SEATTLE CITY COUNCIL

Legislative Summary

CB 118429

Record No.: CB 118429 **Type:** Ordinance (Ord) **Status:** Passed

Version: 2 **124883** **In Control:** City Clerk

File Created: 04/17/2015

Final Action: 10/16/2015

Title: AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map at pages 72, 73, 87, 101, 102, 133, 145 to designate new zone names, repealing and replacing Chapter 23.48, amending Sections 22.210.030, 22.900G.015, 23.30.010, 23.34.009, 23.34.128, 23.41.012, 23.42.124, 23.42.126, 23.42.128, 23.47A.012, 23.49.011, 23.66.140, 23.84A.004, 23.84A.038, 23.84A.048, 23.86.007, 25.05.800, and 25.08.100 to reorganize, make corrections, and update standards for the Seattle Mixed Zones; and making technical corrections.

Notes:

Sponsors: O'Brien

Date

Filed with City Clerk:

Mayor's Signature:

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Full Text: CB 118429 v2, Ex A: Repealed Text for Chapter 23.48: SEATTLE MIXED, Ex B: Dravus SM Zones Renamed, Ex C: South Lake Union SM Zones Renamed, Ex D: North Rainier SM Zones Renamed

Drafter: ryan.moore@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	06/02/2015	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	06/02/2015	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	06/04/2015	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	06/29/2015	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	08/04/2015	discussed		

Action Text: The Council Bill (CB) was discussed in Committee.

1	Planning, Land Use, and Sustainability Committee	08/18/2015	discussed		

Action Text: The Council Bill (CB) was discussed in Committee.

1	Planning, Land Use, and Sustainability Committee	09/15/2015	discussed		

Action Text: The Council Bill (CB) was discussed.
Notes:

1	Planning, Land Use, and Sustainability Committee	09/29/2015	pass as amended		Pass

Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).
Notes:

In Favor: 3 Chair O'Brien, Vice Chair Burgess, Member Licata

Opposed: 0

2	Full Council	10/05/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:

In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Councilmember Okamoto, Councilmember Rasmussen, Councilmember Sawant

Opposed: 0

2	City Clerk	10/06/2015	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

2	Mayor	10/09/2015	Signed		

Action Text: The Council Bill (CB) was Signed.
Notes:

2	Mayor	10/16/2015	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

2	City Clerk	10/16/2015	attested by City Clerk		

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

CITY OF SEATTLE

ORDINANCE 124883

COUNCIL BILL 118429

AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map at pages 72, 73, 87, 101, 102, 133, 145 to designate new zone names, repealing and replacing Chapter 23.48, amending Sections 22.210.030, 22.900G.015, 23.30.010, 23.34.009, 23.34.128, 23.41.012, 23.42.124, 23.42.126, 23.42.128, 23.47A.012, 23.49.011, 23.66.140, 23.84A.004, 23.84A.038, 23.84A.048, 23.86.007, 25.05.800, and 25.08.100 to reorganize, make corrections, and update standards for the Seattle Mixed Zones; and making technical corrections.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rename properties identified on pages 72, 73, 87, 101, 102, 133, and 145 of the Official Land Use Map, as shown on Exhibits B and C attached to this ordinance.

Section 2. Subsection H of Section 22.210.030, which section was last amended by Ordinance 121276, is amended as follows:

22.210.030 Definitions.

H. "Major educational institution" means an educational institution which is designated as a "major institution" in Section ((~~23.48.025~~)) 23.84A.025 of the Seattle Municipal Code, or any amendments thereto.

Section 3. Section 22.900G.015 of the Seattle Municipal Code, last amended by Ordinance 124047, is amended as follows:

22.900G.015 Fees for review by the Office of Housing

A. An applicant for a land use permit who seeks to obtain extra floor area pursuant to Sections ((~~23.48.011~~)) 23.48.021, 23.49.012, 23.49.014, 23.49.015, 23.49.181, ((~~23.50.052,~~))

23.50.053, 23.58A.014, 23.58A.024, or 23.73.024 shall pay a fee in the amount of $550 to the Department for transfer to the Office of Housing for review of the application.

B. This subsection 22.900G.015.B applies to low-income housing units that are subject to an agreement pursuant to Sections ((~~23.48.011~~)) 23.48.021, 23.49.012, 23.49.014, 23.49.015, ((~~23.50.052,~~)) 23.50.053, 23.58A.014 or 23.58A.024.

1. An owner of such housing shall pay an annual monitoring fee of $65 per unit of low-income rental housing to the Office of Housing to determine compliance with bonus and/or TDR requirements. The fee is not required in any year when, in consideration of The City of Seattle's agreement to make a loan for the purpose of providing long-term affordable housing for low-income households, a regulatory agreement that grants the City of Seattle covenants, restrictions, charges and easements is recorded against the property on which the low-income rental housing is located and is in effect.

2. An owner of an owner-occupied low-income housing unit shall, prior to closing any sale or other transfer of the unit after the initial sale or transfer, pay a fee in the amount of $300 to the Office of Housing to determine compliance with bonus and/or TDR requirements.

C. Fees in the MPC-YT zone

1. A land use permit applicant who seeks to provide 80 percent of area median income housing to meet an affordable housing production condition in Section 23.75.085 shall pay a fee in the amount of $550 to the Department of Planning and Development for transfer to the Office of Housing for review of the application.

2. This subsection 22.900G.015.C.2 applies to 80 percent of area median income housing that is provided to meet an affordable housing production condition in Section 23.75.085:

a. An owner of such housing shall pay an annual monitoring fee of $65 per rental unit of 80 percent of area median income rental housing to the Office of Housing to determine compliance with Section 23.75.085.

b. An owner of an owner-occupied unit of 80 percent of area median income housing shall, prior to closing any sale or other transfer of the unit after the initial sale or transfer, pay a fee in the amount of $300 to the Office of Housing to determine compliance with Section 23.75.085.

Section 4. Subsection A of Section 23.30.010 of the Seattle Municipal Code, which section was last amended by Ordinance 123963, is amended as follows:

23.30.010 Classifications for the purpose of this Subtitle III

A. General zoning designations. The zoning classification of land shall include one of the designations in this subsection 23.30.010.A. Only in the case of land designated "RC" the classification shall include both "RC" and one additional multifamily zone designation in this subsection 23.30.010.A.

Zones	Abbreviated
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Master Planned Community - Yesler Terrace	MPC-YT
Seattle Mixed	SM
Seattle Mixed-South Lake Union	SM-SLU
Seattle Mixed-Dravus	SM-D
Seattle Mixed-North Rainier	SM-NR
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

Section 5. 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 a decision to designate height limits in residential, 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 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 Area and its 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 Scale of the 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 development is a good measure of the area's overall development potential.

D. Compatibility with Surrounding 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 ((~~Subsection~~)) subsection 23.34.008.D.2 ((~~D2~~)), are present.

E. Neighborhood 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 ((~~section~~)) Section 23.34.009 and Section 23.34.008.

Section 6. Section 23.34.128 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.34.128 Seattle Mixed (SM) zone, function and locational criteria

In considering rezones to the ((~~Seattle Mixed (SM)~~)) SM zone designation, the following function and locational criteria shall be taken into consideration:

A. Function. An area within an urban center, urban village, or station area overlay district that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation;

B. Transportation and infrastructure capacity. An area that is well-served by transit and vehicular systems and where utility infrastructure is adequate, or where such systems and infrastructure can be readily expanded to accommodate growth;

C. Relationship to surrounding activity. An area that either provides a transition from, or is compatible with, an adjacent neighborhood that is densely developed or zoned for high density mixed use; or an area where a transition to higher density mixed use is desired, either within a larger area characterized primarily by commercial or industrial activity, or within an area where

significant investment in public transit infrastructure can accommodate greater density and adequate transition with surrounding areas can be provided;

D. Mix of use. In general, the zone is suitable for a wide range of uses. However, an area within the SM zone may be identified for the purposes of encouraging a primarily residential character. Within these areas, non-residential uses shall generally be of modest scale or neighborhood-serving in character ((;)) .

((~~E. Height. Height limits of 40 feet, 55 feet, 65 feet, 75 feet, 85 feet, 125 feet, 160 feet, 240 feet, and 400 feet may be applied to land zoned SM. Different heights may be applied to different uses in SM zones to more strongly promote certain development types or particular uses within the zone. A 40 or 55 foot height shall be applied where it is appropriate to limit the intensity and scale of new development. A 65 foot, 75 foot or 85 foot height shall apply where it is appropriate to provide for a uniform and pedestrian scale. Generally within urban centers and light rail station areas, a 125 foot, 160 foot, 240 foot, or 400 foot height may be designated for areas where high density, mixed use development is desirable or where development at this height and intensity will serve as transition from areas where greater heights are permitted.~~))

Section 7. Subsection B of Section 23.41.012 of the Seattle Municipal Code, which section was last amended by Ordinance 124770, is amended as follows:

23.41.012 Development standard departures

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

1. Procedures;

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

3. Residential density limits;

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

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

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

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

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

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

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

11. In ((~~Seattle Mixed~~)) SM-SLU zones in the South Lake Union Urban Center, floor ((~~plate~~)) area limits for all uses provided in ((~~Section~~)) subsections ((~~23.48.013~~)) 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and 23.48.245.B.3, except that departures of up to a 5 percent increase in floor ((~~plate~~)) area limit for each story may be granted for structures with

non-residential uses meeting the ((~~conditions~~)) requirements of subsections ((~~23.48.013.B.1.d.1~~)) 23.48.245.B.1.d.1 and ((~~23.48.013.B.1.d.2~~)) 23.48.245.B.1.d.2;

12. In ((~~Seattle Mixed~~)) SM, SM-D, SM-SLU, and SM-NR zones ((~~in the South Lake Union Urban Center,~~)) provisions for gaining extra floor area provided for in Section ((~~23.48.011~~)) 23.48.021, 23.48.221 and Chapter 23.58A, except that departures may be granted from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3a, 23.48.021.C.1.b.4 and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity better achieves the intent of the Downtown Amenity Standards for that amenity feature.

13. In ((~~Seattle Mixed~~)) SM-SLU zones in the South Lake Union Urban Center, provisions limiting the number of towers permitted per block provided for in Section ((~~23.48.013~~)) 23.48.245;

14. In the ((~~Seattle Mixed~~)) SM-SLU zones in the South Lake Union Urban Center, provisions for upper-level setbacks provided for in Section ((~~23.48.013~~)) 23.48.245;

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

16. Maximum size of use;

17. Structure height, except that:

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

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

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

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

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

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

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

18. Quantity of parking required, minimum and maximum parking limits, and minimum and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area departures may be granted from the minimum parking requirement up to a 30 percent maximum reduction for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2013";

19. Provisions of the Shoreline District, Chapter 23.60;

20. Standards for storage of solid-waste containers;

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

22. Noise and odor standards;

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

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

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

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

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

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

29. Definitions;

30. Measurements;

31. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.9, and 23.28.030.A.3, which may be modified as authorized in those provisions;

32. Standards for structural building overhangs in Section 23.53.035; and

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

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

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

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

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

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

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

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

b. In addition to the provisions of subsection 23.41.012.B.32.a, the following provisions apply:

1) At least one character structure shall be retained on the lot if: subsection 23.73.009.C.3 regarding the FAR exemption for residential uses, subsection 23.73.010.B.2 regarding increases in the floor area limits, subsection 23.73.012.B regarding the exception from width and depth measurements, or subsection 23.73.014.B regarding the exception allowing for an additional 10 feet in height are being used by the development proposal.

2) No character structures are required to be retained on the lot if: subsection 23.73.009.B regarding the exception to allow additional FAR for non-residential uses,

subsection 23.73.010.B.1 regarding increases in the floor area limits, or Section 23.73.024 for the use of TDP on a lot that is an eligible TDP receiving site under the provisions of subsection 23.73.024.B are the only provisions being used by the development proposal.

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

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

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

Section 8. Section 23.42.124 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.42.124 Light and glare standards nonconformity

When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of the light and glare standards of the respective zone. See subsection 23.44.008.H for single-family zones; Section 23.45.534 for multifamily zones; Section 23.46.020 for residential-commercial zones; Section 23.47A.022 for C zones or NC zones; Section

((~~23.48.030~~)) 23.48.075 for ((~~Seattle Mixed~~)) SM zones; Section 23.49.025 for downtown zones; and Section 23.50.046 for ((~~industrial buffer~~)) IB and ((~~industrial commercial~~)) IC zones.

Section 9. Section 23.42.126 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.42.126 Outdoor storage areas nonconformity ((~~.~~))

A. An outdoor storage area nonconforming as to screening and landscaping shall be required to be screened and landscaped at the time of any structural alteration or expansion of the outdoor storage area or the structure with which it is associated according to the provisions of:

1. Subsection ((~~D2 of Section 23.47A.016~~)) 23.47A.016.D.2, if located in a NC zone or C zone;

2. Section ((~~23.48.024~~)) 23.48.055, if located in the ((~~Seattle Mixed (SM)~~)) SM zone;

3. Subsection 23.50.016.C ((~~of Section 23.50.016~~)), if located on an industrial street designated for landscaping;

4. Section 23.50.036, if located in an ((~~Industrial Buffer~~)) IB zone; and/or

5. Section 23.50.038, if located in an ((~~Industrial Commercial~~)) IC zone.

B. A business establishment in an NC1, NC2, NC3, or SM zone with a nonconforming outdoor storage area may be extended, structurally altered, or expanded if the outdoor storage area is not expanded and if it is screened and landscaped according to the standards of subsection ((~~D2 of Section 23.47A.016~~)) 23.47A.016.D.2 , or Section ((~~23.48.024~~)) 23.48.055 if the business is in the SM zone.

C. A nonconforming use with a nonconforming outdoor storage area may be structurally altered, but not expanded, if the outdoor storage area is not expanded and if it is screened and

landscaped according to the standards of subsection ((~~D2 of Section 23.47A.016~~)) 23.47A.016.D.2, or Section ((~~23.48.024~~)) 23.48.055 if the nonconforming use with the nonconforming outdoor storage area is in the SM zone.

Section 10. Section 23.42.128 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.42.128 Parking nonconformity ((.))

A. Existing parking deficits of legally established uses shall be allowed to continue even if a change of use occurs. This provision shall not apply to a change of use to one defined as a heavy traffic generator.

B. Nonconforming parking areas or nonconforming parking within structures may be restriped according to the standards of Section 23.54.030, Parking space standards.

C. Parking areas that are nonconforming uses may be restriped according to the standards of Section 23.54.030, Parking space standards.

D. In commercial zones, surface parking areas that are nonconforming due to lack of required landscaping and are proposed to be expanded by ten (((~~10~~))) percent or more in number of parking spaces or in area are required to be screened and landscaped according to the standards of Section 23.47A.016, or in the ((~~Seattle Mixed (SM)~~)) SM zone, according to Section ((~~23.48.024~~)) 23.48.055, to the extent feasible as determined by the Director.

E. See subsection ((~~C6 of Section 23.71.008~~)) 23.71.008.C.6 for requirements in the Northgate Overlay District regarding elimination of nonconformities with respect to location, screening, and landscaping of existing parking areas along major pedestrian streets.

Section 11. Subsection A of Section 23.47A.012 of the Seattle Municipal Code, which section was 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 23.47.A.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 nonresidential uses at street level; or

b) A residential use is located on a street-level, street-facing facade, 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.

b. The height of a structure may exceed the otherwise applicable limit by up to 7 feet, subject to subsection 23.47A.012.A.1.c, provided all of the following conditions are met:

1) Residential and multipurpose retail sales uses are located in the same structure;

2) The total gross floor area of at least one multi-purpose retail sales use at street level;

3) A floor-to-floor height of 16 feet or more is provided for the multi-purpose retail sales use at street level;

4) 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 if a floor-to-floor height of 16 feet were not provided at street level; and

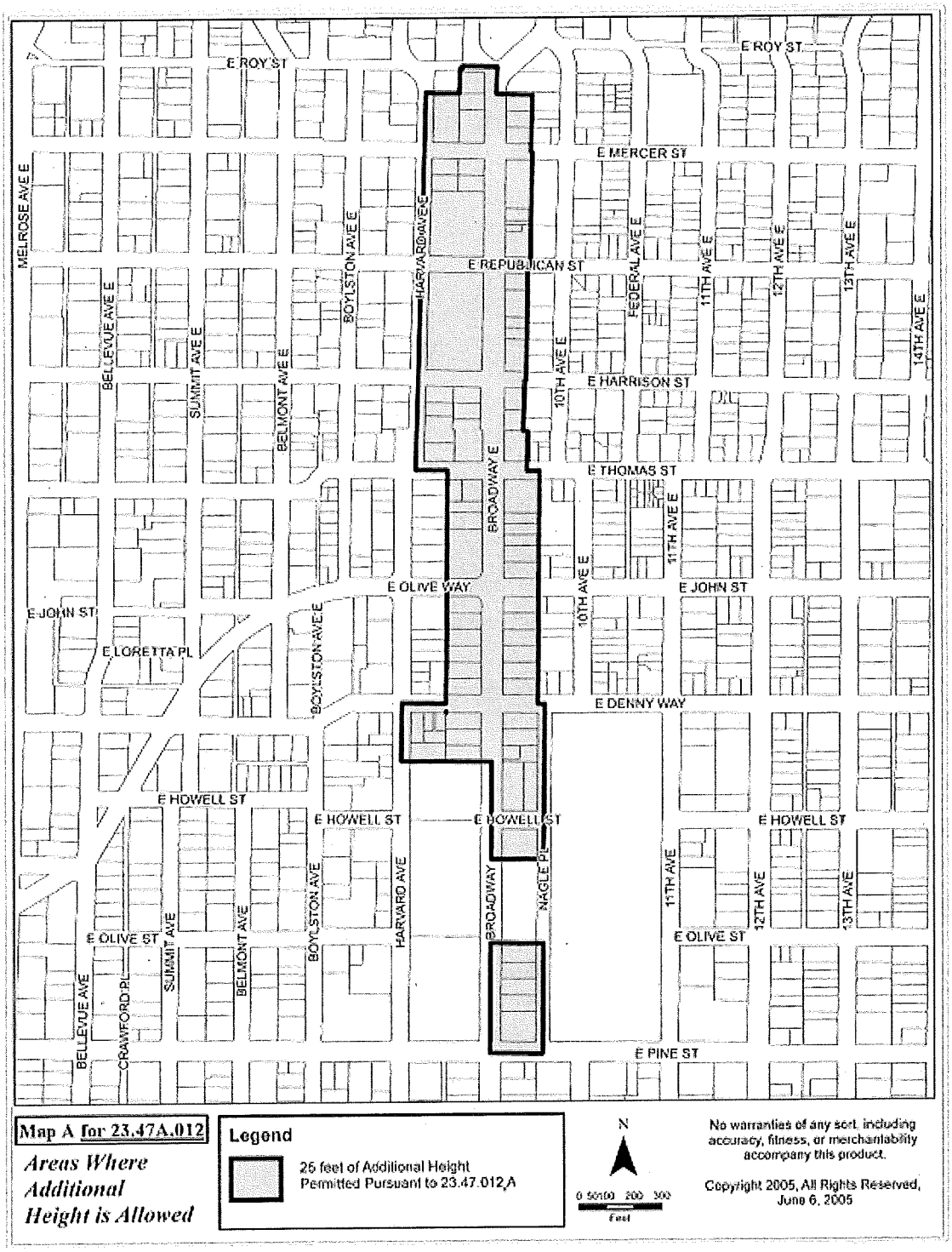
5) The structure is not allowed additional height under subsection 23.47A.012.A.1.a.

c. The Director shall reduce or deny the additional structure height allowed by this subsection 23.47.A.012.A.1 if the additional height would significantly block views from neighboring residential structures of any of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake Washington, Lake Union, or the Ship Canal.

2. For any lot within the designated areas shown on Map A for 23.47A.012, the height limit in NC zones or C zones designated with a 40-foot height limit on the Official Land Use Map may be increased to 65 feet and may contain floor area as permitted for a 65 foot zone, according to Section 23.47A.013, provided that all portions of the structure above 40 feet contain

only residential uses, and provided that no additional height is allowed under subsection 23.47A.012.A.1.

Map A for 23.47A.012


E ROY ST
E MERCER ST
E REPUBLICAN ST
E HARRISON ST
E THOMAS ST
E OLIVE WAY
E JOHN ST
E DENNY WAY
E HOWELL ST
E OLIVE ST
E PINE ST
MELROSE AVE E
BELLEVUE AVE E
SUMMIT AVE E
BELMONT AVE E
BOYLSTON AVE E
HARVARD AVE E
FEDERAL AVE E
10TH AVE E
11TH AVE E
12TH AVE E
13TH AVE E
14TH AVE E
E LORETTA PL
BROADWAY E
BROADWAY
NAGLE PL
BELLEVUE AVE
CRAWFORD PL
SUMMIT AVE
BELMONT AVE
BOYLSTON AVE
HARVARD AVE
11TH AVE
12TH AVE
13TH AVE
Map A for 23.47A.012
Areas Where Additional Height is Allowed
Legend
25 feet of Additional Height Permitted Pursuant to 23.47.012.A
N
0 50 100 200 300
Feet
No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
Copyright 2005, All Rights Reserved, June 6, 2005

1

((~~3. Within the South Lake Union Urban Center, maximum structure height shall be determined according to the provisions of the Seattle Mixed Zone, Section 23.48.010.~~))

((4)) 3. Within the Station Area Overlay District within the University District Northwest Urban Center Village, maximum structure height may be increased to 125 feet when all of the following are met:

a. The lot is within two blocks of a planned or existing light rail station;

b. The proposed use of the lot is functionally related to other office development, permitted prior to 1971, to have over 500,000 square feet of gross floor area to be occupied by a single entity;

c. A transportation management plan for the life of the use includes incentives for light rail and other transit use by the employees of the office use;

d. The development shall provide street-level amenities for pedestrians and shall be designed to promote pedestrian interest, safety, and comfort through features such as landscaping, lighting and transparent facades, as determined by the Director; and

e. This subsection 23.47A.012.A.((4))3 can be used only once for each development that is functionally related.

((~~5~~)) 4. On a lot containing a peat settlement-prone environmentally critical area, the height of a structure may exceed the otherwise applicable height limit and the other height allowances provided by this Section 23.47A.012 by up to 3 feet. In addition, 3 more feet of height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill sides of the structure, the maximum elevation of the structure height shall be no greater than the height allowed by the first sentence of ((~~this~~)) subsection ((~~12.47A.012.A.5~~))23.47A.012.A.4.

The Director may apply the allowances in ((~~this~~)) subsection ((~~12.47A.012.A.5~~)) 23.47A.012.A.4 only if the following conditions are met:

a. The Director finds that locating a story of parking underground is infeasible due to physical site conditions such as a high water table;

b. The Director finds that the additional height allowed for the structure is necessary to accommodate parking located partially below grade that 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 above; and

c. Other than the additional story of parking allowed according to subsection ((~~23.47A.012.A.5~~)) 23.47A.012.A.4, the additional height allowed for the structure by subsection ((~~23.47A.012.A.5~~)) 23.47A.012.A.4 shall not allow an additional story beyond the number of stories that could be built under the otherwise applicable height limit.

((~~6~~)) 5. In zones that are located within the Pike/Pine Conservation Overlay District with a mapped height limit of 65 feet, or with a mapped height limit of 40 feet with provisions allowing for additional height up to 65 feet according to subsection 23.47A.012.A.2, the provisions of Section 23.73.014 apply.

Section 12. Chapter 23.48 of the Seattle Municipal Code, last amended by Ordinance 124566, is repealed as shown in Exhibit A.

Section 13. A new Chapter 23.48, Seattle Mixed, is added to Title 23 of the Seattle Municipal Code, as follows:

Subchapter I General Provisions

23.48.002 Scope of provisions

A. This Chapter 23.48 identifies uses that are or may be permitted in Seattle Mixed (SM) zones and establishes development standards. The SM zone boundaries are shown on the Official Land Use Map. As identified in Table A for 23.48.002, the SM-SLU designation with a height limit suffix may be applied to SM zoned land in the South Lake Union area. The SM-D designation with a height limit range may be applied to SM zoned land in the West Dravus area. The SM-NR designation with a height limit suffix may be applied to SM zoned land in the North Rainier area.

Table A for 23.48.002
SM Zone Designations

Zone designation	Geographic location
SM-SLU	South Lake Union
SM-D	West Dravus
SM-NR	North Rainier

B. The provisions of Subchapter I for 23.48 apply in all SM zones and supplemental regulations for designated areas are provided in Chapter 23.48. To the extent provisions in a supplemental subchapter conflict with provisions in Subchapter I, the provisions of the supplemental subchapter apply.

C. Other regulations, such as requirements in Chapter 23.53 (Requirements for Streets, Alleys, and Easements); Chapter 23.54 (Quantity and Design Standards for Access, Off-street Parking, and Solid Waste Storage); Chapter 23.55 (Signs); and Chapter 23.86 (Measurements) may apply to development proposals. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this Chapter 23.48 and additional regulations in Chapter 23.57.

23.48.005 Uses

A. Permitted uses

1. All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by subsection 23.48.005.B and those permitted only as conditional uses by subsection 23.48.005.C.

2. Adult cabarets shall comply with the requirements of subsection 23.47A.004.H.

B. Prohibited uses. The following uses are prohibited as both principal and accessory uses, except as otherwise noted:

1. All high-impact uses;

2. All heavy manufacturing uses;

3. General manufacturing uses, greater than 25,000 square feet of gross floor area for an individual business establishment, except for pharmaceutical production;

4. Drive-in businesses, except gas stations;

5. Jails;

6. Adult motion picture theaters and adult panoramas;

7. Outdoor storage, except for outdoor storage associated with florists and horticulture uses;

8. Principal use surface parking;

9. Animal shelters and kennels;

10. Animal husbandry;

11. Park and pool lots;

12. Park and ride lots;

13. Work release centers;

14. Recycling;

15. Solid waste management; and

16. Mobile home parks.

C. Conditional uses

1. Conditional uses are subject to the procedures described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the provisions of both Section 23.42.042 and this subsection 23.48.005.C.

2. Mini-warehouses and warehouses may be permitted by the Director as administrative conditional uses if:

a. The street-level portion of a mini-warehouse or warehouse only fronts on an east/west oriented street, or an alley; and

b. Vehicular entrances, including those for loading operations, will not disrupt traffic or transit routes; and

c. The traffic generated will not disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts.

D. Required street-level uses

1. One or more of the uses listed in this subsection 23.48.005.D are required at street level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map A

for 23.48.240, except as required in subsection 23.48.205.A. The following uses qualify as required street-level uses:

a. General sales and service uses;

b. Eating and drinking establishments;

c. Entertainment uses;

d. Public libraries;

e. Public parks; and

f. Arts facilities.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C.

23.48.010 Relocating Landmark structures

If an historic Landmark structure is relocated within an SM zone, the structure need not comply with development standards of the zone if the Director waives compliance with a development standard or standards in order to facilitate relocation and preservation of landmarks.

23.48.020 Floor area ratio (FAR)

A. General provisions

1. All gross floor area not exempt under subsection 23.48.020.D 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.

B. FAR limits in SM zones. FAR limits in SM zones, excluding SM zones within South Lake Union Urban Center, Dravus, and North Rainier Urban Village, are shown in Table A for 23.48.020.

Table A for 23.48.020
SM FAR Limits

Zone	FAR limits for all uses[1]	
	Base	Maximum
SM 40	3	3.5
SM 65	3.5	5
SM 85[2]	4.5	6
SM 125	5	8
SM 160	5	9
SM 240	6	13

Footnotes to Table A for 23.48.020:

[1]Within the area shown on Map A for 23.48.020, all gross floor area occupied by a residential use is exempt from FAR calculations. To achieve maximum FAR, see subsection 23.48.020.C for requirements.
[2]In the SM 85 zone, residential uses are not subject to the base FAR limit.

C. All non-exempt non-residential floor area above the base FAR is considered extra floor area. Extra floor area may be obtained, up to the maximum FAR, only through the provision of public amenities meeting the standards of Section 23.48.021 and Chapter 23.58A.

D. Floor area exempt from FAR calculations

1. The following floor area is exempt from maximum FAR calculations:

a. All underground stories or portions of stories.

b. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

c. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.020.D has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, is not included as part of the calculation of total gross floor area.

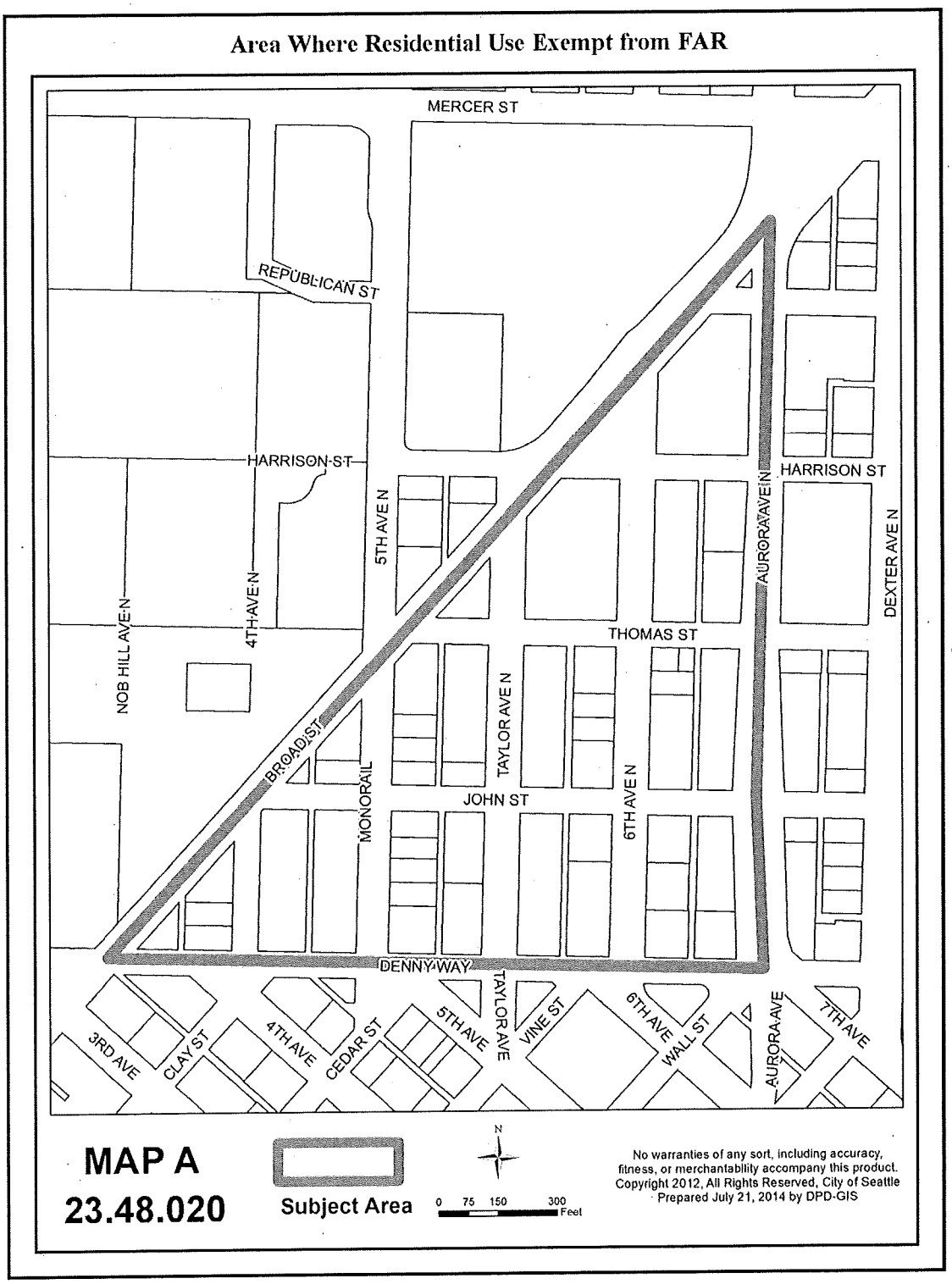
d. All gross floor area for solar collectors and wind-driven power generators.

2. In the SM 85 zone shown on Map A for 23.48.020, all gross floor area occupied by a residential use is exempt from FAR calculations.

3. Additional floor area that is exempt from FAR calculations in specific SM designations is identified in the applicable subchapter of Chapter 23.48.

Map A for 23.48.020

Area Where Residential Use Exempt from FAR



E. Minimum FAR

1. A minimum FAR shown in Table B for 23.48.020 is required whenever more than 1,000 square feet of gross floor area is added to or removed from a lot located in a Station Area Overlay District and abutting a Class 1 or Class 2 Pedestrian Street.

Table B for 23.48.020

Minimum FAR

Height Limit	40 feet	65 feet	85 feet	125 feet	160 feet	240 feet
Minimum FAR	1.5	2	2	2.5	2.5	3

2. The minimum FAR requirement provided in subsection 23.48.020.E.1 does not apply if:

a. additional floor area is added to an existing structure on a lot that is nonconforming with respect to the minimum FAR shown in Table B for 23.48.020;

b. the lot is larger than five acres;

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

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

3. Portions of the lot designated as a steep slope, wetland, or riparian corridor or as a buffer to one of these areas, as defined in Chapter 25.09, are not included when calculating lot size for the purpose of determining the minimum FAR requirement provided in subsection 23.48.020.E.1.

4. The Director, in consultation with the Director of the Department of Neighborhoods, may waive the minimum FAR requirement in subsection 23.48.020.E.1 for lots that contain a designated Landmark, or for lots within a Landmark District pursuant to Title 25

or within a Special Review District pursuant to Chapter 23.66, if the Director determines a waiver is necessary to preserve the integrity of a Landmark or meet adopted District design and development guidelines.

5. The following gross floor area is not counted toward the minimum FAR requirement provided in subsection 23.48.020.E.1:

a. Gross floor area below grade, including all underground stories or portions of stories; and

b. Gross floor area containing parking.

23.48.021 Extra floor area

A. General

1. Except pursuant to Sections 23.48.221 and Section 23.48.421, development containing extra floor area obtained under Section 23.48.020 or Section 23.48.025 shall provide public amenities according to the standards of this Section 23.48.021 and Chapter 23.58A. If the development is not located within an adopted Local Infrastructure Project Area as per Map A for 23.58A.044, extra floor area shall be achieved through the requirements of subsection 23.48.021.B. If the development is located within an adopted Local Infrastructure Project Area, extra floor area shall be achieved through the requirements of subsection 23.48.021.C.

2. Definitions in Section 23.58A.004 apply in this Section 23.48.021 unless otherwise specified.

B. Calculation outside of an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is 85 feet or lower or the lot is located outside of the South Lake Union Urban Center and the Mount Baker Station Area Overlay District, the applicant shall use bonus

residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot.

2. Means to achieve extra non-residential floor area. If the maximum height limit for non-residential use is 85 feet or lower or the lot is located outside of the South Lake Union Urban Center and the Mount Baker Station Area Overlay District, the applicant shall use bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024 to achieve all extra non-residential floor area on the lot.

C. Calculation within an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is 85 feet or lower, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot. If the maximum height limit for residential use is greater than 85 feet, the applicant shall:

a. achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

b. achieve 40 percent of extra residential floor area by acquiring regional development credits pursuant to Section 23.58A.044, except that a development that is located in the area bounded by Thomas Street to the north, Denny Way to the south, Terry Avenue N to the west and Boren Avenue N to the east, on a lot that has slopes of ten percent or more, may achieve 20 percent of extra residential floor area by acquiring regional development credits pursuant to Section 23.58A.044 and 20 percent of extra residential floor area by providing public amenities consisting of a mid-block corridor, a hillclimb assist and a public viewpoint that meet the following standards:

1) The mid-block corridor, hillclimb assist and public viewpoint may be used to achieve extra residential floor area according to a ratio of 20 square feet of extra residential floor area per 1 square foot of qualifying mid-block corridor, hillclimb assist and public viewpoint area.

2) The amenities shall meet the general eligibility conditions for amenity features in the Downtown Amenity Standards and the standards in subsections 23.58A.040.C.4.g, 23.58A.040.C.4.h, and 23.58A.040.C.4.i; provided that the mid-block corridor, hillclimb assist and public viewpoint shall be considered open space amenity features for purposes of the general eligibility conditions for amenity features in the Downtown Amenity Standards.

3) The mid-block corridor shall:

a. be consistent with the size and coverage requirements, and the landscaping and lighting guidelines, for mid-block corridors in the Downtown Amenity Standards;

b. provide a continuous direct route connecting Terry Avenue N and Boren Avenue N; and

c. incorporate a mechanical conveyance, such as an elevator, for conveying pedestrians up the vertical distance between the elevations of Terry Avenue N and Boren Avenue N.

4) The hillclimb assist shall:

a. be consistent with the eligibility conditions for hillclimb assists in the Downtown Amenity Standards, except that an elevator may qualify as the required mechanical conveyance.

b. be consistent with the guideline requirements for hillclimb assists in the Downtown Amenity Standards except that at least 65 percent of the travel path must be open to the sky; and any covered portions of the corridor must have a minimum height of 13 feet between the ground and any overhead projection or overhanging structure.

5) The viewpoint shall provide public views of significant natural and human-made features, and shall meet the requirements for an additional open space area abutting the mid-block corridor specified in the Downtown Amenity Standards.

6) Only one lot may achieve 20 percent of extra residential floor area by providing public amenities consisting of a mid-block corridor and a public view point pursuant to this subsection 23.48.021.C.1.b.

2. Means to achieve extra non-residential floor area. If the maximum height limit for non-residential use is 85 feet or lower, the applicant shall use bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024 to achieve all extra non-residential floor area on the lot. If the maximum height limit for non-residential use is greater than 85 feet, the applicant shall:

a. achieve 75 percent of the extra non-residential floor area on the lot by using bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024, or housing transferable development rights (TDR) pursuant to subsection 23.48.221.A and Section 23.58A.042, or both; and

b. achieve 25 percent of extra non-residential floor area by acquiring regional development credits pursuant to Section 23.58A.044.

D. Minimum requirement. Development containing any extra floor area shall meet the following requirements:

1. Leadership in Energy and Environmental Design (LEED) requirement. Except as described in subsection 23.48.221.C.1.b, the applicant will earn a LEED Silver rating or meet a substantially equivalent standard, and shall demonstrate compliance with that commitment, in accordance with the provisions of subsection 23.48.021.D.2.

2. Demonstration of LEED rating

a. Applicability. This subsection 23.48.021.D.2 applies if a commitment to earn a LEED rating or substantially equivalent standard is a condition of a permit. Applicants for all new development, except additions and alterations, gaining extra residential floor area pursuant to Section 23.48.021, or seeking to qualify for the higher FAR limit in the applicable Table A for 23.48.020 or Table A for 23.48.220, shall make a commitment that the structure will meet LEED rating, 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, as defined in Section 23.58A.180 may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS).

b. The Director is authorized to determine, as a Type I decision, whether the applicant has demonstrated that a new structure has earned a LEED rating or met a substantially equivalent standard. The Director may establish by rule procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Department of Planning and Development or another City agency with regulatory authority and expertise in green building practices.

c. Demonstration of compliance; penalties

1) The applicant shall demonstrate to the Director the extent to which the applicant has complied with the commitment to earn a LEED rating no later than 180 days after issuance of final Certificate of Occupancy for the new structure, or such later date as may be allowed by the Director for good cause, by submitting a report analyzing the extent credits were earned toward such rating from the U.S. Green Building Council or another independent entity approved by the Director. Performance is demonstrated through an independent report from a third party, pursuant to subsection 23.90.018.D. For purposes of this subsection 23.48.021.D.2, if the Director shall have approved a commitment to achieve a substantially equivalent standard, the term "LEED rating" shall mean such other standard.

2) Failure to submit a timely report regarding a LEED rating from an approved independent entity by the date required is a violation of the Land Use Code. The penalty for such violation is $500 per day from the date that the report was due to the date it is submitted, without any requirement of notice to the applicant.

3) Failure to demonstrate, through an independent report as provided in this subsection 23.48.021.D.2, full compliance with the applicant's commitment to earn a LEED rating, is a violation of the Land Use Code. The penalty for each violation is an amount determined as follows:

$$P = [(LSM-CE)/LSM] \times CV \times 0.0075$$, where:

P is the penalty;

LSM is the minimum number of credits to earn the required LEED rating;

CE is the number of credits earned as documented by the report; and

CV is the Construction Value as set forth on the building permit for the new structure.

Example:

Construction Value	$200,000,000.00
Minimum LEED Credits for rating	33
Credits Earned	32
Penalty = [(33-32)/33] × 200,000,000 × 0.0075 =	$45,454.55

4) Failure to comply with the applicant's commitment to earn a LEED rating is a violation of the Land Use Code independent of the failure to demonstrate compliance; however, such violation shall not affect the right to occupy any chargeable floor area, and if a penalty is paid in the amount determined under subsection 23.48.021.D.2.c.3, no additional penalty shall be imposed for the failure to comply with the commitment.

