SEATTLE CITY COUNCIL

Legislative Summary

CB 118407

Record No.: CB 118407 **Type:** Ordinance (Ord) 124843 **Status:** Passed

Version: 3 **In Control:** City Clerk

File Created: 04/28/2015

Final Action: 08/21/2015

Title: AN ORDINANCE relating to land use, zoning, and environmental policy; amending Sections 3.58.070, 3.58.090, 23.22.024, 23.24.020, 23.28.030, 23.34.009, 23.40.060, 23.41.004, 23.41.008, 23.41.010, 23.41.012, 23.42.038, 23.44.010, 23.44.014, 23.44.041, 23.44.051, 23.45.504, 23.45.508, 23.45.510, 23.45.512, 23.45.518, 23.45.526, 23.45.529, 23.45.532, 23.45.536, 23.45.570, 23.46.002, 23.47A.004, 23.47A.012, 23.47A.013, 23.47A.014, 23.47A.016, 23.47A.032, 23.47A.039, 23.48.010, 23.49.008, 23.49.010, 23.49.012, 23.49.013, 23.49.041, 23.49.178, 23.49.242, Map 1I in Chapter 23.49, 23.50.020, 23.53.006, 23.53.015, 23.54.015, 23.54.025, 23.54.030, 23.58A.044, 23.66-.020, 23.67.060, 23.75.140, 23.75.180, 23.76.006, 23.76.012, 23.76.026, 23.76.032, 23.84A.002, 23.84A.008, 23.84A.012, 23.84A.032, 23.84A.038, 23.86.006, 23.86.010, 23.86.012, 23.86.016, 23.88.020, 25.05.164, 25.05.508, 25.05.510, 25.05.610, 25.05.756, 25.05.800, 25.05.920, 25.05.960, 25.06.030, 25.06.050, 25.08.425, 25.08.590, and 25.08.655, and repealing Section 23.40.050 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments; and amending the Wallingford Design Guidelines to update the title page and to correct the map of the Wallingford Planning Area Boundary.

Notes:

Sponsors: O'Brien

Date

Filed with City Clerk:

Mayor's Signature:

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text - CB 118407 v3, Att A: Wallingford Design Guidelines

Drafter: William.mills@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	Mayor	05/19/2015	Mayor's leg transmitted to Council	City Clerk	
	Action Text:	The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk			
	Notes:				
1	City Clerk	05/19/2015	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	05/20/2015	sent for review	Planning, Land Use, and Sustainability Committee	
	Action Text:	The Council Bill (CB) was sent for review. to the Planning, Land Use, and Sustainability Committee			
	Notes:				
1	Full Council	07/06/2015	referred	Planning, Land Use, and Sustainability Committee	
	Action Text:	The Council Bill (CB) was referred. to the Planning, Land Use, and Sustainability Committee			
	Notes:				
1	Planning, Land Use, and Sustainability Committee	07/07/2015			
1	Planning, Land Use, and Sustainability Committee	07/21/2015	held		
	Action Text:	The Committee held a Public Hearing and the Bill was held in Committee.			
1	Planning, Land Use, and Sustainability Committee	08/04/2015	pass as amended		Pass
	Action Text:	The Committee recommends that Full Council pass as amended the Council Bill (CB). In Favor: 3 Chair O'Brien, Vice Chair Burgess, Member Licata Opposed: 0			
2	Full Council	08/17/2015	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 by Councilmember O'Brien, duly seconded and carried, to amend Council Bill No. 118407, in three sections:

a. Section 11, item 18 of Seattle Municipal Code 23.41.010.B, by deleting "2014" after "Wallingford Design Guidelines," and by adding "2013" after "Wallingford Design Guidelines"

b. Section 83, by deleting the Section and by renumbering the next section accordingly, and shown below in underline and strike though language below:

~~Section 83. The Wallingford Design Guidelines, enacted by Ordinance 124389, are amended to change the title page and to correct the map of the Wallingford Planning Area Boundary on page vii, as shown on Exhibit A to~~

~~this ordinance.~~

Section ~~84~~ 83.

c. After City Clerk block section by deleting "Attachment: Exhibit A: Wallingford Design Guidelines 2014;" and

ACTION 2:

Motion was made by Councilmember Harrell and duly seconded, to amend Council Bill No. 118407, Section 9, by deleting Seattle Municipal Code Section 23.41.004.A.8, as shown in the strike through language below:

23.41.004 Applicability

A. Design review required

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~~8. Except for development within the boundaries of a Master Planned Community, design review pursuant to Section 23.41.014 is required for a development proposal if the proposal is (a) for three or more attached or detached dwelling units or 2,000 square feet or more of non-residential gross floor area; and (b) on a lot that is abutting one or more qualifying lots and the combined size of development proposals on the subject lot and abutting qualifying lot or lots exceeds thresholds in Table A or Table B to Section 23.41.004. For purposes of the preceding sentence, a "qualifying lot" is a lot for which, on the day a complete application is submitted for a development proposal on the subject lot: (a) a complete Master Use Permit or building permit application for a development proposal that does not exceed thresholds in Table A or B to Section 23.41.004 is or has been submitted; and (b) a certificate of occupancy for the development has not been issued or, for a project where no certificate of occupancy is required, the final inspection pursuant to any issued building permit has not been completed. If complete applications for development proposals are submitted for the subject lot and qualifying lot on the same day, design review is required for both development proposals.~~

* * *

The Motion failed by the following vote:
In favor: Harrell - 1
Opposed: Burgess, Bagshaw, Godden, O'Brien, Rasmussen, Sawant - 6

ACTION 3:

Motion was made by Councilmember O'Brien, duly seconded and carried, to

amend Council Bill No. 118407, Section 81, Seattle Municipal Code Section 25.08.590.E, by deleting title subsection E. "Variance Conditions;" by deleting subsection E.2; and by renumbering subsection E.1 accordingly, as shown below in the strike through language below:

25.08.590 Granting of variance

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E. ~~Variance conditions~~

~~1.~~ The Administrator may impose conditions, including but not limited to conditions relating to types of equipment, hours of use, and duration, to mitigate the adverse impacts of granting the variance. The Administrator may also include conditions proposed by the applicant as part of the variance application. Compliance with the Noise Management and Mitigation Plan approved by the Administrator is a condition of every variance.

~~2. Failure to comply with the conditions of a noise variance or with any permit conditions relating to noise may be subject to issuance of a citation under Section 25.08.900 and to the penalties of Section 25.08.960, at the discretion of the Administrator, for a single incidence of non-compliance. This remedy is an alternative to, but not in lieu of, the procedures in Sections 25.08.720 and 25.08.730. The procedures of Sections 25.08.720 and 25.08.730 shall apply to continuing failure to comply.~~

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ACTION 4:

Motion was made and duly seconded to pass Council Bill No. 118407 as amended.

In Favor: 8 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

3	City Clerk	08/18/2015	submitted for Mayor's signature	Mayor
	Action Text:	The Council Bill (CB) was submitted for Mayor's signature. to the Mayor		
	Notes:			
3	Mayor	08/21/2015	Signed	
	Action Text:	The Council Bill (CB) was Signed.		
	Notes:			
3	Mayor	08/21/2015	returned	City Clerk
	Action Text:	The Council Bill (CB) was returned. to the City Clerk		
	Notes:			
3	City Clerk	08/21/2015	attested by City Clerk	
	Action Text:	The Ordinance (Ord) was attested by City Clerk.		
	Notes:			

CITY OF SEATTLE

ORDINANCE 124843

COUNCIL BILL 118407

..title

AN ORDINANCE relating to land use, zoning, and environmental policy; amending Sections 3.58.070, 3.58.090, 23.22.024, 23.24.020, 23.28.030, 23.34.009, 23.40.060, 23.41.004, 23.41.008, 23.41.010, 23.41.012, 23.42.038, 23.44.010, 23.44.014, 23.44.041, 23.44.051, 23.45.504, 23.45.508, 23.45.510, 23.45.512, 23.45.518, 23.45.526, 23.45.529, 23.45.532, 23.45.536, 23.45.570, 23.46.002, 23.47A.004, 23.47A.012, 23.47A.013, 23.47A.014, 23.47A.016, 23.47A.032, 23.47A.039, 23.48.010, 23.49.008, 23.49.010, 23.49.012, 23.49.013, 23.49.041, 23.49.178, 23.49.242, Map 1I in Chapter 23.49, 23.50.020, 23.53.006, 23.53.015, 23.54.015, 23.54.025, 23.54.030, 23.58A.044, 23.66.020, 23.67.060, 23.75.140, 23.75.180, 23.76.006, 23.76.012, 23.76.026, 23.76.032, 23.84A.002, 23.84A.008, 23.84A.012, 23.84A.032, 23.84A.038, 23.86.006, 23.86.010, 23.86.012, 23.86.016, 23.88.020, 25.05.164, 25.05.508, 25.05.510, 25.05.610, 25.05.756, 25.05.800, 25.05.920, 25.05.960, 25.06.030, 25.06.050, 25.08.425, 25.08.590, and 25.08.655, and repealing Section 23.40.050 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments; and amending the Wallingford Design Guidelines to update the title page and to correct the map of the Wallingford Planning Area Boundary.

..body

WHEREAS the Council finds that street vacation decisions are regulated pursuant to Chapter 15.62 and not by the City's Land Use Code, Title 23; and

WHEREAS RCW 36.70B.140 authorizes the City to exempt street vacations from the consolidated permit review process prescribed by Chapter 23.76; and

WHEREAS the Council wishes to ratify the existing regulatory structure for street vacation decisions as a special circumstance authorized by RCW 36.70B.140; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.58.070 of the Seattle Municipal Code, enacted by Ordinance 96897, is amended as follows:

3.58.070 Purpose of Commission((.))

The Commission shall serve in an advisory capacity. Its function ((~~shall be~~))is to advise and assist the City in the development and execution of capital improvement projects. Its role ((~~shall be~~))is that of recommending such aesthetic, environmental and design principles, and policies that it considers appropriate and advantageous in guiding the development of such projects. No City capital improvement project shall be designed, placed under contract for design or constructed without first being referred to the Commission for its review and recommendation. Minor interior remodeling projects and private structures shall not be reviewed by the Commission unless such structures are specifically referred to the Commission by the City. The Commission shall either make its recommendations on any matter submitted to it within ((~~thirty (~~))30((~~)~~)) days after submission or provide a statement within 30 days after submission indicating the date by which it intends to make the recommendation((~~unless an extension is authorized by the City~~)). If it fails to do so, it shall be considered to have recommended approval.

Section 2. Section 3.58.090 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

3.58.090 Fees and charges for Design Commission review((~~.~~))

A. The Commission is authorized to charge ((~~the following~~))fees ((~~to applicants for review of capital improvement projects other than City departments' capital improvement projects~~))pursuant to Section 22.900D.170((~~:~~

~~1. When review is by the entire Commission, $700 per hour;~~

~~2. When review is by a committee or subcommittee of the Commission, $100 per Commission member participating in the review per hour~~)).

B. The Commission in its discretion, with the concurrence of the City Budget Director, may waive its fee under subsection 3.58.090.A((~~of this section~~)), in whole or in part, in the following circumstances:

1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment for the following types of projects: artworks, projects funded by grants and donations, neighborhood self-help projects undertaken by volunteers and nonprofit organizations, and for small capital improvements.

2. For Low-income and Special Needs Housing Projects Subject to Design Commission Review. The Commission may require a deposit of its fee before reviewing a project or giving its advice.

C. The Commission shall charge fees for its review of City departments' capital improvement projects as set forth in ((~~subsections A through D of~~))Section 22.900D.170.

Section 3. Section 23.22.024 of the Seattle Municipal Code, last amended by Ordinance 124167, is amended as follows:

23.22.024 Distribution of preliminary plans((~~,~~))

If the Director determines that the subdivider has met all the application requirements for the preliminary plat and that the preliminary plat contains sufficient elements and data to furnish a basis for its approval or disapproval, the Director shall affix a file number and date of receipt to the application and promptly forward three (((~~(3)~~))copies of the plat and the subdivider's preliminary plans for streets and other improvements to the Director of Transportation. The Director shall also forward a copy of the preliminary plat to each of the following:

A. Director of Public Health;

B. General Manager and Chief Executive Officer of City Light;

C. Director of Housing;

D. Superintendent of Parks and Recreation;

E. Director of Seattle Public Utilities;

F. Chief, Fire Department;

G. ((~~Metropolitan Services Department~~))King County Metro Transit Division;

H. Sound Transit;

I. King County Wastewater Treatment Division;

Who shall review the preliminary plat and, within ((~~thirty ()~~))30((~~)~~)) days, furnish the Director with a report as to the effect of the proposed subdivision upon the public health, safety, and general welfare, and containing their recommendations for approval or disapproval of the preliminary plat. The reports of the Director of Transportation and the Director of Seattle Public Utilities shall also include a recommendation as to the extent and type of improvements to be provided in dedicated areas and a preliminary estimate of the cost of these improvements.

Section 4. Section 23.24.020 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.24.020 Content of application

Applications for approval of a short subdivision shall include the following:

A. A plat of the proposed short subdivision containing standard survey data;

((~~B. A vicinity map on which shall be indicated the property to be subdivided;~~))

((~~C~~))B. A plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;

((~~D~~))C. Legal descriptions of the property to be subdivided and of all proposed lots or divisions;

((~~E~~))D. Name and address of owner(s) of the tract;

((~~F~~))E. Location of existing roadways, sidewalks and/or pedestrian walkways, sanitary sewer, storm drain and watermains, if any, together with proposed street improvements; and

((~~G~~))F. Specific location and description of all trees at least 6 inches in diameter measured 4.5 feet above the ground, with complete scientific and common names of species indicated.

Section 5. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.28.030 Criteria for approval

A. The Director shall approve an application for a lot boundary adjustment if it is determined that:

1. No additional lot, tract, parcel, site, or division is created by the proposed adjustment;

2. No lot contains insufficient area and dimensions to meet the minimum requirements for development as calculated under the development standards of the zone in which the lots affected are situated, except as provided in Section 23.44.010, and under any applicable regulations for siting development on parcels with riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands, wetland buffers, or steep slopes in Chapter 25.09. Adjusted lots shall continue to be regarded as existing lots for purposes of Chapter 25.09. Any required nondisturbance area shall be legibly shown and described on the site plan, and a

covenant shall be required as set out in Section 25.09.335;

3. Every proposed adjusted lot shall conform to the following standards for lot configuration, unless a modification is authorized under subsection 23.28.030.A.4:

a. If an adjusted lot is proposed with street frontage, then one lot line shall abut the street for at least 10 feet; and

b. No adjusted lot shall be less than 10 feet wide for a distance of more than 10 feet as measured at any point; and

c. No adjusted lot shall have more than six separate lot lines. The lot lines shall be straight lines unless the irregularly shaped lot line is caused by an existing right-of-way or existing lot line; and

d. If a((~~n~~)) lot to be adjusted ((~~lot is adjacent to~~))abuts upon an alley, and ((~~the adjacent~~))that alley is either improved or required to be improved according to the standards of Section 23.53.030, then no adjusted lot shall be proposed that does not provide alley access, except that access from a street to an existing use or structure is not required to be changed to alley access. Either the proposed adjusted lots shall have sufficient frontage on the alley to meet access standards for the zone in which the property is located or ((~~provide~~))an access easement from the adjusted lot or lots shall be provided to the alley that meets access standards for the zone in which the property is located.

* * *

Section 6. Section 23.34.009 of the Seattle Municipal Code, last amended by Ordinance 121476, is amended as follows:

23.34.009 Height limits of the proposed rezone((.))

((~~Where~~))If a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the ((~~Z~~))zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

B. Topography of the ((~~A~~))area and its ((~~S~~))surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

C. Height and ((~~S~~))scale of the ((~~A~~))area((~~.~~))

1. The height limits established by current zoning in the area shall be given consideration.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing ((~~develpment~~))development is a good measure of the area's overall development potential.

D. Compatibility with ((~~S~~))surrounding ((~~A~~))area((~~.~~))

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in ((~~S~~))subsection 23.34.008.((~~D~~))E.2, are present.

E. Neighborhood ((~~P~~))plans((~~.~~))

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995, may require height limits different than those that would otherwise be established pursuant to the provisions of this ((~~s~~))Section 23.34.009 and Section 23.34.008.

Section 7. Section 23.40.050 of the Seattle Municipal Code, enacted by Ordinance 123566 and that currently reads as follows, is repealed:

((~~**23.40.050 Pilot program for vacant and underused lots**~~

~~A. Purpose. The purpose of the Vacant and Underused Lot Pilot Program is to provide for the location of uses on vacant and underused lots that encourage pedestrian activity and to allow parking on an interim basis on lots that incorporate uses that encourage pedestrian activity. The Director shall determine qualifying uses and appropriate standards, and shall report to the City Council at the close of the pilot program whether the pilot program should be made effective for a longer time period, or provisions for active use of vacant and underused lots should be made permanent additions to the Land Use Code.~~

~~B. Program qualification.~~

~~1. Eligible projects. Uses of vacant and underused lots that meet the standards of Section 23.42.038 qualify for the Vacant and Underused Lot Pilot Program.~~

~~2. Enrollment. Enrollment in the Vacant and Underused Lot Pilot Program is required prior to filing an application for a use permit pursuant to Section 23.42.038. The enrollment period is limited to two years from the effective date of this ordinance or when 20 projects have successfully qualified, whichever comes first.~~

~~3. Application requirements. In order to qualify for the Vacant and Underused Lot Pilot Program, applicants must submit an application for a Type I Master Use Permit demonstrating compliance with Section 23.42.038 as determined by the Director.~~

~~4. Qualification process. A project is eligible for the Vacant and Underused Lot Pilot Program upon determination by the Director that a complete project application has been submitted pursuant to Section 23.76.010 and is in compliance with the application requirements in Section 23.40.050.B.3.~~))

Section 8. Section 23.40.060 of the Seattle Municipal Code, last amended by Ordinance 124535, is amended as follows:

23.40.060 Living Building Pilot Program

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B. Project qualification

1. Eligible projects. Only projects that are eligible for design review under Section 23.41.004 and located outside of the shoreline jurisdiction may qualify for the Living Building Pilot Program.

2. Enrollment period. The enrollment period for the Living Building Pilot Program expires on the earlier of ((~~December 31, 2015~~)) June 30, 2016 or when applications for 12 projects have been submitted for a Master Use Permit.

3. Application requirements. In order to qualify for the Living Building Pilot Program, applicants shall submit a plan demonstrating how their project will meet each of the imperatives of the Living Building Challenge, including an overall design concept, proposed energy balance, proposed water balance, and descriptions of innovative systems. In addition, an applicant shall include a description of how the project serves as a model for testing code improvements to stimulate and encourage Living Buildings in the city.

4. Qualification process. An eligible project shall qualify for the Pilot Program upon determination by the Director that it has submitted a complete application pursuant to Section 23.76.010 and has complied with the application requirements of subsection 23.40.060.B.3.

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Section 9. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.41.004 Applicability

A. Design review required

1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

Table A for 23.41.004((:)) Thresholds for Design Review		
	Zone	**Threshold**

Table A for 23.41.004((÷)) Thresholds for Design Review		
	Zone	**Threshold**
a.	Lowrise 2 (LR2) and Lowrise 3 (LR3)	8 dwelling units or 4,000 square feet of non-residential gross floor area
b.	Midrise (MR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
c.	Highrise (HR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
d.	Neighborhood Commercial (NC1, NC2, NC3)	4 dwelling units or 4,000 square feet of non-residential gross floor area
e.	Commercial (C1, C2)	4 dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban village[1], or on a lot that abuts or is across a street or alley from a lot zoned single-family, or on a lot located in the area bounded by: NE 95th St., NE 145th St., 15th Ave. NE, and Lake Washington
f.	Seattle Mixed (SM)	20 dwelling units or 12,000 square feet of non-residential gross floor area
g.	Industrial Commercial (IC) zone within all designated urban villages and urban centers	12,000 square feet of non-residential gross floor area
h.	Master Planned Community (MPC)[2]	20 dwelling units or 12,000 square feet of ((~~nonresidential~~)) non-residential gross floor area
i.	All zones – congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units[3]((÷))	Developments containing at least 5,000 but less than 12,000 square feet of gross floor area are subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018. Developments containing at least 12,000 but less than 20,000 square feet of gross floor area are subject to Administrative Design Review (ADR) pursuant to Section 23.41.016. Developments containing 20,000 square feet or more of gross floor area are subject to Design Review pursuant to Chapter 23.41.

Table A for 23.41.004((:)) Thresholds for Design Review		
	Zone	**Threshold**
Footnotes to Table A for 23.41.004: [1] Urban centers and urban villages are identified in the Seattle Comprehensive Plan. [2] If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014. [3]When a congregate residence or development in which more than 50 percent of dwelling units are small efficiency dwelling units is subject to more than one design review threshold, the gross square footage threshold on line i shall apply.		

2. Design review is required for all new Major Institution development proposals that exceed any applicable threshold listed in this subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Design review is required for all new development proposals located in the ((~~following~~)) Downtown zones listed in Table B for 23.41.004 that exceed any of the following thresholds in Table B for 23.41.004:

Table B for 23.41.004 Thresholds for Downtown Design Review	
((~~DOC 1, DOC 2~~))DOC1, DOC2, or DMC zones	
Use	**Threshold**
Non-residential	50,000 square feet of gross floor area
Residential	20 dwelling units
DRC, DMR, DH1 or DH2 zones, or PMM zone outside the Pike Place Market Historical District	
Use	**Threshold**
Non-residential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as

shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet of non-residential gross floor area and electing to add extra floor area above the base FAR that are located in an IC 85-160 zone.

5. Streamlined administrative design review (SDR) to protect trees. As provided in Sections 25.11.070 and 25.11.080, SDR pursuant to Section 23.41.018 is required for any new development proposals in LR, MR, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located on the lot and is not proposed to be preserved, if design review would not otherwise be required by this subsection 23.41.004.A.

((~~6. New multifamily or commercial development proposals in the zones listed in this subsection 23.41.004.A, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection 23.41.004.A.5.~~))

((~~7~~))6. Design review pursuant to Section 23.41.014 is required for projects that are eligible for design review under any provision of this Section 23.41.004 and that are participating in the Living Building Pilot Program authorized by Section 23.40.060.

((~~8~~))7. SDR pursuant to Section 23.41.018 is required for all new developments that include at least three townhouse units, if design review is not otherwise required by this subsection 23.41.004.A.

8. Except for development with the boundaries of a Master Planned Community, design review pursuant to Section 23.41.014 is required for a development proposal if the proposal is (a) for three or more attached or detached dwelling units or 2,000 square feet or more of non-residential gross floor area; and (b) on a lot that is abutting one or more qualifying lots

and the combined size of development proposals on the subject lot and abutting qualifying lot or lots exceeds thresholds in Table A or Table B to Section 23.41.004. For purposes of the preceding sentence, a "qualifying lot" is a lot for which, on the day a complete application is submitted for a development proposal on the subject lot: (a) a complete Master Use Permit or building permit application for a development proposal that does not exceed thresholds in Table A or B to Section 23.41.004 is or has been submitted; and (b) a certificate of occupancy for the development has not been issued or, for a project where no certificate of occupancy is required, the final inspection pursuant to any issued building permit has not been completed. If complete applications for development proposals are submitted for the subject lot and qualifying lot on the same day, design review is required for both development proposals..

* * *

Section 10. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance 124389, is amended as follows:

23.41.008 Design Review Board

A. Role of the Design Review Board. The Design Review Board shall be convened for the purpose of reviewing all development subject to design review, except development subject to administrative or streamlined design review pursuant to this Chapter 23.41, Design Review. To accomplish this purpose, the Design Review Board shall:

1. Synthesize community input on design concerns and provide early design guidance to the development team and community; and

2. Recommend to the Director specific conditions of approval which are consistent with the design guidelines applicable to the development; and

3. Ensure fair and consistent application of Citywide or neighborhood-specific design guidelines.

B. Design Review Board ((~~M~~))membership ((~~C~~))criteria((~~.~~))

1. Members shall reside in Seattle; and

2. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

3. Members should possess a familiarity with land use processes and standards as applied in Seattle; and

4. Consistent with the City's Code of Ethics, ((~~SMC~~))Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or

indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

C. Design Review Board ((~~C~~))composition((~~.~~))

1. The Design Review Board shall be composed as follows:

((~~Design Review Board Composition~~))

Table A for 23.41.008
Design Review Board Composition

Representation	**Development ((~~I~~))interests**	**Design ((~~P~~))professions**	**General ((~~C~~))community ((~~I~~))interests**	**Local ((~~R~~))residential ((~~I~~))interests**	**Local ((~~B~~))business ((~~I~~))interests**
Number	7	7	7	7 (1/district)	7 (1/district)
Selection ((~~P~~))process	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council, 1 pursuant to ((~~SMC~~))Chapter 3.51 [1]	Nominated by community and business organizations, respectively; jointly appointed by Mayor and Council	
Confirmation ((~~P~~))process	Confirmed by Council	Confirmed by Council	Confirmed by Council	Confirmed by Council	

Footnotes to Table A for 23.41.008:
[1] One (((~~1~~)))designated young adult position is added to the Design Review Board pursuant to the Get Engaged Program, ((~~SMC~~))Chapter 3.51. The selection process and term of service related to this young adult position are set forth in ((~~SMC~~))Chapter 3.51.

2. Term. Upon appointment to the Design Review Board, a member shall serve for a period of two years. A member may be re-appointed to subsequent terms pursuant to the selection and confirmation process in subsection 23.41.008.C.1((~~ of this Section~~)). The Director may extend the existing term of a serving member by up to one year in order to avoid more than two vacancies at any time.

* * *

Section 11. Section 23.41.010 of the Seattle Municipal Code, last amended by Ordinance 124389, is amended as follows:

23.41.010 Design review guidelines

* * *

B. The following neighborhood design guidelines are approved. These ((~~N~~))neighborhood design guidelines apply in the areas shown on the map included in the guidelines.

1. "Admiral Design Guidelines, 2013;"
2. "Ballard Municipal Center Master Plan Area Design Guidelines, 2013;"
3. "Belltown Urban Center Village Design Guidelines, 2004;"
4. "Capitol Hill Design Guidelines, 2013;"
5. "Green Lake Design Guidelines, 2013;"
6. "Greenwood/Phinney Design Guidelines, 2013;"
7. "Morgan Junction Design Guidelines, 2013;"
8. "North Beacon Hill Design Guidelines, 2013;"
9. "North District/Lake City Guidelines, 2013;"
10. "Northgate Design Guidelines, 2013;"
11. "Othello Design Guidelines, 2013;"
12. "Pike/Pine Design Guidelines, 2013;"
13. "Roosevelt Design Guidelines, 2013;"
14. "South Lake Union Design Guidelines, 2013;"
15. "University Design Guidelines, 2013;"

16. "Upper Queen Anne Design Guidelines, 2013;"

17. "Uptown Design Guidelines, 2013;"

18. "Wallingford Design Guidelines, 2013;" and

19. "West Seattle Junction Design Guidelines, 2013."

* * *

Section 12. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance 124680, is amended as follows:

23.41.012 Development standard departures

A. Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and Major Institution development as part of a design review process. Departures may be allowed if an applicant demonstrates that departures from Land Use Code requirements would result in a development that better meets the intent of adopted design guidelines.

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

* * *

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((~~and the provisions for structural building overhangs in Section 23.53.035~~));

* * *

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; and((~~.~~))

* * *

Section 13. Section 23.42.038 of the Seattle Municipal Code, enacted by Ordinance 123566, is amended as follows:

23.42.038 Uses allowed on vacant and underused lots in certain zones

A. Permitted uses. On any lot in a Downtown, Seattle Mixed, Highrise, Industrial or Commercial zone, except for NC1 zones and lots in landmark and special review districts, ((~~A~~))a Type I Master Use Permit may be issued for the following uses, pursuant to the provisions of subsections 23.42.038.B through 23.42.038.E((~~.~~

~~1. On any lot in a Downtown, Seattle Mixed, Highrise, Industrial or Commercial zone, except for lots in landmark and special review districts, the following uses may be located on a lot as a Type I Master Use Permit~~)):

((~~a~~))1. General retail sales and services in a kiosk or similar temporary structure;

((~~b~~))2. Mobile food or other vendors using a cart, trailer, van, or similar vehicle;

((~~c~~))3. Displays or installations of art;

((~~d. Demonstration projects for modular structures or other structures designed to be moveable or disassembled;~~))

((~~e~~))4. Entertainment uses that are outdoors;

((~~f~~))5. Horticulture use; or

((~~g~~))6. Any similar use or activity that is determined by the Director to have the likelihood of attracting and increasing pedestrian activity in the area.

((~~2. Principal use short-term parking is allowed as a Type I Master Use Permit in Downtown, Seattle Mixed, Highrise, Industrial, and in all Commercial zones except NC1 zones,~~

~~and except for lots in landmark and special review districts, if the site is eligible under at least one of the following circumstances:~~

~~a. There is existing, legally established accessory parking on the site, and the use to which the parking was accessory has been discontinued, provided that no existing principal structures may be demolished to facilitate establishment of any interim use; or~~

~~b. The site has been cleared or otherwise prepared for construction as of June 1, 2010, pursuant to an active permit authorizing construction and commencement of a new use on the property; or~~

~~c. There is an active application as of June 1, 2010, for a Master Use Permit to develop or redevelop the site.~~

~~3. The uses described in subsections 23.42.038.A.1 and 23.42.038.A.2 are permitted subject to the requirements of the Vacant and Underused Lot Pilot Program in Section 23.40.050.~~))

B. Requirements((~~,~~))

1. A permit for the uses permitted by subsection 23.42.038.A shall be authorized for a period of three years and may be renewed for ((~~one~~))additional three-year terms at the discretion of the Director.

2. ((~~A permit for short-term principal use parking pursuant to subsection 23.42.038.A.2 may be issued for a period not to exceed three years. The permit for short-term principal use parking pursuant to subsection 23.42.038.A.2 may not be renewed or extended and a new permit to reauthorize the permit for short-term principal use parking shall not be issued.~~

~~3.~~)) Permits under Section 23.42.038 may not be issued for property that is located within a riparian corridor, a shoreline habitat, a shoreline habitat buffer, a wetland, a wetland buffer, a steep slope, or a steep slope buffer pursuant to the provisions of Chapter 25.09, Regulations for Environmentally Critical Areas.

3. For entertainment uses that are outdoors, hours of operation shall be between 7 a.m. and 10 p.m. and the area of use shall be at least 50 feet from a residential zone;

C. Waiver of development ((~~S~~))standards. The Director may waive development standards for the uses allowed pursuant to subsection 23.42.038.A, except ((~~as follows:~~

~~1. M~~))measures shall be incorporated to shield vehicle lights to minimize glare on nearby uses((~~:~~

~~2. The uses permitted in subsection 23.42.038.A.1 shall be provided adjacent to 60 percent of the length of all street lot lines of a principal use short-term parking lot permitted pursuant to subsection 23.42.038.A.2, subject to adjustment by the Director as determined necessary, and shall occupy a minimum depth from street lot lines as determined necessary by the Director.~~

~~3. Principal use short-term parking lots shall meet the following standards in addition to the standards of subsections 23.42.038.C.1 and 23.42.038.C.2:~~

~~a. The site shall, at a minimum, be improved with a crushed rock surface;~~

~~b. If a barrier free parking space is required pursuant to the Washington State Building Code, Chapter 11 or other applicable law, then the barrier free stall shall be located adjacent to a paved sidewalk and an area of the site sufficient to accommodate the barrier free space shall be paved;~~

~~c. In order to meet the landscaping requirements of the respective zone in which the parking use is to be located, temporary landscaping provided in planter boxes or similar containers may be substituted for required landscaping on site, as determined by the Director;~~

~~d. Lighting shall be provided by light poles or an equivalent substitute for light poles that are between 10 feet and 30 feet in height from finished grade, but no higher than the height limit of the zone in which the site is located, and placed at intervals sufficient to light the entire parking lot with uniformity, provided that the lighting is shielded and directed away from adjacent uses~~)).

D. The uses permitted by Section 23.42.038 do not interrupt any legally established permanent use of a property or create, expand, or extend any nonconformity to development standards by an existing use.

E. For all uses authorized by Section 23.42.038, appropriate measures shall be taken to control queuing on or other blocking of an adjacent sidewalk or right-of-way.

Section 14. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance 124475, is amended as follows:

23.44.010 - Lot requirements

***

B. Exceptions to minimum lot area requirements. The following exceptions to minimum lot area requirements are allowed, subject to the requirements in subsection 23.44.010.B.2, and further subject to the requirements in subsection 23.44.010.B.3 for any lot less than 3,200 square feet in area:

1. A lot that does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped under one of the following circumstances:

***

f. If a lot qualifies for an exception to the lot area requirement under subsection 23.44.010.B.1.a, 23.44.010.B.1.b, 23.44.010.B.1.c, 23.44.010.B.1.d, or 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that also qualify for separate development may be adjusted through the lot boundary adjustment process if the adjustment maintains the existing lot areas, increases the area of a qualifying substandard lot without reducing another lot below the minimum permitted lot area, or causes the areas of the lots to become more equal provided the number of parcels qualifying for separate development is not increased. Lots resulting from a lot boundary adjustment that do not meet the minimum lot area requirement must qualify for an exception to that requirement.

((~~g. If a lot qualifies for an exception to the lot area requirement under subsection 23.44.010.B.1.a, 23.44.010.B.1.b, 23.44.010.B.1.c, 23.44.010.B.1.d, or 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that also qualify for separate development may be adjusted through the lot boundary adjustment process if the adjustment maintains the existing lot areas, increases the area of a qualifying substandard lot without reducing another lot below the minimum permitted lot area, or causes the areas of the lots to become more equal provided the number of parcels qualifying for separate development is not increased. Lots resulting from a lot boundary adjustment that~~

~~do not meet the minimum lot area requirement must qualify for an exception to that requirement.~~))

***

Section 15. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.44.014 Yards

* * *

C. Side yards. The side yard shall be 5 feet except as follows:

1. I((~~i~~))n the case of a reversed corner lot, the key lot of which is in a single-family zone, the width of the side yard on the street side of the reversed corner lot shall ((~~be~~))not be less than 10 feet; or

2. If any side street lot line is a continuation of the front lot line of an abutting single-family zoned lot, whether or not separated by an alley, the width of the street side yard shall not be less than 10 feet.

