



SEATTLE CITY COUNCIL

Legislative Summary

CB 118940

Record No.: CB 118940

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125291

In Control: City Clerk

File Created: 03/27/2017

Final Action: 04/14/2017

Title: AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in Downtown, South Lake Union and adjacent IC zones; amending Sections 23.41.012, 23.48.220, 23.48.225, 23.48.230, 23.48.232, 23.48.235, 23.48.245, 23.48.250, 23.48.285, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.019, 23.49.041, 23.49.058, 23.49.156, 23.49.158, 23.49.164, 23.50.020, 23.50.026, 23.50.028, 23.50.033, 23.50.039, 23.50.053, 23.50.055, 23.52.008, 23.58B.040, 23.58B.050, 23.58C.025, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, 23.76.004, 23.76.006, 23.86.007 and 25.05.675 of the Seattle Municipal Code; amending the Downtown Overlay Maps in Chapter 23.49 of the Seattle Municipal Code; and adding new Sections 23.48.223, 23.48.231, 23.48.290, 23.49.007, 23.49.039, 23.50.041, 23.58B.055, and 23.58C.055 to the Seattle Municipal Code to implement Mandatory Housing Affordability requirements in Downtown and South Lake Union.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text: CB 118940 v2, Full Text: CB 118940 v1, Exhibit A – Areas being Rezoned MHA Implementation in Downtown and South Lake Union, Exhibit B - Findings of Fact

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	03/28/2017	sent for review	Council President's Office			
Action Text: The Council Bill (CB) was sent for review. to the Council President's Office							
Notes:							

- 1 Council President's Office 03/29/2017 sent for review Full Council
Action Text: The Council Bill (CB) was sent for review. to the Full Council
Notes:
- 1 Full Council 04/03/2017 referred Full Council
- 1 Full Council 04/10/2017 passed as amended Pass
Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:
Notes: ACTION 1:

Motion was made and duly seconded to pass Council Bill 118940.

ACTION 2:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 118940, by substituting Section 1, which adds a new Exhibit B, as shown in the strike through and underlined language below:

Section 1. ~~((Reserved))~~ The City Council hereby makes the Findings of Fact in Exhibit B to this ordinance.

ACTION 3:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 118940, by amending Seattle Municipal Code Sections 23.48.225 and 23.49.008, adding new Sections 23.48.290 and 23.49.019.J, amending Sections 23.52.008 and 25.05.675, and renumbering Sections 14 - 47 accordingly, as shown in Attachment 1 to the Minutes.

ACTION 4:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 118940, by adding a new Section 47, as shown in the underlined language below, and renumbering the remainder section:

Section 47. Council requests that the Office of Planning and Community Development and the Seattle Department of Construction and Inspections, in consultation with the Construction Codes Advisory Board, report to Council's Planning Land Use and Zoning Committee by September 30, 2017, on the use of lot sub-areas, sometimes referred to as "development sites," for the purposes of the application of Land Use Code development standards and standards in technical codes, such as the Building Code, Electrical Code, Energy Code, and Fire Code. The report shall include (1) a discussion of advantages and disadvantages of application of development standards to lot sub-areas as opposed to the lot itself, including recent illustrative

examples , and (2) recommendations on any proposed changes to the Land Use Code and technical codes.

ACTION 5:

Motion was made by Councilmember Herbold and duly seconded, to amend Council Bill 118940, by amending Sections 25.58C.040.A and 23.58.C.050, as shown in Attachment 2 to the Minutes.

The Motion failed by the following vote:

In Favor: 2 - Herbold, Sawant

Opposed: 7 - Bagshaw, Burgess, González, Harrell, Johnson, Juarez, O'Brien

ACTION 6:

Motion was made and duly seconded to pass Council Bill 118940 as amended.

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

2	City Clerk	04/12/2017	submitted for Mayor's signature	Mayor
2	Mayor	04/14/2017	Signed	
2	Mayor	04/14/2017	returned	City Clerk
2	City Clerk	04/14/2017	attested by City Clerk	

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE

125291

COUNCIL BILL

118940

AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in Downtown, South Lake Union and adjacent IC zones; amending Sections 23.41.012, 23.48.220, 23.48.225, 23.48.230, 23.48.232, 23.48.235, 23.48.245, 23.48.250, 23.48.285, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.019, 23.49.041, 23.49.058, 23.49.156, 23.49.158, 23.49.164, 23.50.020, 23.50.026, 23.50.028, 23.50.033, 23.50.039, 23.50.053, 23.50.055, 23.52.008, 23.58B.040, 23.58B.050, 23.58C.025, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, 23.76.004, 23.76.006, 23.86.007 and 25.05.675 of the Seattle Municipal Code; amending the Downtown Overlay Maps in Chapter 23.49 of the Seattle Municipal Code; and adding new Sections 23.48.223, 23.48.231, 23.48.290, 23.49.007, 23.49.039, 23.50.041, 23.58B.055, and 23.58C.055 to the Seattle Municipal Code to implement Mandatory Housing Affordability requirements in Downtown and South Lake Union.

WHEREAS, in May 2013, the City Council adopted Resolution 31444, which established a work program for reviewing and potentially modifying the City's affordable housing incentive programs; and

WHEREAS, according to Resolution 31444, the City Council commissioned reports examining national best practices for increasing the availability of affordable housing to identify new strategies for Seattle; and

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee be jointly convened by the Council and the Mayor to evaluate potential housing strategies; and

WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and City Council on July 13, 2015; and

1 WHEREAS, the HALA Advisory Committee recommended extensive citywide upzoning of
2 residential and commercial zones and, in connection with such upzones, implementation
3 of a mandatory inclusionary housing requirement for new residential development and
4 commercial linkage fees for new commercial development; and

5 WHEREAS, the HALA Advisory Committee recommended that the mandatory inclusionary
6 housing requirement offer developers the option of building affordable housing or
7 making a cash contribution to fund preservation and production of affordable housing,
8 and that the requirement be implemented upon approval of extensive citywide upzoning
9 of residential and commercial zones; and

10 WHEREAS, the City has the authority to require mandatory housing affordability for residential
11 development according to its police power; and

12 WHEREAS, a mandatory housing affordability requirement for residential development is one of
13 many actions the City intends to undertake to implement the Comprehensive Plan's goals
14 and policies for housing affordability; and

15 WHEREAS the Countywide Planning Policies, as ratified by the King County Council, provide
16 that jurisdictions may consider a full range of programs, from optional to mandatory, that
17 will assist in meeting the jurisdiction's share of the countywide need for affordable
18 housing; and

19 WHEREAS, one of the City's planning goals under the Growth Management Act, chapter
20 36.70A RCW, is to make adequate provision for the housing needs of all economic
21 segments of the city; and

22 WHEREAS, the Affordable Housing Incentives Program Act, RCW 36.70A.540, authorizes and
23 encourages cities to enact or expand affordable housing incentive programs providing for

1 the development of low-income housing units through development regulations or
2 conditions on rezoning or permit decisions, or both; and

3 WHEREAS, according to the Affordable Housing Incentives Program Act, jurisdictions may
4 establish a minimum amount of affordable housing that must be provided by all
5 residential developments in areas where increased residential development capacity has
6 been provided; and

7 WHEREAS, the July 13, 2015, Statement of Intent for Basic Framework for Mandatory
8 Inclusionary Housing and Commercial Linkage Fee (commonly referred to as the “Grand
9 Bargain”) states that the mandatory housing affordability requirements for residential and
10 commercial development should achieve a projected production level over ten years of no
11 less than 6,000 units of housing affordable to households with incomes no greater than 60
12 percent of median income, and that, if the projected production level falls below the
13 target, all parties agree to develop and consider options to achieve the agreed-upon
14 production target; and

15 WHEREAS, in November 2015, the City Council adopted Ordinance 124895, which established
16 the framework for an Affordable Housing Impact Mitigation Program for commercial
17 development; and

18 WHEREAS, in November 2015, the City Council adopted Resolution 31612, stating the
19 Council’s intent to make changes to zoning and land use regulations to implement a
20 mandatory inclusionary affordable housing program for residential development
21 recommended by the HALA Advisory Committee and the Mayor; and

22 WHEREAS, in August 2016, the City Council adopted Ordinance 125108 which established the
23 framework for mandatory housing affordability for residential development; and

1 WHEREAS, this ordinance was informed by public feedback gathered at an Open House
2 conducted on February 24, 2016 and presentations and conversations with the Alliance
3 for Pioneer Square, Belltown Community Council, Building Owners and Managers
4 Association (BOMA), Chinatown-International District Business Improvement
5 Association, Denny Triangle Neighborhood Association, Downtown Residents Alliance,
6 Downtown Resident's Council, Downtown Seattle Association, InterIM, International
7 District Special Review Board, NAIOP, Pioneer Square Preservation Board, Pioneer
8 Square Residents Council, Seattle Chinatown-International District Preservation and
9 Development Authority (SCIDpda), Seattle Planning Commission, and South Lake
10 Union Community Council, as well as letters, emails, and other correspondence from
11 individuals and groups; and

12 WHEREAS, this ordinance would increase development capacity and implement the Affordable
13 Housing Impact Mitigation Program for commercial development and mandatory
14 housing affordability for residential development in certain areas of Downtown and
15 South Lake Union; and

16 WHEREAS, many factors were considered in establishing payment and performance amounts
17 for residential and commercial development including the need for both market-rate and
18 affordable housing, the additional cost of incentive zoning requirements for non-housing
19 benefits in Downtown and South Lake Union, the higher cost of development for high-
20 rise construction, the higher value of commercial development capacity relative to
21 residential development capacity, and the relatively small increase in development
22 capacity in Downtown and South Lake Union compared to other areas; and

1 WHEREAS, pursuant to Ordinance 124895 (Affordable Housing Impact Mitigation Program for
2 commercial development) the payment and performance amounts for commercial
3 development are significantly higher, in particular the payment amounts are on average
4 87 percent higher for Downtown and South Lake Union than most areas outside of
5 Downtown and South Lake Union; and

6 WHEREAS, the combined approach of higher commercial and lower residential payment and
7 performance amounts address the unique characteristics and capture the type of growth
8 that is occurring in Downtown and South Lake Union and these areas, while representing
9 only 3% of the city's land, are estimated to produce 2,100 new affordable housing units,
10 which is about a third of the city-wide goal of 6,000 units; and

11 WHEREAS, projects in Downtown and South Lake Union will tend towards the payment option
12 under the MHA-C and MHA-R programs due to higher development costs; and

13 WHEREAS, Ordinance 125233 and Ordinance 125108 established factors the City will consider
14 for purposes of determining the location for use of cash contributions made pursuant to
15 the MHA-C or MHA-R programs, including locating near developments that generate
16 cash contributions; and

17 WHEREAS, the City will employ strategies to ensure that affordable housing investments are
18 made in the Downtown and South Lake Union neighborhoods and will monitor how
19 affordable housing investments are distributed throughout the City; and

20 WHEREAS, increased residential development in the Downtown and South Lake Union areas
21 will assist in achieving local growth management and housing policies; and

WHEREAS, this ordinance provides increased residential development capacity in the form of an increase in the amount of height or floor area allowed by zoning in most areas in the Downtown and South Lake Union Urban Centers; and

WHEREAS, the City has determined that development standards could preclude the additional capacity from being achieved only in a few, very limited situations and, to address those situations, this ordinance provides for modification of other development standards as well as for modest reductions in payment and performance amounts for residential development if the additional capacity still could not be achieved; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council hereby makes the Findings of Fact in Exhibit B to this ordinance.

Section 2. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone properties identified on pages 99, 100, 101, 102, 108, 109, 110, 115, 116, 117, 215 of the Official Land Use Map as shown on Exhibit A attached to this ordinance.

Section 3. Subsection 23.41.012.B of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118893, is amended as follows:

23.41.012 Development standard departures

* * *

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

1. Procedures;
2. Permitted, prohibited, or conditional use provisions, except that departures may be granted from development standards for required street-level uses;

3. Residential density limits;

4. In Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49, Downtown Zoning;

5. In Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036;

6. In Downtown zones, the average floor area limit for stories in residential use in Table B for 23.49.058;

7. In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041;

8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in subsection ((23.49.058.F)) 23.49.058.D;

9. In the Downtown Mixed Commercial ((160)) 170 zone, minimum floor-to-floor height for street-level uses required as a condition of the additional height allowed by subsection 23.49.008.E;

10. Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper-level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code;

11. In SM-SLU zones, floor area limits for all uses provided in subsections 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and 23.48.245.B.3, except that departures of up to a five percent increase in floor area limit for each story may be granted for structures with non-residential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and 23.48.245.B.1.d.2;

12. The provisions of Chapter 23.58A, except that departures may be granted from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a, 23.48.021.C.1.b.4, and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to be provided according to Section 23.58A.040 better achieves the intent of the Downtown Amenity Standards for that amenity feature;

13. In SM-SLU zones, provisions limiting the number of towers permitted per block provided for in Section 23.48.245;

14. In SM-SLU zones, provisions for upper-level setbacks provided for in Section 23.48.245;

15. Floor area ratios (FAR); except that in the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures from the development standards for allowing floor area exemptions from FAR calculations in subsection 23.73.009.C and for retaining a character structure on a lot in Section 23.73.015 are not considered departures from FAR limits;

16. Maximum size of use;

17. Structure height, except that:

a. Within the Roosevelt Commercial Core building height departures up to an additional 3 feet may be granted for properties zoned NC3-65 (Map A for 23.41.012, Roosevelt Commercial Core);

b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65 (Map B for 23.41.012, Ballard Municipal Center Master Plan Area). The additional height may not exceed 9 feet,

and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

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

d. Within the Uptown Urban Center building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet from all lot lines abutting streets;

e. Within the Queen Anne Residential Urban Village and Neighborhood Commercial zones as shown on Map C for 23.41.012, Upper Queen Anne Commercial Areas, building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet from all lot lines abutting streets;

f. Within the PSM 85-120 zone in the area shown on Map A for 23.49.180, departures may be granted from development standards that apply as conditions to additional height, except for FAR and provisions for adding bonus floor area above the base FAR; and

g. Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures may be granted from development standards that apply as conditions to additional height in subsections 23.73.014.A and 23.73.014.B, and the provision for receiving sites for TDP in subsection 23.73.024.B.5;

18. Quantity of parking required, minimum and maximum parking limits, and minimum and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area departures may be granted from the minimum parking requirement

up to a 30 percent maximum reduction for ground-level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2013";

19. Provisions of the Shoreline District, Chapter 23.60A;

20. Standards for storage of solid-waste containers;

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

22. Noise and odor standards;

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

24. Provisions of Chapter 23.52, Transportation Concurrency and Transportation Impact Mitigation;

25. Provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements, except that departures may be granted from the access easement standards in Section 23.53.025;

26. Affordable housing production conditions within the MPC-YT zone, pursuant to Section 23.75.085;

27. Limits on floor area for uses within the MPC-YT zone, as provided in Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040;

28. Limits on number, distribution, and gross floor area per story for highrise structures within the MPC-YT zone, as provided in Section 23.75.120 or as applicable under Section 23.75.040;

29. Definitions;

30. Measurements;

31. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.8, and 23.28.030.A.3, which may be modified as authorized in those provisions;

32. Standards for structural building overhangs in Section 23.53.035 and structural encroachments permitted in setbacks provided in lieu of dedication of right-of-way under subsection 23.53.015.D.1.b;

33. Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, the requirement that all character structures on a lot be retained in order to qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2, the exception for width and depth measurements in subsection 23.73.012.B, or the exception for an additional 10 feet in height as provided for in subsection 23.73.014.B:

a. Departures may, however, be granted under the following circumstances:

1) The character structure is neither a designated Seattle Landmark nor listed in a rule promulgated by the Director according to Section 23.73.005; and

2) The departure is for demolishing a wood-frame character structure originally built as a single-family residence or single-family accessory structure; or

3) The departure is for demolishing a character structure that is determined to have insufficient value to warrant retention when the following applies:

1 a) The structure lacks a high degree of architectural
2 integrity as evidenced by extensive irreversible exterior remodeling; or

3 b) The structure does not represent the Pike/Pine
4 neighborhood's building typology that is characterized by the use of exterior materials and
5 design elements such as masonry, brick, and timber; multi-use loft spaces; very high and
6 fully-glazed ground-floor storefront windows; and decorative details including cornices,
7 emblems, and embossed building names; or

8 c) Demolishing the character structure would allow for
9 more substantial retention of other, more significant character structures on the lot, such as a
10 structure listed in a rule promulgated by the Director according to Section 23.73.005; or
11 would allow for other key neighborhood development objectives to be achieved, such as
12 improving pedestrian circulation by providing through-block connections, developing arts
13 and cultural facilities, or siting publicly-accessible open space at key neighborhood
14 locations.

15 b. In addition to the provisions of subsection 23.41.012.B.33.a, the
16 following provisions apply:

17 1) At least one character structure shall be retained on the lot if
18 any of the following are to be used by the development proposal:

19 a) ((subsection)) Subsection 23.73.009.C.3 regarding
20 the FAR exemption for residential uses((§)) ;

21 b) ((subsection)) Subsection 23.73.010.B.2 regarding
22 increases in the floor area limits((§)) ;

c) ~~((subsection))~~ Subsection 23.73.012.B regarding the exception from width and depth measurements~~((;))~~ ; or

d) ~~((subsection))~~ Subsection 23.73.014.B regarding the exception allowing for an additional 10 feet in height ~~((are being used by the development proposal))~~.

2) ~~((No character structures are required to be retained on the lot if))~~ A departure may allow removal of character structures if the requirement for retaining character structures is limited to the following:

a) ~~((subsection))~~ Subsection 23.73.009.B regarding the exception to allow additional FAR for non-residential uses~~((;))~~ ;

b) ~~((subsection))~~ Subsection 23.73.010.B.1 regarding increases in the floor area limits~~((;))~~ ; or

c) Section 23.73.024 for the use of TDP on a lot that is an eligible TDP receiving site under the provisions of subsection 23.73.024.B ~~((are the only provisions being used by the development proposal))~~ ;

34. In pedestrian-designated zones, provisions for residential uses at street level, as provided in subsection 23.47A.005.C.1, except that a departure may be granted to allow residential uses at street level to occupy, in the aggregate, no more than 50 percent of the street-level, street-facing facade;

35. In pedestrian-designated zones, provisions for transparency requirements, as provided in subsection 23.47A.008.B, except that departures may be granted to reduce the required transparency from 60 percent to no less than 40 percent of the street-facing facade;

1 36. In pedestrian-designated zones, provisions for height requirements for
2 floor-to-floor height, as provided in subsection 23.47A.008.B, except that departures to
3 allow a mezzanine with less than the minimum floor-to-floor height may be granted
4 provided that the outer edge of the mezzanine floor is at least 15 feet from the exterior wall
5 facing a principal pedestrian street;

6 37. The provisions of Chapter 23.58B and Chapter 23.58C;

7 38. Area-specific development standards for Lake City, identified in
8 subsection 23.47A.009.E, except departures may be requested if the development provides at
9 least one of the following features:

10 a. A usable open space that:

- 11 1) abuts the street,
12 2) is no more than 4 feet above or 4 feet below the adjacent
13 sidewalk grade,
14 3) has a minimum width equal to 30 percent of the width of the
15 street-facing facade or 20 feet, whichever is greater, and
16 4) has a minimum depth of 20 feet measured from the abutting
17 street lot line.

18 b. An east-west through-block pedestrian passageway that:

- 19 1) has a minimum width of 20 feet and provides direct and
20 continuous passage between the north/south rights-of-way abutting the lot; and
21 2) is designed to provide safe pedestrian use, including signage
22 identifying the passageway; and

39. For lots 40,000 square feet or greater in size, area-specific development standards for Ballard identified in subsections 23.47A.009.F.2, 23.47A.009.F.3, and 23.47A.009.F.4.b, except that departures may be requested if the development provides at least one of the following features:

a. A usable open space that:

- 1) abuts the street,
- 2) is no more than 4 feet above or 4 feet below the adjacent sidewalk grade,
- 3) has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater, and
- 4) has a minimum depth of 20 feet measured from all street lot lines.

b. A separation between structures that:

- 1) has a minimum east-west dimension width of 20 feet,
- 2) is no more than 4 feet above or below the adjacent sidewalk grades, and
- 3) is either developed as:
 - a) a north-south through block pedestrian passageway;
 - b) a woonerf;
 - c) an amenity area that is available for public use and not counting towards the minimum requirement of 23.47A.024; or
 - d) a combination thereof.

* * *

Section 4. Section 23.48.220 of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118893, is amended as follows:

23.48.220 Floor area ratio (FAR) in South Lake Union Urban Center

A. General provisions

1. Except as otherwise specified in this subsection 23.48.220.A, FAR limits for specified SM zones within the South Lake Union Urban Center are as shown in Table A for 23.48.220 and Table B for 23.48.220.

Table A for 23.48.220

FAR ((Limits)) limits for ((Specified Zones)) specified zones in South Lake Union Urban Center

Zone	FAR limits for non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use ¹
	Base FAR	Maximum FAR	
((SM-SLU/R 55/85	NA	NA	4.5))
SM-SLU ((85/65-125)) 100/65-145	4.5	((6)) 6.5	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU ((160/85-240)) 175/85-280	4.5 ²	((7)) 8	6
SM-SLU ((85-240)) 85-280	0.5/3 ³	NA	6
SM-SLU ((240/125-400)) 240/125-440	5 ²	((7)) 8	10

Footnotes to Table A for 23.48.220

NA (not applicable) refers to zones where uses are not subject to an FAR limit.

¹ All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.

² In the SM-SLU ((160/240)) 175/85-280, and SM-SLU ((240/400)) 240/125-440 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots

meeting the requirements of subsection ((23.48.220.A.7)) 23.48.220.A.3.
³ The 3 FAR limit applies to religious facilities. For all other non-residential uses, the 0.5 FAR limit applies.

Table B for 23.48.220

FAR limits for SM-SLU/R 65/95, SM-SLU 100/95, and SM-SLU 145 zones

<u>Zone</u>	<u>FAR limits for all uses</u>	
	<u>Base FAR</u>	<u>Maximum FAR</u>
<u>SM-SLU/R 65/95</u>	Not applicable	Not applicable
<u>SM-SLU 100/95</u>	4.5	6.75
<u>SM-SLU 145</u>	5	9.5 ¹

Footnote to Table B for 23.48.220

¹ The maximum FAR for development with non-residential uses that exceed 85 feet in height is 8.5.

2. FAR for development including a mix of residential and non-residential uses

a. For zones included on Table A for 23.48.220, development including a mix of non-residential uses and residential uses that do not exceed the base height limit for residential use shall:

1) ((~~obtain~~)) Obtain extra floor area for any chargeable non-residential floor area above the base FAR for non-residential uses as prescribed in Table A for 23.48.220; and

2) ((~~not~~)) Not exceed the lower of the maximum FAR for non-residential uses in Table A for 23.48.220 or the maximum FAR for structures that do not exceed the base height limit and include any residential use in Table A for 23.48.220.

b. In the SM-SLU ((~~160/85-240~~)) 175/85-280 zone residential uses are allowed above the residential base height limit in structures or portions of structures with non-residential uses that exceed 85 feet in height, and in the SM-SLU ((~~240/125-400~~)) 240/125-440 zone, residential uses are allowed above the residential base height limit in structures or portions

1 of structures with non-residential uses that exceed 125 feet in height if the following conditions
2 are met:

3 1) All uses are subject to the maximum FAR limit for non-
4 residential uses in Table A for 23.48.220, and for the purposes of calculating FAR, floor area in
5 residential use shall be included as chargeable floor area;

6 2) If residential and non-residential uses are combined on the same
7 story, the floor area limits of subsection 23.48.245.B.3 apply;

8 3) Stories occupied only by residential uses may exceed the
9 maximum height limit for non-residential uses, and all stories above the base height limit for
10 residential use that are only occupied by residential uses are subject to the floor area limits of
11 subsection 23.48.245.B.2 and the maximum facade width standards of subsection 23.48.245.E;

12 4) Extra non-residential floor area above the base FAR for non-
13 residential uses shown on Table A for 23.48.220 shall be obtained as provided for in Section
14 23.48.221; and

15 5) For the purposes of applying tower separation standards in
16 subsection 23.48.245.G, the structure shall be considered to be a residential tower.

17 3. For the zones included on Table A for 23.48.220, an additional increment of up
18 to 0.5 FAR is permitted for non-residential uses above the base FAR of the zone if a lot meets
19 the conditions of either subsection 23.48.220.A.3.a or subsection 23.48.220.A.3.b.

20 a. The lot includes one or more qualifying Landmark structures, subject to
21 the following conditions:

22 1) The structure is rehabilitated to the extent necessary so that all
23 features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 are

1 in good condition and consistent with the applicable ordinances and with any Certificates of
2 Approval issued by the Landmarks Preservation Board, all as determined by the Director of
3 Neighborhoods;

4 2) A notice is recorded ~~((in))~~with the King County ~~((real-estate~~
5 ~~records))~~ Recorder's Office, in a form satisfactory to the Director, regarding the bonus allowed
6 and the effect thereof under the terms of this Chapter 23.48;

7 3) For purposes of this Section 23.48.220, a "qualifying
8 Landmark" is a structure that:

9 a) is subject, in whole or in part, to a designating ordinance
10 pursuant to Chapter 25.12; and

11 b) is on a lot on which no improvement, object, feature, or
12 characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any
13 designating ordinance~~((-))~~;

14 4) A qualifying Landmark that allows for the additional increment
15 of FAR under this subsection ~~((23.48.220.A.4))~~ 23.48.220.A.3 is not eligible as a Landmark
16 ~~((transfer))~~ transferable development rights (TDR) or Landmark ~~((transfer))~~ transferable
17 development potential (TDP) sending site. For so long as any of the chargeable floor area of the
18 increment allowed above the base FAR of the zone under this subsection 23.48.220.A.3 remains
19 on the lot, each Landmark for which the increment was granted shall remain designated as a
20 Landmark under Chapter 25.12 and the owner shall maintain the exterior and interior of each
21 qualifying Landmark in good condition and repair and in a manner that preserves the features
22 and characteristics that are subject to designation or controls by ordinance unless the Landmarks

1 Preservation Board has issued a Certificate of Approval for the modification or demolition of the
2 Landmark; and

3 5) The amount of additional increment of FAR permitted above the
4 base FAR under this subsection (~~((23.48.220.A.4))~~ 23.48.220.A.3 is not more than the square
5 footage of floor area in the Landmark structure(s).

6 b. The lot includes an open space that is a minimum of 10,000 square feet
7 in area and that has been improved as open space accessible to the public prior to ~~((the effective~~
8 ~~date of this ordinance))~~ November 8, 2015, subject to the following conditions:

9 1) The Director, in consultation with the Director of the Seattle
10 Parks and Recreation Department, determines that the design and location of the open space
11 provides a public benefit and is suitable for recreational use;

12 2) Declaration. The owner(s) of the lot where the open space is
13 located shall execute and record a declaration and voluntary agreement in a form acceptable to
14 the Director identifying the open space provided to qualify for the additional increment of FAR
15 above the base FAR; acknowledging that the right to develop and occupy a portion of the gross
16 floor area on the lot using the additional increment of floor area is based upon the long-term
17 provision and maintenance of the open space and that development is restricted in the open
18 space; and committing to provide and maintain the open space; ~~((and))~~

19 3) Duration; alteration. The owners of the lot granted the additional
20 increment of floor area above the base FAR as a result of having the open space on the lot shall
21 provide and maintain the open space for as long as the increment of additional floor area allowed
22 above the base FAR exists. The open space amenity allowing for the additional increment of
23 floor area above the base FAR may be altered or removed. An amount of chargeable floor area

equal to the increment of floor area allowed above the base FAR under this subsection

23.48.220.A.3.b either or both of the following occur:

a) ~~((is))~~ Is removed or converted to a use for which extra non-residential floor area is not required under the provisions of the zone; or

b) ~~((is))~~ Is subject to provisions for gaining extra non-residential floor area through alternative means consistent with the provisions of the zone and provisions for allowing extra non-residential floor area in Chapter 23.58A. Alteration or removal of the open space may be further restricted by the provisions of the zone and by conditions of any applicable permit ~~((;))~~ ; and

4) The amount of extra FAR permitted above the base FAR is not more than three times the square footage of open space provided to qualify for that increment of FAR.

4. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted above 85 feet in height and is subject to the same provisions as residential use exceeding the base height limit for residential use, provided that all development standards that apply to a residential tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra residential floor area.

5. In the SM-SLU ~~((85/65-125))~~ 100/65-145, SM-SLU 85/65-160, SM-SLU ~~((160/85-240))~~ 175/85-280, SM-SLU ~~((85-240))~~ 85-280, and SM-SLU ~~((240/125-400))~~ 240/125-440 zones within South Lake Union Urban Center, for residential tower structures that have only non-residential uses up to or above the base height limit for residential uses, the FAR limits for

all non-residential uses in the structure are the same as the FAR limits specified for non-residential uses in Table A for 23.48.220.

6. In all SM-SLU zones, except SM-SLU/R 65/95, SM-SLU 100/95 and SM-SLU 145 zones, a development that includes a residential structure or a portion of a structure as a residential tower is exempt from FAR requirements as to that structure or portion of a structure, and the FAR limits for permitted non-residential uses in that structure or portion of a structure shall be applied based on the lot area required for the residential tower development, to meet the upper-level floor area limit of subsection 23.48.245.A. The FAR limits for the remainder of the development shall be applied based on an assumed lot area of the total lot area minus the lot area required for the portion of the development that is a residential tower.

7. Within the area in the SM-SLU ((160/85-240)) 175/85-280 zone meeting the standards for location in subsection 23.48.230.B, structures designed for research and development laboratory use and administrative office associated with research and development laboratories have a base FAR of 5 and a maximum FAR of 7, provided that the maximum number of floors allowed above grade is eight measured from the floor with the lowest elevation above grade, but not including rooftop projections.

B. The following floor area is exempt from FAR calculations:

1. The floor area contained in a Landmark structure subject to controls and incentives imposed by a designating ordinance if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the rehabilitation and maintenance of the historically significant features of the structure including but not limited to a Certificate of Approval for the modification of the Landmark. This exemption does not apply to a lot from which a Landmark TDP or TDR has

been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A.

2. Street-level uses identified in subsection 23.48.005.D, whether required or not, and that meet the development standards of Section 23.48.240; except that at locations meeting the conditions of Section 23.48.230, only gross floor area at street level that is a general sales and service, eating and drinking establishment, or entertainment use is exempt.

3. All residential use in a residential tower and podium within the required lot area that includes the podium portion of the tower in the SM-SLU ((85/65-125)) 100/65-145, SM-SLU 85/65-160, SM-SLU ((160/85-240)) 175/85-280, SM-SLU ((85-240)) 85-280, and SM-SLU ((240/125-400)) 240/125-440 zones, except residential use in a mixed-use project under the provisions of subsection 23.48.220.A.2.b.

4. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, all floor area in hotel use pursuant to subsection 23.48.220.A.4.

5. Floor area in child care use and elementary and secondary schools.

Section 5. A new Section 23.48.223 is added to the Seattle Municipal Code as follows:

23.48.223 Mandatory housing affordability (MHA) program

The provisions of Chapters 23.58B and 23.58C apply in all SM-SLU zones, except SM-SLU 85/65-160 zones.

Section 6. Section 23.48.225 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.225 Structure height in South Lake Union Urban Center

A. Base and maximum height limits

1 1. In zones listed below in this subsection 23.48.225.A.1, the applicable height
2 limit for portions of a structure that contain non-residential and live-work uses is shown as the
3 first figure after the zone designation and the base height limit for portions of a structure in
4 residential use is shown as the first figure following the "/". The third figure shown is the
5 maximum residential height limit. Except as stated in Section 23.48.025, the base residential
6 height limit is the applicable height limit for portions of a structure in residential use if the
7 structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and
8 the maximum residential height limit is the height limit for portions of a structure in residential
9 use if the structure includes extra floor area under the provisions of Chapter 23.58A and if the
10 structure complies with the standards for tower development specified in Section 23.48.240
11 (Street-level development standards in South Lake Union Urban Center) and Section 23.48.245
12 (Upper-level development standards in South Lake Union Urban Center):

13 SM-SLU ((85/65-125)) 100/65-145

14 SM-SLU 85/65-160

15 SM-SLU ((160/85-240)) 175/85-280

16 SM-SLU ((85-240/125-400)) 240/125-440

17 2. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street,
18 Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted
19 above 85 feet in height and is subject to the same provisions as residential use exceeding the base
20 height limit for residential use, provided that all development standards that apply to a residential
21 tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra
22 residential floor area.

