options is required:

i. At least half of the roof of the space is open to the sky except for a covering of transparent or translucent material. Systems allowing the space to be open to the sky in good weather are desirable; or
ii. A minimum of half the perimeter of the atrium has clerestory windows at least eight feet in height; or
iii. A combination of skylights and clerestory windows, or similar elements, admits at least as much natural light as the options in subsections 4.a.i and 4.a.ii above.

b. Where glass walls or skylights are exposed to direct sunlight, heat loss and gain shall be controlled by overhangs, mechanical venting, or mechanically operating shading devices, such as blinds. Such mechanical systems shall be specified in the application and a program for their operation included.
c. For atriums integrated with transit stations, since the space may be below grade, the Director may allow departures from the provisions for transparent perimeter walls.

5. **Public restrooms:** Public restroom facilities are required at a location easily accessible to the atrium, with directional signs placed in the atrium.

Guidelines

1. **Area and dimensions:** The atrium should be arranged as one large, contiguous space with horizontal and vertical dimensions sufficient to create a sense of openness while providing flexible space adaptable to a variety of activities.

   a. The minimum horizontal dimension unobstructed by any permanent element over 3 feet in height should be approximately 30 feet.
   b. The height of the atrium should be generous, with most of the area eligible for bonus at least two stories in height.
   c. The elevation of the atrium floor should generally be level, but may vary, provided that grade changes are gradual and do not significantly disrupt the continuity of the space.

2. **Street orientation:** While frontage on high volume pedestrian and transit corridors is desirable, the length of the atrium's street frontage should be minimized to avoid disruption of street level activity.

   a. Maximize the transparency of atrium façades abutting a street or public open space.
   b. The treatment of street frontages should be consistent with applicable street facade development standards.
   c. Frontage on a Class I Pedestrian Street identified on Map 1F of the Downtown Chapter of the Land Use Code should generally not exceed 60 feet.

d. On street frontages where street level uses are required, the atrium space should be separated from the street with street level uses as much as possible while still maintaining clear, direct access to the space from the street.

3. **Access:** The space should be designed as a functionally independent area within the building, separate from the building lobby. However, it should be visible and directly accessible from the lobby and major internal circulation routes.

   a. If integrated with a hillclimb assist, access from the assist should be at the same level as a landing along the assist route.
   b. The atrium space should be directly accessible, with minimal change of grade, from a prominent entrance on an abutting street or public open space.

4. **Landscaping and furnishing:** Incorporate landscaping and required art into the design of the space to enhance comfort and aesthetic quality, while also accommodating flexible use. The design of the atrium should be conducive to temporary arts events and gatherings and should include electrical outlets, open areas for performers or exhibits, and seating.

   a. Design of the space should encourage a range of activities determined to be of a public benefit, such as designing the atrium floor to serve as amphitheater seating for public entertainment.
   b. Approximately one lineal foot of seating should be provided for every 30 square feet of area eligible for bonus.

5. **Limits on retail use:** The amount of retail space accessible inside the atrium should be limited to prevent the space from assuming a retail character that detracts from outdoor street activity. However, the treatment of the atrium's street frontages should minimize interruptions in the continuity of street-oriented retail activity by including retail space, which may or may not have access to the atrium.

C. Public Restrooms

Public restrooms enhance the public environment Downtown by providing for the comfort and convenience of pedestrians.

Eligibility Conditions

1. **Use and Access:** Public restrooms eligible for a bonus are rooms, separated by gender except as expressly permitted in this subsection C, containing toilets and lavatories for the use of the general public. For purposes of personal safety, limited control of access shall be allowed, such as required use of a key, provided that an attendant is available to ensure access. If access to the public restroom is monitored by a person located at the restroom facility during the normal operating hours of the building in which the restroom is located, separation by gender is not required.

2. **Location**: To serve the general public, the location of bonused public restrooms must be easily recognizable and accessible from either the street or other public areas.

    a. Public restrooms must be directly accessible from the street, from an outdoor public area directly accessible from the street, from an outdoor public area easily accessible from the street, or from interior public spaces that qualify as amenity features.
    b. Public restrooms may be located above or below street level only if they are directly accessible from:
        i. public areas providing connections to transportation facilities located above or below grade, such as transit station mezzanines, or
        ii. interior public spaces eligible for bonus, such as public atriums, that may include public areas above or below street level. These areas must meet ADA accessibility standards.
    c. The location of public restrooms shall be designated by signs sufficient to enable pedestrians on abutting streets or public open spaces to readily locate them.
    d. Access to public restrooms may be monitored by a person located at the restroom facility. Where such an attendant is available to provide access, restroom facilities may be locked when not in use.
    e. The Director may determine that public restrooms directly accessible from building lobbies qualify for a bonus, provided that signage visible from the street indicates the presence of the restroom facility, and clear and direct access is provided.
    f. The Director may allow restrooms serving the street level uses of a project to qualify for a bonus if signage clearly visible from the street is provided to indicate availability for general public use.

3. **Hours of operation:** Public restrooms shall be open to the general public during the hours that the structure is open to the general public. If access is provided from an amenity feature that receives a floor area bonus, the restroom shall remain open during the time of required access to the bonused feature.

D. Parcel Park

Parcel parks are small open spaces adaptable to a wide variety of site conditions and open space needs. Their design and character vary in response to the different open space functions they serve in different Downtown environments. To provide amenities best suited to varying needs and locations, three types of parcel parks are eligible for floor area bonuses, including: 1) commercial parcel parks, 2) residential parcel parks, and 3) Green street parcel parks.

- **Commercial parcel parks** provide protected enclaves of open space designed as quiet retreats to provide enclosure and refuge from surrounding activity in high density employment and mixed use areas. While relatively small open spaces, through flexible design, passive recreational activities as well as temporary events

and small public gatherings can be accommodated, with some retail activity to serve those using the space.

- **Residential parcel parks** reinforce the residential character of Downtown neighborhoods and provide landscaped public space for residents to engage in passive and active recreational activities.

- **Green street parcel parks** expand the amount of public open space along an abutting designated Green Street, thereby increasing the open space value of these amenities. Because Green Streets are quieter streets with relatively low traffic volumes and a greater pedestrian orientation, abutting parcel parks need not provide the same level of enclosure and sense of refuge desired for Commercial Parcel Parks at other locations.

Eligibility Conditions

1. **Space Size, Configuration, and Elements:** For all types of parcel parks, the area eligible for a bonus shall be one contiguous space, with elements such as landscaping, fountains, seating, and public art counted as part of the contiguous space. In addition, the following conditions apply:

    a. A parcel park must have a minimum area of 3,000 square feet.
    b. Except on designated Green Streets, only one parcel park is eligible for a bonus on a block front, unless the Director determines an additional parcel park can be designed and integrated as an extension of an existing parcel park. A maximum of two parcel parks are eligible for a bonus on any individual lot. Green street parcel parks are eligible for a bonus on any lot abutting a designated Green Street.

2. **Allowable Departures:** To accommodate transit station access and to account for the different relationship required between the street level and the level of a parcel park, the Director may allow departure from these Standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

Guidelines

1. **Area and dimensions:** Parcel parks should be large enough to accommodate a variety of activities and small gatherings of users while also providing more intimate spaces for retreat from activity.

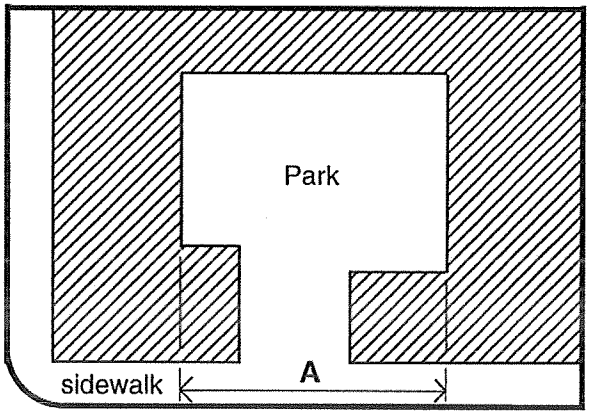
    a. The area of the principal space should be at least 2,000 square feet, or 60 percent of the total park area, whichever is greater.
    b. No dimension of the principal space should be less than 30 feet.
    c. In general, the principal space should be:
        i. directly accessible from the sidewalk,

ii. within approximately three feet of average sidewalk grade at the primary entrance to the park, (exceptions may be appropriate for steeply sloping streets in the office core)
iii. no further from the sidewalk than the width of the access to the park, and
iv. a level surface, except with grade changes required for drainage.

d. The accessory spaces of the park should accommodate complementary activities in a more flexible manner and may be at different levels from the principal space and from each other, as long as they are physically and visually connected.

2. **Street orientation and relationship to adjacent development:** Parcel parks should be highly visible from adjacent sidewalks and public areas and directly and easily accessible to abutting streets.

