

Ordinance No. 124566

Council Bill No. 118167

AN ORDINANCE relating to land use and zoning, establishing minimum floor area ratio requirements for lots with pedestrian designations within Urban Centers, Urban Villages, and the Station Area Overlay District, for lots in the Northgate Overlay District on a Major Pedestrian Street, and for lots zoned Seattle Mixed abutting a Class 1 or Class 2 Pedestrian Street within a Station Area Overlay District; amending Sections 23.47A.013 and 23.48.009 of the Seattle Municipal Code.

Related Legislation File: CF 313935

Date Introduced and Referred: <u>8/4/14</u>	To: (committee): <u>Planning, Land Use, and Sustainability</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9/8/14</u>	Date Presented to Mayor: <u>9/9/14</u>
Date Signed by Mayor: <u>9.15.14</u>	Date Returned to City Clerk: <u>9.15.14</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: [Signature]

Committee Action:

Date	Recommendation	Vote
<u>9/5/14</u>	<u>PASS</u>	<u>3-0 (MOB, TB SC)</u>

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

Full Council Action:

Date	Decision	Vote
<u>Sept. 8, 2014</u>	<u>Passed</u>	<u>9-0</u>

Law Department

CITY OF SEATTLE
ORDINANCE 124566
COUNCIL BILL 118167

AN ORDINANCE relating to land use and zoning, establishing minimum floor area ratio requirements for lots with pedestrian designations within Urban Centers, Urban Villages, and the Station Area Overlay District, for lots in the Northgate Overlay District on a Major Pedestrian Street, and for lots zoned Seattle Mixed abutting a Class 1 or Class 2 Pedestrian Street within a Station Area Overlay District; amending Sections 23.47A.013 and 23.48.009 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection H of Section 23.47A.013 of the Seattle Municipal Code, which section was last amended by Ordinance 124378, is amended as follows:

23.47A.013 Floor area ratio

* * *

H. Minimum FAR((~~z~~))

1. A minimum FAR shown in Table C for 23.47A.013 is required whenever more than 1,000 square feet of gross floor area is added to or removed from a lot:

a. ~~((the lot is-))~~located in a pedestrian-designated zone in an Urban Center, Urban Village, or Station Area Overlay District ((designated as of September 1, 2013));

~~((and))~~or

b. ~~((the lot is located in an Urban Center, Urban Village, or the Station Area Overlay District; and is-))~~located in the Northgate Overlay District and abutting a Major Pedestrian Street as shown on Map A for subsection 23.71.004.

~~((c. the following amount of gross floor area is added to or removed from the lot:~~

~~i. on a lot with no existing gross floor area, more than 1,000 square feet of gross floor area; or~~



1 ii. ~~on a lot with existing gross floor area, more than either 1,000~~
2 ~~square feet of gross floor area or 10 percent of the existing gross floor area, whichever is less.))~~

3
4 **Table C for 23.47A.013: Minimum Floor Area Ratio (FAR)**

5 Height Limit	30(()) feet	40(()) feet	65(()) feet	85(()) feet	125(()) feet	160(()) feet
6 Minimum FAR	1.5	1.5	2	2	2.5	2.5

7
8 2. The minimum FAR requirement provided in subsection 23.47A.013.H.1 does
9 not apply if:

10 a. additional floor area is added to an existing structure on a lot that is
11 nonconforming with respect to the minimum FAR shown in Table C for 23.47A.013;

12 b. the lot is larger than five acres;

13 c. all existing gross floor area is demolished to create a vacant lot; or

14 d. parks and open space is the principal use of the lot.

15 ((2))3. Portions of the lot designated as a steep slope, wetland, or riparian
16 corridor(~~(, or shoreline habitat))~~) or as a buffer to one of these areas, as defined in(~~(-SMC)~~)
17 Chapter 25.09, shall not be included when calculating lot size for the purpose of determining the
18 minimum FAR requirement provided in subsection 23.47A.013.H.1.