3. In the SM-SLU ((85-240)) 85-280 zone, except as stated in subsections 23.48.225.C and ((23.48.225.E)) 23.48.225.F, the base height limit is the applicable height limit for portions of a structure if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra residential floor area under the provisions of Chapter 23.58A, and if the structure complies with the standards for residential tower development in this Chapter 23.48.

4. In the SM-SLU 100/95 zone, the maximum height for portions of a structure in non-residential or live-work use is 100 feet and the maximum height limit for portions of a structure in residential use is 95 feet.

5. In the SM-SLU 145, the maximum height for all uses is 145 feet.

B. Height limits in the SM-SLU/R ((55/85)) 65/95 zone

1. New structures occupied only by non-residential uses are subject to a height limit of ((55)) 65 feet.

2. Structures occupied only by residential uses and mixed-use structures with 60 percent or more of the structure's gross floor area in residential use are subject to a height limit of ((85)) 95 feet.

C. Additional height permitted in the SM-SLU ((160/85-240)) 175/85-280 and SM-SLU ((85-240)) 85-280 zones

1. Increases in the maximum height limit in the SM-SLU ((160/85-240)) 175/85-280 and SM-SLU ((85-240)) 85-280 zones. In the SM-SLU ((160/85-240)) 175/85-280 and SM-SLU ((85-240)) 85-280 zones a structure is allowed additional height of up to 30 percent above the maximum height limit for residential uses and, in the SM-SLU ((160/85-240)) 175/85-280

1 zone, up to 20 percent above the height limit for non-residential uses, if all of the following
2 conditions are met:

3 a. The project includes an elementary school or a kindergarten through
4 eighth grade school, which may include minimum space requirements for associated uses but not
5 limited to academic core functions, child care, administrative offices, a library, maintenance
6 facilities, food service, and specialty instruction space;

7 b. Prior to issuance of a Master Use Permit, the applicant shall submit a
8 letter to the Director from the school indicating that, based on the Master Use Permit plans, the
9 school district has determined that the development could meet the operator's specifications;

10 c. Prior to issuance of a building permit, the applicant shall submit a
11 written certification by the operator to the Director that the operator's specifications have been
12 met;

13 d. The amount of floor area allowed to exceed the applicable height limit
14 is equivalent to the amount of enclosed floor area on the lot in school use;

15 e. The floor area added through the increase in height is subject to the
16 development standards in Sections 23.48.235 and 23.48.240 that apply to structures that exceed
17 the base height for residential use or the applicable podium height for non-residential uses;

18 f. The floor area allowed to exceed the maximum residential height limit is
19 not subject to the provisions for gaining extra residential floor area in Chapter 23.58A; should
20 the school use be discontinued, floor area gained through the provisions of this Section
21 23.48.225 shall be subject to the provisions of Chapter 23.58A; and

22 g. The allowances for rooftop features in subsection 23.48.025.B shall
23 apply to the above structure height permitted under this subsection 23.48.225.C((;)) .

2. Additional height above the applicable height limit for portions of a structure that contain non-residential and live-work uses is permitted in the SM-SLU ((160/85-240))175/85-280 zone at locations and under the conditions specified in Section 23.48.230((;)) .

3. Extra residential floor area above the base height limit for residential use may be obtained as provided in Section 23.48.221((; and)) .

D. In the SM-SLU 175/85-280, SM-SLU 240/125-440, and SM-SLU 85-280 zones, an additional 10 feet in height is permitted above the otherwise applicable maximum height limit for residential uses for a structure that includes residential dwelling units that comply with all of the following conditions:

1. Unit number and size. The structure includes a minimum of ten dwelling units that each have a minimum area of 900 gross square feet and include three or more bedrooms; and

2. Amenity area. Each dwelling unit shall have access to an outdoor amenity area that is located on the same story as the dwelling unit and meets the following standards:

a. The amenity area has a minimum area of 1300 square feet and a minimum horizontal dimension of 20 feet; and

b. The amenity area must be common amenity area, except that up to 40% of the amenity area may be private provided that the private and common amenity area are continuous and are not separated by barriers more than 4 feet in height; and the private amenity areas are directly accessible from units meeting these requirements; and

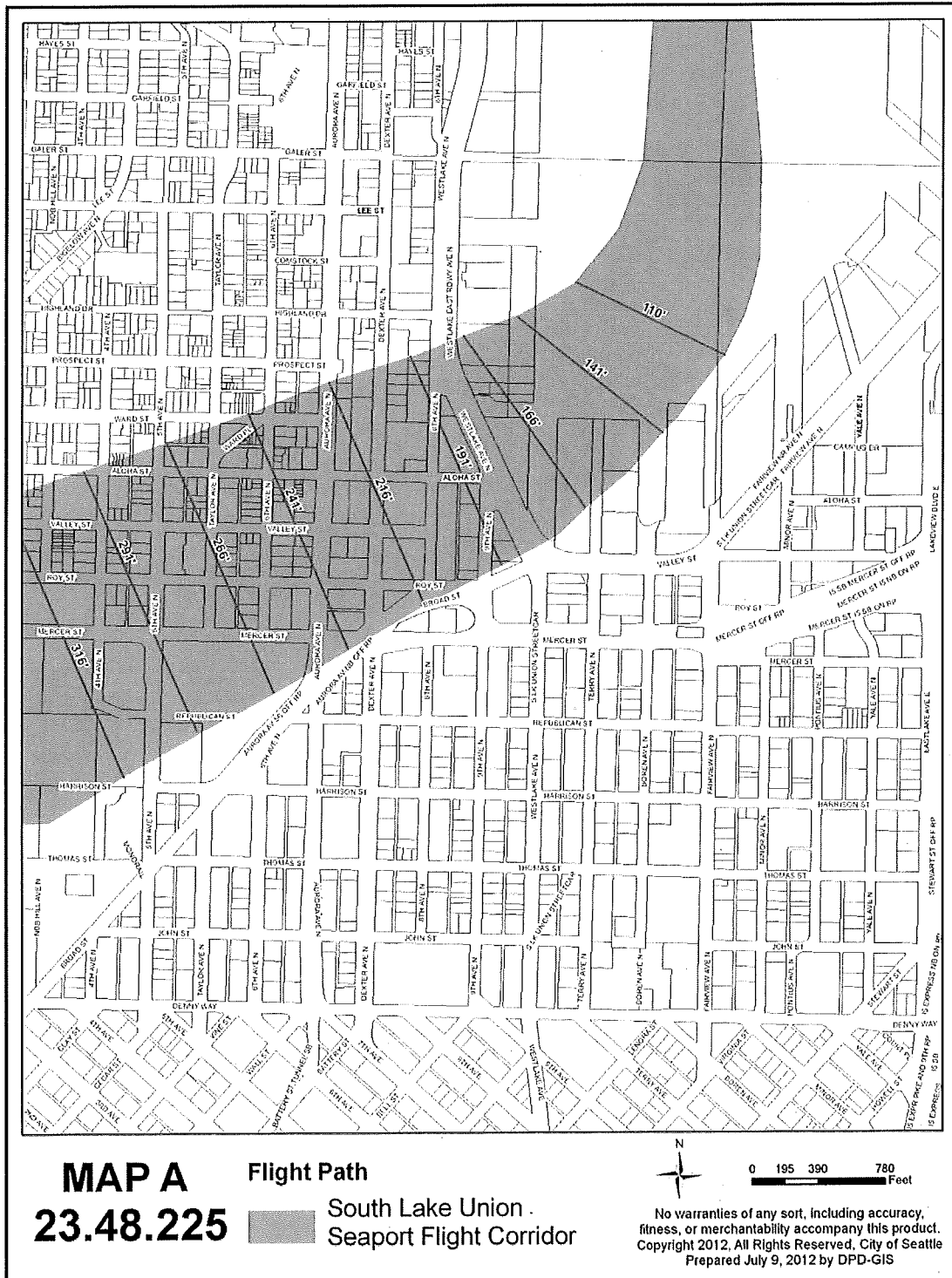
c. The common amenity area includes children's play equipment; and

d. The common amenity area is located at or below a height of 85 feet.

1
2 E. A proposal to build a structure greater than 85 feet in height in the SM-SLU 85/65-
3 160 and SM-SLU ((160/85-240)) 175/85-280 zones and located north of Mercer Street and West
4 of Fairview Avenue within the South Lake Union Urban Center, requires the applicant to show
5 that the proposed structure height will not physically obstruct use of the flight path shown on
6 Map A for 23.48.225 or endanger aircraft operations.

7 ((~~E~~)) E. All non-exempt floor area and residential floor area located above the base height
8 is considered extra floor area. Extra floor area may be obtained above the base height, up to the
9 maximum height, ((~~only~~)) through the provision of public amenities meeting the standards of
10 Section 23.48.021 and Chapter 23.58A.

- 1 Map A for 23.48.225
- 2 South Lake Union Seaport Flight Corridor



Section 7. Subsections 23.48.230.A and 23.48.230.B of the Seattle Municipal Code, which section was last amended by Ordinance 125163, are amended as follows:

23.48.230 Extra height in South Lake Union Urban Center

A. Applicability and general provisions. For structures in the SM-SLU ~~((160/85-240))~~ 175/85-280 zone designed for research and development laboratory use and administrative office associated with research and development laboratories, structures that do not exceed a height of 120 feet are not subject to the floor area limits of subsection 23.48.245.B, provided the project complies with all the requirements of this Section 23.48.230. In order for a structure to qualify for the exemption from the floor area limit, at least one complete MUP application for a structure on the same block that has been permitted to extend up to a height of 120 feet without floor area limits shall be filed within nine months of February 17, 2010.

B. Location. A structure may be exempt from floor area limits of subsection 23.48.245.B if the structure is located on a block that is:

1. ~~((designated))~~ Designated SM-SLU ~~((160/85-240))~~ 175/85-280;
2. ~~((bounded))~~ Bounded by arterial-designated streets on at least two sides;
3. ~~((greater))~~ Greater than 60,000 square feet in size and does not exceed 100,000 square feet in size; and
4. ~~((not))~~ Not bisected by an alley or other public right-of-way.

* * *

Section 8. A new Section 23.48.231 is added to the Seattle Municipal Code as follows.

23.48.231 Modification of development standards in certain SM-SLU zones

A. In a SM-SLU 175/85-280 zone located in the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225, the following apply:

1 1. The following modifications shall occur if the height limit according to
2 subsection 23.48.225.D would prevent a development from being able to achieve the maximum
3 height that would otherwise be allowed according to subsection 23.48.225.A:

4 a. The upper-level floor area limit according to subsection 23.48.245.A
5 shall be increased from 50 percent to 55 percent, except that for lots less than 12,500 square feet
6 the upper-level floor area limit according to subsection 23.48.245.A shall be increased from 50
7 percent to 67 percent;

8 b. The non-residential floor plate limits according to subsection
9 23.48.245.B.1.d shall be increased from 24,000 to 25,000 square feet;

10 c. The residential floor plate limits according to subsection
11 23.48.245.B.2.a shall be increased from 12,500 to 13,500 square feet; and

12 d. The residential floor plate limits according to subsection
13 23.48.245.B.2.b.1 shall be increased from 10,500 to 11,500 square feet.

14 2. The height above which a development is a tower according to Section
15 23.48.245 and the base height for purposes of calculating extra floor area shall be increased from
16 85 feet to 95 feet if:

17 a. Either:

18 1) The requirements of subsections 23.48.245.C through
19 23.48.245.G would not permit a tower on the site or would prevent a development from being
20 able to achieve the upper-level floor area limit and the floor plate limits as increased according to
21 subsection 23.48.231.A.1; or

2) The requirements of subsections 23.48.245.A through 23.48.245.G would prevent a development from being able to achieve an average tower floor plate of at least 7,500 square feet for floors above the podium height; and

b. The height of the development does not exceed 95 feet, excluding exempt rooftop features.

B. In a SM-SLU 175/85-280 zone located outside the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225 or in a SM-SLU 85-280 zone, the height above which a development is a tower according to Section 23.48.245 and the base height for purposes of calculating extra floor area shall be increased from 85 feet to 95 feet if:

1. The requirements of subsections 23.48.245.A through 23.48.245.G would not permit a tower on the site or would prevent a development from being able to achieve an average tower floor plate of at least 7,500 square feet for floors above the podium height; and

2. The height of the development does not exceed 95 feet, excluding exempt rooftop features; and

3. The development meets the upper-level setback requirements of Section 23.48.235.

C. In a SM-SLU 240/125-440 zone, the height above which a development is a tower according to Section 23.48.245 and the base height for purposes of calculating extra floor area shall be increased from 125 feet to 135 feet if:

1. The requirements of subsections 23.48.245.A through 23.48.245.G would not permit a tower on the site or would prevent a development from being able to achieve an average tower floor plate of at least 7,500 square feet for floors above the podium height;

2. The height of the development does not exceed 135 feet, excluding exempt rooftop features; and

3. The development meets the upper-level setback requirements of Section 23.48.235.

D. In a SM-SLU 100/65-145 zone, the height above which a development is a tower according to Section 23.48.245 and the base height for purposes of calculating extra floor area shall be increased from 65 feet to 75 feet if:

1. The requirements of subsections 23.48.245.A through 23.48.245.G would not permit a tower on the site or would prevent a development from being able to achieve an average tower floor plate of at least 7,500 square feet for floors above the podium height; and

2. The height of the development does not exceed 75 feet, excluding exempt rooftop features.

Section 9. Section 23.48.232 of the Seattle Municipal Code, enacted by Ordinance 124883, is amended as follows:

23.48.232 Lot area limits in SM-SLU/R ((55/85)) 65/95

A. Development with non-residential uses only, except hotels with 100 rooms/suites or fewer, is limited to a lot area of 21,600 square feet or less.

B. Development on lots greater than 21,600 square feet in area shall include residential use in an amount of gross floor area equal to 60 percent or more of the gross floor area in non-residential use, except for development that is an elementary or secondary school, or a hotel with 100 rooms/suites or fewer.

C. Two lots of up to 21,600 square feet each, separated by an alley and connected above grade by a skybridge or other similar means shall be considered two separate lots for the

purposes of this Section 23.48.232. Such a connection above grade and across the alley may be allowed pursuant to the City Council's approval of an aerial alley vacation or temporary use permit.

D. Non-residential structures on adjacent lots not separated by an alley, subject to this Section 23.48.232, shall not be internally connected.

E. Non-residential uses existing prior to November 6, 1996, that do not meet the requirements of this Section 23.48.232 are allowed to expand by an amount of gross floor area not to exceed 20 percent of the existing gross floor area, without meeting the requirements of this Section 23.48.232. This provision may only be used once for an individual use.

F. Non-residential use exception. A non-residential structure may be permitted where a residential or mixed-use structure would otherwise be required, subject to the following:

1. The proposal is comprised of two or more lots within ~~((the same))~~ a SM-SLU/R 65/95 zone; and

2. The amount of gross floor area in residential use in the structures on both lots is equal to at least 60 percent of the total gross floor area of the total combined development on the lots included in the proposal; and

3. The non-residential structure is subject to design review to ensure compatibility with the residential character of the surrounding area; and

4. The proposal meets one or more of the following:

a. The project includes the rehabilitation of a Landmark structure or incorporates structures or elements of structures of architectural or historical significance as identified in the Seattle Comprehensive Plan or design guidelines; or

b. The project includes general sales and service uses, eating and drinking establishments, major durables retail sales uses, entertainment uses, human service uses, or child care centers at the street level in an amount equal to 50 percent of the structure's footprint; or

c. On the lot(s) accommodating the required amount of residential use, as specified in subsection 23.48.232.F.2, a minimum of ~~((40))~~ ten percent of all new housing units in the proposal are provided as affordable housing as defined in Chapter 23.58A, and shall be maintained as affordable housing for a period of at least 20 years, or a minimum of ~~((40))~~ ten percent of all new housing units in the proposal are provided as townhouses.

Section 10. Subsections 23.48.235.C and 23.48.235.D of the Seattle Municipal Code, which section was enacted by Ordinance 124883, are amended as follows:

23.48.235 Upper-level setback requirements in South Lake Union Urban Center

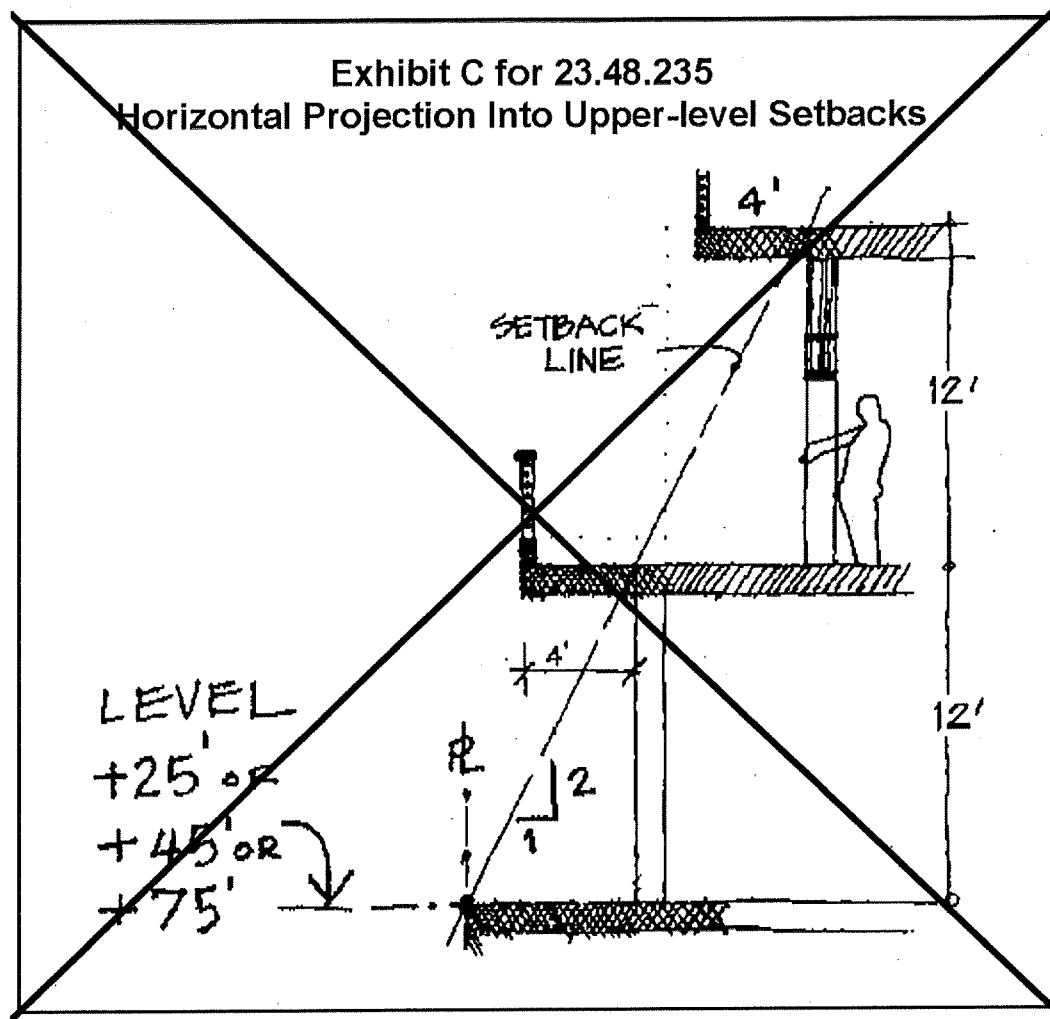
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C. Upper-level setbacks on alleys in the SM-SLU/R ~~((55/85))~~ 65/95 zone. For lots abutting an alley in the SM-SLU/R ~~((55/85))~~ 65/95 zone, portions of a structure greater than 25 feet in height shall set back a minimum of 1 foot from the alley lot line for every 2 feet of additional height above 25 feet, up to a maximum setback of 15 feet measured from the alley lot line, as shown in Exhibit A for 23.48.235.

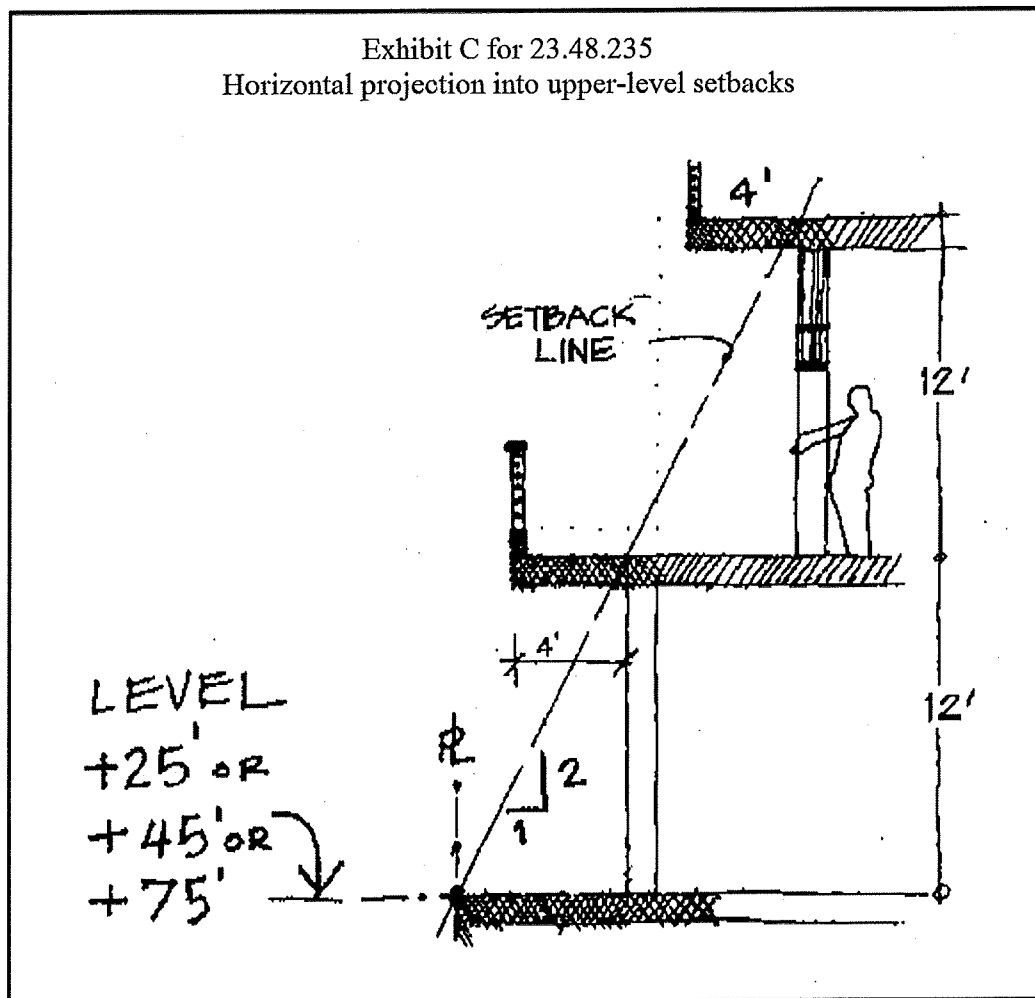
D. Projections permitted in required upper-level setbacks. Horizontal projections, including decks, balconies with open railings, eaves, cornices, and gutters are permitted to extend a maximum of 4 feet in required setbacks as shown in Exhibit C for 23.48.235.

1 Exhibit C for 23.48.235

2 Horizontal ((Projection)) projection into ((Upper-level Setbacks)) upper-level setbacks



3



Section 11. Section 23.48.245 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 118893, is amended as follows:

23.48.245 Upper-level development standards in South Lake Union Urban Center

Lots in the SM-SLU ((85/65-125)) 100/65-145, SM-SLU 85/65-160, SM-SLU((160/85-240)) 175/85-280, SM-SLU ((85-240)) 85-280, and SM-SLU ((240/125-400)) 240/125-440 zones are subject to upper-level development standards that may include upper-level floor area limits, gross floor area limits and podium heights, upper-level setbacks, facade modulation, maximum facade widths, a limit on the number of towers per block, and tower separation requirements, as specified in this Section 23.48.245. For the purpose of this Section 23.48.245, a tower is a

structure that exceeds a height of 65 feet for the SM-SLU ((~~85/65-125~~)) 100/65-145 and SM-SLU 85/65-160 zones, 85 feet for the SM-SLU ((~~160/85-240~~)) 175/85-280 and SM-SLU ((~~85-240~~)) 85-280 zones, or 125 feet for the SM-SLU ((~~240/125-400~~)) 240/125-440 zone.

A. Upper-level floor area limit. For residential towers, the average gross floor area of all stories above the podium height specified on Map A for 23.48.245 shall not exceed 50 percent of the lot area, provided that:

1. In no case shall the gross floor area of stories above the podium height exceed the gross floor area limits of subsection 23.48.245.B.2; and

2. The limit on towers per block in subsection 23.48.245.F applies.

B. Floor area limits and podium heights. The following provisions apply to development in the SM-SLU ((~~85/65-125~~)) 100/65-145, SM-SLU ((~~85-240~~)) 85-280, SM-SLU 85/65-160, SM-SLU ((~~160/85-240~~)) 175/85-280, and SM-SLU ((~~240/125-400~~)) 240/125-440 zones located within the South Lake Union Urban Center:

1. Floor area limit for structures or portions of structures occupied by non-residential uses ((-)) :

a. Except as specified in subsections 23.48.245.B.1.b and 23.48.245.B.1.c, there is no floor area limit for non-residential uses in a structure or portion of structure that does not contain non-residential uses above 85 feet in height.

b. There is no floor area limit for a structure that includes research and development uses and the uses are in a structure that does not exceed a height of 105 feet, provided that the following conditions are met:

1) A minimum of two floors in the structure are occupied by research and development uses and have a floor-to-floor height of at least 14 feet; and

2) The structure has no more than seven stories above existing or finished grade, whichever is lower, as measured from the lowest story to the highest story of the structure but not including rooftop features permitted under subsection 23.48.025.C. The lowest story shall not include a story that is partially below grade and extends no higher than 4 feet above existing or finished grade, whichever is lower.

c. Within locations in the SM-SLU ((~~160/85-240~~)) 175/85-280 zone meeting the standards in subsection 23.48.230.B for extra height in South Lake Union Urban Center, there is no floor area limit for structures that do not exceed a height of 120 feet and that are designed for research and development laboratory use and administrative office associated with research and development laboratories.

d. For structures or portions of structures with non-residential uses that exceed a height of 85 feet, or that exceed the height of 105 feet under the provisions of subsection 23.48.245.B.1.b, or 120 feet under subsection 23.48.245.B.1.c, each story of the structure above the specified podium height indicated for the lot on Map A for 23.48.245 is limited to a maximum gross floor area of 24,000 square feet per story, except that the average gross floor area for stories above the specified podium height is 30,000 square feet for structures on a lot that meets the following conditions:

1) The lot has a minimum area of 60,000 square feet; and

2) The lot includes an existing open space or a qualifying

Landmark structure and is permitted an additional increment of FAR above the base FAR, as permitted in subsection 23.48.020.A.3.

2. Floor area limit for residential towers. For a structure with residential use that exceeds the base height limit established for residential uses in the zone under subsection 23.48.225.A.1, the following maximum gross floor area limit applies:

a. For a structure that does not exceed a height of 160 feet, excluding rooftop features that are otherwise permitted above the height limit under the provisions of subsection 23.48.025.C, the gross floor area for stories with residential use that extend above the podium height indicated for the lot on Map A for 23.48.245 shall not exceed 12,500 square feet for each story, or the floor size established by the upper-level floor area limit in subsection 23.48.245.A, whichever is less.

b. For a structure that exceeds a height of 160 feet, the following limits apply:

1) The average gross floor area for all stories with residential use that extend above the podium height indicated for the lot on Map A for 23.48.245 shall not exceed 10,500 square feet, or the floor size established by the upper-level floor area limit in subsection 23.48.245.A, whichever is less, except as allowed in subsection 23.48.245.A.

2) The gross floor area of any single residential story above the podium height shall not exceed 11,500 square feet.

3. Floor area limit for mixed-use development. This subsection 23.48.245.B.3 applies to structures or portions of structures that include both residential and non-residential uses, as provided for in subsection 23.48.220.A.2.

a. For a story that includes both residential and non-residential uses, the gross floor area limit for all uses combined shall not exceed the floor area limit for non-

1 residential uses, provided that the floor area occupied by residential use shall not exceed the floor
2 area limit otherwise applicable to residential use.

3 b. For a mixed-use structure with residential uses located on separate
4 stories from non-residential uses, the floor area limits shall apply to each use at the applicable
5 height limit.

6 4. Podium standards. The standards for podiums apply only to structures or
7 portions of structures that include a tower that is subject to a floor area limit.

8 a. Height limit for podiums. The specific podium height for a lot is shown
9 on Map A for 23.48.245, and the height limit extends from the street lot line to the parallel alley
10 lot line, or, where there is no alley lot line parallel to the street lot line, from the street lot line to
11 a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is less than 120 feet
12 deep. The podium height is measured from the grade elevation at the street lot line. In the SM-
13 SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, 9th Avenue North,
14 and Fairview Avenue North, the line on Map A for 23.48.245 demarcating the different podium
15 heights within these blocks is located 120 feet north of the northerly line of Mercer Street.

16 b. Podium floor area limits. For the podiums of structures with residential
17 uses that exceed the base height limit established for the zone under subsection 23.48.225.A.1
18 and for structures with non-residential uses that exceed a height of 85 feet, the average floor area
19 coverage of required lot area, pursuant to subsection 23.48.245.A, for all the stories below the
20 podium height specified on Map A for 23.48.245, shall not exceed 75 percent of the lot area,
21 except that floor area is not limited for each story if the total number of stories below the podium
22 height is three or fewer stories, or if the conditions in subsection 23.48.245.B.4.c apply.

1 c. The floor area limit on podiums in subsection 23.48.245.B.4.b does not
2 apply if a lot includes one of the following:

3 1) Usable open space that meets the provisions of subsection
4 23.48.240.F; or

5 2) A structure that has been in existence prior to 1965 and the
6 following conditions are met ((;)) :

7 a) The structure is rehabilitated and maintained to comply
8 with applicable codes and shall have a minimum useful life of at least 50 years from the time that
9 it was included on the lot with the project allowed to waive the podium area limit;

10 b) The owner agrees that the structure shall not be
11 significantly altered for at least 50 years from the time that it was included on the lot with the
12 project allowed to waive the podium area limit. Significant alteration means the following:

13 i. Alteration of the exterior facades of the structure,
14 except alterations that restore the facades to their original condition;

15 ii. Alteration of the floor-to-ceiling height of the
16 street-level story, except alterations that restore the floor-to-ceiling height to its original
17 condition; or

18 iii. The addition of stories to the structure, unless
19 the proposed addition is no taller than the maximum height to which the structure was originally
20 built, or the addition is approved through the design review process as compatible with the
21 original character of the structure and is necessary for adapting the structure to new uses; or

22 c) If the structure is removed from the lot, then any use of
23 the portion of the lot previously occupied by the structure shall be limited to usable open space.