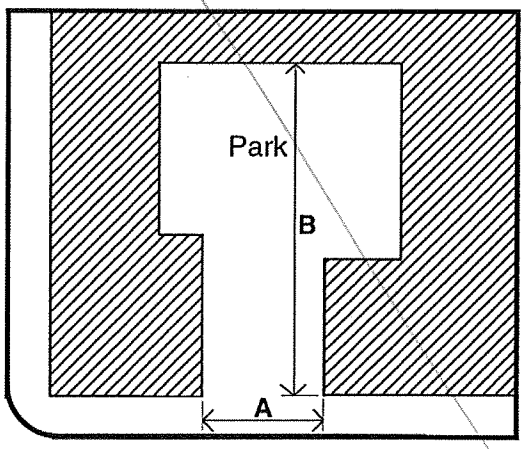
a. Parcel parks should be sited or designed to prevent topography from presenting a significant barrier to public access.
b. Parcel park locations should maximize direct or reflected solar access and increase light and air to the public street environment. Preferable locations are south of tower development and where the siting of the park would improve solar access to the sidewalk.
c. To promote safety and security, residential parcel parks should be located where they can be seen and actively used by nearby residents. Because these spaces are intended for more localized public use, locations on neighborhood Green Streets or within residential "enclaves" are most desirable, while locations on principal transit streets identified on Map 1B of the Downtown Chapter of the Land Use Code are less desirable.
d. The siting and design of parcel parks should minimize interruptions to street level activity and the physical continuity of the street wall, especially along streets where heavy pedestrian traffic is anticipated and/or street level uses are required. For the purposes of this guideline, street frontage shall be the maximum width of the parcel park measured parallel to the street, projected to the street lot line, Figure A.



A = Street Frontage

Figure A

i. On Class I Pedestrian Streets, parcel parks should be oriented to minimize interruptions to street level uses. The total opening to the street of any parcel park should generally be less than the depth of the park measured perpendicular to the street lot line, Figure B.



A = opening to street

B = depth of park

A shall not exceed **B**

Figure B

ii. Where street level uses are required, the width of street openings should be further minimized to generally no more than forty feet by separating areas of the park from the sidewalk by a structure(s) containing required street level uses. However, for parcel parks with frontage on Green Streets, no separation is needed if the required uses are located within about 40 feet of the lot line of the abutting designated Green Street and are easily accessible from the Green Street.

e. Corner locations are generally less desirable for commercial parcel parks because of the potential for eroding a well defined streetscape and interrupting the continuity of street level activity. However, in some situations, a corner location may be optimal in terms of solar exposure or for other reasons. To protect the integrity of the streetscape, on corners where property line street facades are required on both streets on Map 1H of the Downtown Chapter of the Land Use Code, parcel parks should be enclosed by structural elements provided along the street edges, except at access points, consistent with the property line street façade requirements established in the Land Use Code. Access to commercial parcel parks at corner locations should generally be at least 30 feet from any intersecting street, with a structural element, such as a retail pavilion, placed at the corner.

f. To add interest and increase the security of the space, the design of the walls, uses, colonnade, or other elements separating a parcel park from the street to provide enclosure should ensure that the interior park space is highly visible from the street.

g. Transparent materials or openings to permit views and light should be used on walls enclosing any parcel park along street lot lines. When a parcel park is separated from the street by a structure containing retail uses, the structure should meet the street façade requirements, except height, for the zone in which the park is located.

3. **Treatment of required street-level uses`:** Required street level uses should be convenient to park users and add interest and activity to the space. Where street level uses are required, at least twenty percent of the perimeter of the parcel park should be occupied by street level uses having direct access to the park.

4. **Access**

   a. Parcel parks should be directly accessible from the sidewalk or another public open space, and should be highly visible from the street.
   b. Parcel parks should not serve primarily as a forecourt to a project's principal entrance. When a parcel park is located between the street and the principal building entrance, pedestrian access to the development should not disrupt the passive nature of the park. The path from the street to the project entrance should be located to the edge of the park, and an area along this path approximately fifteen feet wide should not be bonused.
   c. Where the street frontage exceeds 40 feet on more than one street, access generally should be provided from both streets.
   d. Through siting and design, residential parcel parks on lots with housing should complement and be well integrated with the residential use, taking advantage of the added security of having "eyes" on the space, while also promoting access and use by the general public.

5. **Landscaping and furnishings:** To provide relief from the "hardscape" of the surrounding urban environment, parcel parks should provide sufficient greenery, including trees, to give the space a strong, landscaped character. In addition to reinforcing the desired function of different types of parcel parks, landscaping and furnishings, including required art, should lend identity and interest to the space and provide for the comfort of park users. Design elements such as walls, structures containing retail uses, low planters or benches, and seating should be used as appropriate to minimize interruptions in the street wall and breaks in retail activity.

   a. **Commercial Parcel Park.** The landscaping and design of commercial parcel parks should enhance the feeling of intimacy and quiet. Along with other design elements of the space, landscaping should provide enclosure, and minimize disruption to the street wall and street level activity. Approximately one lineal foot of seating should be provided for every 30 square feet of area eligible for bonus.
   b. **Residential Parcel Park.** The design and landscaping of residential parcel parks, should introduce greenery into the neighborhood, while allowing for flexible use of the space to accommodate recreational activities of the nearby residential population. Approximately one lineal foot of seating should be provided for every 60 square feet of area eligible for bonus.
   c. **Green Street Parcel Park.** The design and landscaping of Green Street parcel parks should reinforce the concept plan for the abutting Green Street, if one exists, or otherwise ensure integration of the space with the Green Street. The Director should evaluate the status of design for the abutting Green Street to determine the

appropriate landscaping and seating for the abutting park area. Where a design concept plan is not available to guide landscaping decisions, the Director should consider the intended use of the parcel park based on the intended function of the area where it is located and the surrounding development context.

6. **Coverage**: All parcel parks should be open to the sky, except that portions may be covered to accommodate activities that complement use of the space and make it more comfortable and usable. This coverage may include retail kiosks or overhead weather protection. While kiosks and temporary overhead weather protection may be located within the principal space, no portion of the principal space should be permanently covered.

E. Neighborhood Open Space

Neighborhood open spaces are intended to provide relatively level and open areas that introduce greenery into downtown residential neighborhoods, and provide opportunities for passive recreational activities for those who live nearby.

Eligibility Conditions

1. The area eligible for a bonus shall be one contiguous space, with elements such as landscaping, fountains, seating, retail kiosks, and public art counted as part of the contiguous space.

2. A neighborhood open space shall have a minimum area of 3,000 square feet.

3. The minimum horizontal dimension for a neighborhood open space is 10 feet.

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

Guidelines

1. Landscaping and Furnishings

a. Approximately 35 percent of the neighborhood open space should be landscaped.
b. Approximately1 lineal foot of seating should be provided for every 200 square feet of neighborhood open space.
c. All neighborhood open spaces should be open to the sky, except that up to 20 percent of the neighborhood open space may be covered to accommodate activities that complement use of the space and make it more comfortable and usable, such as retail kiosks or overhead weather protection.

2. Access

a. The neighborhood open space should be located and configured to maximize solar exposure to the space, allow easy access from streets or other abutting public spaces, including access for persons with disabilities, and allow convenient pedestrian circulation through all portions of the open space.
b. The neighborhood open space should have a minimum frontage of approximately 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

F. Residential Hillside Terrace

Residential hillside terraces are open spaces adapted to conditions in steeply sloping downtown residential areas, as opposed to hillside terraces located in commercial areas. They enhance pedestrian movement on steep streets and better integrate development with the street

environment on sloping lots. They contribute to a more spacious street environment, and, if located along east/west streets, afford opportunities to expand views to Elliott Bay.

Eligibility Conditions

1. **Minimum standards:**
   a. A residential hillside terrace must be located on a street that slopes at least 7 percent, and must abut the street for at least half of the length of the side of the block where it abuts the street, after deducting from that length the width of an alley, if one exists, where it bisects that side of the block.
   b. The area eligible for a bonus must be one contiguous space, except that a driveway may separate parts of the terrace but is not included in the area eligible for a bonus. Landscaping, fountains, seating and art are considered part of the contiguous space.

2. **Minimum dimensions:** The minimum depth of the residential hillside terrace measured at any point from the street lot line is 10 feet, and the maximum depth of any terrace area eligible for a bonus is 30 feet from the street lot line (see Figure A).

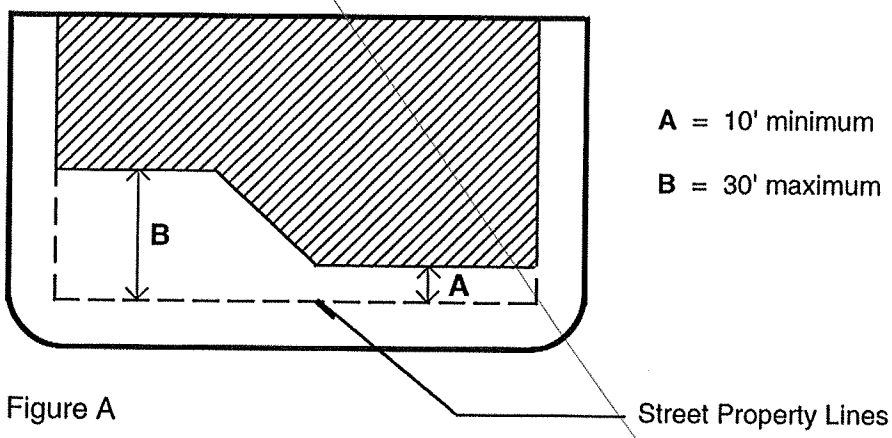


Figure A

3. The terrace shall be accessible to persons with disabilities.

Guidelines

1. **Access**: The residential hillside terrace should facilitate pedestrian movement up and down the hillside by integrating the sidewalk with the project site.

   a. Minimize obstructions separating the sidewalk from the terrace.
   b. Maximize direct connections across the space from the sidewalk to abutting development, for example by providing at least one entrance to a retail use or to the predominant use in the structure for every 100 feet of building frontage along the terrace.
   c. Limit vehicular access across the hillside terrace to abutting development. Vehicular access to the lot from other street frontages is preferable, consistent with development standards for access to parking in the Land Use Code.
   d. The residential hillside terrace may be on several different levels.