D. Exceptions from standard yard requirements. No structure shall be placed in a required yard except pursuant to the following:

* * *

5. Uncovered ((~~P~~))porches or ((~~S~~))steps. Uncovered, unenclosed porches or steps may project into any required yard, if they are no higher than 4 feet ((~~on average~~))above existing grade, no closer than 3 feet to any side lot line, no wider than 6 feet and project no more than 6 feet into required front or rear yards. The ((~~height~~))width of porches and steps are to be calculated separately.

* * *

Section 16. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.44.041 Accessory dwelling units

A. Accessory dwelling units, general provisions. The Director may authorize an accessory dwelling unit, and that dwelling unit may be used as a residence, only under the following conditions:

1. A lot with or proposed for a single-family dwelling may have no more than one accessory dwelling unit.

2. The owner(s) of the lot shall comply with the owner occupancy requirements of subsection 23.44.041.C.

3. Any number of related persons may occupy each unit in a single-family dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either unit, the total number of persons occupying both units may not altogether exceed eight.

4. All accessory dwelling units are required to meet the development standards in Table A for 23.44.041, unless modified in subsection 23.44.041.B:

Table A for 23.44.041 Development ((s))Standards for ((a))All ((a))Accessory ((d))Dwelling ((u))Units	
a. Maximum gross floor area	Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area.[1] Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007.
b. Entrances	Only one entrance to the structure may be located on each street-facing facade of the dwelling unit.[2]

Table A for 23.44.041 Development ((s))Standards for ((a))All ((a))Accessory ((d))Dwelling ((u))Units
Footnotes to Table A for 23.44.041: [1] The gross floor area of an attached accessory dwelling unit may exceed 1,000 square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one level, except that a garage for the accessory dwelling unit may be located on a different level. [2] More than one entrance may be allowed if: a) two entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening, or another design solution is effective in de-emphasizing the presence of a second entrance.

5. Except on lots located within areas that are defined as either an urban center or urban village in the City's Comprehensive Plan, one off-street parking space is required for the accessory dwelling unit and may be provided as tandem parking with the parking space provided for the principal dwelling unit. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot. Except for lots located in either Map A for 23.54.015, University District Parking Overlay Area or Map B for 23.54.015, Alki Area Parking Overlay Area, the Director may waive the off-street parking space requirement for an accessory dwelling unit if:

a. The topography or location of existing principal or accessory structures on the lot makes provision of an off-street parking space physically infeasible; or

b. The lot is located in a restricted parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all property lines of the site.

B. Accessory dwelling units, detached, additional provisions. A detached accessory dwelling unit is also known as a backyard cottage. The Director may authorize a detached accessory dwelling unit, and that unit may be used as a residence, only under the conditions set

forth in subsection 23.44.041.A and the following additional conditions:

* * *

3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. The Director may allow an exception to one or more of the development standards for accessory dwelling units contained in subsection 23.44.041.A.4 and standards a through f, h, i, and j listed in Table B for 23.44.041, provided the conversion does not increase the structure's nonconformity with the standard and the applicant can demonstrate that the accessory structure was constructed prior to June 1, 1999, as an accessory structure. If an accessory structure constructed prior to June 1, 1999, was replaced to the same configuration in accordance with the standards of Section 23.42.112, then the replacement structure also qualifies for conversion under this subsection 23.44.041.B.3. For purposes of this subsection 23.44.041.B.3, the term "conversion" means either keeping the accessory structure intact or removing and rebuilding the accessory structure, provided that any expansion or relocation of the accessory structure complies with the development standards for detached accessory dwelling units.

* * *

Section 17. Section 23.44.051 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

23.44.051 Bed and breakfasts

A bed and breakfast use is permitted if it meets the following standards:

A. General ((~~P~~))provisions((~~.~~))

1. The bed and breakfast use ((~~must~~))shall have a business license issued by the Department of Finance and Administrative Services;

2. The bed and breakfast use ((~~must~~))shall be operated by an owner who owns at least a 50 percent interest in the dwelling in which the bed and breakfast is located;

3. An owner who owns at least a 50 percent interest in the dwelling ((~~must~~))shall reside in the structure in which the bed and breakfast use is located during any period in which rooms are rented to guests;

4. No more than two people who reside outside the dwelling unit ((~~may~~))shall be employed, with or without compensation, in the operation of the bed and breakfast use;

5. The bed and breakfast use ((~~is~~))shall be operated within the principal structure, ((~~and a bed and breakfast use may not locate in a principal structure that is less than~~))which shall be at least five years old;

6. There ((~~is~~))shall be no evidence of the bed and breakfast use from the exterior of the structure except for a sign permitted by subsection 23.55.020.D.1;

7. The bed and breakfast use ((~~has~~))shall have no more than five guest rooms, provided that this limitation does not apply to bed and breakfasts that were established on or before and have been continuously operated as a bed and breakfast since April 1, 1987; and

8. Parking ((~~is~~))shall be provided as required in Chapter 23.54.

* * *

Section 18. Section 23.45.504 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.45.504 Permitted and prohibited uses

* * *

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

Table A for 23.45.504((÷)) Permitted and Prohibited Uses		
	Permitted and prohibited uses by zone	
Uses	**LR1, LR2, and LR3**	**MR and HR**
A. Residential use except as listed below((.))	P	P
A.1. Congregate residence	X/P[1]	P/X[2]
B. Institutions	P/CU [3]	P/CU [3]
C. Uses in existing or former public schools		
C.1. Child care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly, and similar uses in existing or former public schools((.))	P	P
C.2. Other non-school uses in existing or former public schools	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
D. Park and pool and park and ride lots	X/CU [4]	X/CU [4]
E. Parks and playgrounds including customary uses	P	P
F. Ground floor commercial uses	RC	RC/P ((4))5
G. Medical service uses other than permitted ground floor commercial uses	P/X [6]	P/CU/X [6]
H. Uses not otherwise permitted in landmark structures	CU	CU
I. Cemeteries	P/X [7]	P/X [7]
J. Community gardens	P	P
K. All other uses	X	X

Table A for 23.45.504((÷)) Permitted and Prohibited Uses		
	Permitted and prohibited uses by zone	
Uses	LR1, LR2, and LR3	MR and HR
Footnotes to Table A for 23.45.504: [1] Congregate residences that are owned by a college or university; or are a sorority or fraternity; or are owned by a not-for-profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities; are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services, or similar. [2] Congregate ((R))residences that are owned by a college or university; or are a sorority or fraternity; or are owned by a not-for-profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities; are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, heal services, or similar. [3] Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69. [4] Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506. [5] Subject to subsection 23.45.504.E except in zones that include an RC designation. [6] Subject to subsection 23.45.504.G and 23.45.506.F. [7] Subject to subsection 23.45.504.F. P = Permitted outright CU = Permitted as an Administrative Conditional Use RC = Permitted in areas zoned Residential Commercial (RC), and subject to the provisions of the RC zone, Chapter 23.46 X = Prohibited		

* * *

E. Ground floor commercial use((-))

1. Drive-in businesses are prohibited, as either a principal or accessory use.

2. The following uses are permitted as ground-floor commercial uses in Midrise and Highrise zones pursuant to Section 23.45.532:

a. Business support services;

b. Food processing and craft work;

c. General sales and services;

d. Medical services;

e. Offices;

f. Restaurants; and

g. Live-work with one of the uses permitted in this subsection 23.45.504.E as the permitted commercial use.

* * *

Section 19. Section 23.45.508 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.45.508 General provisions

* * *

E. Assisted living facilities, congregate residences, ((~~and~~))nursing homes, and structures containing ground floor commercial uses as allowed by Chapter 23.46 in RC zones shall meet the development standards for apartments unless otherwise specified. Congregate residences are subject to additional requirements as specified in Section 23.42.049.

* * *

L. The development standards of each zone shall be applied in that zone, and may not be used in any other zone, unless otherwise specified. If a lot or development site includes more than one zoning designation and a development standard is based on lot area, the lot area used in applying the development standard shall be the portion of the contiguous area with the corresponding zoning designation.

Section 20. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.510 Floor area ratio (FAR) limits

A. General provisions

1. All gross floor area not exempt under subsection 23.45.510.E, including the area of stair penthouses with enclosed floor space, counts toward the maximum gross floor area allowed under the FAR limits.

2. The applicable FAR limit applies to the total non-exempt gross floor area of all structures on the lot.

3. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone, and the floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot.

B. FAR limits in LR zones. FAR limits apply in LR zones as shown in Table A for 23.45.510, provided that if the LR zone designation includes an incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive ((p))Provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation. In LR zones the following standards apply to the calculation of gross floor area for application of FAR limits:

1. Exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms, are included in gross floor area.

2. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation, and ground-level walking paths, are excluded from gross floor area.

3. Common walls separating individual rowhouse and townhouse dwelling units are considered to be exterior walls.

Table A for 23.45.510 ((~~Floor Area Ratios~~))FAR in LR ((z))Zones					
Zone	**Location**	**Category of residential use((())1(()))**			
	Outside or inside ((U))urban ((C))centers, ((U))urban ((V))villages, and the Station Area Overlay District	**Cottage housing developments and single-family dwelling units**	**Rowhouse developments((()) 2(()))**	**Townhouse developments((())2(()))**	**Apartments((())2(()))**
LR1	Either outside or inside	1.1	1.0 or 1.2	0.9 or 1.1	1.0
LR2	Either outside or inside	1.1	1.1 or 1.3	1.0 or 1.2	1.1 or 1.3
LR3	Outside	1.1	1.2 or 1.4	1.1 or 1.3	1.3 or 1.5((())3(()))
	Inside	1.1	1.2 or 1.4	1.2 or 1.4	1.5 or 2.0

Footnotes ((~~for~~))to Table A for 23.45.510:
((())1(())) If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot.
((())2(())) The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C.
((())3(())) On lots that abut a street with frequent transit service, the higher FAR limit is 1.6.

C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for 23.45.510, the following standards shall be met:

1. Green building performance standards

a. Applicants shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating, certification by the Passive House Institute U. S. or the Passive House Institute, or a Built Green 4-star rating of the Master Builders Association of King and

Snohomish Counties, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS). The standards referred to in this subsection 23.45.510.C.1.a are those identified in Section 23.45.526, and Section 23.45.526 shall apply as if the application were for new development gaining extra residential floor area.

b. ((~~On sites developed with existing structures, the higher FAR limit is applicable to the site if new buildings and additions to existing buildings meet green building performance standards. Existing buildings built prior to January 1, 2013 are not required to be upgraded to current green building performance standards for the higher FAR to apply to the site.~~))If a site contains existing structures that were developed under the Land Use Code in place prior to April 19, 2011, the existing structures and any additions to those structures are not required to be upgraded to current green building performance standards for the higher FAR limits to apply to those structures. Any entirely new structure proposed to be built on the lot shall meet current green building performance standards to gain the higher FAR limit. If a structure is developed under the Land Use Code in place as of or after April 19, 2011, and was not built to the higher FAR, then in order for the structure or addition to gain the higher FAR, the structure shall be updated to current green building performance standards.

* * *

3. Parking location if parking is provided

a. For rowhouse and townhouse developments, parking shall be totally enclosed within the same structure as the residential use, located in a structure or portion

of a structure that meets the requirements of subsection 23.45.510.E.5, or located in a parking area or structure at the rear of the lot. A parking area not within a structure that is located at the rear of the lot shall be located behind all structures except, if accessed from an alley, the parking area may be located no closer to the front lot line than 50 percent of the lot depth.

b. For apartments, parking may either:

1) be totally enclosed within the same structure as the residential use; or

2) on lots located outside of ((~~U~~))urban ((~~C~~))centers, ((~~U~~))urban ((~~V~~))villages, and the Station Area Overlay District, be located off an alley at the rear of the lot, provided that all surface parking is limited to a single row of spaces along the alley and access to each surface parking space is taken directly from the alley.

4. Access to parking if parking is provided

a. Access to required barrier-free parking spaces may be from either a street or an alley. Subsections 23.45.510.C.4.b, 23.45.510.C.4.c, and 23.45.510.C.4.d do not apply to required barrier-free parking spaces.

b. If the lot abuts an alley, access to parking shall be from the alley, unless one or more of the conditions in subsection 23.45.536.C.2 are met.

c. If access cannot be provided from an alley, access shall be from a street if the following conditions are met:

1) ((o))On corner lots, the driveway shall abut and run parallel to the rear lot line of the lot or a side lot line that is not a street lot line.

2) ((o))On a non-corner lot, there is no more than one driveway

per 160 feet of street frontage.

d. If access to parking does not meet one of the standards in this subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for 23.45.510 applies.

* * *

Section 21. Section 23.45.512 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.512 Density limits—((~~Lowrise~~))LR zones

A. The minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments, is shown on Table A for 23.45.512, ((~~except as provided in subsections B, C, D, E, or G of this Section 23.45.512.~~)) except as provided in subsections 23.45.512.B, 23.45.512.C, 23.45.512.D, 23.45.512.E, and 23.45.512.G.

((~~Table A for 23.45.512: Density Limits in Lowrise Zones~~))

Table A for 23.45.512
Density Limits in Lowrise Zones

Zone	Units allowed per square foot of lot area by category of residential use (1)			
	Cottage ((~~H~~)) housing ((~~D~~)) development (2) and ((~~S~~)) single-family ((~~D~~)) dwelling ((~~U~~)) unit (6)	**Rowhouse ((~~D~~)) development**	**Townhouse ((~~D~~)) development (4)**	**Apartment (5)**
LR1	1/1,600	1/1,600 or No limit(3)	1/2,200 or 1/1,600	1/2,000 Duplexes and Triplexes only
LR2	1/1,600	No limit	1/1,600 or No limit	1/1,200 or No limit

LR3	1/1,600	No limit	1/1,600 or No limit	1/800 or No limit

Footnotes for Table A for 23.45.512

(1) When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit.

(2) See Section 23.45.531 for specific regulations about cottage housing developments.

(3) The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.

(4) For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.

(5) For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

(6) One single-family residence meeting the standards of subsection 23.45.510.C and Section 23.45.526 may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet.

* * *

Section 22. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.518 Setbacks and separations

A. LR zones. Required setbacks for the LR zones are shown in Table A for 23.45.518.

Table A for 23.45.518
Required ((s))Setbacks in LR ((z))Zones ((m))Measured in ((f))Feet

All LR zones	**Category of residential use**			
Setback[1]	**Cottage housing developments and single-family dwelling units**	**Rowhouse developments**	**Townhouse developments**	**Apartments**
Front	7 average; 5 minimum	5 minimum	7 average; 5 minimum	5 minimum
Rear	0 with ((A))alley; 7 if no ((A))alley	0 with ((A))alley; With no alley: 7 average; 5 minimum	7 average; 5 minimum	10 minimum with alley; 15 minimum if no alley

Table A for 23.45.518 Required ((s))Setbacks in LR ((z))Zones ((m))Measured in ((f))Feet				
All LR zones	**Category of residential use**			
Setback[1]	**Cottage housing developments and single-family dwelling units**	**Rowhouse developments**	**Townhouse developments**	**Apartments**
Side ((S))setback for facades 40 feet or less in length((1))2	5	0 where abutting another rowhouse, otherwise 3.5, except that on side lot lines that abut a single-family zone, the setback is 5	5	5
Side ((S))setback for facades greater than 40 feet in length[2]	5 minimum	0 where abutting another rowhouse, otherwise 3.5, except that on side lot lines that abut a single-family zone, the setback is 7 average; 5 minimum	7 average; 5 minimum	7 average; 5 minimum

Footnote to Table A for 23.45.518:
[1] Additions to existing nonconforming structures shall be set back a sufficient distance so that the addition complies with setback standards
((1))2 Portions of structures that qualify for the FAR exemption in subsection 23.45.510.E.5 are not considered part of the facade length for the purposes of determining the side setback requirement.

* * *

Section 23. Section 23.45.526 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.526 LEED, Built Green, and Evergreen Sustainable Development standards

A. Applicants for all new development gaining extra residential floor area, pursuant to this Chapter 23.45, or seeking to qualify for the higher FAR limit in Table A for 23.45.510 shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except:

1. This commitment is not required for building additions and alterations to structures existing or approved prior to April 19, 2011; and

2. An applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, as defined in subsection 23.45.526.D, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS).

* * *

Section 24. Section 23.45.529 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.529 Design standards

A. Intent. The intent of the design standards in this Section 23.45.529 is to:

1. Enhance street-facing facades to provide visual interest, promote new development that contributes to an attractive streetscape, and avoid the appearance of blank walls along a street;

2. Foster a sense of community by integrating new pedestrian-oriented multifamily development with the neighborhood street environment and promoting designs that allow easy surveillance of the street by area residents;

3. Promote livability in multifamily areas by providing a sense of openness and access to light and air; and

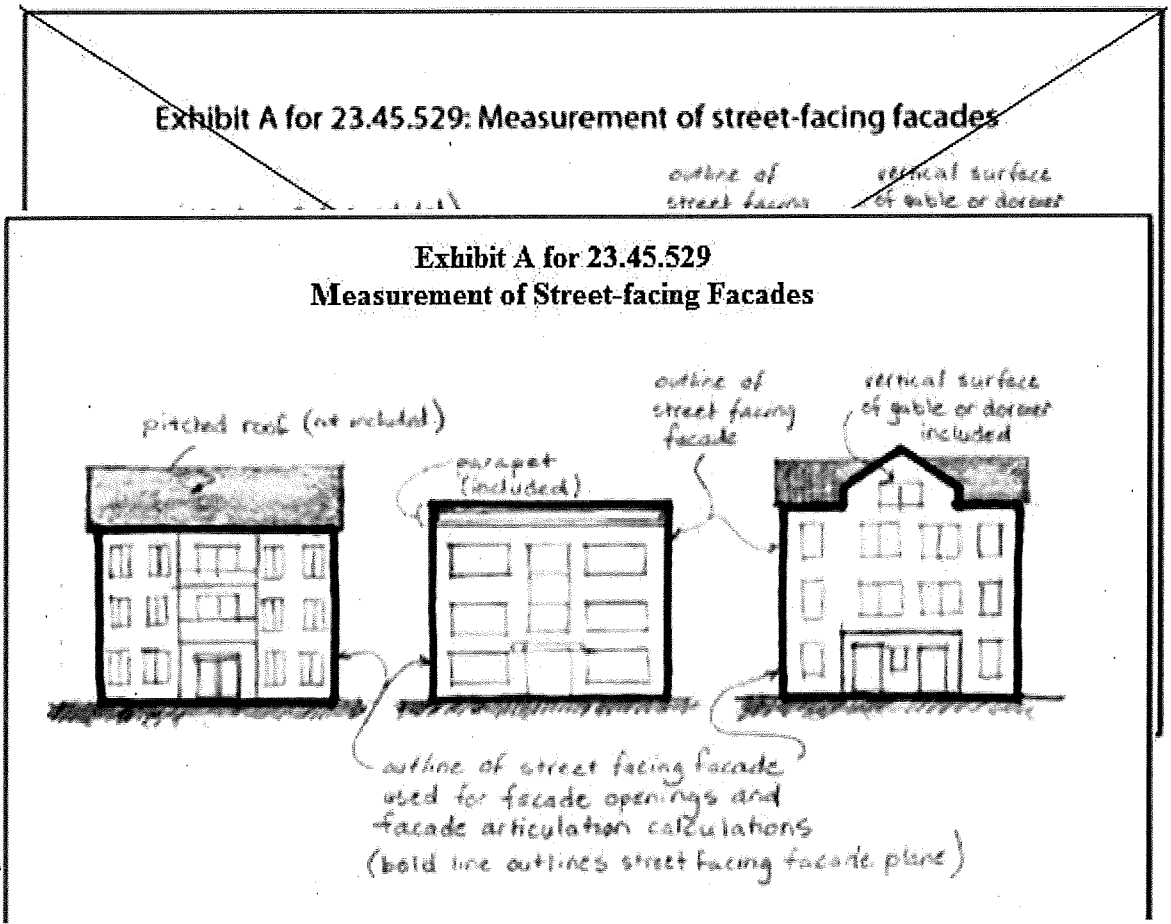
4. Encourage the compatibility of a variety of housing types with the scale and character of neighborhoods where new multifamily development occurs.

B. Application of provisions. The provisions of this Section 23.45.529 apply to all residential uses that do not undergo any type of design review pursuant to Chapter 23.41, except single-family dwelling units.

C. Treatment of street-facing facades. For the purposes of this subsection 23.45.529.C, a street-facing facade includes all vertical surfaces enclosing interior space, including gables and dormers, as shown in Exhibit A for 23.45.529.

Exhibit A for 23.45.529

Measurement of ((s))Street-facing ((f))Facades



1. Facade openings

a. At least 20 percent of the area of each street-facing facade shall consist of windows and/or doors, except as provided in subsection 23.45.529.C.1.b. If a front and side facade are street-facing, the two facades may be ((~~averaged to meet the 20 percent standard of this subsection 23.45.529.C.1~~))combined for the purpose of this calculation.

b. For any rowhouse or townhouse dwelling unit that has a both a front and a side facade that are street-facing, the percentage of the side street-facing facade required to consist of windows and/or doors is reduced to 10 percent for the portion of the facade associated with that dwelling unit. This reduction to 10 percent is not allowed if the facades are combined for the purpose of this standard pursuant to subsection 23.45.529.C.1.a or if any of the exceptions in subsection 23.45.529.C.3 are applied.

c. ((~~Only transparent w~~))Windows count toward the requirement for facade openings in this subsection 23.45.529.C.1 only if they are transparent. Windows composed of glass blocks or opaque glass, garage doors, and doors to utility and service areas, do not count.

2. Facade articulation

a. If a street-facing facade or portion of a street-facing facade is not vertical, the Director shall determine whether the facade is substantially vertical and required to comply with this subsection 23.45.529.C.

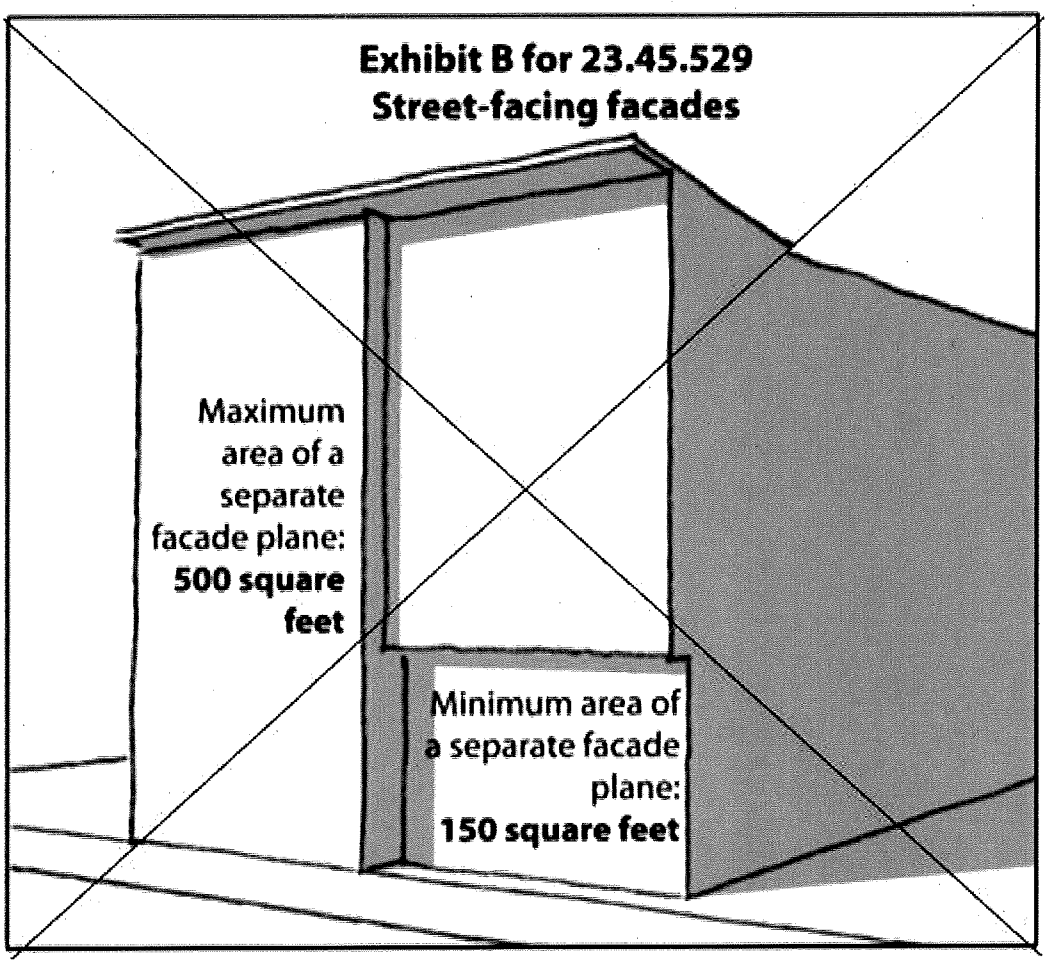
b. If the street-facing facade of a structure exceeds 750 square feet in area, division of the facade into separate facade planes is required (see Exhibit B for 23.45.529).

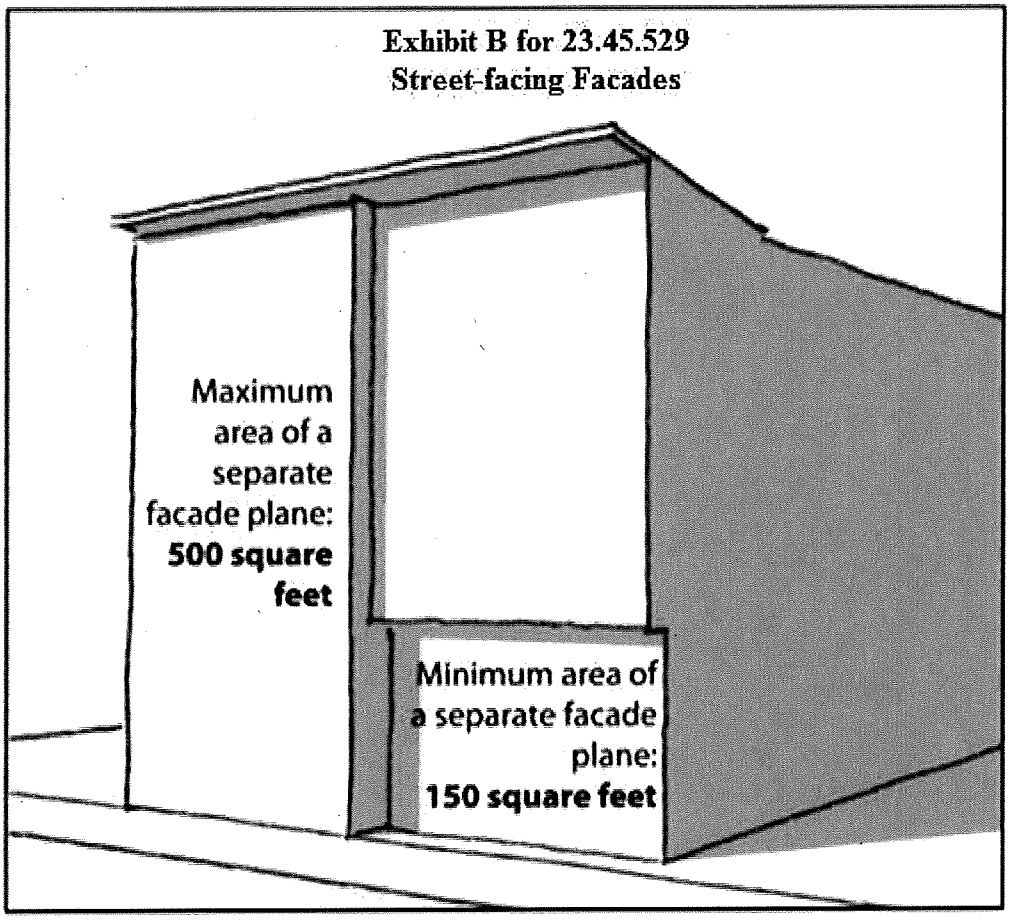
c. In order to be considered a separate facade plane for the purposes of this subsection 23.45.529.C.2, a portion of the street-facing facade shall have a minimum area of 150 square feet and a maximum area of 500 square feet, and shall project or be recessed from abutting facade planes by a minimum depth of 18 inches.

d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is required to mark roof lines, porches, windows, and doors on all street-facing facades.

Exhibit B for 23.45.529

Street-facing ((f))Facades





((~~e.~~))3. The Director may allow exceptions to the facade openings requirements in subsection 23.45.529.C.1 and the facade articulation requirements in ((~~this~~))subsection 23.45.529.C.2, if the Director determines that the street-facing facade will meet the intent of subsection 23.45.529.A.1, and the intent of subsections 23.45.529.D.2, 23.45.529.E.3, and 23.45.529.F.4 for cottage housing developments, rowhouse developments, and townhouse developments, respectively, through one or more of the following street-facing facade treatments:

((~~1~~))a. Variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the facade;

((~~2~~)))b. Incorporation of architectural features that add interest and dimension to the facade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;

((~~3~~)))c. Special landscaping elements provided to meet Green Factor requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of 25 percent of the facade surface;

((~~4~~)))d. Special fenestration treatment, including an increase in the percentage of windows and doors to at least 25 percent of the street-facing facade(s).

* * *

Section 25. Section 23.45.532 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.532 Standards for ground floor commercial uses in MR and HR zones

A. All ground-floor commercial uses permitted pursuant to Section 23.45.504, except medical service uses permitted pursuant to Section 23.45.506, shall meet the following conditions:

1. Structures with ground floor commercial uses in zones that include an RC designation shall comply with Chapter 23.46.

2. The commercial use is permitted only on the ground floor of a structure that contains at least one dwelling unit. On sloping lots, the commercial use may be located at more than one level within the structure as long as the floor area in commercial use does not exceed the area of the structure's footprint.

((~~2~~))3. The maximum size of use of any one business establishment is 4,000 square feet, except that the maximum size of use of a multi-purpose retail sales establishment is 10,000 square feet.

((~~3~~))4. Vents for venting of odors, vapors, smoke, gas and fumes, and exterior heat exchangers and other similar devices (e.g., related to ventilation, air-conditioning, refrigeration) shall be at least 10 feet above finished sidewalk grade, and directed away to the extent possible from residential uses within 50 feet of the vent.

* * *

Section 26. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.536 Parking location, access, and screening

* * *

C. Access to parking((~~:~~))

1. Alley access required. Except as otherwise expressly required or permitted in this subsection((~~s~~)) 23.45.536.C((~~ or D of this Section 23.45.536~~)), access to parking shall be from the alley if the lot abuts an alley and one of the following conditions ((~~in this subsection 23.45.536.C.1~~))is met:((~~:~~))

a. The alley is improved to the standards of subsection 23.53.030.C;

b. The development gains additional FAR pursuant to ((~~S~~))subsection 23.45.510.C; or

c. The Director determines that alley access is feasible and desirable to mitigate parking access impacts, improve public safety, and/or maintain on-street parking capacity.

* * *

D. Screening of parking

1. Parking shall be screened from direct street view by the street-facing facade of a structure, by garage doors, or by a fence or wall.

2. Screening by a fence or wall. If screening is provided by a fence or wall, the fence or wall shall not be located within any required sight triangle, and shall meet the following conditions:

a. the fence or wall shall be at least 3 feet tall measured from the elevation of the curb, or from the elevation of the street if no curb is present. If the elevation of the ground at the base of the fence or wall is higher than the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the fence or wall is a minimum of 3 feet in height. If located in a setback, the fence or wall shall meet the requirements of subsection 23.45.518.J.7.

b. the fence or wall shall be set back at least 3 feet from the lot line.

3. Screening by garage doors. If parking is provided in a garage in or attached to a principal structure and garage door(s) face a street, the garage door(s) may be no more than 75 square feet in area.

* * *

Section 27. Section 23.45.570 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.570 Institutions

* * *

F. Setback ((~~R~~))requirements in ((~~Lowrise~~))LR zones((~~,~~))

1. Front ((~~S~~))setback. The minimum depth of the required front setback is determined by the average of the setbacks of structures on adjoining lots, but is not required to exceed 20 feet. The setback shall not be reduced below an average of 10 feet, and no portion of the structure may be closer than 5 feet to a front lot line.

2. Rear ((~~S~~))setback. The minimum rear setback is 10 feet.

3. Side ((~~S~~))setback((~~,~~))

a. The minimum side setback is 10 feet from a side lot line that abuts any other residentially-zoned lot. A 5-foot setback ((~~are~~))is required in all other cases, except that the minimum side street side setback is 10 feet.

b. ((~~When~~))If the depth of a structure exceeds 65 feet, an additional side setback is required for that portion of the structure in excess of 65 feet, according to Table B for 23.45.570. ((~~This additional setback may be averaged along the entire length of the wall~~))In lieu of providing the additional setback for the portion of the structure in excess of 65 feet deep, a lesser side setback may be provided for the portion in excess of 65 feet deep if the average setback for the entire structure is no less than the average of the setback required by subsection 23.45.570.F.3.a and the setback required under Table B for 23.45.570. ((~~The side setback~~

~~requirement for portions of walls subject to this provision shall be provided as shown in Table C for 23.45.570.~~))

((~~Table C for 23.45.570: Side Setback Requirements for Institutional Structures Greater than 65 Feet in Depth in Lowrise zones~~))

Table B for 23.45.570
Side Setback Requirements for Institutional Structures Greater than 65 Feet in Depth in LR Zones

Structure ((~~D~~))depth in feet	Side ((~~S~~))setback ((~~R~~))requirement in feet				
	Up to 20 in height	Greater than 20 up to 40 in height	Greater than 40 up to 60 in height	Greater than 60 up to 80 in height	Greater than 80 in height
Up to 70	12	14	16	18	-
Greater than 70, up to 80	13	15	17	19	21
Greater than 80, up to 90	14	16	18	20	22
Greater than 90, up to 100	15	17	19	21	23
Greater than 100	16	18	20	22	24

* * *

Section 28. Section 23.46.002 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.46.002 Scope of provisions

A. This ((e))Chapter 23.46 details those authorized commercial uses which are or may be permitted in Residential-Commercial (RC) zones.

B. All RC zones are assigned a residential zone classification on the Official Land Use Map. The development standards of the designated residential zone for apartments apply to all ((~~uses~~))principal structures in the RC zone((~~ except commercial uses~~)). The development

standards of the designated residential zone shall apply to all structures in the RC zone, except as otherwise specified for commercial uses in this Chapter 23.46, and except that parking quantity is required as provided in Chapter 23.54. ((~~Commercial uses are subject to the FAR limits for apartments in Section 23.45.510.~~))

C.((~~ The development standards of the RC zone shall apply to all commercial uses.~~

~~D.~~)) Methods for measurements are provided in Chapter 23.86. Standards for parking quantity access and design are provided in Chapter 23.54. Sign standards are provided in Chapter 23.55.