5) If the Director determines that the report submitted provides satisfactory evidence that the applicant's commitment is satisfied, the Director shall issue a certificate to the applicant so stating. If the Director determines that the applicant did not demonstrate compliance with its commitment to earn a LEED rating in accordance with this subsection 23.48.021.D, the Director may give notice of such determination, and of the calculation of the penalty due, to the applicant.

6) If, within 90 days, or such longer period as the Director may allow for good cause, after initial notice from the Director of a penalty due under this subsection 23.48.021.D.2, the applicant shall demonstrate, through a supplemental report from the independent entity that provided the initial report, that it has made sufficient alterations or improvements to earn a LEED rating, or to earn more credits toward such a rating, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so re-determined shall be final. If the applicant does not submit a supplemental report in accordance

with this subsection 23.48.021.D.2 by the date required under this subsection 23.48.021.D.2, then the amount of the penalty as set forth in the Director's original notice shall be final.

7) Any owner, other than the applicant, of any lot on which the bonus development was obtained or any part thereof, shall be jointly and severally responsible for compliance and liable for any penalty due under this subsection 23.48.021.D.2.

d. Use of penalties. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsection 23.48.021.D.2. Revenue from penalties under that subsection 23.48.021.D.2 shall be allocated to activities or incentives to encourage and promote the development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated.

3. Transportation Management Program (TMP). The applicant will provide a TMP for non-residential development, consistent with requirements for TMPs in any applicable Director's Rule, that demonstrates to the satisfaction of the Director in consultation with the Director of Transportation, that no more than 40 percent of trips to and from the development will be made using single-occupant vehicles (SOVs). The TMP shall be submitted with the Master Use Permit application.

a. For purposes of measuring the percent of trips to and from the development made using SOVs in the TMP, the number of SOV trips shall be calculated for the p.m. peak hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator).

b. Compliance with this subsection 23.48.021.D.3 does not affect the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

23.48.025 Structure height

A. Base and maximum height limits

1. The height limits for structures in the SM zones are 40 feet, 55 feet, 65 feet, 75 feet, 85 feet, 125 feet, 160 feet, 240 feet, or 400 feet as shown on the Official Land Use Map, Chapter 23.32, except as otherwise provided in this Section 23.48.025. In certain zones, as specified in this Section 23.48.025, the maximum structure height is allowed only for particular uses or only under specified conditions, or both. Where height limits are established for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

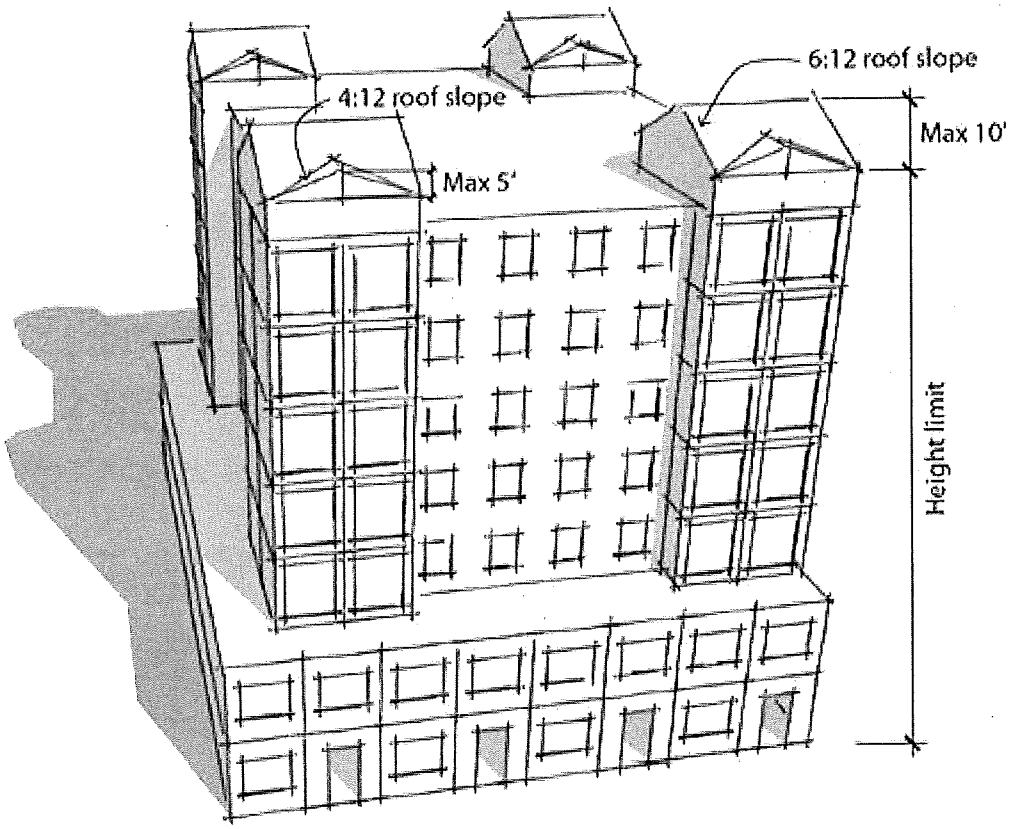
2. In the SM-SLU, SM-D, and SM-NR zones the applicable height limit for portions of a structure that contain nonresidential and live-work uses is shown as the first figure after the zone designation, and the base height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. Within zones that have an incentive zoning suffix, the number in the suffix is the base FAR.

B. Pitched roofs. In SM zones with a height limit of 85 feet or less, the ridge of a pitched roof with a minimum slope of 6 to 12 may extend 10 feet above the height limit. The ridge of a pitched roof with a minimum slope of 4 to 12 may extend 5 feet above the height limit (Exhibit A for 23.48.025). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision, 23.48.025.

Exhibit A for 23.48.025

Pitched Roofs

Exhibit A for 23.48.025
Pitched Roofs



1

2

C. 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 or soil for landscaping located above the structural roof surface may exceed the maximum height limit if enclosed by parapets or walls that comply with this subsection 23.48.025.C.2.

3. Solar collectors may extend up to 7 feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to 15 feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection 23.48.025.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. Stair penthouses;

c. Mechanical equipment;

d. Atriums, greenhouses, and solariums;

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

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

g. Covered or enclosed common amenity area for structures exceeding a height of 125 feet.

5. For structures greater than 85 feet in height, elevator penthouses up to 25 feet above the height limit are permitted. If the elevator provides access to a rooftop designed to provide usable open space or common recreation area, elevator penthouses up to 45 feet above the height limit are permitted.

6. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.48.025.C does not exceed 50 percent of the roof area.

7. At the applicant's option, the combined total coverage of all features listed in subsections 23.48.025.C.4 and 23.48.025.C.5 may be increased to 65 percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

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

8. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.48.025.C.8 at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Atriums, greenhouses, and solariums;

e. Minor communication utilities and accessory communication devices according to the provisions of Section 23.57.012;

f. Nonfirewall parapets; and

g. Play equipment.

9. Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

10. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

23.48.040 Street-level development standards

The following street-level development standards apply to Class 1 or Class 2 Pedestrian streets shown on Map A for 23.48.240 and Map A for 23.48.440.

A. General facade requirements. General facade requirements apply to Class 1 and Class 2 Pedestrian streets as shown on Map A for 23.48.240 and Map A for 23.48.440.

1. Primary pedestrian entrance. Each new structure facing a street is required to provide a primary building entrance for pedestrians from the street or a street-oriented courtyard that is no more than 3 feet above or below the sidewalk grade.

2. Minimum facade height. A minimum facade height is required for the street-facing facades of new structures, unless all portions of the structure are lower than the required minimum facade height listed below.

a. On Class 1 Pedestrian Streets the minimum height for street-facing facades is 45 feet.

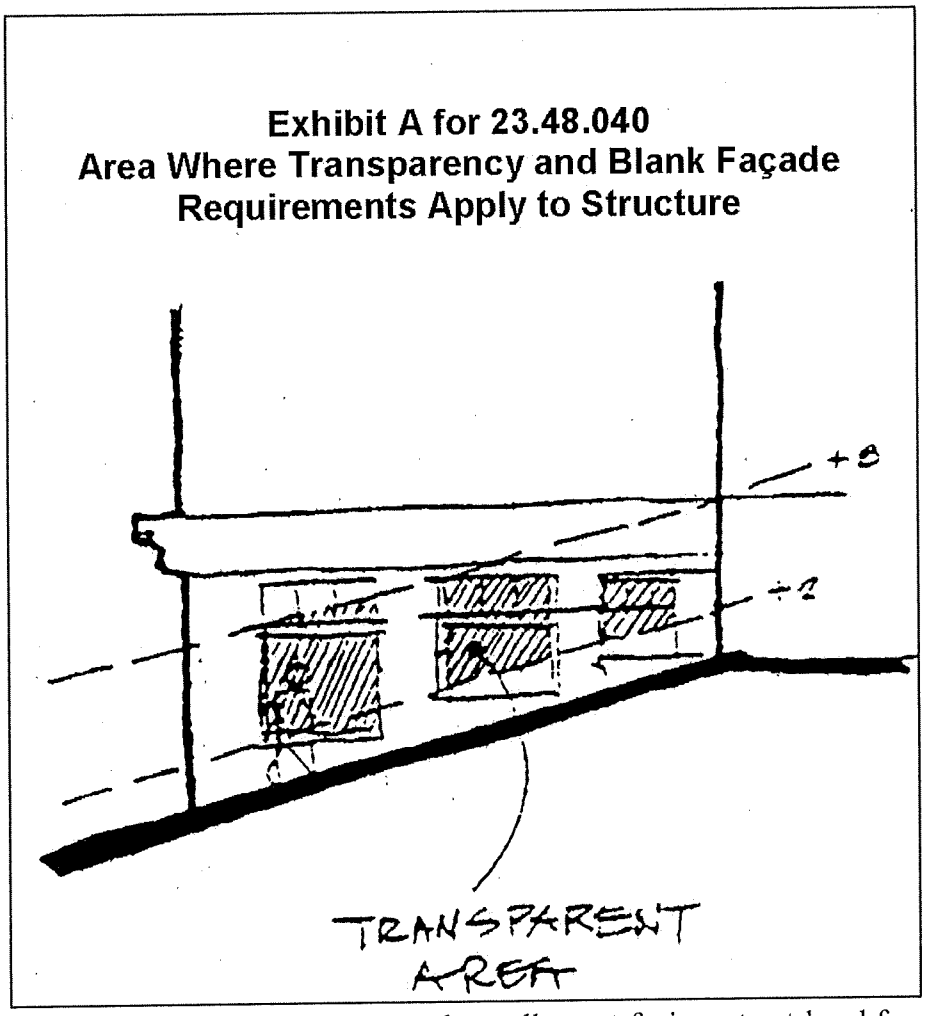
b. On Class 2 Pedestrian Streets and Neighborhood Green Streets the minimum height for street-facing facades is 25 feet.

c. On all other streets, the minimum height for street-facing facades is 15 feet.

B. Transparency and blank facade requirements. The provisions of this subsection 23.48.040.B apply to the area of a street-facing facade between 2 feet and 8 feet above a sidewalk (Exhibit A for 23.48.040) pursuant to subsection 23.48.040.B.1.

Exhibit A for 23.48.040

Area Where Transparency and Blank Facade Requirements Apply to Structures



1. Transparency requirements apply to all street-facing, street-level facades, except for portions of structures in residential use, as follows:

a. For Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, shown on Map A for 23.48.240 and Map A for 23.48.440, a minimum of 60 percent of the street-facing facade must be transparent.

b. For all other streets, a minimum of 30 percent of the street-facing facade must be transparent.

c. If the slope of the street frontage of the facade exceeds 7.5 percent, the required amount of transparency shall be reduced to 45 percent of the street-facing facade on Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets and 22 percent of the street-facing facade on all other streets.

d. Only clear or lightly tinted glass in windows, doors, and display windows are considered transparent. Transparent areas shall be designed and maintained to provide views into and out of the structure. Except for institutional uses, no permanent signage, window tinting or treatments, shelving, other furnishings, fixtures, equipment, or stored items shall completely block views into and out of the structure between 4 feet and 7 feet above adjacent grade. The installation of temporary signs or displays that completely block views may be allowed if such temporary sign complies with subsection 23.55.012.B.

2. Blank facade limits. Any portion of the facade that is not transparent is considered to be a blank facade.

a. Blank facade limits for Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets.

1) Blank facades shall be limited to segments 15 feet wide, except for garage doors, which may be wider than 15 feet. Blank facade width may be increased to 30 feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus 5 feet.

2) Any blank segments of the facade shall be separated by transparent areas at least 2 feet wide.

3) The total of all blank facade segments, including garage doors, shall not exceed 40 percent of the street facade of the structure on each street frontage; or 55 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

b. Blank facade limits for all other streets not specified in subsection 23.48.240.B.2.a or Section 23.48.440.

1) Blank facades are limited to segments 30 feet wide, except for garage doors which may be wider than 30 feet. Blank facade width may be increased to 60 feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus 5 feet.

2) Any blank segments of the facade shall be separated by transparent areas at least 2 feet wide.

3) The total of all blank facade segments, including garage doors, shall not exceed 70 percent of the street facade of the structure on each street frontage; or 78 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

c. Blank facade limits do not apply to portions of structures in residential use.

C. Development standards for required street-level uses. Street-level uses required by subsection 23.48.005.D, and street-level uses exempt from FAR calculations under the provisions of subsection 23.48.220.B.2, whether required or not, shall meet the following development standards:

1) A minimum of 75 percent of each street frontage shall be occupied by uses listed in subsection 23.48.005.D at street level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240 and Map A for 23.48.440.

2) The space occupied by street-level uses shall have a minimum floor-to-floor height of 13 feet and extend at least 30 feet in depth at street level from the street-front facade.

3) Street-level uses shall be located within 10 feet of the street lot line, except that if outdoor amenity area required in subsection 23.48.045.B, or other required open space, abuts the applicable street lot line and separates the street-facing facade from the street, the required street-level use may abut the amenity area or open space.

4) Pedestrian access to street-level uses shall be provided directly from the street, permitted outdoor common amenity area, or abutting required open space. Pedestrian entrances shall be located no more than 3 feet above or below sidewalk grade or at the same elevation as the abutting permitted outdoor common amenity area or required open space.

23.48.045 Amenity area for residential uses

A. Amenity area is required for all development with more than 20 new dwelling units.

B. Quantity of amenity area. An area equivalent to 5 percent of the total gross floor area in residential use shall be provided as amenity area, except that, in no instance shall the amount of required amenity area exceed the area of the lot.

C. Standards for amenity area. Required amenity area shall meet the following standards:

1. All residents of the project shall have access to the required amenity area, which may be provided at or above ground level.

2. A maximum of 50 percent of the required amenity area may be enclosed.

3. The minimum horizontal dimension for required amenity areas is 15 feet, except that the minimum horizontal dimension is 10 feet for amenity areas provided as landscaped open space accessible from the street at street level. The minimum size of a required amenity area is 225 square feet.

4. Amenity area that is provided as landscaped, street-level open space that is accessible from the street shall be counted as twice the actual area in determining the amount provided to meet amenity area requirement.

5. In mixed-use projects, any public open space provided for non-residential development that meets the standards of this Section 23.48.045 satisfies the residential amenity area requirement.

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 amenity area except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41.

7. For a development that maintains a designated Seattle Landmark on the lot, the Director may, as Type I decision, waive or modify the amenity area requirement if it is determined that maintaining the Landmark structure significantly limits the ability to accommodate the required amenity area on the site.

8. For lots abutting a designated Neighborhood Green Street, up to 50 percent of the amenity area requirement may be met by contributing to the development of the abutting Neighborhood Green Street. The Director may waive the requirement that the Neighborhood Green Street abut the lot and allow the improvement to be made to a Neighborhood Green Street

located in the general vicinity of the project if the Director determines that the Neighborhood Green Street will benefit residents of the project.

23.48.055 Screening and landscaping standards

A. Landscaping requirements

1. All landscaping provided to meet the requirements of this Section 23.48.055 shall comply with the Director's rules adopted to foster the long-term health, viability, and coverage of plantings. The Director's rules shall address, at a minimum, the type and size of plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants.

2. Landscaping that achieves a Green Factor score of .30 or greater, pursuant to Section 23.86.019, is required for any lot with:

a. Development containing more than four new dwelling units; or

b. Development, either a new structure or an addition to an existing structure, containing more than 4,000 square feet of non-residential uses; or

c. Any parking lot containing more than 20 new parking spaces for automobiles.

B. Where screening or landscaping is required for specific uses in subsection 23.48.055.C, or when landscaping is required in setbacks as specified by development standards, the following types of screening and landscaping shall be provided:

1. Three foot high screening on street lot lines. The required screening may be provided as either:

a. A fence or wall at least 3 feet in height; or

b. A hedge or landscaped berm at least 3 feet in height.

2. Landscaping for setback areas and berms. Each setback area or berm required shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, decorative pavers, sculptures, or fountains may cover a maximum of 30 percent of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director. Landscaping designed to provide treatment for storm water runoff qualifies as required landscaping.

C. Screening for specific uses

1. Gas stations shall provide 3 foot high screening along lot lines abutting all streets, except within required sight triangles.

2. Surface parking areas

a. Surface parking areas abutting streets. Surface parking areas shall provide 3 foot high screening along the lot lines abutting all streets, except within required sight triangles.

b. Surface parking areas abutting alleys. Surface parking areas shall provide 3 foot high screening along the lot lines abutting an alley. The Director may reduce or waive the screening requirement for part or all of the lot line abutting the alley when required parking is provided at the rear lot line and the alley is necessary to provide aisle space.

3. Parking in structures. Except as provided for by subsection 23.48.085.B, parking located at or above street level in a garage shall be screened according to the following requirements.

a. On Class 1 and Class 2 Pedestrian Streets, shown on Map A for 23.48.240 and Map A for 23.48.440, parking is not permitted at street level unless separated

from the street by other uses, provided that garage doors need not be separated. The facade of the separating uses shall be subject to the transparency and blank facade standards in Section 23.48.040.

b. On all other streets, parking is permitted at street level when at least 30 percent of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank facade standards in Section 23.48.040. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

c. The perimeter of each floor of parking above street level shall have an opaque screen at least 3.5 feet high, except in the SM-SLU zone, where specific requirements for the location and screening of parking located on stories above the street level apply.

4. Fences or free-standing walls associated with utility services uses may obstruct or allow views to the interior of a site. Where site dimensions and site conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any fence or free-standing wall for a utility service use shall provide either:

a. A landscaped area a minimum of 5 feet in depth between the wall or fence and the street lot line; or

b. Architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line, as approved by the Director.

D. Street trees requirements

1. Street trees shall be provided in all planting strips. Existing street trees may count toward meeting the street tree requirement.

2. Exceptions to street tree requirements

a. Street trees are not required when a change of use is the only permit requested.

b. Street trees are not required for temporary use permits.

c. Street trees are not required if an existing structure is expanded by less than 1,000 square feet. Generally, two street trees shall be required for each additional 1,000 square feet of expansion. Rounding of fractions pursuant to subsection 23.86.002.B is not permitted. The number of street trees shall be controlled by the Seattle Department of Transportation standard.

3. If it is not feasible to plant street trees according to City standards, either a landscaped setback a minimum of 5 feet deep is required along the street lot line, or landscaping other than trees may be located in the planting strip according to Department of Transportation standards. The street trees shall be planted in the landscaped area at least 2 feet from the street lot line if they cannot be placed in the planting strip.

23.48.065 Noise and odor standards

A. All permitted uses are subject to the noise standards of Section 23.47A.018.

B. All permitted uses are subject to the odor standards of Section 23.47A.020.

23.48.075 Light and glare standards

All permitted uses are subject to the light and glare standards of Section 23.47A.022.

23.48.080 Required parking and loading

A. Off-street parking spaces and bicycle parking are required according to Section 23.54.015, Required parking.

B. Loading berths shall be provided pursuant to Section 23.54.035, Loading berth requirements and space standards.

C. Where access to a loading berth is from an alley, and truck loading is parallel to the alley, a setback of 12 feet is required for the loading berth, measured from the centerline of the alley, as shown in Exhibit D for 23.47A.014. This setback shall be maintained up to a height of 16 feet.

23.48.085 Parking and loading location, access and curb cuts

A. Parking accessory to non-residential uses may be provided on-site and/or within 800 feet of the lot to which it is accessory, according to the provisions of Section 23.54.025, Off-site parking.

B. Parking at street level within structures

1. Except as permitted under subsections 23.48.085.B.2 and 23.48.085.B.3, parking is not permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

2. Due to physical site conditions such as topographic or geologic conditions, parking is permitted in stories that are partially below street level and partially above street level without being separated from the street by other uses, if:

a. The street front portion of the parking that is at or above street level does not abut a Class 1 Pedestrian Street requiring street-level uses; and

b. The street front portion of the parking that is at or above street level, excluding garage and loading doors and permitted access to parking, is screened from view at the street level; and

c. The street-facing facade is enhanced by architectural detailing, artwork, landscaping, stoops, and porches providing access to residential uses, or similar visual interest features.3. Parking is permitted in a story that is partially above street-level and partially below street-level in a structure permitted in a setback area under the provisions of subsection 23.48.240.C.2.b.

C. Accessory surface parking is permitted under the following conditions, except as provided by Section 23.48.285:

1. All accessory surface parking shall be located at the rear or to the side of the principal structure.

2. The amount of lot area allocated to accessory surface parking shall be limited to 30 percent of the total lot area. For parking that is accessory to a use on another site, this requirement is applied to the lot on which the parking is located.

D. Parking and loading access. If a lot abuts more than one right-of-way, the location of access for parking and loading shall be determined by the Director, depending on the classification of rights-of-way according to the following:

1. Access to parking and loading shall be from the alley when the lot abuts an alley improved to the standards of subsection 23.53.030.C and use of the alley for parking and loading access would not create a significant safety hazard as determined by the Director.

2. If the lot does not abut an improved alley, or use of the alley for parking and loading access would create a significant safety hazard as determined by the Director, parking

and loading access may be permitted from the street. If the lot abuts more than one street, the location of access is determined by the Director, as a Type I decision, after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection 23.48.085.D.3, access is allowed only from a right-of-way in the category, determined by the classifications shown on either Map A for 23.48.240 or Map A for 23.48.440 that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth below, from most to least preferred (a portion of a street that is included in more than one category is considered as belonging only to the least preferred of the categories in which it is included).

a. An undesignated street;

b. Class 1 Pedestrian Street;

c. Class 2 Pedestrian Street;

d. Designated Neighborhood Green Street.

3. The Director may allow or require access from a right-of-way other than one indicated by subsection 23.48.085.D.1 or subsection 23.48.085.D.2 if, after consulting with the Director of Transportation on whether and to what extent alternative locations of access would enhance pedestrian safety and comfort, facilitate transit operations, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize hazards, the Director finds that an exception to the access requirement is warranted. Curb cut controls on designated Neighborhood Green Streets shall be evaluated on a case-by-case basis, but generally access from Neighborhood Green Streets is not allowed if access from any other right-of-way is possible.

E. Curb cut width and number

1. Permitted access shall be limited to one two-way curb cut. In the event the site is too small to permit one two-way curb cut, two one-way curb cuts shall be permitted.

2. Curb cut width and number of curb cuts shall satisfy the provisions of Section 23.54.030, except as modified in this Section 23.48.085.

23.48.090 Assisted living facilities

A. In addition to the requirements of subsection 23.48.090.B, assisted living facilities are subject to the development standards of the zone where they are located, except that density limits and amenity area requirements do not apply to assisted living facilities.

B. Other requirements

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

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

3. 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:

a. The total amount of communal area shall equal at least 10 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;

b. 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;

c. 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

d. Adequate seating for residents and guests shall be provided for required communal areas.

23.48.095 Pet daycare centers

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

A. Pet daycare centers that were established of record before July 31, 2006, may continue notwithstanding nonconformity with development standards, provided the provisions of this Section 23.48.095 are met.

B. The pet daycare center shall be permitted by Public Health—Seattle and King County, as required by Section 10.72.020.

C. Facilities for the boarding of animals may occupy no more than 30 percent of the gross floor area of the pet daycare center.

D. Required loading pursuant to Section 23.54.015 may be provided in a public right-of-way if the applicant can demonstrate to the Director, in consultation with the Director of Transportation, that pedestrian circulation or vehicle traffic will not be significantly impacted.

E. Applicants shall submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the

American Kennel Club (AKC). Such procedures shall be followed for the life of the business and shall prevent animal behavior that impacts surrounding uses, including excessive barking.

F. Violations of this Section 23.48.095

1. The exemption in subsection 25.08.500.A of the Noise Control Ordinance to uses permitted under Chapter 10.72, provisions for pet kennels and similar uses, does not apply to pet daycare centers.

2. When a notice of violation is issued for animal noise, the Director may require the pet daycare center to submit a report from an acoustical consultant that describes potential measures to be taken by the pet daycare center to prevent or mitigate noise impacts. The Director may require measures, including but not limited to: development or modification of operating procedures; cessation of the use of outdoor area(s); closure of windows and doors; reduction in hours of operation; and use of sound attenuating construction or building materials such as insulation and noise baffles. The Director may order the pet daycare center to be closed on a temporary or permanent basis.

Subchapter II South Lake Union Provisions

23.48.200 Scope of provisions for South Lake Union

The provisions in Sections 23.48.205 through 23.48.285 of the SM-SLU zones are in addition to and supplement the provisions of Sections 23.48.005 through 23.48.095. In cases of conflicts between these Sections 23.48.005 through 23.48.095, the provisions in the SM-SLU zones apply.

23.48.205 Uses for South Lake Union

A. Permitted uses. In the SM-SLU 85-240 zone, except for improvements to or development of new religious facilities, permitted non-residential uses are limited to a height of

20 feet above the street level of structures with residential uses and are subject to the development standards of subsection 23.48.240.C.

B. Prohibited uses. Principal use parking.

C. Required street-level uses. Within the SM-SLU 160/85-240 zone, for development meeting the standards in subsection 23.48.230.B, structures with a street-facing facade along 8th Avenue N., or located on a designated Neighborhood Green Street (Map A for 23.48.240) shall have a minimum of 10 percent of the length of the street-level portion of that street-facing facade occupied by general sales and service uses, eating and drinking establishments, or entertainment uses, that meet the development standards for required street-level uses in subsection 23.48.240.E.

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

A. General provisions

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

Table A for 23.48.220
FAR Limits for Specified Zones in South Lake Union Urban Center

Zone	FAR limits for non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use[1]
	Base FAR	Maximum FAR	
SM-SLU/R 55/85	NA	NA	4.5
SM-SLU 85/65-125	4.5	6	4.5

Table A for 23.48.220
FAR Limits for Specified Zones in South Lake Union Urban Center

Zone	FAR limits for non-residential uses		Maximum FAR for structures that do not exceed the base height limit and include residential use[1]
	Base FAR	Maximum FAR	
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU 160/85-240	4.5[2]	7	6
SM-SLU 85-240	0.5/1.5[3]	NA	6
SM-SLU 240/125-400	5[2]	7	10

Footnotes to Table A for 23.48.220
NA (not applicable) refers to zones where uses are not subject to an FAR limit.
[1] All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.
[2] In the SM-SLU 160/240, and SM-SLU 240/400 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting the requirements of subsection 23.48.220.A.7.
[3] The 1.5 FAR limit applies to religious facilities. For all other non-residential uses, the 0.5 FAR limit applies.

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

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

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

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

b. In the SM-SLU 160/85-240 zone residential uses are allowed above the residential base height limit in structures or portions of structures with non-residential uses that exceed 85 feet in height, and in the SM-SLU 240/125-400 zone residential uses are allowed above the residential base height limit in structures or portions of structures with non-residential uses that exceed 125 feet in height if the following conditions are met:

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

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

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

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

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

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

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

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

2) A notice is recorded in the King County real estate records, in a form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this Chapter 23.48;

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

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

b) is on a lot on which no improvement, object, feature or characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any designating ordinance.

4) A qualifying Landmark that allows for the additional increment of FAR under this subsection 23.48.220.A.4 is not eligible as a Landmark transfer development rights (TDR) or Landmark transfer development potential (TDP) sending site. For so long as any

of the chargeable floor area of the increment allowed above the base FAR of the zone under this subsection 23.48.220.A.3 remains on the lot, each Landmark for which the increment was granted shall remain designated as a Landmark under Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying Landmark in good condition and repair and in a manner that preserves the features and characteristics that are subject to designation or controls by ordinance unless the Landmarks Preservation Board has issued a Certificate of Approval for the modification or demolition of the Landmark; and

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

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

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

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

3) Duration; alteration. The owners of the lot granted the additional increment of floor area above the base FAR as a result of having the open space on the lot shall provide and maintain the open space for as long as the increment of additional floor area allowed above the base FAR exists. The open space amenity allowing for the additional increment of floor area above the base FAR may be altered or removed. An amount of chargeable floor area equal to the increment of floor area allowed above the base FAR under this subsection 23.48.220.A.3.b either or both of the following occur:

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

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

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

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

5. In the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU 160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones within South Lake Union Urban Center, for residential tower structures that have only non-residential uses up to or above the base height limit for residential uses, the FAR limits for all non-residential uses in the structure are the same as the FAR limits specified for non-residential uses in Table A for 23.48.220.

6. In all SM-SLU zones, a development that includes a residential structure or a portion of the structure as a residential tower is exempt from FAR requirements as to that portion, and the applicable FAR limits for all other portions of the structure shall be based on the total lot area minus the lot area required for the residential tower development, to meet the upper-level floor area limit of subsection 23.48.245.A. For the portion of the lot with the residential tower and podium, the FAR limit for permitted non-residential uses in a residential tower or podium that is also a mixed-use structure shall be based on the area of the portion of the lot occupied by the residential tower and podium.

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

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

1. The floor area contained in a Landmark structure subject to controls and incentives imposed by a designating ordinance if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board

providing for the rehabilitation and maintenance of the historically significant features of the structure including but not limited to a Certificate of Approval for the modification of the Landmark. This exemption does not apply to a lot from which a Landmark TDP or TDR has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A.

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

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

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

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

23.48.221 Extra floor area in South Lake Union Urban Center

A. Calculation outside of an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is greater than 85 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

a. achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

b. achieve 40 percent of the extra residential floor area by using open space TDP or Landmark TDP pursuant to subsection 23.48.221.A and Section 23.58A.042.

2. Means to achieve extra non-residential floor area. If the maximum height limit for non-residential use is greater than 85 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

a. achieve 75 percent of the extra non-residential floor area on the lot by using bonus non-residential floor area for affordable housing and child care pursuant to Section 23.58A.024, or housing TDR pursuant to subsection 23.48.221.B and Section 23.58A.042, or both.

b. achieve 25 percent of the extra non-residential floor area by using open space TDR pursuant to Chapter 23.84A or Landmark TDR pursuant to subsection 23.48.221.A and Section 23.58A.042.

B. Standards for TDP and TDR

1. All lots in the South Lake Union Urban Center that meet the definition of a TDR or TDP sites in Chapter 23.84A are eligible for transfer.

2. Receiving sites in the South Lake Union Urban Center may only receive TDP or TDR from sending sites in the South Lake Union Urban Center except that receiving sites in the South Lake Union Urban Center may receive Landmark or open space TDP or TDR from sending sites in Downtown or South Downtown if the applicant demonstrates to the satisfaction of the Director that no private or public entities are offering such TDP or TDR for sale in the South Lake Union Urban Center, at a price per square foot no greater than the fee-in-lieu rates

for the payment option for affordable housing under Section 23.58A.014 for TDP and the payment option for affordable housing and child care under Section 23.58A.024 for TDR.

3. A cumulative combination of TDR and TDP exceeding a total of five times the lot area may not be transferred from any lot.

C. Minimum requirement. Development containing any extra floor area in South Lake Union Urban Center shall meet the following requirements:

1. LEED requirement

a. Except as described in subsection 23.48.021.C.1.b, the applicant will earn a LEED Gold rating or meet a substantially equivalent standard, and shall demonstrate compliance with that commitment, in accordance with the provisions of subsection 23.48.021.D.2.

b. An applicant may choose to earn at least a LEED Silver rating, if the Director of the Office of Sustainability and Environment determines that the development is served by a district energy provider. A building is considered served by a district energy provider if it is capable of connecting to a district energy system and has a contract with a district energy utility to serve primary heating and/or cooling needs. A district energy provider is an entity with a franchise agreement with the City that maintains a closed-loop district energy utility system that is either currently or scheduled to primarily use renewable and/or waste heat sources, per the system development plans and timeframes of an agreement with the City and the district energy provider. A district energy provider may, subject to City approval, rely on a temporary on-site or nearby transitional plant that is installed and maintained by the provider prior to connection of the development to a permanent district energy system.

23.48.225 Structure height in South Lake Union Urban Center

A. Base and maximum height limits

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

SM-SLU 85/65-125

SM-SLU 85/65-160

SM-SLU 160/85-240

SM-SLU 85-240/125-400

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

tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra residential floor area.

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

B. Height limits in the SM-SLU/R 55/85 zone

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

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

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

1. Increases in the maximum height limit in the SM-SLU 160/85-240 and SM-SLU 85-240 zones. In the SM-SLU 160/85-240 and SM-SLU 85-240 zones a structure is allowed additional height of up to 30 percent above the maximum height limit for residential uses and, in the SM-SLU 160/85-240 zone, up to 20 percent above the height limit for non-residential uses, if all of the following conditions are met:

a. The project includes an elementary school or a kindergarten through eighth grade school, which may include minimum space requirements for associated uses but not

limited to academic core functions, child care, administrative offices, a library, maintenance facilities, food service, and specialty instruction space;

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

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

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

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

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

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

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

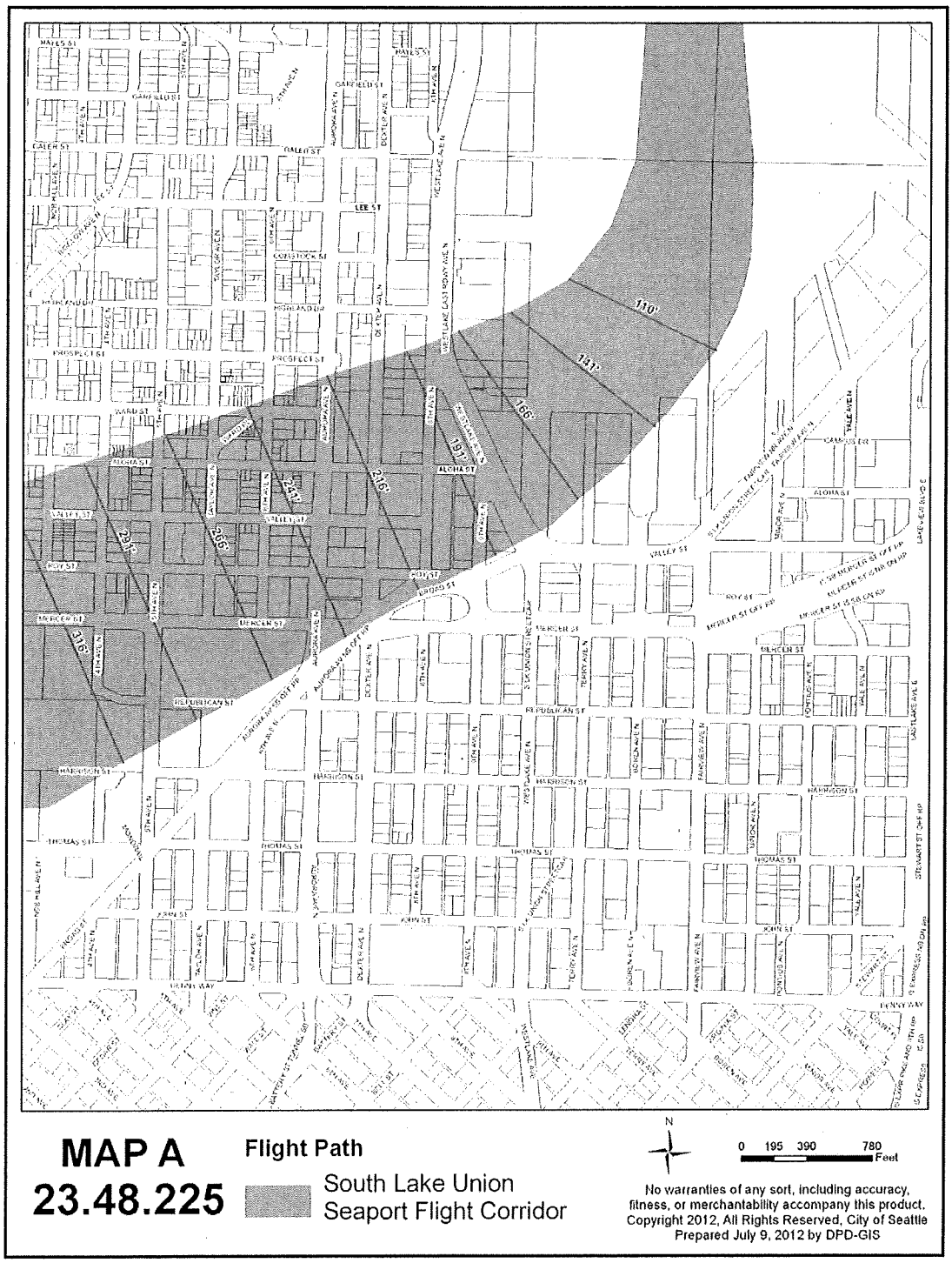
3. Extra residential floor area above the base height limit for residential use may be obtained as provided in Section 23.48.221; and

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

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

Map A for 23.48.225

South Lake Union Seaport Flight Corridor



23.48.230 Extra height in South Lake Union Urban Center

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

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

1. designated SM-SLU 160/85-240;

2. bounded by arterial-designated streets on at least two sides;

3. greater than 60,000 square feet in size and does not exceed 100,000 square feet in size; and

4. not bisected by an alley or other public right-of-way.

C. Street-level uses. Street-level uses shall be provided as required by subsection 23.48.205.C.

D. LEED requirement. The applicant will strive to achieve a LEED Gold rating or better and at a minimum earn a LEED Silver rating or meet a substantially equivalent standard, and shall demonstrate compliance with that commitment, all in accordance with the provisions of Section 23.48.021.D.2.

E. Open space. A minimum of 20 percent of the lot area shall be usable open space. The purpose of the open space shall be to allow for public seating, passive recreation, and a mid-block pedestrian connection. For a multi-phase project, the open space requirement and the other requirements in this subsection 23.48.230.E shall be calculated and applied to the total project. The following standards apply to open space required under this subsection 23.48.230.E:

1. The open space shall be open during daylight hours and accessible to the general public, without charge, for a minimum of ten hours per day, except that access may be temporarily limited as required for public safety, security, scheduled events, or maintenance reasons. Members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others, unless the space is closed to the general public consistent with this subsection 23.48.230.E.1. No parking, storage, or other use may be established on or above the surface of the open space except as provided in this subsection 23.48.230.E. Use of the open space by motor vehicles is prohibited. The open space shall be clearly identified with signage placed at a visible location at each street entrance providing access to the open space. The signage shall indicate, in letters legible to passersby, the nature of the open space, its availability for general public access, and directional information as needed.

2. The open space shall contain at least one contiguous area with a minimum of 3,000 square feet and a minimum horizontal dimension of 10 feet.

3. A minimum of 35 percent of the open space shall be landscaped with grass, ground cover, bushes, and/or trees.

4. The open space shall include seating in an amount equivalent to either one lineal foot of permanent seating or two movable chairs for every 200 square feet of open space during hours of public access.

5. The open space shall be located and configured to provide easy access from streets or other abutting public spaces and convenient pedestrian circulation through the open space. The open space shall have a minimum frontage of 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

6. The open space shall be provided at ground level, except that some separation of multiple levels may be allowed, provided they are physically and visually connected.

7. Up to 20 percent of the open space may be covered by features accessory to public use of the open space, including: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features approved by the Director that contribute to pedestrian comfort and active use of the space. The following features within the open space area may count as open space: areas for temporary kiosks and pavilions, public art, water features, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to the open space and are available for public use, and any similar features approved by the Director. Seating or tables, or both, may be provided and reserved for customers of restaurants or other uses abutting the open space, however, the area reserved for customer seating shall not exceed 15 percent of the open space area or 500 square feet, whichever is less.

8. Public art shall be included in the public open space. The artwork may include but need not be limited to water features, or two or three-dimensional works in all media. The

artwork shall be clearly visible to people using the open space, and, wherever possible, should be visible from the abutting streets. The property owner is responsible for maintaining all art features for the life of the buildings on the lot.

F. Transportation Management Program (TMP). The Master Use Permit application shall include a TMP for non-residential development consistent with requirements for TMPs in the applicable Director's Rule. The TMP shall be approved by the Director only if, after consulting with the Director of Transportation, the Director determines that no more than 40 percent of trips to and from the project will be made using single-occupant vehicles (SOVs).

1. For purposes of measuring attainment of SOV goals contained in the TMP, the number of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator).