2. **Landscaping and furnishings:** Use landscaping and furnishings, including required art, to integrate the terrace area with the sidewalk and abutting structures, as well as provide for the comfort and visual enjoyment of pedestrians.

    a. The arrangement of seating and landscaping should enhance the quality of the space and allow a variety of passive recreational activities without obstructing pedestrian movement.
    b. Approximately one lineal foot of seating should be provided for every 30 square feet of terrace area.

3. **Coverage**: To remain open to the street environment and maximize opportunities for views, residential hillside terraces should be open to the sky. However, limited coverage may be permitted in order to increase comfort, encourage activity, and better integrate the space with abutting development, provided that the space maintains its overall character as an extension of the sidewalk. Permitted coverage may be permitted in the form of permanent, free-standing elements, such as retail kiosks or pedestrian shelters, or as permanent or temporary overhead weather protection associated with abutting development.

G. Green Street Setback

A Green street setback extends the improvements of the public right-of-way area of a designated Green Street onto one or more abutting lots to provide additional space for landscaping and other elements that will enhance the open space character of the Green Street.

Eligibility Conditions

1. **Location**: A green street setback may be eligible for a bonus only if located on a lot line that abuts a Green Street designated on Downtown zoning Map 1F. Green street setbacks are not eligible for a bonus on streets designated on Downtown zoning Map 1H as streets where property line facades are required.

2. **Minimum length**: A green street setback must be continuous for the length of the street lot line that abuts the Green Street.

3. **Areas eligible for bonus:** On designated Green Streets where street level setbacks are required, the required setback area may be included as area eligible for a bonus if the green street setback overall meets these Downtown Amenity Standards.

4. **Size requirements:**

    a. The minimum setback from the Green Street lot line is 5 feet.
    b. The maximum setback area eligible for a bonus is the area that is set back from the abutting Green Street lot line by an average of not more than 10 feet, and a maximum of 15 feet.

c. The Director may allow departures from the conditions in this subsection G.4 to provide more usable space or special landscaping treatments within the green street setback area, if such treatments are consistent with the concept plan for the abutting Green Street.

5. **Configuration:** The green street setback area shall be open to the sky, except that the Director may allow some encroachments, such as bay windows, balconies, building cornices, and other architectural elements that add visual interest to the abutting building facades and/or enhance public safety by making the Green Street more visible to building occupants.
   a. No more than 10 percent of the setback area may be occupied by any temporary use for more than five days.
   b. Permanent coverage of the setback area is not permitted unless approved as part of the Green Street concept plan.

Guidelines

1. **Street orientation:** Building facades that face the setback area along the Green Street should provide visual interest for pedestrians and complement the landscaped treatment of the setback area. Façade design should encourage integration of activities at the ground floor of the abutting structure with the setback area and the Green Street.

2. **Access:** The design of the setback area should allow for public access, such as access to street level uses in abutting structures or access to areas for seating.

3. **Street Level Uses**: For green street setbacks on street frontages where street level uses are required, the amount of required street level uses is determined by SMC 23.49.009.

4. **Landscaping and furnishings:** Provide sufficient landscaping within the setback area to enhance the open space character of the Green Street, and coordinate landscaping, paving, and furnishings with improvements in the abutting Green Street right-of-way.

   a. At least 50 percent of the setback area should be landscaped.
   b. Temporary elements, such as kiosks, art exhibits, and retail use of the setback area may be permitted, provided such elements are compatible with the Green Street concept plan.

H. Mid-block Corridor

Mid-block corridors are intended to provide open space and pedestrian circulation across extremely long blocks located in the Downtown Urban Center east of Interstate 5.

Eligibility Conditions

1. **Location:** The mid-block corridor must be located a minimum of 200 feet from the nearest street that is oriented generally north-south.

2. **Access**

a. Each end of the corridor must be directly accessible from the sidewalk, including access for persons with disabilities.
b. The corridor must be improved with a surface and necessary drainage so as to be suitable for pedestrian use in all seasons.

3. Size Requirements:
a. The average width of the corridor must be at least 25 feet, and its minimum width must be at least 15 feet. Any corridor segment that is fully covered from side to side must be at least 20 feet in width.
b. There must be at least one additional open space area on the lot that abuts the mid-block corridor and has an area of at least 1,500 square feet and a minimum horizontal dimension of 30 feet.

4. Configuration: The mid-block corridor shall be provided at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected and there is access for persons with disabilities through the entire corridor.

5. Coverage: At least 65 percent of the mid-block corridor must be open to the sky; and any covered portions of the corridor must have a minimum height of 13 feet between the ground and any overhead projection or overhanging structure.

Guidelines

1. Landscaping and Furnishings
a. Approximately 35 percent of the open space area required in subsection H.3.b above should be landscaped.
b. Approximately 1 lineal foot of seating should be provided for every 200 square feet of the open space required in subsection H.3.b above.
c. The open space required in subsection H.3.b above should be open to the sky, except that up to 20 percent of the it may be covered to accommodate activities that complement use of the space and make it more comfortable and usable, such as retail kiosks or overhead weather protection.

2. **Lighting:** The corridor must include sufficient lighting to provide visible and safe passage for pedestrians during all hours that the corridor is available for public use.

I. Shopping Corridor

Shopping corridors provide weather protected, through-block pedestrian connections with retail frontage to reinforce retail activity and enhance pedestrian circulation in areas of concentrated shopping activity and heavy pedestrian traffic. Shopping corridors expand the pedestrian network in these areas by creating additional "pedestrian streets" through private development that are well integrated with adjacent streets and complement street-oriented retail activity.

Eligibility Conditions

1. **Location**: Shopping corridors shall be located near the middle of the long, rectangular blocks (360 feet along the Avenue frontage) in the retail core area and shall provide a continuous connection between two Avenues.

2. **Access**: Entrances to the corridor must be at the same grade as the sidewalk.

3. **Number of bonused corridors per block:** The number of shopping corridors eligible for a bonus shall be limited to two on a block to avoid a significant diversion of pedestrian activity from the street.

Guidelines

1. **Location**: Site shopping corridors to improve pedestrian circulation and provide additional retail frontage without detracting from sidewalk activity.

    a. The shopping corridor should generally not be closer than 120 feet to any parallel street lot line, and the minimum distance between corridors should be 60 feet.
    b. Where possible, align shopping corridors with mid-block pedestrian crosswalks or entries to other pedestrian corridors on adjacent blocks to better integrate them with pedestrian circulation patterns.

2. **Area and dimensions:** The shopping corridor should provide an apparent and convenient connection between Avenues, as well as a pleasant space for pedestrian movement and shopping. Limit the overall area of the block occupied by corridor space to maximize the amount of street level floor area available for retail use.

    a. The minimum height of the corridor should generally be twelve feet, although additional height for at least portions of the corridor is desirable to prevent a tunnel-like space.
    b. The unobstructed width of the corridor connecting the Avenues should generally be at least 20 feet.
    c. To accommodate pedestrian movement through the block while ensuring easy access to shops on both sides of the corridor, the width of the corridor should not exceed 30 feet.

3. **Access:** Shopping corridor entrances should be highly visible from the street, easily accessible, and inviting.

    a. Permit changes in the level of the corridor route to accommodate changes in grade, although avoid level changes that require the use of stairs or mechanical assists.
    b. The height and width of entrances should be prominent to signify the corridor's function as a public access route through the block.

4. **Treatment of required uses:** To ensure the intended retail function, the frontages of the shopping corridor should be occupied by street level uses similar to conditions established

for streets where street level uses are required. These uses should have entrances directly onto the corridor, except that uses abutting a street should also have access to the street.

5. **Facade treatment and furnishings**: Design the facades and furnishings of shopping corridors to enhance the shopping environment and increase pedestrian comfort without detracting from the corridor's function as a through-block connection.

    a. Temporary kiosks, displays, art exhibits, and retail use of the corridor space may be permitted provided they don't obstruct the use, access, and circulation through the space by the general public is not obstructed. Temporary structures are those that are movable or designed to be easily dismantled. Any temporary use of the space should not reduce the circulation path to a width less than ten feet.
    b. To promote visual interest and enhance retail activity, transparency and blank walls along shopping corridor walls should be treated similarly to facades along a Class 1 Pedestrian Street.

6. **Natural light:** Access to natural light is desirable and should be provided through skylights and/or clerestory windows to prevent a tunnel-like space and to increase the overall quality of the corridor.

J. Green Street Improvement

A Green street improvement implements a portion of the concept plan for the street right-of-way design of a designated Green Street. Such improvements, which might include sidewalk widening, landscaping, traffic calming, street furniture, and pedestrian oriented lighting, enhance the public use of the Green Street right-of-way for pedestrian circulation and open space.