((~~E~~))D. In addition to the provisions of this ((e))Chapter 23.46, certain residential-commercial areas may be regulated by Overlay Districts, Chapter 23.59.

Section 29. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 124610, is amended as follows:

23.47A.004 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.47A.004 and this Section 23.47A.004, except as may be otherwise provided pursuant to Division 3, Overlay Districts, of this subtitle III of Title 23.

* * *

Table A for 23.47A.004 Uses in Commercial Zones					
	PERMITTED AND PROHIBITED USES BY ZONE(1)				
USES	NC1	NC2	NC3	C1	C2
* * *					
C. COMMERCIAL USES(19)					
* * *					

Table A for 23.47A.004 Uses in Commercial Zones						
		PERMITTED AND PROHIBITED USES BY ZONE(1)				
USES		NC1	NC2	NC3	C1	C2
I. PUBLIC FACILITIES						
I.1 Jails						
	I.1.a Youth Service Centers	X	X	P(((~~17~~))20)	X	X
* * *						

KEY
A = Permitted as an accessory use only
CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)
CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)
P = Permitted
S = Permitted in shoreline areas only
X = Prohibited
10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010
20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010
25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010
35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010
40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010
50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010
((~~FOOTNOTES~~))Footnotes to Table for 23.47A.004:

* * *

(((~~(17) Permitted pursuant to subsection 23.47A.004.D.7~~)))

* * *

(19) For commercial uses with drive-in lanes, see Section 23.47A.028.
(20) Permitted pursuant to subsection 23.47A.004.D.7.

* * *

Section 30. Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance 123776, is amended as follows:

23.47A.012 Structure height

A. The height limit for structures in NC zones or C zones is 30 feet, 40 feet, 65 feet, 85 feet, 125 feet, or 160 feet, as designated on the Official Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit, except as otherwise provided in this Section

23.47A.012. Within the South Lake Union Urban Center, any modifications or exceptions to maximum structure height are allowed solely according to the provisions of the Seattle Mixed Zone, subsections 23.48.010.B.1, 23.48.010.B.2, 23.48.010.B.3, 23.48.010.E, and 23.48.010.F, and not according to the provisions of this Section 23.47A.012. An overlay district may increase or reduce the maximum structure height.

1. In zones with a 30 foot or 40 foot mapped height limit:

a. The height of a structure may exceed the otherwise applicable limit by up to 4 feet, subject to subsection 23.47A.012.A.1.c, provided the following conditions are met:

1) Either

a) A floor-to-floor height of 13 feet or more is provided for non-residential uses at street level; or

b) A residential use is located on a street-level, street-facing facade, provided that the average height of the exterior facades of any portion of a story that is partially below-grade does not exceed 4 feet, measured from existing or finished grade, whichever is less, and the first floor of the structure at or above grade is at least 4 feet above sidewalk grade; and

2) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit.

* * *

C. Rooftop ((F))features((.))

1. Smokestacks, chimneys, flagpoles, and religious symbols for religious institutions are exempt from height controls, 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. Open railings, planters, skylights, clerestories, greenhouses, solariums, parapets, and firewalls may extend as high as the highest ridge of a pitched roof permitted by subsection 23.47A.012.B or up to 4 feet above the otherwise applicable height limit, whichever is higher. 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 feet if enclosed by parapets or walls that comply with this subsection 23.47A.012.C.2.

* * *

4. Except as provided below, the following rooftop features may extend up to 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.47A.012.C.4, including weather protection such as eaves or canopies extending from rooftop features, does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing that encloses it, as long as the fencing is at least 15 feet from the roof edge;

d. Wind-driven power generators;

e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012; and

f. Stair and elevator penthouses may extend above the applicable height limit up to 16 feet. When additional height is needed to accommodate energy-efficient elevators in zones with height limits of 125 feet or greater, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-efficient elevators shall be defined by Director's Rule. When additional height is allowed for an energy-efficient elevator, stair penthouses may be granted the same additional height if they are co-located with the elevator penthouse.

* * *

Section 31. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance 124566, is amended as follows:

23.47A.013 Floor area ratio

A. Floor area ratio (FAR) limits apply to all structures and lots in all NC zones and C zones.

1. All gross floor area not exempt under subsection 23.47A.013.D is counted against the maximum gross floor area allowed by the permitted FAR.

2. If there are multiple structures on a lot, the highest FAR limit applicable to any structure on the lot applies to the combined non-exempt gross floor area of all structures on the lot, subject to subsection 23.47A.013.A.4.

3. Except as provided in subsection 23.47A.013.D.7, parking that is within or covered by a structure or portion of a structure and that is within a story that is not underground

((~~must~~))shall be included in gross floor area calculations.

4. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone, and the floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot. If a lot is in both a multifamily zone and a commercial zone, the floor area on the commercial portion of the lot may not exceed the maximum that would be allowed if the commercial portion of the lot were a separate lot.

* * *

D. The following gross floor area is not counted toward maximum FAR:

1. All ((~~gross floor area~~))underground stories or portions of stories;

2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access;

* * *

7. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure ((~~where~~))if the Director finds that locating a story of parking below grade is infeasible due to physical site conditions such as a high water table, if either:

a. the above-grade parking extends no more than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level or roof above, pursuant to subsection 23.47A.012.A.5; or

b. all of the following conditions are met:

1) no above-grade parking is exempted by subsection 23.47A.013.D.7.a;

2) the parking is accessory to a residential use on the lot;

3) total parking on the lot does not exceed one space for each residential dwelling unit plus the number of spaces required for non-residential uses; and

4) the amount of gross floor area exempted by this subsection 23.47A.013.D.7.b does not exceed 25 percent of the area of the lot in zones with a height limit less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or greater.

* * *

Section 32. Section 23.47A.014 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.47A.014 Setback requirements

* * *

B. Setback requirements for lots abutting or across the alley from residential zones((.))

* * *

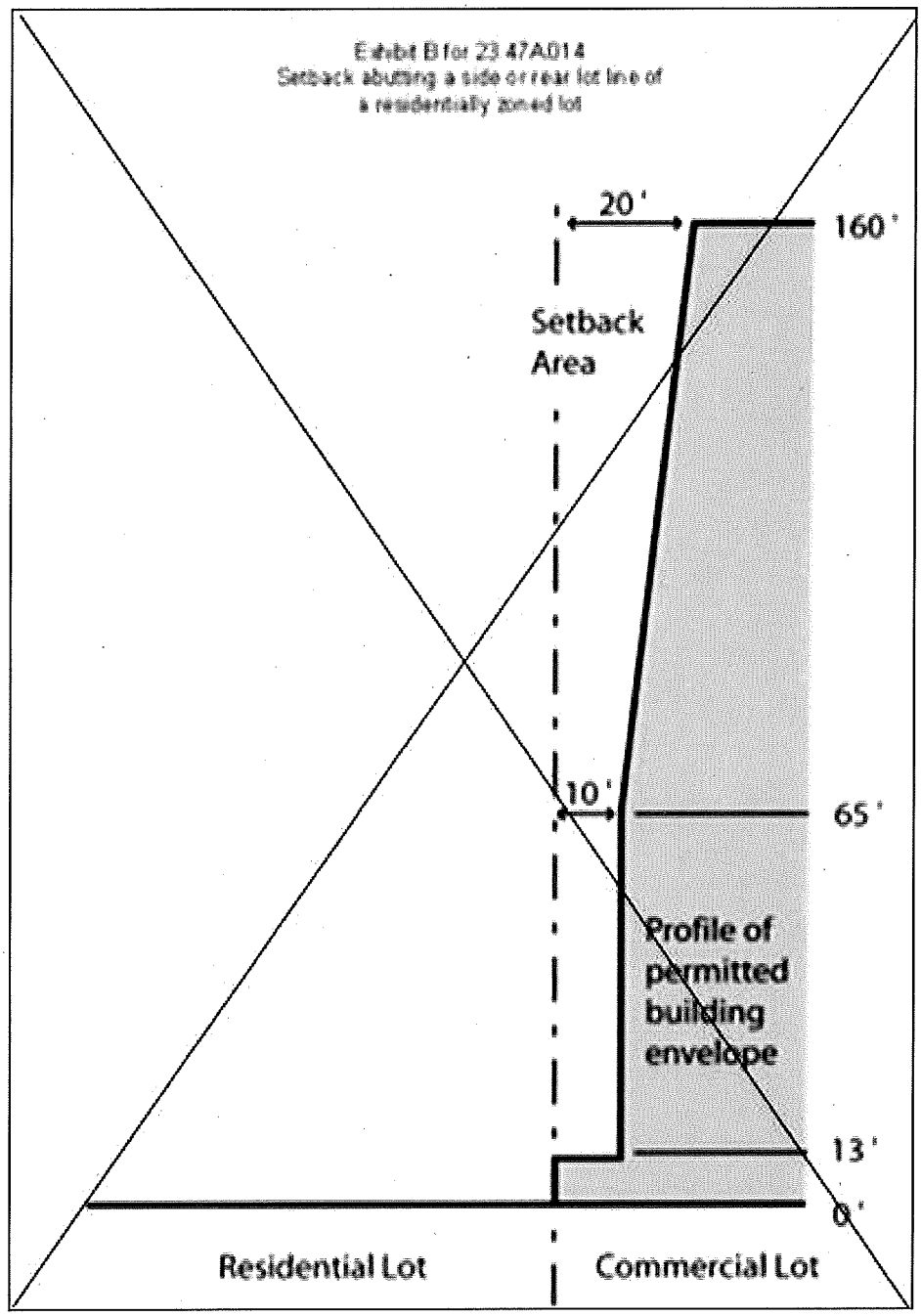
2. A setback is required along any rear or side lot line that abuts a lot in a residential zone or that abuts a lot that is zoned both commercial and residential if the commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot, as follows:

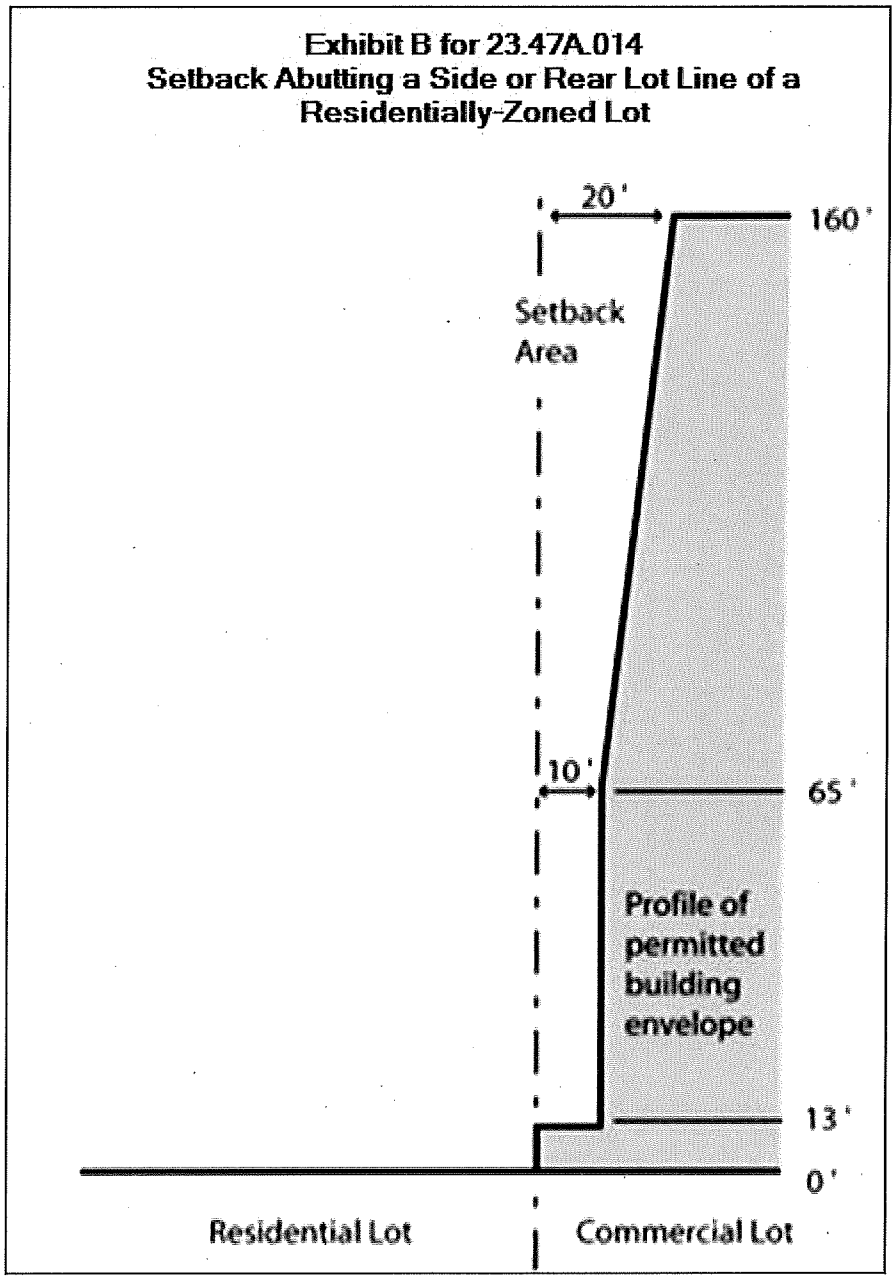
a. Ten feet for portions of structures above 13 feet in height to a maximum of 65 feet; and

b. For each portion of a structure above 65 feet in height, additional setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion exceeds 65 feet (Exhibit B for 23.47A.014).

Exhibit B for 23.47A.014

Setback Abutting a Side or Rear Lot Line of a Residentially-Zoned Lot





3. For a structure containing a residential use, a setback is required along any side or rear lot line that abuts a lot in a residential zone or that is across an alley from a lot in a residential zone, or that abuts a lot that is zoned both commercial and residential if the

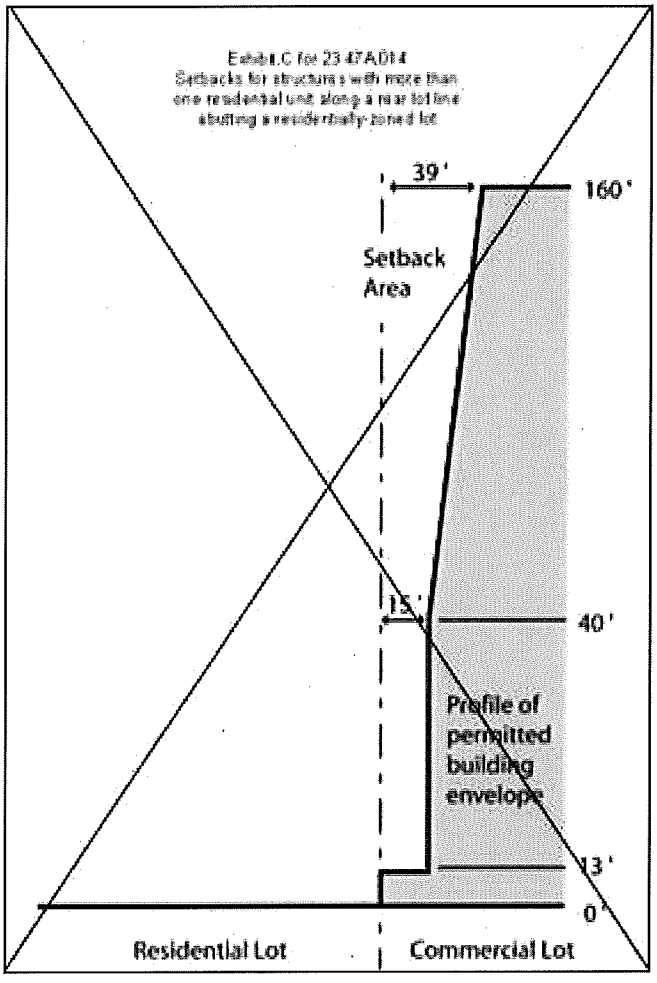
commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the lot, as follows:

a. Fifteen feet for portions of structures above 13 feet in height to a maximum of 40 feet; and

b. For each portion of a structure above 40 feet in height, additional setback at the rate of 2 feet of setback for every 10 feet by which the height of such portion exceeds 40 feet (Exhibit C for 23.47A.014).

Exhibit C for 23.47A.014

Setbacks for Structures with Residential Uses When Abutting a Residentially-Zoned Lot



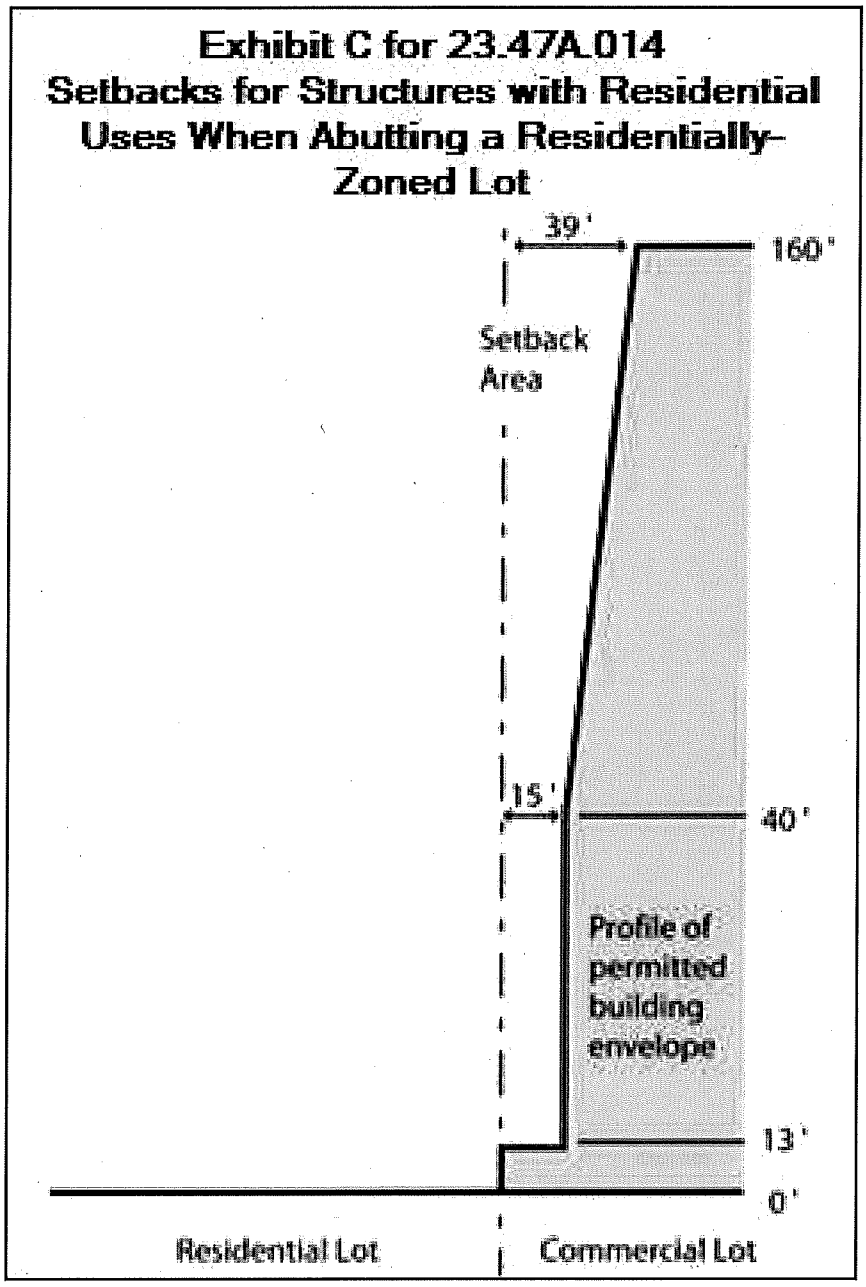


Exhibit C for 23.47A.014
Setbacks for Structures with Residential Uses When Abutting a Residentially-Zoned Lot
39'
160'
Setback Area
15'
40'
Profile of permitted building envelope
13'
0'
Residential Lot
Commercial Lot

* * *

Section 33. Section 23.47A.016 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.47A.016 Landscaping and screening standards

* * *

D. Screening and landscaping requirements for specific uses. When there is more than one use that requires screening or landscaping, the requirement that results in the greater amount applies.

* * *

((F))4((G3)). On lots within the Shoreline District where view corridors are required, the Director may reduce the required height of screening and may modify the location and type of required landscaping so that views are not obstructed.

((F))5((G4)). When one of the specific uses listed in this subsection 23.47A.016.D is proposed for expansion, the applicable requirements for that use ((~~must~~))shall be met. The Director may reduce or waive the requirements where they are physically infeasible due to the location of existing structures or required parking.

* * *

Section 34. Section 23.47A.032 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.47A.032 Parking location and access

A. Access to parking((~~.~~))

1. NC zones. The following rules apply in NC zones, except as provided under subsections 23.47A.032.A.2 and 23.47A.032.D:

a. Access to parking shall be from the alley if the lot abuts an alley improved to the standards of ((S))subsection 23.53.030.C, or if the Director determines that alley access is feasible and desirable to mitigate parking access impacts. If alley access is infeasible, the Director may allow street access.

b. If access is not provided from an alley and the lot abuts only one street, access is permitted from the street, and limited to one two-way curb cut.

c. If access is not provided from an alley and the lot abuts two or more streets, access is permitted across one of the side street lot lines pursuant to subsection 23.47A.032.C, and curb cuts are permitted pursuant to subsection 23.54.030.F.2.a.1.

d. For each permitted curb cut, street-facing facades may contain one garage door, not to exceed the maximum width allowed for curb cuts.

* * *

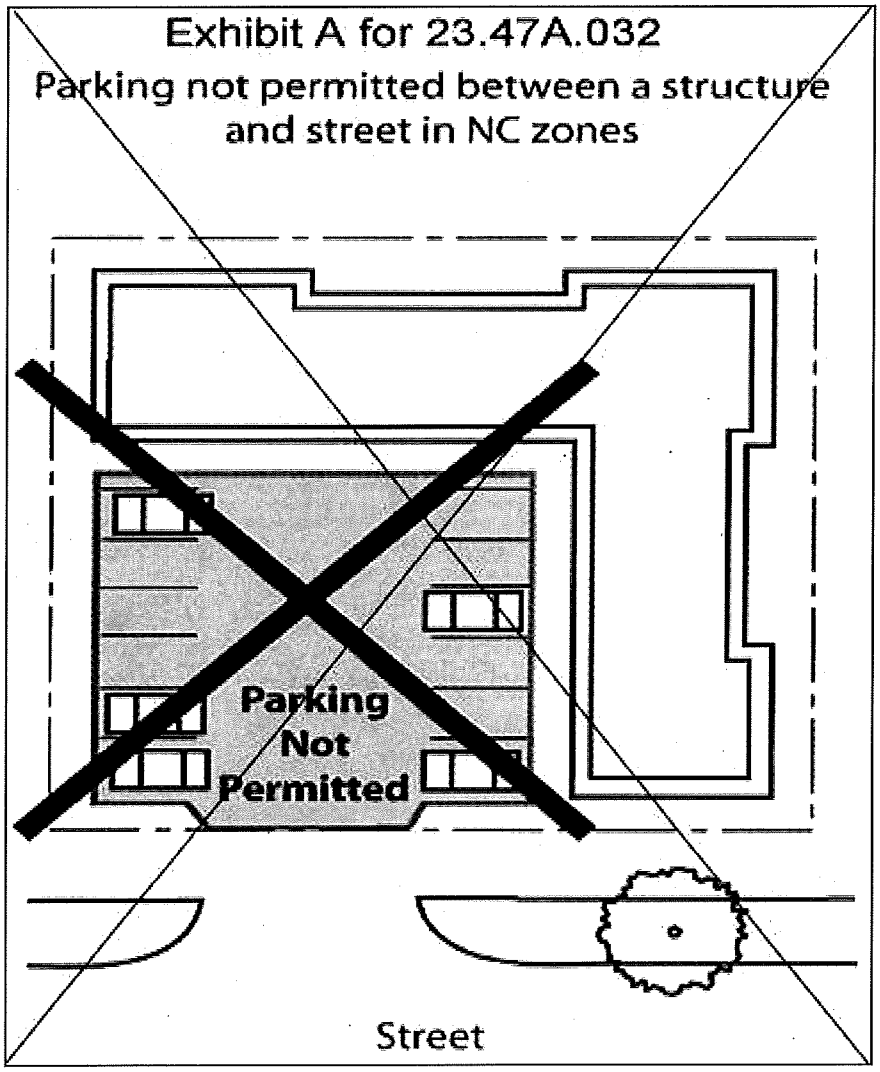
B. Location of parking

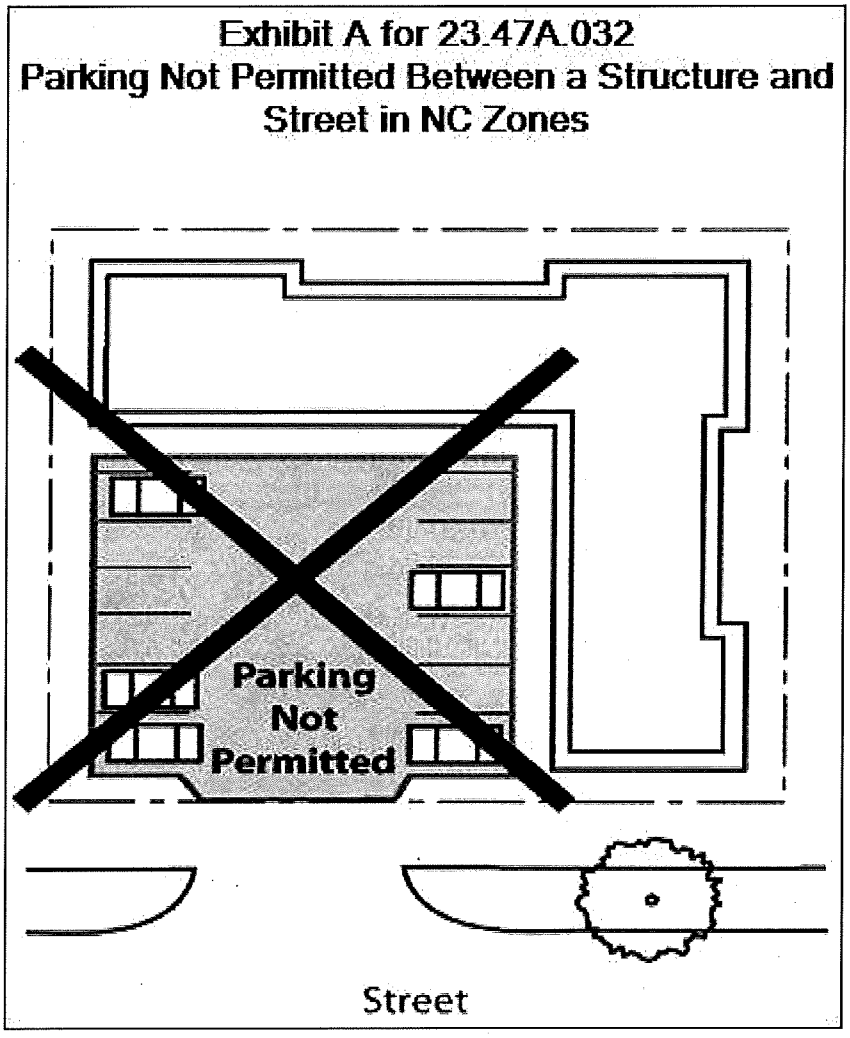
1. The following rules apply in NC zones, except as provided in subsection 23.47A.032.D.

a. Parking shall not be located between a structure and a street lot line (Exhibit A for 23.47A.032).

Exhibit A for 23.47A.032

Parking ((~~n~~))Not ((~~p~~))Permitted ((~~b~~))Between a ((~~s~~))Structure and ((~~s~~))Street in NC ((~~z~~))Zones



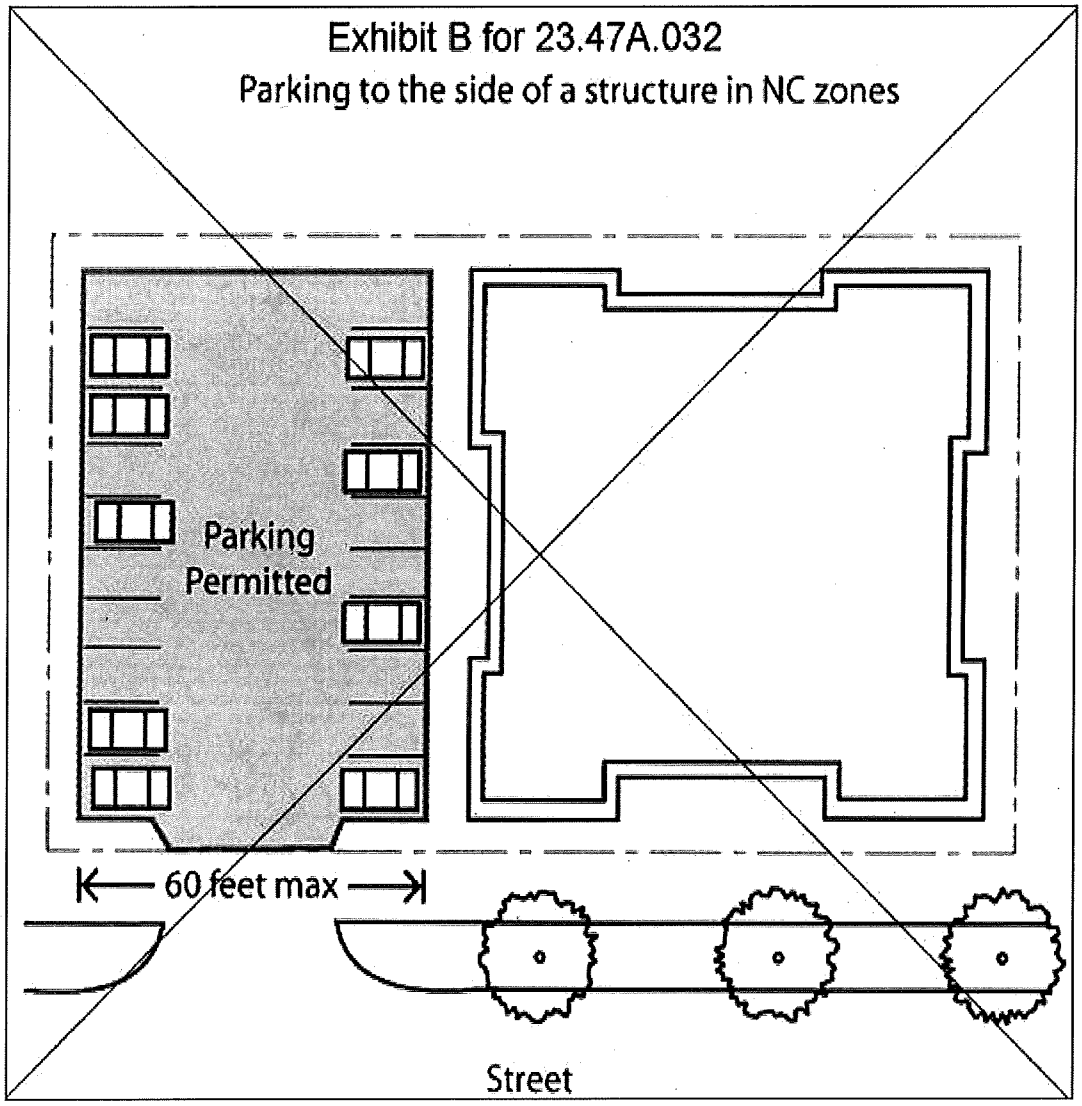


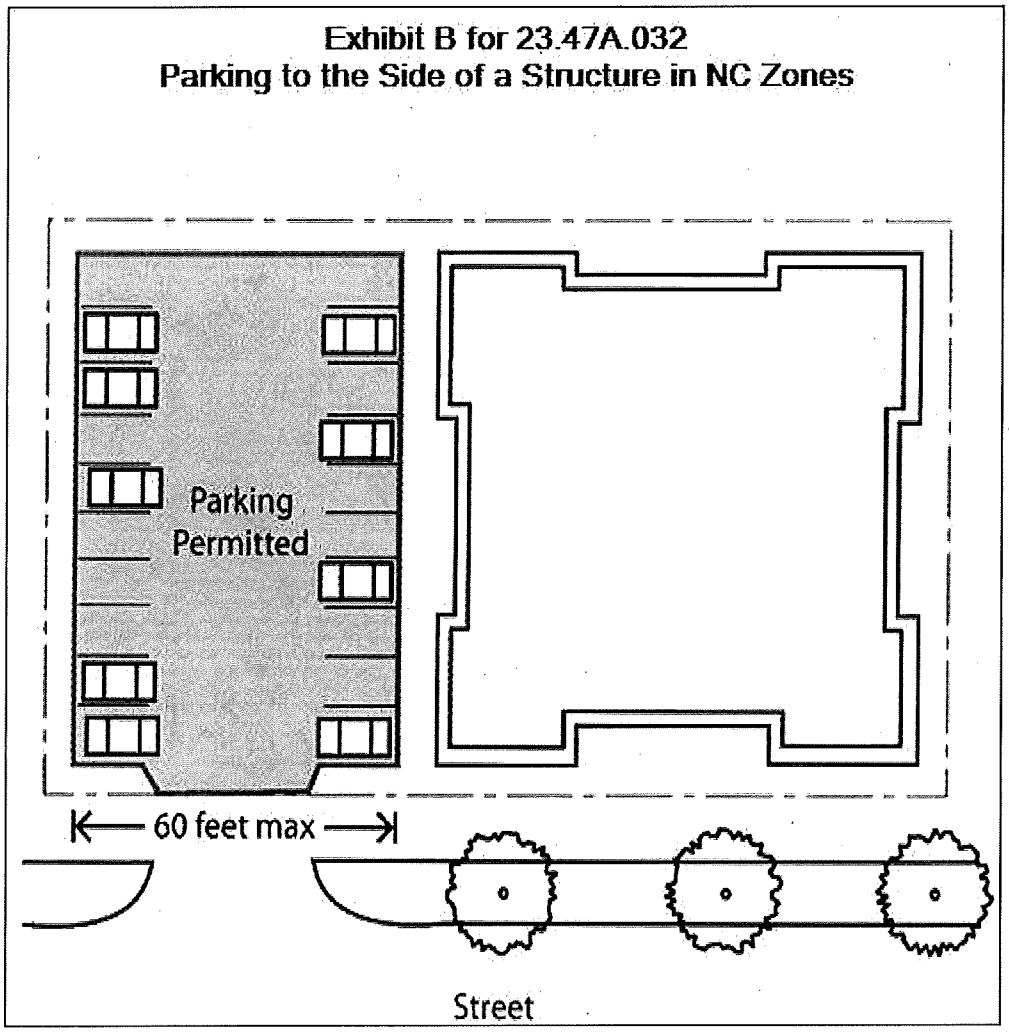
b. Within a structure, street-level parking shall be separated from street-level, street-facing facades by another permitted use. This requirement does not apply to access to parking meeting the standards of subsection 23.47A.032.A.

c. Parking to the side of a structure shall not exceed 60 feet of street frontage (Exhibit B for 23.47A.032).