19 ((3))4. ~~((Portions of the lot occupied by a landmark structure that is proposed to~~
20 ~~be retained shall not be included when calculating lot size for the purpose of determining the~~
21 ~~minimum FAR requirement provided in subsection 23.47A.013.H.1.))~~The Director, in
22 consultation with the Director of the Department of Neighborhoods, may waive the minimum
23 FAR requirement provided in subsection 23.47A.013.H.1 for lots that contain a designated
24 landmark, or for lots within a Landmark District pursuant to Title 25 or within a Special Review
25 District pursuant to Chapter 23.66, if the Director determines a waiver is necessary to preserve
26 the integrity of a landmark or meet adopted District design and development guidelines.
27



5. The Director may waive the minimum FAR requirement provided in subsection 23.47A.013.H.1 for lots within the Pike/Pine Conservation Overlay District pursuant to Chapter 23.32, if the Director determines that the proposed development promotes neighborhood conservation objectives.

((4))6. The following gross floor area is not counted toward the minimum FAR requirement provided in subsection 23.47A.013.H.1:

- a. Gross floor area below grade; and
- b. Gross floor area containing parking.

Section 2. Subsection D of Section 23.48.009 of the Seattle Municipal Code, which section was last amended by Ordinance 124172, is amended and a new subsection E is added as follows:

23.48.009 Floor area ratio

* * *

D. The following floor area is exempt from maximum FAR limits:

* * *

E. Minimum FAR

1. A minimum FAR shown in Table C for 23.48.009 is required whenever more than 1,000 square feet of gross floor area is added to or removed from a lot located in a Station Area Overlay District and abutting a Class 1 or Class 2 Pedestrian Street.

Table C for 23.48.009: Minimum Floor Area Ratio (FAR)

Height Limit	40 feet	65 feet	85 feet	125 feet	160 feet	240 feet
Minimum FAR	<u>1.5</u>	<u>2</u>	<u>2</u>	<u>2.5</u>	<u>2.5</u>	<u>3</u>

2. The minimum FAR requirement provided in subsection 23.48.009.E.1 does not apply if:



1 a. additional floor area is added to an existing structure on a lot that is
2 nonconforming with respect to the minimum FAR shown in Table C for 23.48.009;

3 b. the lot is larger than five acres;

4 c. all existing gross floor area is demolished to create a vacant lot; or

5 d. parks and open space is the principal use of the lot.

6 3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or
7 as a buffer to one of these areas, as defined in Chapter 25.09, shall not be included when
8 calculating lot size for the purpose of determining the minimum FAR requirement provided in
9 subsection 23.48.009.E.1.

10 4. The Director, in consultation with the Director of the Department of
11 Neighborhoods, may waive the minimum FAR requirement provided in subsection
12 23.48.009.E.1 for lots that contain a designated landmark, or for lots within a Landmark District
13 pursuant to Title 25 or within a Special Review District pursuant to Chapter 23.66, if the Director
14 determines a waiver is necessary to preserve the integrity of a landmark or meet adopted District
15 design and development guidelines.

16 5. The following gross floor area is not counted toward the minimum FAR
17 requirement provided in subsection 23.48.009.E.1:

18 a. Gross floor area below grade; and

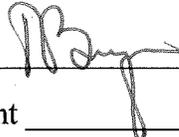
19 b. Gross floor area containing parking.

20 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
21 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
22 shall take effect as provided by Seattle Municipal Code Section 1.04.020.



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Passed by the City Council the 8th day of September, 2014, and signed by
me in open session in authentication of its passage this
8th day of September, 2014.



President _____ of the City Council

Approved by me this 18th day of September, 2014.



Edward B. Murray, Mayor

Filed by me this 15th day of September, 2014.



Monica Martinez Simmons, City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning & Development	Aly Pennucci 386-9132	Melissa Lawrie 684-5805

Legislation Title:

AN ORDINANCE relating to land use and zoning, establishing minimum floor area ratio requirements for lots with pedestrian designations within Urban Centers, Urban Villages, and the Station Area Overlay District, for lots in the Northgate Overlay District on a Major Pedestrian Street, and for lots zoned Seattle Mixed abutting a Class 1 or Class 2 Pedestrian Street within a Station Area Overlay District; amending Sections 23.47A.013 and 23.48.009 of the Seattle Municipal Code.