Eligibility Conditions

1. **Eligible streets:** Green Streets improvements shall be in accordance with the Green Street Director's Rule 11-2007 or successor Rules. The improvements must be to a designated Green Street abutting or in the vicinity of the lot for which a bonus is sought, and must be made within a reasonable amount of time, as determined by the Director.

2. **Requirements:** The following conditions must be met to ensure an integrated design for the length of the Green Street:

    a. Paving and landscaping improvements and other elements specified in the Green Street concept plan for the public right-of-way are required along the entire Green Street frontage of the lot, extending to the centerline of the street or other location approved in the Green Street concept plan.
    b. Art shall be incorporated as set forth in subsection I.E. The nature of the artwork and locations shall be determined as part of the Green Street review process specified in the Green Street Director's Rule 11-2007 or successor Rules.

c. The area of the public right-of-way developed as a Green Street shall remain in the public domain.

3. **Maintenance**

a. All areas separated from the vehicular right-of-way by a curb, and all nonstandard elements located between curbs, shall be maintained by the property owner for the life of the project or as specified in the Master Use Permit decision.
b. On Green Streets without a curb, the Director shall determine the area for which the property owner will assume maintenance responsibility or the amount of reimbursement required to cover the cost to the City or other party for maintaining the area.

K. Hillside Terrace

Hillside terraces are open spaces adapted to conditions in steeply sloping downtown areas. They enhance pedestrian movement on steep streets and better integrate development with the street environment on sloping lots. They contribute to a more spacious street environment, and, when located along east/west streets, afford opportunities to expand views to Elliott Bay.

Eligibility Conditions

1. **Minimum standards:** To provide usable open space, accommodate continuous pedestrian movement along the sloping street, and integrate sidewalk activity with abutting development, the following standards apply:

a. A hillside terrace must be located on a street that slopes at least 7 percent, and must abut the street for at least half of the length of the side of the block where it abuts the street, after deducting from that length the width of an alley, if one exists, where it bisects that side of the block.
b. The area eligible for a bonus must be one contiguous space, except that a driveway may separate parts of the terrace but is not included in the area eligible for a bonus. Landscaping, fountains, seating, and art are considered part of the contiguous space.
c. The minimum depth of the terrace measured at any point from the street lot line is 10 feet, Figure A.

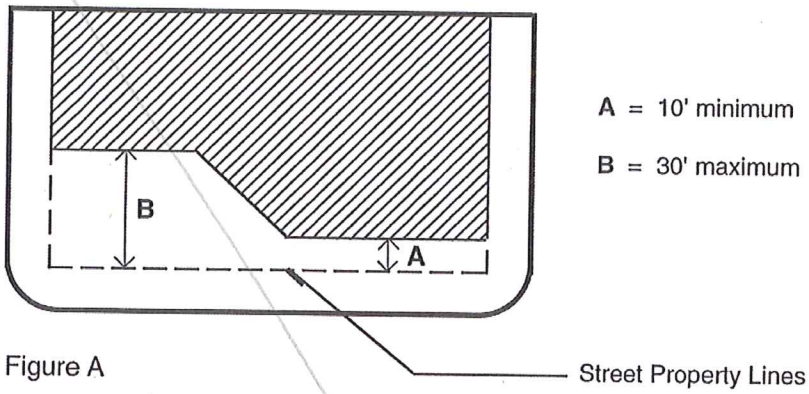


Figure A

e. The maximum depth from the street lot line of any hillside terrace area eligible for bonus is 30 feet.

2. **Transit access:** To accommodate transit station access and to account for the different relationship required between the street level and the level of the hillside terrace, the Director may allow departure from these standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

Guidelines

1. **Access:** Integrate the sidewalk with the project site by designing the hillside terrace to facilitate pedestrian movement up and down the hillside along the sidewalk.

   a. Maximize direct connections across the space from the sidewalk to abutting development and minimize obstructions separating the sidewalk from the terrace.
   b. Vehicular access across the hillside terrace to abutting development should be limited. Access to the lot from other street frontages is preferable, consistent with development standards for access to parking in the Land Use Code.

2. **Treatment of required street-level use:** Locate street level uses in structures abutting the hillside terrace to activate the space and provide visual interest. Frontage equivalent to about half of the length of the hillside terrace, measured along the street lot line, should be occupied by qualifying uses that are directly accessible from the terrace.

3. **Landscaping and furnishings:** Use landscaping and furnishings, including required art, to integrate the terrace area with the sidewalk and abutting structures, as well as provide for the comfort and visual enjoyment of pedestrians.

   a. The arrangement of seating and landscaping should enhance the quality of the space and allow a variety of passive recreational activities without obstructing pedestrian movement.
   b. Approximately one lineal foot of seating should be provided for every 30 square feet of area eligible for bonus.

DAS CITY CLERK

4. **Coverage:** To remain open to the street environment and maximize opportunities for views, hillside terraces should be open to the sky. However, limited coverage may be permitted to increase comfort, encourage activity, and better integrate the space with abutting development, provided that the space maintains its overall character as an extension of the sidewalk.

   Permitted coverage may occur as permanent, free-standing elements, such as retail kiosks or pedestrian shelters, or as an overhead arcade or other form of permanent or temporary overhead weather protection associated with abutting development.

L. Urban Plaza

Urban plazas are relatively large, strategically located open spaces that denote important downtown places, create a public focus for surrounding development, increase access to light and air at street level, and provide points of orientation within downtown. As key elements of the streetscape, urban plazas are especially beneficial when sited to complement the transit network by physically denoting major transit facilities, facilitating access to station entrances for large volumes of pedestrians, and providing amenities that contribute to the comfort and convenience of transit riders.

Eligibility Conditions

1. **Minimum size:** To ensure that the urban plaza is large enough to function as intended, and that the overall streetscape remains well-defined, the minimum size of a plaza shall be 6,000 square feet.

2. **Wind and solar access:** If required by the Director, the design shall include special measures to reduce downdraft wind impacts from abutting development and to increase solar access to the plaza.

3. **Transit access:** To accommodate transit station access and to account for the different relationship required between the street level and the level of the plaza, the Director may allow departure from these standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

4. **Exceptions:** An urban plaza is **not** eligible for a bonus on any block containing an existing plaza bonused under Title 24 that exceeds 6,000 square feet, or an existing urban plaza bonused under Title 23, unless the Director determines that:

   a. the existing and proposed spaces can be integrated to create the appearance of a larger, unified space, provide a more prominent public focus, and increase public use by providing more activity, usable space and better pedestrian connections;

b. the intensity of surrounding activity and volume of pedestrian traffic will ensure active use of the space; and
c. the interruptions to the street edge created by relatively large open spaces will not detract from street activity or substantially erode the streetscape.

Guidelines

1. **Street orientation and relationship to surrounding development:** To denote their locations as transit access points and gateways, urban plazas should provide highly visible openings in the street façade, in contrast to the more enclosed character of adjacent streets with uninterrupted facades. However, the plaza space itself should be well defined by abutting structures, and interruptions to street level activity and the physical continuity of the streetscape should be minimized.

    a. The opening of a plaza onto a Class 1 Pedestrian Street should not exceed 120 feet.
    b. To minimize breaks in activity along streets requiring street level uses, the maximum plaza frontage open to the street should generally not exceed 80 feet, with structures containing street level uses separating other areas of the plaza from the sidewalk.
    c. Plazas at corner locations should be open and accessible from both streets, with the corner area clear of permanent structures.
    d. Siting and design of the plaza in relation to the rest of the project and surrounding development should maximize direct and/or reflected solar access. Preferable plaza locations are to the south of tower development, or where the siting of the plaza would improve solar access to the sidewalk.

2. **Area and dimensions:** Urban plazas should be large enough to provide a prominent open space focus and accommodate a high level of pedestrian activity. Some areas within the plaza should be of sufficient size and designed to allow heavy volumes of pedestrian movement through the space, while other areas should accommodate more passive use.

    a. Provide a principal space that is a relatively large and open area to serve as the focus of the plaza. The principal space should be open to the sky, with a minimum area of about 4,000 square feet or 60 percent of the total plaza area, whichever is greater, and a minimum horizontal dimension of approximately 40 feet.
    b. The principal space should be directly accessible from the sidewalk and located no further from the sidewalk than the clear, unobstructed width of access along the street. This space should be generally at one level.
    c. The elevation of the plaza floor should generally be level, but may vary, provided that grade changes are gradual and do not significantly disrupt the continuity of the space. Greater grade changes may be allowed, as necessary, to provide access to transit tunnel stations.
    d. Variations to these conditions may be appropriate to improve access to transit stations or to respond to other special conditions of a particular lot.

3. **Access:** The urban plaza should function as an extension of the public sidewalk, with minimal obstruction between the plaza and the sidewalk. On steeply sloping lots, the plaza should be designed to assist pedestrian movement up and down the hillside.

4. **Treatment of required street-level uses:** The urban plaza should promote a high level of activity complementing that of the abutting street. Frontage equivalent to at least fifty percent of the perimeter of the plaza should be occupied by uses qualifying as required street level uses and having direct access onto the plaza.