2. Compliance with this Section 23.48.230 does not affect the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

23.48.232 Lot area limits in SM-SLU/R 55/85

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

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

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

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

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

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

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

1. The proposal is comprised of two or more lots within the same SM/R zone; and

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

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

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

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

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

c. On the lot(s) accommodating the required amount of residential use, as specified in subsection 23.48.232.F.2, a minimum of 10 percent of all new housing units in the proposal are provided as affordable housing as defined in Chapter 23.58A, and shall be maintained as affordable housing for a period of at least 20 years, or a minimum of 10 percent of all new housing units in the proposal are provided as townhouses.

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

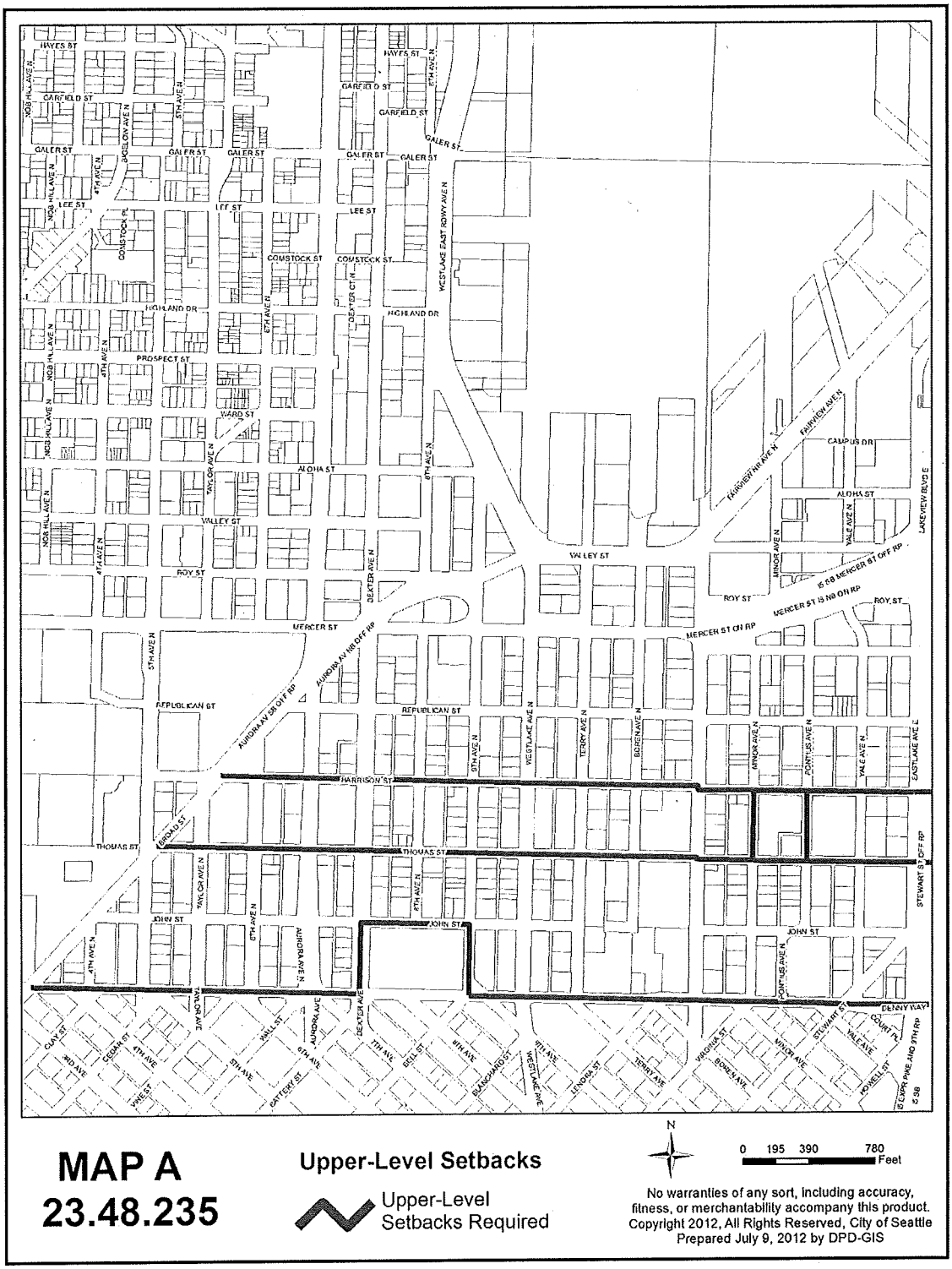
A. The following requirements for upper-level setbacks in this subsection 23.48.235.A apply to structures on lots abutting a street shown on Map A for 23.48.235, except for those structures with non-residential uses above 85 feet in height or residential uses above the base height limit for residential use, which are subject to the upper-level setback requirements of subsection 23.48.245.C.

1. For all zones except the SM-SLU 240/125-400 zone, any portion of a structure greater than 45 feet in height is required to set back from a lot line abutting a street shown on Map A for 23.48.235. In the SM-SLU 240/125-400 zone, portions of a structure greater than 75 feet in height are required to set back from a lot line abutting a street shown on Map A for 23.48.235.

2. A setback of 1 foot for every 2 additional feet of height is required for any portion of a structure exceeding the maximum height permitted without a setback according to subsection 23.48.235.A.1, up to a maximum setback of 15 feet measured from the street lot line, as shown in Exhibit A for 23.48.235.

Map A for 23.48.235

Upper-Level Setbacks



B. Upper-level setbacks in the SM-SLU 85/65-160 zone. The following requirements for upper-level setbacks in this subsection 23.48.235.B apply to all development in the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North as shown in Exhibit B for 23.48.012:

1. Portions of a structure above 45 feet in height shall set back a minimum of 15 feet from street lot lines abutting Valley Street, Westlake Avenue North, Terry Avenue North, Boren Avenue North, and Fairview Avenue North as shown in Exhibit B for 23.48.235.

2. In addition to the upper-level setbacks specified in subsection 23.48.235.B.1, additional upper-level setbacks are required for tower structures that include residential use above the base height limit for residential use, or hotel use above a height of 85 feet, according to the provisions of subsection 23.48.245.C.3.

Exhibit A for 23.48.235

Stepped Upper-Level Setbacks

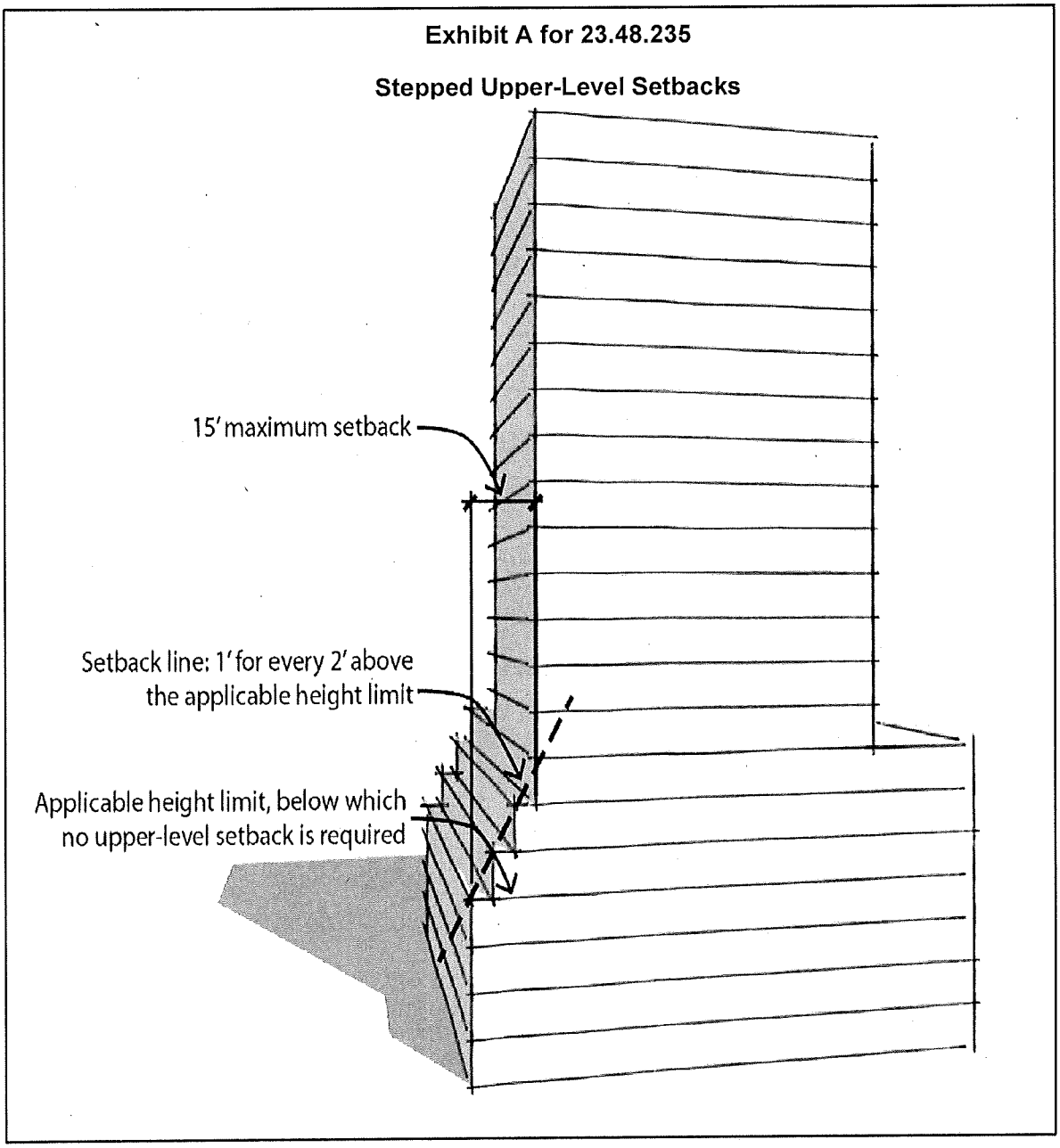
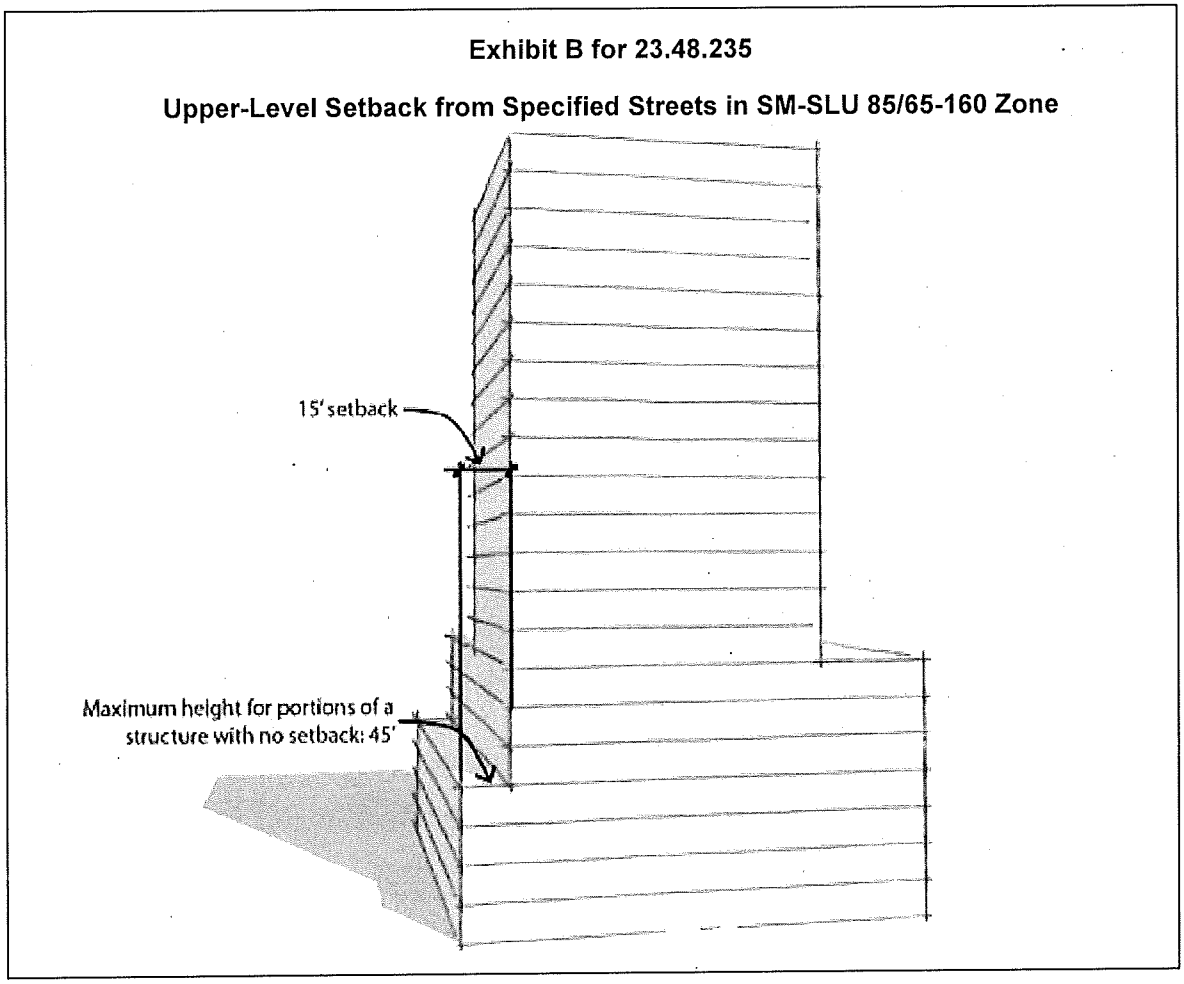


Exhibit B for 23.48.235

Upper-Level Setback from Specified Streets in SM-SLU 85/65-160 Zone

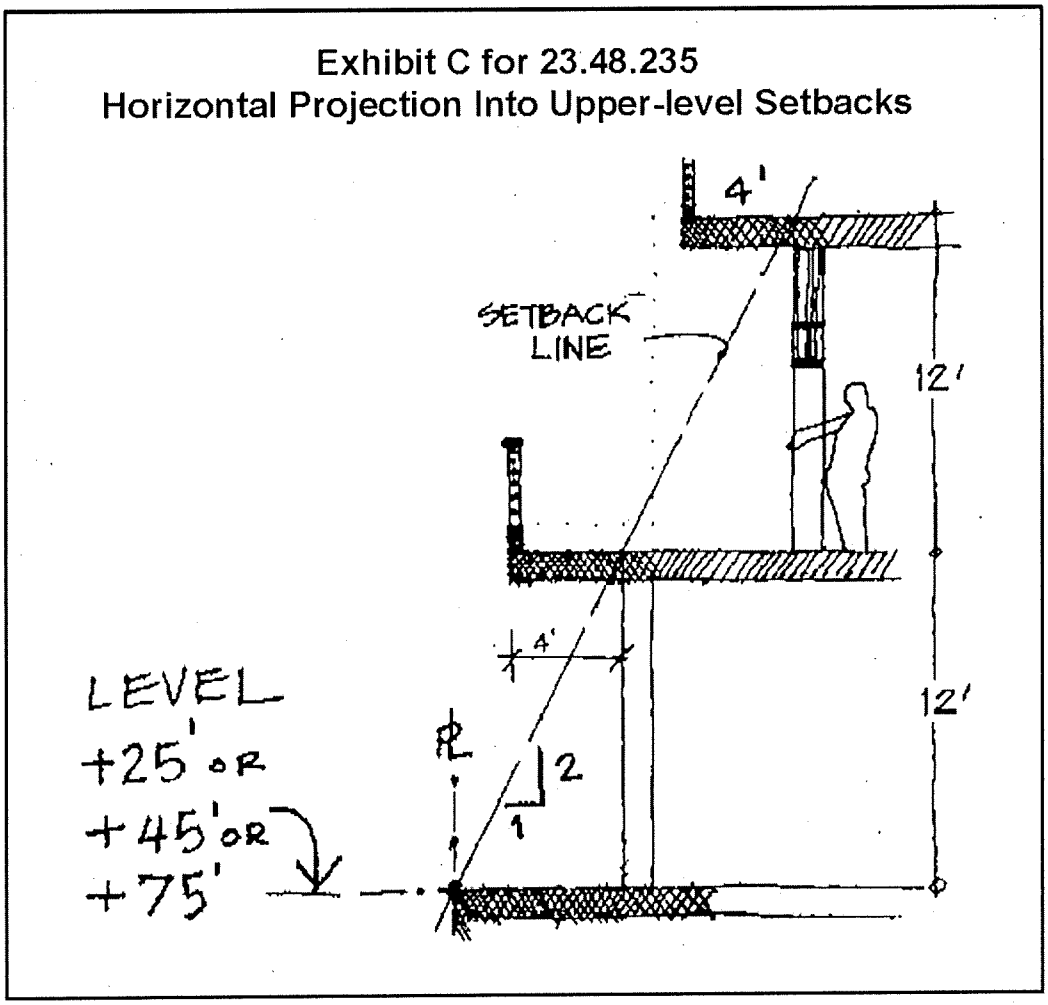


C. Upper-level setbacks on alleys in the SM-SLU/R 55/85 zone. For lots abutting an alley in the SM-SLU/R 55/85 zone, portions of a structure greater than 25 feet in height shall set back a minimum of 1 foot from the alley lot line for every 2 feet of additional height above 25 feet, up to a maximum setback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

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

Exhibit C for 23.48.235

Horizontal Projection into Upper-level Setbacks



23.48.240 Street-level development standards in South Lake Union Urban Center

A. Street-level development standards in Section 23.48.040 apply to all streets in SM-SLU zones designated as Class 1 Pedestrian Streets, Class 2 Pedestrian Streets, or Neighborhood Green Streets as shown on Map A for 23.48.240.

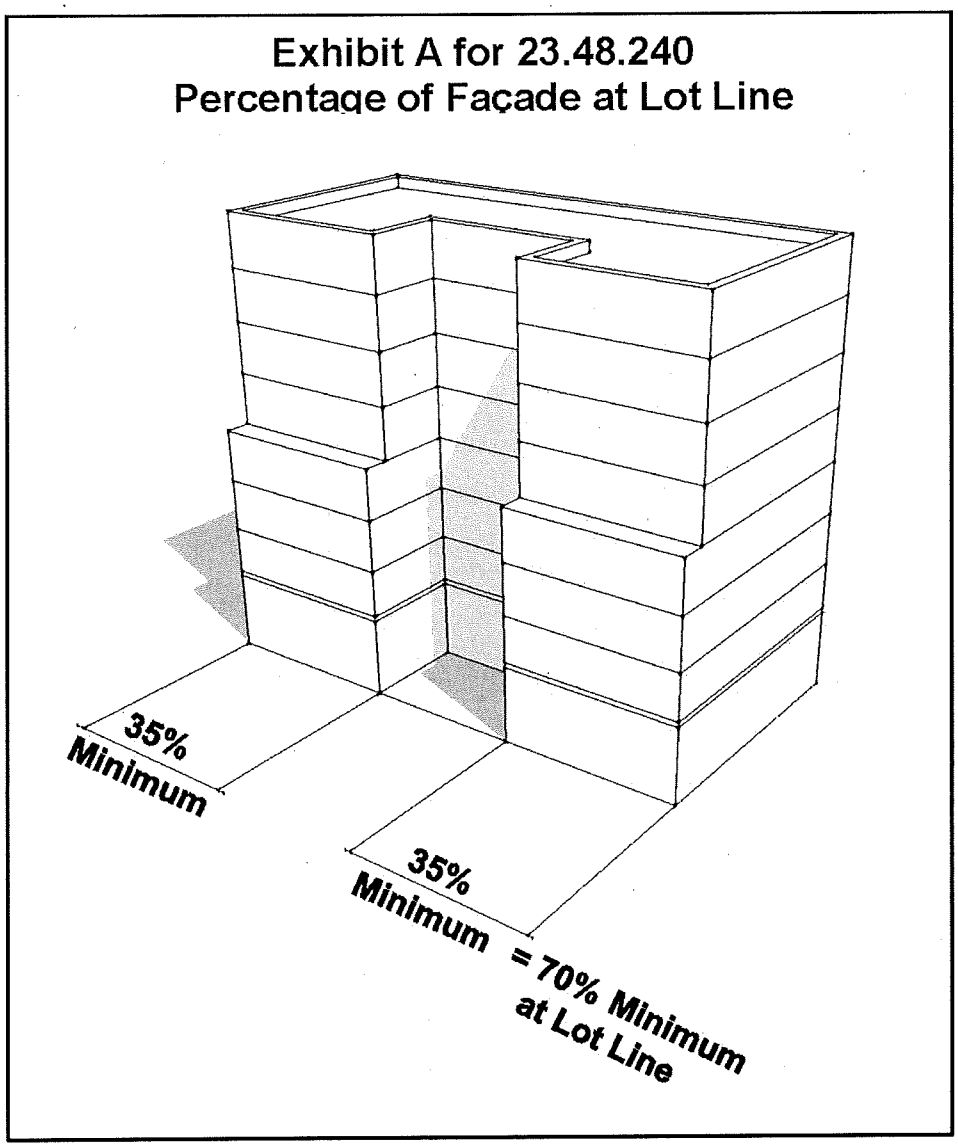
B. General facade requirements

1. Permitted setbacks from street lot lines. Except on lots subject to the provisions of subsection 23.48.240.C, the street-facing facades of a structure are permitted to set back from the street lot line as follows:

a. The street-facing facades of structures abutting Class 1 Pedestrian Streets, as shown on Map A for 23.48.240, shall be built to the street lot line for a minimum of 70 percent of the facade length, provided that the street frontage of any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.48.240.E, 23.48.240.F, or 23.48.245.B.4.c is excluded from the total amount of frontage required to be built to the street lot line (Exhibit A for 23.48.240).

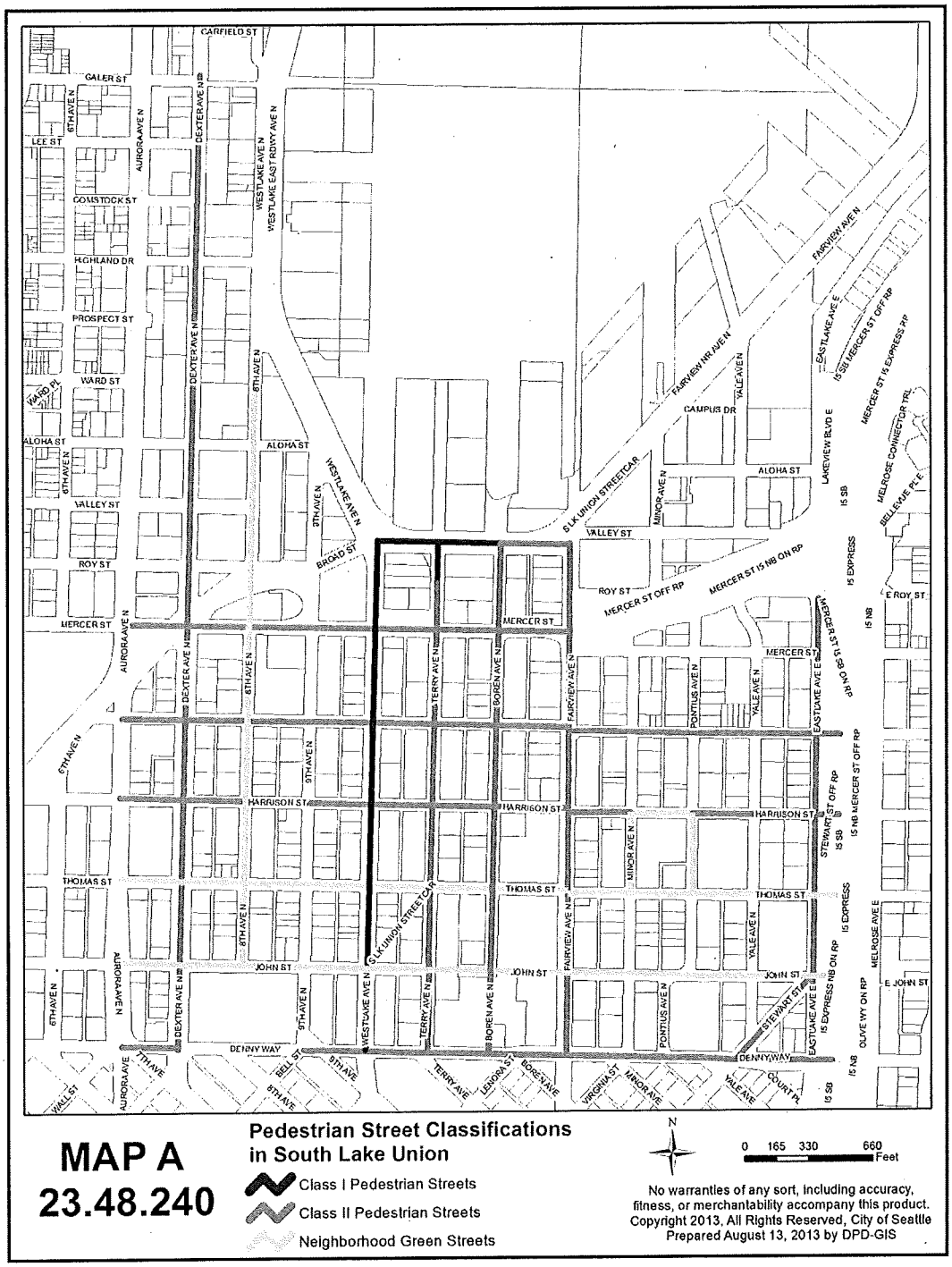
Exhibit A 23.48.240

Percentage of Facade at Lot Line



Map A for 23.48.240

Pedestrian Street Classifications in South Lake Union



b. Except on Class 1 Pedestrian Streets, as shown on Map A for 23.48.240, and as specified in subsection 23.48.240.B.1, the street-facing facade of a structure may be set back up to 12 feet from the street lot line subject to the following (Exhibit B for 23.48.240):

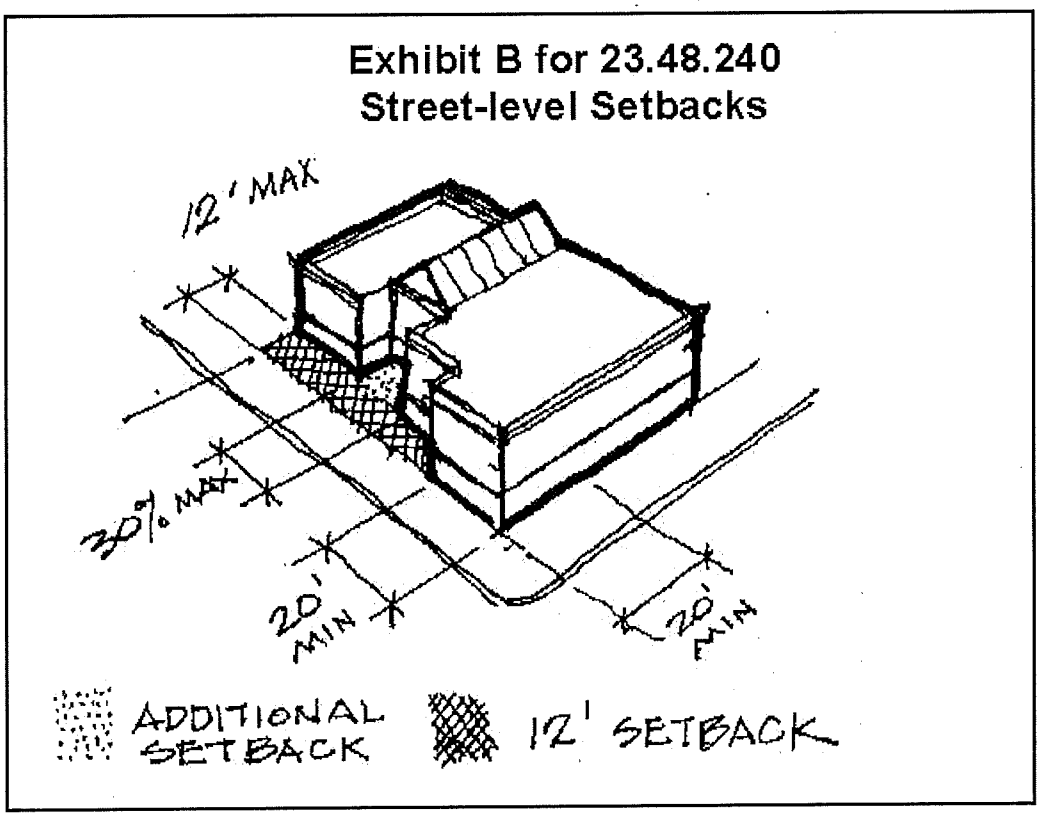
1) The setback area shall be landscaped according to the provisions of subsection 23.48.055.B.2;

2) Additional setbacks are permitted for up to 30 percent of the length of portions of the street-facing facade that are set back from the street lot line, provided that the additional setback is located 20 feet or more from any street corner; and

3) Any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.48.240.E, 23.48.240.F, or 23.48.245.B.4.c is not considered part of the setback area and may extend beyond the limit on setbacks from the street lot line that would otherwise apply under subsections 23.48.240.B.1.b .1or 23.48.240.B.1.b.2.

Exhibit B for 23.48.240

Street-Level Setbacks



C. Facade requirements in the SM-SLU 85-240 zone. In addition to the provisions of subsection 23.48.040.A, except for religious facilities, the following standards apply in the SM-SLU 85-240 zone:

1. Required street-facing facade setback for residential uses

a. All street-facing facades along 8th Avenue North, except those portions occupied by permitted non-residential uses and subject to the provisions of subsection 23.48.240.C.2, are required to set back an average of 10 feet from the street lot line, provided

that no setback shall be less than 5 feet from the street lot line, and any setback area further than 15 feet from the street lot line shall not be included in the averaging calculation.

b. The setback requirement of this subsection 23.48.240.C.1 does not apply to the following:

1) Portions of the street-facing facade that are located no more than 40 feet from a street corner; and

2) Portions of the structure that are partially below grade and meet the following conditions:

a) The roof of the partially below-grade portion of the structure in the setback area is no more than 4 feet above existing or finished grade, whichever is lower;

b) The surface of the roof is used for private access or amenity area for abutting units; and

c) A landscaped area a minimum of 2 feet in depth measured from the abutting street lot line is maintained at grade level.

c. Only ground-related residential units and floor area for building lobbies for residential uses are permitted within the portion of the story of the structure abutting the required setback area, and each unit or lobby area is required to have direct access to the required setback area.

d. The street-level facade of lobby area abutting the required setback shall not exceed a width equivalent to 20 percent of the total width of the required setback measured along 8th Avenue North.

e. Private amenity area, unenclosed stoops, steps, or porches related to the abutting, ground-related residential units or common amenity area with access to residential lobbies shall be provided within the required setback area.

f. Bay windows, canopies, horizontal projection of decks, balconies with open railings, eaves, cornices, gutters, and other similar architectural features are permitted to extend no more than 4 feet into required setbacks.

g. Driveways providing access to parking within a structure are not permitted within the required setback area.

2. Development standards for non-residential uses other than improvements to or development of new religious facilities. Non-residential uses are permitted on the ground floor of mixed-use structures, subject to the following:

a. Non-residential uses are not permitted to extend more than 20 feet above the street-level.

b. Non-residential uses are only permitted on corner portions of the lot that are within 20 lineal feet of intersecting street lot lines.

D. Additional requirements in the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. Street-level facades on that portion of Terry Avenue between Mercer Street and Valley Street shall be set back an average of 10 feet from the lot line. In addition all street-level facades on Valley Street within 50 feet of Terry Avenue shall be set back an average of 50 feet from the lot line. For the purposes of the standards in Chapter 23.48, the Class 1 Pedestrian Street classification on Terry Avenue North as depicted on Map A for 23.48.240, extends 120 feet south of Valley Street.

E. Development standards for required street-level uses. In addition to street-level uses required by subsection 23.48.005.D, and street-level uses exempt from FAR calculations under the provisions of subsection 23.48.220.B.2, structures with a street-facing facade along 8th Avenue N., located on blocks identified pursuant to subsection 23.48.230.B, the minimum street frontage of required street-level uses is 10 percent of that street-facing facade. The remaining street frontage at street level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any outdoor common amenity area required for residential uses or other required open space shall not be counted in street frontage.

F. Required open area in the SM-SLU 85/65-160 zone. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, a minimum of 20 percent of the lot area shall be provided as open area that is located and configured to allow easy pedestrian access to project occupants from streets or other abutting public spaces, including access for persons with disabilities. The open area shall include the following:

1. A minimum of 60 percent of the required open area shall be provided as usable open space that meets the following conditions:

a. The usable open space is open from the ground to the sky and is visible and accessible to pedestrians from an abutting street, including persons with disabilities;

b. The open space is substantially at street level, although portions are permitted to be within 4 feet of street level, provided that grade changes are gradual and do not significantly disrupt the continuity of the space, and no part of the open space is significantly above or below the grade of the nearest abutting street;

c. The open space has a minimum horizontal dimension of 15 feet; and

d. The open space enhances visual and physical pedestrian connections between South Lake Union Park and development on the lot, and is accessible to the public, free of charge, during the hours of operation of South Lake Union Park.

2. At the applicant's option, up to 40 percent of the required open area may be provided as any combination of:

a. A woonerf that serves as a through-block pedestrian passageway and that satisfies the following:

1) The passageway is open to the sky, has a minimum width of 20 feet, and provides a direct and continuous connection between the north/south avenues abutting the lot;

2) The passageway is designed to provide safe pedestrian use, including a clear pathway demarcated as a priority pedestrian zone; and

3) The passageway is adequately lit and available for pedestrian use 24 hours every day.

b. Open areas with a horizontal dimension that is less than 15 feet abutting a street lot line if one or more of the following conditions are met:

1) An area abutting a sidewalk that extends the pedestrian area onto the lot to accommodate additional streetscape amenities, such as landscaping, street furniture, special lighting, public art, or extensions of right-of-way green factor treatments;

2) Setback areas abutting the street with a maximum depth of 10 feet that provide private usable open space, stoops, terraces, and/or landscaping for abutting ground level dwelling units that have direct access to the setback area, provided that the total

amount of such setback areas does not exceed half of the 40 percent portion of the open area allowed by this subsection 23.48.240.F.2; or

3) Additional sidewalk areas created by extending the curbline into the abutting street right-of-way that are improved with such streetscape amenities as landscaping, street furniture, special lighting, public art, or extensions of right-of-way green factor treatments.

c. Usable elevated open space up to a maximum of 45 feet above street level, and that meets the following:

1) At least 50 percent of the perimeter of the elevated open space is not enclosed by a facade and is open and oriented to provide views of South Lake Union Park; and

2) The minimum horizontal dimension of the open space is 15 feet.

d. No more than 50 percent of the open areas allowed pursuant to this subsection 23.48.240.F.2 shall be:

1) Located more than 4 feet above street level; and

2) Comprised of unenclosed covered areas, such as arcades or areas beneath building overhangs or overhead weather protection attached to abutting facades that abut sidewalks or pedestrian paths across the lot, or freestanding pavilions or kiosks that provide overhead weather protection.

3. When authorized by the Director as a Type I decision pursuant to this subsection 23.48.240.F, lots within the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, may be combined, whether contiguous or not, for the purpose of allowing the open area required on a lot by this subsection 23.48.240.F to be met on one or more other lots within the SM-SLU 85/65-

160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, according to the following provisions:

a. The Director shall allow lots to be combined to meet open area requirements if the Director determines that the combined amount of open area on all lots meets or exceeds the minimum amount required by subsection 23.48.240.F.1, and that the added flexibility will achieve better open space conditions, as indicated by the following:

1) The open area in general will provide for a better relationship between the development on the combined lots and South Lake Union Park;

2) The added flexibility will allow for better integration of open space and surrounding development and improve accessibility among the blocks in the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North and adjacent areas;

3) A greater diversity of open space will be achieved for the area;

4) Greater public use of the open space will be encouraged;

5) The flexibility would result in open spaces that are more substantial is size and/or more adaptable to a greater variety of uses, or that establish a more significant neighborhood focal point than would otherwise likely occur; and/or

6) The open space provided will enhance urban form by promoting better massing, more usable open spaces with increased solar access, enhanced views within and through the site, and other improved conditions.

b. Prior to issuance of a Master Use Permit for any development that relies on one or more other lots within the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North to meet the open area

requirements of this subsection 23.48.240.F, the fee owners of both the property subject to the Master Use Permit and the lot(s) utilized to meet open area requirements for the Master Use Permit shall execute an appropriate agreement or instrument that is recorded in the King County real property records that:

1) Includes the legal description of each lot;

2) Acknowledges the specific extent to which the open space standards are met through a combination of the lots;

3) Provides that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by the City of Seattle; and

4) Provides that the agreement or instrument shall be in effect unless the Master Use Permit expires, is cancelled, is withdrawn by the applicant, or the development allowed by the Master Use Permit no longer requires the other lot(s) in order to meet the open area requirements of this subsection 23.48.240.F.

4. Usable open space provided under this subsection 23.48.240.F qualifies as either amenity area for residential uses under Section 23.48.045 or open space required for office use under Section 23.48.250, or both, if the applicable standards of these sections are met.

G. Required usable open space in the SM-SLU 85/65-125, SM-SLU160/85-240 and SM-SLU 240/125-400 zones

1. Except as provided for in subsection 23.48.240.G.3 and 23.48.240.F, in the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU 160/85-240 and SM-SLU 240/125-400 zones, on lots exceeding 30,000 square feet in area, proposed development containing extra floor area as provided for in Sections 23.48.021 and 23.48.221 shall provide usable open space as follows:

a. The minimum amount of required usable open space shall be equal to 15 percent of the lot area and shall generally be accessible at street level, with variations in elevation allowed to accommodate changes in topography;

b. The average horizontal dimension for any area qualifying as required usable open space is 20 feet, and the minimum horizontal dimension is 10 feet, except that there is no minimum horizontal dimension for additional pedestrian area abutting a sidewalk that is provided according to subsection 23.48.240.G.1.f;

c. A minimum of 45 percent of the required usable open space shall be exterior space open to the sky and shall abut a street along at least one street frontage and provide both visual and physical access from the street to pedestrians, including persons with disabilities;

d. Up to a maximum of 20 percent of the required usable open space may be covered overhead to provide weather protected space and a widened sidewalk area, if the following conditions are met:

1) The open space abuts a street lot line and is open and accessible to pedestrians along the sidewalk and,

2) If the space is covered by portions of the structure above, or is provided as an arcade open to the street, the minimum vertical clearance is 20 feet;

e. Up to a maximum of 35 percent of the required usable open space may be provided as enclosed space, such as a public atrium, a shopping atrium, wintergarden, or covered portion of a through-block pedestrian connection, if the enclosed open space meets all of the following requirements:

1) Direct access is provided to pedestrians, including persons with disabilities, from the street, or from an outdoor, usable public open space abutting the street;

2) The space is provided as one continuous area that is a minimum of 2,000 square feet in size. Space, such as lobby area, that is used solely to provide access between the structure's principal street entrance and elevators, does not qualify as required usable open space;

3) The minimum floor-to-ceiling height is 15 feet; and

4) The space is accessible to the public during normal business hours.

f. Up to a maximum of 10 percent of the required usable open space may be provided as an area abutting a sidewalk that extends the pedestrian area onto the lot or accommodates landscaping or extensions of right-of-way green factor treatment pursuant to Section 23.86.019. Minor changes between the sidewalk elevation and the elevation of the abutting sidewalk area are permitted to accommodate changes in topography, or to provide for features such as ramps that improve access for persons with disabilities.

2. Usable open space provided under this subsection 23.48.240.G is eligible to qualify as either amenity area for residential uses under Section 23.48.045 or open space required for office use under Section 23.48.250, or all three, provided the applicable standards of these sections are met.

3. Usable open space satisfying the requirements of this subsection 23.48.240.G may be provided on a site other than the project site, provided that the following conditions are met:

a. The alternate open space site is located within an SM-SLU zone and within 650 feet of the project site;

b. The amount of usable open space is no less than 10 percent of the lot area; and

c. The owner of any lot on which off-site open space is provided records a restrictive covenant in a form acceptable to the Director assuring compliance with requirements of this subsection 23.48.240.G.

H. Through-block pedestrian connections for large lot developments

1. A through-block pedestrian connection meeting the standards of subsection 23.48.240.F.2 is required in the SM-SLU 85/65-125, SM-SLU 85-240, SM-SLU 85/65-160, SM-SLU 160/85-240, and SM-SLU 240/125-400 zones for development described as follows:

a. Within the block defined as the area enclosed by street rights-of-way, the lot area of the development is a minimum of 60,000 square feet, except that the area of lots separated only by an alley right-of-way may be combined for the purposes of calculating the minimum required lot area;

b. The lot area of the development abuts the two north/south avenues for a minimum linear distance of 120 feet along each avenue.