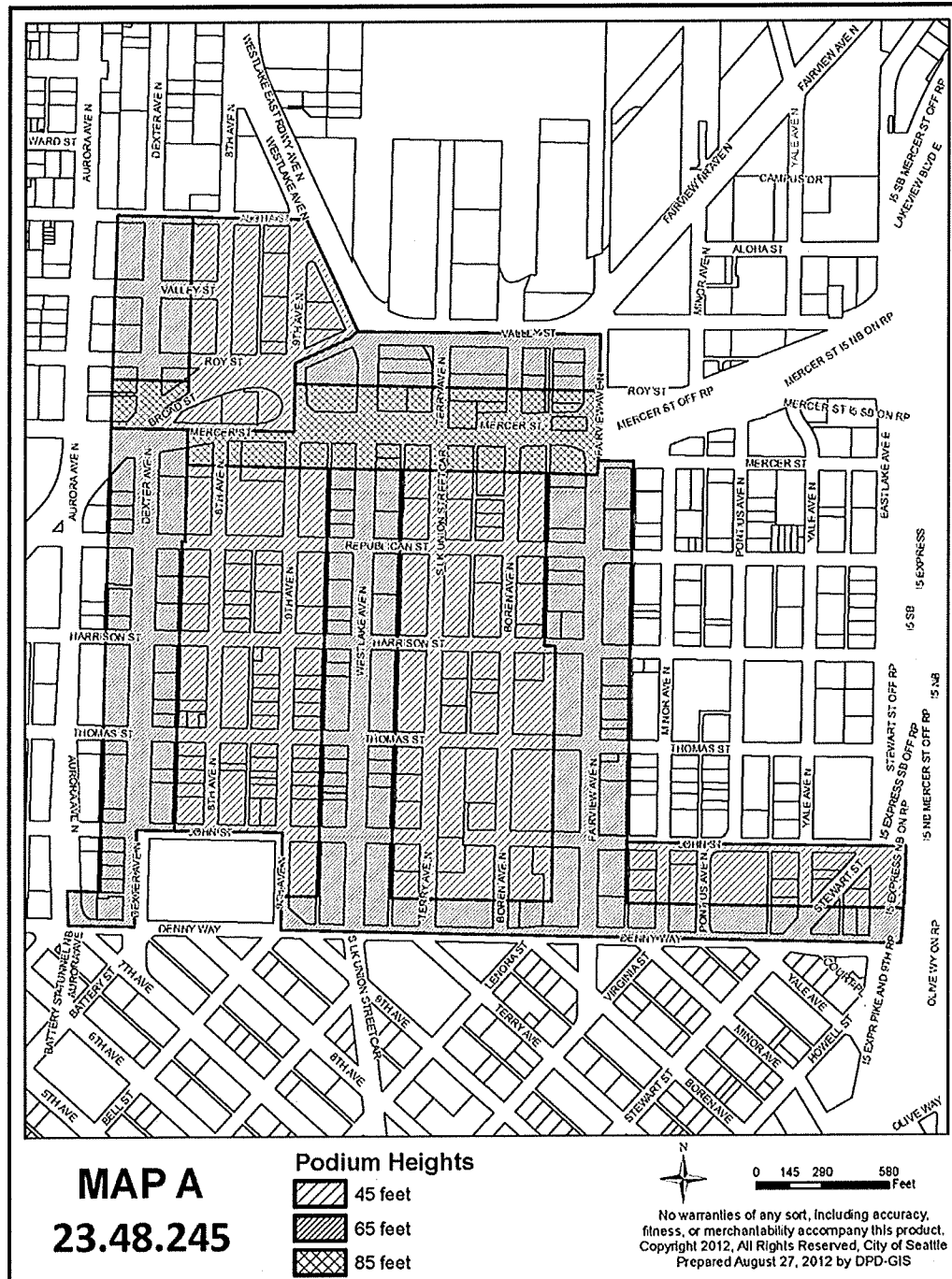
1 The portion of the lot previously occupied by the structure shall be defined by a rectangle
2 enclosing the exterior walls of the structure as they existed at the time it was included on the lot
3 with the project allowed to waive the podium area limit, with the rectangle extended to the
4 nearest street frontage.

5 d. Additional height for podiums abutting Class 1 Pedestrian Streets.

6 Podium height for structures fronting on Class 1 Pedestrian Streets pursuant to Section 23.48.240
7 may exceed podium height limits shown on Map A for 23.48.245 by 5 feet provided that floor-
8 to-ceiling clearance at the ground floor is at least 15 feet.

Map A for 23.48.245

Podium Heights



C. Upper-level setbacks

1. The following requirements for upper-level setbacks in this subsection
23.48.245.C.1 apply to development that meets the following conditions:

a. The development is on a lot abutting a street segment shown on Table A
for 23.48.245; and

b. For lots in the SM-SLU ((85-240)) 85-280, SM-SLU 85/65-160, SM-
SLU ((160/85-240)) 175/85-280, and SM-SLU ((240/125-400)) 240/125-440 zones located
within the South Lake Union Urban Center, the development includes a tower structure with
residential uses exceeding the base height limit established for residential uses in the zone under
subsection 23.48.225.A.1, or includes a structure with non-residential uses that exceed a height
of 85 feet.

2. The required upper-level setbacks for development specified in subsection
23.48.245.C.1 shall be provided as follows:

a. For portions of a structure facing the applicable street, the maximum
height above which a setback is required is specified on Column 2 of Table A for 23.48.245.

b. For portions of a structure exceeding the maximum height above which
a setback is required, the minimum depth of the setback, measured from the abutting applicable
street lot line, is specified on Column 3 of Table A for 23.48.245.

Table A for 23.48.245

**Required ((Upper-level Setbacks)) upper-level setbacks for ((Development Meeting))
development meeting the ((Conditions)) conditions of ((Subsection)) subsection
23.48.245.C**

Column 1: Location of lot	Column 2: Height above which setback is required <u>(in feet)</u>	Column 3: Minimum depth of setback from applicable street ((property)) <u>lot line (in feet)</u>
Thomas Street, south side, between Aurora Ave N to 8 th Ave N	45 ((feet))	50 ((feet))

Thomas Street, south side, between 8 th Ave N and 9 th Ave N	45 ((feet))	40 ((feet))
Thomas Street, south side, between 9 th Ave N and alley between Fairview Ave N and Minor Ave N	45 ((feet))	30 ((feet))
John Street, north side, between Aurora Ave N and 9 th Ave N	45 ((feet))	30 ((feet))
John Street, north side, between 9 th Ave N and Boren Ave N	45 ((feet))	15 ((feet))
John Street, south side, between Aurora Ave N and Minor Ave N	45 ((feet))	30 ((feet))
Boren Ave N, both sides, between Mercer Street and John Street	65 ((feet)) ¹	10 ((feet)) ¹
Fairview Ave N, west side, between Mercer Street and John Street	65 ((feet))	10 ((feet))
Fairview Ave N, east side, between Mercer Street to John Street	65 ((feet))	10 ((feet))

Footnotes to Table A for 23.48.245((:))

¹ On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.

3. Upper-level setbacks for residential tower development in the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. For tower structures that include residential use above the base height limit for residential use, or hotel use above a height of 85 feet, upper-level setbacks, in addition to those specified in subsection 23.48.235.B.1, are required as follows:

a. Any portion of the structure above 65 feet in height shall set back a minimum of 30 feet from the following street lot lines:

1) ~~((the))~~ The street lot line abutting the eastern edge of Westlake Avenue North from Mercer Street to Valley Street; and

2) ~~((the))~~ The street lot line abutting the western edge of Fairview Avenue North from Mercer Street to Valley Street.

b. For lots abutting the street lot line on the southern edge of Valley Street between Westlake Avenue North and Fairview Avenue North, any portion of a structure above 65 feet in height shall provide a minimum setback of 25 feet.

4. Upper-level setbacks for tower structures in the SM-SLU ~~((160/85-240))~~ 175/85-280 zone for the block bounded by Mercer Street, Fairview Avenue North, Republican Street, and Boren Avenue North. In addition to upper-level setback requirements in this subsection 23.48.245.C, for tower structures with residential or non-residential uses on lots in the SM-SLU ~~((160/85-240))~~ 175/85-280 zone on the block bounded by Mercer Street, Fairview Avenue North, Republican Street, and Boren Avenue North, any portion of the tower structure above 85 feet shall be set back a minimum of 110 feet from the street lot line abutting Mercer Street.

5. Projections permitted in required upper-level setbacks. The first 4 feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters are permitted in required setbacks, as shown in Exhibit B for 23.48.235.

D. Facade modulation. For all structures with non-residential uses exceeding 85 feet in height, facade modulation is required for the street-facing portions of a structure located within 15 feet of a street lot line and exceeding the podium height specified for the lot on Map A for 23.48.245. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

1. The maximum length of a facade without modulation is prescribed in Table B for 23.48.245. This maximum length shall be measured parallel to each street lot line, and shall

apply to any portion of a facade, including projections such as balconies, that is located within 15 feet of street lot lines.

Table B for 23.48.245 Facade ((Modulation)) <u>modulation</u>	
Height of street-facing portion of structure	Maximum length of unmodulated facade within 15 feet of street lot line <u>(in feet)</u>
For stories above the podium height specified on Map A for 23.48.245 up to ((125)) <u>145</u> feet	150 ((feet))
For stories above ((125)) <u>145</u> feet	120 ((feet))

2. If a portion of a facade that is within 15 feet of the street lot line is the maximum length permitted for an unmodulated facade, the length of the facade may be increased only if additional portions of the facade are set back a minimum of 15 feet from the street lot line for a minimum distance of 40 feet. If the required setback is provided, additional portions of the facade may be located within 15 feet of the street lot line.

E. Maximum facade width. A maximum facade width applies to certain residential structures that exceed the base height limit for residential use, as specified in subsections 23.48.245.E.1, 23.48.245.E.2, and 23.48.245.E.3. The maximum facade width only applies to portions of the structure above the podium height specified for the lot on Map A for 23.48.245.

1. Except in the SM-SLU ~~((85/65-125))~~ 100/65-145 zone and the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, for portions of a structure that exceed the podium height but do not exceed a height of 160 feet, and that have an average floor size exceeding 10,500 square feet, the maximum facade width is 120 feet along the general east/west axis of the site (perpendicular to the Avenues).

2. In the SM-SLU ((85/65-125)) 100/65-145 zone, the maximum facade width is 105 feet along the general north/south axis of the site (parallel to the Avenues).

3. In the SM-SLU 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, the maximum facade width for portions of structures above the podium height is 105 feet along the general east/west axis of the site (perpendicular to the Avenues).

F. Limit on towers ~~((structures))~~ per block or block front

1. ~~((Only one residential tower, or one structure with non-residential uses exceeding 85 feet in height, is permitted on a single block front, except as further limited by subsections 23.48.245.F.3, 23.48.245.F.4, and 23.48.245.F.5.))~~

~~((2.))~~ For purposes of this subsection 23.48.245.F and subsection 23.48.245.G, ((an existing)) a tower is ((either)) considered to be "existing" and must be taken into consideration when other towers are proposed, under any of the following circumstances:

a. ~~((A))~~ The tower is physically present, except that a tower that is physically present ((, except as provided below in subsection 23.48.245.F.2.b; or)) is not considered "existing" if the owner of the lot where the tower is located has applied to the Director for a permit to demolish the tower and provided that no building permit for the proposed tower is issued until the demolition of the tower that is physically present has been completed;

b. ~~((A))~~ The tower is a proposed tower for which a ((Master Use Permit decision has been issued, unless and until either;

1 1) the Master Use Permit issued pursuant to such a decision
2 ~~expires or is cancelled, or the related application is withdrawn by the applicant, without the~~
3 ~~tower having been constructed; or~~

4 2) ~~a ruling by a hearing examiner or court reversing or vacating such a~~
5 ~~decision, or determining such decision or the Master Use Permit issued thereunder to be~~
6 ~~invalid, becomes final and no longer subject to judicial review.))~~ complete application for a
7 Master Use Permit or building permit has been submitted, provided that:

8 1) the application has not been withdrawn or cancelled without
9 the tower having been constructed; and

10 2) if a decision on that application has been published or a
11 permit on the application has been issued, the decision or permit has not expired, and has not
12 been withdrawn, cancelled, or invalidated, without the tower having been constructed.

13 c. The tower is a proposed tower for which a complete application for
14 early design guidance has been filed and a complete application for a Master Use Permit or
15 building permit has not been submitted, provided that the early design guidance application will
16 not qualify a proposed tower as an existing tower if a complete Master Use Permit application is
17 not submitted within 90 days of the date of the early design guidance public meeting if one is
18 required, or within 90 days of the date the Director provides guidance if no early design meeting
19 is required, or within 150 days of the first early design guidance public meeting if more than one
20 early design guidance public meeting is held.

21 2. Only one residential tower, or one tower with non-residential uses exceeding
22 85 feet in height, is permitted on a single block front, except as modified by subsections
23 23.48.245.F.3, 23.48.245.F.4, and 23.48.245.F.5.

3. In the SM-SLU 85/65-160 zone, only one residential tower structure or one non-residential tower structure with a hotel use meeting residential development standards is permitted per block.

4. In the SM-SLU ~~((85/65-125))~~ 100/65-145 zone, more than one residential tower is permitted on a block front ~~((provided that))~~ if the ~~((minimum))~~ lot area ~~((for a tower))~~ is 30,000 square feet or more.

5. Only one ~~((structure))~~ tower with non-residential uses exceeding 85 feet in height is permitted on a block, unless the ~~((structure))~~ tower meets the requirements of Section 23.48.230 or unless all of the following conditions apply:

a. The ~~((structure))~~ tower is on a lot with a minimum area of 60,000 square feet. The area of one or more lots, separated only by an alley, may be combined for the purposes of calculating the minimum required lot area under this subsection 23.48.245.F.5. The minimum lot area is 59,000 square feet if the lot area was reduced below 60,000 square feet as a result of acquisition of right-of-way by the City;

b. A minimum separation of 60 feet is provided between all portions of structures on the lot that exceed the limit on podium height shown on Map A for 23.48.245. If the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted ~~((:))~~ ;

c. A minimum of 15 percent of the lot area is provided as landscaped open space at ground level, allowing for some area to be provided above grade to adapt to topographic conditions, provided that such open space is accessible to people with disabilities. The required open space shall have a minimum horizontal dimension of 15 feet and shall be provided as one continuous area ~~((:))~~ ;

1 d. A pedestrian connection meeting the development standards of
2 subsection ((23.48.240.F)) 23.48.240.H for through-block pedestrian connections for large lot
3 developments is provided ((though)) through the lot to connect the north/south avenues
4 abutting the lot. If the lot abuts an avenue that has been vacated, the connection shall be to an
5 easement providing public access along the original alignment of the avenue. In addition, if
6 the slope of the lot between the north/south avenues exceeds a slope of ((10)) ten percent, a
7 ((hill-climb)) hillclimb shall be provided ((-)) ;

8 e. The application of the provisions in this subsection 23.48.245.F.5
9 shall not result in more than two structures on a block with either non-residential uses above
10 85 feet in height or with residential use above the base height limit for residential use, except
11 as allowed by subsection 23.48.245.F.5.f ((-)) ;

12 f. For lots that, as a result of a street vacation, exceed 150,000 square
13 feet, the Director shall, as a Type I decision, determine the permitted number of structures
14 with non-residential uses above 85 feet in height or with residential use above the base height
15 limit, based on the limits in subsection 23.48.245.F.5.e as applied to the block conditions
16 existing prior to the street vacation ((-)) ;

17 g. The Director shall make a determination of project impacts on the
18 need for pedestrian and bike facilities and complete a voluntary agreement between the
19 property owner and the City to mitigate impacts, if any. The Director may consider the
20 following as impact mitigation:

21 1) Pedestrian walkways on a lot, including through-block
22 connections on through lots, where appropriate, to facilitate pedestrian circulation by
23 connecting structures to each other and abutting streets;

2) Sidewalk improvements, including sidewalk widening, to accommodate increased pedestrian volumes and streetscape improvements that will enhance pedestrian comfort and safety;

3) Improvements to enhance the pedestrian environment, such as providing overhead weather protection, landscaping, and other streetscape improvements; and

4) Bike share stations ((~~7~~)) ; and

h. For development that exceeds 85,000 or more gross square feet of ((~~gross~~)) floor area in office ((~~floor area~~)) use, the Director shall make a determination as to the project's impact on the need for open space. The Director may limit floor area or allow floor area subject to conditions, which may include a voluntary agreement between the property owner and the City to mitigate impacts, if any. The Director shall take into account ((~~subsection~~)) Section 23.48.250 in assessing the demand for open space generated by an office development in an area permitting high employment densities.

1) The Director may consider the following as mitigation for open space impacts:

a) Open space provided on-site or off-site, consistent with the provisions in subsection 23.49.016.C, or provided through payment-in-lieu, consistent with subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an SM-SLU zone that is accessible to the development's occupants;

b) Additional pedestrian amenities through on-site or streetscape improvements provided as mitigation for impacts on pedestrian facilities pursuant to subsection 23.48.245.F.5.g; and

c) Public space inside or on the roof of a Landmark building.

2) The Director may approve open space in lieu of that contained or referred to in subsection 23.49.016.C to mitigate project impacts, based on consideration of relevant factors, including the following:

a) ~~((the))~~ The density or other characteristics of the workers anticipated to occupy the development compared to the presumed office employment population providing the basis for the open space standards applicable under Section 23.49.016; and

b) ~~((characteristics))~~ Characteristics or features of the development that mitigate the anticipated open space impacts of workers or others using or occupying the project.

G. Tower separation. The following separation is required between ~~((structures))~~ a proposed tower with residential use above the base height limit for residential use and existing towers with residential use above the base height limit for residential use and that are located on the same block. For the purposes of this subsection 23.48.245.G, a block is defined as the area bounded by street lot lines and excluding alley lot lines. Alleys shall not be deemed to bisect a block into two separate blocks:

1. A separation of 60 feet is required between all portions of ~~((residential))~~ the structures above the podium height limit for ~~((residential structures))~~ towers that exceed the base height limit for residential use ~~((, except as provided by))~~ and any tower consider to be existing according to subsection ((23.48.245.F.2)) 23.48.245.F.1.

2. No separation is required on blocks within the area bounded by Aurora Avenue North, John Street, Thomas Street, and 9th Avenue North.

3. The first 4 feet of the horizontal projection of unenclosed decks and balconies, and architectural features such as cornices shall be disregarded in calculating tower separation.

Section 12. Section 23.48.250 of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118914, is amended as follows:

23.48.250 Open space requirement for office uses in South Lake Union Urban Center

A. Finding. The City Council finds that:

1. With the increase in office development and the Comprehensive Plan's significant employment growth targets for the South Lake Union Urban Center, office workers will increasingly become major users of open space in the area.

2. Additional major office projects in the South Lake Union Urban Center will result in increased use of public open space. If additional major office projects in the South Lake Union Urban Center do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety, and welfare.

3. Recent and projected office development in the South Lake Union Urban Center is generally comparable to office development in the abutting Downtown Urban Center in terms of tenant characteristics, density, and open space need. Therefore, the findings that support the current open space requirement in major downtown office projects are applicable to conditions in the South Lake Union Urban Center.

4. The additional open space needed to accommodate office workers is at least 20 square feet for each 1,000 square feet of office space.

5. As in Downtown, smaller office developments in the South Lake Union Urban Center may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under 85,000 square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than 85,000 square feet of new office space should be exempt from any open space requirement.

B. Quantity of open space. Open space in the amount of 20 square feet for each 1,000 square feet of gross office floor area is required for the following projects:

1. The project is on a lot located in an SM-SLU zone that has a height limit for non-residential uses that exceeds ~~((85))~~ 100 feet; and

2. The project includes 85,000 or more square feet of gross ~~((office))~~ floor area in office use.

C. Standards for open space. Open space may be provided on-site or off-site, as follows:

1. On-site open space

a. Private open space. Private open space on the project site may satisfy the requirement of this Section 23.48.250. Private open space shall be open to the sky and shall be consistent with the general conditions related to landscaping, seating, and furnishings for neighborhood open space in subsection 23.58A.040.C.4.b.2. Private open space satisfying this requirement must be accessible to all tenants of the building and their employees.

~~((a))~~ b. Open space provided for a project on site or on an adjacent lot directly accessible from the project site ~~((shall satisfy the requirement of this Section 23.48.250~~

1 ~~if it meets))~~ to meet the ~~((standards))~~ open space requirements of subsection 23.48.240.F or
2 subsection 23.48.240.G ~~((and the open space is accessible to all occupants of the building))~~ may
3 be used to satisfy the requirement of this Section 23.48.250.

4 ~~((b. Open space provided on site under this requirement is eligible for~~
5 ~~amenity feature bonuses, where allowed in Section 23.48.021 or 23.48.221 when the following~~
6 ~~standards are met:~~

7 ~~1) The space has a minimum horizontal dimension of 20 feet and a~~
8 ~~minimum floor-to-ceiling height of 13 feet;~~

9 ~~2) The space is directly accessible to pedestrians, including persons~~
10 ~~with disabilities, from the street, or from an outdoor usable open space abutting the street;~~

11 ~~3) The space is available for use during normal business hours;~~

12 ~~4) Enclosed areas providing the connection between the structure's~~
13 ~~primary pedestrian access to the street and elevator cores, such as lobby space, do not qualify as~~
14 ~~required open space.))~~

15 2. Off-site public open space. ~~((a.))~~ Open space satisfying the requirement of this
16 Section 23.48.250 may be on a site other than the project site, provided that it is within an SM-
17 SLU zone and within ~~((one-quarter))~~ 1/4 mile of the project site, open to the public without
18 charge, and at least 3,000 square feet in contiguous area. The minimum size of off-site open
19 space and maximum distance from the project may be increased or decreased for a project if the
20 Director determines that such adjustments are reasonably necessary to provide for open space
21 that will meet the additional need for open space caused by the project and enhance public
22 access.

1 ~~((b. Open space that is open to the public and provided on a site other than~~
2 ~~the project site may qualify for a development bonus for the project if the open space meets the~~
3 ~~standards of Section 23.49.013.))~~

4 3. Easement for off-site open space. The owner of any lot on which off-site open
5 space is provided to meet the requirements of this Section 23.48.250 shall execute and record an
6 easement in a form acceptable to the Director assuring compliance with the requirements of this
7 Section 23.48.250. The Director is authorized to accept such an easement, provided that the
8 terms do not impose any costs or obligations on the City.

9 4. Open space provided under this Section 23.48.250 shall qualify as the open
10 space required under subsections 23.48.240.F and 23.48.240.G, and this Section 23.48.250 if
11 within ~~((one-quarter))~~ 1/4 mile of the ~~((sending))~~ project site.

12 D. Payment-in-lieu. In lieu of providing open space required under this Section
13 23.48.250, an owner may make a payment to the City if the Director determines that the payment
14 will contribute to the improvement of a designated Neighborhood Green Street or to other public
15 open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop
16 improvements that will meet the additional need for open space caused by the project, and that
17 completion of the improvement within a reasonable time is feasible. Any such payment shall be
18 placed in a dedicated fund or account and used within five years of receipt for the development
19 of such improvements, unless the property owner and the City agree upon a different
20 improvement involving the acquisition or development of public open space that will mitigate
21 the impact of the project. ~~((A bonus may be allowed for a payment in lieu of providing the~~
22 ~~improvement made wholly or in part to satisfy the requirements of this Section 23.48.250,~~
23 ~~pursuant to Section 23.49.013.))~~

1 E. Limitations. Open space satisfying the requirement of this Section 23.48.250 for any
2 project shall not be used to satisfy the open space requirement for any other project (~~(, nor shall~~
3 ~~any bonus be granted to any project for open space meeting the requirement of this Section~~
4 ~~23.48.250 for any other project))~~). When a transmitting antenna is sited or proposed to be sited on
5 a rooftop where required open space is located, see Section 23.57.013. Open space on the site of
6 any building for which a Master Use Permit decision was issued or a complete building permit
7 application was filed prior to ~~((the effective date of this ordinance))~~ November 15, 2015, that
8 was not required under the Land Use Code in effect when such permit decision was issued or
9 such application filed, but that would have been required for the same building by this Section
10 23.48.250, shall not be used to satisfy the open space requirement ~~((or to gain an FAR bonus))~~
11 for any other project.

12 Section 13. Section 23.48.285 of the Seattle Municipal Code, enacted by Ordinance
13 124883, is amended as follows:

14 **23.48.285 Parking location, access and curb cuts in South Lake Union Urban Center**

15 A. ~~((Parking location within structures~~
16 ~~1.))~~ Parking above the street level of a structure. The following provisions apply
17 to development in the SM-SLU ~~((85/65-125))~~ 100/65-145, SM-SLU 85/65-160, SM-SLU
18 ~~((160/85-240))~~ 175/85-280, SM-SLU ~~((85-240))~~ 85-280, and SM-SLU ~~((240/125-400))~~ 240/125-
19 440 zones within the South Lake Union Urban Center:

20 ((a)) 1. Except as provided in subsection 23.48.285.B for parking partially above
21 street level and partially below street level, parking within structures is permitted above the street
22 level under the following conditions:

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

4 ((2-)) b. For parking located on a story above the first story of a structure,
5 a minimum of 30 percent of the length of the parking area measured along each street frontage
6 shall be separated from the street by another use. On lots located at street intersections, the
7 separation of parking area by another use shall be provided at the corner portion(s) of the
8 structure.

9 ((3-)) c. The parking area on a story above the first story of the structure
10 that is not separated from the street by another use shall be enclosed by facades along all street
11 frontages. Facades shall be designed to minimize the impacts of glare from vehicle headlights
12 and interior garage lighting on pedestrian views from the street.

13 ((b)) 2. The Director may permit more than two stories of parking above the first
14 story of the structure, or may permit other exceptions to subsection 23.48.285.A((1-)), as a Type
15 I decision, if the Director finds that locating parking below grade is infeasible due to physical
16 site conditions such as a high water table or proximity to a tunnel. In such cases, the Director
17 shall determine the maximum feasible amount of parking that can be provided below grade, if
18 any, and the amount of additional parking to be permitted above street level. Site size is not a
19 basis for granting an exception under this subsection 23.48.285.A((1-b))2.

20 B. Accessory surface parking. In the SM-SLU ((85/65-125)) 100/65-145, SM-SLU
21 85/65-160, SM-SLU ((160/85-240)) 175/85-280, SM-SLU ((85-240)) 85-280, and SM-SLU
22 ((240/125-400)) 240/125-440 zones in the South Lake Union Urban Center, accessory surface
23 parking is prohibited unless separated from all street lot lines by another use within a structure.

Section 14. A new Section 23.48.290 is added to the Seattle Municipal Code as follows:

23.48.290 Transportation management programs

A. When a development is proposed that is expected to generate 50 or more employee single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director's Rule.

1. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees using an SOV to make a trip during the expected peak hour by the total number of employee person trips during the expected peak hour.

2. Compliance with this section does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

B. An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in any applicable Director's Rule. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.

1 C. Each owner subject to the requirements of this section shall prepare a TMP as
2 described in rules promulgated by the Director, as part of the requirements for obtaining a master
3 use permit.

4 D. The TMP shall be approved by the Director if, after consulting with Seattle
5 Department of Transportation, the Director determines that the TMP measures are likely to
6 achieve the mode-share targets for trips made by travel modes other than driving alone for the
7 South Lake Union Urban Center in 2035 that are contained in Seattle's Comprehensive Plan's
8 Transportation Element.

9 E. All requirement to prepare and implement a TMP according to this Section 23.48.290
10 or to achieve additional floor area or additional height pursuant to subsections 23.48.021.D.2 or
11 23.48.230.f shall be satisfied solely by compliance with this Section 23.48.290.

12 Section 15. A new Section 23.49.007 is added to the Seattle Municipal Code as follows:

13 **23.49.007 Mandatory housing affordability (MHA)**

14 The provisions of Chapters 23.58B and 23.58C apply in all Downtown zones, except the
15 following:

16 DH1/45;

17 DH2/55;

18 DH2/85;

19 DMC 85/65-150;

20 DMR/C 65/65-85;

21 DMR/C 65/65-150;

22 All IDM zones;

23 All IDR and IDR/C zones;

1 All PSM zones; and

2 PMM-85.

3 Section 16. Section 23.49.008 of the Seattle Municipal Code, last amended by the
4 ordinance introduced as Council Bill 118893, is amended as follows:

5 **23.49.008 Structure height**

6 The following provisions regulating structure height apply to all property in Downtown zones
7 except the DH1 zone. Structure height for PSM, IDM, and IDR zones is regulated by this Section
8 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

9 A. Base and maximum height limits

10 1. Except as otherwise provided in this Section 23.49.008, maximum structure
11 heights for Downtown zones are as designated on the Official Land Use Map.

12 In certain zones, as specified in this Section 23.49.008, the maximum structure height
13 may be allowed only for particular uses or only on specified conditions, or both. If height limits
14 are specified for portions of a structure that contain specified types of uses, the applicable height
15 limit for the structure is the highest applicable height limit for the types of uses in the structure,
16 unless otherwise specified.

17 2. Except in the PMM zone, the base height limit for a structure is the lowest of
18 the maximum structure height or the lowest other height limit, if any, that applies pursuant to this
19 Title 23 based upon the uses in the structure, before giving effect to any bonus for which the
20 structure qualifies under this Chapter 23.49 and to any special exceptions or departures
21 authorized under this Chapter 23.49. In the PMM zone the base height limit is the maximum
22 height permitted pursuant to urban renewal covenants.

3. In zones listed below in this subsection 23.49.008.A.3, the applicable height limit for portions of a structure that contain non-residential and live-work uses is shown as the first figure after the zone designation (except that there is no such limit in DOC1), and the base height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. Except as stated in subsection 23.49.008.D, the base residential height limit is the applicable height limit for portions of a structure in use if the structure does not use the bonus available under Section 23.49.015, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure uses the bonus available under Section 23.49.015:

DOC1 Unlimited/450-unlimited

DOC2 ((~~500/300-500~~)) 500/300-550

DMC ((~~340/290-400~~)) 340/290-440

DMC ((~~240/290-400~~)) 240/290-440.

4. A structure in a DMC ((~~340/290-400~~)) 340/290-440 zone on a lot comprising a full block that abuts a DOC1 zone along at least one street frontage may gain additional structure height of 30 percent above the maximum residential height limit if the structure uses the bonus available under Section 23.49.015, or 35 percent above 340 feet if that bonus is not used, in either case under the following conditions:

- a. Only one tower is permitted on the lot;
- b. Any additional floor area above the maximum height limit for non-residential or live-work use, as increased under this subsection 23.49.008.A.4, is occupied by residential use;

c. The average residential gross floor area and maximum residential floor area of any story in the portion of the tower permitted above the base residential height limit do not exceed the limits prescribed in subsection ((23.49.058.E.1)) 23.49.058.C.1;

d. Any residential floor area allowed above the base residential height limit under this provision is gained through voluntary agreements to provide low-income or moderate-income housing according to Section 23.49.015;

e. At least 35 percent of the lot area, or a minimum of 25,000 square feet, whichever is greater, is in open space use substantially at street level meeting the following standards, and subject to the following allowances for coverage:

1) The location and configuration of the space shall enhance solar exposure, allow easy access to entrances to the tower serving all tenants and occupants from streets abutting the open space, and allow convenient pedestrian circulation through all portions of the open space. The open space shall be entirely contiguous and physically accessible. To offset the impact of the taller structure allowed, the open space shall have frontage at grade abutting sidewalks, and be visible from sidewalks, on at least two streets. The elevation of the space may vary, especially on sloping lots where terracing the space facilitates connections to abutting streets, provided that grade changes are gradual and do not significantly disrupt the continuity of the space, and no part of the open space is significantly above the grade of the nearest abutting street. The Director may allow greater grade changes, as necessary, to facilitate access to transit tunnel stations.

2) Up to 20 percent of the area used to satisfy the open space condition to allowing additional height may be covered by the following features: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural

1 overhangs; overhead arcades or other forms of overhead weather protection; and any other
2 features approved by the Director that contribute to pedestrian comfort and active use of the
3 space. The following features within the open space area may count as open space and are not
4 subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent
5 seating that is not reserved for any commercial use, exterior stairs and mechanical assists that
6 provide access to public areas and are available for public use, and any similar features approved
7 by the Director.

8 f. Open space used to satisfy the condition to allowing additional height in
9 this Section 23.49.008 is not eligible for a bonus under Section 23.49.013.

10 g. Open space used to satisfy the condition to allowing additional height in
11 this Section 23.49.008 may qualify as common recreation area to the extent permitted by
12 subsection 23.49.011.B and may be used to satisfy open space requirements in subsection
13 23.49.016.C.1 if it satisfies the standards of subsection 23.49.016.C.1.

14 h. No increase in height shall be granted to any proposed development that
15 would result in significant alteration to any designated feature of a Landmark structure, unless a
16 certificate of approval for the alteration is granted by the Landmarks Preservation Board.

17 5. In a DRC zone, the base height limit is 85 feet, except that, subject to the
18 conditions in subsection 23.49.008.A.6:

19 a. The base height limit is ~~((150))~~ 170 feet if any of the following
20 conditions is satisfied:

21 1) ~~((all))~~ All portions of a structure above 85 feet contain only
22 residential use; or

2) ~~((at))~~ At least 25 percent of the gross floor area of all structures on a lot is in residential use; or

3) ~~((a))~~ A minimum of 1.5 FAR of eating and drinking establishments, retail sales and service or entertainment uses, or any combination thereof, is provided on the lot.

b. For residential floor area created by infill of a light well on a Landmark structure, the base height limit is the lesser of ~~((150))~~ 170 feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides. For the purpose of this subsection 23.49.008.A.5.b a light well is defined as an inward modulation on a non-street-facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well.