Summary of the Legislation:

The legislation would establish a permanent minimum floor area ratio (FAR) requirement. In summary, the proposed amendments would:

1. Continue to apply a minimum FAR requirements (that vary by zone and height limit) to all lots with a pedestrian designation in Urban Villages, Urban Centers and the Station Area Overlay Districts and add a minimum FAR requirement to lots within the Northgate Overlay District (along designated Major Pedestrian Streets) and lots zoned Seattle Mixed in a Station Area Overlay District that abut a Class 1 or Class 2 pedestrian street.
2. Identify the development threshold for the requirement; add flexibility for existing structures that do not conform to the minimum FAR requirement, to allow demolition to create a vacant lot and to exclude parks and open space.
3. Continue to include provisions that specify portions of a lot that would not be included in calculating the minimum FAR requirement, such as wetlands or steep slopes.
4. Allow exceptions for lots that contain a designated landmark or lots within a Landmark District and add flexibility for lots within the Pike/Pine Conservation Overlay District.

Background:

Over the years, neighborhood groups have reacted negatively to development proposals that are inconsistent with the urban character of pedestrian-oriented commercial districts. This issue has generated interest in requirements for minimum building size in specific areas. In 2013, Council and DPD received complaints about applicants proposing structures that were significantly smaller (one-story with surface parking) than the size of structures anticipated in pedestrian-



oriented areas of the city. Common complaints regarding these low-density developments are that they:

- impact the existing and/or desired character of the neighborhood by diminishing activity adjacent to the sidewalk, and preventing a street wall that can frame the pedestrian environment;
- reduce the capacity of neighborhood business districts to provide goods and services and accommodate residents and commercial employees within a compact area;
- negatively impact the environment by encouraging greater use of automobiles, discouraging residents from walking to and within neighborhood centers, and making it more difficult to create transit-supportive densities; and
- conflict with Comprehensive Plan goals to create vibrant, pedestrian-oriented neighborhood centers that allow residents to satisfy their daily needs within close proximity to their homes.

To address this, the City adopted Ordinance 124270 in 2013 to establish a minimum floor area ratio (FAR)¹ requirement on pedestrian-designated commercially-zoned lots within Urban Centers, Urban Villages, and the light rail Station Area Overlay District. The legislation was adopted on an emergency basis to prevent near-term development incompatible with comprehensive and neighborhood plan goals and policies. Permanent regulations were to be developed for the City Council to consider within a year. Ordinance 124270 was effective on September 16, 2013. It is scheduled to expire, unless extended, on September 15, 2014.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
Yes. This legislation may increase the size of development occurring on certain projects where the project might otherwise be built below the minimum FAR and may limit development where property owners feel there is not a market for higher density new development. These changes may result in developments that pay higher or lower permit fees or may even, in some cases, result in a property owner deciding not to build at all.

b) **What is the financial cost of not implementing the legislation?**

¹ Floor Area Ratio (FAR), means the amount of gross floor area allowed within structures per square foot of the lot. For example, a lot of 20,000 square feet with a maximum FAR of 3 would allow a building containing 60,000 square feet (i.e. a three story building that occupied the full lot or a six story building that occupied half the lot). The same lot with a minimum FAR of 2 would be required to provide a building containing, at minimum, 40,000 square feet (i.e. a two story building that occupied the full lot or a four story building that occupied half the lot).



None.

- c) **Does this legislation affect any departments besides the originating department?**

No.

- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

None.

- e) **Is a public hearing required for this legislation?**

Yes. The City Council must hold a public hearing before the Planning, Land Use and Sustainability (PLUS) Committee.

- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin. Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was also made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin.

- g) **Does this legislation affect a piece of property?**

This legislation would affect development on lots whenever more than 1,000 square feet of gross floor area is added to or removed from a lot that is less than five acres in size and that is located: in a pedestrian-designated zone designated in an Urban Center, Urban Village, or the Station Area Overlay District; located in the Northgate Overlay District and abuts a Major Pedestrian Street; or is located on a lot zoned Seattle Mixed in a Station Area Overlay District and abuts designated Pedestrian Streets.