2. The required through-block pedestrian connection shall meet the following development standards:

a. A continuous pedestrian passageway shall extend across the development lot to both abutting avenues. The alignment of the pedestrian connection and the point at which it intersects each avenue shall be no closer than 100 feet to an east-west street

abutting the block, and the connection at the avenues shall be accessible at grade level from the sidewalk.

b. The required pedestrian connection shall have an average width of 25 feet and a minimum width of 15 feet. Any segment of the pedestrian passage that is covered from side to side shall have a minimum width of 20 feet.

c. The pedestrian passage shall be open to the sky, except that up to 35 percent of the length of the passageway may be covered and enclosed, provided the minimum height of covered portions is 13 feet. Unenclosed area of the pedestrian connection may be counted as required open space; and

d. If the pedestrian passage crosses an alley, the alley right-of-way shall be improved to ensure pedestrian safety and to reinforce the relationship between portions of the passageway on either side of the alley.

3. The Director may allow modifications or waiver from the standards for though-block pedestrian connections as a Type I decision, if the applicant demonstrates that alternative treatments will better serve the development by enhancing pedestrian comfort and promoting greater use of the connection.

4. For development providing a through-block pedestrian connection on blocks with an alley, the allowed FAR from any lot included in the development may be transferred to any other lot of the development across the alley, provided the receiving site is in a SM-SLU zone.

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

Lots in the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones are subject to upper-level development standards that may

include upper-level floor area limits, gross floor area limits and podium heights, upper-level setbacks, facade modulation, maximum facade widths, a limit on the number of towers per block, and tower separation requirements, as specified in this Section 23.48.245. For the purpose of this Section 23.48.245, a tower is a structure that exceeds a height of 65 feet for the SM-SLU 85/65-125 and SM-SLU 85/65-160 zones, 85 feet for the SM-SLU 160/85-240 and SM-SLU 85-240 zones, or 125 feet for the SM-SLU 240/125-400 zone.

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

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

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

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

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

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

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

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

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

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

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

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

2) The lot includes an existing open space or a qualifying Landmark structure and is permitted an additional increment of FAR above the base FAR, as permitted in subsection 23.48.020.A.3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Map A for 23.48.245

Podium Heights

C. Upper-level setbacks

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

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

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

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

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

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

Table A for 23.48.245 Required Upper-level Setbacks for Development Meeting the Conditions of Subsection 23.48.245.C		
Column 1: Location of lot	Column 2: Height above which setback is required	Column 3: Minimum depth of setback from applicable street property line
Thomas Street, south side, between Aurora Ave N to 8th Ave N	45 feet	50 feet
Thomas Street, south side, between 8th Ave N and 9th Ave N	45 feet	40 feet
Thomas Street, south side, between 9th Ave N and alley between Fairview Ave N and Minor Ave N	45 feet	30 feet
John Street, north side, between Aurora Ave N and 9th Ave N	45 feet	30 feet
John Street, north side, between 9th Ave N and Boren Ave N	45 feet	15 feet
John Street, south side, between Aurora Ave N and Minor Ave N	45 feet	30 feet
Boren Ave N, both sides, between Mercer Street and John Street	65 feet [1]	10 feet [1]
Fairview Ave N, west side, between Mercer Street and John Street	65 feet	10 feet
Fairview Ave N, east side, between Mercer Street to John Street	65 feet	10 feet
Footnotes to Table A for 23.48.245: [1] On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.		

3. Upper-level setbacks for residential tower development in the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. For tower structures that include residential use above the base height

limit for residential use, or hotel use above a height of 85 feet, upper-level setbacks, in addition to those specified in subsection 23.48.235.B.1, are required as follows:

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

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

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

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

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

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

D. Facade modulation. For all structures with non-residential uses exceeding 85 feet in height, facade modulation is required for the street-facing portions of a structure located within

15 feet of a street lot line and exceeding the podium height specified for the lot on Map A for 23.48.245. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

1. The maximum length of a facade without modulation is prescribed in Table B for 23.48.245. This maximum length shall be measured parallel to each street lot line, and shall apply to any portion of a facade, including projections such as balconies, that is located within 15 feet of street lot lines.

Table B for 23.48.245
Facade Modulation

Height of street-facing portion of structure	**Maximum length of unmodulated facade within 15 feet of street lot line**
For stories above the podium height specified on Map A for 23.48.245 up to 125 feet	150 feet
For stories above 125 feet	120 feet

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

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

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

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

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

F. Limit on tower structures per block

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

2. For purposes of this subsection 23.48.245.F an existing tower is either:

a. A tower that is physically present, except as provided below in subsection 23.48.245.F.2.b; or

b. A proposed tower for which a Master Use Permit decision has been issued, unless and until either:

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

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

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

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

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

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

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

c. A minimum of 15 percent of the lot area is provided as landscaped open space at ground level, allowing for some area to be provided above grade to adapt to topographic conditions, provided that such open space is accessible to people with disabilities. The required

open space shall have a minimum horizontal dimension of 15 feet and shall be provided as one continuous area.

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

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

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

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

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

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

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

4) Bike share stations.

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

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

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

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

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

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

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

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

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

1. A separation of 60 feet is required between all portions of residential structures above the podium height limit for residential structures that exceed the base height limit for residential use, except as provided by subsection 23.48.245.F.2.

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

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

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

A. Finding. The City Council finds that:

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

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

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

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

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

projects involving less than 85,000 square feet of new office space should be exempt from any open space requirement.

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

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

2. The project includes 85,000 or more square feet of gross office floor area.

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

1. On-site open space

a. Open space on site or on an adjacent lot directly accessible from the project site shall satisfy the requirement of this Section 23.48.250 if it meets the standards of subsection 23.48.240.F or subsection 23.48.240.G and the open space is accessible to all occupants of the building.

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

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

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

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

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

2. Off-site public open space

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

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

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

4. Open space provided under this Section 23.48.250 shall qualify as the open space required under subsections 23.48.240.F and 23.48.240.G, and this Section 23.48.250 if within one-quarter mile of the sending site.

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

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

23.48.255 Screening and landscaping standards in South Lake Union Urban Center

A. Landscaping requirements

1. Landscaping required by this Section 23.48.255 to achieve the Green Factor score of .30 may be met on one or more other lots within the SM-SLU 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, or their adjacent rights-of-way when a Green Factor score of .50 or greater is achieved and when, prior to issuance of a Master Use Permit for any development that relies on one or more other lots within the SM-SLU 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, or their adjacent rights-of-way to meet the landscaping requirement of this Section 23.48.255, the fee owner of the lot(s) used to meet landscaping requirements shall execute a restrictive covenant that is recorded in the King County real property records that;

a. restricts the use of that portion of the off-site property that is to meet the landscaping requirement of this Section 23.48.255;

b. includes the legal descriptions of the lot burdened by the covenant;

c. acknowledges the specific extent to which the Green Factor standards are met through a combination of the lots; and

d. provides that the covenant shall be in effect until the Master Use Permit terminates or the development allowed by the Master Use Permit no longer requires the off-site landscaping.

B.. Parking in structures. Except as provided for by subsection 23.48.085.B, parking located at or above street level in a garage shall be screened on Class 1 and 2 Pedestrian Streets, shown on Map A for 23.48.240, parking is not permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

23.48.280 Required parking in South Lake Union Urban Center

A. Off-street parking spaces and bicycle parking are required according to Section 23.54.015, Required parking.

B. Maximum parking limit for non-residential uses

1. Except as provided in subsections 23.48.280.B.2 and 23.48.280.B.3, parking for non-residential uses is limited to one parking space per every 1,000 square feet of gross floor area in non-residential use.

2. If, on or before September 1, 2012, a lot is providing legal off-site parking for another lot, by means such as a recorded parking easement or off-site accessory parking covenant on the subject lot, then the number of such off-site parking spaces is allowed on the off-site lot in addition to one space per 1,000 square feet for non-residential uses on the subject lot.

3. A lot in the SM-SLU 85/65-160 zone may exceed the maximum parking limit in subsection 23.48.280.B without approval of a special exception pursuant to subsection 23.48.280.B.2 when, prior to issuance of a Master Use Permit for the lot that exceeds the maximum parking limit, the fee owners of both the property subject to the Master Use Permit for the lot that exceeds the maximum parking limit and the fee owners of the property subject to the Master Use Permit execute a restrictive covenant that is recorded in the King County real property records that limits the amount of parking that can be provided on other lot(s), such that the total quantity of parking provided as part of the Master Use Permit together with the parking to be provided on the other lot(s) subject to the restrictive covenant does not exceed the maximum parking limit in subsection 23.48.280.B.

C. Parking at street level within structures. Parking is permitted in a story that is partially above street level and partially below street level in a structure permitted in a setback area under the provisions of subsection 23.48.240.C.2.b.

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

A. Parking location within structures

1. Parking above the street level of a structure. The following provisions apply to development in the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU 160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones within the South Lake Union Urban Center:

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

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

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

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

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

B. In the SM-SLU 85/65-125, SM-SLU 85/65-160, SM-SLU 160/85-240, SM-SLU 85-240, and SM-SLU 240/125-400 zones in the South Lake Union Urban Center, accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.

Subchapter III Dravus

23.48.300 Applicability in Dravus

The provisions in Sections 23.48.320 through 23.48.325 of the Seattle Mixed-Dravus (SM-D) zone are in addition to and supplement the provisions of Sections 23.48.005 through 23.48.095. In cases of conflicts between Sections 23.48.005 through 23.48.095 and 23.48.320 through 23.48.325, the provisions in the SM-D zone apply.

23.48.320 Floor area ratio (FAR) in Dravus

Uses in SM-D 40-85 are not subject to an FAR limit.

23.48.325 Structure height in Dravus

Height limits in the SM-D 40-85 zone

A. Base height limit. Structures in the SM-D 40-85 zone are subject to a height limit of 40 feet, except as otherwise provided in Chapter 23.58A.

B. Additional height for structures with only residential uses above 40 feet. A structure in the SM-D 40-85 zone that has only residential uses above a height of 40 feet is subject to a maximum height limit of 85 feet, if the following conditions are met:

1. The applicant satisfies the conditions for bonus development under Section 23.48.021.

2. The portion of any structure above 45 feet in height shall be set back at least 50 feet from W. Dravus Street, except that the first 4 feet of the horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters is permitted in the required setback, and the exceptions for pitched roofs and rooftop features of subsection 23.48.025.B are allowed above the 45 foot height limit in the required setback.

C. Exceptions for pitched roofs and rooftop features. Additional height above the applicable limit pursuant to subsections 23.48.325.A, 23.48.325.B, or 23.48.325.B.2, is allowed for pitched roofs and certain rooftop features, as set forth in subsections 23.48.025.B and 23.48.025.C.

Subchapter IV North Rainier

23.48.400 Applicability in North Rainier

The provisions in Sections 23.48.420 through 23.48.435 of the Seattle Mixed-North Rainier (SM-NR) zone are in addition to and supplement the provisions of Sections 23.48.005 through 23.48.095. In cases of conflicts between these Sections 23.48.005 through 23.48.095 and Sections 23.48.420 through 23.48.435, the provisions in the SM-NR zone apply.

23.48.420 Floor area ratio (FAR) in North Rainier

Table A for 23.48.420 FAR Limits in North Rainier		
Zone	**FAR limits for non-residential uses**	
	Base FAR	**Maximum FAR**
SM-NR 65	3.5	5
SM-NR 55/75	2.0 [1]	No limit
SM-NR 85	4.5 [2]	6
SM-NR 125	5	8

Footnotes to Table A for 23.48.020
[1] Floor area that exceeds an FAR of 2.0 must be obtained by providing public benefits through the incentive zoning program as per Chapter 23.58A.
[2] In the SM-NR 85 zone residential use is not subject to the base FAR limit.

Within zones that have an incentive zoning suffix, the number in the suffix within parentheses is the base FAR.

23.48.421 Extra Floor area ratio (FAR) in North Rainier

Calculation outside of an adopted Local Infrastructure Project Area

A. Means to achieve extra residential floor area. If the maximum height for residential use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

1. achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

2. achieve 40 percent of the extra residential floor area by using open space amenities pursuant to Section 23.58A.040.

B. Means to achieve extra non-residential floor area. If the maximum height limit for non-residential use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

1. achieve 75 percent of the extra non-residential floor area on the lot by using bonus non-residential floor area for affordable housing pursuant to Section 23.58A.024; and

2. achieve 25 percent of the extra non-residential floor area by using open space amenities pursuant to Section 23.58A.040.

23.48.425 Structure height in North Rainier

In zones listed below in this Section 23.48.425, the applicable height limit for portions of a structure that contain non-residential and live-work uses is shown as the first figure after the zone designation and the height limit for portions of a structure in residential use is shown as the first figure following the "/". Within zones that have an incentive zoning suffix, the number in the suffix shall be the base FAR.

SM-NR 55/75 (2.0)

23.48.435 Upper-level setback requirements in North Rainier

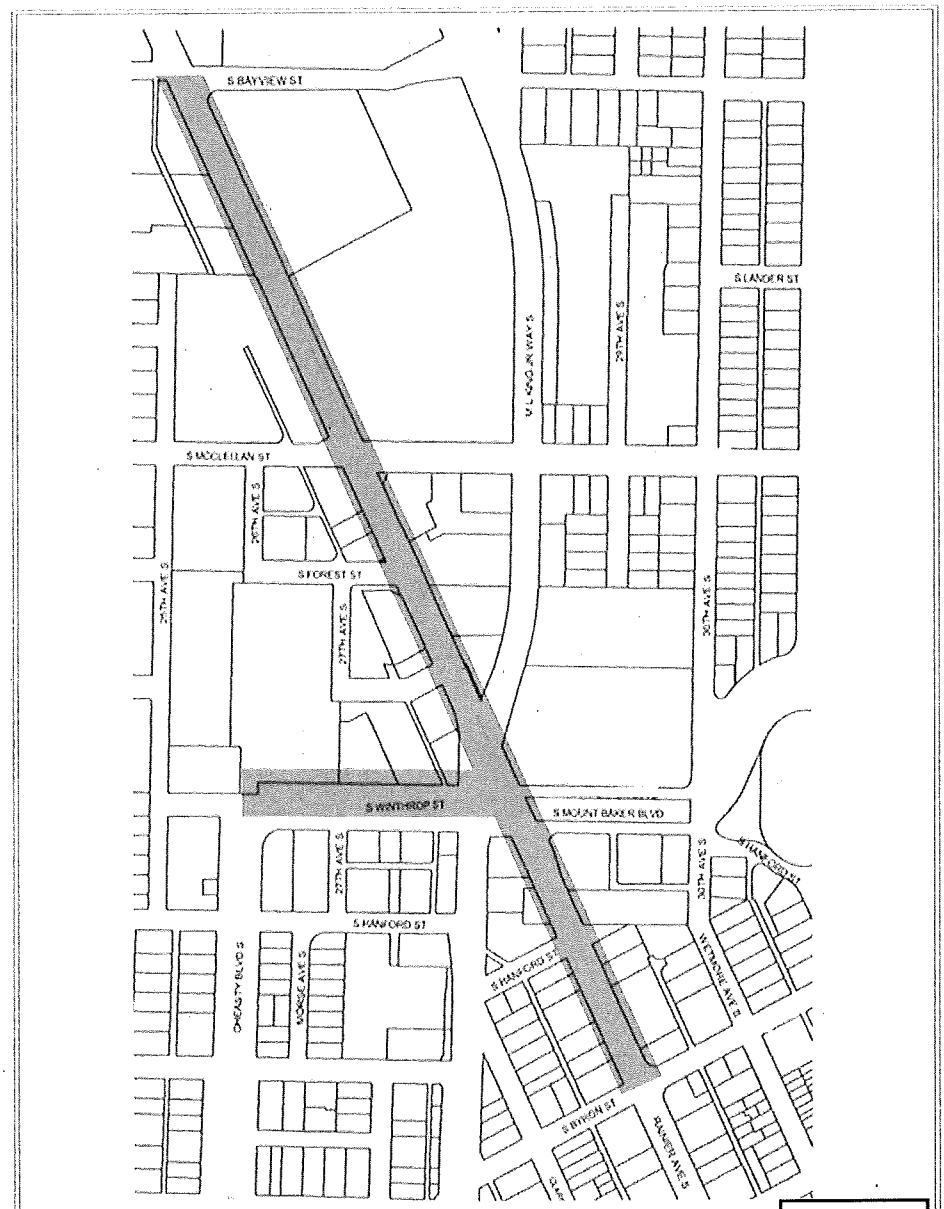
The following requirements for upper-level setbacks in this subsection 23.48.435 apply to structures on lots abutting a street shown on Map A for 23.48.435:

A. Any portion of a structure greater than 45 feet in height is required to set back from a lot line abutting a street shown on Map A for 23.48.435.

B. A setback of 1 foot for every 2 additional feet of height is required for any portion of a structure exceeding the maximum height permitted without a setback according to subsection 23.48.435.A, up to a maximum setback of 15 feet measured from the street lot line.

Map A for 23.48.435

Upper-Level Setbacks in North Rainier

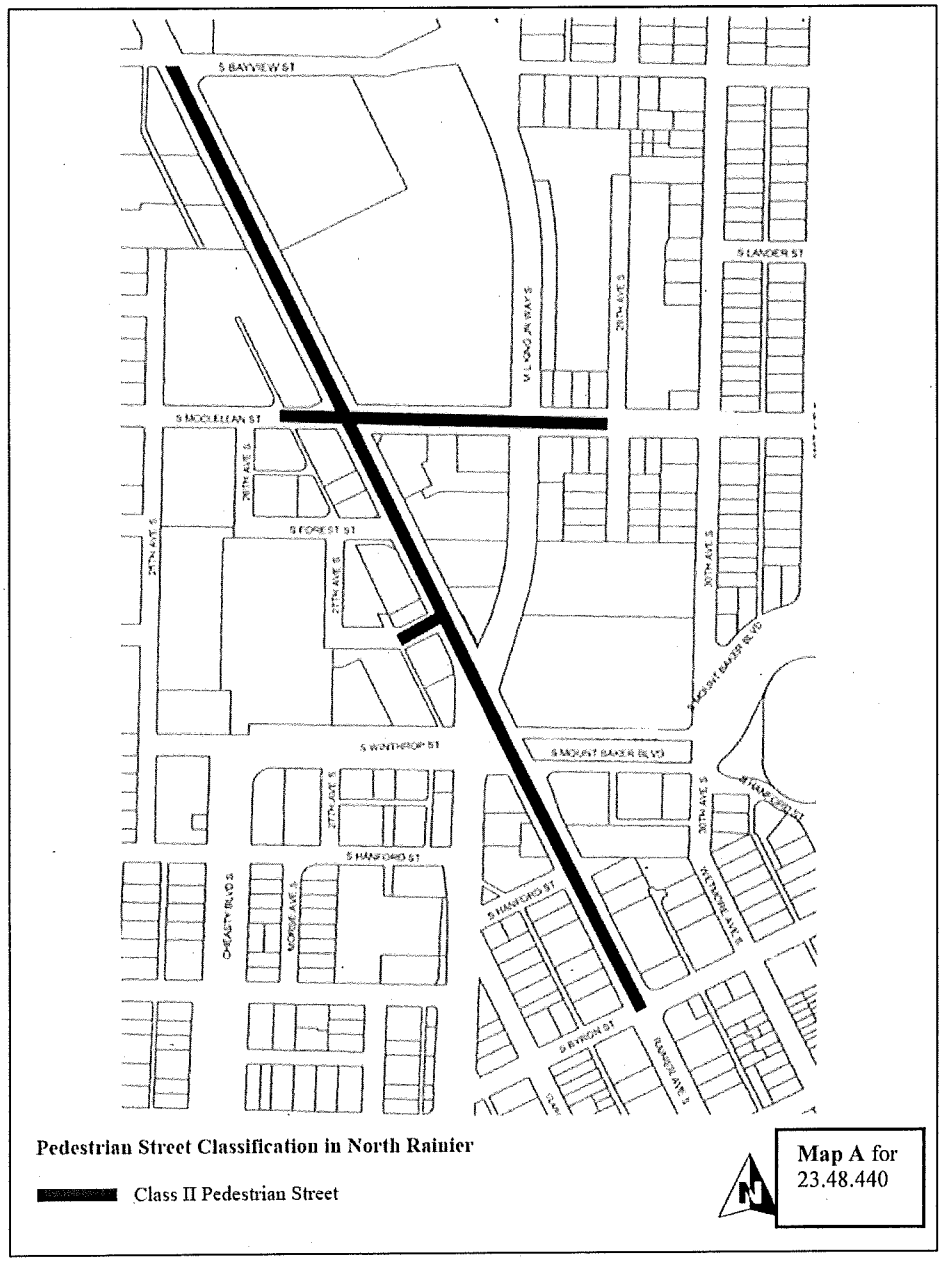


23.48.440 Street-level development standards in North Rainier

Lots abutting Class 2 Pedestrian Streets shown on Map A for 23.48.440 are subject to development standards in Section 23.48.040.

Map A for 23.48.440

Pedestrian Street Classifications in North Rainier



Section 14. Subsection A of Section 23.49.011, which section was last amended by Ordinance 124680, is amended as follows:

23.49.011 Floor area ratio

A. General standards

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

Table A for 23.49.011
Base and Maximum Floor Area Ratios (FARs)

Zone Designation	Base FAR	Maximum FAR
Downtown Office Core 1 (DOC1)	6	20
Downtown Office Core 2 (DOC2)	5	14
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in DMC 65 4.5 in DMC 85 5 in DMC 125, DMC 160, DMC 240/290-400, and DMC 340/290-400 3 in DMC 85/65-150	4 in DMC 65 4.5 in DMC 85 5 in DMC 160, except 8 for hotels 7 in DMC 125 and DMC 240/290-400 10 in DMC 340/290-400 5 in DMC 85/65-150
Downtown Mixed Residential/Residential (DMR/R)	1 in DMR/R 85/65 1 in DMR/R 125/65 1 in DMR/R 240/65	1 in DMR/R 85/65 2 in DMR/R 125/65 2 in DMR/R 240/65
Downtown Mixed Residential/Commercial (DMR/C)	1 in DMR/C 85/65 1 in DMR/C 125/65 2 in DMR/C 240/125 2.5 in DMR/C 65/65-85 2.5 in DMR/C 65/65-150	4 in DMR/C 85/65 4 in DMR/C 125/65 5 in DMR/C 240/125 4 in DMR/C 65/65-85 4 in DMR/C 65/65-150
Pioneer Square Mixed (PSM)	((~~N.A.~~)) NA	((~~N.A.~~)) NA
International District Mixed (IDM)	3, except as stated below* 6 for hotels** in IDM 75-85 and IDM 75/85-150	3, except as stated below 6 for hotels** in IDM 75-85 and IDM 75/85-150 6 in IDM 150/85-150
International District Residential (IDR)	1	2 if 50 percent or more of the total gross floor area on the

Table A for 23.49.011 Base and Maximum Floor Area Ratios (FARs)		
Zone Designation	**Base FAR**	**Maximum FAR**
		lot is in residential use
International District Residential/Commercial (IDR/C)	3, except hotels 6 for hotels**	3, except hotels 6 for hotels**
Downtown Harborfront 1 (DH1)	((~~N.A.~~)) NA	((~~N.A.~~)) NA
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7
Footnotes to Table A for 23.49.011 ((~~N.A.~~)) NA = Not Applicable. * In the IDM 150/85-150 zone, hotel uses are subject to the base FAR of 3 FAR. ** Hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR.		

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

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

Table B for 23.49.011	
Zone	**First increment of ((~~Far Above~~)) FAR above the base FAR achieved acquisition of regional development credits**
All DOC1 zones	1.0
All DOC2 zones	0.75
DMC 340/290-400	0.50
DMC 125, DMC 160, DMC 240/290-400	0.25

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

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

d. Except as otherwise provided in this subsection 23.49.011.A.2.d or subsections 23.49.011.A.2.f or 23.49.011.A.2.h, and except in South Downtown, not less than 5 percent of all floor area above the base FAR to be gained on any lot, excluding any floor area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.j, and 23.49.011.A.2.k, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR are available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities. An

applicant may satisfy the minimum Landmark TDR requirement in this Section 23.49.011 by purchases from private parties, by transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection 23.49.011.A.2.d does not apply to any lot in a DMR zone.

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

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

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

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

1) use any types of TDR eligible under this Chapter 23.49 in any proportions, or

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

3) combine such TDR and bonuses in any proportions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c) the structure was not constructed or substantially structurally modified since July 13, 1982; and

d) the structure is not occupied by parking above the ground floor.

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

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

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

l. Chargeable floor area in excess of the base FAR in the PSM 85-120 zone may be gained only in accordance with Section 23.49.180.

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

1) For a new structure, the applicant makes a commitment, approved by the Director as a Type I decision, that the proposed development will earn a LEED

Silver rating or meet a substantially equivalent standard. If such a commitment is made, Section 23.49.020 applies.

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

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

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

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

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

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

1) the structure was built before 1930;

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

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

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

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

2) the Director, after consulting with the property owner, determines, as a Type I decision, that the property owner has executed a contract(s) with one or more theater groups or performing arts organizations for regularly scheduled use of the Landmark structure for live performances and that the anticipated use of the Landmark theater structure for live theater performances, combined with any other use of the structure, is adequate to contribute sufficiently to the presence of live theater in the Downtown Historic Theatre District established by Resolution 31341 and to support the desired level of activity in the area near the Landmark structure. In making this determination, the Director shall consider the following:

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

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

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

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

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

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

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

4. The Master Use Permit application to establish any bonus development under this subsection 23.49.011.A.4 shall include a calculation of the amount of bonus development sought and shall identify the manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving

any such bonus development, issue a Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with this Section 23.49.011 and any other conditions of the permit, including Design Review if applicable.

Section 15. Subsection C of Section 23.66.140 of the Seattle Municipal Code, which section was last amended by Ordinance 124305, is amended as follows:

23.66.140 Height

C. Rooftop features and additions to structures

1. The height limits established for the rooftop features described in this Section 23.66.140 may be increased by the average height of the existing street parapet or a historically substantiated reconstructed parapet on the building on which the rooftop feature is proposed.

2. For development in the PSM 85-120 zone in the area shown on Map A for 23.49.180 and subject to the provisions of Section 23.49.180, the height limits for rooftop features are provided in subsection 23.49.008.D. The standards contained in subsections 23.66.140.C.1 and 23.66.140.C.4 do not apply to rooftop features on development subject to the provisions of Section 23.49.180.

3. The setbacks required for rooftop features may be modified by the Department of Neighborhoods Director, after a sight line review by the Preservation Board to ensure that the features are minimally visible from public streets and parks within 300 feet of the structure.

4. Height limits for rooftop features

a. Religious symbols for religious institutions, smokestacks and flagpoles may extend up to 50 feet above the roof of the structure or the maximum height limit, whichever

is less, except as regulated in Chapter 23.64 of this Land Use Code, provided that they are a minimum of 10 feet from all lot lines.

b. For existing structures, open railings, planters, clerestories, skylights, play equipment, parapets and firewalls may extend up to 4 feet above the roof of the structure or the maximum height limit, whichever is less. For new structures, such features may extend up to 4 feet above the maximum height limit. No rooftop coverage limits apply to such features regardless of whether the structure is existing or new.

c. Solar collectors, excluding greenhouses, may extend up to 7 feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage, provided they are a minimum of 10 feet from all lot lines. For new structures, solar collectors may extend up to 7 feet above the maximum height limit, except as provided in subsection 23.66.140.C4.j.1, and provided that they are a minimum of 10 feet from all lot lines.

d. The following rooftop features may extend up to 8 feet above the roof or maximum height limit, whichever is less, if they are set back a minimum of 15 feet from the street and 3 feet from an alley. They may extend up to 15 feet above the roof if set back a minimum of 30 feet from the street. A setback may not be required at common wall lines subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The combined coverage of the following listed rooftop features shall not exceed 15 percent of the roof area:

1) Solar collectors, excluding greenhouses;

2) Stair and elevator penthouses;

3) Mechanical equipment;

4) Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.014.

Additional combined coverage of these rooftop features, not to exceed 25 percent of the roof area, may be permitted subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

e. On structures existing prior to June 1, 1989 and on additions to such structures permitted according to subsection 23.66.140.C.4.i or otherwise, new or replacement mechanical equipment and stair and elevator penthouses may extend up to 8 feet above the elevation of the existing roof or addition, as applicable, when they are set back a minimum of 15 feet from the street and 3 feet from an alley; or may extend up to 12 feet above the elevation of the existing roof or addition, as applicable, if they are set back a minimum of 30 feet from the street, subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. On structures where rooftop features are allowed under subsection 23.66.140.C.4.e, the combined coverage of these rooftop features and any other features listed in subsection 23.66.140.C.4.d shall not exceed the limit provided in subsection 23.66.140.C.4.d, as it may be increased pursuant to that subsection.

f. Residential and ((~~Office Penthouses.~~)) office penthouses

1) Residential penthouses may cover a maximum of 50 percent of the total roof surface and may extend up to 8 feet above the roof if set back a minimum of 15 feet from the street property line, or 12 feet above the roof if set back a minimum of 30 feet from the street property line.

2) Office penthouses are permitted only if the footprint of the existing structure is greater than 10,000 square feet and the structure is at least 60 feet in height.

When permitted, office penthouses shall be set back a minimum of 15 feet from all property lines and may cover a maximum of 50 percent of the total roof surface. Office penthouses may extend up to 12 feet above the roof of the structure and shall be functionally integrated into the existing structure.

3) The combined height of the structure and a residential penthouse or office penthouse, if permitted, shall not exceed the maximum height limit for that area of the District in which the structure is located.

g. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The amount of roof top area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection 23.66.140.C.4.d above. In no circumstances shall the height of rooftop screening exceed 15 feet above the maximum height limit or height of an addition permitted according to subsection 23.66.140.C.4.i or otherwise, whichever is higher.

h. See Section 23.57.014 for regulation of communication utilities and accessory devices.

i. For a structure that has existed since before June 10, 1985 and is nonconforming as to structure height, an addition to the structure may extend to the height of the roof of the existing structure if i) the use of the addition above the limit on structure height applicable under Section 23.49.178 is limited to residential use and ii) the addition occupies only all or a portion of the part of a lot that is bounded by an alley on one side and is bounded on at least two sides by walls of the existing structure that are not street-facing façades.

j. Enclosed rooftop recreational spaces for new structures

1) If included on new structures, enclosed rooftop recreational spaces and solar collectors may exceed the maximum height limit by up to 15 feet. The applicant shall: make a commitment to achieve a LEED Gold rating or better or meet a substantially equivalent standard and demonstrate compliance with that commitment according to the provisions of ((~~subsections 23.48.025.A through 23.48.025.D~~)) subsection 23.48.021.D.2 ((~~,~~)) and meet a Green Factor requirement of .30 or greater according to the provisions of Section 23.86.019. Each enclosed rooftop recreational space shall include interpretive signage explaining the sustainable features employed on or in the structure. Commercial, residential, or industrial uses shall not be established within enclosed rooftop recreational spaces that are allowed to exceed the maximum height limit under this subsection 23.66.140.C.4.j.

2) Elevator penthouses serving an enclosed rooftop recreational space may exceed the maximum height limit by up to 20 feet.

3) Enclosed rooftop recreational spaces, mechanical equipment, and elevator and stair penthouses shall not exceed 35 percent of the roof area.

4) Enclosed rooftop recreational spaces, mechanical equipment, and elevator and stair penthouses shall be set back a minimum of 30 feet from all streets and three feet from all alleys. Solar collectors shall be set back as provided in subsections 23.66.140.C.4.c and 23.66.140.C.4.d.

5) Owners of structures with enclosed rooftop recreational spaces permitted pursuant to this subsection 23.66.140.C.4.j shall submit to the Director, the Pioneer Square Preservation Board, and the Director of Neighborhoods a report documenting compliance with the LEED Gold rating commitment and Green Factor requirements set forth above.

Section 16. Section 23.84A.004 of the Seattle Municipal Code, last amended by Ordinance 124475, is amended as follows:

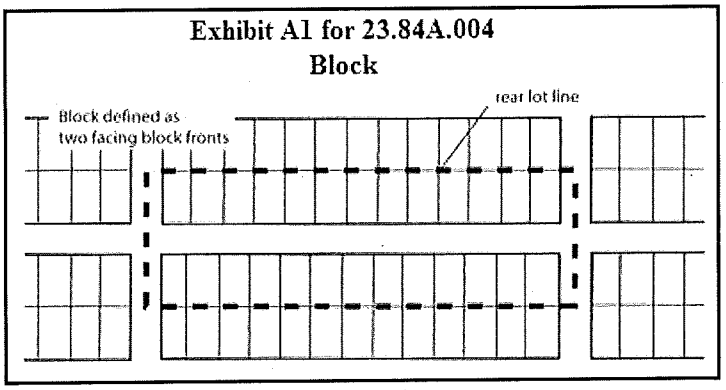
23.84A.004 "B"

* * *

"Block." In areas outside downtown and Seattle Mixed-South Lake Union (SM-SLU) zones, a block consists of two facing block fronts bounded on two sides by alleys or rear lot lines and on two sides by the centerline of platted streets, with no other intersecting streets intervening, as depicted in Exhibit A1 for 23.84A.004.

Exhibit A1 for 23.84A.004

Block



In downtown and Seattle Mixed-South Lake Union (SM-SLU) zones, a block consists of the area bounded by street lot lines, and may or may not be bisected by an alley, as depicted in Exhibit A2 for 23.84A.004.

Exhibit A2 for 23.84A.004

Downtown and Seattle Mixed-South Lake Union (SM-SLU) block

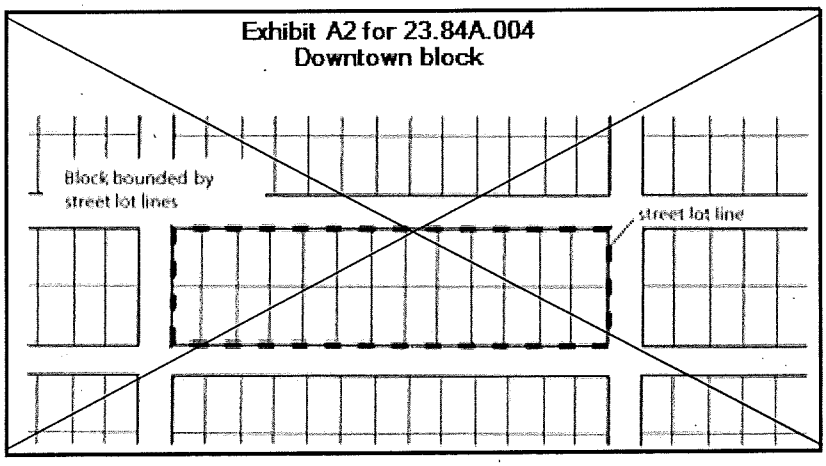


Exhibit A2 for 23.84A.004
Downtown block
Block bounded by street lot lines
street lot line

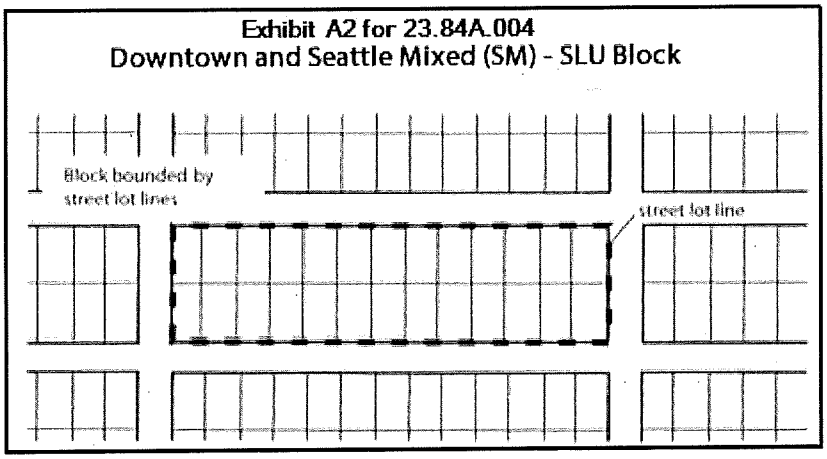


Exhibit A2 for 23.84A.004
Downtown and Seattle Mixed (SM) - SLU Block
Block bounded by street lot lines
street lot line

* * *

Section 17. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 124747, is amended as follows:

23.84A.038 "T"

* * *

((~~"Tower, residential" means the portion of a structure in residential use above the podium height established for structures that exceeds the applicable base height limit for residential uses in a Seattle Mixed (SM) zone.~~))

* * *

Section 18. Section 23.84A.048 of the Seattle Municipal Code, last amended by Ordinance 124513, is amended as follows:

23.84A.048 "Z"

* * *

"Zone, commercial" means a zone with a classification that includes one of the following: NC1, NC2, NC3, C1, C2, ((~~and~~)) SM, SM-SLU, SM-D, and SM-NR, which classification also may include one or more suffixes.

* * *

Section 19. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.86.007 Gross floor area and floor area ratio (FAR) measurement

A. Certain items may be exempted from calculation of gross floor area of a structure. Except as otherwise expressly provided in this Title 23, if gross floor area of underground stories or portions of stories is exempted, the amount of below-grade gross floor area is measured as follows:

1. An underground story is that story or portion of a story for which the ceiling above, or the roof surface if there is no next floor above, is at or below the abutting existing or finished grade, whichever is lower (See Exhibit A for 23.86.007).

2. To determine the amount of gross floor area that is below grade:

a. determine the elevation of the ceiling of the underground story, or the roof surface if there is no next floor above the underground story;

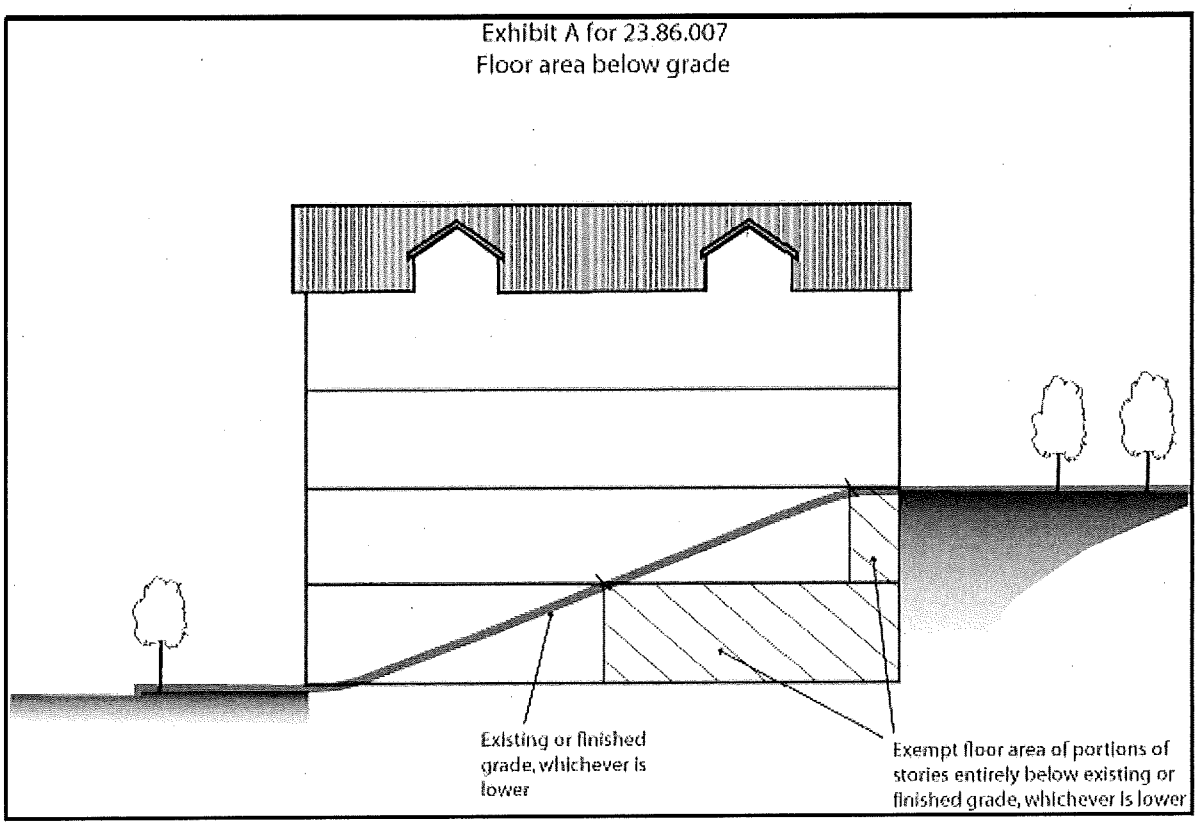
b. determine the points along the exterior wall of the story where the ceiling elevation or roof surface elevation above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

c. draw a straight line across the story connecting the two points on the exterior walls;

d. the gross floor area of an underground story or portion of an underground story is the area that is at or below the straight line drawn in ((~~step~~)) subsection 23.86.007.A.2.c above.