Exhibit B for 23.47A.032

Parking to the ((s))Side of a ((s))Structure in NC ((z))Zones





((~~d. Required parking shall be located no farther than 800 feet from the lot with the use to which it is accessory, and shall comply with the provisions of Section 23.54.025, Off-site parking.~~))

2. In pedestrian designated zones, surface parking is prohibited abutting the street lot line along a principal pedestrian street.

3. Off-street parking may be located anywhere on a lot in C1 and C2 zones, except that structures with residential uses in C zones, structures in C zones with pedestrian designations, and structures in C zones across the street from residential zones shall meet the

requirements for parking location for NC zones as provided in subsection 23.47A.032.B.1, except that if a lot in a C zone is bordered by streets on all sides, then parking may be provided between a street and a structure, but only on sides facing other commercially-zoned lots.

4. Required parking shall be located no farther than 800 feet from the lot with the use to which it is accessory, and shall comply with the provisions of Section 23.54.025, Off-site parking.

* * *

Section 35. Section 23.47A.039 of the Seattle Municipal Code, enacted by Ordinance 122311, is amended as follows:

23.47A.039 Provisions for pet daycare centers and boarding of animals by pet grooming centers((,))

In addition to the development standards of the zone, pet daycare centers are subject to the following:

A. Operating business establishments that have been providing pet daycare services as of July 31, 2006, may continue not((-))withstanding nonconformities to applicable development standards, provided the provisions of this ((s))Section 23.47A.039 are met.

B. The pet daycare center ((~~must~~))shall be permitted by Public Health-((-))Seattle & King County, as required by ((~~SMC~~))Section 10.72.020.

C. Facilities for the boarding of animals may occupy no more than ((~~thirty (~~))30((~~)~~)) percent of the gross floor area of the pet daycare center. A pet grooming service may provide facilities for the boarding of animals subject to the regulations for pet daycare centers in this Section 23.47A.039.

* * *

Section 36. Section 23.48.010 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.48.010 Structure height

* * *

H. Rooftop features((.))

1. Smokestacks, chimneys, flagpoles, and religious symbols for religious institutions are exempt from height controls, 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. Open railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend up to 4 feet above the maximum 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 feet if enclosed by parapets or walls that comply with this subsection 23.48.010.H.2.

* * *

Section 37. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance 124680, is amended as follows:

23.49.008 Structure height

* * *

D. Rooftop features

1. The following rooftop features are permitted with unlimited rooftop coverage and may not exceed the height limits as indicated:

a. Open railings, planters, clerestories, skylights, play equipment, parapets, and firewalls up to 4 feet above the applicable height limit;

b. 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 feet if enclosed by parapets or walls that comply with subsection 23.49.008.D.1.a;

c. Solar collectors up to 7 feet above the applicable height limit; and

((e))d. The rooftop features listed below shall be located a minimum of 10 feet from all lot lines and may extend up to 50 feet above the roof of the structure on which they are located or 50 feet above the applicable height limit, whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:

1) Religious symbols for religious institutions;((,))

2) Smokestacks;((,)) and

3) Flagpoles.

2. The following rooftop features are permitted up to the heights indicated below, as long as the combined coverage of all rooftop features, whether or not listed in this subsection 23.49.008.D.2, does not exceed 55 percent of the roof area for structures that are subject to maximum floor area limits per story pursuant to Section 23.49.058, or 35 percent of the roof area for other structures.

a. The following rooftop features are permitted to extend up to 15 feet above the applicable height limit:

1) Solar collectors;

2) Stair penthouses;

3) Play equipment and open-mesh fencing, as long as the fencing is at least 15 feet from the roof edge;

4) Covered or enclosed common recreation area or eating and drinking establishment;

5) Mechanical equipment; and

6) Wind turbines.

* * *

Section 38. Section 23.49.010 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.49.010 General requirements for residential uses

A. Reserved((.))

B. Common ((R))recreation ((A))area. Common recreation area is required for all new development with more than ((twenty ()))20(())) dwelling units. Required common recreation area shall meet the following standards:

1. An area equivalent to ((five ()))5(())) percent of the total gross floor area in residential use, excluding any floor area in residential use gained in a project through a voluntary agreement for housing under ((SMC))Section 23.49.015, shall be provided as common recreation area. ((In no instance shall t))The amount of required common recreation area shall not exceed the area of the lot. The common recreation area shall be available to all residents and may be provided at or above ground level.

2. A maximum of ((fifty ()))50(())) percent of the common recreation area may be enclosed.

3. The minimum horizontal dimension for required common recreation areas shall be ((~~fifteen (~~))15((~~)~~)) feet, except for open space provided as landscaped setback area at street level, which shall have a minimum horizontal dimension of ((~~ten (~~))10((~~)~~)) feet. No required common recreation area shall be less than ((~~two hundred twenty-five (~~))225((~~)~~)) square feet.

4. Common recreation area that is provided as open space at street level shall be counted as twice the actual area in determining the amount provided to meet the common recreation area requirement.

5. In mixed use projects, the Director may permit a bonused public open space to satisfy a portion of the common recreation area requirement, provided that the space meets the standards of this ((~~s~~))Section 23.49.010, and the Director finds that its design, location, access, and hours of operation meet the needs of building residents.

6. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be counted as common recreation area.

7. In PSM zones, the Director of the Department of Neighborhoods, on recommendation of the Pioneer Square Preservation Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

8. In IDM and IDR zones, the Director of the Department of Neighborhoods, on recommendation of the International District Special Review District Board, may waive the

requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

9. For lots abutting designated green streets, up to ((~~fifty (~~))50((~~)~~)) percent of the common recreation area requirement may be met by contributing to the development of a green street. The Director may waive the requirement that the green street abut the lot and allow the improvement to be made to a green street located in the general vicinity of the project if such an improvement is determined to be beneficial to the residents of the project.

C. Assisted living facilities

1. ((~~In addition to the requirements of subsection 23.49.010.B, a~~))Assisted living facilities are subject to the development standards of the zone where they are located, except that common recreation area requirements do not apply to assisted living facilities.

2. Other requirements

a. Minimum unit size. Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.

b. Facility kitchen. An on-site kitchen that serves the entire assisted living facility is required.

c. Communal area. Communal areas that are either interior or exterior spaces, such as solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies, and gardens or other outdoor landscaped areas shall be provided as follows:

1) The total amount of communal area shall equal at least 20 percent of the total floor area in assisted living units. In calculating the total floor area in assisted

living units, all of the area of each unit, excluding the bathroom, shall be counted, including counters, closets and built-ins;

2) Service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall not be counted as required communal area; ((~~and~~))

3) A minimum of 400 square feet of the required communal area shall be provided as an outdoor area with a minimum dimension of 10 feet. Outdoor areas provided as required communal area shall be accessible to people with disabilities((~~.~~)); and

4) Adequate seating for residents and guests shall be provided for required communal area.

Section 39. Section 23.49.012 of the Seattle Municipal Code, last amended by Ordinance 124388, is amended as follows:

23.49.012 Bonus floor area for voluntary agreements for housing and child care((~~.~~))

A. General ((~~P~~))provisions

1. The purpose of this ((~~s~~))Section 23.49.012 is to encourage development in addition to that authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts from the bonus development are mitigated. Two impacts from additional development are an increased need for low-income housing to house the families of downtown workers having lower-paid jobs and an increased need for child care for downtown workers.

2. If an applicant elects to seek approval of bonus development pursuant to this ((~~s~~))Section 23.49.012, the applicant must execute a voluntary agreement with the City in which

the applicant agrees to provide mitigation for the impacts identified in subsection 23.49.012.A.1. In the absence of a signed voluntary agreement, acceptance of a permit for any bonus development allowed under this ((s))Section 23.49.012 shall constitute a voluntary agreement on the terms set forth in this ((s))Section 23.49.012. The mitigation may be provided by building the requisite low-income housing or child care facilities (the "performance option"), by making a contribution to be used by the City to build or provide the housing and child care facilities (the "payment option"), or by a combination of the performance and payment options.

3. For purposes of this Section 23.49.012, a housing unit serves low-income households only if either:

a) For a period of 50 years beginning upon the issuance of a final certificate of occupancy by the Department for the project using the bonus development, the housing unit is used as rental housing solely for low-income households, at rent limited so that annual housing costs, including rent and basic utilities, do not exceed 30 percent of 80 percent of median income, and the housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances in the housing unit; or

b) The unit is sold for owner-occupancy to a low-income household at an initial sale price limited so that the annual housing costs, including mortgage principal and interest, real estate taxes, and insurance plus homeowner dues if applicable, are not expected to exceed 35 percent of 80 percent of median income, according to a calculation based on reasonable assumptions and approved by the Director of Housing, and the unit is subject to a recorded instrument satisfactory to the Director of Housing with a term of 50 years beginning upon the issuance of a final certificate of occupancy by the Department for the project using the

bonus development, providing for sales prices on any resale consistent with affordability on the same basis as the initial sale, allowing resales only to low-income households, and requiring that upon any resale the housing unit be in decent and habitable condition, including adequate basic appliances, for such 50 year period.

B. Voluntary ((~~A~~))agreements for ((~~H~~))housing and ((~~C~~))child ((~~C~~))care. The voluntary agreement shall commit the developer to provide or contribute to the following facilities in the following amounts:

1. Housing((~~,~~))

a. Housing serving low-income households equal to at least 15.6 percent of each gross square foot of bonus floor area obtained through the performance option must be provided. A cash contribution for each gross square foot of bonus floor area obtained through the payment option, as an alternative to the performance option, for housing to serve low-income households must be provided. The alternative cash contribution is $18.75 per gross square foot of bonus floor area obtained through the payment option, subject to adjustment under this ((~~S~~))subsection 23.49.012.B.1.a. From the effective date of the ordinance introduced as Council Bill 117908 to June 30, 2014, the alternative cash contribution is $22.88 per gross square foot of bonus floor area obtained through the payment option. From July 1, 2014 to June 30, 2015, the alternative cash contribution is $24.95 per gross square foot of bonus floor area obtained through the payment option plus the product of $24.95 times the 2013 annual average change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index. On July 1, 2015, and on the same day annually thereafter the alternative cash

contribution amount in this subsection 23.49.012.B.1.a shall automatically adjust in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, from January 1, 2014, or the time the alternative cash contribution was last adjusted, whichever is later.

b. For the performance option, housing serving low-income households must be provided within the project using the bonus development unless the Director, after consultation with the Director of Housing, approves an alternate location, as a Type I decision. In determining whether to approve an alternate location, the Director shall consider the extent to which low-income housing at that location would mitigate the impact of the development on the need for low-income housing serving downtown workers. The alternate location must be in one of the following areas, prioritized in the following order:

1) within the Downtown Urban Center;

2) within an Urban Center adjacent to the Downtown Urban Center;

3) in the City within 0.5 mile of a light rail or bus rapid transit station on a route serving the Downtown Urban Center;

4) in the City within 0.25 mile of a bus or streetcar stop on a route serving the Downtown Urban Center.

~~In determining whether to approve an alternate location, the Director shall consider the extent to which low-income housing at that location would mitigate the impact of the~~

~~development on the need for low-income housing serving downtown workers. For purposes of this subsection 23.49.012.B.1, a housing unit serves low-income households only if either:~~

~~1) For a period of 50 years beginning upon the issuance of a final certificate of occupancy by the Department for the project using the bonus development, the housing unit is used as rental housing solely for low-income households, at rent limited so that annual housing costs, including rent and basic utilities, do not exceed 30 percent of 80 percent of median income, and the housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances in the housing unit; or~~

~~2) The unit is sold for owner-occupancy to a low-income household at an initial sale price limited so that the annual housing costs, including mortgage principal and interest, real estate taxes, and insurance plus homeowner dues if applicable, are not expected to exceed 35 percent of 80 percent of median income, according to a calculation based on reasonable assumptions and approved by the Director of Housing, and the unit is subject to a recorded instrument satisfactory to the Director of Housing with a term of 50 years beginning upon the issuance of a final certificate of occupancy by the Department for the project using the bonus development, providing for sales prices on any resale consistent with affordability on the same basis as the initial sale, allowing resales only to low-income households, and requiring that upon any resale the housing unit be in decent and habitable condition, including adequate basic appliances, for such 50 year period.~~))

c. For purposes of this ((s))Section 23.49.012, housing may be considered to be provided by the applicant seeking bonus floor area if:

1) It is committed to serve low-income households pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the housing, but no earlier than three years prior to the issuance of a ((~~m~~))Master ((~~u~~))Use ((~~p~~))Permit for the project using the bonus floor area; and

2) The housing is newly constructed, is converted from non-residential use, or is renovated; and:

((~~i.~~))a) The housing is owned by the applicant seeking to use the bonus; or

((~~ii.~~))b) The owner of the housing has signed, and there is in effect, a linkage agreement approved by the Director of Housing allowing the use of the housing bonus in return for necessary and adequate financial support to the development of the housing, and either the applicant has, by the terms of the linkage agreement, the exclusive privilege to use the housing to satisfy conditions for bonus floor area; or the applicant is the assignee of the privilege to use the housing to satisfy conditions for bonus floor area, pursuant to a full and exclusive assignment, approved by the Director of Housing, of the linkage agreement, and all provisions of this ((~~s~~))Section 23.49.012 respecting assignments are complied with. If housing is developed in advance of a linkage agreement, payments by the applicant used to retire or reduce interim financing may be considered necessary and adequate support for the development of the housing.

d. Housing that is not yet constructed, or is not ready for occupancy, at the time of the issuance of a building permit for the project intending to use bonus floor area, may be considered to be provided by the applicant if, within three years of the issuance of the

first building permit for that project, the Department issues a final certificate of occupancy for such housing. Any applicant seeking to qualify for bonus floor area based on housing that is not ready for occupancy shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection 23.49.012.C, an irrevocable bank letter of credit or other sufficient security approved by the Director of Housing, and a related voluntary agreement, so that at the end of the three year period, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this ((~~s~~))Section 23.49.012, the City shall receive:

(((~~i~~))1) a cash contribution for housing in the amount determined pursuant to this ((~~s~~))Section 23.49.012 after credit for any qualifying housing then provided;((~~,~~)) plus

(((~~ii~~))2) an amount equal to interest on the contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three percent per annum, from the date of issuance of the first building permit for the project using the bonus.

If and when the City becomes entitled to realize on any security, the Director of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this ((~~s~~))Section 23.49.012. In the case of any project proposing to use bonus floor area for which no building permit is required, references to the building permit in ((~~this~~))subsection 23.49.012.B.1 shall mean the ((~~m~~))Master ((~~u~~))Use ((~~p~~))Permit allowing establishment or expansion of the use for which bonus floor area is sought.

e. Nothing in this ((e))Chapter 23.49 shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon the regulations in effect at the relevant time for the project proposing to use the bonus floor area, pursuant to Section 23.76.026, any approvals or agreements by the Director of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on the housing.

f. The Director of Housing shall review the design and proposed management plan for any housing proposed under the performance option to determine whether it will comply with the terms of this ((s))Section 23.49.012.

g. The Director of Housing is authorized to accept a voluntary agreement for the provision of housing and related agreements and instruments consistent with this ((s))Section 23.49.012.

h. Any provision of any Director's rule notwithstanding,((~~it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of rental housing under this subsection 23.49.012.B.1, that~~)) the housing units shall continue to satisfy the applicable requirements of((~~this~~))subsection 23.49.012.B.1 throughout the required 50 year period and that compliance shall be documented annually to the satisfaction of the Director of Housing, and the owner of any project using the bonus floor area shall be in violation of this ((t))Title 23 if any ((~~the~~))housing unit does not

satisfy applicable requirements, or if satisfactory documentation is not provided to the Director of the Office of Housing, at any time during that period. The Director of Housing may provide by rule for circumstances in which housing units may be replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide housing units under the terms of ((~~this~~))subsection 23.49.012.B.1. If housing is provided for owner occupancy pursuant to an agreement under subsection 23.49.012.B.1, the owner of any project using the bonus floor area shall be in violation of this ((~~t~~))Title 23 if the first sale or other transfer of a housing unit after it becomes subject to that agreement is not made to a low-income household or is not made on the terms and subject to the recorded instrument provided in subsection 23.49.012.B.1.b.2, which shall be a continuing violation until that unit or another unit accepted by the Director of Housing in substitution for it is sold to a low-income household on those terms, and subject to a recorded instrument as described in that subsection 23.49.012.B.1.b.2.

i. Housing units provided to qualify for a bonus, or produced with voluntary contributions made under this ((~~s~~))Section 23.49.012, should include a range of unit sizes, including units suitable for families with children. The Director of Housing is authorized to prescribe by rule minimum requirements for the range of unit sizes, by numbers of bedrooms, in housing provided to qualify for a bonus. The Director of Housing shall take into account, in any such rule, estimated distributions of household sizes among low-income households. The Director of Housing is further authorized to adopt policies for distribution of unit sizes in housing developments funded by contributions received under this ((~~s~~))Section 23.49.012.

j. Any failure of the low-income housing to satisfy the requirements of subsection 23.49.012.B.1 shall not affect the right to maintain or occupy the bonus floor area if the Director of Housing certifies to the Director that either:

1) The applicant has provided the City with a letter of credit or other sufficient security pursuant to subsection 23.49.012.B.1.d; or

2) There have been recorded one or more agreements or instruments satisfactory to the Director of Housing providing for occupancy and affordability restrictions on low-income housing with the minimum floor area determined under subsection 23.49.012.B.1, all low-income housing has been completed, and the low-income housing is on a different lot from the bonus floor area or is in one or more condominium units separate from the bonus development under condominium documents acceptable to the Director of Housing.

k. Unless and until the Director of Housing certifies as set forth in subsection 23.49.012.B.1.j, it shall be a continuing permit condition, whether or not expressly stated, for each development obtaining bonus floor area based on the provision of low-income housing to which this Section 23.49.012 applies, that the low-income housing shall be maintained in compliance with the terms of this Section 23.49.012 and any applicable provisions of the zone, as documented to the satisfaction of the Director of Housing.

* * *

Section 40. Section 23.49.013 of the Seattle Municipal Code, last amended by Ordinance 124591, is amended as follows:

23.49.013 Bonus floor area for amenities

* * *

B. Standards for amenities

* * *

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.

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

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

* * *

Section 41. Section 23.49.041 of the Seattle Municipal Code, last amended by Ordinance 123046, is amended as follows:

23.49.041 - Combined lot development((.))

When authorized by the Director pursuant to this section, lots located on the same block in DOC1 or DOC2 zones, or in DMC zones with a maximum FAR of ten (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 to be used on one (1) or more other lots, according to the following provisions:

***

D. The Director shall allow combined lot development only to the extent that the Director determines, in a Type ((I)) II land use decision, that permitting more chargeable floor area than would otherwise be allowed on a lot shall result in a significant public benefit. In addition to features for which floor area bonuses are granted, the Director may also consider the following as public benefits that could satisfy this condition when provided for as a result of the lot combination:

1. preservation of a landmark structure located on the block or adjacent blocks;

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

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

4. 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 significant amount of housing serving households with a range of income levels;

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. public view protection within an area; and/or

9. arts and cultural facilities, including a museum or museum expansion space.

***

Section 42. Section 23.49.178 of the Seattle Municipal Code, last amended by Ordinance 124305, is amended as follows:

23.49.178 Pioneer Square Mixed, structure height

* * *

D. In the PSM 100/100-120, PSM 100/100-130, and PSM 100/120-150 zones, except as provided in subsection 23.49.178.C, the applicable height limit is determined as set forth in this subsection 23.49.178.D. The base height limit for non-residential or live-work uses is the first figure after the "PSM" designation, and is the height limit for all portions of a structure that

contain those uses unless all of the conditions of this subsection((s)) 23.49.178.D((~~.1-5~~)) are satisfied. The base height limit for residential use, shown as the first figure following the "/", is the applicable height limit for a structure that contains residential uses and does not satisfy the conditions to exceed the base height limit under this subsection 23.49.178.D. Subject to any limit imposed under Section 23.66.140, the third figure shown is the applicable height limit for a structure if all of the conditions to exceeding base height limits under this subsection 23.49.178.D are satisfied. A structure may exceed the base height limits only if:

1. Construction does not involve the demolition or removal of any building or structure except as approved pursuant to Section 23.66.115;

2. No building or structure has been demolished or removed from the lot within the ten years immediately preceding application for a building permit for the structure or addition that would exceed an applicable base height limit unless the Director of Neighborhoods determines that the demolished or removed building or structure did not contribute to the architectural or historic character of the Pioneer Square Preservation District;

3. No portion of the structure has been determined to be "contributing" pursuant to Section 23.66.032, except that additional height for contributing structures is permitted if the applicant can demonstrate, to the satisfaction of the Director of Neighborhoods, that the proposed height is no greater than the maximum height to which the contributing structure was built((~~.~~));

4. The gross floor area of the portion of the structure in residential use will equal or exceed the gross floor area in the portion of the structure above 100 feet;

5. The structure will use extra residential floor area available under Section 23.49.023 to gain all additional floor area above the base height limit for residential uses; and

6. The lot area is at least 7,200 square feet.

* * *

Section 43. Section 23.49.242 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.49.242 International District Residential, development standards

* * *

D. Setbacks((-))

1. The following minimum setbacks are required for structures on lots abutting a green street designated on Map 1F or another map identified in a note to Map 1F:

a. In an IDR zone, a continuous upper-level setback of 15 feet is required from the green street lot line for all portions of the structure above 45 feet in height. This setback is not required if a structure is 65 feet in height or less, except on Maynard Avenue S.

b. In an IDR/C zone, a continuous setback of 6 feet is required at street level from the green street lot line. For a structure exceeding 85 feet in height, a continuous upper-level setback of 16 feet is required from the green street lot line for all portions of the structure above a height of 65 feet.

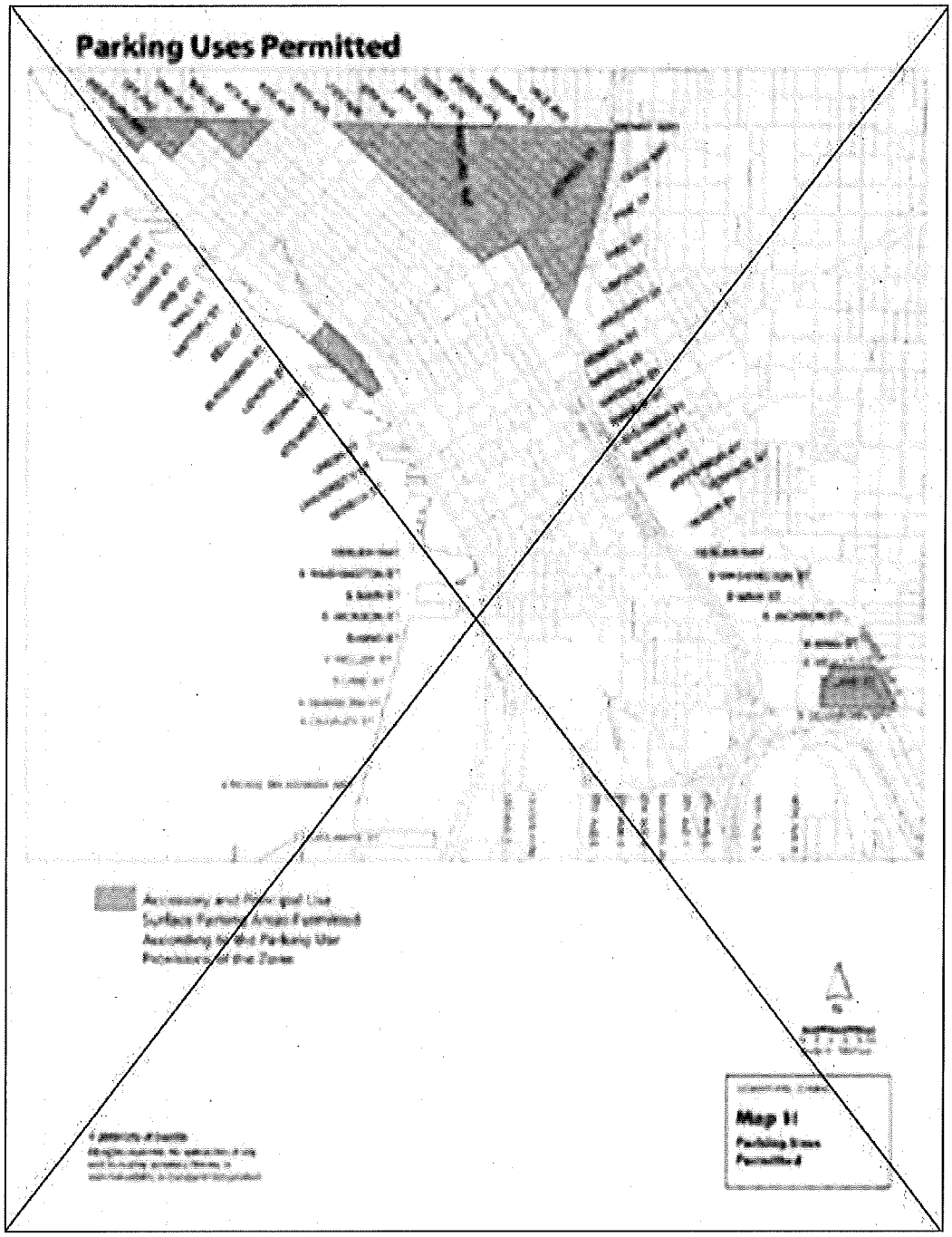
2. For a structure exceeding 85 feet in height <u>excluding rooftop features</u>, a continuous upper-level setback of 15 feet is required from each side lot line that is not a street or alley lot line for all portions of the structure above a height of 65 feet.

* * *

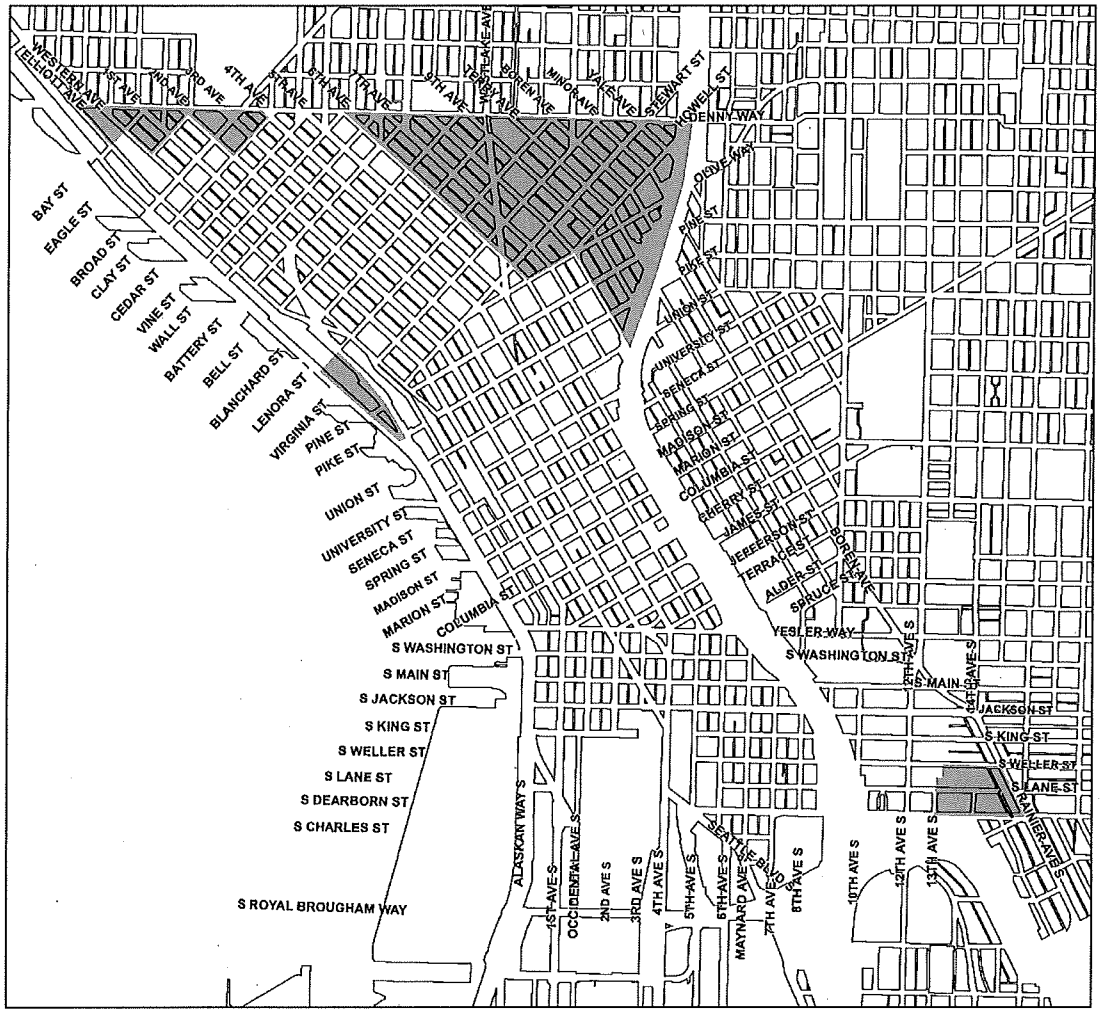
Section 44. Map 1I in Chapter 23.49 of the Seattle Municipal Code, enacted by Ordinance 123589, is amended as follows:

Map 1I

Parking Uses Permitted



Parking Uses Permitted



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

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Downtown zoning

Map 1I

Parking Uses Permitted

1

Section 45. Section 23.50.020 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.50.020 Structure height exceptions and additional restrictions

A. Rooftop ((F))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 feet if enclosed by parapets or walls that comply with this subsection 23.50.020.A.2.

* * *

Section 46. Section 23.53.006 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.53.006 Pedestrian access and circulation

A. General requirements. Pedestrian access and circulation are required on all streets in all zones as set forth in this Section 23.53.006. Pedestrian access and circulation improvements

shall meet the standards in the Right-of-Way Improvements Manual for sidewalks and pedestrian walkways. The regulations in this Section 23.53.006 are not intended to preclude the use of Chapter 25.05, the Seattle SEPA ((~~Ordinance~~))Rules, to mitigate adverse environmental impacts.

* * *

C. Within ((~~U~~))urban ((~~C~~))centers and ((~~U~~))urban ((~~V~~))villages. Within ((~~U~~))urban ((~~C~~))centers and ((~~U~~))urban ((~~V~~))villages, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, ((~~and~~))or whenever development is proposed that abuts any existing street without a sidewalk, in any zone, except as specified in subsection 23.53.006.F.

* * *

Section 47. Section 23.53.015 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones

A. General requirements((~~.~~))

1. If new lots are proposed to be created, or if any type of development is proposed in residential or commercial zones, existing streets abutting the lot(s) are required to be improved in accordance with this Section 23.53.015 and Section 23.53.006, Pedestrian access and circulation. A setback from the lot line, or dedication of right-of-way, may be required to accommodate the improvements. One or more of the following types of improvements may be required under this Section 23.53.015:

a. Pavement;

b. Curb installation;

c. Drainage;

d. Grading to future right-of-way grade;

e. Design of structures to accommodate future right-of-way grade;

f. No-protest agreements; and

g. Planting of street trees and other landscaping.

2. Subsection 23.53.015.D contains exceptions from the standard requirements for street improvements, including exceptions for streets that already have curbs, projects that are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area or buffer.

* * *

D. Exceptions((.))

1. Streets with existing curbs((.))

a. Streets with right-of-way greater than or equal to the minimum right-of-way width. If a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection 23.53.015.A.6, but the roadway width is less than the minimum established in the Right-of-Way Improvements Manual, the following requirements shall be met:

1) All structures on the lot shall be designed and built to accommodate the grade of the future street improvements.

2) A no-protest agreement to future street improvements is required, as authorized by ((~~RCW C~~))chapter 35.43 RCW. The agreement shall be recorded with the King County Recorder.

3) Pedestrian access and circulation is required as specified in Section 23.53.006.

b. Streets with less than the minimum right-of-way width. If a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection 23.53.015.A.6, the following requirements shall be met:

1) Setback ((~~R~~))requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.015.A.6 is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional 3 foot setback is also required. The area of the setback may be used to meet any development standard, except that required parking may not be located in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation. Encroachments into this setback shall not be considered structural building overhangs, but the encroachment is limited to the standards set forth in Section 23.53.035.

2) Grading requirement. If a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, as specified in the Right-of-Way Improvements Manual.

3) No-protest agreement requirement. A no-protest agreement to future street improvements is required, as authorized by ((~~RCW C~~))chapter 35.43 RCW. The agreement shall be recorded with the King County Recorder.

4) Pedestrian access and circulation is required as specified in Section 23.53.006.

* * *

Section 48. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.54.015 Required parking

* * *

K. Bicycle parking. The minimum number of off-street parking spaces for bicycles required for specified uses is set forth in Table D for 23.54.015. In the case of a use not shown on Table D for 23.54.015, there is no minimum bicycle parking requirement. The minimum requirements are based upon gross floor area of the use in a structure, or the square footage of the use when located outside of an enclosed structure, or as otherwise specified.

1. After the first 50 spaces for bicycles are provided, additional spaces are required at 1/2 the ratio shown in Table D for 23.54.015, except for rail transit facilities; passenger terminals; and park and ride lots. Spaces within dwelling units or on balconies do not count toward the bicycle parking requirement.

2. Required bicycle parking shall be provided in a safe, accessible and convenient location. Bicycle parking hardware shall be installed so that it can perform to its manufacturer's specifications and any design criteria promulgated by the Director of Transportation, allowing

adequate clearance for bicycles and their riders. Directional signage shall be installed when bike parking facilities are not clearly visible from the street or sidewalk. ((~~When~~))If any covered automobile parking is provided, all required long-term bicycle parking shall be covered. ((~~When~~))If located off-street, bicycle and automobile parking areas ((~~must~~))shall be separated by a barrier or painted lines.