5. **Landscaping and furnishings:** Incorporate landscaping and special elements, including required public art, into the design of the plaza to create an aesthetically pleasing space that is well integrated with the surrounding street environment.

   a. Elements of the plaza should establish an identity for the space and provide for the comfort of those using it, while also maintaining the desired sense of openness and easy street access. Elements, including trees and artwork, should be of a scale appropriate for the size and prominence of these spaces.
   b. Landscaping and other furnishings should be arranged to enhance the quality of the space and allow a variety of passive recreational activities. A significant portion of the plaza area should be landscaped to soften the paved surfaces and other "hardscape" characteristics of these active, urban spaces.
   c. To ensure year round vegetation and color, seasonal plantings should be included.
   d. Approximately one lineal foot of seating should be provided for every 30 square feet of area eligible for bonus.

6. **Coverage:** To maximize access to light and air and the sense of openness within the public street environment, plazas should be predominantly open to the sky. However, limited coverage may be appropriate to increase activity in the space and provide for the comfort of users, while maintaining the overall character of the space as an extension of the outdoor public street environment.

TRANSIT STATION ACCESS

Lots including amenity features that improve public access to stations serving major transit facilities may be eligible for a floor area bonus. To accommodate a variety of access conditions related to differences in the type, operation, and location of these facilities, the following station access improvements may be provided: 1) access easements, 2) mechanical assists, and 3) grade level access to transit stations.

M. Transit Station Access Easement

Access easements increase opportunities for direct access to transit stations from the street level. The easement defines a volume of space adjacent to a transit station on a lot, either inside or outside of a structure, or both, in which the transit provider would construct a station entrance.

An easement may be combined with bonused hillside terraces, urban plazas, shopping atriums, and shopping corridors to integrate public open space amenities with access to transit stations.

Eligibility Conditions

1. **Transit provider approval:** The size of the access, and location, and suitability of the easement shall be subject to approval by the transit provider. The configuration and all vertical and horizontal dimensions of the easement shall allow for construction and maintenance of the station access and include sufficient space to accommodate both mechanical and a non-mechanical means of travel to the station.

2. **Incorporation with other amenities:** To increase visibility and comfort and convenience for transit riders, the access easement may, upon approval by the Director, be incorporated as part of bonused hillside terraces, urban plazas, public atriums and shopping corridors.

3. **Location:**

    a. Lots on which the easement for access to the transit station is provided shall abut a station mezzanine or be located within a 300 foot radius of the station mezzanine.
    b. The maximum distance from the public sidewalk adjacent to the transit station access easement to the station mezzanine shall be 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.

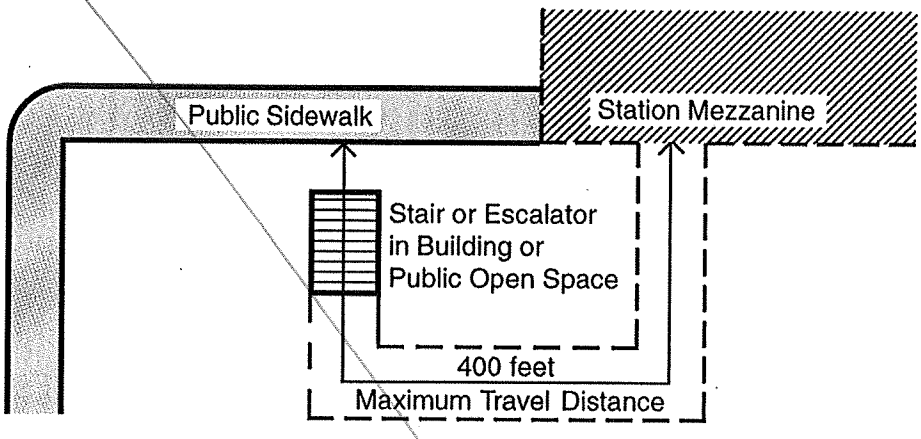


Figure A

c. The minimum distance from the proposed access point in the easement area to the nearest existing or proposed station entrance on the same block, measured along the street lot line, shall be 180 feet.
d. The Director may approve a proposed access easement that uses a public right-of-way to reach a station mezzanine only if the Director determines that the connection will not adversely affect other uses of the right-of-way including utilities.

5. **Construction of station access:** The design and construction of the station access within the easement area shall be the responsibility of the transit provider. The property owner shall deliver a signed commitment from the transit provider for the construction of the station access to the Director, in a form acceptable to the Director. The property owner shall cooperate as necessary during construction to facilitate installation of the station access, including but not limited to the potential temporary closure of some areas of the site or structure adjacent to the defined easement.

6. **Access and hours of operation**

a. The area and location of the easement shall be configured to allow direct access from the sidewalk or public open space to the station.
b. All portions of the easement area that are part of the path of travel for access to the transit station shall be open to the public for the purpose of access to and from the transit station at all times when the station is open.

7. **Maintenance of landscaping and furnishings**

a. When landscaping, furnishings or other amenities are provided within an easement area, the owner is responsible for maintenance except when the area is under the exclusive regulation of the transit provider.
b. The owner shall maintain all landscaping, furnishings, or other elements in the easement area that are also a part of another amenity feature that earns a bonus, in accordance with the requirements of the particular amenity feature.

8. **Special Conditions:** The property owner and the transit provider shall execute an agreement specifying the area and all dimensions of the easement. The property owner shall grant in favor of the transit provider, and the transit provider shall accept, a permanent easement for public use of the station access in connection with transit operations. The easement shall be recorded with the King County Recorder.

N. Transit Station Access: Mechanical Assists

Mechanical assists facilitate pedestrian access to transit stations located above or below grade by providing direct access from the street level.

Eligibility Conditions

1. **Eligible locations:** Mechanically assisted transit station access shall be eligible for a bonus at locations approved by the transit provider and the Director.

2. **Size**: The size of the access shall be determined by the transit provider. The access may be located partially in the street right-of-way.

3. **Evaluation criteria:** The Director shall use the following locational criteria to evaluate the eligibility of a lot for the station access bonus:

   a. Lots from which the mechanical access to the transit station is provided shall abut a station mezzanine or be located within a 300-foot radius of the station mezzanine.
   b. The maximum distance from the public sidewalk adjacent to the transit station access to the station mezzanine is 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.
   c. The minimum distance from a bonused access to the nearest existing or proposed station entrance on the same block, measured along the street lot line, is 180 feet, unless the Director and transit provider determine that additional access is warranted.
   d. The Director may approve a proposed access that uses a public right-of-way to reach a station mezzanine only when the Director determines that the connection will not adversely affect other uses of the right-of-way, including utilities.

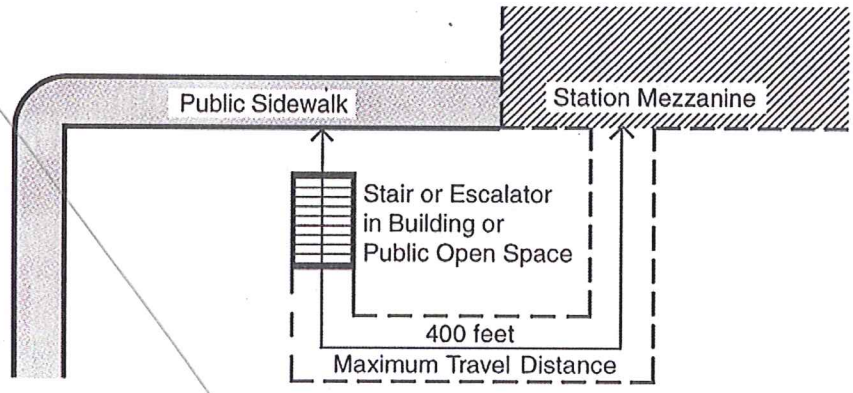


Figure A

e. Queuing and circulation space off the existing sidewalk, in the form of a widened sidewalk, arcade, or public open space, shall be provided at both ends of the assist and shall have minimum dimensions as required by the Director after consultation with the transit provider.
f. To increase visibility and comfort and convenience for transit riders, the mechanical assist may, upon approval by the Director, be incorporated as part of a bonused hillside terrace, urban plaza, public atrium, or shopping corridor.

4. **Visibility and accessibility:** Mechanical assists shall be visible and directly accessible from the street. The assist entrance shall be immediately adjacent and accessible to a public sidewalk or public open space without any obstruction.

5. **Access times:** The assist shall provide free access to the public at all times when the station is open.

6. **Vertical circulation elements:** The vertical circulation elements of the access shall include stairways, escalators, and/or elevators, as determined by the transit provider. These elements shall meet the transit provider's standards for the following: escalator widths, stair rise and tread relationships, handrails, passageways, ramps, lighting, finishes and materials, ventilation, and information signage.

7. **Disabled access:** Convenient access for the physically disabled shall be provided from the street level to the station, as determined by the transit provider.

8. **Special conditions**

a. The applicant shall submit a plan and commitment, acceptable to the Director after consultation with the transit provider, binding the applicant to construct the access in accordance with the plan, prior to issuance of any building permit that is required to build the access.
b. The property owner shall grant in favor of the transit provider, and the transit provider shall accept a permanent easement for public use of the assist in connection

with transit operations. The easement shall be recorded with the King County Recorder.