Exhibit A for 23.86.007

Floor area below grade



B. Pursuant to subsection 23.45.510.E, for certain structures in multifamily zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt gross floor area of such partially below-grade stories is measured as follows:

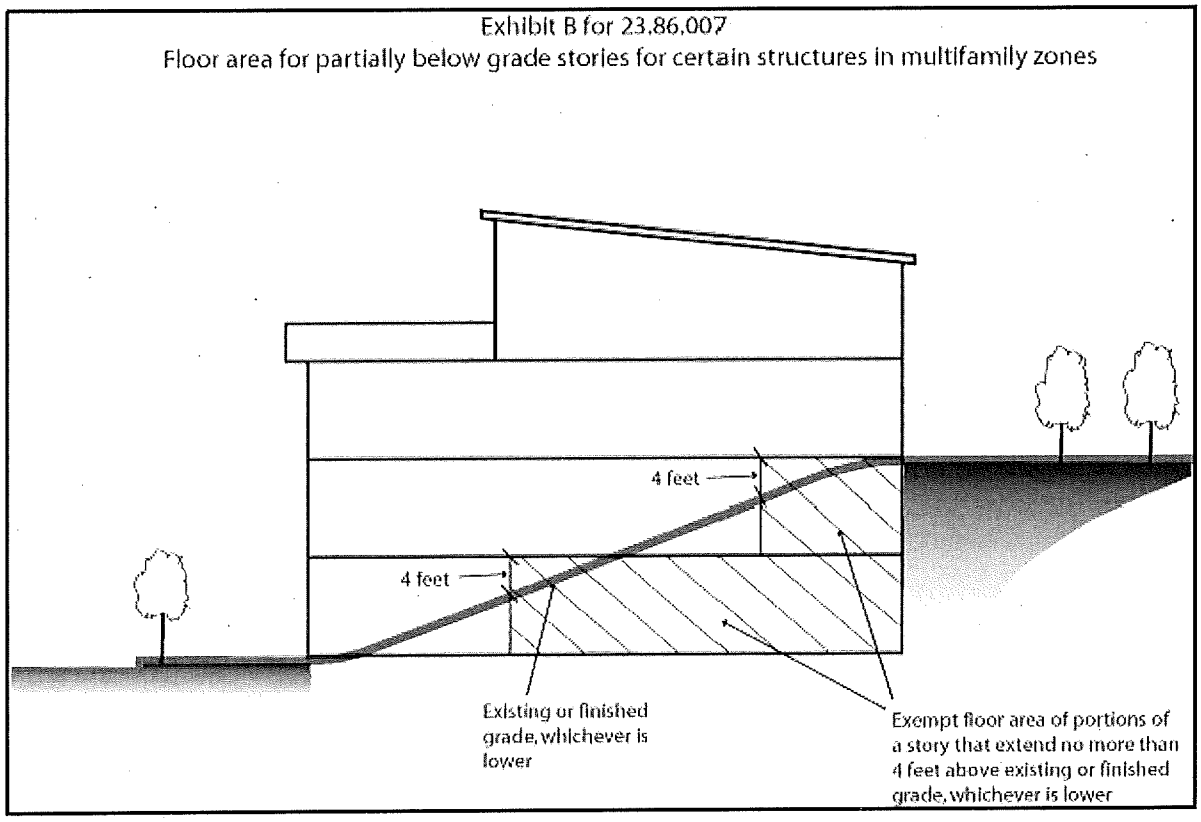
1. determine the elevation 4 feet below the ceiling of the partially below-grade story, or 4 ((~~foot~~)) feet below the roof surface if there is no next floor above the partially below-grade story;

2. determine the points along the exterior wall of the story where the elevation determined in subsection 23.86.007.B.1 above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;

3. draw a straight line across the story connecting the two points on the exterior walls;

4. the gross floor area of the partially below-grade story or portion of a partially below-grade story is the area of the story that is at or below the straight line drawn in subsection 23.86.007.B.3 above, excluding openings required by the Building Code for egress. (See Exhibit B for 23.86.007). **Exhibit B for 23.86.007**

Floor area for partially ((~~blow~~)) <u>below</u> grade stories for certain structures in multifamily zones



C. Public rights-of-way are not considered part of a lot when calculating ((~~floor area ratio;~~)) <u>FAR or gross floor area allowed for residential development not subject to FAR in a</u>

downtown or SM-SLU zone except that, if dedication of right-of-way is required as a condition of a proposed development, the area of dedicated right-of-way is included.

D. 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.

E. In LR zones, if more than one category of residential use is located on a lot, the FAR limit for each category of residential use is based on each category's percentage of total structure footprint area, as follows:

1. Calculate the footprint, in square feet, for each category of residential use. For purposes of this calculation, "footprint" is defined as the horizontal area enclosed by the exterior walls of the structure.

2. Calculate the total square feet of footprint of all categories of residential uses on the lot.

3. Divide the square footage of the footprint for each category of residential structure in subsection 23.86.007.E.1 above by the total square feet of footprints of all residential uses in subsection 23.86.007.E.2 above.

4. Multiply the percentage calculated in subsection 23.86.007.E.3 for each housing category by the area of the lot. The result is the area of the lot devoted to each housing category.

5. The FAR limit for each category of residential use is the applicable one for that use multiplied by the percentage calculated in subsection 23.86.007.E.4.

6. If the FAR limit for all categories of residential use on the lot is the same, then the FAR limit is calculated as if there was only one category of residential use on the lot.

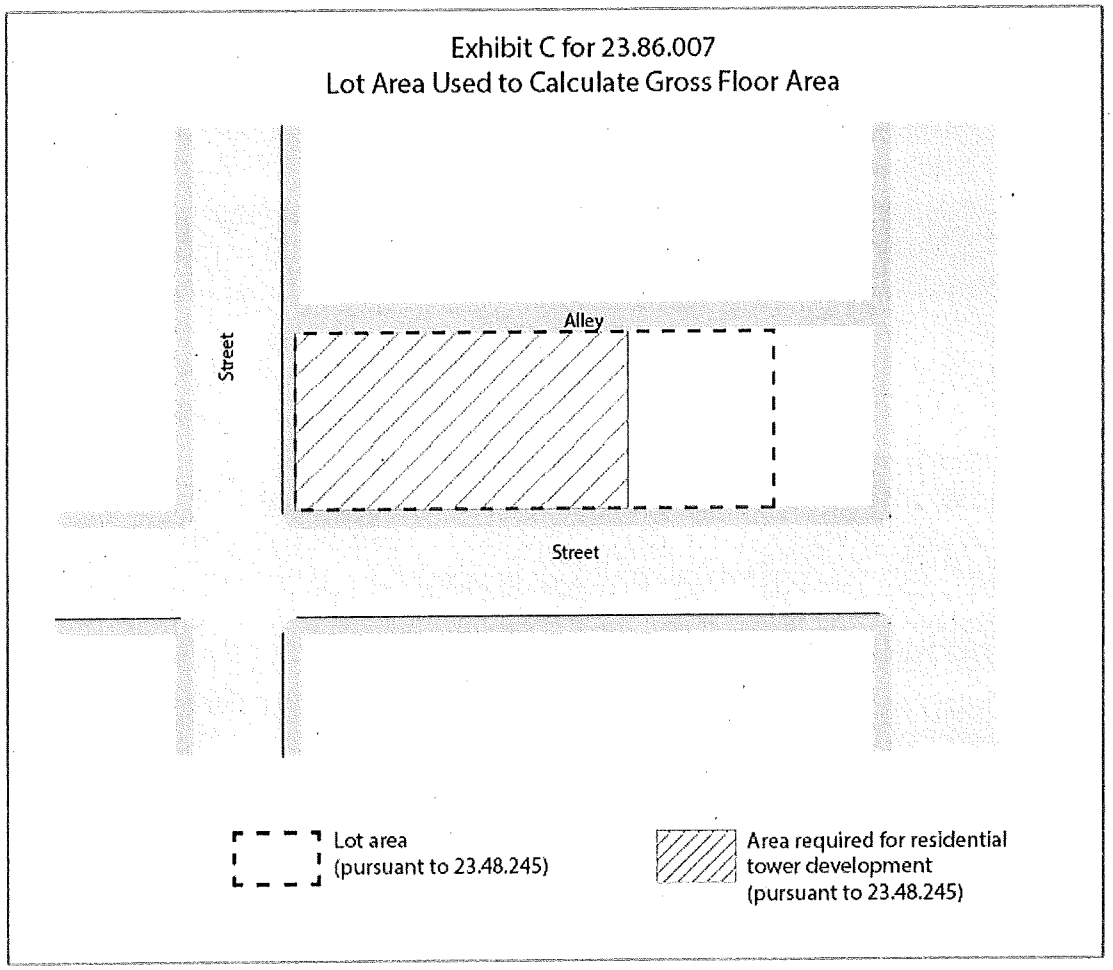
7. FAR contained in structures built prior to January 1, 1982 as single-family dwelling units meeting the requirements of subsection 23.45.510.E.3 is not included in the calculation of the FAR limit.

F. In the SM–SLU zones, the lot area used to calculate the gross floor area (GFA) allowed for structures or portions of structures subject to an FAR limit on sites that include a residential tower shall be based on the area of the lot excluding the lot area required for tower development (see Exhibit C for 23.86.007) as follows:

(Lot area – Area required for tower development) X FAR = Allowed GFA

Exhibit C for 23.86.007

Lot Area Used to Calculate Gross Floor Area



Section 20. 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 ((~~subchapter~~)) Section 25.05.800 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.

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 (Section 25.05.908):

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;

((~~Table A for 25.05.800: Exemptions for Residential Uses~~))

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 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)]	20
LR2	6	200[(1)]	20
LR3	8	200[(1)]	20
NC1, NC2, NC3, C1, C2	4	200[(1)]	20
MR, HR, SM, SM-SLU, SM-D, SM-NR	20	200[(1)]	20
MPC-YT	NA	30[(1)]	20
Downtown zones	NA	250[(1)]	20
Industrial zones	4	4	4

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 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**

Footnotes to Table A for 25.05.800:
SAOD = Station Area Overlay District
NA = not applicable
Urban centers and urban villages are identified in the Seattle Comprehensive Plan.
(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.2.i.
((~~Notes for Table A for 25.05.800~~
~~SAOD = Station Area Overlay District.~~
~~Urban centers and urban villages are identified in the Seattle Comprehensive Plan.~~
~~(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 25.05.800A.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 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)] or 30,000	12,000
MR, HR, NC1, NC2, NC3	4,000	12,000[(1)] or 30,000	12,000
C1, C2, SM, SM-SLU, SM-D, SM-NR ((~~zones~~))	12,000	12,000[(1)] or 30,000	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	((~~Not Applicable~~)) NA	12,000	12,000
Downtown zones	((~~Not Applicable~~)) NA	12,000[(1)] or 30,000	((~~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 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**

Footnotes to Table B for 25.05.800:

SAOD = Station Area Overlay District

NA = not applicable

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

(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.2.i.

((~~Notes for Table B for 25.05.800. SAOD = Station Area Overlay District. Urban centers and urban villages are identified in the Seattle Comprehensive Plan. (1) New nonresidential 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 25.05.800A.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 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;

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 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 ((.)) ; and

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~~)) Section 25.05.800); the exemptions provided by this ((~~s~~))Section 25.05.800 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 construction or designation of bus stops, loading zones, shelters, access facilities, and pull-out lanes for taxicabs, transit, and school vehicles;

2. The construction and/or installation of commercial on-premises signs, and public signs and signals;

3. The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application 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, temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, 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, adding auxiliary lanes for localized purposes ((,)) (e.g. weaving, climbing, and speed change ((, etc),)) where capacity is not significantly increased and no new right-of-way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catchbasins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes;

4. 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. 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)

6. 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; (1)

7. The installation of impervious underground tanks, having a capacity of ((ten thousand (10,000))) 10,000 gallons or less;

8. The vacation of streets or roads;

9. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water;

10. The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(1) Footnote for Sections 25.50.800.B.5 ((~~25.05.800.B. 5~~)) and 25.05.800.B.6: Proposed actions that involve structures that exceed the following thresholds and that appear to meet criteria set forth in Chapter 25.12 for ((~~l~~))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.5 and 25.05.800.B.6	
Zone	**Residential ((~~U~~))uses 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, SM-SLU, SM-D, SM-NR, 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.5 and 25.05.800.B.6	
Zone	**Non-residential ((~~U~~))uses 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, SM-SLU, SM-D, SM-NR, Industrial zones	12,000
All other zones	4,000

* * *

Section 21. Section 25.08.100 of the Seattle Municipal Code, last amended by Ordinance 122923, is amended as follows:

25.08.100 Districts

"District" means the land use zones to which the provisions of this ((e))Chapter 25.08 are applied. For the purposes of this ((e))Chapter 25.08:

A. "Residential District"includes zones defined as residential zones and NC1 zones in ((~~The Seattle~~)) the Land Use Code of the City of Seattle, Title 23.

B. "Commercial District" includes zones designated as NC2, NC3, SM, SM-SLU, SM-D, SM-NR, C1, C2, DOC1, DOC2, DRC, DMC, PSM, IDM, DH1, DH2, PMM, and IB in the ((~~Seattle~~)) Land Use Code of the City of Seattle, Title 23.

C. "Industrial District" includes zones designated as IG1, IG2, and IC in the ((~~Seattle~~)) Land Use Code of the City of Seattle, Title 23.

D. For any zone not listed in subsections ((~~A, B, or C of this section 25.08.100~~)) 25.08.100.A, 25.08.100.B, or 25.08.100.C, the Administrator may determine that the zone is

substantially similar to a zone listed in subsections 25.08.100.A, 25.08.100.B, or 25.08.100.C and may classify it similarly for purposes of this chapter.

Attachments:

Exhibit A: Repealed Text for Chapter 23.48: SEATTLE MIXED

Exhibit B: Dravus SM Zones Renamed

Exhibit C: South Lake Union SM Zones Renamed

Exhibit D: North Rainier SM Zones Renamed

Section 22. 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 5th day of OCTOBER, 2015, and signed by me in open session in authentication of its passage this 5th day of OCTOBER, 2015.

President _____ of the City Council

Approved by me this 9th day of October, 2015.

Edward B. Murray, Mayor

Filed by me this 16th day of OCTOBER, 2015.

for Monica Martinez Simmons, City Clerk

(Seal)

EXHIBIT A:

Repealed Text for Chapter 23.48: SEATTLE MIXED

23.48.002 Scope of provisions

A. This Chapter 23.48 identifies uses that are or may be permitted in Seattle Mixed (SM) zones and establishes development standards. The SM zone boundaries are shown on the Official Land Use Map. The "D" suffix with a height limit range may be applied to SM zoned land in the West Dravus area.

B. Other regulations, such as requirements in Chapter 23.53 (streets, alleys and easements); Chapter 23.54 (standards for parking quantity, access and design); Chapter 23.54 (standards for solid waste storage); Chapter 23.55 (signs); and Chapter 23.86 (methods for measurements) may apply to development proposals. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this Chapter 23.48 and additional regulations in Chapter 23.57.

Subchapter I - Use Provisions

23.48.004 Uses

A. Permitted uses

1. All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by subsection 23.48.004.B and those permitted only as conditional uses by subsection 23.48.004.C.

2. Adult cabarets shall comply with the requirements of subsection 23.47A.004.H.

3. In the SM 85-240 zone, permitted nonresidential uses are limited to a height of 20 feet above the street-level of structures with residential uses and are subject to the development standards of subsection 23.48.014.B.

B. Prohibited uses. The following uses are prohibited as both principal and accessory uses, except as otherwise noted:

1. All high-impact uses;

2. All heavy manufacturing uses;

3. General manufacturing uses greater than 25,000 square feet of gross floor area for an individual business establishment;

4. Drive-in businesses, except gas stations;

5. Jails;

6. Adult motion picture theaters and adult panorams;

7. Outdoor storage, except for outdoor storage associated with florists and horticulture uses;

8. Principal use surface parking;

9. Animal shelters and kennels;

10. Animal husbandry;

11. Park and pool lots;

12. Park and ride lots;

13. Work release centers;

14. Recycling;

15. Solid waste management; and

16. Mobile home parks.

C. Conditional uses

1. Conditional uses are subject to the procedures described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the provisions of both Section 23.42.042 and this subsection 23.48.004.C.

2. Mini-warehouses and warehouses may be permitted by the Director as administrative conditional uses if:

a. The street level portion of a mini-warehouse or warehouse only fronts on an east/west oriented street, or an alley; and

b. Vehicular entrances, including those for loading operations, will not disrupt traffic or transit routes; and

c. The traffic generated will not disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts.

D. Required street-level uses

1. One or more of the uses listed in this subsection 23.48.004.D are required at street-level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.014, except as required in subsection 23.48.004.D.3. The following uses qualify as required street-level uses:

a. General sales and service uses;

b. Eating and drinking establishments;

c. Entertainment uses;

d. Public libraries;

e. Public parks; and

f. Arts facilities.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.014.E.

3. Within the SM 160/85-240 zone, for development meeting the standards in subsection 23.48.017.B, structures with a street-facing façade along 8th Avenue N. or a designated neighborhood green street (Map A for 23.48.014) shall have a minimum of 10 percent of the length of the street-level portion of that street-facing facade occupied by general sales and service uses, eating and drinking establishments, or entertainment uses, that shall meet the development standards for required street-level uses in subsection 23.48.014.E.

Subchapter II - Development Standards

23.48.008 Lot area limits for nonresidential uses in the SM/R 55/85 zone

A. In the SM/R 55/85 zone, development with nonresidential uses only, except hotels with 100 rooms/suites or fewer, is limited to a lot area of 21,600 square feet or less.

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

C. Two lots of up to 21,600 square feet each, separated by an alley and connected above grade by a skybridge or other similar means shall be considered two separate lots for the purposes of this Section 23.48.008. Such a connection above grade, across the alley may be allowed pursuant to the City Council's approval of an aerial alley vacation or temporary use permit.

D. Nonresidential structures on adjacent lots not separated by an alley, subject to this Section 23.48.008, shall not be internally connected.

E. Nonresidential uses existing prior to November 6, 1996 that do not meet the requirements of Section 23.48.006 are allowed to expand by an amount of gross floor area not to exceed 20 percent of the existing gross floor area, without meeting the requirements of this Section 23.48.008. This provision may only be used once for an individual use.

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

1. The proposal is comprised of two or more lots within the same SM/R zone; and

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

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

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

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

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

c. On the lot(s) accommodating the required amount of residential use, as specified in subsection 23.48.008.F.2, a minimum of 10 percent of all new housing units in the proposal are provided as affordable housing as defined in Chapter 23.58A, and shall be maintained as affordable housing for a period of at least 20 years, or a minimum of 10 percent of all new housing units in the proposal are provided as townhouses.

23.48.009 Floor area ratio

A. General provisions

1. All gross floor area not exempt under subsection 23.48.009.D counts toward the maximum gross floor area allowed under the floor area ratio (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.

B. Floor Area Ratio (FAR) limits in SM zones

1. Except as otherwise specified in this subsection 23.48.009.B, FAR limits in SM zones exclusive of specified SM zones within the South Lake Union Urban Center are as shown in Table A for 23.48.009.

Table A for 23.48.009 Floor Area Ratios in Seattle Mixed Zones, excluding specified SM zones within the South Lake Union Urban Center		
ZONE	**Base FAR for all uses**	**Maximum FAR for all uses**
SM 40	3	3.5
SM 65	3.5	5
SM 85	4.5 (1)	6 (1)
SM 125	5	8
SM 160	5	9
SM 240	6	13
SM/R 55/85	NA	NA
SM/D 40-85	NA	NA
Footnotes for Table A for 23.48.009: NA (not applicable) refers to zones where uses are not subject to an FAR limit. (1) Within the area shown on Map A for 23.48.009, all gross floor area occupied by a residential use is exempt from FAR calculations.		

2. Except as otherwise specified in this subsection 23.48.009.B, FAR limits for specified SM zones within the South Lake Union Urban Center are as shown in Table B for 23.48.009.

Table B for 23.48.009 FAR Limits for Specified Zones in South Lake Union Urban Center			
Zone	FAR limits for nonresidential uses		Maximum FAR for structures that do not exceed the base residential height limit and include any residential use.
	Base FAR	Maximum FAR	
SM 85/65-125	4.5	6	4.5
SM 85/65-160	4.5	7	4.5
SM 160/85-240	4.5*	7	6
SM 85-240	0.5	NA	6

Table B for 23.48.009 FAR Limits for Specified Zones in South Lake Union Urban Center			
Zone	FAR limits for nonresidential uses		Maximum FAR for structures that do not exceed the base residential height limit and include any residential use.
	Base FAR	Maximum FAR	
SM 240/125-400	5*	7	10
*In the SM 160/85-240, and SM 240/125-400 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting conditions of 23.48.009.B.4.			

3. FAR for development including a mix of residential and nonresidential uses.

a. For zones included on Table B for 23.48.009, development including a mix of nonresidential uses and residential uses that do not exceed the base height limit for residential use shall:

1) obtain extra floor area for any chargeable nonresidential floor area above the base FAR for nonresidential uses as prescribed in Table B for 23.48.009; and

2) not exceed the lower of the maximum FAR for nonresidential uses in Table B of 23.48.009 or the maximum FAR for structures that do not exceed the base height limit and include any residential use in Table B of 23.48.009.

b. For the SM 160/85-240 and SM 240/125-400 zones, residential uses are allowed above the base height limit in structures having nonresidential uses that exceed 85 feet in height, if the following conditions are met:

1) All uses are subject to the maximum FAR limit for nonresidential uses in Table B for 23.48.009, and for the purposes of calculating FAR, floor area in residential use shall be included as chargeable floor area;

2) If residential and nonresidential uses are combined on the same story, the floor area limits of subsection 23.48.013.B.3 apply;

3) Stories occupied only by residential uses may exceed the maximum height limit for nonresidential uses, and all stories above the base height limit for residential use that are only occupied by residential uses are subject to the floor area limits of 23.48.013.B.2 and the maximum façade width standards of 23.48.013.E;

4) Extra residential floor area above the base height limit for residential use shall be obtained as provided for in Section 23.48.011;

5) Extra nonresidential floor area above the base FAR for nonresidential uses shown on Table B for 23.48.009 shall be obtained as provided for in Section 23.48.011; and

6) For the purposes of applying standards for limits on towers per block in subsection 23.48.013.F, the project shall be considered to be a structure with nonresidential uses exceeding 85 feet in height; and

7) For the purposes of applying tower separation standards in subsection 23.48.013.G, the structure shall be considered to be a residential tower.

4. For the zones included on Table B for 23.48.009, an additional increment of up to 0.5 FAR is permitted for nonresidential uses above the base FAR of the zone if a lot meets the conditions of either subsection 23.48.009.B.4.a or subsection 23.48.009.B.4.b.

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

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

2) A notice is recorded in the King County real estate records, in a form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this Chapter 23.48.

3) For purposes of this Section 23.48.009, a "qualifying Landmark" is a structure that:

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

b) is on a lot on which no improvement, object, feature or characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any designating ordinance.

4) A qualifying Landmark that allows for the additional increment of FAR under this subsection 23.48.009.B.4 is not eligible as a Landmark TDR or Landmark TDP sending site. For so long as any of the chargeable floor area of the increment allowed above the base FAR of the zone under this subsection 23.48.009.B.4 remains on the lot, each Landmark for which the increment was granted shall remain designated as a Landmark under Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying Landmark in good condition and repair and in a manner that preserves the features and characteristics that are subject to designation or controls by ordinance unless the Landmarks Preservation Board has issued a Certificate of Approval for the modification or demolition of the Landmark.

5) The amount of additional increment of FAR permitted above the base FAR under subsection 23.48.009.B.4 is not more than the square footage of floor area in the Landmark structure(s).

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

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

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

3) Duration; Alteration. The owners of the lot granted the additional increment of floor area above the base FAR as a result of having the open space on the lot shall provide and maintain the open space for as long as the increment of additional floor area allowed above the base FAR exists. The open space amenity allowing for the additional increment of floor area above the base FAR may be altered or removed only to the extent that either or both of the following occur: An amount of chargeable floor area equal to the increment of floor area allowed above the base FAR under this subsection 23.48.009.B.4.b is

a) removed or converted to a use for which extra nonresidential floor area is not required under the provisions of the zone; or

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

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

5. In the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted above 85 feet in height and is subject to the same provisions as residential use exceeding the base height limit for residential use, provided that all development standards that apply to a residential tower also apply to the hotel use, including the provisions of Section 23.48.011 for gaining extra residential floor area.

6. In the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM 240/125-400 zones within South Lake Union Urban Center, for residential tower structures that have only nonresidential uses up to or above the base height limit for residential uses, the FAR limits for all nonresidential uses in the structure are the same as the FAR limits specified for nonresidential uses in Table B for 23.48.009.

7. On lots with multiple structures that include a residential tower exempt from FAR calculations, the applicable FAR limits for all other structures shall be based on the total lot area minus the area of the lot required for the podium and residential tower development in order to meet the coverage limit of subsection 23.48.013.A. For the portion of the lot with the residential tower, the FAR limit for permitted nonresidential uses in a residential tower that is also a mixed use structure shall be based on the area of the portion of the lot occupied by the residential tower.

8. Within the area in the SM 160/85-240 zone meeting the standards for location in subsection 23.48.017.B, structures designed for research and development laboratory use and administrative office associated with research and development laboratories are permitted a base FAR of 5 and a maximum FAR of 7, provided that the maximum number of floors provided above grade is eight.

9. Within zones that have an incentive zoning suffix, the number in the suffix shall be the base floor area ratio.

C. All non-exempt floor area above the base floor area ratio is considered extra floor area. Extra floor area may be obtained, up to the maximum floor area ratio, only through the provision of public amenities meeting the standards of Section 23.48.011 and Chapter 23.58A.

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

1. All gross floor area underground.

2. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access, to increase privacy for residential units in the first full story above grade.

3. The floor area contained in a Landmark structure subject to controls and incentives imposed by a designating ordinance if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the rehabilitation and maintenance of the historically significant features of the structure including but not limited to a Certificate of Approval for the modification of the Landmark. This exemption does not apply to a lot from which a Landmark TDP or TDR has been transferred under Chapter 23.58A and does not apply for purposes of determining TDR or TDP available for transfer under Chapter 23.58A.

4. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.009.D has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, is not included as part of the calculation of total gross floor area.

5. All gross floor area for solar collectors and wind-driven power generators.

6. In the South Lake Union Urban Center, street-level uses identified in subsection 23.48.004.D, whether required or not, and that meet the development standards of subsection 23.48.014.E; except that at locations meeting the conditions of Section 23.48.017, only gross floor area at street-level that is a general sales and service, eating and drinking establishment, or entertainment use is exempt.

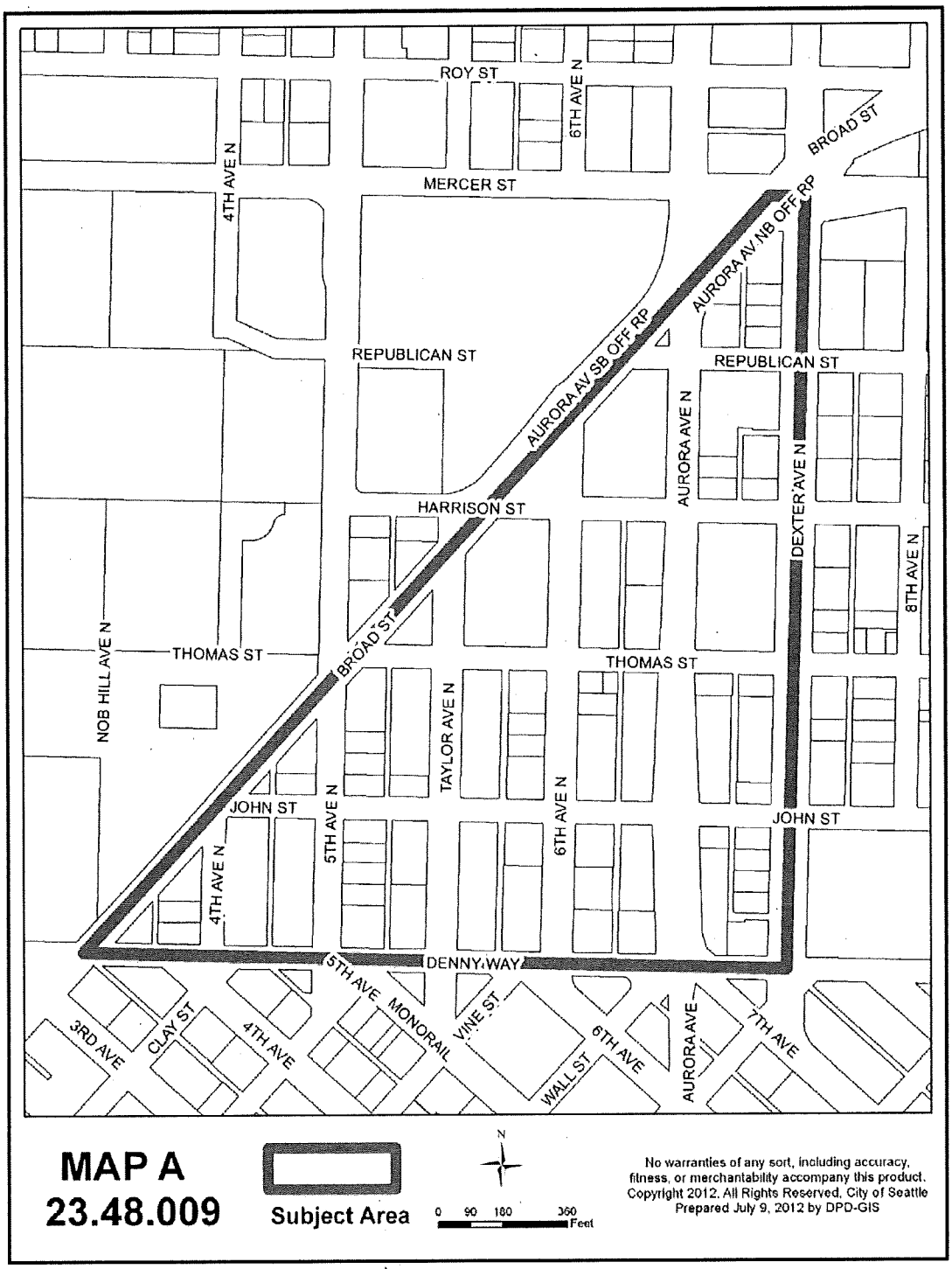
7. In the South Lake Union Urban Center, all residential use in a residential tower in the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM 240/125-400 zones, except residential use in a mixed use project under the provisions of 23.48.009.3.b.

8. In the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, all floor area in hotel use pursuant to subsection 23.48.009.B.5.

9. In the South Lake Union Urban Center, floor area in child care use and elementary and secondary schools.

10. In the SM 85 zone shown on Map A for 23.48.009, all gross floor area occupied by a residential use.

Map A for 23.48.009:



E. Minimum FAR

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

Table C for 23.48.009: Minimum Floor Area Ratio (FAR)						
Height Limit	40 feet	65 feet	85 feet	125 feet	160 feet	240 feet
Minimum FAR	1.5	2	2	2.5	2.5	3

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

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

b. the lot is larger than five acres;

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

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

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

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

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

a. Gross floor area below grade; and

b. Gross floor area containing parking.

23.48.010 Structure height

A. Base and maximum height limits

1. Except as otherwise provided in this Section 23.48.010, maximum structure height for Seattle Mixed (SM) zones are as designated on the Official Land Use Map. In certain zones, as specified in this Section 23.48.010, the maximum structure height is allowed only for particular uses or only under specified conditions, or both. Where height limits are established for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

2. In zones listed below in this subsection 23.48.010.A.2, the applicable height limit for portions of a structure that contain nonresidential and live-work uses is shown as the first figure after the zone designation, and the base height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. Except as stated in Section 23.48.010 (height exceptions), the base residential height limit is the applicable height limit for portions of a structure in residential use if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra floor area under the provisions of Chapter 23.58A and if the structure complies with the standards for tower development specified in Section 23.48.013 (Upper-level development standards) and Section 23.48.014 (street-level development standards):

SM 85/65-125

SM 85/65-160

SM 160/85-240

SM 240/125-400

3. In the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted above 85 feet in height and is subject to the same provisions as residential use exceeding the base height limit for residential use, provided that all development standards that apply to a residential tower also apply to the hotel use, including the provisions of Section 23.48.011 for gaining extra residential floor area.

4. In the SM 85-240 zone, the base height limit is shown as the first figure, and the second figure is the maximum residential height limit. Except as stated in subsections 23.48.010.G and 23.48.010.H, the base height limit is the applicable height limit for portions of a structure if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra residential floor area under the provisions of Chapter 23.58A, and if the structure complies with the standards for residential tower development in this Chapter 23.48.

B. Height limits in the SM/R 55/85 zone

1. New structures occupied only by nonresidential uses are subject to a height limit of 55 feet.

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

C. Height limits in the Seattle Mixed/Dravus 40-85 (SM/D 40-85) zone

1. Base height limit. Structures in the SM/D 40-85 zone are subject to a height limit of 40 feet, except as otherwise provided in subsection 23.48.016.C.2.

2. Additional height for structures with only residential uses above 40 feet. A structure in the SM/D 40-85 zone that has only residential uses above a height of 40 feet is subject to a maximum height limit of 85 feet, if the following conditions are met:

a. The applicant satisfies the conditions for bonus development under Section 23.48.011;

b. The portion of any structure above 45 feet in height shall be set back at least 50 feet from W. Dravus Street, except that the first 4 feet of the horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters is permitted in the required setback, and the exceptions for pitched roofs and rooftop features of subsection 23.48.016.C.3 are allowed above the 45 foot height limit in the required setback.

3. Exceptions for pitched roofs and rooftop features. Additional height above the applicable limit pursuant to subsections 23.48.016.C.1, 23.48.016.C.2, or 23.48.016.C.2.b, is allowed for pitched roofs and certain rooftop features, as set forth in subsections 23.48.010.D and 23.48.010.E.

D. Additional height permitted in the SM 160/85-240 and SM 85-240 zones within the South Lake Union Urban Center

1. Increases in the maximum height limit in the SM 160/85-240 and SM 85-240 zones. In the SM 160/85-240 and SM 85-240 zones in the South Lake Union Urban Center, a structure is allowed additional height of up to 30 percent above the maximum height limit for residential uses, and, in the SM 160/85-240 zone, up to 20 percent above the height limit for nonresidential uses, if all of the following conditions are met:

a. The project includes an elementary school or a kindergarten through eighth grade school operated by the Seattle Public School District that meets the specifications promulgated by the Seattle Public School District, which may include minimum space requirements for academic core functions, child care, administrative offices, a library, maintenance facilities, food service, and specialty instruction space;

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

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

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

e. The floor area added through the increase in height is subject to the development standards in Sections 23.48.012 and 23.48.013 that apply to structures that exceed the base height for residential use or the applicable podium height for nonresidential uses;

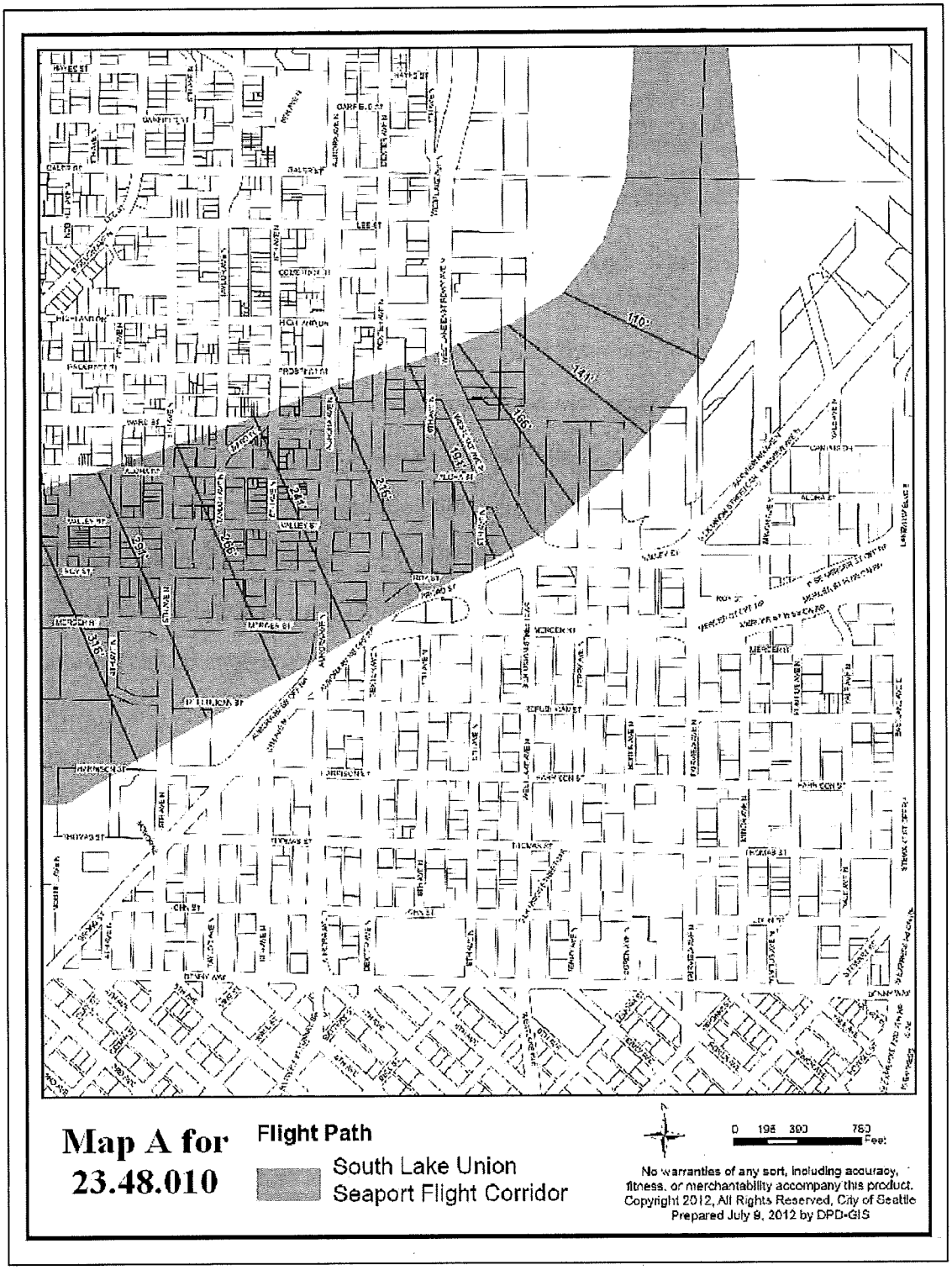
f. The floor area allowed to exceed the maximum residential height limit is not subject to the provisions for gaining extra residential floor area in Chapter 23.58A; should the school use be discontinued, floor area gained through the provisions of this Section 23.48.010 shall be subject to the provisions of Chapter 23.58A; and

g. The allowances for rooftop features in subsection 23.48.010.G shall apply above the structure height permitted under this subsection 23.48.010.D.

2. Additional height above the applicable height limit for portions of a structure that contain nonresidential and live-work uses is permitted in the SM 160/85-240 zone at locations and under the conditions specified in Section 23.48.017.

E. A proposal to build a structure greater than 85 feet in height in the SM 85/65-160 and SM 160/85-240 zones and located north of Mercer Street and West of Fairview Avenue within the South Lake Union Urban Center, requires the applicant to show that the proposed structure height will not physically obstruct use of the flight path shown on Map A for 23.48.010 or endanger aircraft operations.

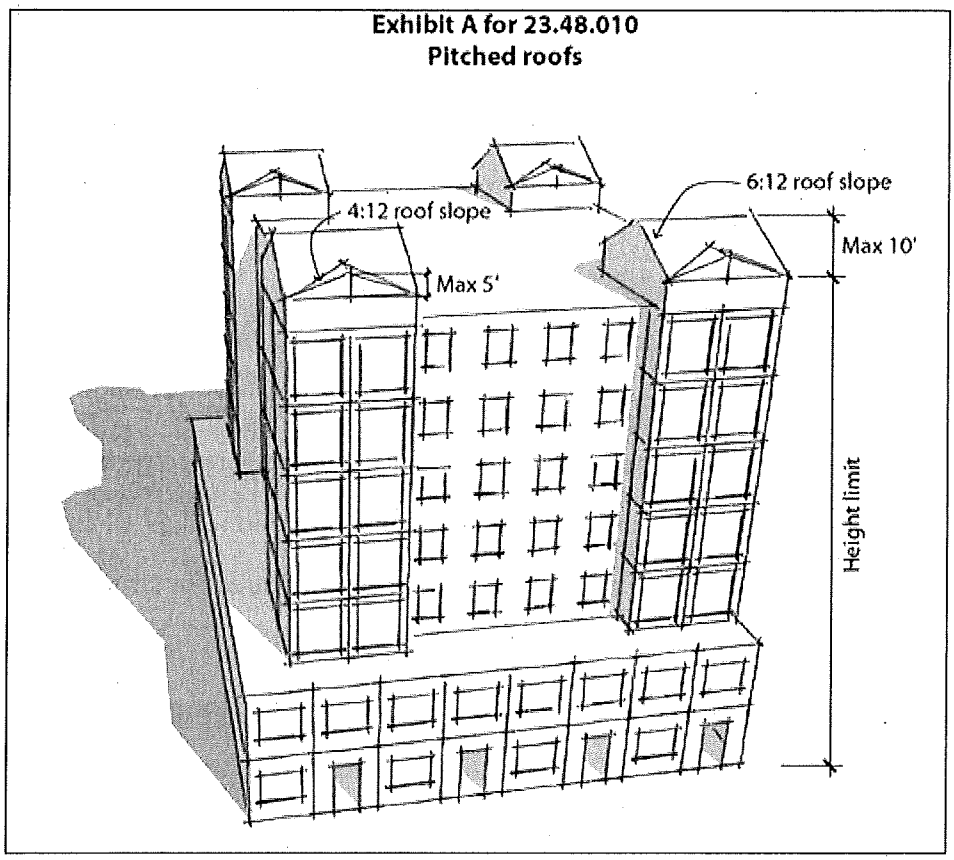
Map A for 23.48.010: South Lake Union Seaport Flight Corridor



F. All non-exempt floor area located above the base height is considered extra floor area. Extra floor area may be obtained above the base height, up to the maximum height, only through the provision of public amenities meeting the standards of Section 23.48.011 and Chapter 23.58A.