6. Restrictions on demolition and alteration of existing structures

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

b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character, and history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks Preservation Board for any proposed modifications to controlled features is required prior to a

1 decision by the Director to allow or condition additional height for the project. The Landmarks
2 Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a
3 structure on the list below is solely for the purpose of conditioning additional height under this
4 subsection ((23.49.008A.6.b)) 23.49.008.A.6.b, and shall not be interpreted in any way to
5 prejudice the structure's merit as a Landmark:

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

6
7 c. The restrictions in this subsection 23.49.008.A.6 are in addition to, and
8 not in substitution for, the requirements of the Landmarks Ordinance, Chapter 25.12.

9 7. The applicable height limit for a structure is the base height limit plus any
10 height allowed as a bonus under this Chapter 23.49 and any additional height allowed by special
11 exception or departure, or by subsection 23.49.008.A.4. The height of a structure shall not
12 exceed the applicable height limit, except as provided in subsections 23.49.008.B, 23.49.008.C,
13 and 23.49.008.D.

8. The height of rooftop features, as provided in subsection 23.49.008.D, is allowed to exceed the applicable height limit.

9. On lots in the DMC 85/65-150 zone:

a. A height limit of 85 feet applies to the portions of a structure that contain ~~((nonresidential))~~ non-residential or live-work uses.

b. A base height limit of 65 feet applies to the portions of a structure that contain residential uses.

c. The applicable height limit for portions of a structure that contain residential uses is 85 feet if the applicant qualifies for extra floor area on the lot under Section 23.49.023 and Chapter 23.58A, the structure has no ~~((nonresidential))~~ non-residential or live-work use above 85 feet, and the structure does not qualify for a higher limit for residential uses under subsection 23.49.008.A.9.d.

d. The applicable height limit is 150 feet if the applicant qualifies for extra floor area on the lot under Section 23.49.023 and Chapter 23.58A; the structure has no ~~((nonresidential))~~ non-residential or live-work use above 85 feet; the lot is at least 40,000 square feet in size and includes all or part of a mid-block corridor that satisfies the conditions of Section 23.58A.040, except to the extent any waiver of such conditions is granted by the Director; and the standards of Section 23.49.060 are satisfied.

B. Structures located in DMC ~~((240/290-400))~~ 240/290-440 or DMC ~~((340/290-400))~~ 340/290-440 zones may exceed the maximum height limit for residential use, or if applicable the maximum height limit for residential use as increased under subsection 23.49.008.A.4, by ~~((10))~~ ten percent of that limit, as so increased if applicable, if:

1 1. ((the)) The facades of the portion of the structure above the limit do not enclose
2 an area greater than 9,000 square feet, and

3 2. ((the)) The enclosed space is occupied only by those uses or features otherwise
4 permitted in this Section 23.49.008 as an exception above the height limit. The exception in this
5 subsection 23.49.008.B shall not be combined with any other height exception for screening or
6 rooftop features to gain additional height.

7 C. Height in Downtown Mixed Residential (DMR) zones is regulated as follows:

8 1. A structure that contains only ((nonresidential)) non-residential or live-work
9 uses may not exceed the lowest height limit established on the Official Land Use Map, except for
10 rooftop features permitted by subsection 23.49.008.D.

11 2. In DMR zones for which only two height limits are established, only those
12 portions of structures that contain only residential uses may exceed the lower height limit, and
13 they may extend to the higher height limit established on the Official Land Use Map.

14 3. On lots in the DMR/C 65/65-150 zone, the base height limit is 65 feet, and it is
15 the applicable height limit for all structures, except that:

16 a. The applicable height limit is 85 feet if the applicant qualifies for extra
17 floor area under Section 23.49.023 and Chapter 23.58A, the structure has no ((nonresidential))
18 non-residential or live-work use above 65 feet, and the structure does not qualify for a higher
19 height limit under this subsection 23.49.008.C.3.

20 b. The applicable height limit is 150 feet if the applicant qualifies for extra
21 floor area under Section 23.49.023 and Chapter 23.58A; the structure has no ((nonresidential))
22 non-residential or live-work use above 65 feet; the lot includes all or part of a mid-block corridor
23 that satisfies the conditions of Section 23.58A.040, except to the extent any waiver of such

conditions is granted by the Director; and the standards of subsection 23.49.156.B and Section 23.49.163 are satisfied.

4. On lots in the DMR/C 65/65-85 zone, the base height limit is 65 feet, and it is the applicable height limit for all structures, except that the applicable height limit is 85 feet if the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A and the structure has no ((nonresidential)) non-residential or live-work use above 65 feet.

* * *

E. In the DMC ((460)) 170 zone, an additional 5 feet in height is permitted above the otherwise applicable height limit, subject to the following:

1. The street-level portion of the structure is occupied by street-level uses specified in subsection 23.49.009.A, has a minimum floor-to-floor height of 18 feet, and meets the provisions of subsection 23.49.009.B, regardless of whether the street-level uses are required pursuant to Map 1G;

2. The applicable height limit, including any additional height allowed in this subsection 23.49.008.E, shall be used as the height limit above which rooftop features are permitted according to subsection 23.49.008.D; and

3. No increase in height shall be granted to any proposed development that would result in significant alteration to any designated feature of a ((landmark)) Landmark structure, unless a certificate of approval for the alteration is granted by the Landmarks Preservation Board.

F. In all Downtown zones except the IDM 75-85 and PMM-85 zones and all DH1, DH2, and PSM zones, an additional 10 feet in height is permitted above the otherwise applicable

maximum height limit for residential uses for a structure that includes residential dwelling units that comply with all of the following conditions:

1. Unit number and size. The structure includes a minimum of ten dwelling units that each have a minimum area of 900 gross square feet and include three or more bedrooms; and

2. Amenity area. Each dwelling unit shall have access to an outdoor amenity area that is located on the same story as the dwelling unit and meets the following standards:

a. The amenity area has a minimum area of 1300 square feet and a minimum horizontal dimension of 20 feet; and

b. The amenity area must be common amenity area, except that up to 40% of the amenity area may be private provided that: the private and common amenity area are continuous and are not separated by barriers more than 4 feet in height; and the private amenity areas are directly accessible from units meeting these requirements; and

c. The common amenity area includes children's play equipment; and

d. The common amenity area is located at or below a height of 85 feet.

Section 17. Section 23.49.011 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 118893, is amended as follows:

23.49.011 Floor area ratio

A. General standards

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

Table A for 23.49.011 Base and maximum floor area ratios (FARs)
--

Zone designation	Base FAR	Maximum FAR
Downtown Office Core 1 (DOC1)	6	((20)) <u>21</u>
Downtown Office Core 2 (DOC2)	5	((14)) <u>15</u>
Downtown Retail Core (DRC)	3	((5)) <u>6</u>
Downtown Mixed Commercial (DMC)	4 in DMC ((65)) <u>75</u> 4.5 in DMC ((85)) <u>95</u> 5 in DMC ((125)) <u>145</u> , DMC ((160)) <u>170</u> , DMC ((240/290-400)) <u>240/290-440</u> , and DMC ((340/290-400)) <u>340/290-440</u> 3 in DMC 85/65-150	((4)) <u>5</u> in DMC ((65)) <u>75</u> ((4.5)) <u>5.5</u> in DMC ((85)) <u>95</u> ((5)) <u>6</u> in DMC ((160)) <u>170</u> , except ((8)) <u>9</u> for hotels ((7)) <u>8</u> in DMC ((125)) <u>145</u> and DMC ((240/290-400)) <u>240/290-440</u> ((10)) <u>11</u> in DMC ((340/290-400)) <u>340/290-440</u> 5 in DMC 85/65-150
Downtown Mixed Residential/Residential (DMR/R)	1 in DMR/R ((85)) <u>95/65</u> 1 in DMR/R ((125)) <u>145/65</u> 1 in DMR/R ((240)) <u>280/65</u>	((1)) <u>1.5</u> in DMR/R ((85)) <u>95/65</u> ((2)) <u>2.5</u> in DMR/R ((125)) <u>145/65</u> ((2)) <u>2.5</u> in DMR/R ((240)) <u>280/65</u>
Downtown Mixed Residential/Commercial (DMR/C)	1 in DMR/C ((85/65)) <u>95/75</u> 1 in DMR/C ((125/65)) <u>145/75</u> 2 in DMR/C ((240)) <u>280/125</u> 2.5 in DMR/C 65/65-85 2.5 in DMR/C 65/65-150	((4)) <u>4.5</u> in DMR/C ((85/65)) <u>95/75</u> ((4)) <u>4.5</u> in DMR/C ((125/65)) <u>145/75</u> ((5)) <u>5.5</u> in DMR/C ((240)) <u>280/125</u> 4 in DMR/C 65/65-85 4 in DMR/C 65/65-150
Pioneer Square Mixed (PSM)	NA ⁽¹⁾	NA ⁽¹⁾
International District Mixed (IDM)	3, except ((as stated below ²⁾)) 6 for hotels(((3))) ⁽²⁾ in IDM 75-85 and IDM 75/85-150 <u>3 in IDM 150/85-150</u>	3, except ((as stated below)) 6 for hotels(((3))) ⁽²⁾ in IDM 75-85 and IDM 75/85-150 6 in IDM 150/85-150
International District Residential (IDR)	1	2 if 50 percent or more of the total gross floor area on the lot is in residential use

International District Residential/Commercial (IDR/C)	3, except ((hotels)) 6 for hotels((⁽³⁾)) ⁽²⁾	3, except ((hotels)) 6 for hotels((⁽³⁾)) ⁽²⁾
Downtown Harborfront 1 (DH1)	NA	NA
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7

Footnotes to Table A for 23.49.011

⁽¹⁾NA = Not Applicable, except in ((Sections)) subsection 23.49.180.E.

((⁽²⁾In the IDM 150/85-150 zone, hotel uses are subject to the base FAR of 3 FAR.))

((⁽³⁾Hotel)) ⁽²⁾In the IDM 75-85 and IDM 75/85-150 zones, hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR.

2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to this Chapter 23.49.

a. In DOC1, DOC2, and DMC zones that are located outside of South Downtown, if chargeable floor area above the base FAR is allowed on a lot for development that includes a new structure and the project is located within the Local Infrastructure Project Area for Downtown and South Lake Union as shown on Map A for 23.58A.044, the first increment of chargeable floor area above the base FAR, shown for each zone in Table B for 23.49.011, shall be gained by acquiring regional development credits pursuant to Section 23.58A.044.

Table B for 23.49.011

First increment of FAR above the base FAR achieved acquisition of regional development credits

Zone	((Increment of)) FAR
All DOC1 zones	1.0
All DOC2 zones	0.75
DMC ((340/290-400)) 340/290-440	0.50
DMC ((125)) 145, DMC ((160)) 170, DMC ((240/290-400)) 240/290-440	0.25

1 b. In DOC1, DOC2, DH2, and DMC zones outside of South Downtown,
2 additional chargeable floor area above the first increment of FAR that exceeds the base FAR
3 may be obtained only by qualifying for floor area bonuses pursuant to Section 23.49.012 or
4 Section 23.49.013, or by the transfer of TDR pursuant to Section 23.49.014, or both, except as
5 otherwise expressly provided in this subsection 23.49.011.A.2. If the requirements of subsection
6 23.49.011.A.2.a do not apply, the first increment of floor area that exceeds the base FAR shall be
7 zero.

8 c. In no event shall the use of bonuses, TDR, or regional development
9 credits, or any combination of them, be allowed to result in chargeable floor area in excess of the
10 maximum as set forth in Table A for 23.49.011, except that a structure on a lot in a planned
11 community development pursuant to Section 23.49.036 or a combined lot development pursuant
12 to Section 23.49.041 may exceed the ((~~floor-area ratio~~)) FAR otherwise permitted on that lot,
13 provided the chargeable floor area on all lots included in the planned community development or
14 combined lot development as a whole does not exceed the combined total permitted chargeable
15 floor area.

16 d. Except as otherwise provided in this subsection 23.49.011.A.2.d or
17 subsections 23.49.011.A.2.f or 23.49.011.A.2.h, and except in South Downtown, not less than
18 ((~~5~~)) five percent of all floor area above the base FAR to be gained on any lot, excluding any
19 floor area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.j, and 23.49.011.A.2.k, shall
20 be gained through the transfer of Landmark TDR, to the extent that Landmark TDR are
21 available. Landmark TDR shall be considered "available" only to the extent that, at the time of
22 the Master Use Permit application to gain the additional floor area, The City of Seattle is offering
23 Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution

under Section 23.49.012 for a project using the cash option for both housing and ~~((child care))~~
child care facilities. An applicant may satisfy the minimum Landmark TDR requirement in this
Section 23.49.011 by purchases from private parties, by transfer from an eligible sending lot
owned by the applicant, by purchase from the City, or by any combination of the foregoing. This
subsection 23.49.011.A.2.d does not apply to any lot in a DMR zone.

e. Except as otherwise permitted under subsections 23.49.011.A.2.g,
23.49.011.A.2.h, or 23.49.011.A.2.i, on any lot outside of South Downtown except a lot in a
DMR zone, the total amount of chargeable floor area gained through bonuses under Section
23.49.012, together with any housing TDR and Landmark housing TDR used for the same
project, shall equal 75 percent of the amount, if any, by which the total chargeable floor area to
be permitted on the lot exceeds the sum of:

1) ~~((the))~~ The base FAR, as determined under this Section
23.49.011 and Section 23.49.032 if applicable, plus

2) ~~((any))~~ Any chargeable floor area gained on the lot pursuant to
subsections 23.49.011.A.2.a, 23.49.011.A.2.g, 23.49.011.A.2.h, 23.49.011.A.2.j, and
23.49.011.A.2.k. Except in South Downtown, at least half of the remaining 25 percent shall be
gained by using TDR from a sending lot with a major performing arts facility, to the extent
available, and the balance of the 25 percent shall be gained through bonuses under Section
23.49.013 or through TDR other than housing TDR, or both, consistent with this Chapter 23.49.
TDR from a sending lot with a major performing arts facility shall be considered "available" only
to the extent that, at the time of the Master Use Permit application to gain the additional floor
area, The City of Seattle is offering such TDR for sale, at a price per square foot not exceeding
the prevailing market price for TDR other than housing TDR, as determined by the Director.

f. In order to gain chargeable floor area on any lot in a DMR zone outside of South Downtown, an applicant may:

1) ~~((use))~~ Use any types of TDR eligible under this Chapter 23.49 in any proportions ~~((;))~~ ; or

2) ~~((use))~~ Use bonuses under Section 23.49.012 or 23.49.013, or both, subject to the limits for particular types of bonus under Section 23.49.013 ~~((;))~~ ; or

3) ~~((combine))~~ Combine such TDR and bonuses in any proportions.

g. On any lot in a DMC 145 or DMC 240/290-440 zone ~~((allowing a maximum FAR of 7))~~, in addition to the provisions of subsection 23.49.011.A.2.e, an applicant may gain chargeable floor area above the first increment of FAR above the base FAR through use of DMC housing TDR, or any combination of DMC housing TDR with floor area gained through other TDR and bonuses as prescribed in subsection 23.49.011.A.2.e.

h. If the amount of bonus development sought in any permit application does not exceed 5,000 square feet of chargeable floor area, the Director may permit such floor area to be achieved solely through the bonus for housing and child care.

i. No chargeable floor area above the base FAR shall be granted to any proposed development that would result in significant alteration to any designated feature of a Landmark structure, unless a certificate of approval for the alteration is granted by the Landmarks Preservation Board.

j. On a lot entirely in a DOC1 zone, additional chargeable floor area equal to 1.0 FAR may be permitted above the increment achieved through a commitment as prescribed in subsection 23.49.011.A.2.a, or above the base FAR after expiration of that subsection

23.49.011.A.2.a, on a lot that includes one or more qualifying Landmarks, subject to the following conditions:

1) ~~((the))~~ The structure is rehabilitated to the extent necessary so that all features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 or Ordinance 102229 are in good condition and consistent with the applicable ordinances and with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of Neighborhoods; and

2) ~~((a))~~ A notice shall be recorded ~~((in))~~ with the King County ~~((real estate records))~~ Recorder's Office, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this Chapter 23.49. For purposes of this Section 23.49.011, a "qualifying Landmark" is a structure that:

a) ~~((has))~~ Has a gross floor area above grade of at least 5,000 square feet;

b) ~~((is))~~ Is separate from the principal structure or structures existing or to be developed on the lot, except that it may abut and connect with one such structure along one exterior wall;

c) ~~((is))~~ Is subject, in whole or in part, to a designating ordinance pursuant to Chapter 25.12, or was designated pursuant to Ordinance 102229; and

d) ~~((is))~~ Is on a lot on which no improvement, object, feature, or characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any designating ordinance. A qualifying Landmark for which a bonus is allowed under this subsection 23.49.011.A.2.j shall be considered a public benefit feature, but shall not be considered an amenity for purposes of Section 23.49.013. For so long as any of the chargeable

1 floor area allowed under this subsection 23.49.011.A.2.j remains on the lot, each qualifying
2 Landmark for which such bonus was granted shall remain designated as a Landmark under
3 Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying
4 Landmark in good condition and repair and in a manner that preserves the features and
5 characteristics that are subject to designation or controls by ordinance, and that maintains
6 compliance with all applicable requirements of federal, state and local laws, ordinances,
7 regulations, and restrictions.

8 k. On a lot entirely in a DOC1 zone, as an incentive to maintain diversity
9 in the scale of downtown development, additional floor area equal to 0.5 FAR may be granted
10 above the increment achieved through a commitment as prescribed in subsection
11 23.49.011.A.2.a, or above the base FAR after expiration of that subsection 23.49.011.A.2.a, on a
12 lot that includes one or more qualifying small structures, subject to the conditions in this
13 subsection 23.49.011.A.2.k.

14 1) A "qualifying small structure" is one that satisfies all of the
15 following standards:

16 a) ~~((the))~~ The gross floor area of the structure above grade
17 is a minimum of 5,000 square feet and does not exceed 50,000 square feet;

18 b) ~~((the))~~ The height of the structure is 125 feet or less, not
19 including rooftop features as specified in subsection 23.49.008.D;

20 c) ~~((the))~~ The structure was not constructed or substantially
21 structurally modified since July 13, 1982; and

22 d) ~~((the))~~ The structure is not occupied by parking above
23 the ground floor.

2) If the structure is removed from the lot or ceases to be a qualifying small structure, then any development on the portion of the lot previously occupied by the structure, defined by a rectangle enclosing the exterior walls of the structure as they exist at the time the bonus is granted and extended to the nearest street frontage, shall be limited to a maximum floor area of 50,000 square feet for all uses and a maximum height of 125 feet, excluding any rooftop features as specified in subsection 23.49.008.D.

3) A notice shall be recorded ~~((in))~~ with the King County ~~((real estate records))~~ Recorder's Office, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this Chapter 23.49.

4) Bonus floor area under this subsection 23.49.011.A.2.k may not be granted on the basis of a Landmark structure for which bonus floor area is allowed under subsection 23.49.011.A.2.j, but may be allowed on the basis of a different structure or structures that are on the same lot as a Landmark structure for which such bonus floor area is allowed.

l. Additional floor area in the PSM 85-120 zone is subject to subsection 23.49.180.E.

m. In IDM, DMR, and DMC zones within South Downtown, chargeable floor area in excess of the base FAR may be obtained only by qualifying for floor area bonuses pursuant to Sections 23.58A.024 and 23.49.013, or by the transfer of TDR pursuant to Section 23.49.014, or both, and except as permitted in subsection 23.49.011.A.2.h, only if the conditions of this subsection 23.49.011.A.2.m also are satisfied:

1) For a new or existing structure, the applicant shall make a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

2) Seventy-five percent of the chargeable floor area in excess of base FAR shall be gained through bonuses under Section 23.58A.024 or through use of Housing TDR from within South Downtown.

3) Twenty-five percent of the chargeable floor area in excess of base FAR shall be gained by one or any combination of TDR or public open space amenities, subject to the conditions and limits of this Section 23.49.011, Section 23.49.013, ~~((and))~~ Section 23.49.014, and the following:

a) TDR that may be used on a lot in South Downtown are limited to South Downtown Historic TDR, open space TDR from within South Downtown, or any combination of these consistent with this Chapter 23.49~~((:))~~; and

b) Amenities eligible for a bonus on a lot in South Downtown are limited to public open space amenities pursuant to Section 23.49.013.

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))~~ The structure was built before 1930;
- 2) ~~((the))~~ The structure contains performing arts theater space that has combined seating capacity in one or more venues for at least 800; and

3) ~~((the))~~ 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))~~ 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))~~ 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 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))~~ 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))~~ The presence of uses in the structure that will contribute to activity in the area beyond the typical workday hours; and

c) (~~(programmed)~~) Programmed use of the Landmark

structure by other activities during periods when the structure is not in use for live performances;
and

3) (~~(any)~~) 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.

4. The Master Use Permit application to establish any bonus development under this subsection 23.49.011.A.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.

B. Exemptions and deductions from FAR calculations

1. The following are not included in chargeable floor area, except as specified below in this Section 23.49.011:

a. Uses listed in subsection 23.49.009.A in a DRC zone and in the FAR Exemption Area identified on Map 1J up to a maximum FAR of 2 for all such uses combined, provided that for uses in the FAR Exemption Area that are not in the DRC zone the uses are located no higher than the story above street level;

b. Street-level uses meeting the requirements of Section 23.49.009, Street-level use requirements, whether or not street-level use is required pursuant to Map 1G, if the uses and structure also satisfy the following standards:

1) The street level of the structure containing the exempt space has a minimum floor-to-floor height of 13 feet, except that in the DMC ((160)) 170 zone the street level of the structure containing the exempt space has a minimum floor-to-floor height of 18 feet;

2) The exempt space extends a minimum depth of 15 feet from the street-level, street-facing facade; and

3) Overhead weather protection is provided satisfying Section 23.49.018 ((-)) ;

c. Shopping atria in the DRC zone and adjacent areas shown on Map 1J, provided that:

1) The minimum area of the shopping atria is 4,000 square feet;

2) The eligibility conditions of the Downtown Amenity Standards
are met; and

3) The maximum area eligible for a floor area exemption is 20,000
square feet;

d. Child care centers;

e. Human service use;

f. Residential use, except in the PMM zone, and provided that allowable
residential floor area is limited on lots from which TDP is transferred in accordance with Chapter
23.58A;

g. Live-work units, except in the PMM zone;

h. Museums, provided that the eligibility conditions of the Downtown
Amenity Standards are met;

i. The floor area identified as expansion space for a museum, if such
expansion space satisfies the following:

1) The floor area to contain the museum expansion space is owned
by the museum or a museum development authority; and

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

3) The museum expansion space is physically designed in
conformance with the Seattle Building Code standards for museum use either at the time of
original configuration or at such time as museum expansion is proposed;

j. Performing arts theaters;

k. Floor area below grade;

1. Floor area that is used only for:

1) ~~((short-term))~~ Short-term parking or parking accessory to residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory to residential uses of one parking space for each dwelling unit on the lot with the residential use served by the parking; or

2) ~~((parking))~~ Parking accessory to hotel use in the DMC ~~((160))~~ 170 zone, subject to a limit of one parking space for every four hotel rooms on the lot, and provided that the exempt parking floor area is on the same lot as the hotel use served by the parking;

m. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located, other than a Landmark structure eligible pursuant to subsection 23.49.011.A.2.k or a small structure eligible pursuant to subsection 23.49.011.A.2.l. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of limits on the maximum area eligible for a bonus;

n. Public restrooms;

o. Major retail stores in the DRC zone and adjacent areas shown on Map 1J, provided that:

1) The minimum lot area for a major retail store development is 20,000 square feet;

2) The minimum area of the major retail store is 80,000 square feet;

3) The eligibility conditions of the Downtown Amenity Standards are met;

4) The maximum area eligible for a floor area exemption is
200,000 square feet; and

5) The floor area exemption applies to storage areas, store offices,
and other support spaces necessary for the store's operation;

p. Shower facilities for bicycle commuters;

q. Floor area, excluding floor area otherwise exempt, up to a maximum of
25,000 square feet on any lot, within one or more Landmark structures for which a floor area
bonus has been granted pursuant to subsection 23.49.011.A.2.k, or within one or more small
structures for which a floor area bonus has been granted pursuant to subsection 23.49.011.A.2.l,
or within any combination of such Landmark structures and such small structures, in each case
only to the extent that the floor area satisfies the following criteria as determined by the Director:

1) The floor area is interior space of historic or architectural
interest designed to accommodate the original function of the structure, and maintaining the
integrity of this space prevents it from being fully utilized as commercial floor area;

2) The floor area is occupied by such uses as public assembly or
performance space, human services, or indoor public amenities, including atrium or lobby area
available for passive indoor recreation use or for the display of art or other objects of scientific,
social, historic, cultural, educational, or aesthetic interest; and

3) The floor area is open and accessible to the public without
charge, on reasonable terms and conditions consistent with the nature of the space, during normal
operating hours of the building;

r. Up to 40,000 square feet of a streetcar maintenance base;

s. Up to 25,000 square feet of a community center in a DMR/C zone within South Downtown that is open to the general public for a minimum of six hours per day, five days per week, 42 weeks per year;

t. In the DMC ((160)) 170 zone, hotel use that separates parking from the street lot line on stories above the first story of a structure, up to a maximum total floor area equivalent to 1 FAR, provided that the depth of the separation between the parking and the street-facing facade is a minimum of 15 feet; ((and))

u. In the DMC ((160)) 170 zone, on lots abutting Alaskan Way, the floor area in a partially above-grade story, provided that:

1) ((the)) The height of the above-grade portion of the partially above-grade story does not exceed 4 feet, measured from existing grade at the midpoint of the Alaskan Way street lot line;

2) ((all)) All portions of the structure above the partially above-grade story are set back a minimum of 16 feet from the Alaskan Way lot line, except that horizontal projections, including balconies with open railings, eaves, cornices, and gutters, may extend a maximum of 4 feet into the setback area;

3) ((the)) The roof of the portion of the partially above-grade story in the setback area is accessible to abutting required street-level uses in the structure and provides open space or space for activities related to abutting required street-level uses, such as outdoor dining;

4) ((pedestrian)) Pedestrian access is provided from an abutting street to the roof of the portion of the partially above-grade story in the setback area; and

5) ~~((up))~~ Up to 50 percent of the roof of the portion of the partially above-grade story in the setback area may be enclosed to provide weather protection, provided that the height of any feature or structure enclosing the space shall not exceed 20 feet, measured from the roof of the partially above-grade story; ~~((and))~~

v. Up to a maximum of 50,000 square feet of the floor area occupied by a City facility, including but not limited to fire stations and police precincts, but not a City facility predominantly occupied by office use;

w. Parking uses if:

1) ~~((the))~~ The parking use sought to be exempted was legally established as of ~~((the effective date of this ordinance))~~ February 8, 2015;

2) ~~((the))~~ The parking is in a structure that existed on January 1, 1980;

3) ~~((the))~~ The structure is located west of Third Avenue in a DMC zone;

4) A minimum of 50 percent of the parking spaces will be available to the general public as short-term parking;

5) The existing structure and any proposed additions meet or are modified to meet the street-level use requirements of Section 23.49.009;

6) The existing structure and any proposed additions are subject to administrative design review regardless of whether administrative design review is required pursuant to Chapter 23.41; and

7) Any addition of non-exempt floor area to the existing structure is developed to LEED Gold standards; and

x. Floor area for a preschool, an elementary school, or a secondary school, except on lots zoned DRC, which may include minimum space requirements for associated uses including but not limited to academic core functions, child care, administrative offices, a library, maintenance facilities, food service, interior recreation, and specialty instruction space, provided that ((;)) :

1) Prior to issuance of a Master Use Permit, the applicant shall submit a letter to the Director from the operator of the school indicating that, based on the Master Use Permit plans, the operator has determined that the development could meet the operator's specifications; and

2) Prior to issuance of a building permit, the applicant shall submit a written certification by the operator to the Director that the operator's specifications have been met.

2. Mechanical equipment

a. As an allowance for mechanical equipment fully contained within a structure, ((3.5)) three and one-half percent shall be deducted in computing chargeable gross floor area. Calculation of the allowance excludes gross floor area exempt pursuant to subsection 23.49.011.B.1.

b. Mechanical equipment located on the roof of a structure shall not be calculated as part of the total gross floor area of the structure.

Section 18. Section 23.49.013 of the Seattle Municipal Code, last amended by Ordinance 124843, 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 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)) 340/290-440 zones, parcel parks in DOC1, DOC2, DMC, DMR, DH2, and IDM zones, public atria in DOC1, DOC2, DMC ((340/290-400)) 340/290-440, and DMC 85/65-150 zones, and 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. Transit station access for fixed rail transit facilities.

1 B. Standards for amenities

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

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

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

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

12 2) The open space must be within (($\frac{1}{4}$)) 1/4 mile of the lot using
13 the bonus, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4.

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

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

21 5) The owner of any lot on which off-site open space is provided to
22 meet the requirements of this Section 23.49.013 shall execute and record an easement or other

1 instrument in a form acceptable to the Director assuring compliance with the requirements of this
2 Section 23.49.013, including applicable conditions of the Downtown Amenity Standards.

3 c. Public restrooms shall be on a ground floor; shall satisfy all codes and
4 accessibility standards; shall be open to the general public during hours that the structure is open
5 to the public, although access may be monitored by a person located at the restroom facility;
6 shall be maintained by the owner of the structure for the life of the structure that includes the
7 bonused space; and shall be designated by signs sufficient so that they are readily located by
8 pedestrians on an abutting street or public open space. The Director is authorized to establish
9 standards for the design, construction, operation, and maintenance of public restrooms qualifying
10 for a bonus, consistent with the intent of this subsection 23.49.013.B.1.c to encourage the
11 provision of accessible, clean, safe, and environmentally sound facilities.

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

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

((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 ((Amenities)) amenities									
Amenity	Zone location of lots eligible to use bonus							Bonus ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC 1	DOC 2	DMC ((340/290-400)) <u>340/290-440</u>	DH2, DMC ((125)) 145, DMC ((160)) 170, DMC 85/65-150, and DMC ((240/290-400)) <u>240/290-440</u>	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

Table A for 23.49.013

Downtown ((Amenities)) amenities

Amenity	Zone location of lots eligible to use bonus							Bonus ratio	Maximum (in square feet) of floor area eligible for a bonus or maximum floor area gain
	DOC 1	DOC 2	DMC ((340/290-400)) <u>340/290-440</u>	DH2, DMC ((125)) <u>145, DMC ((160))</u> <u>170, DMC 85/65-150, and DMC ((240/290-400))</u> <u>240/290-440</u>	DRC	DMR	IDM		
Hillelimb Assist	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							Not applicable	Maximum gain of 0.5 FAR
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 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 ((SF))
"X" indicates that bonus is potentially available.									

4. Downtown Amenity Standards

a. The Director shall approve a feature for a bonus if the Director determines that the feature satisfies the eligibility conditions of the Downtown Amenity Standards, and that the feature carries out the intent of this Section 23.49.013 and the guidelines in the Downtown Amenity Standards.

1 b. The Director may allow departures from the eligibility conditions in the
2 Downtown Amenity Standards as a Type I decision, if the applicant can demonstrate that the
3 amenity better achieves the intent of the amenity as described in this Chapter 23.49 and the
4 Downtown Amenity Standards, and that the departure is consistent with any applicable criteria
5 for allowing the particular type of departure in the Downtown Amenity Standards.

6 c. The Director may allow departures from the eligibility conditions in the
7 Downtown Amenity Standards as a Type I decision, to allow floor area in a Landmark structure
8 satisfying the standards of subsection 23.49.011.A.2.j or in a small structure satisfying the
9 standards of subsection 23.49.011.A.2.k to qualify as floor area eligible for a bonus if adapted to
10 serve as a hillclimb assist, museum, shopping corridor, or public atrium amenity.

11 d. The Director may condition the approval of a feature for a bonus as
12 provided in the Downtown Amenity Standards.

13 5. Open ((~~Space Amenities~~)) space amenities. Open space amenities must be
14 newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of
15 this ((~~chapter~~)) Chapter 23.49 and the Downtown Amenity Standards.

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

21 7. Duration; ((~~Alteration~~)) alteration. All bonused amenities shall be provided and
22 maintained in accordance with the applicable provisions of this Section 23.49.013 and the

1 Downtown Amenity Standards for as long as the portion of the chargeable floor area gained by
2 the amenities exists. A permit is required to alter or remove any bonused amenity.