3. Long-term parking for bicycles shall be for bicycles parked four hours or more. Short-term parking for bicycles shall be for bicycles parked less than four hours.

4. Bicycle parking required for residential uses ((~~must~~))shall be located on-site.

5. Bicycle parking required for small efficiency dwelling units and congregate residence sleeping rooms is required to be covered for weather protection. If the required, covered bicycle parking is located inside the building that contains small efficiency dwelling units or congregate residence sleeping rooms, the space required to provide the required bicycle parking shall be exempt from Floor Area Ration (FAR) limits. Covered bicycle parking that is provided beyond the required bicycle parking shall not be exempt from FAR limits.

6. Bicycle parking facilities shared by more than one use are encouraged.

7. Bicycle parking facilities required for non-residential uses shall be located on the lot or in a shared bicycle parking facility within 100 feet of the lot, except as provided in subsection 23.54.015.K.8((~~below~~)).

8. Bicycle parking may be located in a facility within 100 feet of the lot that is not a shared bicycle parking facility, or ((~~the applicant may make a payment to the City to fund~~))public bicycle parking may be provided in the right-of-way, subject to approval by the Director of Transportation, in lieu of providing required on-site bicycle parking, if the Director

determines that:

a. Safe, accessible, and convenient bicycle parking accessory to a non-residential use cannot be provided on-site or in a shared bicycle parking facility within 100 feet of the lot, without extraordinary physical or financial difficulty;

b. The ((~~payment is comparable to the cost of providing the~~))bicycle parking in the right-of-way is equivalent to bicycle parking that would otherwise be required on-site, and takes into consideration the cost of materials, equipment and labor for installation;

c. The bicycle parking ((~~funded by the payment~~))in the right-of-way is located within sufficient proximity to serve the bicycle parking demand generated by the project; and

d. Construction of the bicycle parking ((~~funded by the payment~~))is ((~~assured~~))completed before issuance of a certificate of occupancy for the development.

* * *

Section 49. Section 23.54.025 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.54.025 Off-site parking

* * *

F. Off-site parking established by covenant((~~.~~))

1. Off-site parking established by a covenant or other document approved by the Director and recorded in the King County real property records consistent with this Section 23.54.025 as in effect immediately prior to ((~~the effective date of this ordinance~~))April 19, 2011, if that date is after either the date of vesting under Section 23.76.026 of the Master Use Permit

application with which the covenant was submitted or the date when such covenant or other document was approved, may be used as required parking for the use(s) identified in such covenant to the extent ((~~to~~))consistent with the Master Use Permit and any other conditions of the Director's approval, without compliance with subsections 23.54.025.C and 23.54.025.D, so long as such off-site parking use is not discontinued for a period of 90 days, and subject to compliance with any applicable development standards. The owner of any such off-site parking spaces and the owner of the use requiring parking are each ((~~are~~))responsible for notifying the Director should the use of any or all of those spaces as off-site parking for the use requiring parking cease.

2. When maximum parking limits apply to a use requiring off-site parking, off-site parking permitted for that use under this subsection 23.54.025.F shall count against the maximum limit unless otherwise expressly stated in the provisions of this ((~~t~~))Title 23 that apply to the lot where the use requiring parking is located.

3. Off-site parking established by covenant or other document approved by the Director, and not by permit establishing off-site parking use, is not subject to the requirements of subsection 23.54.025.E((~~ of this section 23.54.025~~)).

4. Any replacement off-site parking established by covenant in compliance with subsection 23.54.025.G.((~~5~~))1.e shall be considered to have been established as described in subsection ((~~23.54.025. F.1~~))23.54.025.F.1.

* * *

Section 50. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.54.030 Parking space standards

((P))All parking spaces provided, whether required by Section 23.54.015 or not, and required barrier-free parking, shall meet the standards of this Section 23.54.030((. P)), except that parking for residential and live-work uses provided in excess of the quantity required by Section 23.54.015 is exempt from the requirements of subsections 23.54.030.A and 23.54.030.B.

A. Parking ((S))space ((D))dimensions((.))

1. "Large vehicle" means the minimum size of a large vehicle parking space shall be 8.5 feet in width and 19 feet in length.

2. "Medium vehicle" means the minimum size of a medium vehicle parking space shall be 8 feet in width and 16 feet in length.

3. "Small vehicle" means the minimum size of a small vehicle parking space shall be 7.5 feet in width and 15 feet in length.

4. "Barrier-free parking" means a parking space meeting the following standards:

a. Parking spaces shall not be less than 8 feet in width and shall have an adjacent access aisle not less than 5 feet in width. Van-accessible parking spaces shall have an adjacent access aisle not less than 8 feet in width. Where two adjacent spaces are provided, the access aisle may be shared between the two spaces. Boundaries of access aisles shall be marked so that aisles will not be used as parking space.

b. A minimum length of 19 feet or when more than one barrier-free parking space is provided, at least one shall have a minimum length of 19 feet, and other spaces

may be the lengths of small, medium, or large spaces in approximate proportion to the number of each size space provided on the lot.

5. "Tandem parking" means a parking space equal to the width and 2 times the length of the vehicle size standards in subsections 23.54.030.A.1, 23.54.030.A.2, and 23.54.030.A.3 for the size of the vehicle to be accommodated.

6. Columns or other structural elements may encroach into the parking space a maximum of 6 inches on a side, except in the area for car door opening, 5 feet from the longitudinal centerline or 4 feet from the transverse centerline of a parking space (see Exhibit A for 23.54.030). No wall, post, guardrail, or other obstruction, or lot line, is permitted within the area for car door opening.

Exhibit A for 23.54.030

Encroachments Into Required Parking Space

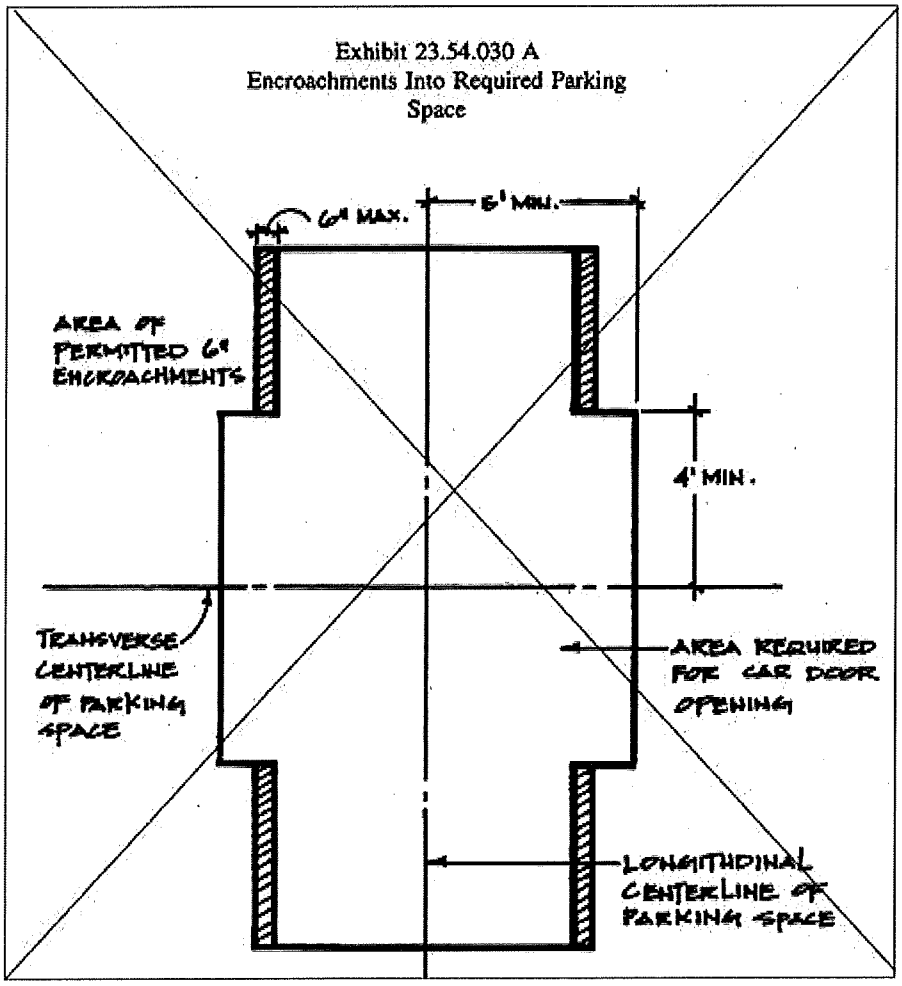
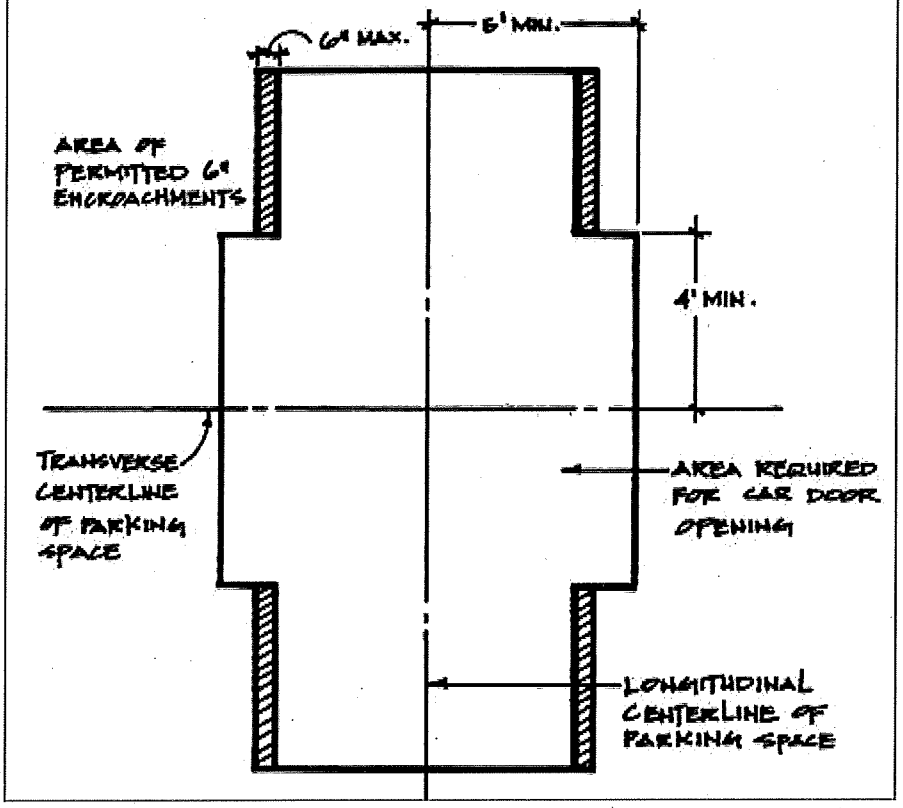


Exhibit A for 23.54.030
Encroachments Into Required Parking Space



7. If the parking space is next to a lot line and the parking space is parallel to the lot line, the minimum width of the space is 9 feet.

B. Parking space requirements. The required size of parking spaces shall be determined by whether the parking is for a residential, live-work, or non-residential ((~~or live-work~~))use. In structures containing ((~~both~~))residential uses and also containing either non-residential uses or live-work units, parking that is clearly set aside and reserved for residential or live-work use shall meet the standards of subsection 23.54.030.B.1; ((~~otherwise, all~~))parking for all other uses within the structure shall meet the standards of subsection 23.54.030.B.2. All uses shall provide

barrier-free accessible parking if required by the Building Code, Subtitle ((1))I of Title 22, or the Residential Code, Subtitle ((1a))IA of Title 22.

1. Residential uses((.))

a. When five or fewer parking spaces are provided, the minimum required size of a parking space shall be for a medium car, as described in subsection 23.54.030.A.2((~~of this Section 23.54.030~~)), except as provided in subsection 23.54.030.B.1.d.

b. When more than five parking spaces are provided, a minimum of 60 percent of the parking spaces shall be striped for medium vehicles. The minimum size for a medium parking space shall also be the maximum size. Forty percent of the parking spaces may be striped for any size, provided that when parking spaces are striped for large vehicles, the minimum required aisle width shall be as shown for medium vehicles.

c. Assisted living facilities. Parking spaces shall be provided as in subsections 23.54.030.B.1.a and 23.54.030.B.1.b((~~above~~)), except that a minimum of two spaces shall be striped for a large vehicle.

d. Townhouse units. For an individual garage serving a townhouse unit, the minimum required size of a parking space shall be for a large car, as described in subsection 23.54.030.A.

2. Non-residential uses((~~and live-work units.~~))

a. When ten or fewer parking spaces are provided, a maximum of 25 percent of the parking spaces may be striped for small vehicles. A minimum of 75 percent of the spaces shall be striped for large vehicles.

b. When between 11 and 19 parking spaces are provided, a minimum of 25 percent of the parking spaces shall be striped for small vehicles. The minimum required size for these small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

c. When 20 or more parking spaces are provided, a minimum of 35 percent of the parking spaces shall be striped for small vehicles. The minimum required size for small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

d. The minimum vehicle clearance shall be at least 6 feet 9 inches on at least one floor, and there shall be at least one direct entrance from the street that is at least 6 feet 9 inches in height for all parking garages accessory to non-residential uses and live-work units and for all principal use parking garages.

3. Live-work uses. The first required parking space shall meet the parking standards for residential use. Additional required parking for a live-work use shall meet the parking standards for non-residential use.

* * *

Section 51. Section 23.58A.044 of the Seattle Municipal Code, last amended by Ordinance 124287, is amended as follows:

23.58A.044 Regional Development Credits Program

A. Scope and applicability. This Section 23.58A.044 contains standards for acquiring regional development credits when use of the credits is authorized by other Title 23 provisions.

B. Process. To achieve extra floor area by acquiring regional development credits, applicants shall acquire and extinguish certified regional development credits that originate from property located in King, Pierce, or Snohomish counties according to the standards of this Section 23.58A.044.

* * *

H. Proceeds from sale

1. In order to demonstrate the entire proceeds from the sale of credits will be used to purchase new agricultural credits under subsection 23.58A.044.C or 23.58A.044.D, the applicant shall demonstrate that the Forest or Rural credits were purchased from a county or non-profit entity that provides documentation to the Director that the entire proceeds from the sale of the Forest or Rural credits have been:

a. Expended for the purchase of new Agricultural credits that meet the requirement of subsection 23.58A.044.E and that were purchased from property owners owning agricultural property located in the same county where the Forest or Rural credits originated from; or

b. Placed in a segregated account subject to the restriction that the funds in the account shall only be used for purchasing new Agricultural credits from property owners owning agricultural property located in the same county where the Forest or Rural credits originated from.

2. In the case of subsection 23.58A.044.((F))H.1.b, the account holder shall annually provide, within 30 days after the end of each calendar year, a report to the Director demonstrating:

a. The sources and uses of funds in the account; and

b. The funds in the account have only been used for directly purchasing new Agricultural credits from property owners owning agricultural property located in the same county where the Forest or Rural credits originated from.

This reporting obligation shall end when the entity holding the funds demonstrates to the Director that all funds held by the entity for acquiring credits have been expended.

* * *

Section 52. Section 23.66.020 of the Seattle Municipal Code, last amended by Ordinance 121477, is amended as follows:

23.66.020 Special review boards((.))

A. The ordinance establishing a special review district may create a special review board. Unless otherwise specified, a special review board shall consist of seven (((~~7~~)))members. Five (((~~5~~)))of the members shall be chosen at annual elections, called and conducted by the Department of Neighborhoods Director, at which all residents, persons who operate businesses, their employees, and property owners of the special review district shall be eligible to vote. Two (((~~2~~)))of the members shall be appointed by the Mayor and confirmed by the Council. The Mayor shall, in making board appointments, attempt to assure that a diversity of interests in the district is represented on the board. The Department of Neighborhoods Director shall provide ((~~twenty (~~))20((~~)~~))) days' notice of the board's first meeting in the City's official newspaper, by

Land Use Information Bulletin, and by publishing notice in one ((~~(1)~~))or more community newspapers ((~~which~~))that are circulated within the district. Thereafter, notice of annual meetings shall be provided to the public by the board's publication of notice in one ((~~(1)~~))or more district community newspapers. The Council shall establish terms of service for members of a special review board in the ordinance creating the district. No person shall serve more than two ((~~(2)~~)) consecutive terms on a special review board.

* * *

Section 53. Section 23.67.060 of the Seattle Municipal Code, enacted by Ordinance 116145, is amended as follows:

23.67.060 Public notice requirements for rezone applications((~~.~~))

((~~In addition to~~))Public notice shall be provided in accordance with the notice requirements for Type IV rezones contained in Chapter 23.76((~~, public notice shall also be provided by publishing the notice of application in at least one (1) community newspaper in the area affected by the proposal~~)).

* * *

Section 54. Section 23.75.140 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.75.140 Setbacks and projections

A. General requirements and special setback areas((~~.~~))

1. Except as otherwise provided in this Section 23.75.140, minimum setbacks are required as follows:

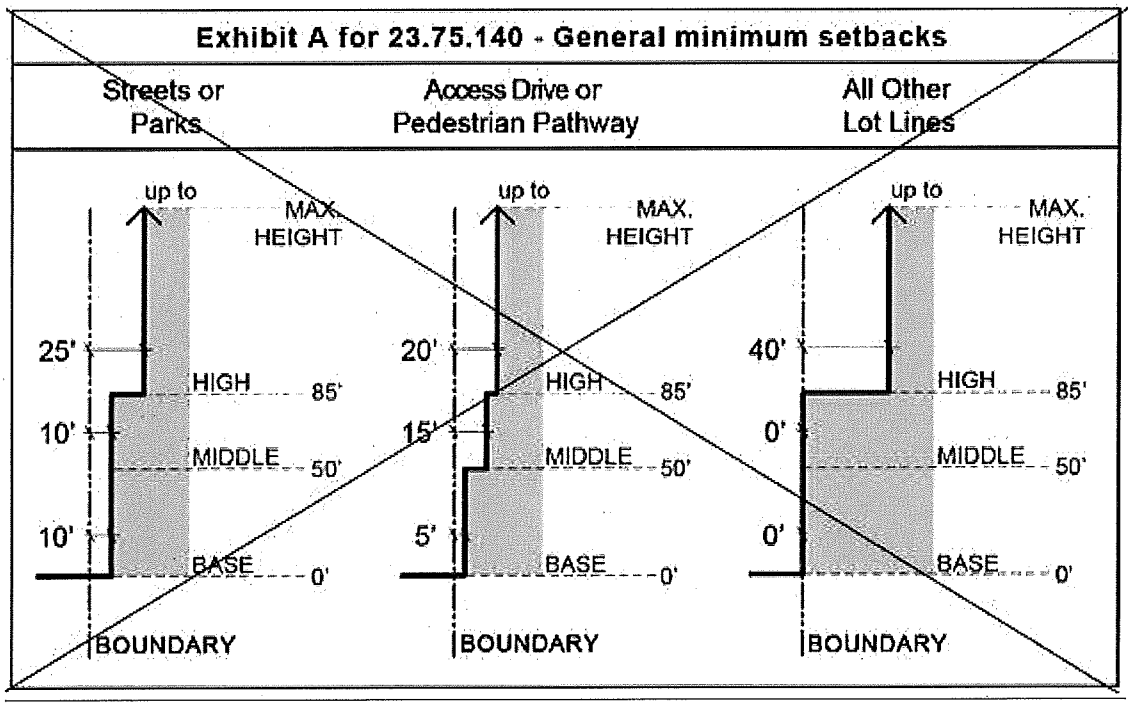
a. According to Exhibit A for 23.75.140 where no special setback condition identified in subsection 23.75.140.C, 23.75.140.D, or 23.75.140.E applies to the boundary; or

b. According to Exhibit B for 23.75.140 where a special setback condition identified in subsection 23.75.140.C, 23.75.140.D, or 23.75.140.E applies to the boundary.

2. If a location identified for a special setback condition in subsection 23.75.140.C, 23.75.140.D, or 23.75.140.E is described in reference to a park, access drive, pedestrian pathway, or other easement that has not been established by a final plat or recorded instrument at the time a permit decision is made, the applicable general minimum setback applies in that location rather than the special setback condition.

Exhibit A for 23.75.140

General Minimum Setbacks



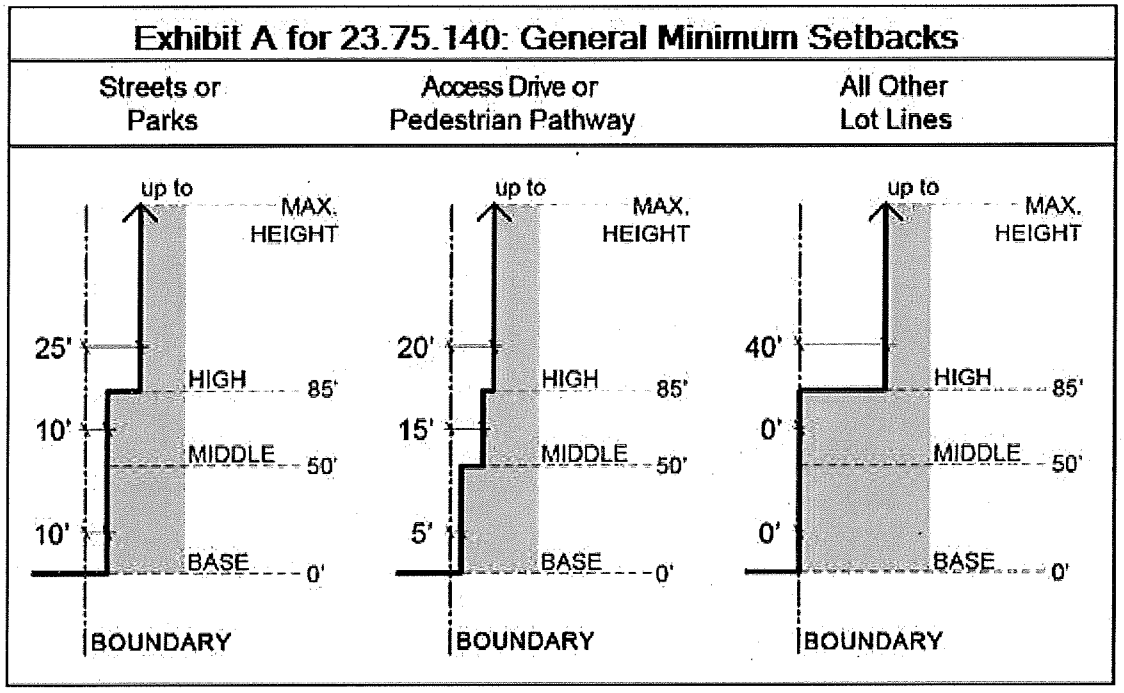
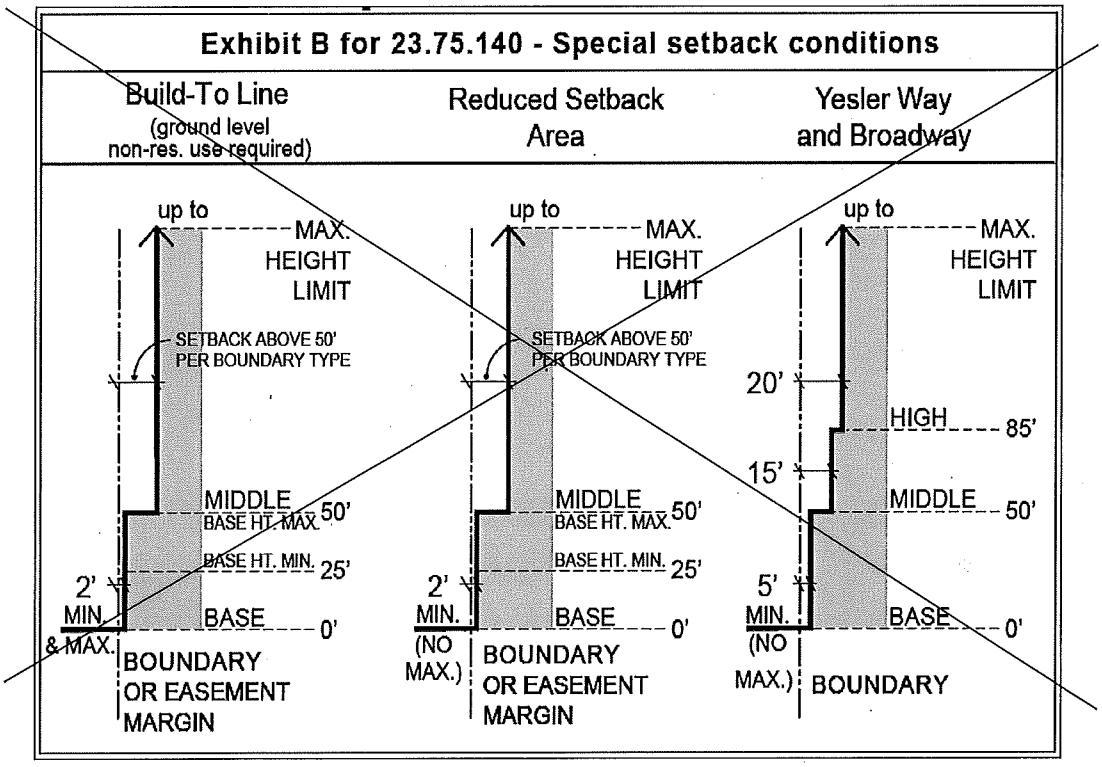
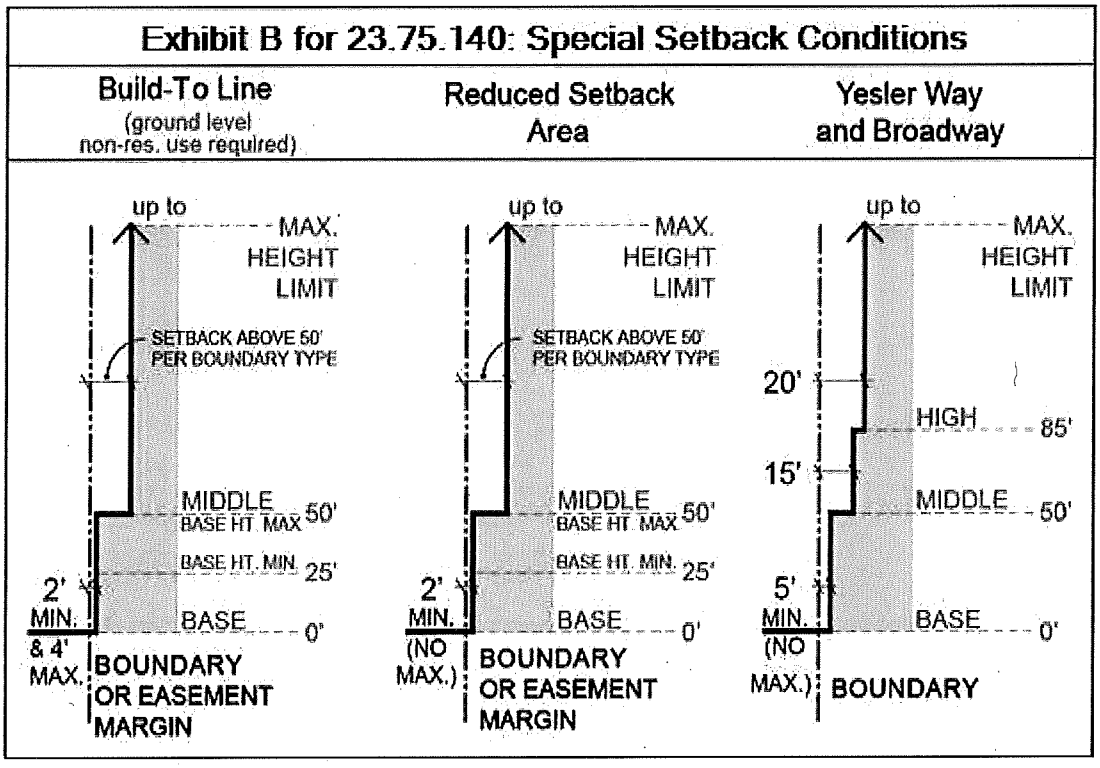


Exhibit B for 23.75.140

Special Setback Conditions





B. The 10-foot minimum setback shown in Exhibit A for 23.75.140 from streets or parks open to the public is reduced to 7 feet for a residential structure that is partially separated from the street or park by a ground-floor-level courtyard that is at least 30 feet wide and 20 feet deep.

Exhibit C for 23.75.140

Locations of Special Setback Areas

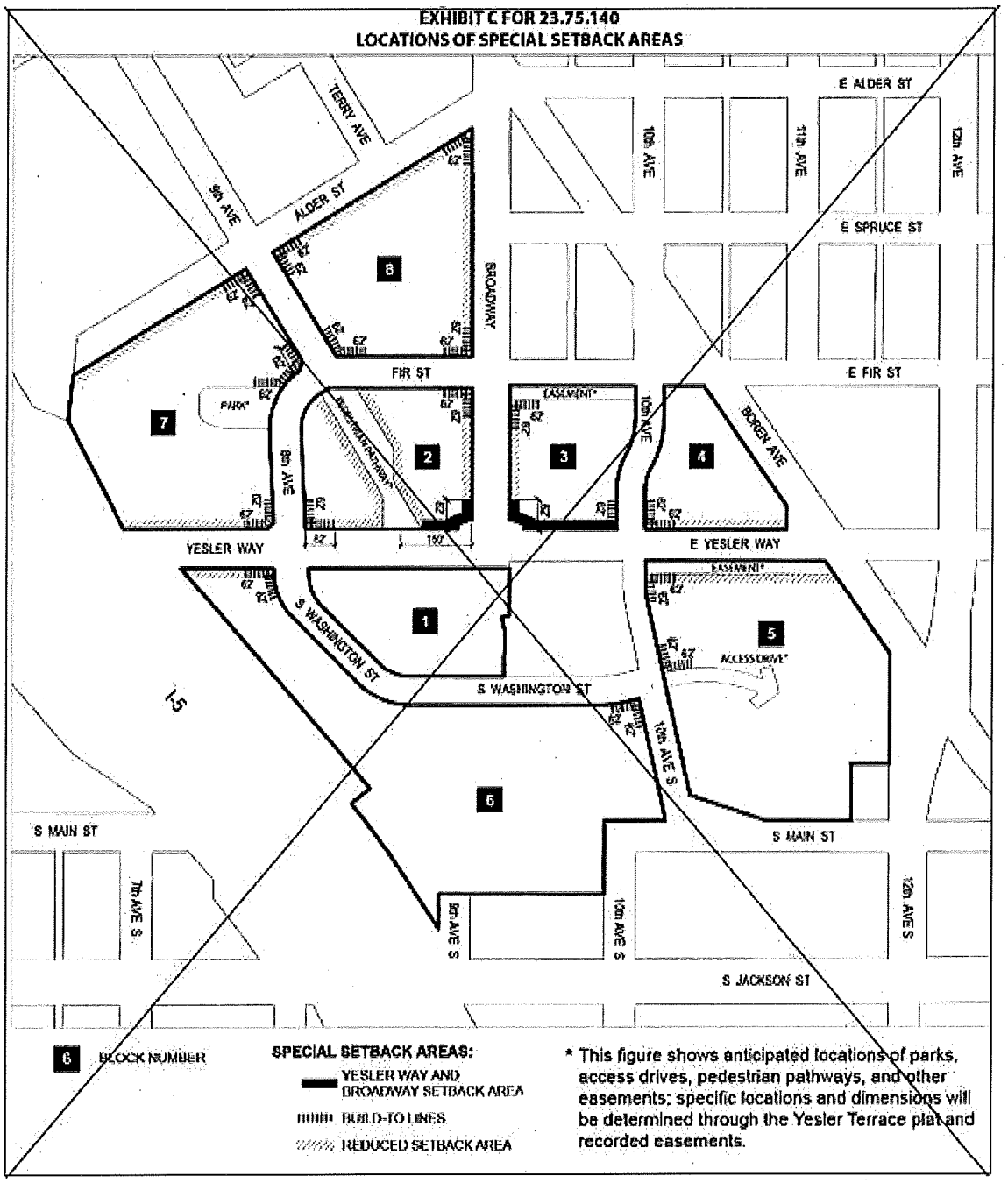
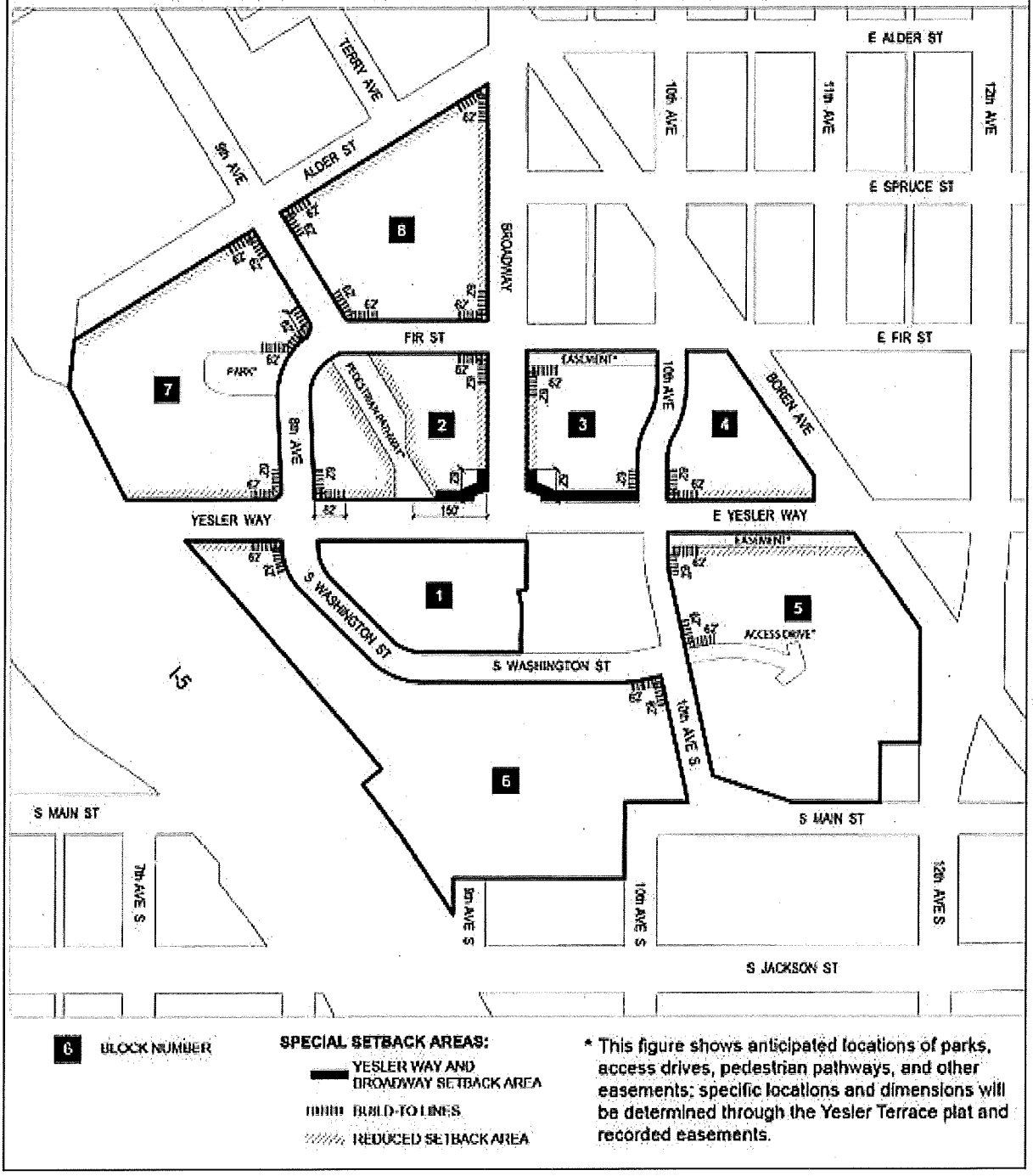


Exhibit C for 23.75.140: Locations of Special Setback Areas



C. Build-to line

* * *

2. Except as otherwise permitted in this subsection 23.75.140.C, any regulated facade abutting a non-residential use in the first story partially or completely above grade is required to have a minimum setback of 2 feet, and a maximum setback of ((~~2~~))4 feet from the build-to line, from ground level to a height of at least 25 feet. The portion of the facade that is ((~~2 feet from the build-to line~~))subject to the minimum and maximum setback required by this subsection 23.75.140.C.2 may continue above 25 feet up to a maximum of 50 feet in height, regardless of the uses above the first story. Above the portion that is ((~~2 feet from the build-to line~~))subject to the minimum and maximum setback required by this subsection 23.75.140.C.2, all other portions of the facade are subject to the minimum setbacks otherwise applicable above 50 feet, based on the boundary type and condition.