G. Pitched roofs. In SM zones with a height limit of 85 feet or less, the ridge of a pitched roof with a minimum slope of 6 to 12 may extend 10 feet above the height limit. The ridge of a pitched roof with a minimum slope of 4 to 12 may extend 5 feet above the height limit (Exhibit A for 23.48.010). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

Exhibit A for 23.48.010 Pitched Roofs



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.

3. Solar collectors may extend up to 7 feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to 15 feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection 23.48.010.H.4 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. Stair penthouses;

c. Mechanical equipment;

d. Atriums, greenhouses, and solariums;

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

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

g. Covered or enclosed common amenity area for structures exceeding a height of 125 feet.

5. For structures greater than 85 feet in height, elevator penthouses up to 25 feet above the height limit are permitted. If the elevator provides access to a rooftop designed to provide usable open space, elevator penthouses up to 35 feet above the height limit are permitted.

6. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.48.010.H does not exceed 50 percent of the roof area.

7. At the applicant's option, the combined total coverage of all features listed in subsections 23.48.010.H.4 and 23.48.010.H.5 above may be increased to 65 percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

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

8. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.48.010. H.8 at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Atriums, greenhouses and solariums;

e. Minor communication utilities and accessory communication devices according to the provisions of Section 23.57.012;

f. Nonfirewall parapets;

g. Play equipment.

9. Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

10. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

23.48.011 Extra floor area in Seattle Mixed zones

A. General

1. Developments containing extra floor area obtained under Sections 23.48.009 or 23.48.010 shall provide public amenities according to the standards of this Section 23.48.011 and Chapter 23.58A. If the development is not located within the Local Infrastructure Project Area for Downtown and South Lake Union as shown in Map A for 23.58A.044, extra floor area shall be achieved through the requirements of subsection 23.48.011.B. If the development is located within the Local Infrastructure Project Area for Downtown and South Lake Union as shown in Map A for 23.58A.044, extra floor area shall be achieved through the requirements of subsection 23.48.011.C.

2. Definitions in Section 23.58A.004 apply in this Section 23.48.011 unless otherwise specified.

B. Calculation outside of an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area.

a. If the maximum height limit for residential use is 85 feet or lower or the lot is located outside of the South Lake Union Urban Center and the Mount Baker Station Area Overlay District, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot.

b. If the maximum height limit for residential use is greater than 85 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

1) achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

2) achieve 40 percent of the extra residential floor area by using open space transferable development potential or Landmark transferable development potential pursuant to subsection 23.48.011.D and Section 23.58A.042.

c. If the maximum height limit for residential use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

1) achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

2) achieve 40 percent of the extra residential floor area by using open space amenities pursuant to Section 23.58A.040.

2. Means to achieve extra nonresidential floor area.

a. If the maximum height limit for nonresidential use is 85 feet or lower or the lot is located outside of the South Lake Union Urban Center and the Mount Baker Station Area Overlay District, the applicant shall use bonus nonresidential floor area for affordable housing and child care pursuant to Section 23.58A.024 to achieve all extra nonresidential floor area on the lot.

b. If the maximum height limit for nonresidential use is greater than 85 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

1) achieve 75 percent of the extra nonresidential floor area on the lot by using bonus nonresidential floor area for affordable housing and child care pursuant to Section 23.58A.024, or housing transferable development rights pursuant to subsection 23.48.011.D and Section 23.58A.042, or both.

2) achieve 25 percent of the extra nonresidential floor area by using open space transferable development rights or Landmark transferable development rights pursuant to subsection 23.48.011.D and Section 23.58A.042.

c. If the maximum height limit for nonresidential use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

1) achieve 75 percent of the extra nonresidential floor area on the lot by using bonus nonresidential floor area for affordable housing pursuant to Section 23.58A.024; and

2) achieve 25 percent of the extra nonresidential floor area by using open space amenities pursuant to Section 23.58A.040.

3. If a development is outside of an adopted Local Infrastructure Project Area at the time a Master Use Permit decision is issued for the development, and the development is inside of an adopted Local Infrastructure Project Area before the first building permit after excavation and shoring is ready to issue for the development, then the applicant may elect to achieve extra floor area through acquiring regional development credits pursuant to Section 23.58A.044 for the portion of extra floor area specified in subsection 23.48.011.B.1.b or 23.48.011.B.2.b, as applicable, in lieu of the open space transferable development potential or Landmark transferable development potential specified in subsection 23.48.011.B.1.b, or the open space transferable development rights or Landmark transferable development rights specified in 23.48.011.B.2.b.

C. Calculation within an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area. If the maximum height limit for residential use is 85 feet or lower, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot. If the maximum height limit for residential use is greater than 85 feet, the applicant shall:

a. achieve 60 percent of the extra residential floor area on the lot by using bonus residential floor area for affordable housing pursuant to Section 23.58A.014; and

b. achieve 40 percent of extra residential floor area by acquiring regional development credits pursuant to Section 23.58A.044.

2. Means to achieve extra nonresidential floor area. If the maximum height limit for nonresidential use is 85 feet or lower, the applicant shall use bonus nonresidential floor area for affordable housing and child care pursuant to Section 23.58A.024 to achieve all extra nonresidential floor area on the lot. If the maximum height limit for nonresidential use is greater than 85 feet, the applicant shall:

a. achieve 75 percent of the extra residential floor area on the lot by using bonus nonresidential floor area for affordable housing and child care pursuant to Section 23.58A.024, or housing transferable development rights pursuant to subsection 23.48.011.D and Section 23.58A.042, or both; and

b. achieve 25 percent of extra nonresidential floor area by acquiring regional development credits pursuant to Section 23.58A.044.

D. Standards for Transferable Development Potential (TDP) and Transferable Development Rights (TDR).

1. All lots in the South Lake Union Urban Center that meet the definition of a TDR or TDP sites in Chapter 23.84A are eligible for transfer.

2. Receiving sites in the South Lake Union Urban Center may only receive TDP or TDR from sending sites in the South Lake Union Urban Center except that receiving sites in the South Lake Union Center may receive Landmark or open space TDP or TDR from sending sites in Downtown or South Downtown if the applicant demonstrates to the satisfaction of the Director that no private or public entities are offering such TDP or TDR for sale in the South Lake Union Urban Center, at a price per square foot no greater than the fee-in-lieu rates for the payment option for affordable housing under Section 23.58A.014 for TDP and the payment option for affordable housing and childcare under Section 23.58A.024 for TDR.

3. A cumulative combination of TDR and TDP exceeding a total of five times the lot area may not be transferred from any lot.

E. Minimum requirement. Developments containing any extra floor area shall meet the following requirements:

1. LEED requirement.

a. Except as described in 23.48.011.E.1.b, the applicant will earn a LEED Gold rating or meet a substantially equivalent standard, and shall demonstrate compliance with that commitment, in accordance with the provisions of Section 23.48.025.

b. An applicant may choose to earn at least a LEED Silver rating, if the Director of the Office of Sustainability and Environment determines that the development is served by a district energy provider. A building is considered served by a district energy provider if it is capable of connecting to a district energy system and has a contract with a district energy utility to serve primary heating and/or cooling needs. A district energy provider is an entity with a franchise agreement with the City that maintains a closed-loop district energy utility system that is either currently or scheduled to primarily use renewable and/or waste heat sources, per the system development plans and timeframes of an agreement with the City and the district energy provider. A district energy provider may, subject to City approval, rely on a temporary on-site or near-by transitional plant that is installed and maintained by the provider prior to connection of the development to a permanent district energy system.

2. Transportation Management Program. The applicant will provide a Transportation Management Program (TMP), consistent with requirements for TMPs in any applicable Director's Rule, that demonstrates to the satisfaction of the Director in consultation with the Director of Transportation, that no more than 40 percent of trips to and from the development will be made using single-occupant vehicles (SOVs). The TMP shall be submitted with the Master Use Permit application.

a. For purposes of measuring the percent of trips to and from the development made using SOVs in the TMP, the number of SOV trips shall be calculated for the p.m. peak hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator).

b. Compliance with this subsection 23.48.011.E.2 does not affect the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

3. Energy management plan. The applicant will provide an energy management plan, approved by the Superintendent of Seattle City Light, demonstrating specific energy

conservation or alternative energy generation methods or on-site electrical systems that together can ensure that the existing electrical system can accommodate the projected loads from the development. The approved energy management plan shall be submitted prior to issuance of a Building Permit. The Director, after consulting with the Superintendent of Seattle City Light, may condition the approval of the Building Permit on the implementation of the energy management plan.

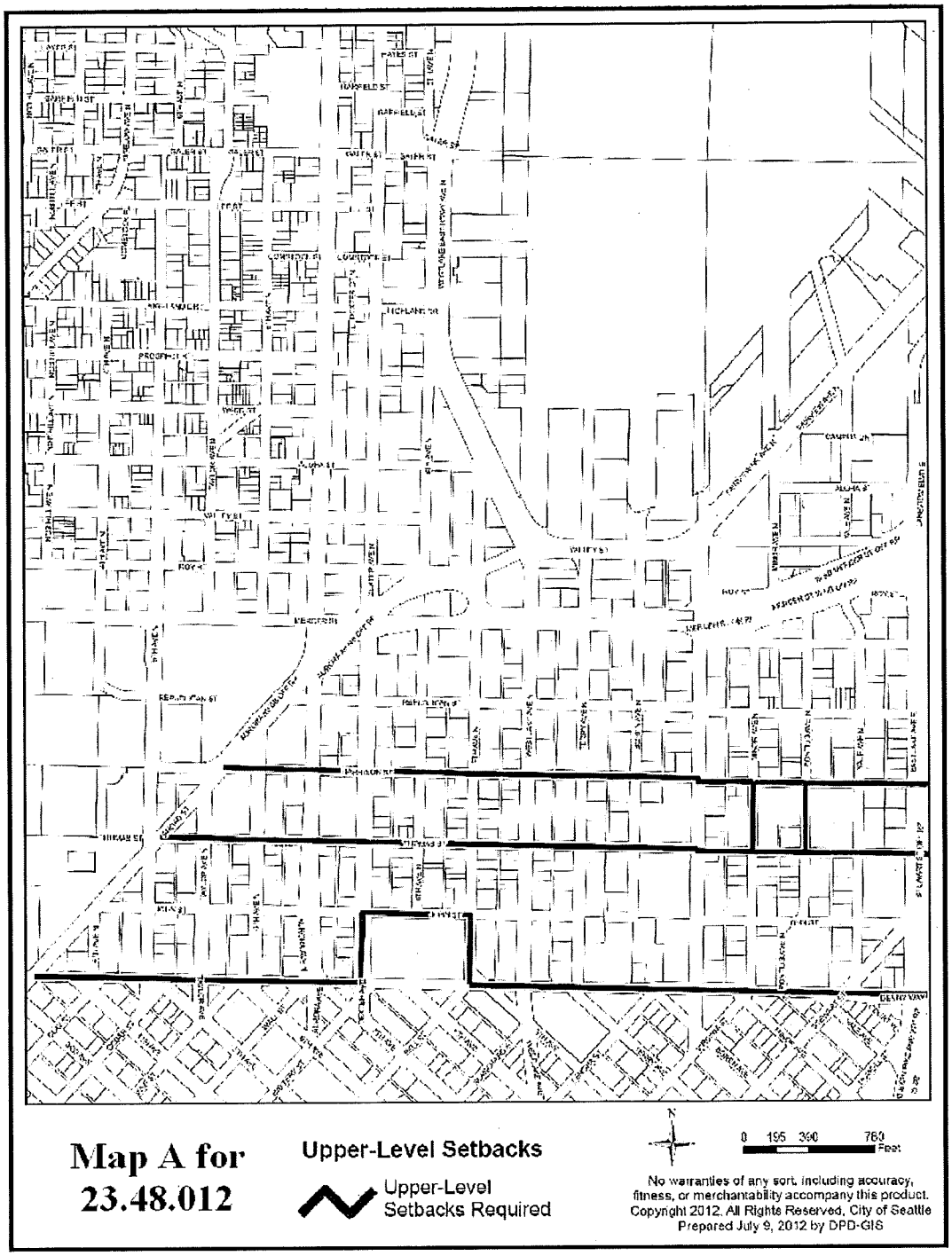
23.48.012 Upper-level setback requirements

A. The following requirements for upper-level setbacks in this subsection 23.48.012.A apply to structures on lots abutting a street shown on Maps A and B for 23.48.012, except for those structures in the South Lake Union Urban Center with nonresidential uses above 85 feet in height or residential uses above the base height limit for residential use, which are subject to the upper-level setback requirements of subsection 23.48.013.C.

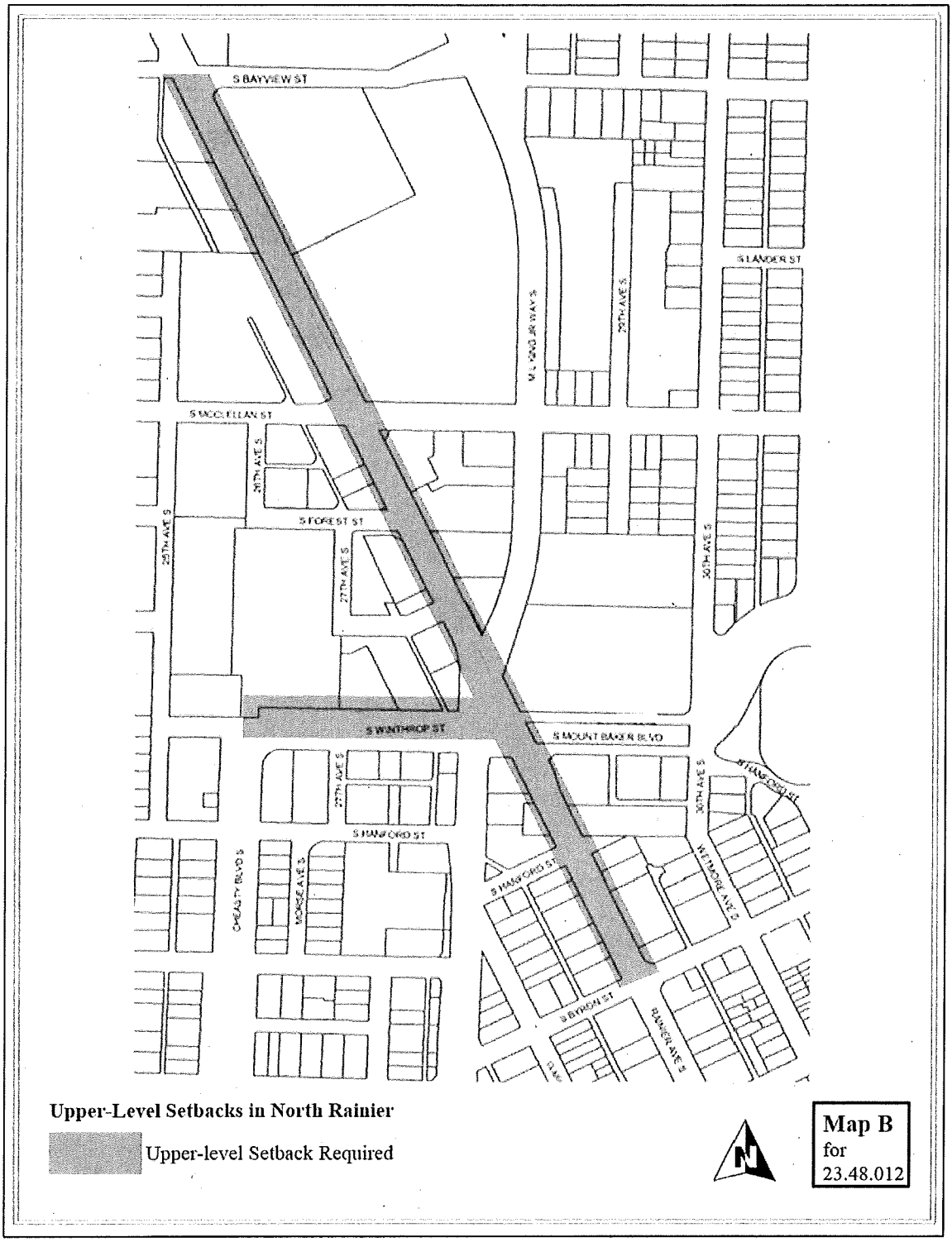
1. For all zones except the SM 240/125-400 zone, any portion of a structure greater than 45 feet in height is required to set back from a lot line abutting a street shown on Maps A and B for 23.48.012. In the SM 240/125-400 zone, portions of a structure greater than 75 feet in height are required to set back from a lot line abutting a street shown on Map A for 23.48.012.

2. A setback of 1 foot for every 2 additional feet of height is required for any portion of a structure exceeding the maximum height permitted without a setback according to subsection 23.48.012.A.1, up to a maximum setback of 15 feet measured from the street lot line, as shown in Exhibit A for 23.48.012.

Map A for 23.48.012: Upper-Level Setbacks in South Lake Union



Map B for 23.48.12
Upper Level Setbacks in North Rainier



B. Upper-level setbacks in the SM 85/65-160 zone. The following requirements for upper-level setbacks in this subsection 23.48.012.B apply to all development in the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North:

1. Portions of a structure above 45 feet in height shall set back a minimum of 15 feet from street lot lines abutting Valley Street, Westlake Avenue North, Terry Avenue North, Boren Avenue North, and Fairview Avenue North as shown in Exhibit B for 23.48.012.

2. In addition to the upper-level setbacks specified in subsection 23.48.012.B.1, additional upper-level setbacks are required for tower structures that include residential use above the base height limit for residential use, or hotel use above a height of 85 feet, according to the provisions of subsection 23.48.013.C.3.

Exhibit A for 23.48.012
Stepped upper-level setbacks

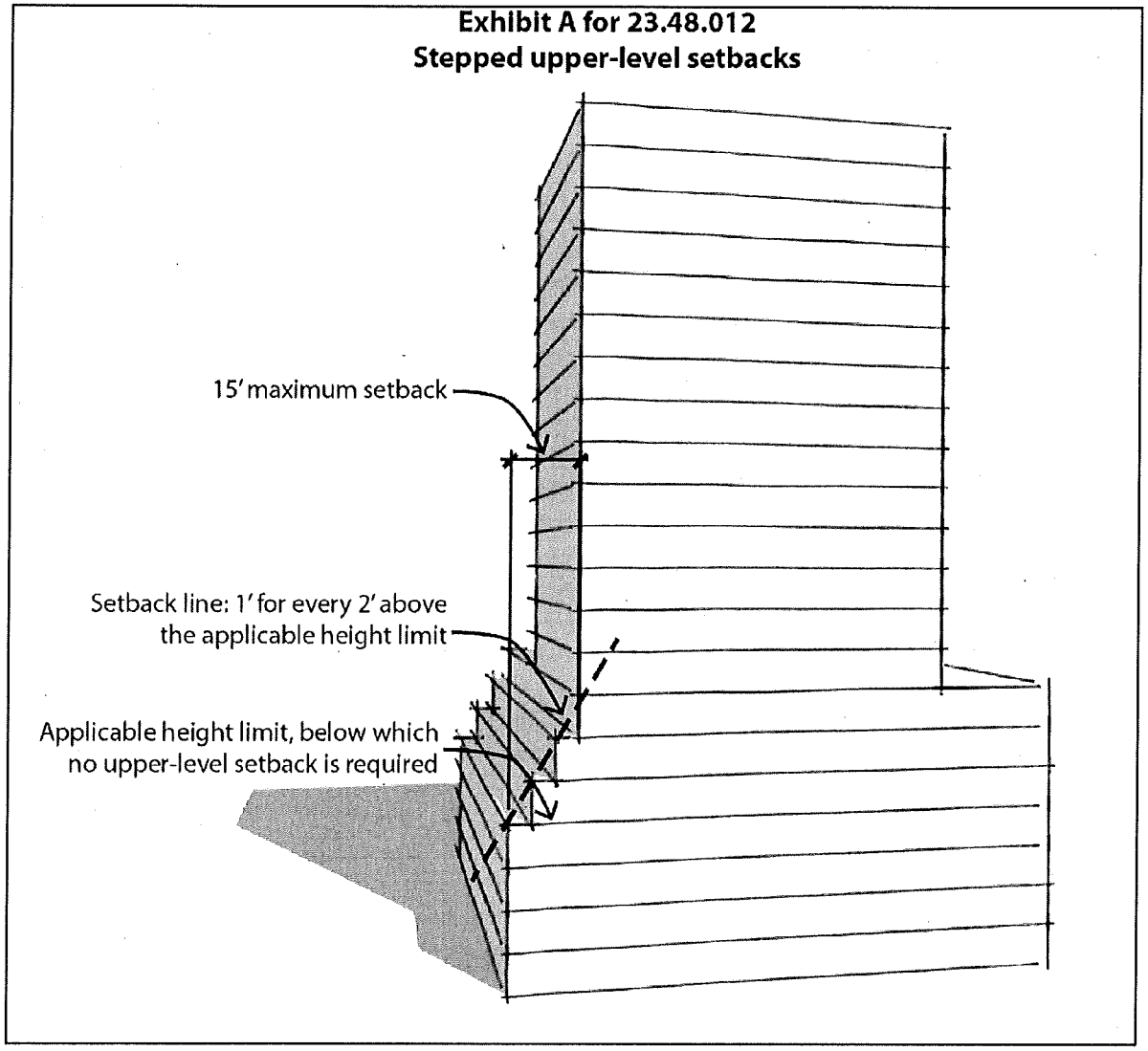
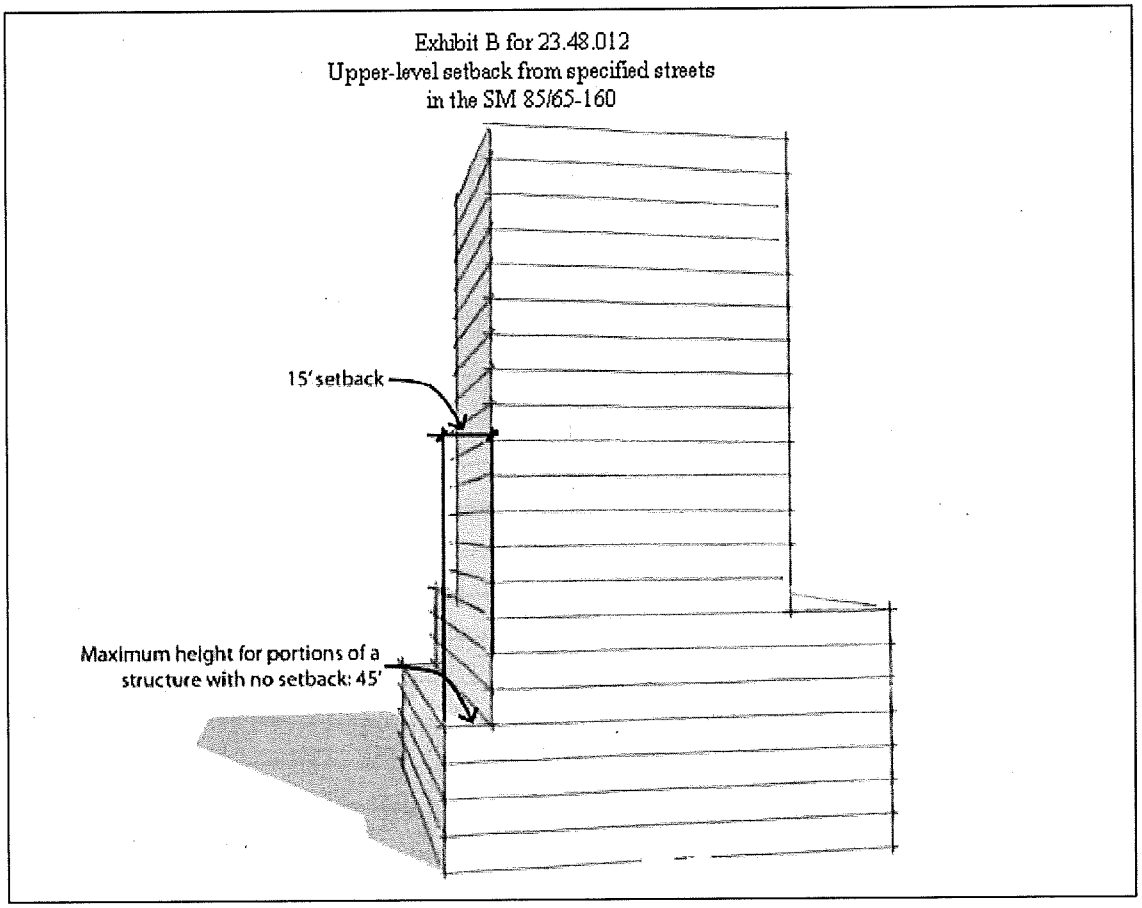


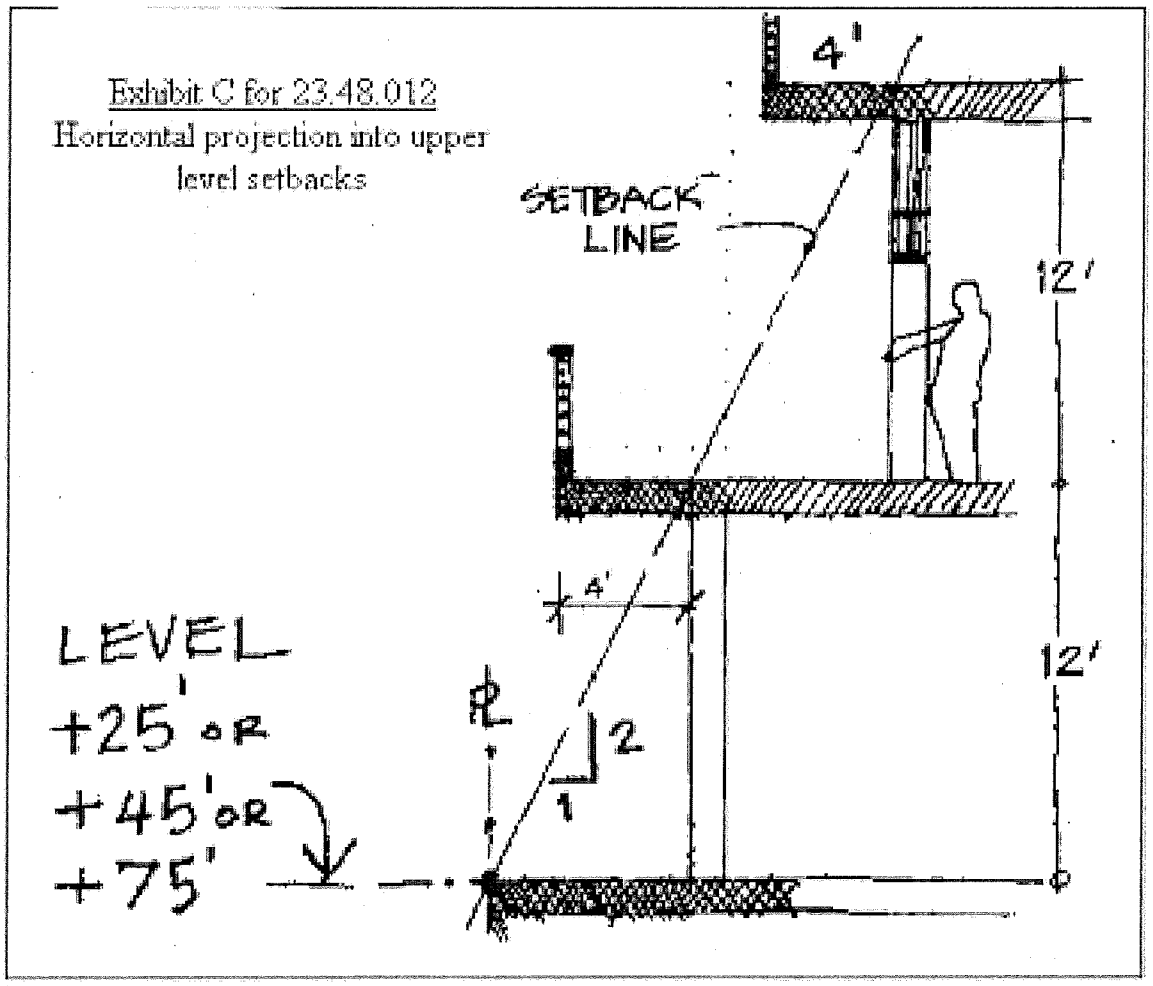
Exhibit B for 23.48.012
Upper-level setback from specified streets in the SM 85/65-160



C. Upper-level setbacks on alleys in the SM/R 55/85 zone. For lots abutting an alley in the SM/R 55/85 zone, portions of a structure greater than 25 feet in height shall set back a minimum of 1 foot from the alley lot line for every 2 feet of additional height above 25 feet, up to a maximum setback of 15 feet measured from the alley lot line, as shown in Exhibit A for 23.48.012.

D. Projections permitted in required upper-level setbacks. Horizontal projections, including decks, balconies with open railings, eaves, cornices, and gutters are permitted to extend a maximum of 4 feet in required setbacks (Exhibit C for 23.48.012).

Exhibit C for 23.48.012
Horizontal projection into upper-level setbacks



23.48.013 Upper-level development standards for specific building types in SM zones in the South Lake Union Urban Center

Lots in the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM 240/125-400 zones that are located within the South Lake Union Urban Center are subject to upper-level development standards that may include upper level coverage limits, gross floor area limits and podium heights, upper-level setbacks, façade modulation, maximum facade widths, a limit on the number of towers per block, and tower separation requirements, as specified in this Section

23.48.013. For the purpose of this Section 23.48.013, a tower is either a structure with non-residential uses above a height of 85 feet, the podium, or a structure that has residential uses that exceed the base height limit established for residential uses in the zone under subsection 23.48.010.A.2.

A. Upper-level coverage limit. For residential towers, the average gross floor area of all stories above the podium height specified on Map A for 23.48.013 shall not exceed 50 percent of the lot area, provided that:

1. In no case shall the gross floor area of stories above the podium height exceed the gross floor area limits of subsection 23.48.013.B.2; and

2. The limit on towers per block in subsection 23.48.013.F apply.

B. Floor area limits and podium heights. The following provisions apply to development in the SM 85/65-125, SM 85-240, SM 85/65-160, SM 160/85-240, and SM 240/125-400 zones located within the South Lake Union Urban Center:

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

a. Except as specified in subsections 23.48.013.B.1.b and 23.48.013.B.1.c, there is no floor area limit for nonresidential uses in a structure that does not contain nonresidential uses above 85 feet in height.

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

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

2) The structure has no more than seven stories.

c. Within locations in the SM 160/85-240 zone meeting the standards in subsection 23.48.017.B, there is no floor area limit for structures that do not exceed a height of

120 feet and that are designed for research and development laboratory use and administrative office associated with research and development laboratories.

d. For structures with nonresidential uses that exceed a height of 85 feet, or that exceed the height of 105 feet under the provisions of subsection 23.48.013.B.1.b, or 120 feet under subsection 23.48.013.1.c, each story of the structure above the specified podium height indicated for the lot on Map A for 23.48.013 is limited to a maximum gross floor area of 24,000 square feet per story, except that the average gross floor area for stories above the specified podium height is 30,000 square feet for structures on a lot that meets the following conditions:

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

2) The lot includes an existing open space or a qualifying Landmark structure and is permitted an additional increment of FAR above the base FAR, as permitted in subsection 23.48.009.B.4.

2. Floor area limit for residential towers. For a structure with residential use that exceeds the base height limit established for residential uses in the zone under subsection 23.48.010.A.2, the following maximum gross floor area limit applies:

a. For a structure that does not exceed a height of 160 feet, excluding rooftop features that are otherwise permitted above the height limit under the provisions of subsection 23.48.010.I, the gross floor area for stories with residential use that extend above the podium height indicated for the lot on Map A for 23.48.013 shall not exceed 12,500 square feet per story, or the floor size established by the upper-level coverage limit in subsection 23.48.013.A, whichever is less.

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

1) The average gross floor area for all stories with residential use that extend above the podium height indicated for the lot on Map A for 23.48.013 shall not

exceed 10,500 square feet, or the floor size established by the upper-level coverage limit in subsection 23.48.013.A, whichever is less.

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

3. Floor area limit for mixed use development. This subsection 23.48.013.B.3 applies to structures that include both residential and non-residential uses, as provided for in 23.48.009.3.b.

a. For a story that includes both residential and non-residential uses, the gross floor area limit for all uses combined shall not exceed the floor area limit for non-residential uses, provided that the floor area occupied by residential use shall not exceed the floor area limit otherwise applicable to residential use.

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

4. Podium standards. The standards for podiums only apply to projects that are subject to a floor area limit in this subsection 23.48.013.B, and apply only to the lower portion of the structure that are not subject to the floor area limit.

a. Height limit for podiums. The specific podium height for a lot is shown on Map A for 23.48.013, and the height limit extends from the street lot line to the parallel alley lot line, or, where there is no alley lot line parallel to the street lot line, from the street lot line to a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is less than 120 feet deep.

b. Area limit for podiums. For the podiums of structures with residential uses that exceed the base height limit established for the zone under subsection 23.48.010.A.2 and for structures with non-residential uses that exceed a height of 85 feet, the average lot coverage of all the stories below the podium height specified on Map A for 23.48.013 shall not

exceed 75 percent of the lot area, except that 100 percent lot coverage is permitted for each story if the total number of stories below the podium height is three, or fewer, stories, or if the conditions in subsection 23.48.013.B.4.c apply.

c. The area limit on podiums in subsection 23.48.013.B.4.b does not apply if a lot includes one of the following:

1) Usable open space that meets the provisions of 23.48.014.G; or

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

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

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

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

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

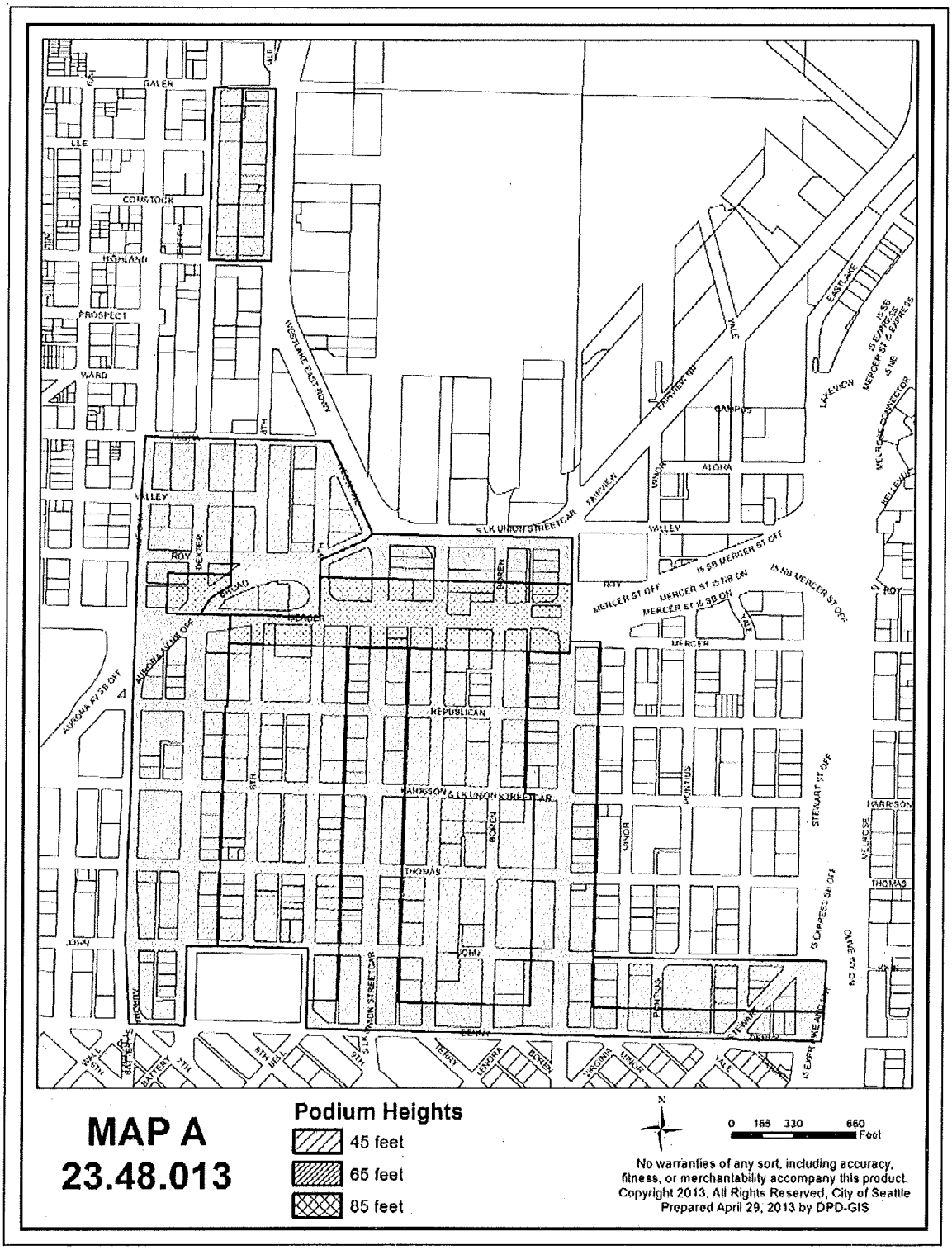
iii. The addition of stories to the structure, unless the proposed addition is no taller than the maximum height to which the structure was originally built, or the addition is approved through the design review process as compatible with the original character of the structure and is necessary for adapting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

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

enclosing the exterior walls of the structure as they existed at the time it was included on the lot with the project allowed to waive the podium area limit, with the rectangle extended to the nearest street frontage.

d. Additional height for podiums abutting Class 1 Pedestrian Streets. Podium height for structures fronting on Class 1 Pedestrian Streets pursuant to Section 23.48.014, may exceed podium height limits shown on Map A for 23.48.013 by an average of 5 feet provided that floor-to-ceiling clearance at the ground floor is at least 15 feet.

Map A for 23.48.013 Podium Heights



C. Upper-level setbacks

1. The following requirements for upper-level setbacks in this subsection 23.48.013.C.1 apply to development that meets the following conditions:

a. The development is on lot abutting a street shown on Map A for 23.48.013; and

b. For lots in the SM 85-240, SM 85/65-160, SM 160/85-240, and SM 240/125-400 zones located within the South Lake Union Urban Center, the development includes a tower structure with residential uses exceeding the base height limit established for residential uses in the zone under subsection 23.48.010.A.2, or includes a structure with non-residential uses that exceed a height of 85 feet.

2. The required upper-level setbacks for development specified in subsection 23.48.013.C.1 shall be provided as follows:

a. For portions of a structure facing the applicable street, the maximum height above which a setback is required is specified on Column 2 of Table A for 23.48.013.

b. For portions of a structure exceeding the maximum height above which a setback is required, the minimum depth of the setback, measured from the abutting applicable street lot line, is specified on Column 3 of Table A for 23.48.013.

Table A for 23.48.013 Required upper-level setbacks for development meeting the conditions of Section 23.48.013.C		
Column 1: Location of lot	Column 2: Height above which setback is required	Column 3: Minimum depth of setback from applicable street property line
Thomas Street, south side, from Aurora Ave N to 8th Ave N	45 feet	50 feet
Thomas Street, south side, from 8th Ave N to 9th Ave N	45 feet	40 feet
Thomas Street, south side, between 9th Ave N and alley between Fairview Ave N and Minor Ave N	45 feet	30 feet
John Street, north side, between Aurora Ave N and 9th Ave N	45 feet	30 feet
John Street, north side, between 9th Ave N and Boren Ave N	45 feet	15 feet
John Street, south side, between Aurora Ave N and Minor Ave N	45 feet	30 feet
Boren Ave N, both sides, between Mercer Street and John Street	65 feet (1)	10 feet (1)
Fairview Ave N, west side, from Mercer Street to John Street	65 feet	10 feet
Fairview Ave N, east side, from Mercer Street to John Street	65 feet	10 feet
Notes to Table A for 23.48.013: (1) On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.		