3 Section 19. Subsection 23.49.014.A of the Seattle Municipal Code, which section was
4 last amended by Ordinance 124680, is amended as follows:

5 **23.49.014 Transfer of development rights**

6 A. General standards

7 1. The following types of TDR may be transferred to the extent permitted in Table
8 A for 23.49.014, subject to the limits and conditions in this Chapter 23.49:

- 9 a. Housing TDR;
- 10 b. DMC housing TDR;
- 11 c. Landmark housing TDR;
- 12 d. Landmark TDR;
- 13 e. Open space TDR; and
- 14 f. South Downtown Historic TDR.

15 2. In addition to transfers permitted under subsection 23.49.014.A.1, TDR may be
16 transferred from any lot to another lot on the same block, as within-block TDR, to the extent
17 permitted in Table A for 23.49.014, subject to the limits and conditions in this Chapter 23.49.

18 3. A lot's eligibility to be either a sending or receiving lot is regulated by Table A
19 for 23.49.014.

20 4. Except as expressly permitted pursuant to this Chapter 23.49, development
21 rights or potential floor area may not be transferred from one lot to another.

22 5. No permit after the first building permit, and in any event, no permit for any
23 construction activity other than excavation and shoring or for occupancy of existing floor area by

any use based upon TDR, will be issued for development that includes TDR until the applicant's possession of TDR is demonstrated according to rules promulgated by the Director to implement this Section 23.49.014.

Table A for 23.49.014
Permitted ((Use)) use of TDR

((Zones ¹	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks				
	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR))
<u>Zones¹</u>	<u>Types of TDR</u>					
	<u>Within-block TDR</u>	<u>Housing TDR</u>	<u>DMC Housing TDR</u>	<u>Landmark TDR and Landmark Housing TDR</u>	<u>Open Space TDR</u>	<u>South Downtown Historic TDR</u>
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	R
DRC	S, R ²	S, R ²	X	S, R ²	S, R ²	R
DMC ((340/290-400)) <u>340/290-440</u>	S, R	S, R	S	S, R	S, R	R
DMC ((125)) <u>145</u> and DMC ((240/290-400)) <u>240/290-440</u>	S ³	S, R	S, R	S, R	S, R	R
DMC ((160)) <u>170</u>	X	S, R	S, R	S, R	S, R	R
DMC 85 and DH2	X	S, R	X	S, R	S, R	R

Table A for 23.49.014
Permitted ((Use)) use of TDR

((Zones ¹	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks				
	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR))
<u>Zones¹</u>	<u>Types of TDR</u>					
	<u>Within-block TDR</u>	<u>Housing TDR</u>	<u>DMC Housing TDR</u>	<u>Landmark TDR and Landmark Housing TDR</u>	<u>Open Space TDR</u>	<u>South Downtown Historic TDR</u>
DMC ((65)) 75 and DMC 85/65-150	X	S	X	S	S	R
DMR	X	S, R ⁴	X	S, R ⁴	S, R ⁴	R ⁴
IDR	X	S	X	X	S	S
IDR/C	X	S	X	X	S, R ⁵	S
IDM	X	S, R	X	X	S, R ⁵	S, R
PSM	X	S	X	X	S ⁵	S, R

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

Footnotes to Table A for 23.49.014((÷))

¹ Development rights may not be transferred to or from lots in the PMM or DH1 zones.

² Transfers to lots in a DRC zone are permitted only from lots that also are zoned DRC.

³ Transfers are permitted only from lots zoned DMC to lots zoned DOC1.

⁴ Transfers to lots in a DMR zone are permitted only from lots that also are zoned DMR except that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.

⁵ Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

* * *

Section 20. Section 23.49.019 of the Seattle Municipal Code, last amended by Ordinance 124952, is amended as follows:

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

* * *

J. Transportation management programs

1. When a development is proposed that is expected to generate 50 or more employees single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director's Rule.

a. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees using an SOV to make a trip during the expected peak hour by the total number of employee person trips during the expected peak hour.

b. Compliance with this section does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

2. An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in any applicable Director's Rule. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in

1 which an applicant expects the largest number of vehicle trips to be made by residents of the site
2 (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by
3 dividing the total number of residential trips made by SOV during the expected peak hour by the
4 total number of residential person trips.

5 3. Each owner subject to the requirements of this section shall prepare a TMP as
6 described in rules promulgated by the Director, as part of the requirements for obtaining a master
7 use permit.

8 4. The TMP shall be approved by the Director if, after consulting with the Seattle
9 Department of Transportation, the Director determines that the TMP measures are likely to
10 achieve the mode-share targets for trips made by travel modes other than driving alone for the
11 Downtown Urban Center in 2035 that are contained in Seattle's Comprehensive Plan's
12 Transportation Element.

13 Section 21. A new Section 23.49.039 is added to the Seattle Municipal Code as follows:

14 **23.49.039 Modification of development standards in certain Downtown zones**

15 In a DMC 240/290-440 or DMC 340/290-440 zone, the height above which the tower floor area
16 limits and tower width limits according to subsection 23.49.058.E and the tower spacing limits
17 according to subsection 23.49.058.F would apply shall be increased from 160 feet to 170 feet if:

18 A. The upper-level width, tower spacing, and upper-level setback standards according to
19 Section 23.49.058 would prevent a development from being able to achieve an average tower
20 floor plate of at least 7,500 square feet for floors above 85 feet in height; and

21 B. The height of the development does not exceed 170 feet, excluding exempt rooftop
22 features.

Section 22. Section 23.49.041 of the Seattle Municipal Code, last amended by Ordinance 124952, is amended as follows:

23.49.041 Combined lot development

When authorized by the Director pursuant to this Section 23.49.041, lots located on the same block in DOC1, ~~((or))~~ DOC2 ~~((zones))~~, or ~~((in))~~ DMC 340/290-440 zones ~~((with a maximum FAR of 10))~~, or lots zoned DOC1 and DMC on the same block, may be combined, whether contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable floor area on one such lot under this Chapter 23.49 to be used on one or more other lots, according to the following provisions:

A. Up to all of the capacity on one lot, referred to in this Section 23.49.041 as the "sending lot," for chargeable floor area in addition to the base FAR, pursuant to Section 23.49.011 (referred to in this Section 23.49.041 as "bonus capacity"), may be used on one or more other lots, subject to compliance with all conditions to use of such bonus capacity, pursuant to Sections 23.49.011 through 23.49.014, as modified in this Section 23.49.041. For purposes of applying any conditions related to amenities or features provided on site under Section 23.49.013, only the lot or lots on which such bonus capacity shall be used are considered to be the lot or site using a bonus. Criteria for use of bonus that apply to the structure or structures shall be applied only to the structure(s) on the lots using the transferred bonus capacity.

B. Only if all of the bonus capacity on one lot shall be used on other lots pursuant to this Section 23.49.041, there may also be transferred from the sending lot, to one or more such other lots, up to all of the unused base FAR on the sending lot, without regard to limits on the transfer or on use of TDR in Section 23.49.014. Such transfer shall be treated as a transfer of TDR for purposes of determining remaining development capacity on the sending lot and TDR available

1 to transfer under Section 23.49.014, but shall be treated as additional base FAR on the other lots,
2 and to the extent so treated shall not qualify such lots for bonus development. If less than all of
3 the bonus capacity of the sending lot shall be used on such other lots, then unused base FAR on
4 the sending lot still may be transferred to the extent permitted for within-block TDR under
5 Section 23.49.014, and if the sending lot qualifies for transfer of TDR under any other category
6 of sending lot in Table A for 23.49.014, such unused base FAR may be transferred to the extent
7 permitted for such category, but in each case only to satisfy in part the conditions to use of bonus
8 capacity, not as additional base FAR.

9 C. To the extent permitted by the Director, the maximum chargeable floor area for any
10 one or more lots in the combined lot development may be increased up to the combined
11 maximum chargeable floor area under Section 23.49.011 computed for all lots participating in
12 the combined lot development. To the extent permitted by the Director, and subject to subsection
13 23.49.041.B, the base floor area for any one or more lots in the combined lot development may
14 be increased up to the combined maximum base chargeable floor area under Section 23.49.011
15 computed for all lots participating in the combined lot development.

16 D. The Director shall allow combined lot development only to the extent that the Director
17 determines in a ((Type I)) Type II land use decision that permitting more chargeable floor area
18 than would otherwise be allowed on a lot shall result in a significant public benefit. In addition to
19 features for which floor area bonuses are granted, the Director may also consider the ((following
20 as)) public benefits listed in subsections 23.49.041.D.1 through 23.49.041.D.8 that could satisfy
21 this condition when provided for as a result of the lot combination. ((:)) When issuing a decision
22 on a Type II decision for combined lot development the Director shall include a written report
23 with a detailed description of the public benefit(s) received, how the public benefit(s) serves the

general public and that the public benefit(s) are not also used to meet required land use code requirements or other requirements in the Seattle Municipal Code for development.

1. ~~((preservation))~~ Preservation of a ~~((landmark))~~ Landmark structure located on the block or adjacent blocks;

2. ~~((uses))~~ Uses serving the downtown residential community, such as a grocery store, at appropriate locations;

3. ~~((public))~~ Public facilities serving the Downtown population, including schools, parks, community centers, human service facilities, and clinics;

4. ~~((transportation))~~ Transportation facilities promoting pedestrian circulation and transit use, including through-block pedestrian connections, transit stations, and bus layover facilities;

5. ~~((short-term parking on blocks within convenient walking distance of the retail core or other downtown business areas where the amount of available short-term parking is determined to be insufficient;~~

6-a)) A significant amount of affordable housing serving households with a range of income levels that exceed the requirements under Chapters 23.58B and 23.58C;

~~((7. improved massing of development on the block that achieves a better relationship with surrounding conditions, including: better integration with adjacent development, greater compatibility with an established scale of development, especially relative to landmark structures, or improved conditions for adjacent public open spaces, designated green streets, or other special street environments;~~

8-)) 6. ~~((public))~~ Public view protection within an area;

1 ((9))7. ((arts)) Arts and cultural facilities, including a museum or museum
2 expansion space; or

3 ((10))8. ((green)) Green stormwater infrastructure beyond the requirements of the
4 Stormwater Code (Chapters 22.800 through 22.808).

5 E. The fee owners of each of the combined lots shall execute an appropriate agreement or
6 instrument, which shall include the legal descriptions of each lot and shall be recorded ((in)) with
7 the King County ((real property records)) Recorder's Office. In the agreement or instrument, the
8 owners shall acknowledge the extent to which development capacity on each sending lot is
9 reduced by the use of such capacity on another lot or lots, at least for so long as the chargeable
10 floor area for which such capacity is used remains on such other lot or lots. The deed or
11 instrument shall also provide that its covenants and conditions shall run with the land and shall
12 be specifically enforceable by the parties and by the City of Seattle.

13 F. Nothing in this Section 23.49.041 shall allow the development on any lot in a
14 combined lot development to exceed or deviate from height limits or other development
15 standards.

16 Section 23. Section 23.49.058 of the Seattle Municipal Code, last amended by the
17 ordinance introduced as Council Bill 118893, is amended as follows:

18 **23.49.058 Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and**
19 **Downtown Mixed Commercial (DMC) upper-level development standards**

20 A. For purposes of this Section 23.49.058, except in zones with a mapped height limit of
21 ((160)) 170 feet or less, a "tower" is a portion of a structure, ((not including)) excluding rooftop
22 features ((that would be)) permitted above the applicable height limit pursuant to Section
23 23.49.008, in which portion all gross floor area in each story is horizontally contiguous, and

which portion is above (i) a height of 85 feet in a structure that has any non-residential use above a height of 65 feet or does not have residential use above a height of 160 feet; or (ii) in any structure not described in clause (i) a height determined as follows:

1. For a structure on a lot that includes an entire block front or that is on a block front with no other structures, 65 feet; or

2. For a structure on any other lot, the height of the facade closest to the street property line of the existing structure on the same block front nearest to that lot, but if the nearest existing structures are equidistant from that lot, then the height of the higher such facade; but in no instance shall the height exceed 85 feet or be required to be less than 65 feet.

B. Facade modulation and upper-level width limit

1. The requirements of subsections ((23.49.058.C)) 23.49.058.B.2 and ((23.49.058.D)) 23.49.058.B.3 apply to:

((1)) a. All structures 160 feet in height or less, and all structures in the DMC ((160)) 170 zone, in which any story above an elevation of 85 feet above the adjacent sidewalk exceeds 15,000 square feet. For structures with separate towers, the 15,000 square foot threshold applies to each tower individually; and

((2)) b. Portions of structures in non-residential use above a height of 160 feet, excluding structures in the DMC 170 zone, in which any story above an elevation of 85 feet exceeds 15,000 square feet. For structures with separate towers, the 15,000 square foot threshold applies to each tower individually.

((C)) 2. ((Facade modulation)) The following facade modulation requirements apply to structures meeting subsection 23.49.058.B.1:

~~((1))~~ a. In ~~((DOC 1, DOC 2))~~ DOC1, DOC2, and DMC zones, except the DMC ~~((160))~~ 170 zone, facade modulation is required above a height of 85 feet above the sidewalk for any portion of a structure located within 15 feet of a street lot line. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

~~((2))~~ b. In the DMC ~~((160))~~ 170 zone, facade modulation is required above a height of 60 feet above the sidewalk for any portion of a structure located within 15 feet of a street lot line. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

~~((3))~~ c. The maximum length of a facade without modulation is prescribed in Table A for 23.49.058. This maximum length shall be measured parallel to each street lot line, and shall apply to any portion of a facade, including projections such as balconies, that is located within 15 feet of street lot lines.

Table A for 23.49.058

Modulation ~~((Requirements))~~ requirements for ~~((DOC 1, DOC 2))~~ DOC1, DOC2, and DMC ~~((Zones, Except))~~ zones, except DMC ~~((160 Zone))~~ 170 zone

Elevation (in feet)	Maximum length of unmodulated facade within 15 feet of street lot line (in feet)
0 to 85	No limit
Greater than 85, up to 160	155
Greater than 160, up to 240	125
Greater than 240, up to 500	100
Above 500	80
Modulation ((Requirements)) <u>requirements</u> for DMC ((160)) <u>170</u> ((Zone)) <u>zone</u>	
0 to 60	No limit
Above 60	125

1 ((4)) d. Any portion of a facade exceeding the maximum length of facade
2 prescribed on Table A for 23.49.058 shall be set back a minimum of 15 feet from the street lot
3 line for a minimum distance of 60 feet before any other portion may be within 15 feet of the
4 street lot line.

5 ((D)) 3. ((Upper level)) The following upper-level width limit requirements apply
6 to structures meeting subsection 23.49.058.B.1:

7 ((1)) a. On lots where the width and depth of the lot each exceed 200 feet,
8 the maximum facade width for any portion of a structure above ((240)) 280 feet shall be 145 feet
9 along the general north/south axis of a site (parallel to the Avenues), and this portion of the
10 structure shall be separated horizontally from any other portion of a structure on the lot above
11 ((240)) 280 feet by at least 80 feet at all points.

12 ((2)) b. In the DMC ((160)) 170 zone, the maximum facade width of any
13 portion of a structure above 60 feet in height shall be 180 feet along lots fronting on Alaskan
14 Way or Western Avenue between University and Union Streets. This portion of the structure
15 shall be separated horizontally from any other portion of a structure on the lot above 60 feet in
16 height by at least 30 feet at all points. If the separation between portions of a structure above 60
17 feet in height is less than 30 feet, the widths of the separated portions of the structure shall be
18 combined to determine the structure's width.

19 ((E)) C. Tower floor area limits and tower width limits for portions of structures in
20 residential use. The requirements of this subsection ((23.49.058.E)) 23.49.058.C apply only to
21 structures that include portions in residential use above a height of 160 feet, and do not apply in
22 the DMC ((160)) 170 zone.

1 1. Maximum limits on average residential gross floor area per story and maximum
2 residential floor area per story of towers are prescribed in Table B for 23.49.058.

Table B for 23.49.058

**Average ~~((Residential Gross Floor Area Per Story))~~ residential gross floor area per story
and ~~((Maximum Residential Gross Floor Area Per Story))~~ maximum residential gross
floor area per story of a ~~((Tower*))~~ tower¹**

(1) Zone	(2) Average residential gross floor area limit per story of a tower if height does not exceed the base height limit for residential use	(3) Average residential gross floor area limit per story of a tower if height exceeds the base height limit for residential use	(4) Maximum residential floor area of any story in a tower
DMC ((240/290-400)) <u>240/290-440</u> and DMC ((340/290-400)) <u>340/290-440</u>	10,000 square feet	10,700 square feet	11,500 square feet
DOC2	15,000 square feet	12,700 square feet	16,500 square feet
DOC1	15,000 square feet	((13,800)) <u>14,800</u> square feet	16,500 square feet

Footnote to Table B for 23.49.058

¹ For the height at which a "tower" begins, see the definition in subsection 23.49.058.A.

3 ~~((For the height at which a "tower" begins, see the definition at the beginning of this Section~~
4 ~~23.49.058.))~~

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

8 b. For structures that exceed the base height limit for residential use
9 (which requires that the applicant obtain bonus residential floor area pursuant to Section
10 23.49.015), the average residential gross floor area per story of each tower is subject to the
11 applicable maximum limit specified in column (3) on Table B for 23.49.058.

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

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

2. Maximum tower width

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

1) On a lot where the limiting factor is the 80 percent width limit, the maximum facade width is 120 feet, if at all elevations above a height of 85 feet, no more than 50 percent of the area of the lot located within 15 feet of the street lot line(s) is occupied by the structure; and

2) On lots smaller than 10,700 square feet that are bounded on all sides by street right-of-way, the maximum facade width shall be 120 feet.

b. In ~~((DOC1 and))~~ DOC2 zones, the maximum facade width for portions of a building above 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 145 feet.

c. In DOC1, the maximum facade width for portions of a building above 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 160 feet.

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

~~((F))~~ D. Tower spacing ~~((for all structures over 160 feet in height))~~ in ~~((these))~~ DMC ~~((zoned areas specified below:))~~ zones

1. ~~((For the purposes of this Section 23.49.058,))~~ The requirements of this subsection 23.49.058.D apply to all structures over 160 feet in height in DMC zones, excluding DMC 170 zones, except that no separation is required:

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

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

c. ~~((from))~~ From a structure allowed pursuant to the Land Use Code in effect prior to May 12, 2006; or

d. ~~((from))~~ From a structure on the same block that is 160 feet in height or less, excluding rooftop features permitted above the applicable height limit for the zone pursuant to Section 23.49.008; or

e. ~~((from))~~ From a structure in a DMC ~~((160))~~ 170 ~~((zone that gains additional height through subsection 23.49.008.F))~~.

2. Except as otherwise provided in this subsection ~~((23.49.058.F))~~ 23.49.058.D, in the DMC ~~((240/290-400))~~ 240/290-440 zone located between Stewart Street, Union Street, Third Avenue, and First Avenue, if any part of a tower exceeds 160 feet in height, then all portions of the tower that are above 125 feet in height shall be separated from any other existing tower that is above 160 feet in height, and the minimum separation required between towers from all points above the height of 125 feet in each tower is 200 feet.

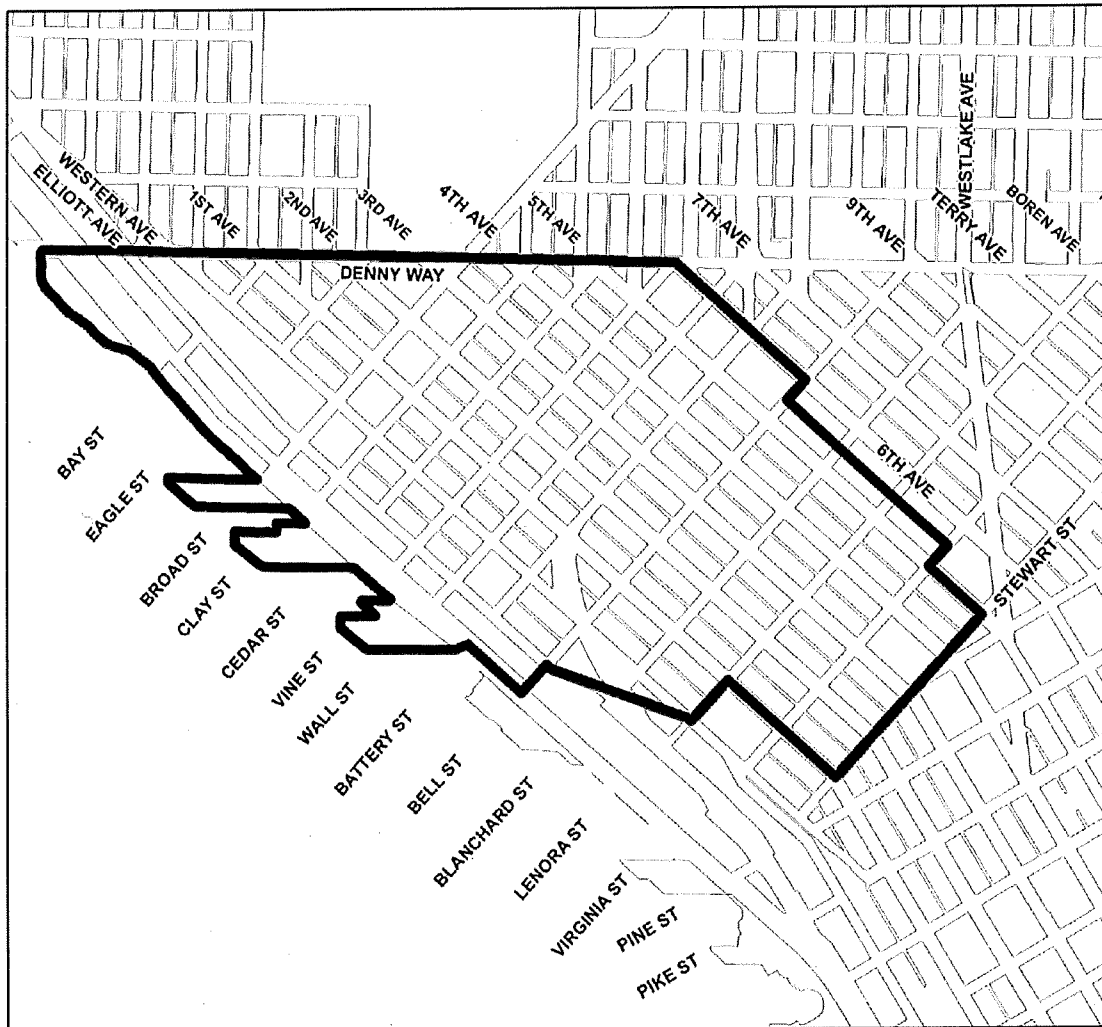
3. Except as otherwise provided in this subsection ~~((23.49.058.F,))~~ 23.49.058.D, in ~~((the))~~ a DMC zone with a mapped height limit of more than ~~((160))~~ 170 feet located either in Belltown, as shown on Map A for 23.49.058, or south of Union Street, if any part of a tower

- 1 exceeds 160 feet in height, then all portions of the tower that are above 125 feet in height must
- 2 be separated from any other existing tower that is above 160 feet in height, and the minimum
- 3 separation required between towers from all points above the height of 125 feet in each tower is
- 4 80 feet.

Map A for 23.49.058

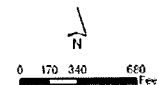
Belltown

Map A for 23.49.058
Belltown



— Belltown Boundary

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1 4. Except as otherwise provided in this subsection (~~((23.49.058.F))~~) 23.49.058.D, in
2 ~~((the))~~ a DMC zone with a mapped height limit of more than (~~((160))~~) 170 feet located in the
3 Denny Triangle, as shown on Map A for 23.49.056, if any part of a tower exceeds 160 feet in
4 height, then all portions of the tower that are above 125 feet in height must be separated from
5 any other existing tower that is above 160 feet in height, and the minimum separation required
6 between towers from all points above the height of 125 feet in each tower is 60 feet.

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

9 6. If the presence of an existing tower would preclude the addition of another
10 tower proposed on the same block, as a special exception, the Director may waive or modify the
11 tower spacing requirements of this Section 23.49.058 to allow a maximum of two towers to be
12 located on the same block that are not separated by at least the minimum spacing required in
13 subsections (~~((23.49.058.F.2, 23.49.058.F.3 and 23.49.058.F.4))~~) 23.49.058.D.2, 23.49.058.D.3,
14 and 23.49.058.D.4, other than towers described in subsection (~~((23.49.058.F.1))~~) 23.49.058.D.1.

15 The Director shall determine that issues raised in the design review process related to the
16 presence of the additional tower have been adequately addressed before granting any exceptions
17 to tower spacing standards. The Director shall consider the following factors in determining
18 whether such an exception shall be granted:

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

22 b. (~~((Potential public benefits))~~) Aspects of the proposal that offset the
23 impact of the reduction in required separation between towers, including the provision of

1 public open space, designated green street or other streetscape improvements, and preservation
2 of ~~((landmark))~~ Landmark structures ~~((, and provision of neighborhood commercial services,~~
3 ~~such as a grocery store, or community services, such as a community center or school))~~;

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

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

9 e. The City's goal of encouraging residential development downtown;
10 and

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

13 7. For purposes of this Section 23.49.058 ~~((, an "existing"))~~ a tower is ((either))
14 considered to be "existing" and must be taken into consideration when other towers are
15 proposed, under any of the following circumstances:

16 a. The tower is physically present, except that a tower that is physically
17 present ((, except as provided below in this subsection 23.49.058.F.7; or)) is not considered
18 "existing" if the owner of the lot where the tower is located has applied to the Director for a
19 permit to demolish the tower and provided that the no building permit for the proposed tower
20 is issued until the demolition of the tower that is physically present has been completed;

21 ~~((b. a proposed tower for which a Master Use Permit decision that~~
22 ~~includes approval of the Design Review element has been issued, unless and until either~~

1 1) the Master Use Permit issued pursuant to such decision
2 expires or is cancelled, or the related application is withdrawn by the applicant, without the
3 tower having been constructed; or

4 2) a ruling by a hearing examiner or court of competent
5 jurisdiction reversing or vacating such decision, or determining such decision or the Master
6 Use Permit issued thereunder to be invalid, becomes final and no longer subject to judicial
7 review.

8 A tower that is physically present shall not be considered "existing" if the owner of the
9 lot where such tower is located shall have applied to the Director for a permit to demolish such
10 tower and such application shall be pending or a permit issued for such demolition shall be in
11 effect, but any permit decision or permit for any structure that would not be permitted under this
12 subsection 23.49.058.F.7 if such tower were considered "existing" may be conditioned upon the
13 actual demolition of such tower.))

14 b. The tower is a proposed tower for which a complete application for a
15 Master Use Permit or building permit has been submitted, provided that:

16 i. the application has not been withdrawn or cancelled without
17 the tower having been constructed; and

18 ii. if a decision on that application has been published or a
19 permit on the application has been issued, the decision or permit has not expired, and has not
20 been withdrawn, cancelled, or invalidated, without the tower having been constructed.

21 c. The tower is a proposed tower for which a complete application for
22 early design guidance has been filed and a complete application for a Master Use Permit or
23 building permit has not been submitted, provided that the early design guidance application will

1 not qualify a proposed tower as an existing tower if a complete Master Use Permit application is
2 not submitted within 90 days of the date of the early design guidance public meeting if one is
3 required, or within 90 days of the date the Director provides guidance if no early design meeting
4 is required, or within 150 days of the first early design guidance public meeting if more than one
5 early design guidance public meeting is held.

6 ((G)) E. Upper-level setbacks

7 1. If a lot in a DMC zone is across a street from the Pike Place Market Historical
8 District, as shown on Map 1K, a continuous upper-level setback of 15 feet, measured from the
9 street lot line across the street from the Pike Place Market Historical District, is required for all
10 portions of a structure above a height of 65 feet.

11 2. If a lot in a DMC or DOC2 zone is located on a designated green street that is
12 not a designated view corridor requiring view corridor setbacks according to Section 23.49.024,
13 as shown on Map 1D, View Corridors, a continuous upper-level setback of 15 feet, measured
14 from the abutting green street lot line, is required for portions of the structure above a height of
15 45 feet.

16 ((H)) E. Structure separation requirements for mid-block corridors in a DMC zone in
17 South Downtown. On a lot in a DMC zone in South Downtown, as depicted on Map 1A, the
18 following standards apply:

19 1. At all levels above 45 feet and up to 85 feet in height, structures separated by a
20 mid-block corridor must be separated at all points by a minimum horizontal distance of 45 feet,
21 unless subsection ((23.49.058.H.3)) 23.49.058.F.3 applies.

2. At all levels above 85 feet in height, structures separated by a mid-block corridor must be separated at all points by a minimum horizontal distance of 55 feet, unless subsection ((23.49.058.H.3)) 23.49.058.F.3 applies.

3. If a mid-block corridor abuts a side lot line that is not a street lot line, at all levels above 45 feet, structures on that lot must set back from that side lot line at all points by a minimum horizontal distance of 45 feet.

Section 24. Subsection 23.49.156.A of the Seattle Municipal Code, which section was last amended by Ordinance 123589, is amended as follows:

23.49.156 Downtown Mixed Residential, minimum lot size

A. This subsection 23.49.156.A applies to DMR zones outside of South Downtown.

1. The minimum lot size is 19,000 square feet for any structure over ((125)) 145 feet high.

2. To meet the minimum lot size requirement, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that:

a. The total area of the combined lots meets the minimum lot size requirement;

b. All lots have frontage on the same avenue;

c. Any existing structure does not exceed a height of ((125)) 145 feet;

d. The lot coverage of both the proposed and any existing structures does not exceed applicable lot coverage limits in Section 23.49.158; and

e. The fee owners of the abutting lot(s) execute a deed or other agreement, recorded with the King County Recorder's Office as an encumbrance on the abutting lot(s), that restricts future development of the abutting lot(s) to a maximum height of ((125)) 145 feet for the

life of the proposed structure, and that precludes the use of the abutting lot(s) in combination with any other abutting lots for purposes of meeting the minimum lot size requirements for any other lot.

* * *

Section 25. Section 23.49.158 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.49.158 Downtown Mixed Residential, coverage and floor size limits

A. Coverage((:))

1. Except on lots located in DMR/R ((85/65)) 95/65 zones, and except as provided in subsection 23.49.158.C, portions of structures above 65 feet shall not exceed the coverage limits in Table A for 23.49.158:

~~((Table A for 23.49.158~~

~~Percent Coverage Permitted by Lot Size))~~

Table A for 23.49.158				
Percent coverage permitted by lot size				
Elevation of ((Portion)) portion of ((Structure)) structure (in feet)	0— 19,000 ((Square Feet)) square feet	19,001— 25,000 ((Square Feet)) square feet	25,001— 38,000 ((Square Feet)) square feet	Greater ((Than)) than 38,000 ((Square Feet)) square feet
65 ((feet)) or less	100%	100%	100%	100%
Greater than 65 ((feet)) up to 85 ((feet))	75%	65%	55%	45%
Greater than 85 ((feet)) up to ((125)) <u>145</u> ((feet))	65%	55%	50%	40%
Greater than ((125)) <u>145</u> ((feet)) up to ((240)) <u>280</u> ((feet))	Not applicable	45%	40%	35%

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

a. The coverage of all structures on the lots does not exceed any of the applicable limits set in this subsection 23.49.158.A; and

b. The fee owners of the abutting lot(s) execute a deed or other agreement, recorded with the King County Recorder's Office as an encumbrance on the lots, that restricts future development so that, in combination with the other lots, the coverage limits will not be exceeded.

B. Story ~~((Size))~~ size. Each story in portions of structures above ~~((125))~~ 145 feet in height shall have a maximum gross floor area of ~~((8,000))~~ 8,800 square feet.

* * *

Section 26. Section 23.49.164 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 118893, is amended as follows:

23.49.164 Downtown Mixed Residential, maximum width, depth, and separation requirements

A. Width and ~~((Depth))~~ depth ~~((Limits))~~ limits. Except as provided in subsections 23.49.164.B, 23.49.164.C, and 23.49.164.D, a maximum width and depth for the portion of a structure above 65 feet in height is established in Table A for 23.49.164, and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot above 65 feet in height by at least 20 feet at all points. The maximum applies to the width and depth of portions of structures as measured parallel to any street lot line.