Guidelines

1. **Area and dimensions:** Access ways should provide sufficient space to comfortably move large volumes of pedestrians between the transit station and the street without conflicting with sidewalk activity.

    a. Where access is not directly from the public sidewalk, the transit provider should determine the minimum width of the circulation path from the sidewalk to stairs and escalators to ensure adequate space to accommodate anticipated pedestrian volumes.
    b. All below-grade passages of the assist and all covered areas at or above grade should have a minimum height from finished floor to finished ceiling, including all lighting fixtures and signs, as required by the transit operator.

a. **Access**

    a. The assist should connect, either directly or via an underground or above grade passageway, the sidewalk level with the transit station. When directly connected to the station mezzanine, portions of the station access above or below grade may be constructed within the street right-of-way.
    b. The assist entrance may be within a building, provided that hours of access are the same as the operating hours of the transit system.

b. **Landscaping and furnishing:** Design of the station access should incorporate elements that establish an identity for the facility and help orient transit riders. Elements that add interest to the space without conflicting with pedestrian movement are encouraged, as well as measures to increase access to natural light and reduce noise.

    a. Non-transparent walls should be architecturally finished in an interesting way. Advertising shall be permitted in conformance with the transit provider's standards for size, area and location.

    b. Temporary kiosks, retail uses such as bookstalls, flower stands and newsstands, displays and exhibits are permitted provided they do not obstruct pedestrian movement and width of the main circulation path is no less than required by the transit provider.

c. **Lighting:** Increasing access to natural light should be encouraged as much as possible through the siting of openings at street level and the use of transparent coverings.

O. Transit Tunnel Station Access: Grade Level

Topographic conditions along the transit tunnel alignment present opportunities for admitting natural light and providing pedestrian access to transit stations at approximately the same level as

station mezzanines. The intent of grade level transit station access is to improve the accessibility and the quality of station environments by increasing daylight access into stations and integrating station connections with public open spaces.

Eligibility Conditions

1. **Integration with open space:** Grade Level Transit Tunnel Station Access must be integrated with public open space. The location of the access is subject to the approval of the transit provider and the Director.

2. **Size**: The size of the access must be approved by the transit provider. The access shall be on multiple levels, and may be located partially in the street right-of-way.

3. **Locational criteria:** The Director shall use the following locational criteria to evaluate the eligibility of a lot for the station access bonus:

   a. Lots from which grade level access to transit stations is provided shall abut a station mezzanine or be located within a 300-foot radius of the station mezzanine.
   b. The maximum distance from the public sidewalk adjacent to the transit station access to the station mezzanine shall be 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.

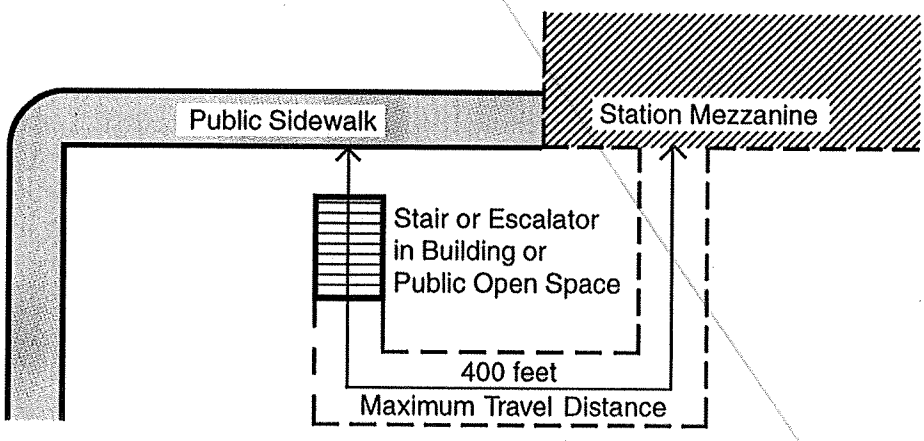


Figure A

   c. The minimum distance from a bonused access to the nearest existing or proposed station entrance on the same block, measured along the street lot line, shall be 180 feet.
   d. The Director may approve a proposed access using a public right-of-way to reach a station mezzanine only when the Director determines that the connection will not adversely affect other uses of the right-of-way including utilities.

4. **Access:** A physically and visually direct path through the required open space integrated with the Transit Tunnel Station Access shall connect the street with the station access and shall meet the following conditions established by the transit provider and the Director:

    a. A clear path with a minimum width established by the Director after consultation with the transit provider shall be required between the transit station frontage and a public sidewalk. Stairs may be a part of the path, but the difference in grade between the station access frontage and the elevation of the street providing access to the station shall accommodated by ramps or gradual level changes in the floor of the open space.
    b. Signage indicating the location of the transit station shall be provided at the entrance to the open space on the street front.
    c. The public shall have unobstructed, well lighted access through the open space at all hours that the station mezzanine is open.

5. **Special conditions**

    a. Approval of any building permit required to build the access shall depend upon approval of a plan submitted by the developer to the Director and the transit provider binding the developer to construct the access in accordance with the plan.
    b. An agreement shall be required between the property owner and the transit provider granting a permanent easement for public use of the access in connection with transit operations. The easement shall be recorded with the deed to the property at the King County Recorder.

Guidelines

1. **Access:** Amenity features eligible for a bonus that are adapted to accommodate station access should provide a relatively level route between the street and the mezzanine or concourse of the transit station.

    a. Providing open space at the same elevation as a transit station mezzanine may require portions of the amenity feature to be substantially below some street elevations. Departure from provisions regarding the elevation of a particular amenity feature may be permitted. However, changes in grade between the sidewalk and abutting depressed portions of open space should not create the effect of a precipice along the sidewalk edge.
    b. The level of the amenity feature should generally not be more than 5 feet below the street elevation along the sidewalk edge. If portions of the amenity feature are more than 5 feet below the street elevation, they should be separated from the sidewalk by another use or a landscaped area directly accessible from the sidewalk and extending a minimum of 10 feet from the sidewalk onto the lot.

2. **Landscaping and furnishing:** Amenity features providing access to transit stations should be designed to reinforce clear and direct connections from the street through the space to the station, while also serving their intended function as public open space. In both overall design and details, the treatment of station areas and public open space areas should be coordinated to produce a cohesive whole.

    a. Any amenity feature eligible for a bonus that is used to provide access to the transit station should conform to the applicable landscaping standards and guidelines for that particular amenity feature. However, at the discretion of the Director, departures may be allowed to better adapt the space to specific conditions associated with its relationship to the transit station.
    b. Non-transparent walls should be architecturally finished in an interesting way. Advertising shall be permitted in conformance with standards of the transit provider for size, area, and location.
    c. Temporary kiosks, retail uses such as bookstalls, flower stands and newsstands, displays, and exhibits may be permitted provided they do not obstruct pedestrian movement and the width of the main circulation path is no less than required by the transit provider.

3. **Natural Lighting:** To enhance conditions in the transit station, the amenity feature should be sited and designed to increase as much as possible the amount of natural light reaching access areas and the mezzanine level.

P. Human Services

The human services bonus is intended to provide space for human service uses at locations easily accessible to client populations.

Eligibility Conditions

1. **Location**. Space for human service uses shall be eligible for a bonus in all downtown zones where such a bonus is authorized by SMC 23.49.013.

2. **Street orientation**. The location of a human service must be evident from the street, either as a result of frontage at street level or through exterior and interior signage clearly visible from the street.

3. **Area and dimensions**. The minimum area shall be 1,000 square feet or interior space.

4. **Special conditions**: The applicant shall secure at least a five year lease with a qualified human service agency.

    a. Any additional improvements beyond the minimum requirements needed for specific service activities may be provided either by the applicant or the agency. The specifics shall be included in the lease agreement. Depending on the terms of the agreement, the tenant may be required to pay for utilities, insurance, taxes, and

maintenance expenses. In addition, the tenant may be required to pay for development costs specifically required to meet the needs of the lessee.

b. Rent shall not be charged for use of the space.

c. On an interim basis (not to exceed six months from any time the space is vacated by a qualifying human service use), if the space remains unoccupied, it may be used for non-profit purposes as a community and/or public area, under the following conditions:

   i. The space shall be made available to community and charitable organizations (not to be used for profit-making activities).
   ii. The space shall be made available for both day and evening use.
   iii. The space shall be made available on a first come, first serve basis to community and charitable organizations.
   iv. There shall be no charge for use of the space, except for any costs that may be necessary by the interim use.
   v. The space shall be accessible to the elderly and disabled.
   vi. Availability of the space and the contact persons shall be made known to community and charitable groups through means such as newspaper articles, radio announcements, flyers to organizations, and contacts with umbrella organizations such as the Downtown Human Services Council and the Central Seattle Community Council Federation.

5. **Access**: The human services space must either have direct access to the street or be accessible along a well marked route that leads from a building entrance located on a street and does not require the use of steps.

6. **Finishings**: The applicant shall finish the space with ceilings, walls, floors, and utility connections.