* * *

Section 55. Section 23.75.180 of the Seattle Municipal Code, enacted by Ordinance 123963, is amended as follows:

23.75.180 Parking

* * *

D. For purposes of this Section 23.75.180, all parking is classified as "surface parking," as defined in Section 23.84A.030, or as "aboveground," "partially underground," or "underground," as shown in Exhibit A for 23.75.180 and described as follows:

1. "Aboveground parking" means any portion of a parking garage where:

a. the structure projects more than 4 feet in height above finished grade within 30 feet of a build-to line or reduced setback area; or

b. the structure projects more than 6 feet in height above finished grade in any other location.

2. "Partially underground parking" means any portion of a parking garage where:

a. the structure projects 4 feet or less in height above finished grade within 30 feet of a build-to line or reduced setback area; or

b. the structure projects 6 feet or less in height above finished grade along any other location where the grade along the boundary has a slope of less than 6 percent; or

c. the structure projects 10 feet or less in height above finished grade along any other location where the grade along the boundary has a slope of 6 percent or greater.

3. "Underground parking" means a story of parking garage where all floor area, walls, and ceiling structure are entirely below finished grade, excluding access.

Exhibit A for 23.75.180

Structured Parking Classification

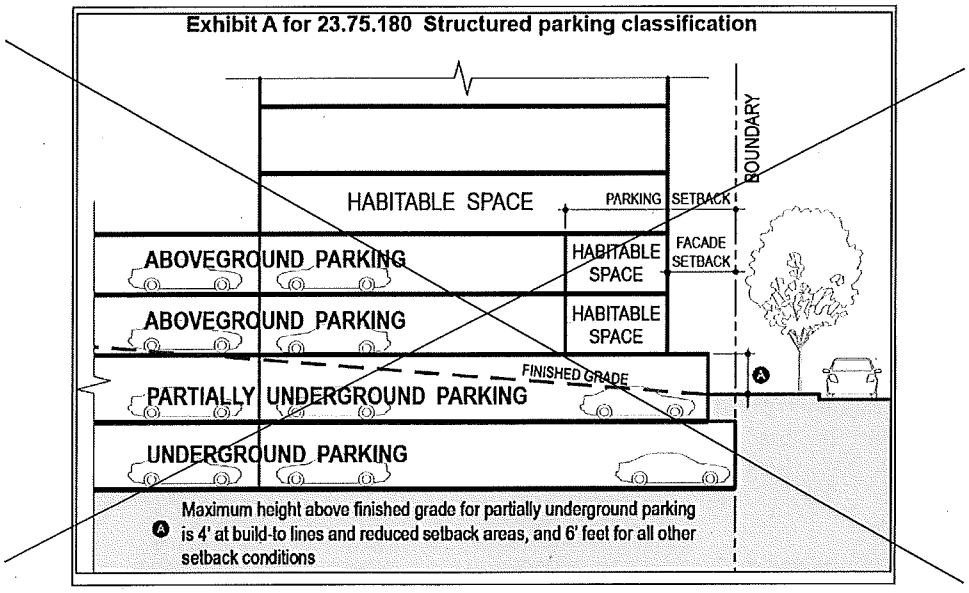
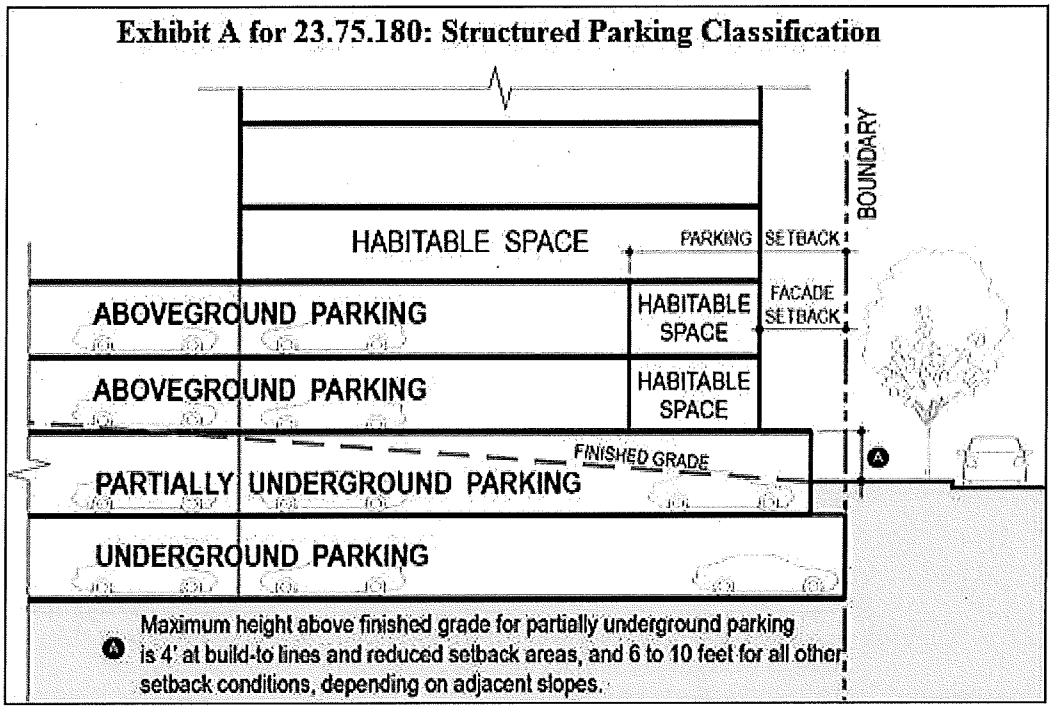


Exhibit A for 23.75.180: Structured Parking Classification



* * *

G. Partially underground parking is subject to the following requirements:

* * *

3. Along boundaries that abut a street, park that is open to the public, pedestrian pathway, or access drive and are not subject to a build-to line or reduced setback area, partially underground parking is required to be set back at least 4 feet from the boundary, as shown in Exhibit D for 23.75.180, and must meet the following standards:

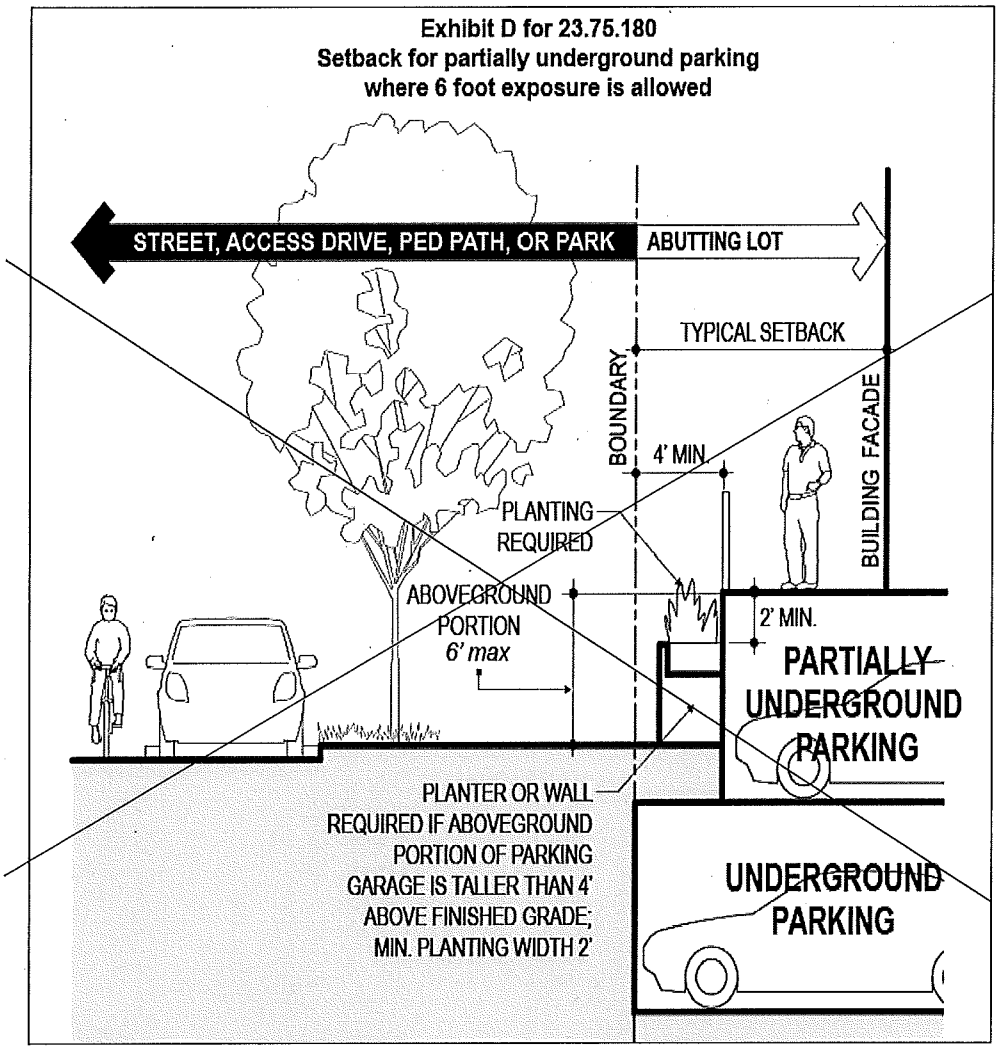
a. The aboveground portion is required to be no higher than 6 feet above the finished grade at the boundary.

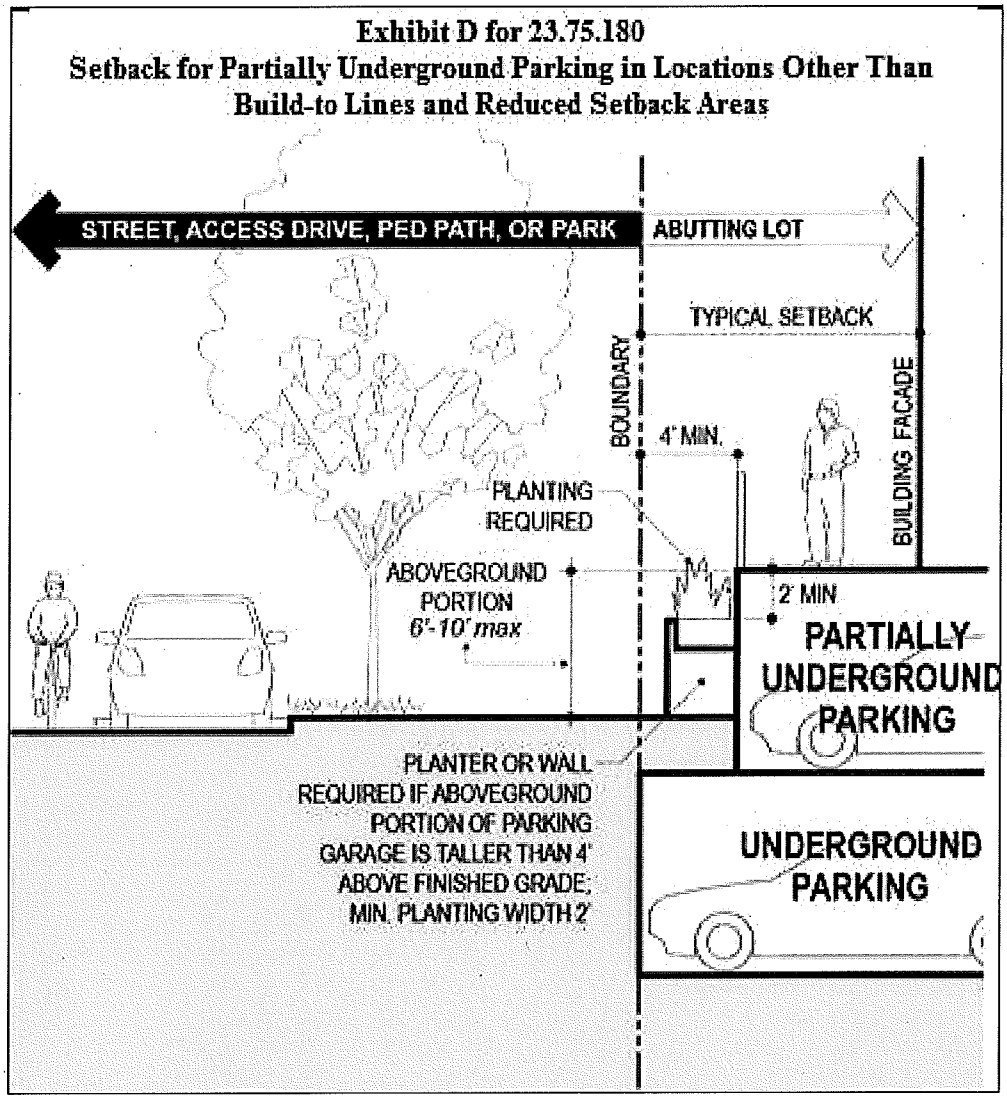
b. If the aboveground portion of the parking garage is taller than 4 feet above finished grade, a wall or planter shall be provided between the parking garage and the boundary, as illustrated in Exhibit D for 23.75.180. The top of this wall or planter shall be at

least two feet below the top of the aboveground portion of the parking garage, and the planting area shall be at least 2 feet in width. Vegetation shall be provided at the top of this wall or planter.

Exhibit D for 23.75.180

Setback for Partially Underground Parking in Locations Other Than Build-to Lines and Reduced Setback Areas





H. Underground parking may extend to the lot line. The Director may determine, as a Type I Decision, that underground parking may extend beneath private access drives, pedestrian pathways, and parks, provided that:

1. The underground parking does not conflict with or reduce the quality of public access areas above; and

2. The underground parking does not interfere with underground public utility alignments established in the Yesler Terrace plat.

I. Parking and loading access((.))

* * *

Section 56. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.76.006 Master Use Permits required

* * *

F. Pursuant to RCW 36.70B.140, street vacation decisions are exempt from the consolidated review process prescribed by RCW 36.70B.060 through 36.70B.090 and 36.70B.100 through 36.70B.130. Accordingly, street vacation decisions are not subject to the requirements for a Master Use Permit in Section 23.76.006.

Section 57. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.76.012 Notice of application

* * *

B. Types of notice required

* * *

4. The Director shall provide mailed notice of:

a. applications for variances, administrative conditional uses, special exceptions, temporary uses for more than four weeks, shoreline variances, shoreline conditional uses, short plats, early design guidance process for administrative design review and streamlined administrative design review, subdivisions, Type IV Council land use decisions, amendments to property use and development agreements, Major Institution designations and revocation of

Major Institution designations, concept approvals for the location or expansion of City facilities requiring Council land use approval, and waivers or modification of development standards for City facilities; and

b. the first early design guidance meeting for a project subject to design review pursuant to Section 23.76.014.

* * *

F. The mailing list used for the Land Use Information Bulletin shall be updated annually in consultation with the Director of the Department of Neighborhoods.

Section 58. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.76.026 Vesting

* * *

C. Design review component of ((~~m~~))Master ((~~u~~))Use ((~~p~~))Permits((~~.~~))

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, design review is not required.

2. A complete application for a Master Use Permit that includes a design review component other than an application described in subsection 23.76.026.C.3 shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the early design guidance process or streamlined design review guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 90 days of the date of the early design guidance public meeting if an early design guidance public meeting is required, or within 90 days of the date the Director provided guidance if no early

design guidance public meeting is required. If more than one early design guidance public meeting is held, then a complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect ((~~at the time of the first meeting~~))on the date a complete application for the early design guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 150 days of the first meeting. If a complete application for a Master Use Permit that includes a design review component is filed more than 150 days after the first early design guidance public meeting, then such Master Use Permit application shall be considered under the Land Use Code and other land use control ordinances in effect at the time of the early design guidance public meeting that occurred most recently before the date on which a complete Master Use Permit application was filed, provided that such Master Use Permit application is filed within 90 days of the most recent meeting.

* * *

Section 59. Section 23.76.032 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits

A. Type I and Type II Master Use Permit expiration

1. An issued Type I or II Master Use Permit expires three years from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. A Master Use Permit with a shoreline component expires pursuant to WAC 173-27-090.

b. A variance component of a Master Use Permit expires as follows:

1) Variances for access, yards, setback, open space, or lot area minimums granted as part of a short plat or lot boundary adjustment run with the land in perpetuity as recorded with the King County Recorder.

2) Variances granted as separate Master Use Permits pursuant to subsection 23.76.004.G expire three years from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is issued prior to the earlier of the dates specified in the preceding sentence, the variance expires on the expiration date of the Master Use Permit.

c. The time during which pending litigation related to the Master Use Permit or the property subject to the permit made it reasonable not to submit an application for a building permit, or to establish a use if a building permit is not required, is not included in determining the expiration date of the Master Use Permit.

d. Master Use Permits with a Major Phased Development or Planned Community Development component under Sections 23.47A.007, 23.49.036, or 23.50.015 expire as follows:

1) For the first phase, the expiration date shall be three years from the date the permit is approved for issuance;

2) For subsequent phases, the expiration date shall be determined at the time of permit issuance for each phase, and the date shall be stated in the permit.

e. Permits for uses allowed under Section 23.42.038, and temporary, interim, or intermittent use permits issued pursuant to Section 23.42.040, expire on the date stated in the permit.

f. Except as otherwise provided in this subsection 23.76.032.A.1.f, Master Use Permits for development pursuant to Sections 23.49.180 and 23.49.181 expire on the date set by the Director in the Master Use Permit decision, which date may be a maximum of 15 years from the date the Master Use Permit is approved for issuance. The Director shall consider the complexity of the project, economic conditions of the area in which the project is located, and the construction schedule proposed by the applicant in setting the expiration date. If no expiration date is set in the Master Use Permit decision, the expiration date is three years from the date a permit is approved for issuance.

1) In order for the Director to set the Master Use Permit expiration date, the applicant shall:

a) Submit with the application a site plan showing a level of detail sufficient to assess anticipated impacts of the completed project; and

b) Submit a proposed schedule for complying with the conditions necessary to gain the amount of extra floor area and the extra height sought for the project.

2) The expiration date of the Master Use Permit may be extended past the expiration date set in the Master Use Permit decision or the date established in this subsection 23.76.032.A.1.f if:

a) On the expiration date stated in the Master Use Permit decision, a building permit for the entire development has been issued, in which case the Master Use Permit is extended for the life of the building permit if the Master Use Permit would otherwise expire earlier, or

b) A complete application for a building permit that either is for the entire development proposed pursuant to Section 23.49.180, or is for construction to complete the entire development proposed pursuant to Section 23.49.180 is:

i((~~)~~)_. submitted before the expiration date of the Master Use Permit; and

ii((~~)~~)_. made sufficiently complete to constitute a fully complete building permit application as defined in the Seattle Building Code[2], or for a highrise structure regulated under Section 403 of the Seattle Building Code, made to include the complete structural frame of the building and schematic plans for the exterior shell of the building, in either case before the expiration date of the Master Use Permit, in which case the Master Use Permit is extended for the life of the building permit issued pursuant to the application if the Master Use Permit would otherwise expire earlier.

((~~g. For a Master Use Permit that is either issued or approved for issuance after June 1, 2006 and that is not subject to subsection 23.76.032.A.1.a, 23.76.032.A.1.c, or 23.76.032.A.1.e, the applicant or permit holder may elect in writing to have the Master Use Permit expire pursuant to this subsection 23.76.032.A.1.g. A Master Use Permit subject to this subsection 23.76.032.A.1.g expires six years from the date a permit is or was approved for issuance as described in Section 23.76.028, except as follows:~~

~~1) A variance component of a Master Use Permit expires as follows:~~

~~a) Variances for access, yards, setback, open space, or lot area minimums granted as part of a short plat or a lot boundary adjustment run with the land in perpetuity as recorded with the King County Recorder.~~

~~b) Variances granted as separate Master Use Permits pursuant to subsection 23.76.004.G expire six years from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is issued prior to the earlier of the dates specified in the preceding sentence, the variance expires on the expiration date of the use approval.~~

~~2) Master Use Permits with a Major Phased Development or Planned Community Development component under Sections 23.47A.007, 23.49.036, or 23.50.015 expire as follows:~~

~~a) For the first phase, the expiration date shall be six years from the date the permit is approved for issuance;~~

~~b) For subsequent phases, the expiration date shall be determined at the time of permit issuance for each phase and stated in the permit.~~))

2. On the expiration date determined as provided in subsection 23.76.032.A.1, a Master Use Permit expires unless one of the conditions in this subsection 23.76.032.A.2 exists:

a. A building permit is issued before the expiration date, in which case the Master Use Permit shall be extended for the life of the building permit.

b. A valid and fully complete application for a building permit is submitted prior to the Master Use Permit expiration date and a building permit is subsequently issued. In such cases, the Master Use Permit shall be extended for the life of the building permit.

c. For projects that do not require a building permit, the use has been established prior to the expiration date and is not terminated prior to that date by abandonment, change of use, or otherwise. In such cases the Master Use Permit expires when the use permitted by the Master Use Permit is terminated by abandonment, change of use, or otherwise.

d. The Master Use Permit is renewed pursuant to subsection 23.76.032.C.

e. A Major Phased Development or Planned Community Development component is part of the Master Use Permit, in which case subsection 23.76.032.A.1.d applies.

f. The Master Use Permit is for development subject to Section 23.49.180, in which case the provisions in subsection 23.76.032.A.1.f apply.

* * *

Section 60. Section 23.84A.002 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.84A.002 "A"

* * *

"Animal shelters and kennels" means a use in which four (((~~(4)~~)))or more small animals are boarded, impounded, cared for, or bred for sale as pets, except if permitted as part of a pet

daycare center or pet grooming service, and which may include on-site outdoor exercise space, and disposing of lost, stray, unwanted, dead, or injured animals.

* * *

Section 61. Section 23.84A.008 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.84A.008 "D((.))"

"Deck" means a platform extending more than ((~~eighteen (~~))18((~~)~~)) inches from a structure, or an unattached platform, including safety railings if required by the Building Code. A deck may be cantilevered or connected to the ground by posts and may have steps or ramps to the ground and a door to the structure. (See also "Porch.")

* * *

Section 62. Section 23.84A.012 of the Seattle Municipal Code, last amended by Ordinance 124326, is amended as follows:

23.84A.012 "F((.))"

* * *

"Facade, street-facing" means ((~~for any street lot line, all portions of the façade, measured from grade to the eaves of a sloping roof, or to the top of the parapet on a flat roof, that are:~~

~~1. oriented at less than a 90 degree angle to the street lot line; and~~

~~2. not separated from the street lot line by another lot, or any structure except a fence, ramp, solar collector, or sign~~))a facade extending the full width of a structure and facing a street lot line of the subject property. If two sides of a facade are at an angle to the street lot line,

or if the facade is curved or articulated in a manner that is not square, straight or parallel to the street lot line, the Director shall determine which facade is a street-facing facade. Portions of an interior facade that face a street lot line are not a street-facing facade if the portion of the interior facade facing the street is separated from the street for 50 percent or more of its width by another lot at least 10 feet wide or by any structure with interior floor area.

* * *

Section 63. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.84A.032 "R"

* * *

"Recreation((~~al~~)) area, common" means a space of appropriate size, shape, location, and topographic siting to provide landscaping, pedestrian access, or opportunity for recreational activity, either in or out of doors, for all the residents of a structure containing dwelling units. Parking areas and driveways are not common recreation((~~al~~)) areas.

* * *

Section 64. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.84A.038 "T"

* * *

"TDR site, arts facility" means a lot meeting the following requirements:

1. The lot is located in the South Lake Union Urban Center either in an IC zone or in a zone with a height limit of 85 feet or more;

2. Each structure to be developed on the lot is a major performing arts facility; or has or will have a minimum of one FAR or all of its chargeable floor area if there is less than one FAR in the structure(s) committed for at least 50 years to occupancy by one or more not-for-profit organizations dedicated to the creation, display, performance, or screening of art by or for members of the general public.

3. The arts facility commitments on the lot comply with Section 23.50.053 for structures in the South Lake Union Urban Center and are memorialized in a recorded agreement between the owner of such an arts facility and the Director of the Seattle Office of Arts and ((~~Cultural Affairs~~))Culture.

* * *

Section 65. Section 23.86.006 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.86.006 Structure height measurement

A. In all zones except downtown zones, and except for the Living Building Pilot Program authorized by Section 23.40.060, unless otherwise specified, the height of structures shall be measured according to this subsection 23.86.006.A.

1. General rule. Except as otherwise specified, the height of a structure is the difference between the elevation of the highest point of the structure not excepted from applicable height limits and the average grade level. In this subsection 23.86.006.A, "average grade level" means the average of the elevation of existing lot grades. Except as provided in subsection 23.86.006.A.2, average grade level is calculated, at the discretion of the applicant, as follows:

a. at the midpoint, measured horizontally, of each exterior wall of the structure, or

b. at the midpoint of each side of the smallest rectangle that can be drawn to enclose the structure.

2. Option for calculating average grade level to measure height. The calculation of structure height in subsection 23.86.006.A.1 may be modified, at the discretion of the applicant, as follows to permit the structure to respond to the topography of the lot:

a. Draw the smallest rectangle that encloses the principal structure.

b. Divide one side of the rectangle, chosen by the applicant, into sections at least 15 feet in length using lines that are perpendicular to the chosen side of the rectangle.

c. The sections delineated in subsection 23.86.006.A.2.b are considered to extend vertically from the ground to the sky.

d. The maximum height for each section of the structure is measured from the average grade level for that section of the structure, which is calculated as the average elevation of existing lot grades at the midpoints of the two opposing exterior sides of the rectangle for each section of the structure.

B. Within the South Lake Union Urban Center, at the applicant's option, structure height shall be measured either as provided for in subsection 23.86.006.A, 23.86.006.E, or under provisions of this subsection 23.86.006.B. Structure height shall be measured for all portions of the structure. All measurements shall be taken vertically from existing or finished grade, whichever is lower, to the highest point of the structure located directly above each point of measurement. Existing or finished grade shall be established by drawing straight lines between

the corresponding elevations at the perimeter of the structure. The straight lines will be existing or finished grade for the purpose of height measurement. When a contour line crosses a ((~~façade~~))facade more than once, that contour line will be disregarded when establishing existing or finished grade.

C. Height averaging for single-family zones. In a single-family zone, when expanding an existing structure occupied by a nonconforming residential use per Section 23.42.106, the following measurement shall be used to determine the average height of the closest principal structures on either side:

1. Each structure used for averaging shall be on the same block front as the lot for which a height limit is being established. The structures used shall be the nearest single-family structure on each side of the lot, and shall be within 100 feet of the side lot lines of the lot.

2. The height limit for the lot shall be established by averaging the elevations of the structures on either side in the following manner:

a. If the nearest structure on either side has a roof with at least a 4:12 pitch, the elevation to be used for averaging shall be the highest point of that structure's roof minus 5 feet.

b. If the nearest structure on either side has a flat roof, or a roof with a pitch of less than 4:12, the elevation of the highest point of the structure's roof shall be used for averaging.

c. Rooftop features which are otherwise exempt from height limitations according to subsection 23.44.012.C, shall not be included in elevation calculations.

d. The two elevations obtained from subsection 23.86.006.B.2.a and/or subsection 23.86.006.B.2.b shall be averaged to derive the height limit for the lot. This height limit shall be the difference in elevation between the midpoint of a line parallel to the front lot line at the required front setback and the average elevation derived from subsection 23.86.006.B.2.a and/or subsection 23.86.006.B.2.b.

e. The height measurement technique used for the lot shall then be the City's standard measurement technique, subsection 23.86.006.A.

3. If there is no single-family structure within 100 feet of a side lot line, or if the nearest single-family structure within 100 feet of a side lot line is not on the same block front, the elevation used for averaging on that side shall be 30 feet plus the elevation of the midpoint of the front lot line of the abutting vacant lot.

4. If the lot is a corner lot, the height limit may be the highest elevation of the nearest structure on the same block front, provided that the structure is within 100 feet of the side lot line of the lot and that both front yards face the same street.

5. In no case shall the height limit established according to these height averaging provisions be greater than 40 feet.

6. Lots using height averaging to establish a height limit shall be eligible for the pitched roof provisions of subsection 23.44.012.B.

((~~F~~))D. ((~~Reserved~~])Stories or portions of stories of a structure that are underground are not analyzed for purposes of structure height measurement.

* * *

G. Height measurement technique for structures located partially within the Shoreline District. When any portion of the structure falls within the Shoreline District, structure height for the entire structure shall be measured according to Section 23.60((~~A~~)).952, Height.

Section 66. Section 23.86.010 of the Seattle Municipal Code, last amended by Ordinance 124475, is amended as follows:

23.86.010 Yards

* * *

C. Rear ((~~Y~~))yards. Rear yard requirements are presented in the standard development requirements for each zone. In determining how to apply these requirements, the following provisions shall apply:

1. The rear yard shall be measured horizontally from the rear lot line ((~~when~~))if the lot has a rear lot line ((~~which~~))that is essentially parallel to the front lot line for its entire length.

2. ((~~When~~))If the front lot line is essentially parallel to portions of the rear property line, as with a stepped rear property line, each portion of the rear property line ((~~which~~))that is opposite and essentially parallel to the front lot line ((~~shall be~~))is considered to be a rear lot line for the purpose of establishing a rear yard.

3. On a lot with a rear property line, part of which is not essentially parallel to any part of the front lot line, the rear yard ((~~shall be~~))is measured from a line or lines drawn from side lot line(s) to side lot line(s), at least ((~~ten (~~))10((~~)~~)) feet in length, parallel to and at a maximum distance from the front lot line. ((~~Where~~))If an alley abuts the rear of the property, ((~~one-half (~~))1/2((~~)~~)) the width of the alley, between the side lot lines extended, ((~~shall be~~))is

considered to be part of the lot for drawing this line. For those portions of the rear lot line ((~~which~~))that are essentially parallel to the front lot line, subsection 23.86.010.C.2 above shall apply. The lot depth is then measured perpendicularly from this 10 foot long line extended as needed to the point on the actual front lot line that is the furthest distance away. This establishes lot depth, which then may be used to determine the required rear yard depth.

4. For a lot with a curved front lot line, the rear yard ((~~shall be~~))is measured from a line at least ((~~ten (~~))10((~~)~~)) feet in length, parallel to and at a maximum distance from a line drawn between the endpoints of the curve. The lot depth is then measured perpendicularly from this ((~~ten (~~))10((~~)~~)) foot long line extended as needed to the point on the actual front lot line ((~~which~~))that is the furthest distance away. This establishes lot depth, which then may be used to determine the required rear yard depth.

5. For a lot with an irregular shape or with an irregular front lot line not meeting conditions of subsections 23.86.010.C.1 through 23.86.010.C.4((~~ above~~)), the Director shall determine the measurement of the rear yard.

* * *

Section 67. Section 23.86.012 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.86.012 Multifamily zone setback measurement

A. Setback ((~~A~~))averaging. In multifamily zones, certain required setbacks may be averaged. In such cases the following provisions apply:

((a))1. The average front and rear setbacks are calculated based on the entire width of the structure;

((~~b~~))2. The average side setbacks are calculated based on the entire depth of the structure;

((~~e~~))3. Setbacks are measured horizontally from the lot line to the facade of the structure((~~, at the point that the structure meets the ground~~)). The facade(s) used in calculating the average and minimum setback requirements shall be those facades that are nearest to that lot line except that any features allowed to project into the setback are excluded.

* * *

Section 68. Section 23.86.016 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.86.016 Structure and lot depth measurement

* * *

D. Determining lot depth. ((~~In certain zones,~~))If development standards are based on lot depth,((~~ which is~~))lot depth is determined as follows:

1. If the lot is essentially rectangular and has a rear lot line within 15 degrees of parallel to the front lot line, the lot depth is the horizontal distance between the midpoints of the front and rear lot lines (Exhibit C for 23.86.016).