~~((Table A for 23.49.164~~

~~Maximum Width and Depth by Lot Size))~~

Table A for 23.49.164

Maximum width and depth by lot size

Height of ((Portion)) <u>portion of</u> ((Structure)) <u>structure (in feet)</u>	0—19,000 ((Square Feet)) <u>square feet</u>	Greater ((Than)) <u>than 19,000</u> ((Square Feet)) <u>square feet</u>
Greater than 65 up to ((125)) <u>145</u>	90 feet on avenues 120 feet on east/west streets	120 feet
Greater than ((125 up to 240)) <u>145</u>	Not applicable	100 feet

B. In a DMR/R ((85/65)) 95/65 zone, width of portions of structures above a height of 65 feet is not limited.

C. Housing ((Option-)) option

1. On lots with structures that contained low-income housing on or before September 11, 1988, and that meet the requirements of subsection 23.49.164.C.4, the width above a height of 65 feet of portions of structures that are located less than 20 feet from a street lot line shall not exceed 120 feet per block front. This maximum applies to the width as measured parallel to the street lot line. Portions of structures, measured parallel to the street lot line, that are located 20 feet or more from the street lot line, have no maximum limit.

2. If the housing option is used, no portions of the structure may be located in the area within 20 feet of the intersection of street lot lines between heights of 65 feet and ((125)) 145 feet.

3. If the housing option is used, each story in portions of structures between heights of 65 feet and ((125)) 145 feet shall have a maximum gross floor area of 25,000 square feet or the lot coverage limitation, whichever is less. The 25,000 square foot limit shall apply separately to portions of the same structure that are not connected above 65 feet.

1 4. In order to use the housing option, housing on the lot shall be subject to an
2 agreement with the City that contains the following conditions and any other provisions
3 necessary to ensure compliance:

4 a. The demolition or change of use of the housing shall be prohibited for
5 not less than 50 years from the date a final certificate of occupancy is issued for the commercial
6 development on the lot; and

7 b. If the housing is or was rental housing on or before September 11, 1988,
8 it shall be used as rental housing for not less than 50 years from the date a final certificate of
9 occupancy is issued for the commercial development of the lot; and

10 c. The structure will be brought up to and maintained in conformance with
11 ~~((the Housing and Building Maintenance Code))~~ Chapters 22.200 through 22.208; and

12 d. Housing that is or was low-income housing on or before September 11,
13 1988, shall be maintained as low-income housing for not less than 50 years from the date a final
14 certificate of occupancy is issued for the commercial development on the lot.

15 5. Housing that is preserved according to this Section 23.49.164 does not qualify
16 for a downtown housing bonus or for transfer of development rights.

17 D. Facade width limits and separation requirements in South Downtown. On a lot in a
18 DMR/C zone in South Downtown, the following standards apply:

19 1. For the portion of a structure 65 feet in height or less, the maximum width of a
20 street-facing facade is 250 feet.

21 2. For the portion of a structure above 65 feet in height, the maximum width of a
22 street-facing facade is 120 feet.

3. At all levels above 65 feet in height, separate structures on a lot and separate portions of the same structure must be separated at all points by a minimum horizontal distance of 20 feet, or as specified in subsections 23.49.164.D.4 and 23.49.164.D.5 for structures separated by a mid-block corridor.

4. At all levels above 45 feet and up to 85 feet in height, structures separated by a mid-block corridor must be separated at all points by a minimum horizontal distance of 45 feet, unless subsection 23.49.164.D.6 applies.

5. At all levels above 85 feet in height, structures separated by a mid-block corridor must be separated at all points by a minimum horizontal distance of 55 feet, unless subsection 23.49.164.D.6 applies.

6. If a mid-block corridor abuts a side lot line that is not a street lot line, at all levels above 45 feet structures on that lot must set back from that side lot line at all points by a minimum horizontal distance of 45 feet.

7. Waiver or modification of requirements, limits, and standards

a. For developments in the International Special Review District, the Director may waive or modify the requirements, limits, and standards referred to in subsection 23.49.164.D.2 and 23.49.164.D.3 as a Type I decision if, upon consultation with the Director of Neighborhoods, the Director determines that waiving or modifying a requirement, limit, or standard will increase availability of affordable housing meeting the provisions of subsection 23.49.164.D.7.b and will better meet the goals and objectives of Section 23.66.302.

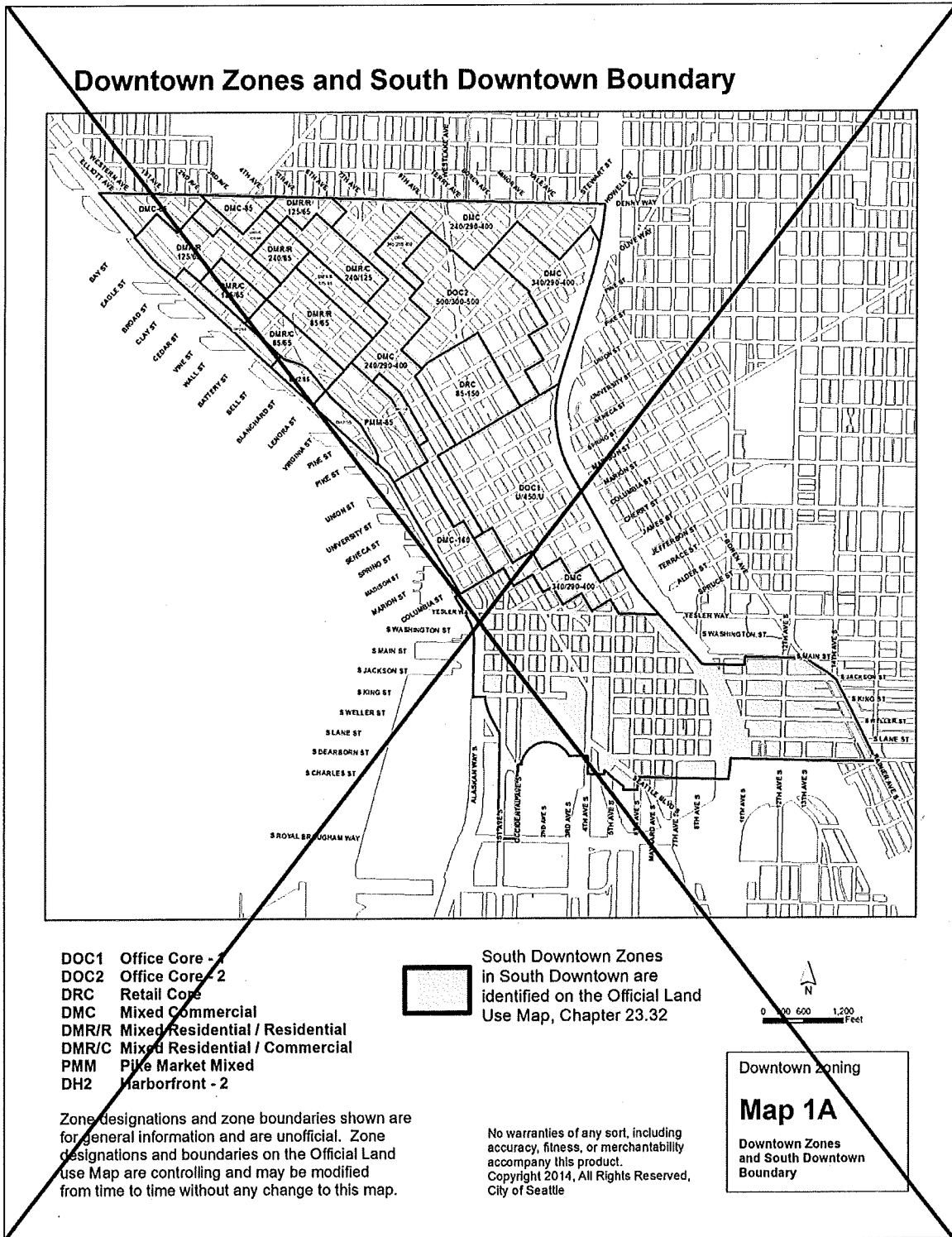
b. For purposes of this subsection 23.49.164.D.7, housing is affordable if it receives public funding and/or an allocation of federal low-income housing tax credits, and is subject to a regulatory agreement, covenant, or other legal instrument recorded on the property

1 title and enforceable by The City of Seattle, Washington State Housing Finance Commission,
2 State of Washington, King County, U.S. Department of Housing and Urban Development, or
3 other similar entity as approved by the Director of Housing, which restricts at least 40 percent of
4 the units to occupancy by households earning no greater than 60 percent of median income, and
5 controls the rents that may be charged, for a minimum period of 40 years.

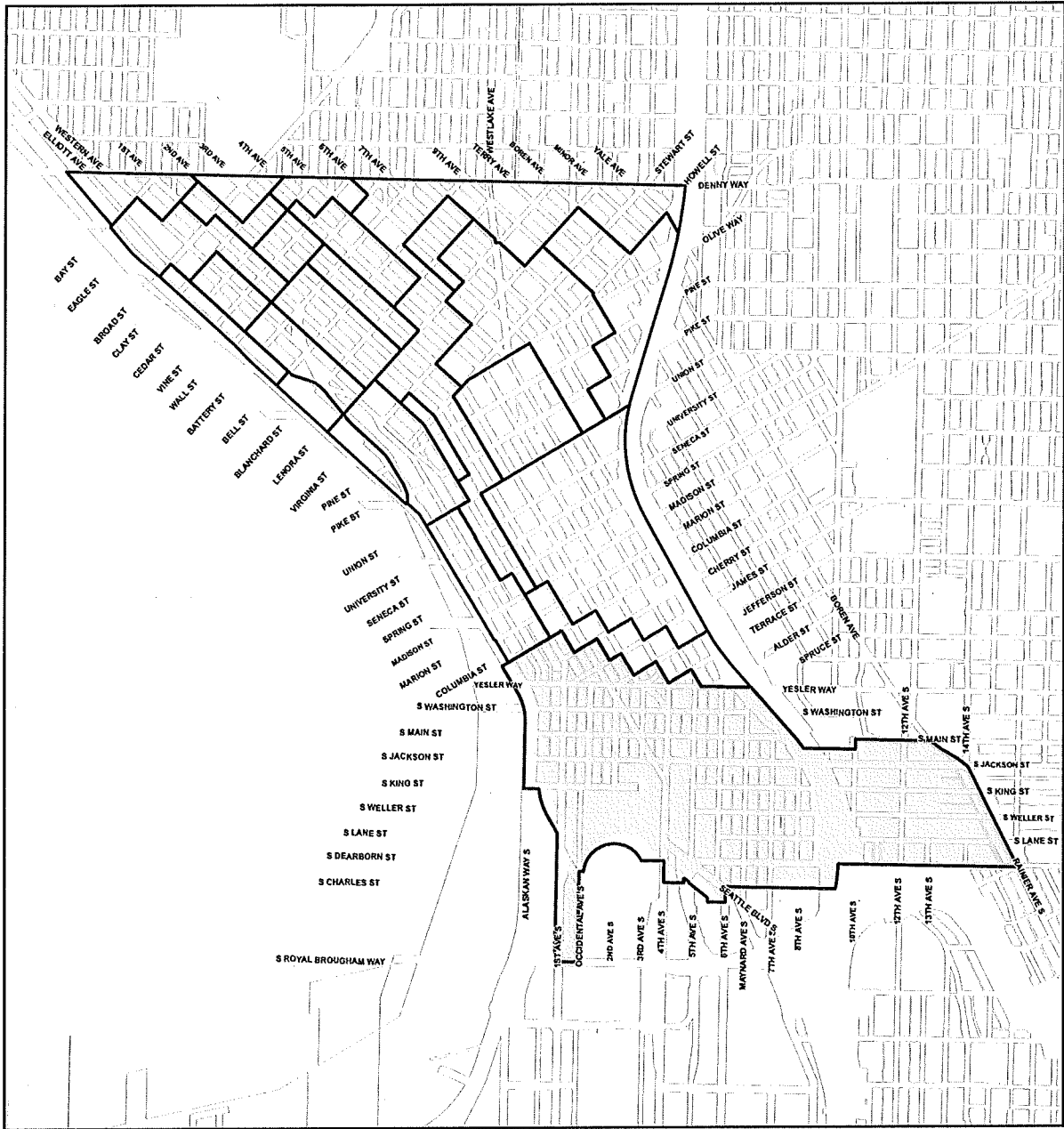
6 Section 27. Chapter 23.49 Downtown Overlay Maps, Map 1A, of the Seattle Municipal
7 Code, last amended by Ordinance 124680, is amended as follows:

8 **23.49 Downtown Overlay Maps**

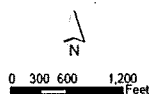
Map 1A: Downtown Zones and South Downtown Boundary



Downtown Zones and South Downtown Boundary



South Downtown Zones
 in South Downtown are
 identified on the Official Land
 Use Map, Chapter 23.32



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Downtown zoning

Map 1A

Downtown Zones
 and South Downtown
 Boundary

1

2

Section 28. Section 23.50.020 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 118893, is amended as follows:

23.50.020 Structure height exceptions and additional restrictions

A. Rooftop features. Where a height limit applies to a structure, except as provided in subsections 23.50.024.C.4, 23.50.024.D.4, 23.50.024.E.4, and 23.50.024.F.3, the provisions in this subsection 23.50.020.A apply to rooftop features:

1. In all industrial zones, smokestacks, chimneys and flagpoles, and religious symbols for religious institutions are exempt from height limits, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of 10 feet from any side or rear lot line.

2. In all industrial zones, open railings, planters, skylights, clerestories, greenhouses, solariums, parapets, and firewalls may extend 4 feet above the applicable height limit with unlimited rooftop coverage. Insulation material, rooftop decks and other similar features, or soil for landscaping located above the structural roof surface, may exceed the maximum height limit by up to ~~((two))~~ 2 feet if enclosed by parapets or walls that comply with this subsection 23.50.020.A.2.

3. In all industrial zones, solar collectors may extend up to 7 feet above the applicable height limit, with unlimited rooftop coverage.

4. Additional height is permitted for specified rooftop features according to this subsection 23.50.020.A.4.

a. The following rooftop features may extend up to 15 feet above the applicable height limit in all industrial zones, subject to subsection 23.50.020.A.4.c:

1) Solar collectors;

2) Stair and elevator penthouses, except as provided in
subsection 23.50.020.A.4.b;

3) Mechanical equipment; and

4) Minor communication utilities and accessory communication
devices, except that height is regulated according to Section 23.57.015.

b. In an IC ((85-160)) 85-175 zone, elevator penthouses may extend up
to 25 feet above the applicable height limit, subject to subsection 23.50.020.A.4.c.

c. The combined total coverage of all features listed in subsections
23.50.020.A.4.a and 23.50.020.A.4.b is limited to 20 percent of the roof area, or 25 percent of
the roof area if the total includes screened mechanical equipment.

5. Greenhouses that are dedicated to food production are permitted to extend 15
feet above the applicable height limit if the combined total coverage of all features gaining
additional height does not exceed 50 percent of the roof area. Greenhouses allowed under this
subsection 23.50.020.A.5 shall be located at least 10 feet from the north lot line unless a
shadow diagram is provided that demonstrates that locating such features within 10 feet of the
north lot line would not shade property to the north on January 21 at noon more than would a
structure built to maximum permitted height and FAR.

6. ~~((Within the South Lake Union Urban Center, at the applicant's option, the
combined total coverage of all features listed in subsections 23.50.020.A.4 and 23.50.020.A.5
may be increased to 65 percent of the roof area, provided that all of the following are satisfied:~~

~~a. All mechanical equipment is screened; and~~

~~b. No rooftop features are located closer than 10 feet to the roof edge.~~

7.) Within an IC (~~(85-160)~~) 85-175 zone, solar collectors and wind-driven power generators may extend up to 15 feet above the applicable height limit, with unlimited rooftop coverage, and are not subject to a coverage limit under subsection 23.50.020.A.4.c.

B. Additional (~~(Height Restrictions)~~) height restrictions for (~~(Certain Structures)~~) certain structures in 45 (~~(Foot Height Limit Areas)~~) foot height limit area. In zones with a 45-foot height limit, except as provided for IC zones in Section 23.50.028, structures with no story at least 15 feet in height are limited to a maximum height of 40 feet.

C. Structures existing prior to October 8, 1987, that exceed the height limit of the zone may add the rooftop features listed as conditioned in subsection 23.50.020.A (~~(of this section)~~). The existing roof elevation of the structure is considered the applicable height limit for the purpose of adding rooftop features.

Section 29. Subsection 23.50.026.D of the Seattle Municipal Code, which section was last amended by Ordinance 124105, is amended as follows:

23.50.026 Structure height in IC zones

* * *

D. Within an IC (~~(85-160)~~) 85-175 zone, the first figure shown in the zone designation is the base height limit, which is the height limit for all uses, except for a structure that complies with the conditions to extra floor area specified in Sections 23.50.028 and 23.50.033 on a lot that includes extra floor area. Extra floor area means non-residential chargeable floor area allowed in addition to the base FAR under Chapter 23.58A. The second figure is the applicable height limit for all uses, on a lot that includes extra floor area, for a structure that complies with the conditions to extra floor area specified in Sections 23.50.028 and 23.50.033.

* * *

Section 30. Section 23.50.028 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.50.028 Floor area limits

The applicable floor area ratio (FAR), as provided below, determines the permitted chargeable floor area on a lot, except as expressly otherwise provided.

A. ~~((General))~~ Industrial General 1 (IG1) and ~~((General))~~ Industrial General 2 (IG2), ~~((Floor Area Ratio))~~ FAR. The maximum FAR in IG1 and IG2 zones is 2.5.

B. Industrial Buffer (IB) ~~((Floor Area Ratio))~~ FAR. The maximum FAR in IB zones is 2.5.

C. Industrial Commercial (IC) ~~((Floor Area Ratio))~~ FAR. The base and maximum FARs in IC zones are set forth on Table A for 23.50.028.

Table A for 23.50.028 Floor ((Area Ratios)) area ratios (FAR)		
Zone ((Designation)) designation	Base FAR	Maximum FAR
All IC zones except as otherwise stated in this table	2.5	2.5
IC 65 and IC 85 zones within the Stadium Transition Area Overlay District	3	3
IC ((85-160)) <u>85-175</u> zone	2.5 FAR for all permitted uses, except that the combined chargeable floor area of the following uses is limited to 1 FAR or 50,000 square feet, whichever is greater: entertainment uses; lodging uses; medical services; office; restaurant; major durables retail sales; automotive sales and services; religious facilities; and general sales and services.	((3.5)) <u>4.0</u> ¹ except that if the total chargeable floor area of uses identified in the base FAR column is greater than ((3.5)) <u>4.0</u> FAR, that amount of floor area, not to exceed 50,000 square feet, is the maximum FAR.

Table A for 23.50.028 Floor ((Area Ratios)) area ratios (FAR)		
Zone ((Designation)) designation	Base FAR	Maximum FAR
Footnotes to Table A for 23.50.028 ¹ Additional floor area above the base FAR allowed according to subsection 23.50.028.D.		

D. Extra floor area((-))

1. In an IC ((85-160)) 85-175 zone, extra ((nonresidential)) non-residential floor area as defined in Section 23.58A.004 may be added above the base FAR up to the maximum FAR allowed by Table A for 23.50.028 for development that satisfies all applicable conditions of Section 23.50.028, Section 23.50.033, and Chapter 23.58A.

a. Twenty-five percent of any extra ((nonresidential)) non-residential floor area shall be gained through the transfer of ((transferable development rights)) TDR pursuant to Section 23.50.053.

b. Seventy-five percent of any extra ((nonresidential)) non-residential floor area shall be gained as bonus ((nonresidential)) non-residential floor area pursuant to Section 23.58A.024, or through the transfer of housing TDR under Section 23.50.053, or both.

2. In an IC ((85-160)) 85-175 zone, in addition to satisfying the conditions of subsection 23.50.028.D.1, for development to exceed the base FAR on a lot that has an area of 50,000 square feet or more, the Director shall make an individual determination of project impacts on the need for pedestrian facilities and complete a voluntary agreement between the property owner and the City to mitigate identified impacts, if any. The Director may consider the following as impact mitigation:

1 a. Pedestrian walkways on a lot, including through-block connections
2 on through lots, where appropriate, to facilitate pedestrian circulation by connecting structures
3 to each other and abutting streets;

4 b. Sidewalk improvements, including sidewalk widening, to
5 accommodate increased pedestrian volumes and streetscape improvements that will enhance
6 pedestrian comfort and safety; and

7 c. Measures that will contribute to the improvement of pedestrian
8 facilities, such as the following improvements applicable to the vicinity north of South Royal
9 Brougham Way and south of South Charles Street east of 4th Avenue South:

10 1) Improvements to 6th Avenue South as the primary pedestrian
11 and bicycle corridor connecting new development to the surrounding area and transit facilities;

12 2) Improvements to facilitate pedestrian wayfinding to and from
13 the Stadium Light Rail Station;

14 3) Improvements to enhance the pedestrian environment, such as
15 providing overhead weather protection, landscaping, and other streetscape improvements; and

16 4) Improved pedestrian and bicycle crossing of Airport Way
17 South at 6th Avenue South.

18 3. In an IC ((85-160)) 85-175 zone, in addition to satisfying the conditions of
19 subsections 23.50.028.D.1 and 23.50.028.D.2, if applicable, for development to exceed the
20 base FAR and include 85,000 or more square feet of gross office floor area, the Director shall
21 make an individual determination of project impacts on the need for open space resources. The
22 Director may limit floor area or allow floor area subject to conditions, which may include a
23 voluntary agreement between the property owner and the City to mitigate identified impacts, if

any. The Director shall take into account the findings of subsection 23.49.016.A in assessing the demand for open space generated by a typical office project in an area permitting high employment densities.

a. The Director may consider the following as mitigation for open space impacts:

1) Open space provided on-site or off-site, consistent with the provisions in subsection 23.49.016.C, or provided through payment-in-lieu, consistent with subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in an IC ((85-160)) 85-175 zone that is accessible to the project occupants, and

2) Additional pedestrian space through on-site improvements or streetscape improvements provided as mitigation for project impacts on pedestrian facilities pursuant to subsection 23.50.028.D.3.

b. The Director may determine that open space meeting standards differing from those contained or referred to in subsection 23.49.016.C will mitigate project impacts, based on consideration of relevant factors, including the following:

1) ((the)) The density or other characteristics of the workers anticipated to occupy the project compared to the presumed office employment population providing the basis for the open space standards applicable under Section 23.49.016; and/or

2) ((characteristics)) Characteristics or features of the project that mitigate the anticipated open space impacts of workers or others using or occupying the project.

E. Exemptions from FAR calculations

1. The following areas are exempt from FAR calculations in all industrial zones:
 - a. All gross floor area below grade;
 - b. All gross floor area used for accessory parking, except as provided in subsection 23.50.028.F;
 - c. All gross floor area located on the rooftop of a structure and used for any of the following: mechanical equipment, stair and elevator penthouses, and communication equipment and antennas; and
 - d. All gross floor area used for covered rooftop recreational space of a building existing as of December 31, 1998, in an IG1 or IG2 zone, if complying with subsection 23.50.012.D.
2. In addition to areas exempt from FAR calculations in subsection 23.50.028.E.1, within an IC ((85-160)) 85-175 zone, the following exemptions from FAR calculations apply:
 - a. Three and one-half percent of the total chargeable gross floor area in a structure, as an allowance for mechanical equipment. Calculation of the allowance is based on the remaining gross floor area after all other exempt space permitted in subsection 23.50.028.E is deducted.
 - b. For structures built prior to June 2, 2011, the area covered by new or replacement mechanical equipment placed on the roof.
 - c. All gross floor area for solar collectors and wind-driven power generators.

d. The gross floor area of the following uses located at street level,
provided that the conditions of Section 23.50.039 are satisfied:

- 1) General sales and service uses;
- 2) Eating and drinking establishments;
- 3) Entertainment use;
- 4) Public libraries;
- 5) ~~((Childcare))~~ Child care facilities;
- 6) Religious facilities; and
- 7) Automotive sales and service.

3. In addition to areas exempt from FAR calculations in subsection
23.50.028.E.1, within IG1 and IG2 zones, the gross floor area of rooftop recreational space
accessory to office use meeting the standards of subsection 23.50.012.D is exempt from FAR
calculations.

F. Within IC ~~((85-160))~~ 85-175 zones, gross floor area used for accessory parking
within stories that are completely above finished grade is not exempt, except that in an IC
~~((85-160))~~ 85-175 zone, if the Director finds, as a Type I decision, that locating all parking
below grade is infeasible due to physical site conditions such as a high water table,
contaminated soils conditions, or proximity to a tunnel, and that the applicant has placed or
will place the maximum feasible amount of parking below or partially below grade, the
Director may exempt all or a portion of accessory parking that is above finished grade. If any
exemption is allowed under this subsection 23.50.028.F, all parking provided above grade
shall be subject to the screening requirements of subsection 23.50.038.B.6.

1 G. Mechanical equipment. Area covered by mechanical equipment located on the roof
2 of a structure, whether enclosed or not, is included as part of the calculation of floor area,
3 unless expressly exempted by an applicable provision of this Section 23.50.028.

4 Section 31. Section 23.50.033 of the Seattle Municipal Code, last amended by Ordinance
5 125163, is amended as follows:

6 **23.50.033 Conditions for extra floor area in an IC ((85-160)) 85-175 zone**

7 A. General. Projects in an IC ((85-160)) 85-175 zone may add chargeable floor area
8 above the base FAR up to the applicable maximum FAR in Section 23.50.028 if Sections
9 23.58A.022 and 23.58A.024 for extra ((nonresidential)) non-residential floor area and all the
10 applicable conditions of this Chapter 23.50 are satisfied. The provisions of this Section
11 23.50.033 apply to lots in an IC ((85-160)) 85-175 zone, and only to development exceeding
12 the base FAR.

13 B. The applicant shall make a commitment that the proposed development will meet
14 the green building standard, and shall demonstrate compliance with that commitment, all in
15 accordance with Chapter 23.58D.

16 C. Quantity of parking, ridesharing, and transit incentive program requirements.
17 Maximum parking limits, ridesharing, and transit incentive program requirements for
18 ((nonresidential)) non-residential uses established for Downtown zones in subsections
19 23.49.019.C and 23.49.019.D apply, and requirements for bicycle parking established in
20 subsection 23.49.019.E apply.

21 D. Seattle Green Factor ((Landscaping Requirement)) landscaping requirement.
22 Development shall achieve a minimum Green Factor score of 0.30, calculated pursuant to
23 Section 23.86.019.

Section 32. Section 23.50.039 of the Seattle Municipal Code, enacted by Ordinance 123589, is amended as follows:

23.50.039 Street-level use requirements in an IC ((85-160)) 85-175 zone

A. In an IC ((85-160)) 85-175 zone, on lots that abut 4th Avenue South or 6th Avenue South between Airport Way South and South Royal Brougham Way, one or more of the following street-level uses are required, consistent with the standards in subsection 23.50.039.B:

1. General sales and service uses;
2. Automotive sales and service;
3. Eating and drinking establishments;
4. Entertainment uses;
5. Child care facilities;
6. Public libraries;
7. Public parks; and
8. Religious facilities.

B. Street-level uses shall be provided consistent with the following standards:

1. Along streets requiring street-level uses, a minimum of 75 percent of the street level of each street-facing ((~~façade~~)) facade shall be occupied by street-level uses listed in subsection 23.50.039.A. The remaining portion of the street level of the street-facing facade may contain other permitted uses and/or pedestrian or vehicular entrances.

2. Required street-level uses shall be located in a space with a minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet measured from the street-facing facade.

3. Required street-level uses shall be located within 10 feet of the street lot line.

4. Except for child care facilities, pedestrian access to required street-level uses shall be provided directly from the street or other open area with access to a street. Pedestrian entrances shall be located no more than 3 feet above or below sidewalk grade or at the same elevation as any abutting open area.

Section 33. A new Section 23.50.041 of the Seattle Municipal Code is added as follows:

23.50.041 Mandatory housing affordability (MHA)

The provisions of Chapter 23.58B apply in IC 85-175 zones.

Section 34. Subsection 23.50.053.A of the Seattle Municipal Code, which section was last amended by Ordinance 124172, is amended as follows:

23.50.053 Transfer of development rights within an IC ((85-160)) 85-175 zone

A. General standards for the transfer of transferable development rights (TDR) to lots in an IC ((85-160)) 85-175 zone

1. To achieve extra ((~~nonresidential~~)) non-residential floor area above the base FAR that may be allowed in an IC ((85-160)) 85-175 zone pursuant to subsection 23.50.028.D, an applicant may use TDR to the extent permitted under this subsection 23.50.053.A.

2. South Downtown Historic TDR, open space TDR from zones within South Downtown, and housing TDR eligible to be transferred from a lot under Section 23.49.014 may be transferred from a Downtown zone to a lot eligible as a receiving site in an IC ((85-160)) 85-175 zone. No other TDR may be used in an IC ((85-160)) 85-175 zone under this Section 23.50.053.

3. Except as expressly permitted pursuant to subsection 23.50.053.A,
development rights or potential floor area may not be transferred to a lot in an IC ~~((85-160))~~
85-175 zone.

4. No permit after the first building permit, no permit for any construction
activity other than excavation and shoring, and no permit for occupancy of existing floor area
by any use based upon TDR will be issued for development that includes TDR until the
applicant's possession of TDR is demonstrated to the satisfaction of the Director.

* * *

Section 35. Section 23.50.055 of the Seattle Municipal Code, enacted by Ordinance
123589, is amended as follows:

**23.50.055 Street-facing ~~((façade))~~ facade requirements and upper-level development
standards in an IC ~~((85-160))~~ 85-175 zone**

The following development standards apply to all lots within an IC ~~((85-160))~~ 85-175 zone.

A. Street-facing facade requirements. For purposes of this Section 23.50.055, balcony
railings and other non-structural features or non-structural walls are not considered parts of the
facade.

1. Minimum ~~((façade))~~ facade height. A minimum ~~((façade))~~ facade height of
25 feet is required for facades that face streets shown on Map A for 23.50.016, Industrial
Streets Landscaping Plan. The minimum ~~((façade))~~ facade height for facades facing other
streets is 15 feet. A minimum ~~((façade))~~ facade height does not apply if all portions of a
structure are lower than the applicable minimum ~~((façade))~~ facade height.

2. ~~((Façade))~~ Facade setback limits. The total area of street-level setbacks
between the street lot line and the street-facing ~~((façade))~~ facade is limited to the area

determined by multiplying the averaging factor by the width of the structure measured parallel to the abutting street.

a. The averaging factor is five for facades that face streets shown on Map A for 23.50.016.

b. For all other street-facing facades, the averaging factor is ten.

c. The maximum width, measured along the street lot line, of any setback area exceeding a depth of 15 feet from the street lot line is 80 feet, or 30 percent of the lot frontage on that street, whichever is less.

d. For all lots subject to ((~~façade~~)) facade setback limits, the following conditions apply:

1) Parking is prohibited between the facade and the street lot line.

2) The maximum setback of the facade from street lot lines within 20 feet of an intersection is 10 feet.

e. If the presence of a utility easement or other condition requires the street-facing ((~~façade~~)) facade to set back from the street lot line, the Director may, as a Type I decision, select another line to apply the standards of subsection 23.50.055.A.2. If sidewalk widening into the lot is required as mitigation pursuant to subsection 23.50.028.D, the setback area permitted by the applicable averaging factor shall be measured from the new edge of the sidewalk within the lot rather than the street lot line.

3. Principal pedestrian entrances. A principal pedestrian entrance to a structure is required on ((~~façades~~)) facades facing streets shown on Map A for 23.50.016, Industrial Streets Landscaping Plan.

1 4. Facade transparency requirements. Facade transparency requirements apply
2 to the area of the ((façade)) facade between 2 feet and 8 feet above the sidewalk. Only clear or
3 lightly tinted glass in windows, doors, and display windows is considered to be transparent.
4 Transparent areas shall allow views into the structure or into display windows from the
5 outside.

6 a. For facades facing a street shown on Map A for 23.50.016, Industrial
7 Streets Landscaping Plan, a minimum of 60 percent of a street-facing facade shall be
8 transparent.

9 b. For facades facing all other streets, a minimum of 40 percent of the
10 street-facing facade shall be transparent.

11 B. ~~((Upper Level Development Standards.))~~ Upper-level development standards

12 1. Facade ~~((Modulation.))~~ modulation

13 a. For structures exceeding 85 feet in height, modulation is required for
14 the portion of a street-facing facade above 65 feet in height if any part of the ((façade)) facade
15 above that height is located less than 15 feet from street lot lines. No modulation is required
16 for portions of a facade set back 15 feet or more from street lot lines.

17 b. For portions of structures subject to the modulation requirements of
18 subsection 23.50.055.B, the maximum length of a street-facing facade without modulation is
19 prescribed in Table A for 23.50.055. For purposes of this subsection 23.50.055.B, length is
20 measured parallel to each street lot line, and includes projections from the street-facing
21 ((façade)) facade, such as balconies, within 15 feet of street lot lines or their projection.