((~~**Q. 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.~~

~~**Eligibility Conditions**~~

~~1. **Application Process**: Proposals that include a LPAT bonus require a Certificate of Approval from the Seattle Landmarks Preservation Board for any modifications to the LPAT in accordance with the requirements of Part 6 of the Seattle Landmarks Preservation Ordinance (Seattle Municipal Code, Sections 25.12.670-.790), unless the plan of rehabilitation is incorporated in the controls and incentives approved by City Council pursuant to SMC 25.12.510. If the owner of a LPAT is also applying to transfer development rights, or for public subsidies, subsidy review will be performed by the Office of Housing (OH). Use of this bonus is subject to completion of subsidy review by OH. Application for the LPAT bonus is made at the Department of Planning and Development~~

~~(DPD) using application forms provided by DPD in conjunction with OH. The forms will describe the financial and other documentation required for the OH subsidy review.~~

2. ~~**Security:** If a LPAT bonus is sought, the applicant for a permit for the project proposing to use the bonus will be required to provide security for the completion of the rehabilitation of the landmark theater. Security may be provided in the form of cash in a restricted escrow account, letter of credit or other form acceptable to the City. Security shall be posted when the final building permit is issued for the project using the bonus FAR. A waiver from the security requirement may be permitted for an on-site LPAT at time of issuance of building permit. The Landmarks Preservation Board may modify this requirement to allow for a phased rehabilitation program and/or a phased occupancy for the landmark theater. Funds may be drawn from the security by the owner of the theater during the course of the rehabilitation work with prior approval of the OH Director.~~

3. ~~**Duration:** The theater is required to be available for the duration of any commitment made to qualify for a Floor Area Ratio (FAR) bonus for at least 180 days a year for live theater performances. An annual report by the theater owner to DPD shall specify the number of days when live performances took place, number of days not open, and number of days when other types of entertainment were provided.~~

   ~~The use of the theater primarily as a performing arts theater for at least 40 years* shall be ensured by binding covenants between the theater owner and the City. The recipient of the bonus (unless also the theater owner) shall have no obligation for the operation of the theater.~~

   ~~**and for so long thereafter as any of the interior features of the theater portion of the structure remains subject to controls under the Landmarks Ordinance or successor provisions, unless after the minimum 40 year period the owner demonstrates to the satisfaction of the Landmarks Board that a change in use is required to allow the owner a sufficient economic return under the standards then applicable to proceedings for removal or modification of such controls.*~~

4. ~~Restrictive Covenant: A restrictive covenant approved by DPD in consultation with OH and DON shall be recorded by DPD with the King County Department of Records and Elections on the property on which the LPAT is located. If other bonuses or TDRs are used, the restrictive covenant may be combined with a Performance Agreement, as approved by OH. The covenant will include the terms, duration, priority of commitment, commitment to repair and maintain the structure and right to access by City staff.~~

   ~~If the requirements of the covenant are not met, then in addition to other remedies, the City may apply to a court for appointment of a receiver to manage the theater.~~

~~5. Variable Bonus Ratio: The Land Use Code permits a variable bonus ratio (maximum of 12). It is intended to be set at a ratio which makes the LPAT bonus competitive with other bonuses available for use by the project. Determination of the exact bonus ratio will depend upon the cost of rehabilitation, the cost per square foot of theater space eligible for bonus of obtaining a linkage (market conditions), other subsidies available for the theater rehabilitation and a comparative analysis of costs per square foot of using other bonuses. DPD shall request documentation of sources and uses of funds for theater rehabilitation. DPD will review information, and consult with other departments and determine what bonus ratio is appropriate.))~~

PART III: SPECIFIC ELIGIBILITY CONDITIONS AND GUIDELINES FOR AMENITY FEATURES ELIGIBLE FOR FLOOR AREA EXEMPTION ONLY

((~~R~~))Q. Museum

Museums add to the mix of Downtown activity and provide educational, cultural and/or recreational opportunities by establishing permanent interior areas for viewing objects, programs or presentations of natural, scientific, historical, cultural or literary interest.

Eligibility Conditions for Floor Area Exemption

1. **Eligibility criteria:** Museum space eligible for a floor area exemption must meet the following criteria:

   a. The museum does not have a commercial character or is not used for commercial purposes, although associated uses, such as a museum shop or snack bar, may be permitted.
   b. The use of the space has significant, long term educational, cultural and/or recreational value and interest to the public.
   c. Information is available to enhance public enjoyment and knowledge of items on display. Presentations that encourage public participation or direct interaction with the display are desirable.
   d. Ample space is provided to ensure that displayed items can be viewed to best advantage. Renderings illustrating typical elements of the display area shall be available for review by the Director.

2. **Use proposal:** The developer must present a proposal for the use of the museum identifying the nature of items to be displayed or programs to be presented as well as examples of typical design and layout of exhibits in the space.

3. **Lease requirements:** If the operator of the museum is not the same as the developer, a ten year lease from the operator of the museum identifying the use of the space shall be secured by the developer for review by the Director. The lease shall be secured within two years of the date that the first Certificate of Occupancy is issued for the project with the museum, or when the final Certificate of Occupancy is issued, whichever is first.

Guidelines

1. **Area and Dimensions:** Adequate space should be provided for exhibits and public viewing, as well as necessary storage and support facilities. All such support spaces may be exempted from calculations of chargeable floor area.

2. **Street orientation:** The street level treatment of museums should provide pedestrian interest and attraction.

   a. To minimize disruption of street level activity, the museum's street frontage should be limited. Separating museum space from the street by other more active street level uses may be appropriate.
   b. Either transparent frontage sufficient to allow views into the exhibition area, or exterior signage and display cases visible from the street or a public open space shall be provided.

3. **Access**

   a. Access to the museum should be apparent to pedestrians through signs or direct visibility from the street or public open space.
   b. The museum should be functionally separate from other areas of the project. While access to the major circulation areas of a building, such as elevator lobbies, is desirable, and may be provided, the display space should be independent of these circulation areas. If needed, walls or other enclosure should be provided.

((~~S~~))R. Shopping Atrium

Shopping atriums provide enclosed, weather protected public spaces in concentrated shopping areas to enhance shopping activity while maintaining active and visually interesting retail streets. The enclosed space of the atrium may be on multiple levels and must be of sufficient size to accommodate public gatherings and events where shoppers can rest, relax, and enjoy surrounding activity.

Eligibility Conditions for Floor Area Exemption

1. **Pedestrian access:** A pedestrian entrance with direct access from the sidewalk shall be provided on each street frontage of the atrium.

2. **Uses**: Shopping atriums should intensify retail activity within shopping areas by increasing available retail frontage on streets and public areas. Uses that help activate the space are required on the perimeter of the atrium, as follows:

   a. At least 75 percent of the perimeter of each level of the entire exempt area of the atrium space shall be occupied by uses that qualify as street level uses in SMC 23.49.009. All of these uses shall have direct access to the atrium.
   b. Any street level uses on the perimeter of the shopping atrium with frontage on a street shall also be accessible from the street.

3. **Natural Lighting:** To improve the quality of the space, support interior landscaping and increase the overall sense of openness, the principal space of the shopping atrium must have access to natural light, consistent with the applicable guidelines below.

Guidelines

1. **Area and dimensions**: Shopping atriums should be spacious to accommodate a high level of activity and multiple uses, including public gatherings. Interior spaces should be arranged to integrate the shopping atrium with both the exterior street environment and the internal circulation of the project.

   a. The shopping atrium should include a principal space of at least 2,400 square feet that provides the public focus and is proportionally the largest and most prominent element of the atrium. Other areas may accommodate functions and activities that support the principal space and further integrate the atrium with the rest of the project and the street environment.
   b. The entire floor area of the principal space should generally be level with the average sidewalk grade at the main entrance to the shopping atrium. The principal space should be at one level, with minor adjustments of levels permitted, provided that the difference in elevation between the highest and lowest points is generally within four feet.
   c. The exempt floor area may be on multiple levels. All exempt floor area should be directly accessible by escalator, walkway, or stairs to the principal space. All exempt floor area should have visual access to the principal space.
   d. Exempt floor area should generally be clear and unobstructed by walls or other elements exceeding approximately three feet in height, except that escalators; artwork; and free standing retail kiosks may be permitted. The height and the total area covered by these elements should be limited to ensure the desired sense of spaciousness and unobstructed pedestrian circulation.

2. **Access and street orientation:** The location of a shopping atrium should be highly apparent from the street and easily accessible and inviting to pedestrians. Wherever possible, the atrium and its connections to the street should be designed to improve overall pedestrian circulation on the block.

   a. The main entrance to the atrium should be at sidewalk grade.

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b. For lots with frontage on two Avenues, the atrium should provide a clear direct connection between the Avenues.
c. Because shopping atriums are located in active shopping areas, the street frontage of the atrium space should be limited to avoid disrupting the continuity of retail activity along the street. The maximum street frontage of the shopping atrium space, including entrances, but not including retail uses with access to the street, should be approximately sixty feet on any one street.
d. The principal space of the atrium should be visible from adjacent sidewalks. Visual and physical access to the space should be provided along as much of the atrium's street frontage as possible.

3. **Landscaping and furnishings:** Landscaping and furnishings of the shopping atrium, including required art, should create an attractive and comfortable atmosphere for shoppers. Such elements should add interest and activity while allowing flexible use of the space, especially for public gatherings and events. Landscaping and other design treatments should reinforce the prominence of the principal space, while ensuring a cohesive relationship between the principal space and abutting accessory space.