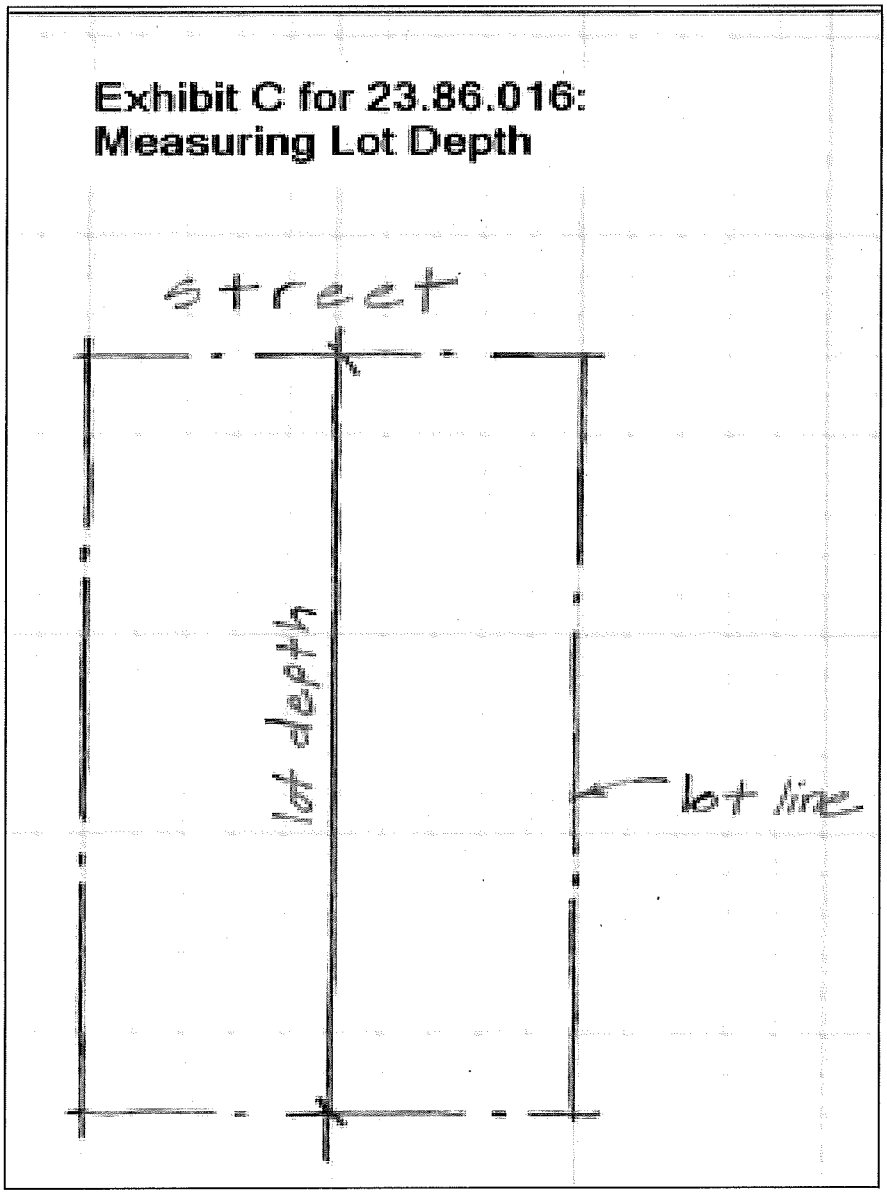
2. If the lot is triangular or wedge-shaped, lot depth shall be the horizontal distance between the midpoint of the front lot line and the rear point of the lot. If the lot does not actually come to a point, lot depth is measured from midpoint of the front lot line to the midpoint of the rear lot line (((~~Exhibit C for 23.86.016~~))).

3. In the case of a through lot, lot depth is measured between the midpoint of each front lot line.

4. When lot shape is so irregular that subsections 23.86.016.D.1, 23.86.016.D.2 or 23.86.016.D.3 cannot be used, lot depth is the distance equal to the result of lot area divided by length of front lot line, provided that in no case is the depth permitted to be greater than the distance from front lot line to the furthest point on the perimeter of the lot (((~~Exhibit D for 23.86.016~~))).

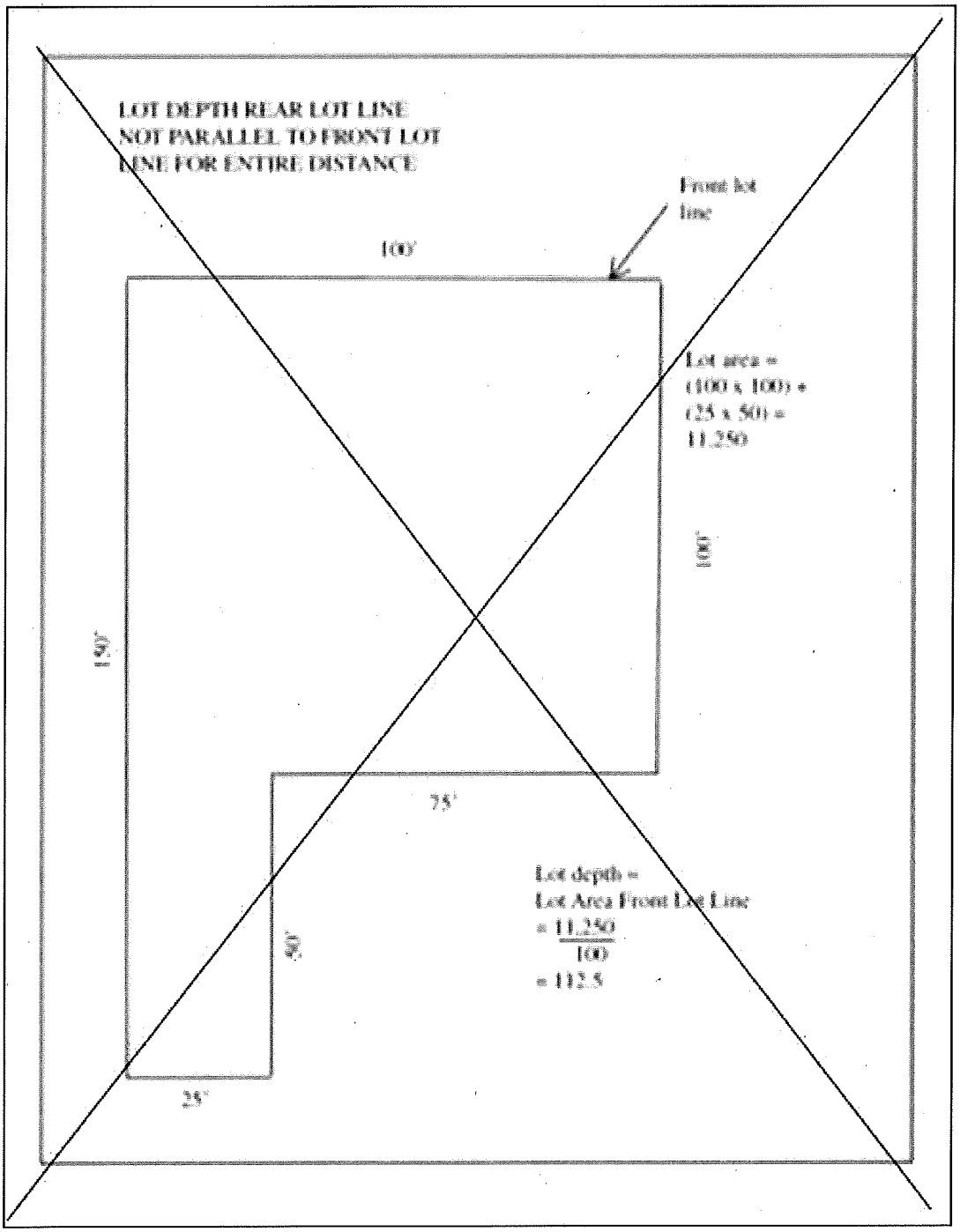
Exhibit C for 23.86.016

Measuring Lot Depth



((~~Exhibit D for 23.86.016:~~

~~Rear Lot Line Exception~~))



Section 69. Section 23.88.020 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.88.020 Land use interpretations

* * *

C. Timing of ((~~R~~))request((~~.~~))

1. An interpretation that is not related to any pending project application may be requested at any time, by any person.

2. If an interpretation relates to a project application requiring no public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation ((~~must~~))shall be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation within ((~~fourteen (~~))14((~~)~~)) days after the date the project application is determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.

b. The project applicant may request an interpretation more than ((~~fourteen (~~))14((~~)~~)) days after the project application is determined to be complete if he or she agrees in writing that the time limits required by ((~~SMC~~))Section 23.76.005 shall be calculated from the day the interpretation is requested.

3. If an interpretation relates to a project application requiring public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the

request for interpretation ((~~must~~))shall be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation prior to the end of the public comment period, including any extension, for the project application.

b. The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision or recommendation, if he or she agrees in writing that the time limits required by ((~~SMC~~))Section 23.76.005 shall be calculated from the day the interpretation is requested.

c. Notwithstanding the above deadlines, an appeal of a Type II decision to the Hearing Examiner or a request for further consideration of a Type III recommendation may include a request that the Director issue in writing an((~~his or her~~)) interpretation of specified code sections, combined with an appeal of such interpretation, provided that an interpretation regarding whether a use proposed under the related project application has been correctly classified may not be requested pursuant to this subsection (((~~c~~)))23.88.020.C.3.c. A request for interpretation made pursuant to this subsection (((~~c~~)))23.88.020.C.3.c shall state with specificity:

(((~~i~~))1) How the Director's construction or application of the specified code sections is in error; and

(((~~i~~))2) How the requester believes those sections should be construed or applied.

The provisions of subsections 23.88.020.D, 23.88.020.E and 23.88.020.F((~~ of this section~~)) shall not apply to interpretations requested pursuant to this subsection (((~~c~~)))23.88.020.C.3.c. The Director shall respond to the request by issuing an interpretation in

the form of a memorandum to be filed with the Hearing Examiner at least five (((~~(5)~~))calendar days before the hearing.

D. Notice of ((~~R~~))request for ((~~I~~))interpretation. If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a Major Institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that Major Institution.

E. Notice of ((~~I~~))interpretation. Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner ((~~or the Shoreline Hearings Board~~)) shall be provided by Land Use Information Bulletin.

F. Availability and ((~~V~~))venue of ((~~A~~))appeals((~~.~~))

1. An interpretation that is unrelated to any specific project application, or is related to a Type III or IV decision, may be appealed by any person to the Hearing Examiner. Such an appeal shall be filed with the Hearing Examiner by ((~~five p.m. (5:00 p.m.)~~))5 p.m. on the

((~~fourteenth~~))14th calendar day following publication of the notice of the interpretation. ((~~When~~))If the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until ((~~five p.m. (5:00 p.m.)~~))5 p.m. on the next business day. The appeal hearing on an interpretation related to a Type III Master Use Permit shall be consolidated with the open record hearing on the project application and the appeal hearing for any related environmental determination. Interpretations related to Type IV decisions shall be appealable to the Hearing Examiner in accordance with ((~~SMC~~))Section 23.76.052.

2. An interpretation relating to a project application that does not require public notice shall not be subject to administrative appeal.

3. An interpretation relating to a Type II Master Use Permit decision that is appealable to the Hearing Examiner shall be subject to the same appeal deadline as the related project decision, and may be appealed only if that project decision is appealed. The appeal of an interpretation shall be consolidated with the appeal of the related project decision. ((~~Interpretations related to projects that are appealed to the Hearing Examiner shall be appealable to the Hearing Examiner, and interpretations relating to project decisions that are appealed to the Shoreline Hearings Board shall be appealable to the Shoreline Hearings Board.~~))

* * *

Section 70. Section 25.05.164 of the Seattle Municipal Code, enacted by Ordinance 119096, is amended as follows:

25.05.164 Planned actions—Definitions and criteria((~~.~~))

Under the authority of RCW ((~~43.21C.031~~))43.21C.440, the City Council may adopt ordinances designating planned actions. A planned action means one (((~~1~~)))or more types of project action that:

A. Are designated planned actions by an ordinance adopted by The City of Seattle;

B. Have had the significant environmental impacts adequately addressed in an EIS prepared in conjunction with:

1. A subarea or neighborhood plan adopted under ((~~C~~))chapter 36.70A RCW, or

2. A master planned development or phased project.

C. Are subsequent or implementing projects for the proposals listed in subsection 25.05.164.B((~~ of this section~~));

D. Are located within an urban growth area, as defined in RCW 36.70A.030;

E. Are not essential public facilities, as defined in RCW 36.70A.200; and

F. Are consistent with the Seattle Comprehensive Plan adopted under ((~~C~~))chapter 36.70A RCW.

Section 71. Section 25.05.508 of the Seattle Municipal Code, last amended by Ordinance 119096, is amended as follows:

25.05.508 State SEPA Register((~~.~~))

A. The Department of Ecology (DOE) shall prepare a State SEPA Register ((~~at least weekly~~))that is web-based and updated daily, giving notice of all environmental documents required to be sent to the DOE under these rules, specifically:

1. DNS's under ((~~S~~))subsection 25.05.340.B;

2. DS's (scoping notices) under Section 25.05.408;

3. EIS's under Sections 25.05.455, 25.05.460, 25.05.620, and 25.05.630;

4. Notices of Action under RCW 43.21C.080 and 43.21C.087; and

5. Notices of the early review DNS process under ((~~S~~))subsections 25.05.355.B and 25.05.355.E.

B. All agencies shall submit the environmental documents listed in subsection 25.05.508.A((~~ of this section~~)) to DOE promptly and in accordance with procedures established by the DOE.

C. Agencies are encouraged to refer to the State SEPA Register for notice of SEPA documents ((~~which~~))that may affect them.

D. DOE is authorized by WAC 197-11-508:

1. To establish the method for distributing the State SEPA Register, which may include listing on Internet, publishing and mailing to interested persons, or any other method deemed appropriate by DOE;

2. To establish a reasonable format for the State SEPA Register;

3. To charge a reasonable fee for the State SEPA Register as allowed by law, in at least the amount allowed by Chapter 42.17 RCW, from agencies, members of the public, and interested organizations.

E. Members of the public, citizen and community groups, and educational institutions are encouraged by WAC 197-11-508 to refer to the State SEPA Register for notice of SEPA actions ((~~which~~))that may affect them.

Section 72. Section 25.05.510 of the Seattle Municipal Code, last amended by Ordinance 114057, is amended as follows:

25.05.510 Public notice((.))

A. Notice for Master Use Permits and Council Land Use Decisions. For proposals requiring a Master Use Permit (MUP) or Council Land Use Decision under Chapter 23.76, ((a)) notice ((~~of availability of environmental documents, administrative SEPA appeals and SEPA public hearings~~))shall be given pursuant to Chapter 23.76. The((se)) notice procedures ((~~shall be~~))of Chapter 23.76 are in lieu of the requirements of subsection((s)) 25.05.510.C((~~ and D of this section~~)). The ((~~general mailed releases (GMRs)~~)))Land Use Information Bulletin (LUIB) constitutes the City SEPA Register for these actions, as required by subsection 25.05.510.B.3.((~~of this section, but do not satisfy~~ p)) Publication in the State SEPA Register as required by subsection ((~~E of this section~~))25.05.510.D is a separate requirement from publication in the City SEPA Register.

B. SEPA Public Information Center((.))

1. The Department of ((~~Construction and Land Use~~))Planning and Development ((~~shall be~~))is responsible for establishing and maintaining the City's SEPA Public Information Center at a location readily accessible to the public, and for making the existence and location of the Center known to the general public and City employees, and for satisfying the public information requirements of WAC 197-11-510.

2. The following documents shall be maintained in the SEPA Public Information Center by the Department of Planning and Development for three years in either paper or electronic format((~~at the SEPA Public Information Center~~)):

a. Copies of all ((~~declarations~~))determinations of significance and ((~~declarations~~))determinations of nonsignificance filed by the City((~~, for a period of one (1) year~~));

b. Copies of all EIS's prepared by or on behalf of the City((~~, for a period of three (3) years~~));

c. Copies of all decisions in administrative appeals wherein SEPA issues were raised;

d. Copies of all adoption notices and addenda issued under Subchapter VI of these rules;

e. Copies of all ((~~general mailed releases (~~))notices of ((~~m~~))Master ((~~u~~))Use ((~~p~~))Permit applications((~~) relating to master use permit applications requiring SEPA compliance~~)) that are published in the LUIB;

f. For City of Seattle-sponsored projects, any programmatic EIS's adopted by the City.

3. ((~~In addition, t~~))The City SEPA Register maintained by the Department of ((~~Construction and Land Use~~))Planning and Development under subsection 25.05.510.A shall ((~~maintain~~))include the following ((~~registers~~))information and shall be available at the SEPA Public Information Center or the Department of Planning and Development web page:((~~, each register including f~~)) For each proposal, its name, its location, a brief (one (((~~(1)~~))sentence or phrase) description of the nature of the proposal, ((~~the date first listed on the register, and~~))the contact person or office from which further information may be obtained, and the following:

a. A((~~"Declaration of Nonsignificance Register" which shall contain a~~)) listing of all ((~~declarations~~))determinations of nonsignificance made by the City during the previous year; and

b. ((~~An "EIS in Preparation Register" which shall contain a listing of all proposals for which the City is currently preparing an EIS, and the date by which the EIS is expected to be available to the public;~~

~~c.~~))A((~~n "EIS Available Register" which shall contain a~~)) listing of all draft and final EIS's ((~~prepared~~))issued by or on behalf of the City((~~during the previous six (6) months~~)), including ((~~thereon~~))on the listing the date by which comments ((~~must~~))shall be received on draft EIS's, and the date for any related public hearing scheduled((~~for the proposal~~)).

4. ((~~Each of t~~))The City SEPA register((s)) shall be kept current and maintained at the SEPA Public Information Center for public inspection. In addition,((~~the registers, or~~)) updates ((~~thereof~~))to the register((~~containing new entries added since the last mailing,~~)) shall be ((~~mailed~~))transmitted by mail or electronic mail once every week to those organizations and individuals who make written request((~~unless no new entries are made on the register, in which event a copy of the register or update shall be mailed when a new entry is added~~)). The Department of ((~~Construction and Land Use~~))Planning and Development may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.

5. The documents required to be maintained at the SEPA Public Information Center shall be available for public inspection and copies ((~~thereof~~))of the documents shall be

provided upon written request. The City shall charge a fee for copies in the manner provided by ordinance, and for the cost of mailing.

((~~6. Copies of all documents filed and registers maintained at the SEPA Public Information Center shall be maintained at the main branch of the Seattle Public Library.~~))

C. ((~~Notice of Declarations of Nonsignificance. Notice of Declarations of Nonsignificance shall be provided as follows:~~

~~1. The SEPA Public Information Center shall maintain a "Declaration of Nonsignificance Register" which shall contain a listing of all DNS's. The register shall be maintained and used in accordance with the provisions of subsection D.~~

~~2. The information in the register or its update, along with notice of the right to appeal a DNS in accordance with Section 25.05.680 shall be published once every week in the City official newspaper. In addition, notice of a DNS and notice of the right to appeal a DNS in accordance with Section 25.05.680, shall be submitted in a timely manner to at least one (1) community newspaper with distribution in the area impacted by the proposal for which the DNS was adopted, and shall be posted in a conspicuous place in the Department of Construction and Land Use.~~))Notice of environmental documents. Notices of environmental documents shall be provided as follows:

1. Submission to the SEPA Public Information Center pursuant to subsection 25.05.510.B.

2. Publication in the LUIB. Publication shall include:

a. The date by which comments shall be received including the appropriate location to file the comments.

b. The date by which any applicable appeals shall be filed including the appropriate location to file the appeal.

3. Publication in the City's Official newspaper.

4. Publication in the State SEPA Register.

5. Additional methods identified by specific Departments.

D. ((~~Notice of Scoping, Declarations of Significance (DS), Draft and Final Eis's.~~

~~1. Upon publication, notice of scoping, DS (excluding those for MUPs), and the draft and the final EIS shall be filed by the responsible official with the City's SEPA Public Information Center.~~

~~2. Notice of a draft EIS shall be published in the official newspaper. Notice of a final EIS and the procedures for appeal pursuant to Section 25.05.680 shall be similarly published. In addition, such notices shall be submitted in a timely manner to at least one (1) community newspaper with distribution in the area impacted by the proposal for which the EIS was prepared. Notice shall be mailed to those organizations and individuals who make written request thereof, and shall be posted in a conspicuous place in the Department of Construction and Land Use.~~

~~E.~~))Publication in the State SEPA Register. Documents ((~~which~~))that are required to be sent to the Department of Ecology under these rules will be published in the State SEPA Register, which will also constitute a form of public notice. However, publication in the State SEPA Register shall not, in itself, be considered compliance with this ((s))Section 25.05.510.

Section 73. Section 25.05.610 of the Seattle Municipal Code, last amended by Ordinance 114057, is amended as follows:

25.05.610 Use of NEPA documents((.))

A. An agency may adopt any environmental analysis prepared under the National Environmental Policy Act (NEPA) by following Section 25.05.600 (when to use existing environmental documents) and Section 25.05.630 (adoption procedures).

B. A NEPA environmental assessment (EA) or documented categorical exclusion may be adopted to ((~~satisfy requirements for~~))support a determination of nonsignificance ((~~or EIS~~))instead of preparing an environmental checklist, if the requirements of Sections 25.05.340, 25.05.600, and 25.05.630 (and Sections 25.05.350 and 25.05.355 as applicable), are met and elements of the environment in Section 25.05.444 are adequately addressed.

C. An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if:

1. The requirements of Sections 25.05.360, 25.05.600, and 25.05.630 are met (in which case the procedures in Subchapters III((~~through~~)), IV, and V of these rules for preparing an EIS shall not apply); and

2. The federal EA or EIS is not found inadequate:

((~~f~~))a((~~1~~)). By a court;

((~~f~~))b((~~2~~)). ((~~b~~))By the Council on Environmental Quality (CEQ) (or is at issue in a predecision referral to CEQ) under the NEPA regulations; or

((~~f~~))c((~~3~~)). ((~~b~~))By the administrator of the United States Environmental Protection Agency under Section 309 of the Clean Air Act, 42 U.S.C. 1857.

D. Subsequent use by another agency of a federal EIS, adopted under subsection 25.05.610.C((~~of this section~~)), for the same (or substantially the same) proposal does not require adoption, unless the criteria in ((~~S~~))subsection 25.05.600.D are met.

E. If the lead agency has not held a public hearing within its jurisdiction to obtain comments on the adequacy of adopting a federal environmental document as a substitute for preparing a SEPA EIS, a public hearing for such comments shall be held if, within ((~~thirty~~ ~~(~~))30((~~)~~)) days of circulating its statement of adoption, a written request is received from at least ((~~fifty (~~))50((~~)~~)) persons who reside within the agency's jurisdiction or are adversely affected by the environmental impact of the proposal. The agency shall reconsider its adoption of the federal document in light of public hearing comments.

Section 74. Section 25.05.756 of the Seattle Municipal Code, last amended by Ordinance 114057, is amended as follows:

25.05.756 Lands covered by water((~~,~~))

A. "Lands covered by water" means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, ((~~marshes, and swamps~~))and wetlands. ((~~C~~))As specified in Subchapter IX certain categorical exemptions do not apply ((~~to~~))when a portion or all of a project or proposal is undertaken on lands covered by water((~~, as specified in Subchapter IX~~)).

B. Wetlands. Wetlands are defined as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil

conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

C. "Lands covered by water" does not include adjacent lands and designated buffers above the ordinary high water mark.

Section 75. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

25.05.800 Categorical exemptions((.))

The proposed actions contained in this ((s))Subchapter IX are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor new construction—flexible thresholds((.))

1. The exemptions in this subsection 25.05.800.A apply to all licenses required to undertake the construction in question((~~, except when a rezone or any license governing emissions to the air or discharges to water is required~~)). To be exempt under this Section 25.05.800, the project shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection 25.05.800.A.2 shall control. If the proposal is located in more than one city or county, the lower of the agencies' adopted levels shall control, regardless of which

agency is the lead agency. The exemptions in this subsection 25.05.800.A apply except when the project:

a. Is undertaken wholly or partly on lands covered by water;

b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or 197-11-800 (8); or

d. Requires a land use decision that is not exempt under subsection 25.05.800.F.

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally critical areas listed in (((~~S~~))subsection 25.05.908.A((~~)~~)):

a. The construction or location of residential or mixed-use development containing no more than the number of dwelling units identified in Table A for 25.05.800;

1

Table A for 25.05.800((÷)) Exemptions for Residential Uses			
Zone	**Residential ((U))uses**		
	((*~~Number of Exempt Dwelling Units~~*))**Number of exempt dwelling units**		
	((*~~Outside of Urban Centers and Urban Villages Containing SAODs~~*))**Outside of urban centers and urban villages containing SAODs**	((*~~Within Urban Centers or Urban Villages Containing SAODs~~*))**Within urban centers or urban villages containing SAODs**	((*~~Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded~~*))**Within urban centers or urban villages containing SAODs if growth targets have been exceeded**
SF, RSL	4	4	4
LR1	4	200((([1])1(9)))	20
LR2	6	200((([1])1(9)))	20
LR3	8	200((([1])1(9)))	20
NC1, NC2, NC3, C1, C2	4	200((([1])1(9)))	20
MR, HR, SM	20	200((([1])1(9)))	20
MPC-YT	NA	30((([1])1(9)))	20
Downtown zones	NA	250((([1])1(9)))	20
Industrial zones	4	4	4

((~~Notes~~))Footnotes ((~~for~~))to Table A for 25.05.800
NA = Not Applicable
SAOD = Station Area Overlay District.
Urban centers and urban villages are identified in the Seattle Comprehensive Plan.
[1]((~~(1)~~))Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development, not exceeding the number of units shown, located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that residential growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service, or storage buildings, containing no more than the gross floor area listed in Table B for 25.05.800 below:

((~~Table B for 25.05.800: Exemptions for Non-Residential Uses~~))

Table B for 25.05.800
Exemptions for Non-Residential Uses

Zone	**Non-((~~R~~))residential ((~~U~~))uses**		
	((*~~Exempt Area of Use (square feet of gross floor area)~~*))**Exempt area of use (square feet of gross floor area)**		
	((*~~Outside of Urban Centers and Urban Villages Containing SAODs~~*))**Outside of urban centers and urban villages containing SAODs**	((*~~Within Urban Centers or Urban Villages Containing SAODs~~*)) **Within urban centers or urban villages containing SAODs**	((*~~Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded~~*)) **Within urban centers or urban villages containing SAODs if growth targets have been exceeded**
SF, RSL, LR1	4,000	4,000	4,000
LR2, LR3	4,000	12,000((([1])1([1])) or 30,000	12,000
MR, HR, NC1, NC2, NC3	4,000	12,000((([1])1([1])) or 30,000	12,000
C1, C2, SM zones	12,000	12,000((([1])1([1])) or 30,000	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	((~~Not Applicable~~))NA	12,000	12,000

Table B for 25.05.800
Exemptions for Non-Residential Uses

Zone	Non-((~~R~~))residential ((~~U~~))uses		
	((~~*Exempt Area of Use (square feet of gross floor area)*~~))**Exempt area of use (square feet of gross floor area)**		
	((~~*Outside of Urban Centers and Urban Villages Containing SAODs*~~))**Outside of urban centers and urban villages containing SAODs**	((~~*Within Urban Centers or Urban Villages Containing SAODs*~~)) **Within urban centers or urban villages containing SAODs**	((~~*Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded*~~)) **Within urban centers or urban villages containing SAODs if growth targets have been exceeded**
Downtown zones	((~~Not Applicable~~))NA	12,000((~~)~~)1((~~)~~) or 30,000	12.000

((~~Notes~~))Footnotes ((~~for~~))to Table B for 25.05.800:
NA = Not Applicable
SAOD = Station Area Overlay District.
Urban centers and urban villages are identified in the Seattle Comprehensive Plan.
(((~~1~~)))[1]New non-residential development that is not part of a mixed-use development and that does not exceed 12,000 square feet is categorically exempt from SEPA. Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800.A.1.i.

d. The construction of a parking lot designed for 40 or fewer automobiles, as well as the addition of spaces to existing lots up to a total of 40 spaces;

e. Any ((~~landfill~~))fill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; ((~~and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder;~~))and any excavation, fill or grading necessary for an exempt project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or 25.05.800.A.2.d shall be exempt.

f. Mixed-use construction, including but not limited to projects combining residential and commercial uses, is exempt if each use, if considered separately, is exempt under the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see subsection 25.05.305.A.2.b);

g. In zones not specifically identified in this subsection 25.05.800.A, the standards for the most similar zone addressed by this subsection 25.05.800.A apply.

h. For the purposes of this subsection 25.05.800.A, "mixed-use development" means development having two or more principal uses, one of which is a residential use comprising 50((%)) percent or more of the gross floor area.

i. To implement the requirements of Tables A and B for 25.08.800((~~of this section~~)), the Director shall establish exemption limits by rule for each urban center and each urban village containing a SAOD to assure that proposed development that could cause growth targets in Appendix A of the Comprehensive Plan's Urban Village Element to be exceeded is subject to SEPA review. The exemption limits ((~~must~~))shall contain a "cushion" to assure that development does not exceed growth targets without SEPA review, provided that the cushion shall be at least 10((%)) percent of the residential or employment growth targets established in the Comprehensive Plan.

j. The Director shall monitor residential and employment growth and publish quarterly a determination of growth for each urban center and urban village containing a SAOD. Residential growth shall include, but need not be limited to, net new units that have been built and net new units in projects that have received a building permit but have not received a

certificate of occupancy. If the Director determines that exemption limits have been reached for an urban center or urban village containing a SAOD, subsequent development is not categorically exempt from SEPA review pursuant to RCW 43.21C.229.

B. Other ((~~M~~))minor ((~~N~~))new ((~~C~~))construction((~~. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:~~))

1. The exemptions in this subsection 25.05.800.B apply to all licenses required to undertake the following types of proposals except when the project:

a. Is undertaken wholly or partly on lands covered by water;

b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or subsection 25.05.800.H or subsection 25.05.800.I; or

d. Requires a land use decision that is not exempt under subsection 25.05.800.F.

((~~1~~))2. The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit, and school vehicles;

((~~2~~))3. The construction and/or installation of commercial on-premises signs, and public signs and signals;

((~~3~~))4. The construction or installation of minor road and street improvements by any agency or private party that include the following:

a. ((~~s~~))Safety structures and equipment: Such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, or energy attenuators((~~,~~));

b. ((t))Transportation corridor landscaping (including the application of state of Washington ((~~State Department of Agriculture~~)) approved herbicides by licensed personnel for right-of-way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660)((~~,~~));

c. ((~~t~~))Temporary traffic controls and detours((~~,~~));

d. ((~~c~~))Correction of substandard curves and intersections within existing rights-of-way((~~,~~)) or widening of a highway by less than a single lane width where capacity is not significantly increased and no new right-of-way is required((~~,~~));

e. ((~~a~~))Adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right-of-way is required((~~,~~));

f. ((~~c~~))Channelization and elimination of sight restrictions at intersections, street lighting, guard rails, and barricade installation((~~,~~));

g. ((~~i~~))Installation of catchbasins and culverts((~~, and~~))for the purposes of road and street improvements;

h. ((f))Reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders((,)) where capacity is not increased and no new right-of-way is required;

i. ((a))Addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes;

((4))5. Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections 25.05.800.A and 25.05.800.B((~~of this section~~)), as well as fencing and the construction of small structures and minor accessory facilities;

((~~5~~))6. Additions or modifications to or replacement of any building or facility exempted by subsections 25.05.800.A and 25.05.800.B((~~of this section~~)) when such addition, modification, or replacement will not change the character of the building or facility in a way that would remove it from an exempt class[1]; (((~~1~~)))

((~~6~~))7. The demolition of any structure or facility, the construction of which would be exempted by subsections 25.05.800.A and 25.05.800.B((~~of this section~~)), except for structures or facilities with recognized historical significance such as listing in a historic register[1]; (((~~1~~)))

((~~7~~))8. The installation or removal of impervious underground or above-ground tanks, having a total capacity of ((~~ten thousand (~~))10,000((~~)~~)) gallons or less except on agricultural and industrial lands. On agricultural and industrial lands, the installation or removal of impervious underground or above-ground tanks, having a total capacity of 60,000 gallons or less;

((~~8~~))9. The vacation of streets or roads;

((~~9~~))10. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water;

((~~10~~))11. The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water((~~.~~));

12. The installation of accessory solar energy generation equipment on or attached to existing structures and facilities whereby the existing footprint and size of the building is not increased.

[1]((~~(1)~~)) Footnote for 25.05.800.B.((~~5~~))6 and 25.05.800.B.((~~6~~))7: Proposed actions that involve structures that exceed the following thresholds and that appear to meet criteria set forth in Chapter 25.12 for landmark designation are subject to referral to the Department of Neighborhoods pursuant to ((~~SMC~~))Section 25.12.370:

((~~Table A for Footnote (1) for 25.05.800.B.5 and B.6~~))

Table A for Footnote[1] for 25.05.800.B.6 and 25.05.800.B.7	
Zone	**Residential ((~~U~~))uses ((~~P~~))permit ((~~A~~))applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:**
SF, RSL, LR1, NC1, NC2, NC3, C1, C2, Industrial zones	4
LR2	6
LR3	8
MR, HR, SM, Downtown zones	20

((~~Table B for Footnote (1) for 25.05.800.B.5 and B.6~~))

Table B for Footnote[1] for 25.05.800.B.6 and 25.05.800.B.7	
Zone	**Non-residential ((U))uses ((P))permit ((A))applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:**
C1, C2, ((SCM))SM, Industrial zones	12,000
All other zones	4,000

C. Repair, ((R))remodeling, ((A))and ((M))maintenance ((A))activities. The following activities shall be categorically exempt: the repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities, or equipment, including utilities, recreation, and transportation facilities involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this ((subs))Section 25.05.800:

1. Dredging of over 50 cubic yards of material;

2. Reconstruction((/)) or maintenance of groins and similar shoreline protection structures;((or))

3. Replacement of utility cables that must be buried under the surface of the bedlands((.)); or

4. Repair((/)) or rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection 25.05.800.C.

D. Water ((~~R~~))rights. The following appropriations of water shall be exempt, the exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit, or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation:

1. Appropriations of ((~~fifty (~~))50((~~)~~)) cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy;

2. Appropriations of ((~~one (~~))1((~~)~~)) cubic foot per second or less of surface water, or of ((~~two thousand two hundred fifty (~~))2,250((~~)~~)) gallons per minute or less of ground water, for any purpose.

E. Purchase or ((~~S~~))sale of ((~~R~~))real ((~~P~~))property. The following real property transactions by an agency shall be exempt:

1. The purchase or acquisition of any right to real property;

2. The sale, transfer, or exchange of any publicly owned real property, but only if the property is not subject to ((~~an~~))a specifically designated and authorized public use established by the public landowner and used by the public for that purpose;

3. ((~~The lease of real property when~~))Leasing, granting an easement for, or otherwise authorizing the use of ((~~the~~))real property ((~~for the term of the lease~~))if the property use will remain essentially the same as the existing use for the term of the agreement, or when the use under the lease, easement or other authorization is otherwise exempted by this ((~~e~~))Chapter 25.05.