Table A for 23.50.055 ((Façade Modulation)) Facade modulation in an IC ((85-160 Zone)) 85-175 zone for ((Structures Exceeding)) structures exceeding 85 ((Feet)) feet in ((Height)) height	
Height of portion of structure (in feet)	Maximum length of ((un-modulated façade)) unmodulated facade if less than 15 feet from street lot line (in feet)
65 ((feet)) or less	No limit
Greater than 65 ((feet)) up to 125 ((feet))	155 ((feet))
Greater than 125 ((feet))	125 ((feet))

c. Any portion of a facade subject to modulation under subsection 23.50.055.B.1.a that exceeds the maximum length of ((façade)) facade prescribed in Table A for 23.50.055 must include a portion set back a minimum depth of 15 feet from street lot lines for a minimum length of 60 feet.

2. Floor area limit. The maximum floor area for any story wholly or in part above 85 feet in height is 25,000 square feet.

3. Minimum separation. At all levels above a height of 85 feet, separate structures on a lot and separate portions of the same structure must be separated at all points by a minimum horizontal distance of 60 feet.

Section 36. Section 23.52.008 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.52.008 Transportation impact mitigation

* * *

C. Impact mitigation. Based upon the results of the transportation impact analysis the Director may condition permit approval, as a Type I decision, to mitigate or prevent transportation impacts.

1. Except as provided by subsection 23.52.008.C.2, required mitigation may include, but is not limited to:

- a. changes in access;
- b. changes in the location, number and size of curb cuts and driveways;
- c. provision of transit incentives, including transit pass subsidies;
- d. bicycle parking, and shower facilities for bicycle commuters;
- e. signage, including wayfinding;
- f. improvements to vehicular, pedestrian and bicycle traffic facilities or operations including signalization, turn channelization, right-of-way dedication, street widening, pedestrian and bicycle facilities improvements, and lighting;
- g. transportation management plans;
- h. parking management strategies including, but not limited to, unbundling parking from building-space leases, reserved parking spaces for vanpools, and reduction in the amount of parking to be provided; and
- i. participation in a transportation mitigation payment program or transportation management association, where available.

2. Mitigation that may be required for residential projects in downtown zones or the residential portion of mixed use projects in downtown zones is limited to:

- a. signage, including wayfinding;
- b. provision of information on transit and ride-sharing programs; ~~((and))~~
- c. bicycle parking ~~((=))~~; and
- d. transportation management plans.

Section 37. Subsection 23.58B.040.A of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118914, is amended as follows:

23.58B.040 Mitigation of impacts - payment option

A. Amount of cash contributions

1. An applicant complying with this Chapter 23.58B through the payment option shall provide a cash contribution to the City, calculated by multiplying the payment calculation amount per square foot according to Table A or Table B for 23.58B.040 and Map A for 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as follows:

a. Including chargeable floor area in commercial use in the following:

- 1) A new structure;
- 2) An addition to a structure;
- 3) A change of use from residential use to commercial use; or
- 4) Any combination of the above; and

b. Excluding chargeable floor area in commercial use as follows:

- 1) The first 4,000 gross square feet of street-level commercial uses;

and

- 2) Street-level commercial uses along a designated principal

pedestrian street in a Pedestrian designated zone.

Table A for 23.58B.040

Payment calculation amounts:

In Downtown, SM-SLU, and SM-U zones

Zone	Payment calculation amount per square foot
DH1/45	Not applicable
DH2/55	(((\$14.25)) <u>Not applicable</u>)
((DH2/65)) <u>DH2/75</u>	\$15.00
DH2/85	(((\$15.25)) <u>Not applicable</u>)
((DMC-65)) <u>DMC 75</u>	\$8.25
((DMC-85)) <u>DMC 95</u>	\$8.00
DMC 85/65-150	\$11.75
((DMC-125)) <u>DMC 145</u>	\$10.00
((DMC-160)) <u>DMC 170</u>	\$8.00
DMC ((240/290-400)) <u>240/290-440</u>	\$10.00
DMC ((340/290-400)) <u>340/290-440</u>	\$12.50
DOC1 ((U/450-U)) <u>U/450-U</u>	\$14.75
DOC2 ((500/300-500)) <u>500/300-550</u>	\$14.25
DRC ((85-150)) <u>85-170</u>	\$13.50
DMR/C 65/65-85	\$9.75
DMR/C 65/65-150	\$9.75
DMR/C ((85/65)) <u>95/75</u>	\$17.50
DMR/C ((125/65)) <u>145/75</u>	\$17.50
DMR/C ((240/125)) <u>280/125</u>	\$14.25
DMR/R ((85/65)) <u>95/65</u>	\$14.00
DMR/R ((125/65)) <u>145/65</u>	\$16.00
DMR/R ((240/65)) <u>280/65</u>	\$16.00
All IDM zones	\$8.00
IDR 45/125-240	\$10.00
IDR 150	\$10.00
IDR/C 125/150-240	\$8.00
PMM-85	Not applicable
<u>All PSM ((100/100-120)) zones</u>	(((\$11.00)) <u>Not applicable</u>)
((PSM 100/100-130	\$11.00
PSM 100/120-150	\$11.00
PSM-100	\$11.00
PSM-245	\$10.25
PSM-85-120	\$12.25))
SM-SLU ((85/65-125)) <u>100/65-145</u>	\$8.00
SM-SLU 85/65-160	Not applicable
SM-SLU ((85-240)) <u>85-280</u>	((Not applicable)) \$8.00
SM-SLU ((160/85-240)) <u>175/85-280</u>	\$11.25
SM-SLU ((240/125-400)) <u>240/125-440</u>	\$10.00

Table A for 23.58B.040

Payment calculation amounts:

In Downtown, SM-SLU, and SM-U zones

Zone	Payment calculation amount per square foot
SM-SLU/R ((55/85)) 65/95	\$8.25
((SM-85)) SM-SLU 100/95	\$8.00
((SM-125)) SM-SLU 145	(((\$8.00)) \$9.25
SM-U 85	\$7.00
SM-U/R 75-240	\$20.00
SM-U 75-240	\$20.00
SM-U 95-320	\$20.00

Table B for 23.58B.040

Payment calculation amounts:

Outside Downtown, SM-SLU, and SM-U zones

Zone	Payment calculation amount per square foot^(†)		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities – Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC ((85-160)) 85-175	\$10.00	\$10.00	\$10.00
Zones with an (M) suffix	\$5.00	\$7.00	\$8.00
Zones with an (M1) suffix	\$8.00	\$11.25	\$12.75
Zones with an (M2) suffix	\$9.00	\$12.50	\$14.50
Other zones where provisions refer to Chapter 23.58B	\$5.00	\$7.00	\$8.00

((Footnotes to Table B for 23.58B.040

[†]Area within the University Community Urban Center is medium.))

2. Automatic adjustments to payment amounts. On March 1, 2016, and on the

same day each year thereafter, the amounts for payment calculations according to Table A and

Table B for 23.58B.040 shall automatically adjust in proportion to the annual change for the previous calendar year (January 1 through December 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

* * *

Section 38. Section 23.58B.050 of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118914, is amended as follows:

23.58B.050 Mitigation of impacts – performance option

A. Amount of MHA-C housing

1. An applicant complying with this Chapter 23.58B through the performance option shall provide total square feet of housing meeting the standards of subsection 23.58B.050.B, measured as net unit area, calculated by multiplying the percentage calculation amount per square foot according to Table A or Table B for 23.58B.050 and Map A for 23.58B.050, as applicable, by the total square feet of chargeable floor area in commercial use, as follows:

a. Including chargeable floor area in commercial use in the following:

- 1) A new structure;
- 2) An addition to a structure;
- 3) A change of use from residential use to commercial use; or
- 4) Any combination of the above; and

b. Excluding chargeable floor area in commercial use as follows:

- 1) The first 4,000 gross square feet of street-level commercial uses;

and

2) Street-level commercial uses along a designated principal pedestrian street in a Pedestrian designated zone.

2. If the calculation according to subsection 23.58B.050.A.1 yields fewer than three units of housing required to meet the standards of subsection 23.58B.050.B, using a conversion factor for unit size as determined by the Director, the applicant shall provide a cash contribution using the payment option according to subsection 23.58B.040.A.

Table A for 23.58B.050 Performance calculation amounts: In Downtown, SM-SLU, and SM-U zones	
Zone	Performance calculation amount per square foot
DH1/45	Not applicable
DH2/55	((8.6%)) Not applicable
((DH2/65)) DH2/75	9.1%
DH2/85	((9.2%)) Not applicable
((DMC-65)) DMC 75	5.0%
((DMC-85)) DMC 95	5.0%
DMC 85/65-150	7.1%
((DMC-125)) DMC 145	6.1%
((DMC-160)) DMC 170	5.0%
DMC ((240/290-400)) 240/290-440	6.1%
DMC ((340/290-400)) 340/290-440	7.6%
DOC1 ((U/450/U)) U/450-U	8.9%
DOC2 ((500/300-500)) 500/300-550	8.6%
DRC ((85-150)) 85-170	8.2%
DMR/C 65/65-85	5.9%
DMR/C 65/65-150	5.9%
DMR/C ((85/65)) 95/75	10.6%
DMR/C ((125/65)) 145/75	10.6%
DMR/C ((240/125)) 280/125	((8.6%)) 8.7%
DMR/R ((85/65)) 95/65	8.5%
DMR/R ((125/65)) 145/65	9.7%
DMR/R ((240/65)) 280/65	9.7%
All IDM zones	5.0%
IDR 45/125-240	6.1%
IDR 150	6.1%
IDR/C 125/150-240	5.0%

Table A for 23.58B.050

Performance calculation amounts:

In Downtown, SM-SLU, and SM-U zones

Zone	Performance calculation amount per square foot
PMM-85	Not applicable
All PSM ((100/100-120)) zones	((6.7%)) Not applicable
((PSM 100/100-130	6.7%
PSM 100/120-150	6.7%
PSM-100	6.7%
PSM-245	6.2%
PSM-85-120	7.4%))
SM-SLU ((85/65-125))100/65-145	5.0%
SM-SLU 85/65-160	Not applicable
SM-SLU ((85-240))85-280	((Not applicable)) 5.0%
SM-SLU ((160/85-240))175/85-280	6.8%
SM-SLU ((240/125-400))240/125-440	6.1%
SM-SLU/R ((55/85))65/95	5.0%
((SM-85))SM-SLU 100/95	5.0%
((SM-125))SM-SLU 145	((5.0%)) 5.6%
SM-U 85	5.0%
SM-U/R 75-240	9.0%
SM-U 75-240	9.0%
SM-U 95-320	9.0%

1

Table B for 23.58B.050

Performance calculation amounts:

Outside Downtown, SM-SLU, and SM-U zones

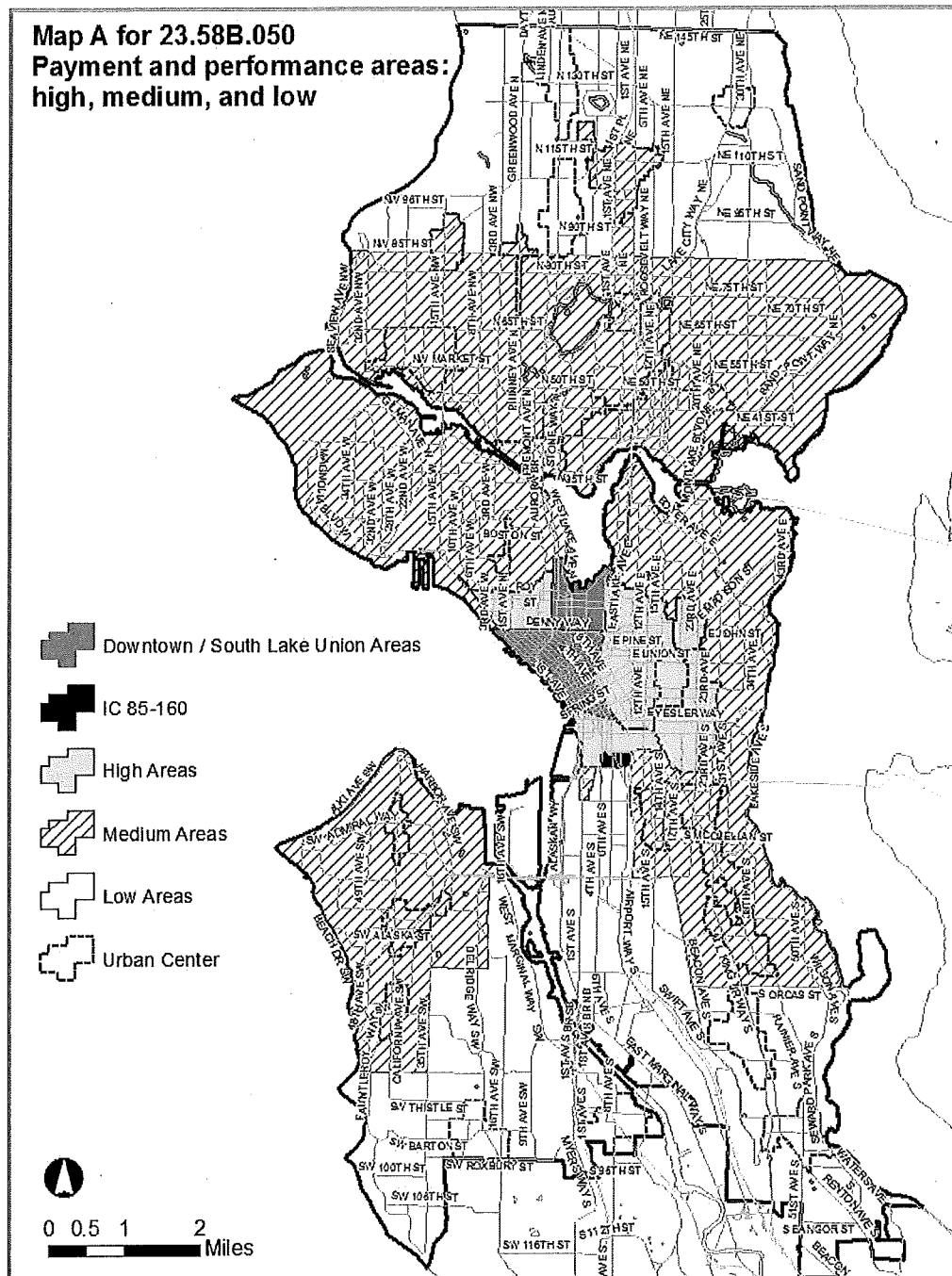
Zone	Performance calculation amount per square foot ¹		
	Low	Medium	High
All Industrial Buffer zones (IB)	Not applicable	Not applicable	Not applicable
All Industrial General zones (IG)	Not applicable	Not applicable	Not applicable
All Master Planned Communities — Yesler Terrace zones (MPC-YT)	Not applicable	Not applicable	Not applicable
IC ((85-160)) 85-175	6.1%	6.1%	6.1%

Table B for 23.58B.050
Performance calculation amounts:
Outside Downtown, SM-SLU, and SM-U zones

Zone	Performance calculation amount per square foot ¹		
	Low	Medium	High
Zones with an (M) suffix	5.0%	5.0%	5.0%
Zones with an (M1) suffix	8.0%	8.0%	8.0%
Zones with an (M2) suffix	9.0%	9.0%	9.0%
Other zones where provisions refer to Chapter 23.58B	5.0%	5.0%	5.0%

1
2

Map A for 23.58B.050
Payment and performance areas: high, medium, and low



Section 39. A new Section 23.58B.055 is added to the Seattle Municipal Code as follows:

23.58B.055 Approved and vested projects - election to participate

An applicant who (1) has an unexpired Master Use Permit for a project issued prior to the effective date of the ordinance introduced as Council Bill 118940, or (2) has submitted an application for a Master Use Permit for a project that is under review by the Department, has completed the Design Review Board Recommendation phase pursuant to subsection 23.41.014.E, and is vested pursuant to Section 23.76.026 prior to the effective date of the ordinance introduced as Council Bill 118940, may elect to incorporate into the project some or all of the capacity added to the applicable zone through the ordinance introduced as Council Bill 118940 without additional review by the Design Review Board if the following conditions are met:

A. The project is located in a Downtown or SM-SLU zone to which capacity was added through the ordinance introduced as Council Bill 118940; and

B. The proposed changes to the project are limited to incorporating capacity added to the applicable zone through the ordinance introduced as Council Bill 118940; and

C. The Director determines, as a Type I decision, that incorporating the additional capacity into the project is done in a manner consistent with the design recommended for approval by the Design Review Board pursuant to subsection 23.41.014.E; and

D. Incorporating the additional capacity into the project does not require any new development standard departures pursuant to Section 23.41.012; and

E. The project will comply with the requirements of Chapter 23.58B.

Section 40. Subsection 23.58C.025.D of the Seattle Municipal Code, which section was enacted by Ordinance 125108, is amended as follows:

23.58C.025 Applicability and general requirements

* * *

D. Relationship to incentive zoning. Where the provisions of the zone refer to this Chapter 23.58C and where bonus residential floor area or extra residential floor area may be achieved according to the provisions of the zone and/or Chapter 23.58A, the following provisions apply:

1. All ~~((affordable housing))~~ requirements to provide low-income or moderate-income housing, or affordable housing as defined in Section 23.58A.004, for achieving bonus residential floor area or extra residential floor area according to the provisions of the zone and/or Chapter 23.58A shall be satisfied solely by compliance with this Chapter 23.58C.

2. Any non-housing requirements for achieving bonus residential floor area or extra residential floor area shall be satisfied according to the provisions of the zone and/or Chapter 23.58A.

Section 41. Subsection 23.58C.030.A of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118914, is amended as follows:

23.58C.030 Permit documentation

A. General

1. For any development to which this Chapter 23.58C applies, the Master Use Permit application and the first building permit application that includes the structural frame for the structure shall include the following:

a. If the applicant elects the payment option, the amount of the required cash contribution according to subsection 23.58C.040.A;

b. If the applicant elects the performance option, the number of units required to be provided according to subsection 23.58C.050.A, the amount of any cash contribution according to subsection 23.58C.050.A.3.b, and a proposal for units that meet the requirements according to subsection 23.58C.050.C; and

c. If the applicant seeks relief according to Sections 23.48.231 or 23.49.039 or seeks a modification according to subsection 23.58C.035.B or subsection 23.58C.035.C, the earliest application according to this subsection 23.58C.030.A.1 shall include requests for such relief or modifications including all supporting materials required for a decision on the requests.

2. The Director shall, as a Type I decision and in consultation with the Director of Housing, determine:

a. If the applicant elects to comply with this Chapter 23.58C through the payment option according to Section 23.58C.040, the amount of the cash contribution;

b. If the applicant elects to comply with this Chapter 23.58C through the performance option according to Section 23.58C.050, the number of units that shall meet the requirements according to subsection 23.58C.050.C, the amount of any cash contribution according to subsection 23.58C.050.A.3.b, and the compliance of the proposal required according to subsection 23.58C.030.A.1.b with the requirements according to subsection 23.58C.050.C; and

c. Any modification according to subsection 23.58C.035.B(~~(+)~~).

3. The Director shall, as a special exception according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, in consultation with the

Director of Housing, determine any modification according to subsection((s 23.58C.035.B.2 and)) 23.58C.035.C.

4. The final plans that include the structural frame for the structure shall demonstrate compliance with the requirements according to Section 23.58C.040 or Section 23.58C.050 and state the ongoing requirements according to Section 23.58C.050.

5. If the applicant elects to comply with this Chapter 23.58C through the performance option according to Section 23.58C.050, the requirements according to Section 23.58C.050 shall be considered terms of the first building permit that includes the structural frame for the structure.

6. Unit substitution according to subsection 23.58C.050.C.6.f and conversion to ownership housing according to subsection 23.58C.050.C.6.i shall require a separate review and approval by the Director in consultation with the Director of Housing.

* * *

Section 42. Section 23.58C.035 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 118914, is amended as follows:

23.58C.035 Modification of payment ((/)) and performance amounts

A. General

1. An applicant may request a modification, according to this Section 23.58C.035, of the amount of payment required according to subsection 23.58C.040.A or the amount of performance required according to subsection 23.58C.050.A.

2. An applicant requesting a modification according to subsection 23.58C.035.B.2 shall have requested any available relief according to (([CODE SECTION RESERVED])) Sections 23.48.231 or 23.49.039, and the Director will evaluate relief according to (([CODE

1 ~~SECTION RESERVED~~))) Sections 23.48.231 or 23.49.039 before evaluating a modification
2 according to subsection 23.58C.035.B.2. An applicant requesting a modification according to
3 subsection 23.58C.035.C shall have requested any available relief according to Sections
4 23.48.231 or 23.49.039 and any available modification according to subsection 23.58C.035.B,
5 and the Director will evaluate relief according to Sections 23.48.231 or 23.49.039 and a
6 modification according to subsection 23.58C.035.B before evaluating a modification according
7 to subsection 23.58C.035.C.

8 3. The decision on any modification according to subsection 23.58C.035.B or
9 subsection 23.58C.035.C shall specify a per-square-foot payment amount for the development
10 and/or a percentage of units in each structure that shall meet the requirements of subsection
11 23.58C.050.C, as applicable, that can be applied to the final plans for the development or, in the
12 case of a modification according to subsection 23.58C.035.C, an absolute payment amount for
13 the development or number of units in each structure that shall meet the requirements according
14 to subsection 23.58C.050.C along with a limitation on the degree of change in the final plans that
15 is permissible without a redetermination of the modification.

16 B. Inability to use certain capacity

17 1. In a SM-U 75-240 or SM-U 95-320 zone, the performance calculation amount
18 according to Table B for 23.58C.050 shall be reduced to six percent and the payment calculation
19 amount according to Table B for 23.58C.040 shall be reduced such that it is equal to the amount
20 that applies in SM-U 85 if the applicant demonstrates that the site does not meet the minimum lot
21 size required for a highrise structure according to subsection 23.48.615.A.2, or that one or more
22 specific requirements of Sections 23.48.635, 23.48.645, and 23.48.646 would prevent a highrise
23 development from being able to achieve an average highrise floor area of at least 7,500 square

feet for stories subject to the highrise floor area limit according to subsection 23.48.645. For purposes of this subsection 23.58C.035.B.1, the following shall apply:

a. Financial feasibility shall not be considered in determining whether a threshold could be achieved.

b. Recommendations by a Design Review Board shall not be considered requirements of Title 23.

2. (~~[[RESERVED]]~~) In Downtown and SM-SLU zones listed in Table A for 23.58C.035, the payment calculation amount according to Table A for 23.58C.040 and the performance calculation amount according to Table A for 23.58C.050 shall be reduced if all of the conditions of subsections 23.58C.035.B.2.a and 23.58C.035.B.2.b are met. The amount of the reduction shall be as identified in subsections 23.58C.035.B.2.c and 23.58C.035.B.2.d.

a. If the development is located in a DOC1 zone, the development has a lot size of at least 16,000 square feet.

b. The applicant demonstrates that one or more specific requirements of Title 23 directly prohibit the development from being able to achieve the maximum size threshold or the secondary size threshold according to Table A for 23.58C.035 for the zone in which the development is located. For purposes of this subsection 23.58C.035.B.2, the following shall apply:

1) Financial feasibility shall not be considered in determining whether a threshold could be achieved.

2) Recommendations by a Design Review Board shall not be considered requirements of Title 23.

3) The development shall be considered able to achieve the secondary or maximum size threshold according to Table A for 23.58C.035 if any portion of the development to which this Chapter 23.58C applies containing occupiable space could achieve that size threshold, excluding rooftop features.

c. If the project cannot achieve the secondary size threshold for the applicable development standard in Table A for 23.58C.035, the payment calculation amount according to Table A for 23.58C.040 and the performance calculation amount according to Table A for 23.58C.050 shall be reduced by the maximum reduction percentage according to Table A for 23.58C.035.

d. If the project can achieve the secondary size threshold, but cannot achieve the maximum size threshold for the applicable development standard in Table A for 23.58C.035, the payment calculation amount according to Table A for 23.58C.040 and the performance calculation amount according to Table A for 23.58C.050 shall be reduced by a percentage equal to the maximum reduction percentage in Table A for 23.58C.035 multiplied by the difference of the maximum size threshold minus the size that could be achieved under requirements of Title 23 and divided by the difference of the maximum size threshold minus the secondary size threshold, provided that the total reduction shall never be more than the maximum reduction percentage.

Table A for 23.58C.035

Thresholds for modification due to inability to use certain capacity

<u>Zone</u>	<u>Development standard</u>	<u>Secondary size threshold</u>	<u>Maximum size threshold</u>	<u>Maximum reduction</u>
<u>DH2/75</u>	<u>Height</u>	<u>65 feet</u>	<u>75 feet</u>	<u>25%</u>
<u>DMC 75</u>	<u>Height</u>	<u>65 feet</u>	<u>75 feet</u>	<u>25%</u>
<u>DMC 95</u>	<u>Height</u>	<u>85 feet</u>	<u>95 feet</u>	<u>25%</u>
<u>DMC 145</u>	<u>Height</u>	<u>125 feet</u>	<u>145 feet</u>	<u>25%</u>

Table A for 23.58C.035

Thresholds for modification due to inability to use certain capacity

<u>Zone</u>	<u>Development standard</u>	<u>Secondary size threshold</u>	<u>Maximum size threshold</u>	<u>Maximum reduction</u>
DMC 170	Height	160 feet	170 feet	25%
DMC 240/290-440	Height	400 feet ¹	440 feet ¹	10%
DMC 340/290-440	Height	400 feet ¹	440 feet ¹	10%
DMR/C 95/75	Height	85 feet	95 feet	25%
DMR/C 145/75	Height	125 feet	145 feet	25%
DMR/C 280/125	Height	240 feet	280 feet	25%
DMR/R 95/65	Height	85 feet	95 feet	25%
DMR/R 145/65	Height	125 feet	145 feet	25%
DMR/R 280/65	Height	240 feet	280 feet	25%
DOC1 U/450-U	Average tower floor plate for floors above 160 feet in height	13,800 square feet	14,300 square feet	10%
DOC2 500/300-550	Height	500 feet	550 feet	10%
DRC 85-170	Height	150 feet	170 feet	25%
SM-SLU 85-280	Height	240 feet ⁴	280 feet ⁴	10%
SM-SLU 100/65-145	Height	125 feet ⁵	145 feet ⁵	10%
SM-SLU 100/95	Height	85 feet	95 feet	10%
SM-SLU 145	Height	125 feet	145 feet	10%
SM-SLU 175/85-280	Height	240 feet ²	280 feet ²	10%
SM-SLU 240/125-440	Height	400 feet ³	440 feet ³	10%
SM-SLU/R 65/95	Height	85 feet	95 feet	25%

Footnotes to Table A for 23.58C.035

¹ If the development meets the standards of subsection 23.49.039.A, the secondary size threshold shall be 160 feet and the maximum size threshold shall be 170 feet.

² If the development is located in the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet. If the development is located outside the South Lake Union Seaport Flight Corridor as shown on Map A for 23.48.225 and meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.

³ If the development meets the standards of subsection 23.48.231.C.1, the secondary size threshold shall be ((a)) 125 feet and the maximum size threshold shall be 135 feet.

⁴ If the development meets the standards of subsection 23.48.231.B.1, the secondary size threshold shall be 85 feet and the maximum size threshold shall be 95 feet.

⁵ If the development meets the standards of subsection 23.48.231.D.1, the secondary size threshold shall be 65 feet and the maximum size threshold shall be 75 feet.

C. Modification based on severe economic impact

1. The purpose of this subsection 23.58C.035.C is to allow the Director to modify the amount of payment required according to subsection 23.58C.040.A or the amount of performance required according to subsection 23.58C.050.A if the applicant can demonstrate facts supporting a determination of severe economic impact at such a level that a property owner's constitutional rights may be at risk.

2. For purposes of this subsection 23.58C.035.C, the Director is not making a determination of the constitutional rights of a property owner, but instead is reviewing the credibility and strength of facts demonstrating severe economic impact.

3. The Director may, as a special exception according to Chapter 23.76, waive or reduce the amount of payment required according to subsection 23.58C.040.A or the number of units required to meet the requirements according to subsection 23.58C.050.C if the applicant shows that application of the requirements of this Chapter 23.58C would:

a. Create severe economic impact by depriving a property owner of all economically beneficial use of the property; or

b. Create severe economic impact, not reaching deprivation of all economically beneficial use, but reaching the level of an undue burden that should not be borne by the property owner.

4. In determining whether there is a severe economic impact reaching the level of an undue burden that should not be borne by the property owner, the Director may weigh the following nonexclusive factors:

a. The severity of the economic impact caused by the application of the requirements of this Chapter 23.58C;

b. The degree to which the requirements of this Chapter 23.58C were or could have been anticipated;

c. The extent to which alternative uses of the property or configurations of the proposed development would alleviate the need for the requested waiver or reduction;

d. The extent to which any economic impact was due to decisions by the applicant and/or property owner; and

e. Other factors relevant to whether the burden should be borne by the property owner.

5. The waiver or reduction may be approved only to the extent necessary to grant relief from the severe economic impact.

6. A request to the Director for a modification according to this subsection 23.58C.035.C shall include, at a minimum, all of the following:

a. A description of the requested waiver or reduction, including the proposed payment or performance amount;

b. Documentation showing that any relief available according to (~~CODE SECTION RESERVED~~)) Sections 23.48.231 and 23.49.039 or subsection 23.58C.035.B would not eliminate the need for the requested waiver or reduction;

c. The identity of the property owner and the date of the owner's acquisition of the property;

d. Documentation showing the use of the property at the time of the request or, if the property is vacant at that time, the use of the property prior to commencement of vacancy;

1 e. Documentation explaining and supporting the claim of economic
2 impact; and

3 f. Documentation showing that a different development configuration that
4 satisfied the requirements of this Chapter 23.58C would not alleviate the need for the requested
5 waiver or reduction.

6 7. The applicant shall provide any additional information as may be required by
7 the Director to make a determination on the request. The applicant shall have the burden of
8 proving by a preponderance of the evidence that a waiver or reduction authorized according to
9 this subsection 23.58C.035.C is justified.

10 8. None of the following, standing alone and without consideration of the full
11 range of relevant factors including those according to subsection 23.58C.035.C.4, shall be a
12 sufficient basis for the Director to grant a waiver or reduction authorized according to this
13 subsection 23.58C.035.C:

14 a. The fact of a decrease in property value;

15 b. The fact that a property owner is unable to utilize the full amount of any
16 increase in residential development capacity enacted in connection with implementation of this
17 Chapter 23.58C in the zone in which the property is located; or

18 c. The fact that any such increase in residential development capacity,
19 combined with the requirements of this Chapter 23.58C, did not leave the property owner in a
20 better financial position than would have been the case with no increase in residential
21 development capacity and no application of the requirements of this Chapter 23.58C.

22 9. In any appeal to the Hearing Examiner, the parties will have an additional
23 opportunity to make a record on the factual issues consistent with due process.

Section 43. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118914, is amended as follows:

23.58C.040 Affordable housing – payment option

A. Payment amount

1. An applicant complying with this Chapter 23.58C through the payment option shall provide a cash contribution to the City, calculated by multiplying the payment calculation amount per square foot according to Table A or Table B for 23.58C.040 and Map A for 23.58C.050, as applicable, by the total gross floor area in the development, excluding the floor area of parking located in stories or portions of stories that are underground, as follows:

a. In the case of construction of a new structure, the gross floor area in residential use and the gross floor area of live-work units;

b. In the case of construction of an addition to an existing structure that results in an increase in the total number of units within the structure, the gross floor area in residential use and the gross floor area of live-work units in the addition;

c. In the case of alterations within an existing structure that result in an increase in the total number of units within the structure, the gross floor area calculated by dividing the total gross floor area in residential use and gross floor area of live-work units by the total number of units in the proposed development, and multiplying that quotient by the net increase in units in the structure;

d. In the case of change of use that results in an increase in the total number of units, the gross floor area that changed to residential use or live-work units; or

e. Any combination of the above.