3. Upper-level setbacks for residential tower development in the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. For tower structures that include residential use above the base height limit for residential use, or hotel use above a height of 85 feet, upper-level setbacks, in addition to those specified in subsection 23.48.012.B.1, are required as follows:

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

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

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

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

4. Upper level setbacks for tower structures in the SM 160/85-240 zone for the block bounded by Mercer Street, Fairview Avenue North, Republican Street, and Boren Avenue North. In addition to upper level setback requirements in this subsection 23.48.013.C, for tower structures with residential or non-residential uses on lots in the SM 160/85-240 zone on the block bounded by Mercer Street, Fairview Avenue North, Republican Street, and Boren Avenue North, any portion of the tower structure above 85 feet shall be set back a minimum of 110 feet from the street lot line abutting Mercer Street.

5. Projections permitted in required upper-level setbacks. The first 4 feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters are permitted in required setbacks, as shown in Exhibit B for 23.48.012.

D. Facade modulation. For all structures with non-residential uses exceeding 85 feet in height, facade modulation is required for the street-facing portions of a structure located within

15 feet of a street lot line and exceeding the podium height specified for the lot on Map A for 23.48.013. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

1. The maximum length of a facade without modulation is prescribed in Table B for 23.48.013, Façade Modulation. This maximum length shall be measured parallel to each street lot line, and shall apply to any portion of a facade, including projections such as balconies, that is located within 15 feet of street lot lines.

Table B for 23.48.013
Façade Modulation

Height of street facing portion of structure	**Maximum length of un-modulated façade within 15 feet of street lot line**
For stories above the podium height specified on Map A for 23.48.013 up to 125 feet	150 feet
For stories above 125 feet	120 feet

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

E. Maximum façade width. A maximum façade width applies to certain residential structures that exceed the base height limit for residential use, as specified in subsections 23.48.013.E.1 and 23.48.013.E.2 below. The maximum façade width only applies to portions of the structure above the podium height specified for the lot on Map A for 23.48.013.

1. Except in the SM 85/65-125 zone and the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North,

for portions of a structure that exceed the podium height but do not exceed a height of 160 feet, and that have an average floor size exceeding 10,500 square feet, the maximum façade width is 120 feet along the general east/west axis of the site (perpendicular to the Avenues).

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

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

F. Limit on tower structures per block. The number of towers permitted on a block, which for the purposes of this subsection 23.48.013.F is defined as the area bounded by street lot lines, shall be as follows:

1. Only one residential tower, or one structure with nonresidential uses exceeding 85 feet in height, is permitted on a single block front, except as further limited by subsections 23.48.013.F.3, 23.48.013.F.4, and 23.48.013.F.5.

2. For purposes of this subsection 23.48.013.F an existing tower is either:

a. A tower that is physically present, except as provided below in subsection 23.48.13.F.2.b; or

b. A proposed tower for which a Master Use Permit decision has been issued, unless and until either:

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

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

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

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

5. Only one structure with nonresidential uses exceeding 85 feet in height is permitted on a block, unless the structure is permitted under Section 23.48.017 or unless all of the following conditions apply:

a. The structure is on a lot with a minimum area of 60,000 square feet. The area of one or more lots, separated only by an alley, may be combined for the purposes of calculating the minimum required lot area under this subsection 23.48.013.F.5. The minimum lot area is 59,000 square feet if the lot area was reduced below 60,000 square feet as a result of acquisition of right-of-way by the City;

b. A minimum separation of 60 feet is provided between all portions of structures on the lot that exceed the limit on podium height shown on Map A for 23.48.013. If the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted.

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

d. A pedestrian connection meeting the development standards of subsection 23.48.014.F for through-block pedestrian connections for large lot developments is provided though the lot to connect the north-south avenues abutting the lot. If the lot abuts an avenue that has been vacated, the connection shall be to an easement providing public access

along the original alignment of the avenue. In addition, if the slope of the lot between the north-south avenues exceeds a slope of 10 percent, a hill-climb shall be provided.

e. The application of the provisions in this subsection 23.48.013.F.5 shall not result in more than two structures on a block with either nonresidential uses above 85 feet in height or with residential use above the base height limit for residential use, except as allowed by subsection 23.48.013.F.5.f.

f. For lots that, as a result of a street vacation, exceed 150,000 square feet, the Director shall, as a Type 1 decision, determine the permitted number of structures with non-residential uses above 85 feet in height or with residential use above the base height limit, based on the limits in subsection 23.48.013.F.5.e as applied to the block conditions existing prior to the street vacation.

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

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

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

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

4) Bike share stations.

h. For development that exceeds 85,000 or more square feet of gross office floor area, the Director shall make a determination as to the project's impact on the need

for open space. The Director may limit floor area or allow floor area subject to conditions, which may include a voluntary agreement between the property owner and the City to mitigate impacts, if any. The Director shall take into account subsection 23.49.016.A in assessing the demand for open space generated by an office development in an area permitting high employment densities.

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

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

b) Additional pedestrian amenities through on-site or streetscape improvements provided as mitigation for impacts on pedestrian facilities pursuant to subsection 23.48.013.F.3.g., and

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

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

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

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

G. Tower separation. The following separation is required between structures with residential use above the base height limit for residential use and that are located on the same

block. For the purposes of this subsection 23.48.013.F, a block is defined as the area bounded by street lot lines.

1. A separation of 60 feet is required between all portions of the structure that exceed the base height limit for residential use, except as exempted by subsection 23.48.013.F.2.

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

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

23.48.014 Street-level development standards

A. General façade requirements

1. Primary pedestrian entrance. Each new structure facing a street is required to provide a primary building entrance for pedestrians from the street or a street-oriented courtyard that is no more than 3 feet above or below the sidewalk grade.

2. Minimum facade height. A minimum façade height is required for the street-facing facades of new structures, unless all portions of the structure are lower than the required minimum facade height listed below.

a. On Class 1 Pedestrian Streets, as shown on Map A for 23.48.014, the minimum height for street-facing façades is 45 feet.

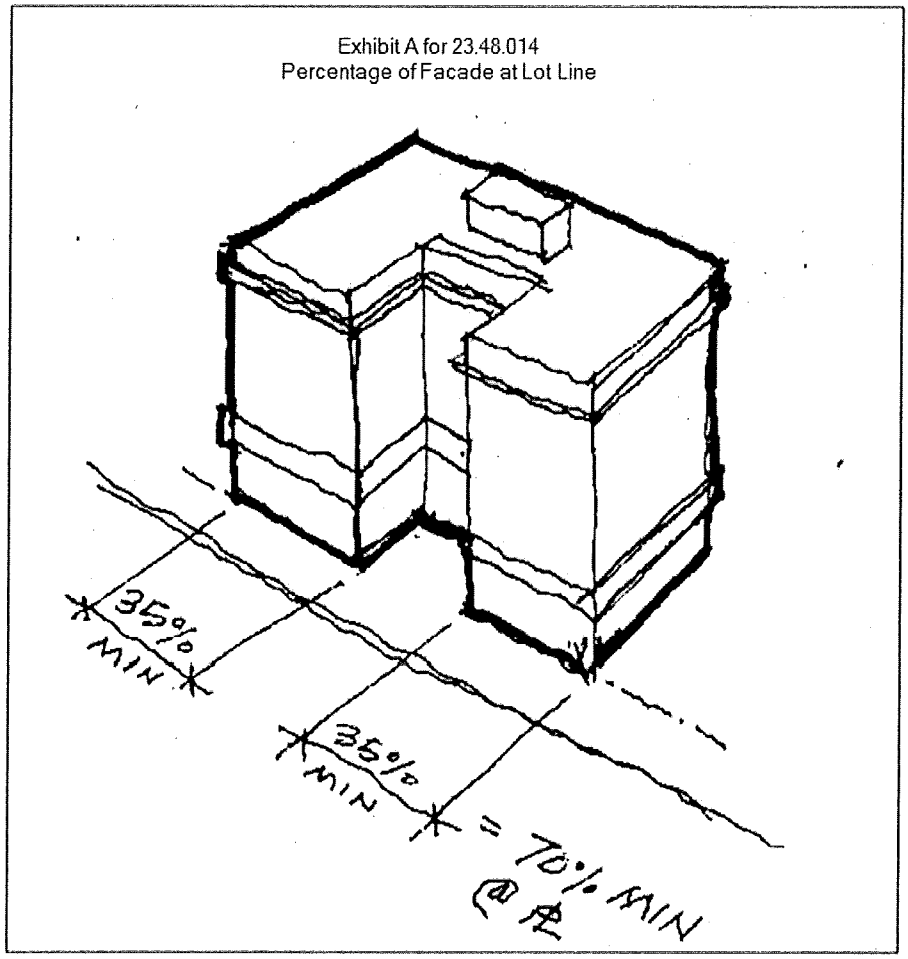
b. On Class 2 Pedestrian Streets and Neighborhood Green Streets, as shown on Maps A and B for 23.48.014, the minimum height for street-facing facades is 25 feet.

c. On all other streets, the minimum height for street-facing facades is 15 feet.

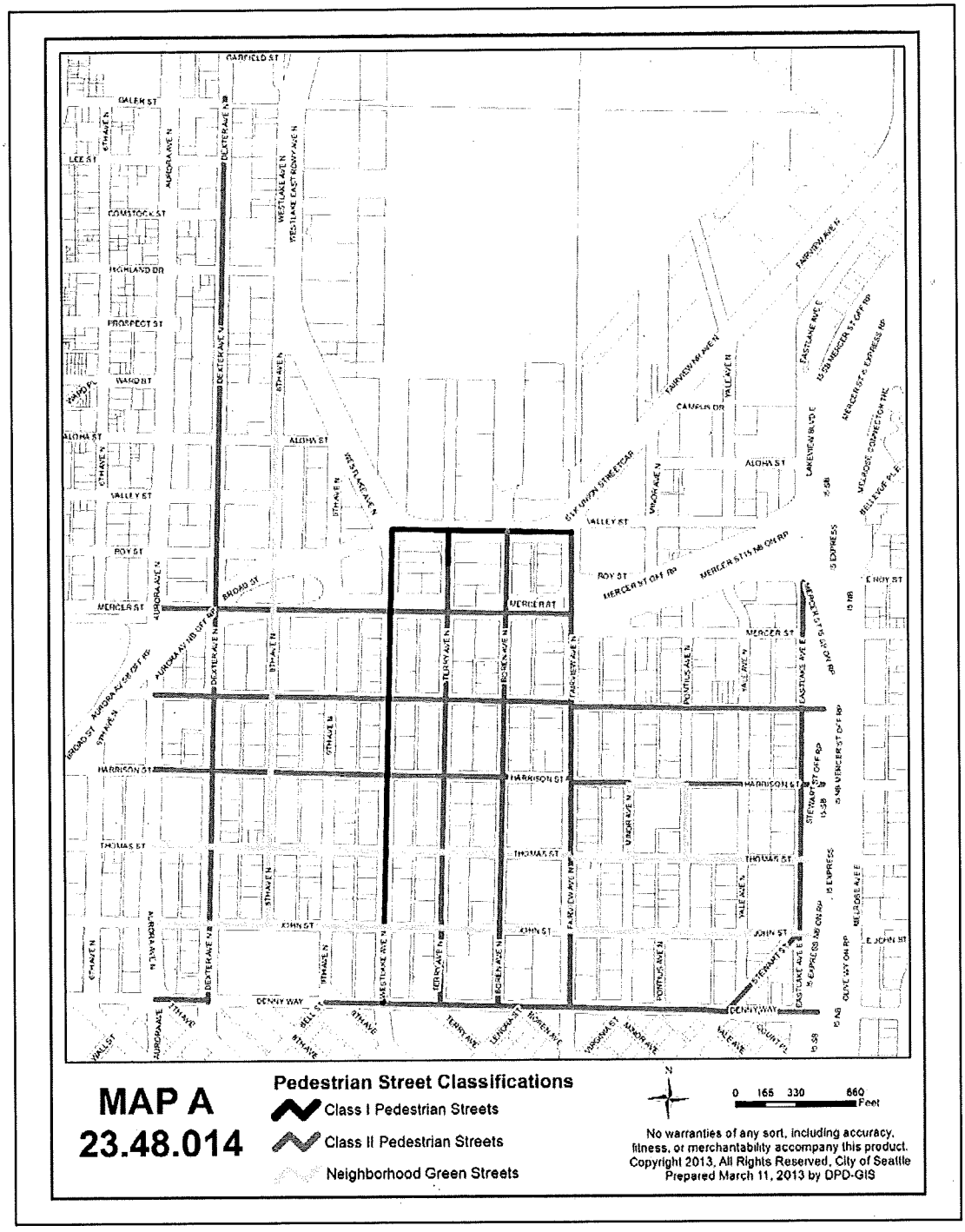
3. Permitted setbacks from street lot lines. Except on lots subject to the provisions of subsection 23.48.014.B, the street-facing facades of a structure are permitted to set back from the street lot line as follows:

a. The street-facing facades of structures abutting Class 1 Pedestrian Streets, as shown on Map A for 23.48.014, shall be built to the street lot line for a minimum of 70 percent of the facade length, provided that the street frontage of any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.48.013.B.4.c, 23.48.014.F, or 23.48.014.G is excluded from the total amount of frontage required to be built to the street lot line.

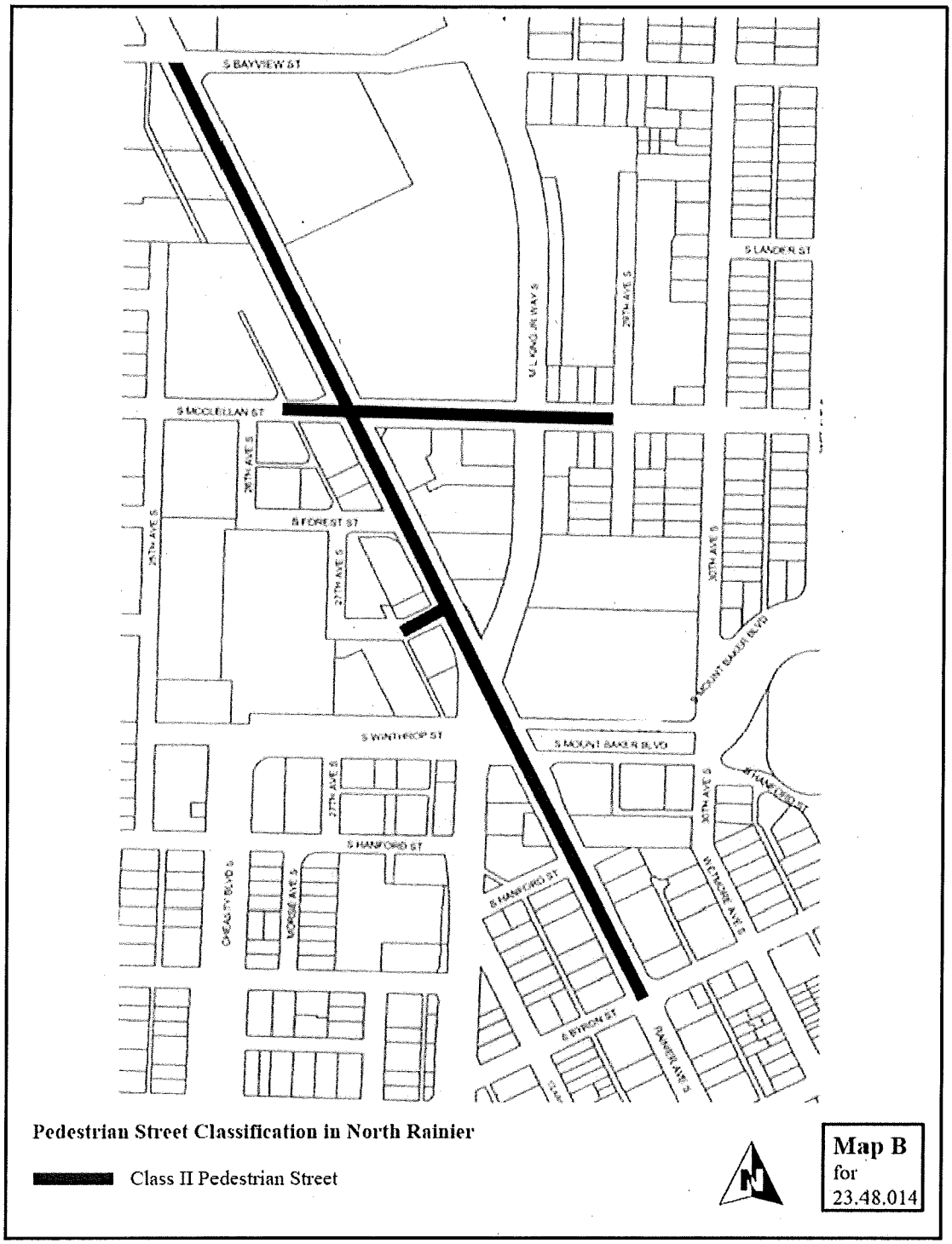
Exhibit A for 23.48.014
Percentage of Facade at Lot Line



Map A for 23.48.014 Pedestrian Street Classifications in South Lake Union



Map B for 23.48.014
Pedestrian Street Classifications in North Rainier



b. Except on Class 1 Pedestrian Streets, as shown on Map A for 23.48.014, and as specified in subsection 23.48.014.B.1, the street-facing façade of a structure may be set back up to 12 feet from the street lot line subject to the following (Exhibit B for 23.48.014):

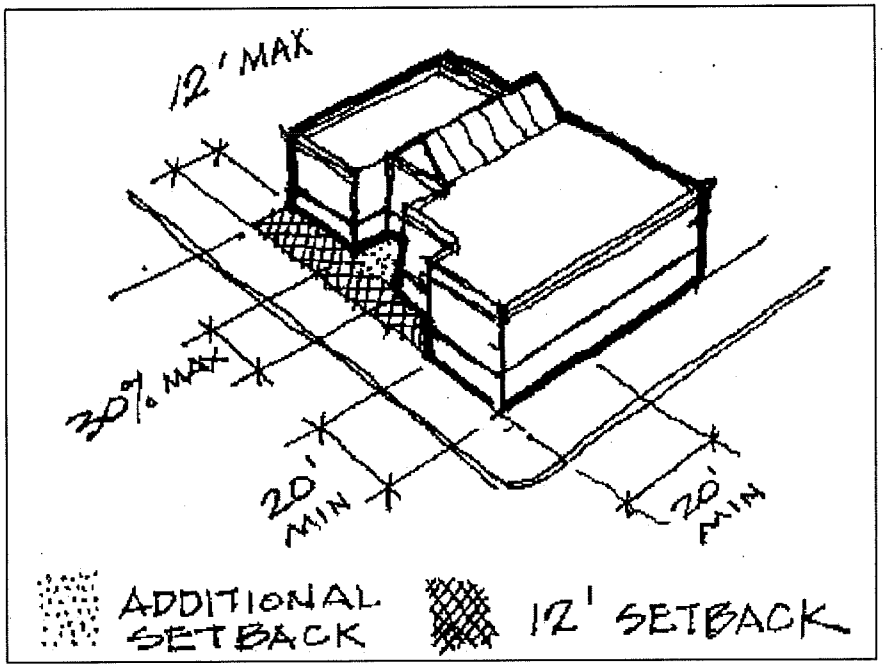
1) The setback area shall be landscaped according to the provisions of Section 23.48.024;

2) Additional setbacks are permitted for up to 30 percent of the length of portions of the street façade that are set back from the street lot line, provided that the additional setback is located 20 feet or more from any street corner; and

3) Any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.49.013.B.4.c, 23.48.014.F or 23.48.014.G is not considered part of the setback area and may extend beyond the limit on setbacks from the street lot line that would otherwise apply under subsections 23.48.014.A.3.b or 23.49.014.A.3.b.2.

Exhibit B for 23.48.014

Street level setback



B. Additional façade requirements in the SM 85-240 zone. In addition to the provisions of subsection 23.48.014.A, the following standards apply in the SM 85-240 zone.

1. Required street-facing façade setback

a. All street-facing facades along 8th Avenue North, except those portions occupied by permitted non-residential uses and subject to the provisions of subsection 23.48.014.B.2, are required to set back an average of 10 feet from the street lot line, provided that no setback shall be less than 5 feet from the street lot line, and any setback area further than 15 feet from the street lot line shall not be included in the averaging calculation.

b. The setback requirement of this subsection 23.48.014.B.1 does not apply to the following:

1) Portions of the street-facing façade that are located no more than 40 feet from a street corner; and

2) Portions of the structure that are partially below grade and meet the following conditions:

a) The roof of the partially below-grade portion of the structure in the setback area is no more than 4 feet above finished grade;

b) The surface of the roof is used for private access or amenity area for abutting units; and

c) A landscaped area a minimum of 2 feet in depth measured from the abutting street lot line is maintained at grade level. As a Type I decision, the Director, in consultation with the Director of Transportation, may waive this requirement for a landscaped setback if it is determined that a continuous landscaped area can be provided in the right-of-way area abutting the street lot line.

c. Only ground-related residential units and floor area for building lobbies for residential uses are permitted within the portion of the story of the structure abutting the

required setback area, and each unit or lobby area is required to have direct access to the required setback area.

d. The street-level façade of lobby area abutting the required setback shall not exceed a width equivalent to 20 percent of the total width of the required setback measured along 8th Avenue North.

e. Private amenity area, unenclosed stoops, steps, or porches related to the abutting, ground level residential units or common amenity area with access to residential lobbies shall be provided within the required setback area.

f. Bay windows, canopies, horizontal projection of decks, balconies with open railings, eaves, cornices, gutters, and other similar architectural features are permitted to extend no more than 4 feet into required setbacks.

g. Driveways providing access to parking within a structure are not permitted within the required setback area.

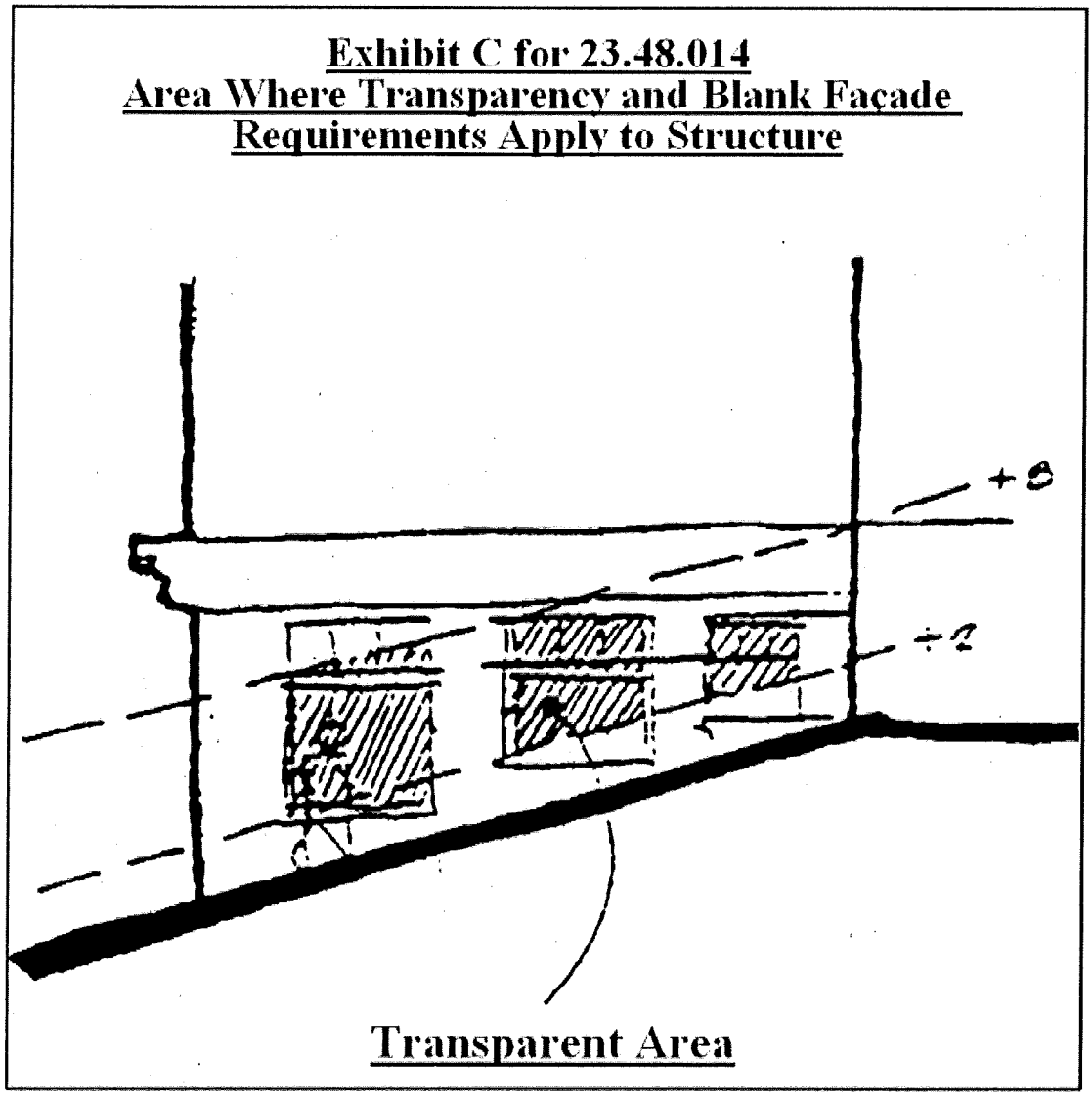
2. Development standards for non-residential uses. Nonresidential uses are permitted on the ground floor of mixed use structures, subject to the following:

a. Non-residential uses are not permitted to extend more than 20 feet above the street level.

b. Non-residential uses are only permitted on corner portions of the lot that are within 20 lineal feet of intersecting street lot lines.

C. Additional requirements in the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North. Street level facades on that portion of Terry Avenue between Mercer Street and Valley Street shall be set back an average of 10 feet from the lot line. In addition all street level facades on Valley Street within 50 feet of Terry Avenue shall be set back an average of 50 feet from the lot line.

Exhibit C for 23.48.014
Area where transparency and blank facade requirements apply to structures



D. Transparency and blank facade requirements. The provisions of this subsection 23.48.014.C apply to the area of a street facing facade between 2 feet and 8 feet above a sidewalk (Exhibit C for 23.48.014).

1. Transparency requirements apply to all street-facing, street level facades, except for portions of structures in residential use, as follow:

a. For Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, shown on Maps A and B for 23.48.014, a minimum of 60 percent of the street facing facade must be transparent.

b. For all other streets not specified in subsection 23.48.014.D.1.a, a minimum of 30 percent of the street facing facade must be transparent.

c. If the slope of the street frontage of the facade exceeds 7.5 percent, the required amount of transparency shall be reduced to 45 percent of the street facing facade on Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, shown on Maps A and B for 23.48.014, and 22 percent of the street facing facade on all other streets.

d. Only clear or lightly tinted glass in windows, doors, and display windows are considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Blank facade limits. Any portion of the facade that is not transparent is considered to be a blank facade.

a. Blank facade limits for Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets.

1) Blank facades shall be limited to segments 15 feet wide, except for garage doors, which may be wider than 15 feet. Blank facade width may be increased to 30 feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus 5 feet.

2) Any blank segments of the facade shall be separated by transparent areas at least 2 feet wide.

3) The total of all blank facade segments, including garage doors, shall not exceed 40 percent of the street facade of the structure on each street frontage; or 55 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

b. Blank facade limits for all other streets not specified in subsection 23.48.014.B.2.a.

1) Blank facades are limited to segments 30 feet wide, except for garage doors which may be wider than 30 feet. Blank facade width may be increased to 60 feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus 5 feet.

2) Any blank segments of the facade shall be separated by transparent areas at least 2 feet wide.

3) The total of all blank facade segments, including garage doors, shall not exceed 70 percent of the street facade of the structure on each street frontage; or 78 percent if the slope of the street frontage of the facade exceeds 7.5 percent.

c. Blank facade limits do not apply to portions of structures in residential use.

E. Development standards for required street-level uses. Street-level uses required by subsection 23.48.004.D, and street-level uses exempt from FAR calculations under the provisions of subsection 23.48.009.D.6, whether required or not, shall meet the following development standards:

1. A minimum of 75 percent of each street frontage where street-level uses are required shall be occupied by uses listed in subsection 23.48.004.D. For structures with a street-facing façade along 8th Avenue N., located on blocks identified pursuant to subsection 23.48.017.B, or located on a designated neighborhood green street the minimum street frontage of required street-level uses is 10 percent of that street-facing facade. The remaining street

frontage at street-level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any outdoor common amenity area required for residential uses or other required open space shall not be counted in street frontage.

2. The space occupied by required street-level uses shall have a minimum floor-to-floor height of 13 feet and extend at least 30 feet in depth at street-level from the street front facade.

3. Required street-level uses shall be located within 10 feet of the street lot line, except that if outdoor amenity area required in subsection 23.48.020.B, or other required open space, abuts the applicable street lot line and separates the street-facing façade from the street, the required street-level use may abut the amenity area or open space.

4. Pedestrian access to required street-level uses shall be provided directly from the street, permitted outdoor common amenity area, or abutting required open space. Pedestrian entrances shall be located no more than 3 feet above or below sidewalk grade or at the same elevation as the abutting permitted outdoor common amenity area or required open space.

F. Required open area in the SM 85/65-160 zone. In the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, a minimum of 20 percent of the lot area shall be provided as open area that is located and configured to allow easy pedestrian access to project occupants from streets or other abutting public spaces, including access for persons with disabilities. The open area shall include the following:

1. A minimum of 60 percent of the required open area shall be provided as usable open space that meets the following conditions:

a. The usable open space is open from the ground to the sky and is visible and accessible to pedestrians from an abutting street, including persons with disabilities;

b. The open space is substantially at street-level, although portions are permitted to be within 4 feet of street level, provided that grade changes are gradual and do not

significantly disrupt the continuity of the space, and no part of the open space is significantly above or below the grade of the nearest abutting street;

c. The open space has a minimum horizontal dimension of 15 feet; and

d. The open space enhances visual and physical pedestrian connections between South Lake Union Park and development on the lot, and is accessible to the public, free of charge, during the hours of operation of South Lake union Park.

2. At the applicant's option, up to 40 percent of the required open area may be provided as any combination of:

a. A woonerf that serves as a through-block pedestrian passageway and that satisfies the following:

1) The passageway is open to the sky, has a minimum width of 20 feet, and provides a direct and continuous connection between the north/south avenues abutting the lot;

2) The passageway is designed to provide safe pedestrian use, including a clear pathway demarcated as a priority pedestrian zone; and

3) The passageway is adequately lit and available for pedestrian use 24 hours every day

b. Open areas with a horizontal dimension that is less than 15 feet abutting a street lot line if one or more of the following:

1) An area abutting a sidewalk that extends the pedestrian area onto the lot to accommodate additional streetscape amenities, such as landscaping, street furniture, special lighting, public art, or extensions of right-of-way green factor treatments;

2) Setback areas abutting the street with a maximum depth of 10 feet that provide private usable open space, stoops, terraces, and/or landscaping for abutting ground level dwelling units that have direct access to the setback area, provided that the total

amount of such setback areas does not exceed half of the 40 percent portion of the open area allowed by this subsection 23.48.014.F.2; or

3) Additional sidewalk areas created by extending the curbline into the abutting street right-of-way that are improved with such streetscape amenities as landscaping, street furniture, special lighting, public art, or extensions of right-of-way green factor treatments.

c. Usable elevated open space up to a maximum of 40 feet above street-level, and that meets the following:

1) At least 50 percent of the perimeter of the elevated open space is not enclosed by a façade and is open and oriented to provide views of South Lake Union Park;

2) The minimum horizontal dimension of the open space is 15 feet, and

d. No more than 50 percent of the open areas allowed pursuant to this subsection 23.48.014.F.2 shall be:

1) Located more than 4 feet above street-level.; and

2) Comprised of unenclosed covered areas, such as arcades or areas beneath building overhangs or overhead weather protection attached to abutting facades that abut sidewalks or pedestrian paths across the lot, or freestanding pavilions or kiosks that provide overhead weather protection..

3. When authorized by the Director as a Type I decision pursuant to this subsection 23.49.014.F, lots within the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, may be combined, whether contiguous or not, for the purpose of allowing the open area required on a lot by this subsection 23.48.014.F to be met on one or more other lots within the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, according to the following provisions:

a. The Director shall allow lots to be combined to meet open area requirements if the Director determines that the combined amount of open area on all lots meets or exceeds the minimum amount required by subsection 23.48.014.F.1, and that the added flexibility will achieve better open space conditions, as indicated by the following:

1) The open area in general will provide for a better relationship between the development on the combined lots and South Lake Union Park;

2) The added flexibility will allow for better integration of open space and surrounding development and improve accessibility among the blocks in the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North and adjacent areas;

3) A greater diversity of open space will be achieved for the area;

4) Greater public use of the open space will be encouraged;

5) The flexibility would result in open spaces that are more substantial is size and/or more adaptable to a greater variety of uses, or that establish a more significant neighborhood focal point than would otherwise likely occur; and/or

6) The opens space provided will enhance urban form by promoting better massing, more usable open spaces with increased solar access, enhanced views within and through the site, and other improved conditions.

b. Prior to issuance of a Master Use Permit for any development that relies on one or more other lots within the SM 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North to meet the open area requirements of this subsection 23.48.014.F, the fee owners of both the property subject to the Master Use Permit and the lot(s) utilized to meet open area requirements for the Master Use Permit shall execute an appropriate agreement or instrument that is recorded in the King County real property records that:

1) Includes the legal description of each lot;

2) Acknowledges the specific extent to which the open space standards are met through a combination of the lots;

3) Provides that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by the City of Seattle; and

4) Provides that the agreement or instrument shall be in effect unless the Master Use Permit expires, is cancelled, is withdrawn by the applicant, or the development allowed by the Master Use Permit no longer requires the other lot(s) in order to meet the open area requirements of this subsection 23.48.014.F.

G. Required usable open space in the SM 85/65-125, SM 85/65-160, SM 160/85-240 and SM 240/125-400 zones.

1. Except as provided for in subsection 23.48.014.G.3 and 23.48.014.G.4, in the SM 85/65-125, SM 85/65-160, SM 160/85-240 and SM 240/125-400 zones, on lots exceeding 30,000 square feet in area, proposed development containing extra floor area as provided for in Section 23.48.011 shall provide usable open space as follows:

a. The minimum amount of required usable open space shall be equal to 15 percent of the lot area and shall generally be accessible at street level, with variations in elevation allowed to accommodate changes in topography;

b. The average horizontal dimension for any area qualifying as required usable open space is 20 feet, and the minimum horizontal dimension is 10 feet, except that there is no minimum horizontal dimension for additional pedestrian area abutting a sidewalk that is provided according to subsection 23.48.014.G.1.f;

c. A minimum of 45 percent of the required usable open space shall be exterior space open to the sky and shall abut a street along at least one street frontage and provide both visual and physical access from the street to pedestrians, including persons with disabilities;

d. Up to a maximum of 20 percent of the required usable open space may be covered overhead to provide weather protected space and a widened sidewalk area, if the following conditions are met:

1) The open space abuts a street lot line and is open and accessible to pedestrians along the sidewalk and,

2) If the space is covered by portions of the structure above, or is provided as an arcade open to the street, the minimum vertical clearance is 20 feet;

e. Up to a maximum of 35 percent of the required usable open space may be provided as enclosed space, such as a public atrium, a shopping atrium, wintergarden, or covered portion of a through-block pedestrian connection, if the enclosed open space meets all of the following requirements:

1) Direct access is provided to pedestrians, including persons with disabilities, from the street, or from an outdoor, usable public open space abutting the street;

2) The space is provided as one continuous area that is a minimum of 2,000 square feet in size. Space, such as lobby area, that is used solely to provide access between the structure's principal street entrance and elevators, does not qualify as required usable open space;

3) The minimum floor-to-ceiling height is 15 feet;

4) The space is accessible to the public during normal business hours; and

f. Up to a maximum of 10 percent of the required usable open space may be provided as an area abutting a sidewalk that extends the pedestrian area onto the lot or accommodates landscaping or extensions of right-of way green factor treatment pursuant to Section 23.86.019. Minor changes between the sidewalk elevation and the elevation of the abutting sidewalk area are permitted to accommodate changes in topography, or to provide for features such as ramps that improve access for persons with disabilities.

2. Usable open space provided under this subsection 23.48.014.G is eligible to qualify as amenity area for residential uses under Section 23.48.020 or open space required for office use under Section 23.48.022, provided the applicable standards of these Sections are met.

3. Usable open space satisfying the requirements of this subsection 23.48.014.G may be provided on a site other than the project site, provided that the following conditions are met:

a. The alternate open space site is located within an SM zone and within 650 feet of the project site;

b. The amount of usable open space is no less than 10 percent of the lot area; and

c. The owner of any lot on which off-site open space is provided records a restrictive covenant in a form acceptable to the Director assuring compliance with requirements of this subsection 23.48.014.G.

H. Through-block pedestrian connections for large lot developments

1. A through-block pedestrian connection meeting the standards of subsection 23.48.014.G.2 is required in the SM 85/65-125, SM 85-240, SM 85/65-160, SM 160/85-240, and SM 240/125-400 zones for development described as follows:

a. Within the block defined as the area enclosed by street rights-of-way, the lot area of the development is a minimum of 60,000 square feet, except that the area of lots separated only by an alley right-of-way may be combined for the purposes of calculating the minimum required lot area;

b. The lot area of the development abuts the two north-south avenues for a minimum linear distance of 120 feet along each avenue.

2. The required through-block pedestrian connection shall meet the following development standards:

a. A continuous pedestrian passageway shall extend across the development lot to both abutting avenues. The alignment of the pedestrian connection and the point at which it intersects each avenue shall be no closer than 100 feet to an east-west street abutting the block, and the connection at the avenues shall be accessible at grade level from the sidewalk.

b. The required pedestrian connection shall have an average width of 25 feet and a minimum width of 15 feet. Any segment of the pedestrian passage that is covered from side to side shall have a minimum width of 20 feet.

c. The pedestrian passage shall be open to the sky, except that up to 35 percent of the length of the passageway may be covered and enclosed, provided the minimum height of covered portions is 13 feet. Unenclosed area of the pedestrian connection may be counted as required open space; and

d. If the pedestrian passage crosses an alley, the alley right-of-way shall be improved to ensure pedestrian safety and to reinforce the relationship between portions of the passageway on either side of the alley.

3. The Director may allow departures from the standards for though-block pedestrian connections as a Type I decision, if the applicant demonstrates that alternative treatments will better serve the development by enhancing pedestrian comfort and promoting greater use of the connection.

4. For development providing a through-block pedestrian connection on blocks with an alley, the allowed FAR from any lot included in the development may be transferred to any other lot of the development across the alley.

23.48.017 Additional height in certain SM-zoned areas in the South Lake Union Urban Center

A. Applicability and general provisions. For structures in the SM 160/85-240 zone designed for research and development laboratory use and administrative office associated with

research and development laboratories, structures that do not exceed a height of 120 feet are not subject to the floor area limits of subsection 23.48.013.B, provided the project complies with all the requirements of this Section 23.48.017. In order for a structure to qualify for the exemption from the floor area limit, at least one complete MUP application for a structure on the same block that has been permitted to extend up to a height of 120 feet without floor area limits shall be filed within nine months of February 17, 2010.

B. Location. A structure may be exempt from floor area limits of subsection 23.48.013.B if the structure:

1. is located on a block that is designated SM 160/85-240;

2. is bounded by arterial-designated streets on at least two sides;

3. is greater than 60,000 square feet in size and does not exceed 100,000 square feet in size; and

4. is not bisected by an alley or other public right-of-way.

C. Street-level uses. Street-level uses shall be provided as required by subsection 23.48.004.D.3.

D. LEED requirement. The applicant will strive to achieve a LEED Gold rating or better and at a minimum earn a LEED Silver rating or meet a substantially equivalent standard, and shall demonstrate compliance with that commitment, all in accordance with the provisions of Section 23.48.025.

E. Open space. A minimum of 20 percent of the lot area shall be useable open space. The purpose of the open space shall be to allow for public seating, passive recreation, and a mid-block pedestrian connection. For a multi-phase project, the open space requirement and the other requirements in this subsection 23.48.017.E shall be calculated and applied to the total project. The following standards apply to open space required under this subsection 23.48.017.E:

1. The open space shall be open during daylight hours and accessible to the general public, without charge, for a minimum of ten hours per day, except that access may be

temporarily limited as required for public safety, security, scheduled events, or maintenance reasons. Members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others, unless the space is closed to the general public consistent with this subsection 23.48.017.E.1. No parking, storage or other use may be established on or above the surface of the open space except as provided in this subsection 23.48.017.E. Use of the open space by motor vehicles is prohibited. The open space shall be clearly identified with signage placed at a visible location at each street entrance providing access to the open space. The signage shall indicate, in letters legible to passersby, the nature of the open space, its availability for general public access, and directional information as needed.