F. ((~~Minor~~))Land ((~~U~~))use ((~~D~~))decisions. The following land use decisions shall be exempt:

1. Land use decisions for exempt projects, except that rezones shall comply with subsection 25.05.800.F.3.

2. Other land use decisions not qualified for exemption under subsection 25.05.800.F.1 (such as a home occupation or change of use) are exempt provided:

a. The authorized activities will be conducted within an existing building or facility qualifying for exemption under subsections 25.05.800.A and 25.05.800.B; and

b. The activities will not change the character of the building or facility in a way that would remove it from an exempt class.

3. Where an exempt project requires a rezone, the rezone is exempt only if:

a. The project is in an urban growth area in a city or county planning under RCW 36.70A.040;

b. The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and

c. The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this Chapter 25.05 prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.

((~~1~~))4. Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, ((~~but not including further~~))and short plats or short subdivisions ((~~or short platting within a plat or subdivision previously exempted under this subsection~~))within the original short subdivision boundaries

provided the cumulative divisions do not exceed the total lots allowed to be created under RCW 58.17.020. This exemption includes binding site plans authorized by RCW 58.17.035 up to the same number of lots allowed by the jurisdiction as a short subdivision;

((~~2. Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density;~~

~~3. Classifications of land for current use taxation under Chapter 84.34 RCW, and classification and grading of forest land under Chapter 84.33 RCW;~~))

((4))5. Annexation of territory by a city or town;

6. Granting of variance based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location, or surroundings and not resulting in any change in land use or density;

7. Alteration of property lines as authorized by RCW 58.17.040(6).

G. School ((~~C~~))closures. The adoption and implementation of a plan, program, or decision for the closure of a school or schools shall be exempt. Demolition, physical modification, or change of a facility from a school use shall not be exempt under this ((~~subs~~))Section 25.05.800.

H. Open ((~~B~~))burning. Open burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives, or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

I. Clean Air Act. The following actions under the Clean Air Act shall be exempt:

1. The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one ((~~(1)~~))year or less shall be exempt;

2. The issuance, renewal, reopening, or revision of an air operating permit under RCW 70.94.161.

J. Water ((~~Q~~))quality ((~~C~~))certifications. The granting or denial of water quality certifications under the federal Clean Water Act (Federal Water Pollution Control Act Amendments of 1972, 33 USC 1341) shall be exempt.

K. Activities of the ((~~S~~))state ((~~L~~))legislature. All actions of the state legislature are exempted.((~~ This subsection does not exempt the proposing of legislation by an agency (Section 25.05.704).~~))

L. Judicial ((~~A~~))activity. The following shall be exempt:

1. All adjudicatory actions of the judicial branch;

2. Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this ((~~e~~))Chapter 25.05, are not exempted by this ((~~subs~~))Section 25.05.800.

M. Enforcement and ((~~I~~))inspections. The following enforcement and inspection activities shall be exempt:

1. All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution, or prior decision. No license shall be considered exempt by virtue of this ((~~subs~~))Section 25.05.800; nor shall the adoption of any

ordinance, regulation, or resolution be considered exempt by virtue of this ((~~subs~~))Section 25.05.800;

2. All inspections conducted by an agency of either private or public property for any purpose;

3. All activities of fire departments and law enforcement agencies except physical construction activity;

4. Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this ((~~subs~~))Section 25.05.800 but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation, or resolution shall be considered exempt by virtue of this ((~~subs~~))Section 25.05.800;

5. Any suspension or revocation of a license for any purpose.

N. Business and ((~~O~~))other ((~~R~~))regulatory ((~~L~~))licenses. The following business and other regulatory licenses are exempt:

1. All licenses to undertake an occupation, trade, or profession;

2. All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits;

3. All licenses to operate or engage in amusement devices and rides and entertainment activities((~~,~~)) including, but not limited to, cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above;

4. All licenses to operate or engage in charitable or retail sales and service activities((,)) including, but not limited to, peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers;

5. All licenses for private security services((,)) including, but not limited to, detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services;

6. All licenses for vehicles for-hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks; provided, that regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this ((~~subs~~))Section 25.05.800;

7. All licenses for food or drink services, sales, and distribution((,)) including, but not limited to, restaurants, liquor, and meat;

8. All animal control licenses((,)) including, but not limited to, pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this ((~~subs~~))Section 25.05.800;

9. The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

O. Activities of ((~~A~~))agencies. The following administrative, fiscal, and personnel activities of agencies shall be exempt:

1. The procurement and distribution of general supplies, equipment, and services authorized or necessitated by previously approved functions or programs;

2. The assessment and collection of taxes;

3. The adoption of all budgets and agency requests for appropriation; provided, that if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this ((~~subs~~))Section 25.05.800;

4. The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals;

5. The review and payment of vouchers and claims;

6. The establishment and collection of liens and service billings;

7. All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force;

8. All agency organization, reorganization, internal operational planning or coordination of plans or functions;

9. Adoptions or approvals of utility, transportation and solid waste disposal rates;

10. The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan, or program for such construction of real property transaction shall not be considered exempt under this subsection 25.05.800.O (see also ((~~S~~))subsection ((~~25.05.800 G~~))25.05.800.G)((~~.~~));

11. Classification of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

P. Financial ((~~A~~))assistance ((~~G~~))grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes

agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

Q. Local ((~~I~~))improvement ((~~D~~))districts and special purpose districts. The formation of local improvement districts and special purpose districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under Sections 25.05.800 and 25.05.880. A special district or special purpose district is a local government entity designated by the Revised Code of Washington (RCW) and is not a city, town, township, or county.

R. Information ((~~C~~))collection and ((~~R~~))research. Basic data collection, research, resource evaluation, request for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted, or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see Section 25.05.070, (((~~I~~))Limitations on actions during SEPA process)((~~)~~)).

S. Acceptance of ((~~F~~))filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this ((~~subs~~))Section 25.05.800.

T. Procedural ((~~A~~))actions. The proposal, amendment, or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

1. ((~~r~~))Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment((~~ shall be exempt~~)).

2. Text amendments resulting in no substantive changes respecting use or modification of the environment.

3. Agency SEPA procedures((~~shall be exempt~~)).

U. ((~~Building Codes. The adoption by ordinance of all codes as required by the State Building Code Act (Chapter 19.27 RCW).~~))Reserved

V. Adoption of ((~~N~~))noise ((~~O~~))ordinances. The adoption by counties/cities of resolutions, ordinances, rules, or regulations concerned with the control of noise which do not differ from regulations adopted by the Department of Ecology under ((~~C~~))chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations((~~ (and thus requires approval of the Department of Ecology under RCW 70.107.060(4))~~)), SEPA compliance may be limited to those items which differ from state regulations.

W. Review and ((~~C~~))comment ((~~A~~))actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

X. Utilities. The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation, or alteration that does not change the action from an exempt class:

1. All communications lines, including cable TV, but not including communication towers or relay stations;

2. All stormwater, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines ((~~eight~~))12 inches (((~~8"~~)))or less in diameter;

3. All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of ((~~fifty-five thousand (~~))55,000((~~)~~)) volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electrical facilities, lines, equipment, or appurtenances;

4. All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups;

5. All developments within the confines of any existing electrical substation, reservoir, pump station, vault, pipe, or well.((~~; provided, that a~~)) Additional appropriations of water are not exempted by this ((~~subs~~))Section 25.05.800;

6. Periodic use of chemical or mechanical means to maintain a utility or transportation right-of-way in its design condition; provided, ((~~that~~))the chemicals used are approved by ((~~the~~))Washington State ((~~Department of Agriculture~~))and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660;

7. All grants of rights-of-way by agencies to utilities for use for distribution (as opposed to transmission) purposes;

8. All grants of franchises by agencies to utilities;

9. All disposals of rights-of-way by utilities.

Y. Natural ((~~R~~))resources ((~~M~~))management. In addition to the other exemptions contained in this ((~~subs~~))Section 25.05.800, the following natural resources management activities shall be exempt:

1. All Class I, II, and III forest practices as defined by RCW 76.09.050 or regulations thereunder;

2. Issuance of new grazing leases covering a section of land or less, and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten (((~~10~~)))years;

3. Licenses or approvals to remove firewood;

4. Issuance of agricultural leases covering ((~~one hundred sixty (~~))160((~~)~~)) contiguous acres or less;

5. Issuance of leases for Christmas tree harvesting or brush picking;

6. Issuance of leases for school sites;

7. Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft;

8. Development of recreational sites not specifically designed for all-terrain vehicles and not including more than ((~~twelve (~~))12((~~)~~)) campsites;

9. Periodic use of chemical or mechanical means to maintain public park and recreational land; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660;

10. Issuance of rights-of-way, easements, and use permits to use existing roads in non-residential areas;

11. Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of ((~~C~~))chapter 79.70 RCW;

Z. Watershed ((~~R~~))restoration ((~~P~~))projects. Actions pertaining to watershed restoration projects as defined in RCW 89.08.460(2) are exempt; provided, they implement a watershed restoration plan ((~~which~~))that has been reviewed under SEPA (RCW 89.08.460(1)).

AA. ((~~Personal~~))Wireless ((~~S~~))service ((~~F~~))facilities((~~.~~))

1. The siting of ((~~personal~~))wireless service facilities are exempt if((~~ the facility~~)):

a. ((~~Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;~~

~~b. Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial or industrial zone; or~~))The collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures that does not substantially change the physical dimensions of such structures; or

((~~c~~))b. ((~~I~~))The siting project involves constructing a ((~~personal~~))wireless service tower less than ((~~sixty (~~))60((~~)~~)) feet in height that is located in a commercial or industrial zone.

2. For the purposes of this subsection 25.05.800.AA:

a. "((~~Personal w~~))Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

b. "((~~Personal w~~))Wireless service facilities" means facilities for the provision of ((~~personal~~))wireless services.

c. ((~~"Microcell" means a wireless communication facility consisting of an antenna that is either:~~

~~i. Four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or~~

~~ii. If a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length~~))"Collocation" means the mounting or installation of equipment on an existing tower, building, structure for the purposes of either transmitting or receiving, or both, radio frequency signals for communication purposes.

d. "Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.

e. "Substantially change the physical dimensions" means:

1) The mounting of equipment on a structure that would increase the height of the structure by more than 10 percent, or 20 feet, whichever is greater; or

2) The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more

than 20 feet, or more than the width of the structure at the level of the appurtenance, whichever is greater.

3. This exemption does not apply to projects within an environmentally critical area designated under GMA (RCW 36.70A.060).

BB. The following Washington department of transportation projects and activities shall be exempt: The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation, as long as the action:

1. Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original except to meet current engineering standards or environmental permit requirements; and

2. The action does not result in addition of automobile lanes, a change in capacity, or a change in functional use of the facility.

Section 76. Section 25.05.920 of the Seattle Municipal Code, last amended by Ordinance 114057, is amended as follows:

25.05.920 Agencies with environmental expertise((.))

The following agencies shall be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

A. Air ((~~Q~~))quality((.))

1. Department of Ecology.

2. Department of Natural Resources (only for burning in forest areas).

3. Department of ((~~Social and~~))Health((~~ Services~~)).

4. Regional air pollution control authority or agency.

B. Water ((~~R~~))resources and ((~~W~~))water ((~~Q~~))quality((~~.~~))

1. Department of Fish and Wildlife.

2. Department of Ecology.

3. Department of Natural Resources (state-owned tidelands, shorelands, harbor areas, or beds of navigable waters).

4. Department of ((~~Social and~~))Health ((~~Services~~))(public water supplies, sewer systems, shellfish habitats).

5. ((~~Department of Fisheries.~~

~~6. Municipality of Metropolitan Seattle (METRO)~~))King County Department of Natural Resources and Parks (DNRP).

C. Hazardous and ((~~T~~))toxic ((~~S~~))substances (including radiation)((~~.~~))

1. Department of Ecology.

2. Department of ((~~Social and~~))Health((~~ Services~~)).

3. Department of Agriculture (foods or pesticides).

4. Department of ((~~Fisheries~~))Fish and Wildlife (introduction into waters).

((~~5. Department of Wildlife (introduction into waters).~~))

D. Solid and ((~~H~~))hazardous ((~~W~~))waste((~~.~~))

1. Department of Ecology.

2. Department of ((~~Fisheries~~))Fish and Wildlife (dredge spoils).

3. Department of ((~~Social and~~))Health((~~ Services~~)).

((~~4. Department of Wildlife (dredge spoils).~~))

E. Fish and ((~~W~~))wildlife.((

~~1.~~)) Department of Fish and Wildlife.

((~~2. Department of Fisheries.~~))

F. Natural ((~~R~~))resources ((~~D~~))development((~~.~~))

1. ((~~Department of Commerce and Economic Development.~~

~~2.~~))Department of Ecology.

((~~3~~))2. Department of Natural Resources.

((4))3. Department of ((~~Fisheries~~))Fish and Wildlife.

((~~5. Department of Wildlife.~~))

G. Energy ((~~P~~))production, ((~~T~~))transmission and ((~~C~~))consumption((~~.~~))

1. Department of Ecology.

2. Department of Natural Resources (geothermal, coal, uranium).

3. ((~~State Energy Office~~))Department of Commerce.

4. Energy Facility Site Evaluation Council.

5. Utilities and Transportation Commission.

H. Land ((~~U~~))use and ((~~M~~))management((~~.~~))

1. Department of Commerce((~~ and Economic Development~~)).

2. Department of Ecology.

3. Department of ((~~Fisheries~~))Fish and Wildlife (affecting surface or marine waters).

4. Department of Natural Resources (tidelands, shorelands, or state-owned or managed lands).

((~~5. Planning and Community Affairs Agency.~~

~~6. Department of Wildlife.~~))

I. Noise((~~,~~))

1. Department of Ecology.

2. Department of ((~~Social and~~))Health((~~ Services~~)).

J. Recreation((~~,~~))

1. Department of Commerce((~~ and Economic Development~~)).

2. Department of Fish and Wildlife.

3. ((~~Department of Fisheries.~~

~~4.~~))Parks and Recreation Commission.

((~~5~~))4. Department of Natural Resources.

K. Archaeological/historical. ((

~~1. Office~~))Department of Archaeology and Historic Preservation.

((~~2. Washington State University at Pullman (Washington Archaeological Research Center).~~))

L. Transportation((~~,~~))

1. Department of Transportation.

2. Utilities and Transportation Commission.

3. ((~~Municipality of Metropolitan Seattle (METRO)~~))King County Metro Transit.

Section 77. Section 25.05.960 of the Seattle Municipal Code, last amended by Ordinance 119096, is amended as follows:

Subchapter XI Forms

25.05.960 Environmental checklist((.))

City departments shall use an environmental checklist substantially in the form set forth in WAC 197-11-960.

((~~ENVIRONMENTAL CHECKLIST~~

~~**Purpose of Checklist:**~~

~~The State Environmental Policy Act(SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.~~

~~**Instructions for Applicants:**~~

~~This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of~~

~~your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.~~

~~You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.~~

~~Some questions ask about government regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.~~

~~The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.~~

~~**Use of Checklist for Nonproject Proposals:**~~

~~Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." In addition, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).~~

~~For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.~~

~~**A. BACKGROUND**~~

~~1. Name of proposed project, if applicable:~~

~~2. Name of applicant:~~

~~3. Address and phone number of applicant and contact person:~~

~~4. Date checklist prepared:~~

~~5. Agency requesting checklist:~~

~~6. Proposed timing or schedule (include phasing if applicable):~~

~~7. Do you have any plans for future additions, expansions, or further activities related to or connected with this proposal? If yes, explain.~~

~~8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.~~

~~9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.~~

~~10. List any governmental approvals or permits that will be needed for your proposal, if known.~~

~~11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)~~

~~12. Location of the Proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.~~

~~**TO BE COMPLETED BY APPLICANT** **EVALUATION FOR AGENCY USE ONLY**~~

~~**B. ENVIRONMENTAL ELEMENTS**~~

~~**1. Earth**~~

~~a. General description of the site: (circle one) Flat, rolling, hilly, steep slopes, mountainous, other _____.~~

~~b. What is the steepest slope on the site (approximate percent slope)?~~

~~c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.~~

~~d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.~~

~~e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.~~

~~f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.~~

~~g. About what percent of the site will be covered with impervious surfaces after project~~

~~construction (for example, asphalt or buildings)?~~

~~h. Proposed measures to reduce or control erosion, other impacts to the earth, if any:~~

~~**2. Air**~~

~~a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.~~

~~b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.~~

~~c. Proposed measures to reduce or control emissions or other impacts to air, if any:~~

~~**3. Water**~~

~~a. Surface:~~

~~(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.~~

~~(2) Will the project require any work over, in, or adjacent to (within two hundred (200) feet) the described waters? If yes, please describe and attach available plans.~~

~~(3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.~~

~~(4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.~~

~~(5) Does the proposal lie within a one hundred (100)-year floodplain? If so, note location on the site plan.~~

~~6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.~~

~~b. Ground:~~

~~(1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.~~

~~(2) Describe waste material that will be discharged into the ground from septic tanks or~~

~~other sources, if any (for example: domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.~~

~~c. Water Runoff (including storm water):~~

~~(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.~~

~~(2) Could waste materials enter ground or surface waters? If so, generally describe.~~

~~d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:~~

~~4. Plants~~

~~a. Check or circle types of vegetation found on the site:~~

~~__ deciduous tree: alder, maple, aspen, other~~

~~__ evergreen tree: fir, cedar, pine, other~~

~~__ shrubs~~

~~__ grass~~

~~__ pasture~~

~~__ crop or grain~~

~~__ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other~~

~~__ water plants; water lily, eelgrass, milfoil, other~~

~~__ other types of vegetation~~

~~b. What kind and amount of vegetation will be removed or altered?~~

~~c. List threatened or endangered species known to be on or near the site.~~

~~d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:~~

~~**5. Animals**~~

~~a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:~~

~~birds: hawk, heron, eagle, songbirds, other: _____~~

~~mammals: deer, bear, elk, beaver, other: _____~~

~~fish: bass, salmon, trout, herring, shellfish, other: _____~~

~~b. List any threatened or endangerd species known to be on or near the site.~~

~~c. Is the site part of a migration route? If so, explain.~~

~~d. Proposed measures to preserve or enhance wildlife, if any:~~

~~6. Energy and Natural Resources~~

~~a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.~~

~~b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.~~

~~c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:~~

~~7. Environmental Health~~

~~a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.~~

~~(1) Describe special emergency services that might be required.~~

~~(2) Proposed measures to reduce or control environmental health hazards, if any:~~

~~b. Noise:~~

~~(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?~~

~~(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.~~

~~(3) Proposed measures to reduce or control noise impacts, if any:~~

~~**8. Land Shoreline Use**~~

~~a. What is the current use of the site and adjacent properties?~~

~~b. Has the site been used for agriculture? If so, describe.~~

~~c. Describe any structures on the site.~~

~~d. Will any structures be demolished? If so, what?~~

~~e. What is the current zoning classification of the site?~~

~~f. What is the current comprehensive plan designation of the site?~~

~~g. If applicable, what is the current shoreline master program designation of the site?~~

~~h. Has any part of the site been classified as an "environmentally critical" area? If so, specify.~~

~~i. Approximately how many people would reside or work in the completed project?~~

~~j. Approximately how many people would the completed project displace?~~

~~k. Proposed measures to avoid or reduce displacement impacts, if any:~~

~~l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:~~

~~**9. Housing**~~

~~a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.~~

~~b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.~~

~~c. Proposed measures to reduce or control housing impacts, if any:~~

~~**10. Aesthetics**~~

~~a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?~~

~~b. What views in the immediate vicinity would be altered or obstructed?~~

~~c. Proposed measures to reduce or control aesthetic impacts, if any:~~

~~**11. Light and Glare**~~

~~a. What type of light or glare will the proposal produce? What time of day would it mainly occur?~~

~~b. Could light or glare from the finished project be a safety hazard or interfere with views?~~

~~c. What existing off-site sources of light or glare may affect your proposal?~~

~~d. Proposed measures to reduce or control light and glare impacts, if any:~~

~~12. Recreation~~

~~a. What designated and informal recreational opportunities are in the immediate vicinity?~~

~~b. Would the proposed project displace any existing recreational uses? If so, describe.~~

~~c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:~~

~~13. Historic and Cultural Preservation~~

~~a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.~~

~~b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.~~

~~c. Proposed measures to reduce or control impacts, if any:~~

~~**14. Transportation**~~

~~a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.~~

~~b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?~~

~~c. How many parking spaces would the completed project have? How many would the project eliminate?~~

~~d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).~~

~~e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.~~

~~f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.~~

~~g. Proposed measures to reduce or control transportation impacts, if any:~~

~~**15. Public Services**~~

~~a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.~~

~~b. Proposed measures to reduce or control direct impacts on public services, if any.~~

~~**16. Utilities**~~

~~a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone sanitary sewer, septic system, other.~~

~~b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.~~

~~**C. SIGNATURE**~~

~~The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.~~

~~Signature:~~

~~Date submitted:~~

~~**TO BE COMPLETED BY APPLICANT** **EVALUATION FOR AGENCY USE ONLY**~~

~~**D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS**~~

~~(do not use this sheet for project actions)~~

~~Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.~~

~~When answering the questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.~~

~~1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?~~

~~Proposed measures to avoid or reduce such increases are:~~

~~2. How would the proposal be likely to affect plants, animals, fish or marine life?~~

~~Proposed measures to protect or conserve plants, animals, fish, or marine life are:~~

~~3. How would the proposal be likely to deplete energy or natural resources?~~

~~Proposed measures to protect or conserve energy and natural resources are:~~

~~4. How would the proposal be likely to use or affect environmentally critical areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?~~

~~Proposed measures to protect such resources or to avoid or reduce impacts are:~~

~~5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?~~

~~Proposed measures to avoid or reduce shoreline and land use impacts are:~~

~~6. How would the proposal be likely to increase demands on transportation or public services and utilities?~~

~~Proposed measures to reduce or respond to such demand(s) are:~~

~~7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.~~))

Section 78. Section 25.06.030 of the Seattle Municipal Code, last amended by Ordinance 124447, is amended as follows:

25.06.030 Definitions

Unless specifically defined below, words or phrases used in this Chapter 25.06 shall be interpreted to give them the meaning they have in common usage. For purposes of this Chapter 25.06, the following words or phrases are defined as set out below:

* * *

H. "Flood Insurance Rate Map (FIRM)" means the ((~~most current map provided by the Federal Emergency Management Agency (FEMA) for administration of the National Flood Insurance Program that~~))Flood Insurance Study for King County, Washington and incorporated areas, dated May 16, 1995, with accompanying Flood Insurance Rate Maps, that has delineated both the areas of special flood hazards and the risk premium zones applicable to The City of Seattle, or as otherwise required by the Department of Homeland Security.

* * *

Section 79. Section 25.06.050 of the Seattle Municipal Code, last amended by Ordinance 124447, is amended as follows:

25.06.050 Identification of areas of special flood hazard

Areas of special flood hazard in The City of Seattle are identified by the ((~~most current map provided by the Federal Emergency Management Agency (FEMA) for administration of the National Flood Insurance Program, which is~~))Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County, Washington and Incorporated Areas," dated May 16, 1995, with an accompanying Flood Insurance Rate Map (FIRM), which are hereby adopted by reference and declared to be a part of this Chapter 25.06. The study and map shall be maintained on file at the Department of Planning and Development and the Seattle Public Utilities.

Section 80. Section 25.08.425 of the Seattle Municipal Code, last amended by Ordinance 122923, is amended as follows:

25.08.425 Sounds created by construction and maintenance equipment

A. The exterior sound level limits established by Sections 25.08.410 and 25.08.420, as measured from the property line of the real property of another person or at a distance of 50 feet from the construction or maintenance equipment making the sound, whichever is greater, may be exceeded during the following times by the sound levels specified in subsection 25.08.425.B for the types of equipment listed in that subsection 25.05.425.B.

1. Within Lowrise, Midrise, Highrise, Residential-Commercial, and Neighborhood Commercial zones, between 7 a.m. and 7 p.m. on weekdays and between 9 a.m. and 7 p.m. on weekends and legal holidays((~~, provided that if no property in residential use exists~~

~~within 100 feet of the property generating the sound~~)), except that for parking lot maintenance or if the equipment is being used for a public project, then between 7 a.m. and 10 p.m. on weekdays and between the hours of 9 a.m. and 10 p.m. on weekends and legal holidays.

2. Within all other zones, between 7 a.m. and 10 p.m. on weekdays and between 9 a.m. and 10 p.m. on weekends and legal holidays.

B. During the time periods specified in subsection 25.08.425.A, the exterior sound level limits, as measured from the property line of the real property of another person or at a distance of 50 feet from the construction or maintenance equipment making the sound, whichever is greater, may be exceeded by no more than the following dB(A)'s for the following types of equipment:

1. Twenty-five dB(A) for equipment on construction sites, including but not limited to crawlers, tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors, and pneumatic-powered equipment;

2. Twenty dB(A) for portable powered equipment used in temporary locations in support of construction activities in any zone, maintenance activities on commercial property, or used in ((~~the~~))maintenance of public facilities, including but not limited to chainsaws, log chippers, lawn and garden maintenance equipment, and powered hand tools; or

3. Fifteen dB(A) for powered equipment used in temporary or periodic maintenance or repair of the grounds and appurtenances of residential property, including but not limited to lawnmowers, powered hand tools, snow-removal equipment, and composters.

* * *

Section 81. Section 25.08.590 of the Seattle Municipal Code, last amended by Ordinance 122923, is amended as follows:

25.08.590 Granting of variance

A. No variance shall be granted until the Administrator has considered the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public.

B. A technical, economic, or major public project construction variance may be granted only after notice and an opportunity for public comment. For technical or economic variances proposed for more than two weeks and for major public project construction variances, a public meeting is also required, in accordance with rules adopted by the Administrator.

C. The Administrator may grant a variance if the Administrator finds that:

1. The noise occurring or proposed to occur does not endanger public health or safety; and

2. The applicant demonstrates that the criteria required for the variance are met; and

3. For temporary variances, if the scale and duration of the requested relief is more appropriate for a temporary variance than a technical, economic, or major public project construction variance.

D. Noise Management and Mitigation Plan. As part of the application for a variance, an applicant ((~~must~~))shall submit a Noise Management and Mitigation Plan to be approved by the Administrator. A Noise Management and Mitigation Plan ((~~must~~))shall contain the following components, except that the Administrator may modify the required components for a temporary

noise variance as the Administrator determines appropriate to fit the circumstances surrounding the requested temporary variance:

1. A description of the exterior sound level limits of ((~~the e~~))Chapter 25.08 expected to be exceeded, estimates of the amount(s) by which these levels are expected to be exceeded and by what equipment, the exterior sound level limits that will be in effect during the variance, the time periods during which the pre-variance exterior sound level limits may be exceeded, and the expected sources of the sound during each of the time periods (e.g., types of equipment or activity causing the exterior sound level limits to be exceeded);

2. Measures and provisions to be taken to avoid exceeding the exterior sound level limits of this ((e))Chapter 25.08;

3. Provisions to mitigate sounds that exceed the exterior sound level limits and that cannot otherwise be avoided.

4. A process for informing the public in the affected areas about the provisions of the variance.

E. The Administrator may impose conditions, including but not limited to conditions relating to types of equipment, hours of use, and duration, to mitigate the adverse impacts of granting the variance. The Administrator may also include conditions proposed by the applicant as part of the variance application. Compliance with the Noise Management and Mitigation Plan approved by the Administrator is a condition of every variance.

F. A temporary variance shall be effective on the effective date stated on the variance form. Any other variance shall be effective 30 days following the mailing of the decision

granting the variance, unless it is appealed to the Hearing Examiner, in which case the effective date is the date of the Hearing Examiner's written decision on the appeal.

Section 82. Section 25.08.655 of the Seattle Municipal Code, enacted by Ordinance 122923, is amended as follows:

25.08.655 Major ((P))public ((P))project ((C))construction ((V))variance

A. The Administrator may grant a major public project construction variance to provide relief from the exterior sound level limits established by this ((e))Chapter 25.08 during the construction periods of major public projects. A major public project construction variance shall provide relief from the exterior sound level limits during the construction or reconstruction of a major public project only to the extent the applicant demonstrates that compliance with the levels would:

1. Be unreasonable in light of public or worker safety or cause the applicant to violate other applicable regulations, including but not limited to regulations that reduce impacts on transportation infrastructure or natural resources; or

2. Render the project economically or functionally unreasonable due to factors such as the financial cost of compliance or the impact of complying for the duration of the construction or reconstruction of the major public project.

B. A major public project construction variance shall set forth the period or periods during which the variance is effective, which period or periods shall be the minimum reasonably necessary in light of the standard set forth in subsection 25.08.655.A, and the exterior sound level limits that will be in effect during the period of the variance. Different major public project construction variances may be issued for distinct phases of a construction project, or one major

public project construction variance may be issued for the entire major public project. The period or periods during which a major public project construction variance is effective may be stated in terms of calendar dates or in terms of the duration of a construction project or a phase or phases of a construction project.

C. The Administrator shall condition a major public project construction variance as necessary to provide reasonable control or mitigation of the construction noise that may be expected to occur pursuant to the variance.

D. One-year review and decision((~~.~~))

1. No later than one year after the start of construction to which a major public project construction variance applies, the Administrator shall review and provide opportunity for public comment on the operation of the variance during the first year, including the provisions of the Noise Management and Mitigation Plan, and the conditions of the variance. For purposes of determining the date of the start of the project's construction work, site exploration work is excluded.

2. After considering the public comments received, the Administrator may modify the terms and conditions of the variance or the Noise Management and Mitigation ((~~p~~))Plan as needed, or revoke the variance, if the Administrator determines that the current variance, the conditions of the variance, or the Noise Management and Mitigation Plan are not adequately protecting the public health and safety or reasonably controlling or mitigating the construction noise, or that there are more reasonable methods of doing so.

3. The Administrator shall make a decision whether to modify or revoke a variance pursuant to this review within one year and 90 days after the start of construction work as provided in subsection 25.08.655.D.1.

4. Appeal. Any person aggrieved by the decision of the Administrator whether to modify a variance pursuant to this subsection 25.08.655.D may appeal such decision by filing an appeal in writing with the Hearing Examiner by 5 p.m. of the tenth day following the date of the issuance of the decision. When the last day of the appeal period is a Saturday, Sunday, or federal or City holiday, the appeal may be filed until 5 p.m. on the next business day. The Hearing Examiner appeal shall be conducted pursuant to ((s))Section 25.08.610.

5. Effective date. The decision of the Administrator whether to modify a variance pursuant to this subsection 25.08.655.D is effective 30 days following the decision unless it is appealed to the Hearing Examiner. If the Administrator's decision is appealed to the Hearing Examiner, the Administrator's decision does not take effect and the original terms and conditions of the variance remain in effect until the effective date of the Hearing Examiner decision. The Hearing Examiner decision is a final decision of the City for purposes of ((~~RCW~~))chapter 36.70C RCW, and is effective 30 days from the date of the decision, unless otherwise ordered by a court. If a court stays the effective date of the decision, the original unmodified variance shall remain in effect during the stay.

Section 83. 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 17th day of August, 2015, and signed by me in open session in authentication of its passage this 17th day of August, 2015.

President _____ of the City Council

Approved by me this 21st day of August, 2015.

Edward B. Murray, Mayor

Filed by me this 21st day of August, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

328004 No. 124840,841,842,843

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:TITLE ONLY ORDINANCES

was published on

08/31/15

The amount of the fee charged for the foregoing publication is the sum of $124.00 which amount has been paid in full.

JENNIFER A. BARNES NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 10-24-19

Subscribed and sworn to before me on

08/31/2015

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on August 17, 2015 and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar. Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 124840

AN ORDINANCE relating to the Department of Finance and Administrative Services, declaring the vacant property located at 5622 40th Avenue West as surplus to the City's needs; authorizing the sale of said property; authorizing the Director of Finance and Administrative Services to execute all documents for the sale and transfer of the property; and directing how proceeds from the sale shall be distributed.

Ordinance 124841

AN ORDINANCE authorizing the Director of Finance and Administrative Services to execute an amendment extending certain lease agreements between The City of Seattle and KBS SOR CENTRAL BUILDING, LLC, a Delaware limited liability company, for office space the City leases at 810 Third Avenue; and ratifying and confirming certain prior acts.

Ordinance 124842

AN ORDINANCE relating to the North Precinct project in the Department of Finance and Administrative Services; amending Ordinance 124648, which adopted the 2015 Budget; authorizing the loan of funds from the City's Consolidated (Residual) Cash Pool, or its participating funds, in the amount of $2,750,000, to the 2016 Bond Fund for bridge financing of the North Precinct project; establishing a budget control level in the 2016 Multipurpose LTGO Bond Fund; increasing 2015 appropriations of $1,500,000 in the 2016 Multipurpose LTGO Bond Fund; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 124843

AN ORDINANCE relating to land use, zoning, and environmental policy; amending Sections 3.58.070, 3.58.090, 23.22.024, 23.24.020, 23.28.030, 23.34.009, 23.40.060, 23.41.004, 23.41.008, 23.41.010, 23.41.012, 23.42.038, 23.44.010, 23.44.014, 23.44.041, 23.44.051, 23.45.504, 23.45.508, 23.45.510, 23.45.512, 23.45.518, 23.45.526, 23.45.529, 23.45.532, 23.45.536, 23.45.570, 23.46.002, 23.47A.004, 23.47A.012, 23.47A.013, 23.47A.014, 23.47A.016, 23.47A.032, 23.47A.039, 23.48.010, 23.49.008, 23.49.010, 23.49.012, 23.49.013, 23.49.041, 23.49.178, 23.49.242, Map 1I in Chapter 23.49, 23.50.020, 23.53.006, 23.53.015, 23.54.015, 23.54.025, 23.54.030, 23.58A.044, 23.66.020, 23.67.060, 23.75.140, 23.75.180, 23.76.006, 23.76.012, 23.76.026, 23.76.032, 23.84A.002, 23.84A.008, 23.84A.012, 23.84A.032, 23.84A.038, 23.86.006, 23.86.010, 23.86.012, 23.86.016, 23.88.020, 25.05.164, 25.05.508, 25.05.510, 25.05.610, 25.05.756, 25.05.800, 25.05.920, 25.05.960, 25.06.030, 25.06.050, 25.08.425, 25.08.590, and 25.08.655, and repealing Section 23.40.050 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments; and amending the Wallingford Design Guidelines to update the title page and to correct the map of the Wallingford Planning Area Boundary.

Date of publication in the Seattle Daily Journal of Commerce, August 31, 2015.

8/31(328004)