Table A for 23.58C.040	
Payment calculation amounts:	
In Downtown, SM-SLU, and SM-U 85 zones	
Zone	Payment calculation amount per square foot
DH1/45	Not Applicable
DH2/55	Not Applicable
DH2/75	\$12.75
DH2/85	Not Applicable
DMC 75	\$12.75
DMC 85/65-150	Not Applicable
DMC 95	\$12.75
DMC 145	\$13.00
DMC 170	\$5.50
DMC 240/290-440	\$8.25
DMC 340/290-440	\$8.25
DMR/C 65/65-85	Not Applicable
DMR/C 65/65-150	Not Applicable
DMR/C 95/75	\$12.75
DMR/C 145/75	\$11.75
DMR/C 280/125	\$13.00
DMR/R 95/65	\$12.75
DMR/R 145/65	\$11.75
DMR/R 280/65	\$13.00
DOC1 U/450-U	\$12.00
DOC2 500/300-550	\$10.25
DRC 85-170	\$10.00
All IDM zones	Not Applicable
All IDR and IDR/C zones	Not Applicable
PMM-85	Not Applicable
All PSM zones	Not Applicable
SM-SLU 85/65-160	Not Applicable
SM-SLU 85-280	\$10.00
SM-SLU 100/95	\$7.50
SM-SLU 100/65-145	\$7.75
SM-SLU 145	\$7.75
SM-SLU 175/85-280	\$10.00
SM-SLU 240/125-440	\$10.00
SM-SLU/R 65/95	\$12.75
SM-U 85	\$13.25

Table B for 23.58C.040
Payment calculation amounts:
Outside Downtown, SM-SLU, and SM-U 85 zones

Zone	Payment calculation amount per square foot		
	Low	Medium	High
Zones with an (M) suffix	[RESERVED]	[RESERVED]	[RESERVED]
Zones with an (M1) suffix	[RESERVED]	\$20.00	[RESERVED]
Zones with an (M2) suffix	[RESERVED]	[RESERVED]	[RESERVED]
Footnotes to Table B for 23.58C.040			

2. Automatic adjustments to payment amounts. On March 1, 2017, and on the same day each year thereafter, the amounts for payment calculations according to Table A and Table B for 23.58C.040 shall automatically adjust in proportion to the annual change for the previous calendar year (January 1 through December 31) in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, WA, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index.

* * *

Section 44. Section 23.58C.050 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 118914, is amended as follows:

23.58C.050 Affordable housing – performance option

A. Performance amount

1. An applicant complying with this Chapter 23.58C through the performance option shall provide, as part of the units to be developed in each structure, a number of units that meet the requirements according to subsection 23.58C.050.C calculated by multiplying the

percentage set aside according to Table A or Table B for 23.58C.050 and Map A for 23.58C.050, as applicable, by the total number of units to be developed in each structure.

2. If the number of units that meet the requirements according to subsection 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals less than two, the applicant shall:

- a. Round up to two units; or
- b. Provide one dwelling unit that meets the requirements according to subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of Housing.

3. If the number of units that meet the requirements according to subsection 23.58C.050.C calculated according to subsection 23.58C.050.A.1 equals two or more and includes a fraction of a unit, the applicant shall:

- a. Round up to the nearest whole unit; or
- b. Round down to the nearest whole unit and pay a cash contribution for the fraction of a unit not otherwise provided, calculated by multiplying the performance calculation amount per square foot according to Table A or Table B for 23.58C.040 and Map A for 23.58C.050, as applicable, by the total gross floor area to be developed as measured according to subsection 23.58C.040.A.1, multiplying that product by the fraction of a unit not provided, and dividing the resulting number by the total number of units required to be provided based on the calculation according to subsection 23.58C.050.A.1. Use of cash contributions according to this subsection 23.58C.050.A.3.b shall be governed according to subsection 23.58C.040.B.

1 4. When the applicant elects to comply with this Chapter 23.58C through the
2 performance option for a development that contains multiple structures and the calculation
3 according to subsection 23.58C.050.A.1 results in fractions of units in more than one structure,
4 the Director may, as a Type I decision in consultation with the Director of Housing, allow such
5 fractions of units to be combined, provided:

6 a. If the sum of the combined fractions of units calculated according to this
7 subsection 23.58C.050.A.4 equals fewer than two, the applicant shall:

- 8 1) Round up to two units; or
9 2) Provide one dwelling unit that meets the requirements according
10 to subsection 23.58C.050.C that is three bedrooms or larger, as determined by the Director of
11 Housing;

12 b. If the sum of the combined fractions of units calculated according to
13 this subsection 23.58C.050.A.4 equals two or more and includes a fraction of a unit, the
14 applicant shall:

- 15 1) Round up to the nearest whole unit; or
16 2) Round down to the nearest whole unit and pay a cash
17 contribution for the fraction of a unit not otherwise provided, calculated according to subsection
18 23.58C.050.A.3.b; and

19 c. The construction of the structure(s) containing the units that meet the
20 requirements according to subsection 23.58C.050.C shall be completed at the same time or at an
21 earlier time than completion of construction of other structures in the development containing
22 units.

Table A for 23.58C.050 Performance calculation amounts: In Downtown, SM-SLU, and SM-U 85 zones	
Zone	Percentage set-aside per total number of units to be developed in each structure
<u>DH1/45</u>	<u>Not Applicable</u>
<u>DH2/55</u>	<u>Not Applicable</u>
<u>DH2/75</u>	<u>5.0%</u>
<u>DH2/85</u>	<u>Not Applicable</u>
<u>DMC 75</u>	<u>5.0%</u>
<u>DMC 85/65-150</u>	<u>Not Applicable</u>
<u>DMC 95</u>	<u>5.0%</u>
<u>DMC 145</u>	<u>5.1%</u>
<u>DMC 170</u>	<u>2.1%</u>
<u>DMC 240/290-440</u>	<u>3.2%</u>
<u>DMC 340/290-440</u>	<u>3.2%</u>
<u>DMR/C 65/65-85</u>	<u>Not Applicable</u>
<u>DMR/C 65/65-150</u>	<u>Not Applicable</u>
<u>DMR/C 95/75</u>	<u>5.0%</u>
<u>DMR/C 145/75</u>	<u>4.6%</u>
<u>DMR/C 280/125</u>	<u>5.1%</u>
<u>DMR/R 95/65</u>	<u>5.0%</u>
<u>DMR/R 145/65</u>	<u>4.6%</u>
<u>DMR/R 280/65</u>	<u>5.1%</u>
<u>DOC1 U/450-U</u>	<u>4.7%</u>
<u>DOC2 500/300-550</u>	<u>4.0%</u>
<u>DRC 85-170</u>	<u>3.9%</u>
<u>All IDM zones</u>	<u>Not Applicable</u>
<u>All IDR and IDR/C zones</u>	<u>Not Applicable</u>
<u>PMM-85</u>	<u>Not Applicable</u>
<u>All PSM zones</u>	<u>Not Applicable</u>
<u>SM-SLU 85/65-160</u>	<u>Not Applicable</u>
<u>SM-SLU 85-280</u>	<u>3.9%</u>
<u>SM-SLU 100/95</u>	<u>2.9%</u>
<u>SM-SLU 100/65-145</u>	<u>3.0%</u>
<u>SM-SLU 145</u>	<u>3.0%</u>
<u>SM-SLU 175/85-280</u>	<u>3.9%</u>
<u>SM-SLU 240/125-440</u>	<u>3.9%</u>
<u>SM-SLU/R 65/95</u>	<u>5.0%</u>
<u>SM-U 85</u>	<u>6.0%</u>

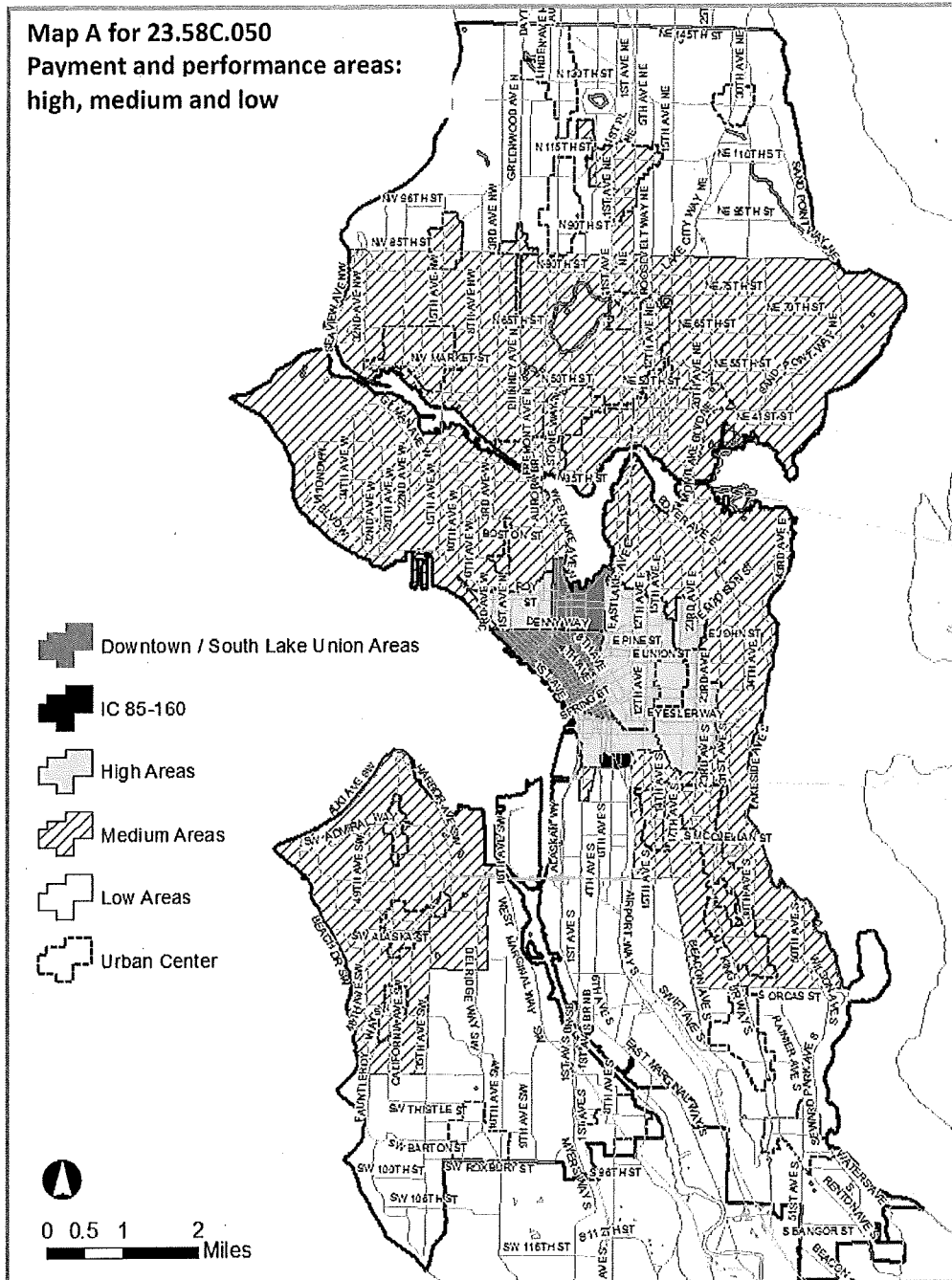
Table B for 23.58C.050

**Performance calculation amounts:
 Outside Downtown, SM-SLU, and SM-U 85 zones**

Zone	Percentage set-aside per total number of units to be developed in each structure		
	Low	Medium	High
Zones with an (M) suffix	[RESERVED]	[RESERVED]	[RESERVED]
Zones with an (M1) suffix	[RESERVED]	9.0%	[RESERVED]
Zones with an (M2) suffix	[RESERVED]	[RESERVED]	[RESERVED]
Footnotes to Table B for 23.58C.050			

1

- 1 Map A for 23.58C.050
- 2 Payment and performance areas: high, medium, and low



* * *

Section 45. A new Section 23.58C.055 is added to the Seattle Municipal Code as follows:

23.58C.055 Approved and vested projects - election to participate

An applicant who (1) has an unexpired Master Use Permit for a project issued prior to the effective date of the ordinance introduced as Council Bill 118940, or (2) has submitted an application for a Master Use Permit for a project that is under review by the Department, has completed the Design Review Board Recommendation phase pursuant to subsection 23.41.014.E, and is vested pursuant to Section 23.76.026 prior to the effective date of the ordinance introduced as Council Bill 118940, may elect to incorporate into the project some or all of the capacity added to the applicable zone through the ordinance introduced as Council Bill 118940 without additional review by the Design Review Board if the following conditions are met:

A. The project is located in a Downtown or SM-SLU zone to which capacity was added through the ordinance introduced as Council Bill 118940; and

B. The proposed changes to the project are limited to incorporating capacity added to the applicable zone through the ordinance introduced as Council Bill 118940; and

C. The Director determines, as a Type I decision, that incorporating the additional capacity into the project is done in a manner consistent with the design recommended for approval by the Design Review Board pursuant to subsection 23.41.014.E; and

D. Incorporating the additional capacity into the project does not require any new development standard departures pursuant to Section 23.41.012; and

E. The project will comply with the requirements of Chapter 23.58C.

Section 46. Section 23.76.004 of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 125272, is amended as follows:

23.76.004 Land use decision framework

A. Land use decisions are classified into five categories. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are generally categorized by type in Table A for 23.76.004.

* * *

H. If notice is required pursuant to this Chapter 23.76, except mailed notice as defined in Section 23.84A.025, it may be provided by electronic means if the recipient provides an e-mail address to the Department. Notice to City agencies may be provided through the City's interoffice mail or by electronic means.

Table A for 23.76.004 LAND USE DECISION FRAMEWORK ¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation

*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
((*))	((Determination of public benefit for combined lot FAR))
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Other Type I decisions that are identified as such in the Land Use Code
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board ³)	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit ³
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and except for design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Light rail transit facilities
*	The following environmental determinations:
	1. Determination of non-significance (EIS not required)

	2. Determination of final EIS adequacy
	3. Determinations of significance based solely on historic and cultural preservation
	4. A decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance
*	Major Phased Developments
*	Downtown Planned Community Developments
*	<u>Determination of public benefit for combined lot development</u>
*	Other Type II decisions that are identified as such in the Land Use Code
TYPE III Hearing Examiner's Decision (No Administrative Appeal)	
*	Subdivisions (preliminary plats)
COUNCIL LAND USE DECISIONS TYPE IV (Quasi-Judicial)	
*	Amendments to the Official Land Use Map (rezones), except area-wide amendments and correction of errors
*	Public projects that require Council approval
*	Major Institution master plans, including major amendments, renewal of a master plan's development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions
*	Major amendments to property use and development agreements
*	Council conditional uses
*	Other decisions listed in subsection 23.76.036.A
TYPE V (Legislative)	
*	Land Use Code text amendments
*	Area-wide amendments to the Official Land Use Map
*	Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes
*	Concept approvals for the location or expansion of City facilities requiring Council land use approval
*	Major Institution designations and revocations of Major Institution designations
*	Waivers or modifications of development standards for City facilities
*	Adoption of or amendments to Planned Action Ordinances

*	Other decisions listed in subsection 23.76.036.C
Footnotes for Table A for 23.76.004: ¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types. ² Type I decisions are subject to administrative review through a land use interpretation pursuant to Section 23.88.020 if the decision is one that is subject to interpretation. ³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.	

* * *

Section 47. section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.76.006 Master Use Permits required

* * *

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction and transitional encampments;
3. The following street use approvals:
 - a. Curb cut for access to parking whether associated with a development proposal or not;

1 b. Concept approval of street improvements associated with a
2 development proposal, such as additional on-street parking, street landscaping, curbs and gutters,
3 street drainage, sidewalks, and paving;

4 c. Structural building overhangs associated with a development proposal;

5 d. Areaways associated with a development proposal;

6 4. Lot boundary adjustments;

7 5. Modification of the following features bonused under Title 24:

8 a. Plazas;

9 b. Shopping plazas;

10 c. Arcades;

11 d. Shopping arcades; and

12 e. Voluntary building setbacks;

13 6. Determinations of Significance (determination that an Environmental Impact
14 Statement is required) for Master Use Permits and for building, demolition, grading, and other
15 construction permits (supplemental procedures for environmental review are established in
16 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
17 Significance based solely on historic and cultural preservation;

18 7. Discretionary exceptions for certain business signs authorized by subsection
19 23.55.042.D;

20 8. Waiver or modification of required right-of-way improvements;

21 9. Special accommodation pursuant to Section 23.44.015;

22 10. Reasonable accommodation;

23 11. Minor amendment to Major Phased Development Permit;

1 12. ~~((Determination of public benefit for combined lot development;~~
2 13.)) Streamlined design review decisions pursuant to Section 23.41.018 if no
3 development standard departures are requested pursuant to Section 23.41.012, and design review
4 decisions in an MPC zone if no development standard departures are requested pursuant to
5 Section 23.41.012;

6 ((14)) 13. Shoreline special use approvals that are not part of a shoreline
7 substantial development permit;

8 ((15)) 14. Determination that a project is consistent with a planned action
9 ordinance, except as provided in subsection 23.76.006.C;

10 ((16)) 15. Decision to approve, condition, or deny, based on SEPA policies, a
11 permit for a project determined to be consistent with a planned action ordinance;

12 ((17)) 16. Determination of requirements according to subsections
13 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, ~~((and))~~
14 23.58C.030.A.2.b, and 23.58C.030.A.2.c; and

15 ((18)) 17. Other Type I decisions.

16 C. The following are Type II decisions:

17 1. The following procedural environmental decisions for Master Use Permits and
18 for building, demolition, grading, and other construction permits are subject to appeal to the
19 Hearing Examiner and are not subject to further appeal to the City Council (supplemental
20 procedures for environmental review are established in Chapter 25.05, Environmental Policies
21 and Procedures):

22 a. Determination of Non-significance (DNS), including mitigated DNS;

b. Determination that a final Environmental Impact Statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations that are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting temporary relocation of police and fire stations for 24 months or less;

b. Short subdivisions;

c. Variances, provided that the decision on variances sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

d. Special exceptions, provided that the decision on special exceptions sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

e. Design review decisions, except for streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and except for design review decisions in a MPC zone pursuant to Section 23.41.020 if no development standard departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses, provided that the decision on administrative conditional uses sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions, provided that these decisions shall be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council land use decision (supplemental procedures for shoreline decisions are established in Chapter 23.60A):

1) Shoreline substantial development permits;

2) Shoreline variances; and

3) Shoreline conditional uses;

h. Major Phased Developments;

i. Determination of project consistency with a planned action ordinance, only if the project requires another Type II decision;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

k. Downtown planned community developments;

l. Establishment of temporary uses for transitional encampments, except transitional encampment interim uses provided for in subsection 23.76.006.B.2;

m. Determination of requirements according to subsections 23.58B.025.A.4 and 23.58C.030.A.3; ((and))

n. Except for projects determined to be consistent with a planned action ordinance, decisions to approve, condition, or deny based on SEPA policies if such decisions are integrated with the decisions listed in subsections 23.76.006.C.2.a. through 23.76.006.C.2.l;

provided that, for decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g that are made by the Council, integrated decisions to approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section 23.76.036((?)); and

o. Determination of public benefit for combined lot development.

Section 45. The Council requests that the Seattle Department of Construction and Inspections (SDCI) reports to the Chair of the Planning, Land Use and Zoning Committee on projects that utilize the provisions in Sections 23.58B.055 and 23.58C.055. The report shall include the following: (1) a list of projects that requested a Type I decision pursuant to Sections 23.58B.055 or 23.58C.055; (2) the decision made by the Director and the rationale; (3) the time required to issue each decision; and (4) if granted, the resulting MHA contributions (amount of payments collected under the payment option and/or the number of units constructed through the performance option). The first report shall be delivered no later than July 15, 2017. SDCI shall submit a second report no later than January 15, 2018, if additional projects utilize the provisions in Sections 23.58B.055 and 23.58C.055 after July 2017.

Section 46. The Council intends to consider, as soon as environmental review on the proposal is complete and after a public hearing, an amendment to the text of the Land Use Code that would authorize the Director of the Seattle Department of Construction and Inspections, as a Type I decision, to allow increases in height above the maximum height for residential uses in the DOC2 500/300-550 zone. The increases would be granted when new development voluntarily provides a greater separation than would otherwise be required from existing residential towers on the same block. Additionally, the Council intends to explore complementary livability initiatives Downtown including, exploring rights-of-way management

techniques to optimize access and service use of alleys, considering additional programs to use rights-of-way downtown as an open space amenity, and refining the urban design strategy downtown through an Urban Design Framework and revised Design Review guidelines.

Section 48. Section 25.05.675 of the Seattle Municipal Code, last amended by Ordinance 125233, is amended as follows:

25.05.675 Specific environmental policies

* * *

R. Traffic and Transportation

* * *

2. Policies.

a. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety and/or character of a neighborhood or surrounding areas.

b. In determining the necessary traffic and transportation impact mitigation, the decisionmaker shall examine the expected peak traffic and circulation pattern of the proposed project weighed against such factors as the availability of public transit; existing vehicular and pedestrian traffic conditions; accident history; the trend in local area development; parking characteristics of the immediate area; the use of the street as determined by the Seattle Department of Transportation's Seattle Comprehensive Transportation Plan; and the availability of goods, services and recreation within reasonable walking distance.

c. Mitigation of traffic and transportation impacts shall be permitted whether or not the project meets the criteria of the Overview Policy set forth in SMC Section 25.05.665.

d. Mitigation measures which may be applied to residential projects in
downtown are limited to the following:

- i. Signage;
- ii. Provision of information on transit and ride-sharing programs;
- ((and))
- iii. Bicycle parking ((:)); and
- iv. Transportation management plans.

e. Mitigating measures which may be applied to nonresidential projects in
downtown are limited to the following:

- i. Provision of transit incentives including transit pass subsidies;
- ii. Signage;
- iii. Improvements to pedestrian and vehicular traffic operations,
signalization, turn channelization, right-of-way dedication, street widening, or other
improvements proportionate to the impact of the project; and
- iv. Transportation management plans.

* * *

Section 49. Council requests that the Office of Planning and Community Development
and the Seattle Department of Construction and Inspections, in consultation with the
Construction Codes Advisory Board, report to Council's Planning Land Use and Zoning
Committee by September 30, 2017, on the use of lot sub-areas, sometimes referred to as
"development sites," for the purposes of the application of Land Use Code development
standards and standards in technical codes, such as the Building Code, Electrical Code, Energy
Code, and Fire Code. The report shall include (1) a discussion of advantages and disadvantages

- 1 of application of development standards to lot sub-areas as opposed to the lot itself, including
- 2 recent illustrative examples, and (2) recommendations on any proposed changes to the Land Use
- 3 Code and technical codes.

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Exhibit A
Areas being Rezoned
MHA Implementation in
Downtown and South Lake Union
V2

#	Rezone from:	Rezone to:
1	SM-SLU 85/65-125	SM-SLU 100/65-145
2	SM-85	SM-SLU 100/95
3	SM-125	SM-SLU 145
4	SM-SLU 160/85-240	SM-SLU 175/85-280
5	SM-SLU 85-240	SM-SLU 85-280
6	SM-SLU/R 55/85	SM-SLU/R 65/95
7	SM-SLU 240/125-400	SM-SLU 240/125-440
8	DH2/65	DH2/75
9	DMC-65	DMC-75
10	DMC-85	DMC-95
11	DMC-125	DMC-145
12	DMC-160	DMC-170
13	DMC 240/290-400	DMC 240/290-440
14	DMC 340/290-400	DMC 340/290-440
15	DMR/C 85/65	DMR/C 95/75
16	DMR/C 125/65	DMR/C 145/65
17	DMR/C 240/125	DMR/C 280/125
18	DMR/R 85/65	DMR/R 95/65
19	DMR/R 125/65	DMR/R 145/65
20	DMR/R 240/65	DMR/R 280/65
21	DOC1 U/450/U	DOC1 U/450-U
22	DOC2 500/300-500	DOC2 500/300-550
23	DRC 85-150	DRC 85-170
24	IC 85-160	IC 85-175

 Rezone Area



0 0.25 0.5 Miles

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 City of Seattle, City Council. 03/06/2017
 Data source: City of Seattle

Exhibit B

FINDINGS OF FACT

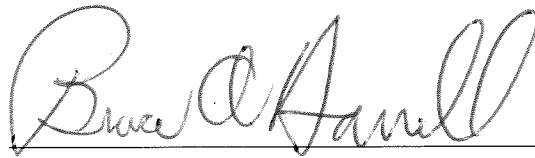
1. In November, 2015, by Ordinance 124895, the Council adopted SMC Chapter 23.58B.
2. In August, 2016, by Ordinance 125108, the Council adopted SMC Chapter 23.58C.
3. In December, 2016, by Ordinance 125233, the Council amended SMC Chapter 23.58B.
4. Through this ordinance, the Council is rezoning portions of the Downtown and South Lake Union Urban Centers and is implementing Chapter 23.58B and Chapter 23.58C in the areas being rezoned (the "Rezone Area").
5. The findings of fact adopted by Section 1 of Ordinance 124895 and by Section 1 of Ordinance 125108 are incorporated herein by reference.
6. In addition to the findings referenced in paragraph 5, the Council makes the following findings of fact related to the implementation of Chapter 23.58C, also known as Mandatory Housing Affordability for Residential Development (MHA-R), in the Rezone Area.
7. In addition to the reports referenced in the findings referenced in paragraph 5, the City commissioned various additional reports, including the Seattle Residential Affordable Housing Impact and Mitigation Study, David Paul Rosen & Associates, December 16, 2016.
8. By applying MHA-R in the Rezone Area pursuant to this ordinance, the Council is implementing an affordable housing incentive program under RCW 36.70A.540.
9. The Rezone Area is an area where increased residential development will assist in achieving local growth management and housing policies. There is a need for increased residential development in the Rezone Area. The City's comprehensive planning efforts identify the Downtown and South Lake Union Urban Centers as a top priority area for job and housing growth. Increased residential development is essential to enhancing a vibrant urban center, to increasing housing choices and housing affordability, and to creating transit-oriented development – all as called for by the City's planning policies. Moreover, the City's Comprehensive Plan strongly supports addressing the compelling and increasing need for affordable housing in Downtown and South Lake Union through a program under RCW 36.70A.540.
10. This ordinance provides substantially increased residential development capacity in the Rezone Area.
11. The increased residential development capacity provided within the Rezone Area can be achieved, subject to consideration of other regulatory controls on development. Staff identified a few, very limited situations in which development standards could preclude the additional capacity from being achieved. To address these situations, the ordinance

includes provisions for certain zones under which, if certain development standards would prevent a development from achieving certain measures of capacity, other development standards would be modified. In the unlikely event that the additional capacity could still not be achieved, the ordinance includes a provision by which payment and performance amounts under the MHA-R program would be modestly reduced if a development could not achieve certain size thresholds.

12. RCW 36.70A.540 provides that affordable housing incentive programs may allow a payment of money or property in lieu of low-income housing units if the jurisdiction determines that the payment achieves a result equal to or better than providing the affordable housing on-site, as long as the payment does not exceed the approximate cost of developing the same number and quality of housing units that would otherwise be developed. Based on a comprehensive analysis performed by staff, the Council determines that the foregoing standards are met by this ordinance. The staff analysis, contained in Appendix B to the Director's Report, is hereby incorporated by reference.
13. New market-rate housing is generally not affordable to lower-income households. At the same time, new market-rate housing creates an increased need for affordable housing to house lower-income workers who provide the goods and services purchased by residents of new market-rate housing. MHA-R requirements imposed on residential developments in the Rezone Area mitigate impacts of those developments in creating a need for affordable housing.
14. Implementation of MHA-R in the Rezone Area is reasonably related to the public harms identified in the findings adopted by Section 1 of Ordinance 125108 and to the City's legitimate public goals to fulfill its planning obligations under State law and to ensure access to affordable housing for all communities and households in Seattle, utilizing the tool of RCW 36.70A.540 provided by the Washington State Legislature.

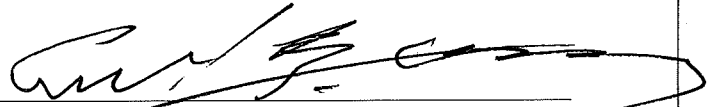
Section 50. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 10th day of April, 2017,
and signed by me in open session in authentication of its passage this 10th day of
April, 2017.



President _____ of the City Council

Approved by me this 10th day of April, 2017.



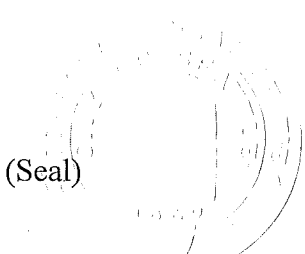
Edward B. Murray, Mayor

Filed by me this 14th day of April, 2017.



Monica Martinez Simmons, City Clerk

(Seal)



Exhibits:

Exhibit A – Areas being Rezoned MHA Implementation in Downtown and South Lake Union

Exhibit B – Findings of Fact

Exhibit A
Areas being Rezoned
MHA Implementation in
Downtown and South Lake Union
V2

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 Rezone Area



0 0.25 0.5 Miles

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 City of Seattle, City Council. 03/06/2017
 Data source: City of Seattle

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STATE OF WASHINGTON -- KING COUNTY

--SS.

349184

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.

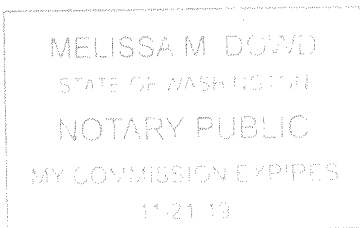
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:128287 -293 TITLE ONLY

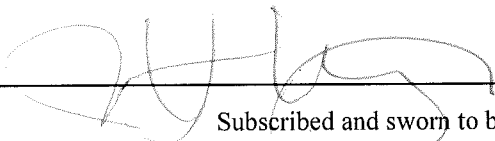
was published on

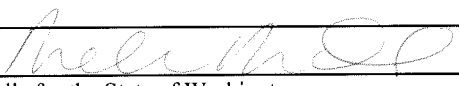
04/28/17

The amount of the fee charged for the foregoing publication is the sum of \$144.45 which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
04/28/2017


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on April 10, 2017, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125287

Council Bill 118753

AN ORDINANCE relating to land use and zoning; amending Sections 25.05.675 and 25.05.800 of the Seattle Municipal Code to clarify and update references to the Comprehensive Plan and restore the categorical exemptions for State Environmental Policy Act review of proposed "infill" development.

Ordinance 125288

Council Bill 118935

AN ORDINANCE relating to Seattle Public Utilities; updating and consolidating provisions relating to Seattle recycling requirements; and amending Sections 21.36.082 and 21.36.083 of the Seattle Municipal Code.

Ordinance 125289

Council Bill 118936

AN ORDINANCE relating to a lease agreement for office space; authorizing the Director of Finance and Administrative Services to enter into a lease agreement with NearSU, LLC, a Washington limited liability company, for office space in the 464 12th Avenue Building to be used as the Central Customer Service Center; and ratifying and confirming certain prior acts.

Ordinance 125290

Council Bill 118937

AN ORDINANCE relating to the redevelopment of Yesler Terrace by the Housing Authority of the City of Seattle; authorizing the Mayor to execute an amendment to the Yesler Terrace Cooperative Agreement with the Housing Authority of the City of Seattle that was authorized by Ordinance 123961; authorizing the Director of Housing to implement the Cooperative Agreement as amended; and ratifying and confirming certain prior acts.

Ordinance 125291

Council Bill 118940

AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in Downtown, South Lake Union and adjacent IC zones; amending Sections 23.41.012, 23.48.220, 23.48.225, 23.48.230, 23.48.232, 23.48.235, 23.48.245, 23.48.250, 23.48.255, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.019, 23.49.041, 23.49.058, 23.49.156, 23.49.158, 23.49.164, 23.50.020, 23.50.026, 23.50.028, 23.50.033, 23.50.039, 23.50.053, 23.50.055, 23.52.008, 23.58B.040, 23.58B.050, 23.58C.025, 23.58C.030, 23.58C.035, 23.58C.040, 23.58C.050, 23.76.004, 23.76.006, 23.86.007 and 25.05.675 of the Seattle Municipal Code; amending the Downtown Overlay Maps in Chapter 23.49 of the Seattle Municipal Code; and adding new Sections 23.48.223, 23.48.231, 23.48.290, 23.49.007, 23.49.039, 23.50.041, 23.58B.055, and 23.58C.055 to the Seattle Municipal Code to implement Mandatory Housing Affordability requirements in Downtown and South Lake Union.

Ordinance 125292

Council Bill 118942

AN ORDINANCE amending Ordinance 125248 to modify the effective date of certain sections of that ordinance.

Ordinance 125293

Council Bill 118945

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

Date of publication in the Seattle Daily Journal of Commerce, April 28, 2017.

4/28(349184)