- h) **Other Issues:** None.

List attachments to the fiscal note below: None.





City of Seattle
Edward B. Murray
Mayor

July 22, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that would amend the Land Use Code to establish permanent minimum density requirements for new development in parts of the city designated for growth in our Comprehensive Plan. The proposal will help us fulfill our goals for neighborhoods where people can live and have ready access to a wide range of goods and services.

In 2013, City Council adopted interim controls (Ordinance 124270). We are forwarding this proposal for permanent regulations. The proposal is consistent with the Council's goal to encourage new development to maximize the development capacity of sites. At the same time, the proposal includes flexibility so that property owners may continue to add to and invest in existing structures. Over the years, neighborhood groups have reacted negatively to small scale development proposals that are inconsistent with the urban character planned for their neighborhoods. This issue has generated interest in this legislation. Three recent proposals for new single story drug stores in Wallingford, Uptown and West Seattle prompted renewed complaints.

I am directing the Department of Planning and Development (DPD) to continue to monitor areas where the minimum densities would apply to help ensure that the regulations achieve the desired outcome. Please join me in supporting this legislation so that we can continue to encourage the type of development called for in neighborhood plans and that fulfills the City's Comprehensive Plan goals. Should you have questions, please contact Aly Pennucci in the Department of Planning and Development at 386-9132.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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www.seattle.gov/mayor



STATE OF WASHINGTON -- KING COUNTY

--SS.

316098

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.

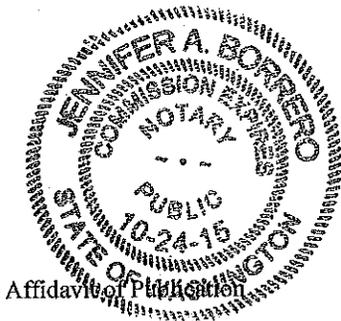
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124566-569 TITLE ONLY

was published on

10/03/14

The amount of the fee charged for the foregoing publication is the sum of \$837.20 which amount has been paid in full.



[Signature]
Subscribed and sworn to before me on
10/03/2014
[Signature]
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 September 8, 2014, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 884-8944.

ORDINANCE NO. 124566

AN ORDINANCE relating to land use and zoning, establishing minimum floor area ratio requirements for lots with pedestrian designations within Urban Centers, Urban Villages, and the Station Area Overlay District; for lots in the Northgate Overlay District on a Major Pedestrian Street, and for lots zoned Seattle Mixed abutting a Class 1 or Class 2 Pedestrian Street within a Station Area Overlay District; amending Sections 23.47A.013 and 23.48.009 of the Seattle Municipal Code.

ORDINANCE NO. 124567

AN ORDINANCE relating to centralized City human resources services;

changing the name of the Personnel Department to the Seattle Department of Human Resources and affirming the department's organizational role in City government; amending various sections of Chapters 3.02, 3.122, 3.124, 4.04, 4.08, 4.10, 4.13, 4.14, 4.20, 4.21, 4.24, 4.26, 4.28, 4.30, 4.33, 4.34, 4.36, 4.40, 4.44, 4.50, 4.70, 4.77, 4.78, 4.79, 4.86, 4.88, 4.94, 4.100, 5.08, 5.33, 6.78, and 10.02 of the Seattle Municipal Code to change references associated with the Personnel Department and the Personnel Director to the Seattle Department of Human Resources and the Seattle Human Resources Director, respectively; repealing obsolete Section 4.04.190 of the Seattle Municipal Code; uncodifying Section 4.04.270 of the Seattle Municipal Code; and making additional provisions for enacting this ordinance.

ORDINANCE NO. 124568

AN ORDINANCE relating to City employment, adopting a 2014 Citywide Position List.

ORDINANCE NO. 124569

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

Date of publication in the Seattle Journal of Commerce, October 3, 2014.

10/3/14