2. The open space shall contain at least one contiguous area with a minimum of 3,000 square feet and a minimum horizontal dimension of 10 feet.

3. A minimum of 35 percent of the open space shall be landscaped with grass, ground cover, bushes and/or trees.

4. Either permanent or movable seating in an amount equivalent to one lineal foot for every 200 square feet of open space shall be available during hours of public access.

5. The open space shall be located and configured to provide easy access from streets or other abutting public spaces and convenient pedestrian circulation through the open space. The open space shall have a minimum frontage of 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

6. The open space shall be provided at ground level, except that some separation of multiple levels may be allowed, provided they are physically and visually connected.

7. Up to 20 percent of the open space may be covered by features accessory to public use of the open space, including: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features approved by the Director that contribute to

pedestrian comfort and active use of the space. The following features within the open space area may count as open space: areas for temporary kiosks and pavilions, public art, water features, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to the open space and are available for public use, and any similar features approved by the Director. Seating or tables, or both, may be provided and reserved for customers of restaurants or other uses abutting the open space, however, the area reserved for customer seating shall not exceed 15 percent of the open space area or 500 square feet, whichever is less.

8. Public art shall be included in the public open space. The artwork may include but need not be limited to water features, or two or three-dimensional works in all media. The artwork shall be clearly visible to people using the open space, and, wherever possible, should be visible from the abutting streets. The property owner is responsible for maintaining all art features for the life of the buildings on the lot.

F. Transportation Management Program. The Master Use Permit application shall include a Transportation Management Program (TMP) consistent with requirements for TMPs in the applicable Director's Rule. The TMP shall be approved by the Director only if, after consulting with the Director of Transportation, the Director determines that no more than 40 percent of trips to and from the project will be made using single-occupant vehicles (SOVs).

1. For purposes of measuring attainment of SOV goals contained in the TMP, the number of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator).

2. Compliance with this Section 23.48.017 does not affect the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

G. Energy Management Plan. The Master Use Permit application shall include an energy management plan, approved by the General Manager and Chief Executive Officer of Seattle City

Light, containing specific energy conservation or alternative energy generation methods or on-site electrical systems that together can ensure that the existing electrical system can accommodate the projected loads from the project. The Director, after consulting with the Superintendent of Seattle City Light, may condition the approval of the Master Use Permit on the implementation of the energy management plan.

23.48.020 Amenity area for residential uses

A. Amenity area. Amenity area is required for all new development with more than 20 dwelling units.

B. Quantity of amenity area. An area equivalent to 5 percent of the total gross floor area in residential use shall be provided as amenity area, except that, in no instance shall the amount of required amenity area exceed the area of the lot.

C. Standards for amenity area. Required amenity area shall meet the following standards:

1. All residents of the project shall have access to the required amenity area, which may be provided at or above ground level.

2. A maximum of 50 percent of the required amenity area may be enclosed.

3. The minimum horizontal dimension for required amenity areas is 15 feet, except that the minimum horizontal dimension is 10 feet for amenity areas provided as landscaped open space accessible from the street at street-level. The minimum size of a required amenity area is 225 square feet.

4. Amenity area that is provided as landscaped, street-level open space that is accessible from the street shall be counted as twice the actual area in determining the amount provided to meet amenity area requirement.

5. In mixed use projects, the Director may permit a bonused public open space to satisfy a portion of the required amenity area, provided that the space meets the standards of this Section 23.48.020, 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 amenity area.

7. For a development that maintains a designated Seattle Landmark on the lot, the Director may, as Type I decision, waive or modify the amenity area requirement if it is determined that maintaining the Landmark structure significantly limits the ability to accommodate the required amenity area on the site.

8. For lots abutting a designated neighborhood green street, up to 50 percent of the amenity area requirement may be met by contributing to the development of the abutting 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 the Director determines that the green street will benefit residents of the project.

23.48.022 Open space requirement for office uses

A. Finding. The City Council finds that:

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

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

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

the current open space requirement in major Downtown office projects are applicable to conditions in South Lake Union.

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

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

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

1. The project is on a lot located in an SM zone within the South Lake Union Urban Center that has a height limit for nonresidential uses that exceeds 85 feet; and

2. The project includes 85,000 or more square feet of gross office floor area.

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

1. On-site open space

a. Open space on site or on an adjacent lot directly accessible from the project site shall satisfy the requirement of this Section 23.48.022 if it meets the standards of 23.48.014.G and the open space is accessible to all occupants of the building.

b. Open space provided on-site under this requirement is eligible for amenity feature bonuses, where allowed in Section 23.48.011 when the following standards are met:

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

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

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

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

2. Off-site public open space

a. Open space satisfying the requirement of this Section 23.48.022 may be on a site other than the project site, provided that it is within an SM zone and within one-quarter mile of the project site, open to the public without charge, and at least 3,000 square feet in contiguous area. The minimum size of off-site open space and maximum distance from the project may be increased or decreased for a project if the Director determines that such adjustments are reasonably necessary to provide for open space that will meet the additional need for open space caused by the project and enhance public access.

b. Public open space provided on a site other than the project site may qualify for a development bonus for the project if the open space meets the standards of Section 23.48.013.

3. Easement for off-site open space. The owner of any lot on which off-site open space is provided to meet the requirements of this Section 23.48.022 shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this Section 23.48.022. The Director is authorized to accept such an easement, provided that the terms do not impose any costs or obligations on the City.

4. Open space provided under this Section 23.48.022 shall qualify as the open space required under Section 23.48.014.F and 23.48.014.G.

D. Payment in lieu. In lieu of providing open space required under this Section 23.48.022, an owner may make a payment to the City if the Director determines that the payment will contribute to the improvement of a designated green street or to other public open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that completion of the improvement within a reasonable time is feasible. Any such payment shall be placed in a dedicated fund or account and used within five years of receipt for the development of such improvements, unless the property owner and the City agree upon a different improvement involving the acquisition or development of public open space that will mitigate the impact of the project. A bonus may be allowed for a payment in lieu of providing the improvement made wholly or in part to satisfy the requirements of this Section 23.48.022, pursuant to Section 23.49.013.

E. Limitations. Open space satisfying the requirement of this Section 23.48.022 for any project shall not be used to satisfy the open space requirement for any other project, nor shall any bonus be granted to any project for open space meeting the requirement of this Section 23.48.022 for any other project. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.013. Open space on the site of any building for which a Master Use Permit decision was issued or a complete building permit application was filed prior to the effective date of this ordinance, that was not required under the Land Use Code in effect when such permit decision was issued or such application filed, but that would have been required for the same building by this Section 23.48.022, shall not be used to satisfy the open space requirement or to gain an FAR bonus for any other project.

23.48.024 Screening and landscaping standards

A. Landscaping requirements

1. All landscaping provided to meet the requirements of this Section 23.48.024 shall comply with the Director's rules adopted to foster the long-term health, viability, and

coverage of plantings. The Director's rules shall address, at a minimum, the type and size of plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants. these rules.

2. Landscaping that achieves a Green Factor score of .30 or greater, pursuant to Section 23.86.019, is required for any lot with:

a. development containing more than four dwelling units; or

b. development, either a new structure or an addition to an existing structure, containing more than 4,000 square feet of nonresidential uses; or

c. any parking lot containing more than 20 new parking spaces for automobiles.

3. Landscaping required by this Section 23.48.024 to achieve the Green Factor score of .30 may be met on one or more other lots within the SM 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, or their adjacent rights-of-way when a Green Factor score of .50 or greater is achieved and when, prior to issuance of a Master Use Permit for any development that relies on one or more other lots within the SM 85/65-160 zone, on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, or their adjacent rights-of-way to meet the landscaping requirement of this section, the fee owner of the lot(s) used to meet landscaping requirements shall execute a restrictive covenant that is recorded in the King County real property records that;

a. restricts the use of that portion of the off-site property that is to meet the landscaping requirement of this section, to the landscaping required by this section;

b. includes the legal descriptions of the lot burdened by the covenant;

c. acknowledges the specific extent to which the Green Factor standards are met through a combination of the lots; and

d. provides that the covenant shall be in effect until the Master Use Permit terminates or the development allowed by the Master Use Permit no longer requires the off-site landscaping.

B. Where screening or landscaping is required for specific uses in subsection 23.48.024.C, the following types of screening and landscaping shall be provided:

1. Three foot high screening on street lot lines. The required screening may be provided as either:

a. A fence or wall at least 3 feet in height; or

b. A hedge or landscaped berm at least 3 feet in height.

2. Landscaping for setback areas and berms. Each setback area or berm required shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, decorative pavers, sculptures or fountains may cover a maximum of 30 percent of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director. Landscaping designed to provide treatment for storm water runoff qualifies as required landscaping.

C. Screening for specific uses

1. Gas stations shall provide 3 foot high screening along lot lines abutting all streets, except within required sight triangles.

2. Surface parking areas

a. Surface parking areas abutting streets. Surface parking areas shall provide 3 foot high screening along the lot lines abutting all streets, except within required sight triangles.

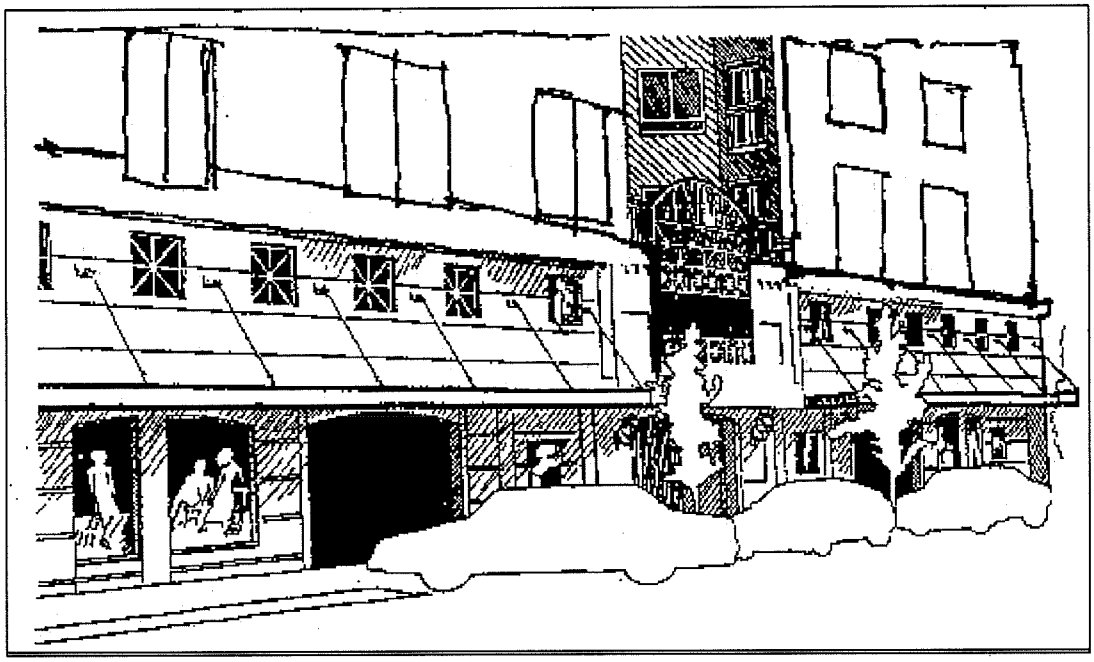
b. Surface parking areas abutting alleys. Surface parking areas shall provide 3 foot high screening along the lot lines abutting an alley. The Director may reduce or

waive the screening requirement for part or all of the lot line abutting the alley when required parking is provided at the rear lot line and the alley is necessary to provide aisle space.

3. Parking in structures. Except as provided for by subsection 23.48.034.B, parking located at or above street-level in a garage shall be screened according to the following requirements.

a. On Class 1 and 2 Pedestrian Streets, shown on Maps A and B for 23.48.014, parking is not permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated. The facade of the separating uses shall be subject to the transparency and blank facade standards in Section 23.48.014.

Exhibit A for 23.48.024
Screening for parking at street level (on Class II Pedestrian Streets)



b. On all other streets, parking is permitted at street level when at least 30 percent of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses

shall be subject to the transparency and blank wall standards in Section 23.48.014. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features (Exhibit A for 23.48.024).

c. The perimeter of each floor of parking above street level shall have an opaque screen at least 3.5 feet high.

4. Fences or free-standing walls associated with utility services uses may obstruct or allow views to the interior of a site. Where site dimensions and site conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any fence or free-standing wall for a utility service use shall provide either:

a. A landscaped area a minimum of 5 feet in depth between the wall or fence and the street lot line; or

b. Architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line, as approved by the Director.

D. Street trees requirements

1. Street trees shall be provided in all planting strips. Existing street trees may count toward meeting the street tree requirement.

2. Exceptions to street tree requirements

a. Street trees are not required when a change of use is the only permit requested.

b. Street trees are not required for temporary use permits.

c. Street trees are not required if an existing structure is expanded by less than 1,000 square feet. Generally, two street trees shall be required for each additional 1,000

square feet of expansion. Rounding of fractions, per subsection 23.86.002.B, is not permitted. The number of street trees shall be controlled by the Seattle Department of Transportation standard.

3. If it is not feasible to plant street trees according to City standards, either a landscaped setback a minimum of 5 feet deep is required along the street lot line, or landscaping other than trees may be located in the planting strip according to Department of Transportation standards. The street trees shall be planted in the landscaped area at least 2 feet from the street lot line if they cannot be placed in the planting strip.

23.48.025 Demonstration of LEED rating

A. Applicability. This Section 23.48.025 applies if a commitment to earn a LEED rating or substantially equivalent standard is a condition of a permit. Applicants for all new development, except additions and alterations, gaining extra residential floor area pursuant to Section 23.48.011, or seeking to qualify for the higher FAR limit in the applicable Table A for 23.48.009 or Table B for 23.48.009, shall make a commitment that the structure will meet Leadership in Energy and Environmental Design (LEED) rating, 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, as defined in Section 23.58A.180 may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS).

B. The Director is authorized to determine, as a Type I decision, whether the applicant has demonstrated that a new structure has earned a LEED rating or met a substantially equivalent standard. The Director may establish by rule procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Department of Planning and Development or another City agency with regulatory authority and expertise in green building practices.

C. Demonstration of compliance; penalties

1. The applicant shall demonstrate to the Director the extent to which the applicant has complied with the commitment to earn a LEED rating no later than 180 days after issuance of final Certificate of Occupancy for the new structure, or such later date as may be allowed by the Director for good cause, by submitting a report analyzing the extent credits were earned toward such rating from the U.S. Green Building Council or another independent entity approved by the Director. Performance is demonstrated through an independent report from a third party, pursuant to subsection 23.90.018.D. For purposes of this Section 23.48.025, if the Director shall have approved a commitment to achieve a substantially equivalent standard, the term "LEED rating" shall mean such other standard.

2. Failure to submit a timely report regarding a LEED rating from an approved independent entity by the date required is a violation of the Land Use Code. The penalty for such violation is $500 per day from the date that the report was due to the date it is submitted, without any requirement of notice to the applicant.

3. Failure to demonstrate, through an independent report as provided in this subsection 23.48.025 D, full compliance with the applicant's commitment to earn a LEED rating, is a violation of the Land Use Code. The penalty for each violation is an amount determined as follows:

$$P = [(LSM-CE)/LSM] \times CV \times 0.0075, \text{ where:}$$

P is the penalty;

LSM is the minimum number of credits to earn the required LEED rating;

CE is the number of credits earned as documented by the report; and

CV is the Construction Value as set forth on the building permit for the new structure.

Example:

Construction Value	$200,000,000.00

Minimum LEED Credits for rating	33
Credits Earned	32
Penalty = [(33-32)/33] × 200,000,000 × .0075 =	$45,454.55

4. Failure to comply with the applicant's commitment to earn a LEED rating is a violation of the Land Use Code independent of the failure to demonstrate compliance; however, such violation shall not affect the right to occupy any chargeable floor area, and if a penalty is paid in the amount determined under subsection 23.48.025.C.3, no additional penalty shall be imposed for the failure to comply with the commitment.

5. If the Director determines that the report submitted provides satisfactory evidence that the applicant's commitment is satisfied, the Director shall issue a certificate to the applicant so stating. If the Director determines that the applicant did not demonstrate compliance with its commitment to earn a LEED rating in accordance with this Section 23.48.025, the Director may give notice of such determination, and of the calculation of the penalty due, to the applicant.

6. If, within 90 days, or such longer period as the Director may allow for good cause, after initial notice from the Director of a penalty due under this subsection 23.48.025.C, the applicant shall demonstrate, through a supplemental report from the independent entity that provided the initial report, that it has made sufficient alterations or improvements to earn a LEED rating, or to earn more credits toward such a rating, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so re-determined shall be final. If the applicant does not submit a supplemental report in accordance with this subsection 23.48.025.C by the date required under this subsection 23.48.025.C, then the amount of the penalty as set forth in the Director's original notice shall be final.

7. Any owner, other than the applicant, of any lot on which the bonus development was obtained or any part thereof, shall be jointly and severally responsible for compliance and liable for any penalty due under this subsection 23.48.025.C.

D. Use of penalties. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsection 23.48.025.C. Revenue from penalties under that subsection 23.48.025.C shall be allocated to activities or incentives to encourage and promote the development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated.

23.48.026 Noise standards

All permitted uses are subject to the noise standards of Section 23.47A.018.

23.48.028 Odor standards

All permitted uses are subject to the odor standards of Section 23.47A.020.

23.48.030 Light and glare standards

All permitted uses are subject to the light and glare standards of Section 23.47A.022.

23.48.032 Required parking and loading

A. Off-street parking spaces and bicycle parking are required according to Section 23.54.015, Required parking.

B. Maximum parking limit for non-residential uses, except for non-residential uses in the Mount Baker Station Overlay District.

1. Except as provided in subsections 23.48.032.B.2, 23.48.032.B.3, and 23.48.032.B.4 parking for non-residential uses, except in the Mount Baker Station Overlay District, is limited to one parking space per every 1,000 square feet of gross floor area in non-residential use.

2. Parking for nonresidential uses in excess of the maximum quantity identified in subsection 23.48.032.B.1 may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of

parking demand and the availability of alternative means of transportation, including but not limited to the following:

a. Whether the additional parking will substantially encourage the use of single occupancy vehicles;

b. Characteristics of the work force and employee hours, such as multiple shifts that end when transit service is not readily available;

c. Proximity of transit lines to the lot and headway times of those lines;

d. The need for a motor pool or large number of fleet vehicles at the site;

e. Proximity to existing long-term parking opportunities within the area which might eliminate the need for additional parking;

f. Whether the additional parking will adversely affect vehicular and pedestrian circulation in the area;

g. Potential for shared use of additional parking as residential or short-term parking;

h. The need for additional short-term parking to support retail activity in areas where short-term parking and transit service is limited.

3. If on or before September 1, 2012, a lot is providing legal off-site parking for another lot, by means such as a recorded parking easement or off-site accessory parking covenant on the subject lot, then the number of such off-site parking spaces is allowed on the off-site lot in addition to one space per 1,000 square feet for nonresidential uses on the subject lot.

4. A lot in the SM 85/65-160 zone may exceed the maximum parking limit in subsection 23.48.032.B without approval of a special exception pursuant to subsection 23.48.032.B.2 when, prior to issuance of a Master Use Permit for the lot that exceeds the maximum parking limit, the fee owners of both the property subject to the Master Use Permit for the lot that exceeds the maximum parking limit and the fee owners of the property subject to the Master Use Permit execute a restrictive covenant that is recorded in the King County real

property records that limits the amount of parking that can be provided on other lot(s), such that the total quantity of parking provided as part of the Master Use Permit together with the parking to be provided on the other lot(s) subject to the restrictive covenant does not exceed the maximum parking limit in subsection 23.48.032.B.

C. Loading berths shall be provided pursuant to Section 23.54.035, Loading berth requirements and space standards.

D. Where access to a loading berth is from an alley, and truck loading is parallel to the alley, a setback of 12 feet is required for the loading berth, measured from the centerline of the alley, as shown in Exhibit D for 23.47A.014. This setback shall be maintained up to a height of 16 feet.

23.48.034 Parking and loading location, access and curbcuts

A. Parking accessory to nonresidential uses may be provided on-site and/or within 800 feet of the lot to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

B. Parking location within structures

1. Parking at street level

a. Except as permitted under subsections 23.48.034.B.1.b and 23.48.034.B.1.c, parking is not permitted at street-level unless separated from the street by other uses, provided that garage doors need not be separated.

b. Due to physical site conditions such as topographic or geologic conditions, parking is permitted in stories that are partially below street-level and partially above street level without being separated from the street by other uses, if:

1) The street front portion of the parking that is at or above street-level does not abut a Class 1 Pedestrian Street requiring street-level uses; and

2) The street front portion of the parking that is at or above street-level, excluding garage and loading doors and permitted access to parking, is screened from view at the street-level; and

3) The street-facing facade is enhanced by architectural detailing, artwork, landscaping, stoops and porches providing access to residential uses, or similar visual interest features.

c. Parking is permitted in a story that is partially above street-level and partially below street-level in a structure permitted in a setback area under the provisions of subsection 23.48.014.B.2.b.

2. Parking above the first story of a structure. The following provisions apply to development in the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM 240/125-400 zones within the South Lake Union Urban Center:

a. Except as provided in subsection 23.48.034.B for parking partially above street-level and partially below street-level, parking within structures is permitted above the first story under the following conditions:

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

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

3) The parking area on a story above the first story of the structure that is not separated from the street by another use shall be enclosed by facades along all street

frontages. Facades shall be designed to minimize the impacts of glare from vehicle headlights and interior garage lighting on pedestrian views from the street.

b. The Director may permit more than two stories of parking above the first story of the structure, or may permit other exceptions to subsection 23.48.034.B.2, as a Type I decision, if the Director finds that locating parking below grade is infeasible due to physical site conditions such as a high water table or proximity to a tunnel. In such cases, the Director shall determine the maximum feasible amount of parking that can be provided below grade, if any, and the amount of additional parking to be permitted above street level. Site size is not a basis for granting an exception under this subsection 23.48.034.B.2.b.

C. Accessory surface parking is permitted under the following conditions:

1. All accessory surface parking shall be located at the rear or to the side of the principal structure.

2. The amount of lot area allocated to accessory surface parking shall be limited to 30 percent of the total lot area.

3. In the SM 85/65-125, SM 85/65-160, SM 160/85-240, SM 85-240, and SM 240/125-400 zones in the South Lake Union Urban Center, accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.

D. Parking and loading access. If a lot abuts more than one right-of-way, the location of access for parking and loading shall be determined by the Director, depending on the classification of rights-of-way, as shown on Maps A and B for 23.48.014, according to the following:

1. Access to parking and loading shall be from the alley when the lot abuts an alley improved to the standards of subsection 23.53.030.C and use of the alley for parking and loading access would not create a significant safety hazard as determined by the Director.

2. If the lot does not abut an improved alley, or use of the alley for parking and loading access would create a significant safety hazard as determined by the Director, parking

and loading access may be permitted from the street. If the lot abuts more than one street, the location of access is determined by the Director, as a Type I decision, after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection 23.48.034.D.3.c, access is allowed only from a right-of-way in the category, determined by the classifications shown on Maps A and B for 23.48.014, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth below, from most to least preferred (a portion of a street that is included in more than one category is considered as belonging only to the least preferred of the categories in which it is included).

a. An undesignated street;

b. Class 2 Pedestrian Street;

c. Class 1 Pedestrian Street;

d. Designated Neighborhood Green Street.

3. The Director may allow or require access from a right-of-way other than one indicated by subsection 23.48.034.D.1 or subsection 23.48.034.D.2 if, after consulting with the Director of Transportation on whether and to what extent alternative locations of access would enhance pedestrian safety and comfort, facilitate transit operations, facilitate the movement of vehicles, minimize the on-street queuing of vehicles, enhance vehicular safety, or minimize hazards, the Director finds that an exception to the access requirement is warranted. Curb cut controls on designated green streets shall be evaluated on a case-by-case basis, but generally access from green streets is not allowed if access from any other right-of-way is possible.

E. Curb cut width and number

1. Permitted access shall be limited to one two-way curbcut. In the event the site is too small to permit one two-way curbcut, two one-way curbcuts shall be permitted.

2. Curbcut width and number of curbcuts shall satisfy the provisions of Section 23.54.030, except as modified in this Section 23.48.034.

23.48.035 Assisted living facilities

A. In addition to the requirements of subsection 23.48.035.B, assisted living facilities are subject to the development standards of the zone where they are located, except that density limits and amenity area requirements do not apply to assisted living facilities.

B. Other requirements

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

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

3. 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:

a. The total amount of communal area shall equal at least 10 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;

b. 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

c. 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.

d. Adequate seating for residents and guests shall be provided for required communal areas.

23.48.036 Pet daycare centers

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

A. Pet daycare centers that were established of record before July 31, 2006, may continue notwithstanding nonconformity with development standards, provided the provisions of this Section 23.48.036 are met.

B. The pet daycare center shall be permitted by the Public Health—Seattle and King County, as required by Section 10.72.020.

C. Facilities for the boarding of animals may occupy no more than 30 percent of the gross floor area of the pet daycare center.

D. Required loading pursuant to Section 23.54.015 may be provided in a public right-of-way if the applicant can demonstrate to the Director, in consultation with the Director of Transportation, that pedestrian circulation or vehicle traffic will not be significantly impacted.

E. Applicants shall submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures shall be followed for the life of the business and shall prevent animal behavior that impacts surrounding uses, including excessive barking.

F. Violations of this Section 23.48.036

1. The exemption in subsection 25.08.500.A of the Noise Control Ordinance to uses permitted under Chapter 10.72, provisions for pet kennels and similar uses, does not apply to pet daycare centers.

2. When a notice of violation is issued for animal noise, the Director may require the pet daycare center to submit a report from an acoustical consultant that describes potential measures to be taken by the pet daycare center to prevent or mitigate noise impacts. The Director may require measures, including but not limited to: development or modification of operating procedures; cessation of the use of outdoor area(s); closure of windows and doors; reduction in

hours of operation; and use of sound attenuating construction or building materials such as insulation and noise baffles. The Director may order the pet daycare center to be closed on a temporary or permanent basis.

Subchapter III. Nonconforming Uses and Structures

23.48.038 Relocating landmark structures

When an historic landmark structure is relocated, any nonconformities with respect to development standards shall transfer with the relocated structure.

Ryan Moore
DPD SM Amendment ORD EX B
March 31, 2015
#D1

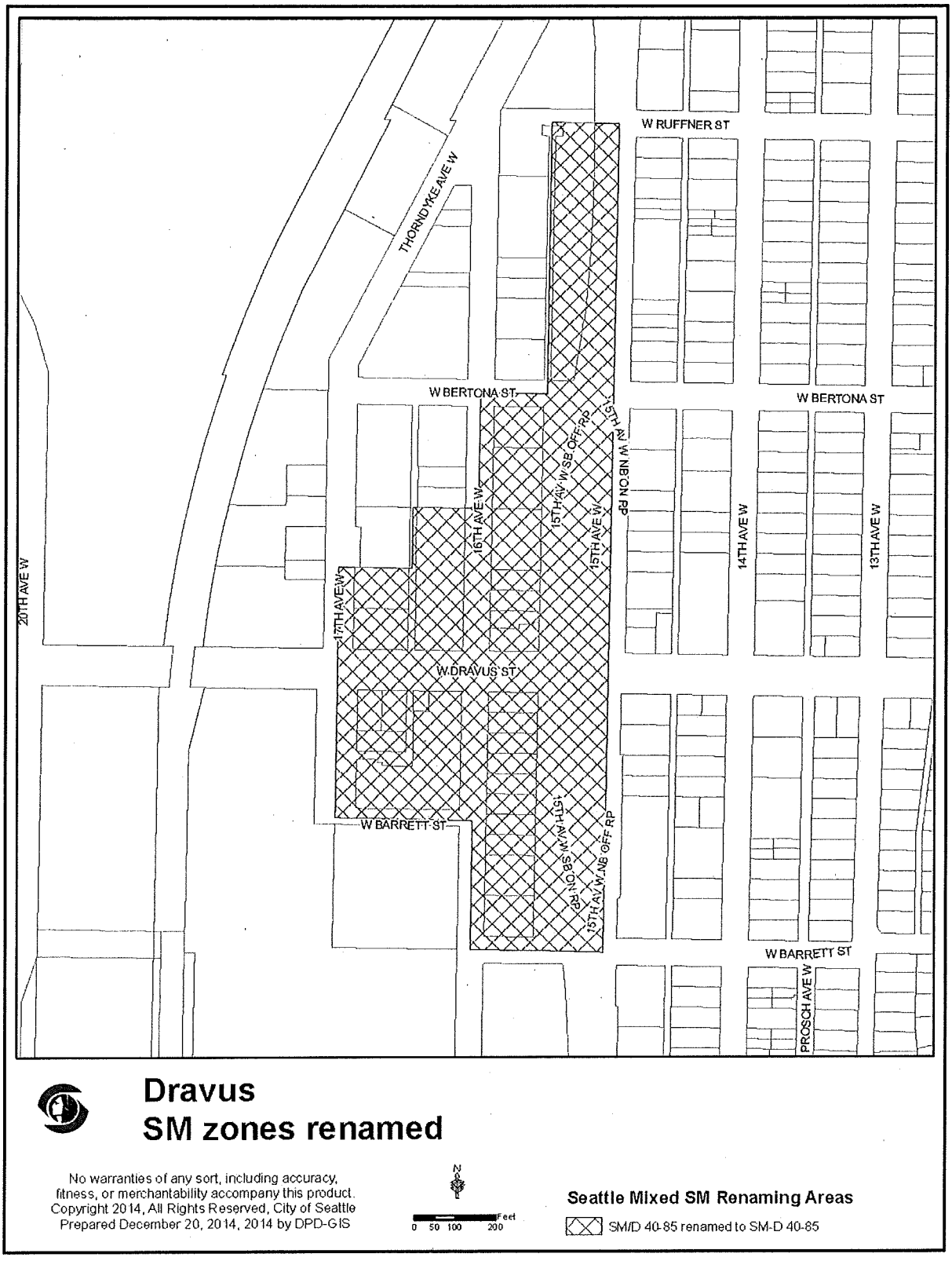
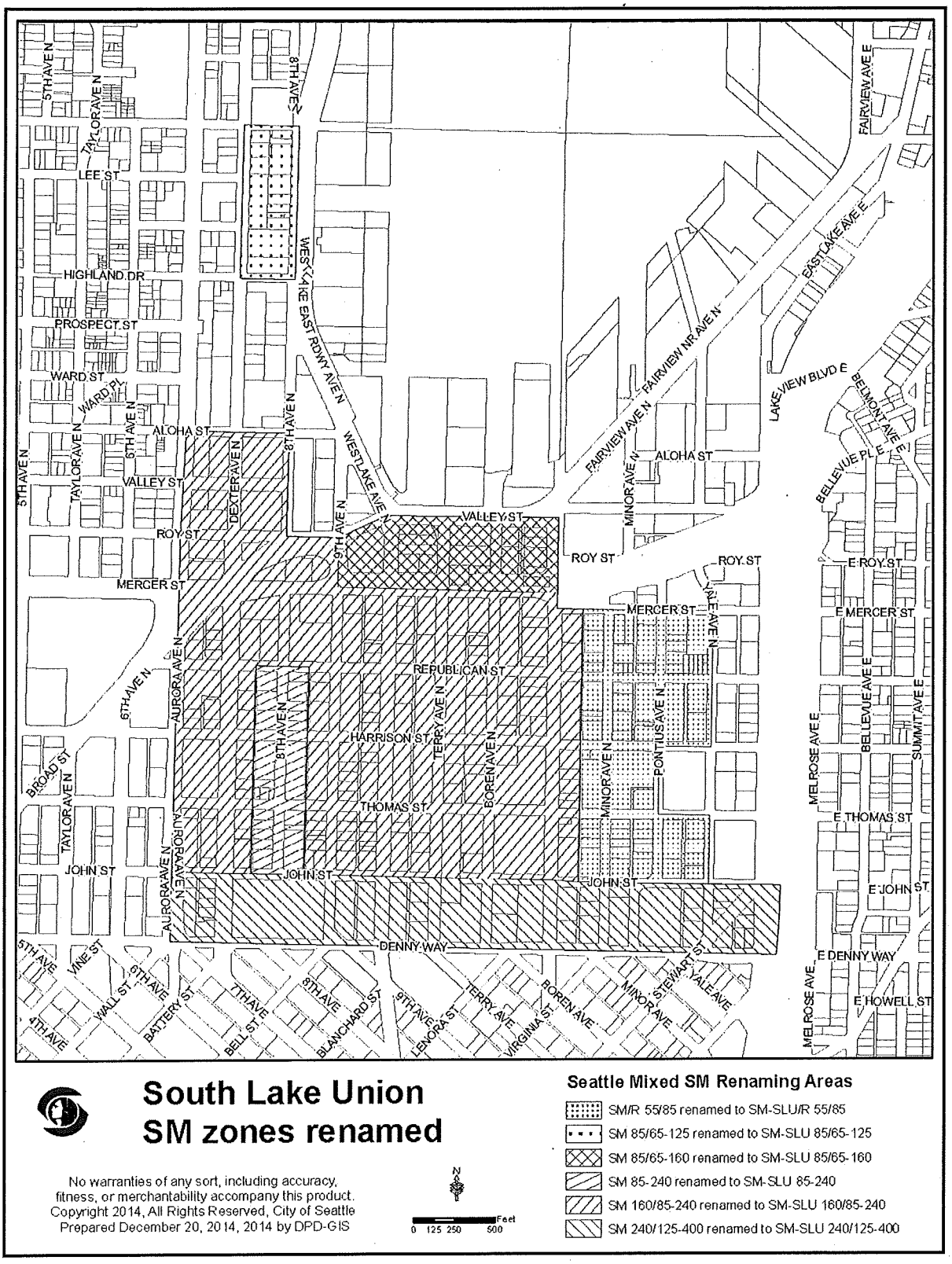


Exhibit B to DPD SM Amendment ORD

Ryan Moore
DPD SM Amendment ORD EX C
January 5, 2015
#D1



South Lake Union
SM zones renamed

No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.
Copyright 2014, All Rights Reserved, City of Seattle
Prepared December 20, 2014, 2014 by DPD-GIS

Seattle Mixed SM Renaming Areas

- SM/R 55/85 renamed to SM-SLU/R 55/85
- SM 85/65-125 renamed to SM-SLU 85/65-125
- SM 85/65-160 renamed to SM-SLU 85/65-160
- SM 85-240 renamed to SM-SLU 85-240
- SM 160/85-240 renamed to SM-SLU 160/85-240
- SM 240/125-400 renamed to SM-SLU 240/125-400

Exhibit C to DPD SM Amendment ORD

Ryan Moore
DPD SM Amendment ORD EX D
January 5, 2015
#D1

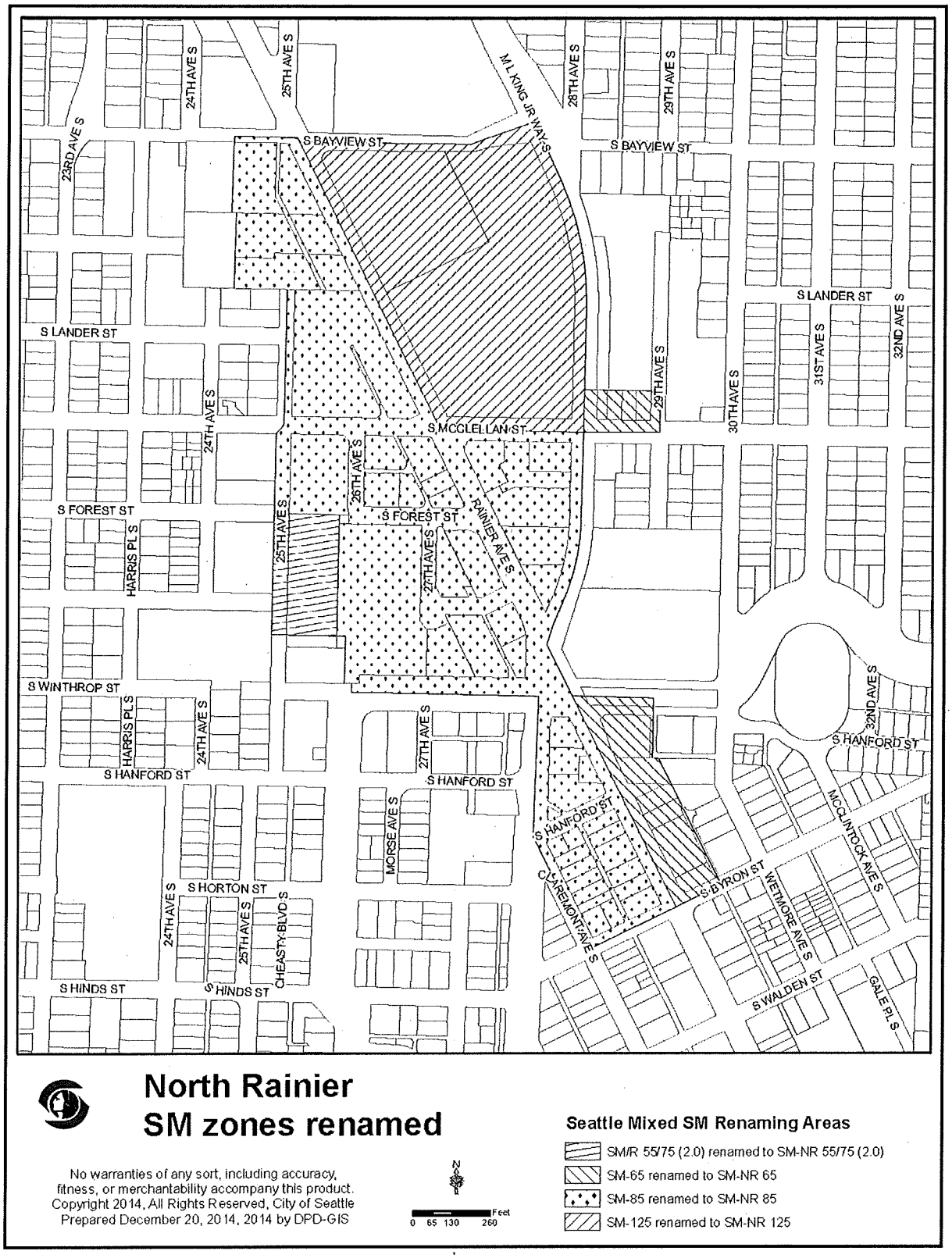


Exhibit D to DPD SM Amendment ORD

STATE OF WASHINGTON -- KING COUNTY

--ss.

329863

No. 124879,880.881,882,883

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

10/27/15

The amount of the fee charged for the foregoing publication is the sum of $116.25 which amount has been paid in full.

JENNIFER A. BARNES NOTARY COMMISSION EXPIRES 10-24-18 STATE OF WASHINGTON

Subscribed and sworn to before me on

10/27/2015

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on October 5, 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 124879

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

Ordinance 124880

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of the Department of Parks and Recreation to acquire by negotiation certain land and other necessary property rights, commonly known as the northwest corner of 14th Avenue NE and NE 65th Street, for open space, park, and recreation purposes, and to execute, accept, and record the deed and instruments deemed by the Superintendent to be necessary; authorizing the Seattle City Attorney to commence condemnation proceedings; placing the acquired real property under the jurisdiction of the Department of Parks and Recreation and designating the property for open spaces, parks, and recreational purposes; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 124881

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into a lease agreement with Boyer Children's Clinic to occupy and use a portion of Building 11 at Warren G. Magnuson Park for a children's clinic and related general office purposes.

Ordinance 124882

AN ORDINANCE relating to the provision of tenant relocation assistance to displaced tenants; establishing requirements for residential tenancies; establishing regulations about penalties and the issuance of building permits for violators of the Tenant Relocation Assistance Ordinance; amending Sections 7.24.030, 7.24.050, 10.09.085, 22.210.030, 22.210.140, 22.210.150, and 22.210.180 of the Seattle Municipal Code and adding a new Section 22.210.136; amending Section 106.6.3 of the 2012 Seattle Building Code; and amending Section R105.6.3 of the 2012 Seattle Residential Code.

Ordinance 124883

AN ORDINANCE, relating to land use and zoning, amending the Official Land Use Map at pages 72, 73, 87, 101, 102, 133, 145 to designate new zone names, repealing and replacing Chapter 23.48, amending Sections 22.210.030, 22.900G.015, 23.30.010, 23.34.009, 23.34.128, 23.41.012, 23.42.124, 23.42.126, 23.42.128, 23.47A.012, 23.49.011, 23.66.140, 23.84A.004, 23.84A.038, 23.84A.048, 23.86.007, 25.05.800, and 25.08.100 to reorganize, make corrections, and update standards for the Seattle Mixed Zones; and making technical corrections.

Date of publication in the Seattle Daily Journal of Commerce, October 27, 2015.

10/27(329863)