4. **Natural lighting:** The Director shall use the following guidelines for required skylights and/or clerestory windows to ensure sufficient natural light:

a. Skylights that, at a minimum, provide access to natural light for approximately 25 percent of the roof area above the principal space; or
b. Windows or clerestory windows at a height of approximately 8feet or more that, at a minimum, allow access to natural light through approximately 25 percent of the perimeter of the principal space; or
c. A combination of skylights and clerestories, or similar elements, admits at least as much natural light as the options in subsections 4.a and 4.b above.

((~~T~~))S. Major Retail Store

Major retail stores, including full service department stores, provide retail anchors that reinforce shopping activity in the Downtown retail core and increase the area's regional draw for customers. These facilities expand the range of goods and services available to Downtown shoppers and, as retail "magnets," support other uses necessary to the health and vitality of the area. One way to help offset the cost of accommodating the large amount of floor area a major retail store requires is to include them as part of the mix in a larger development with more revenue generating uses. Allowing a floor area exemption will enable major retail stores to be accommodated in mixed use developments, without reducing the amount of floor area allowed for other commercial uses.

Eligibility Conditions for Floor Area Exemption

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1. **Access**: Direct access to the street is required, although exempt retail space may be provided above and below the street level as long as all areas are connected and function as a single retail establishment.

2. **Management structure:** The store must function as a single retail establishment, under the management of a single retail operation.

Guidelines

Access: The store should be oriented to activity on the street and, wherever possible, provide opportunities for through block circulation. At least one major entrance should be provided directly from the sidewalk of each street frontage, with at least one principal entrance at the same elevation as the sidewalk. Multiple access points are desirable, as well as protected areas set back from the sidewalk at entrances to accommodate pedestrian flow and provide shelter.

STATE OF WASHINGTON -- KING COUNTY

--ss.

316837 No.

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

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

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

CT:124588-606 TITLE ONLY

was published on

10/27/14

The amount of the fee charged for the foregoing publication is the sum of $321.43 which amount has been paid in full.

JENNIFER A. BORRADO
COMMISSION EXPIRES
NOTARY
PUBLIC
10-24-15
STATE OF WASHINGTON

Subscribed and sworn to before me on

10/27/2014

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on September 29, 2014, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124588

AN ORDINANCE relating to the City Light Department; authorizing execution of the Boundary Power Assignment Agreement with Public Utility District No. 1 of Pend Oreille County, Washington, for the term of the Boundary Hydroelectric Project license granted by the Federal Energy Regulatory Commission on March 20, 2013, 42 years.

ORDINANCE NO. 124589

AN ORDINANCE related to the Seattle Department of Transportation; lifting a budget proviso imposed on Transportation Operating Fund, Budget Control Level: Mobility-Capital, for the Pay Station Capital Improvement Project (TC366350) as provided in Ordinance 124349, which adopted the 2014 Budget.

ORDINANCE NO. 124590

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; deleting the Seattle Asian Art Museum project from the Citywide Parks Owned Cultural Facilities Sub- Category of the Development Category; adding new major maintenance projects in the Neighborhood Parks and Playgrounds Subcategory of the Development Category; increasing appropriations to the Department of Parks and Recreation in the 2014 Adopted Budget; and amending the 2014-2019 Adopted Capital Improvement Program; all by a three-fourths vote of the City Council.

ORDINANCE NO. 124591

AN ORDINANCE related to land use and zoning; amending Seattle Municipal Code Sections 23.49.011, 23.49.013, and 23.49.014 to remove provisions related to the bonus for a Landmark performing arts theater (LPAT) and to increase the base floor area ratio (FAR) of a lot with an LPAT to provide a new incentive for rehabilitating and maintaining these structures; and amending the Downtown Amenity Standards to delete reference to the bonus for the restoration and preservation of a Landmark performing arts theater and to update references to the Public Art Advisory Committee.

ORDINANCE NO. 124592

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 4201 16th Avenue SW; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

ORDINANCE NO. 124593

AN ORDINANCE relating to the Seattle Electrical Code amending Section 22.300.016 of the Seattle Municipal Code, adopting the 2014 National Electrical Code with Seattle amendments, and adopting, by incorporation, specific portions of the 2014 Washington Administrative Code Chapter 296-46B (Washington State Electrical Rule); and repealing Sections 2-34 of Ordinance 122970.

ORDINANCE NO. 124594

AN ORDINANCE relating to the City Light Department; amending subsection 21.49.086.D of the Seattle Municipal Code to create Net Wholesale Revenue targets for 2015 and 2016 consistent with those assumed in the City Light 2015-2020 Strategic Plan adopted by Resolution 31529.

ORDINANCE NO. 124595

AN ORDINANCE related to the redevelopment of Yesler Terrace; vacating portions of Terry Avenue, Spruce Street, Alley in Block 84 of Terry's 2nd Addition, Spruce Street and 9th Avenue Intersection, Alley at Yesler Terrace Steam Plant, 8th Avenue and Yesler Way Intersection, 8th Avenue South, South Main Street, 9th Avenue South, and South Washington Street, on the petition of the Housing Authority of the City of Seattle, with a modified street vacation condition; relinquishing certain easements no longer needed by the City of Seattle; approving and confirming the plat of "Yesler Terrace Community" and accepting dedications in a portion of the Southwest Quarter of the Southeast Quarter of Section 32, Township 25 North, Range 4 East and a portion of the Northwest Quarter and a portion of the Northeast Quarter of Section 5, Township 24 North, Range 4 East, W.M. in King County, Washington, with modified plat conditions; accepting temporary easements for street purposes over certain vacated portions of Terry Avenue, Spruce Street, and South Washington Street; authorizing the signing, acceptance and recording of a Covenant for Infrastructure Construction, and a Public Access, Easement and Maintenance Agreement; and authorizing the signing and acceptance of a Cooperative Agreement Regarding Dedicated Street Areas in Yesler Terrace Plat.

ORDINANCE NO. 124596

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing amendments to two federal grant agreements with the National Park Service to remove Urban Park and Recreation Recovery Act conditions from a limited area of Seward Park that will be affected by surface ancillary facilities for Seattle Public Utilities' combined sewer overflow project and to place the conditions on an area of Lake Washington Boulevard; and transferring appropriation authority and cash from the Drainage and Wastewater Fund (44010) to the Cumulative Reserve Subfund - Unrestricted Subaccount (00164) for landscaping enhancements on Lake Washington Boulevard required by the National Park Service.

ORDINANCE NO. 124597

AN ORDINANCE relating to the Department of Parks and Recreation, concerning the West Duwamish Greenbelt, finding that an exchange of property between the City of Seattle and West Seattle Acquisition Co., L.L.C., owner of property adjacent to park property, is necessary, as required by Ordinance 118477, also known as Initiative 42; authorizing the Superintendent of Parks and Recreation to accept a deed from West Seattle Acquisition Co., L.L.C., for certain property meeting the criteria of Initiative 42; and authorizing the Superintendent to execute and record a Quit Claim Deed for certain City-owned West Duwamish Greenbelt property to West Seattle Acquisition Co., L.L.C., all to eliminate an existing private, non- park use of park property.

ORDINANCE NO. 124598

AN ORDINANCE relating to communication cabinets in public places; amending Sections 15.02.042, 15.32.010, 15.32.020, 15.32.130, 15.32.140, 15.91.002, and 15.91.016; and adding new Sections 15.32.200, 15.32.250, and 15.32.260 of the Seattle Municipal Code.

ORDINANCE NO. 124599

AN ORDINANCE relating to water services of Seattle Public Utilities; revising water rates and charges for service to wholesale customers, and amending Seattle Municipal Code Chapter 21.04.440.E in connection therewith.

ORDINANCE NO. 124600

AN ORDINANCE relating to the Seattle Department of Transportation; authorizing the Director of the Seattle Department of Transportation, on behalf of the City of Seattle, to execute an assignment, assumption, and consent agreement with the Seattle Steam Limited Partnership, Seattle Community Energy, LLC, and BIF II District Energy Holdings III LC regarding the transfer of the Seattle Steam Franchise authorized under Ordinance 121067, as amended by Ordinance 122260, to BIF II District Energy Holdings III LLC.

ORDINANCE NO. 124601

AN ORDINANCE relating to the Seattle Streetcar System; authorizing execution of an amendment to the funding and cooperative agreement for the First Hill Streetcar; establishing fare policy objectives for the Seattle Streetcar and authorizing the Director of Transportation to set streetcar fares and establish policies and procedures for fare inspection; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124602

AN ORDINANCE relating to City-owned property under the jurisdiction of the Seattle Department of Transportation located at 1000 Mercer Street in D. T. Denny's First Addition to North Seattle; and extending, laying out, widening, establishing, and opening a portion of Mercer Street.

ORDINANCE NO. 124603

AN ORDINANCE authorizing the sale at fair market value of certain surplus property located at 1000 Mercer Street.

ORDINANCE NO. 124604

AN ORDINANCE relating to the City Light Department; authorizing the execution of a Metered Energy Efficiency Purchase Agreement with The Bullitt Foundation and the Cascadia Center for Sustainable Design and Construction for the purchase of energy from the Bullitt Center.

ORDINANCE NO. 124605

AN ORDINANCE relating to the City Light Department; authorizing the execution and potential amendment of a Regional Energy Efficiency Initiative Agreement with the Northwest Energy Efficiency Alliance.

ORDINANCE NO. 124606

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

Date of publication in the Seattle Daily Journal of Commerce, October 27, 2014.

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