



Legislative Department  
Seattle City Council  
Memorandum

Date: March 7, 2011  
To: Councilmembers Sally J. Clark, Tim Burgess, and Sally Bagshaw  
Committee on the Built Environment (COBE)  
From: Martha Lester and Rebecca Herzfeld, Council Central Staff  
**Subject: March 9, 2011, COBE Meeting: South Downtown Zoning Proposal**

Council Bill (C.B.) 117073 would amend the Land Use Code to revise zoning regulations in South Downtown. Councilmembers have discussed possible amendments at several meetings of the Committee on the Built Environment (COBE).

This memo includes two amendments related to height in Pioneer Square:

- Revise maximum heights in Pioneer Square (pages 1 to 4 in this memo); and
- Enlarge area in which upper-level setback is required for structures above 100 feet in height (page 5 in this memo).

Pages 6-7 of this memo present information on the area south of S. Charles Street.

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*South Downtown – Proposed Amendments to C.B. 117073*

***Revise maximum heights in Pioneer Square***

*excerpts from C.B. 117073 (v12), pages 110-12, and Exhibit A (page 330)*

Section 36. ~~Subsections A, B, C and D of~~ Section 23.49.178 of the Seattle Municipal Code, which section was last amended by Ordinance 123034, ~~is are~~ amended as follows:

**23.49.178 Pioneer Square Mixed, structure height((:))**

A. Maximum structure height is the applicable height limit designated on the Official Land Use Map, Chapter 23.32 except as provided in this Section 23.49.178.

B. Rooftop features and certain additions to structures are allowed to exceed the applicable height limit according to ((the provisions of)) subsection 23.66.140.C.

C. ((In the PSM 100/100-120 zone, ((:

1. ~~Except as expressly allowed in this subsection 23.49.178.C a structure shall not exceed by more than 15 feet the height of the tallest structure on the block or the adjacent block front~~  
(6);

2. ~~A)) a structure within which a streetcar maintenance base has been established may attain a maximum height of 130 feet if the structure has, in residential or hotel use, gross floor area equal to the gross floor area in the structure above 100 feet.~~

~~D.)) ((In the PSM 100 to 120 zone, structure height over 100 feet to a maximum of 120 feet is permitted if a minimum of 75 percent of the gross floor area of the structure is in residential use.))~~

In the PSM 100/100-120, PSM 100/100-130, PSM 100/100-140, and PSM 100/120-150 zones, except as provided in subsection 23.49.178.C, the applicable height limit is determined as set forth in this subsection 23.49.178.CD. The base height limit for nonresidential or live-work uses is the first figure after the "PSM" designation, and is the height limit for all portions of a structure that contain those uses unless all of the conditions of subsections 23.49.178.CD.1-5 are satisfied. The base height limit for residential use, shown as the first figure following the "/", is the applicable height limit for a structure that contains residential uses and does not satisfy the conditions to exceed the base height limit under this subsection 23.49.178.CD. Subject to any limit imposed under Section 23.66.140, the third figure shown is the applicable height limit for a structure if all of the conditions to exceeding base height limits under this subsection 23.49.178.CD are satisfied. A structure may exceed the base height limits only if:

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

2. No building or structure has been demolished or removed from the lot within the ten years immediately preceding application for a building permit for the structure or addition that would exceed an applicable base height limit unless the Director of Neighborhoods determines that

the demolished or removed building or structure did not contribute to the architectural or historic character of the Pioneer Square Preservation District;

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

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

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

D((E)). In the PSM 85-120 zone:

1. The applicable height limit is 85 feet except as provided in subsections 23.49.178.D.2 and 23.49.178.D.3 ((23.49.178.E.2 and 23.49.178.E.3)).

2. The applicable height limit is 120 feet if a minimum of 75 percent of the gross floor area of the structure is in residential use, except as provided in subsection 23.49.178.D.3 ((23.49.178.E.3)).

3. The applicable height limit is 240 feet for structures located within the area identified on Map A for 23.49.180 if the structures comply with the provisions of Section 23.49.180.

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*Add a new section to C.B. 117073 as follows:*

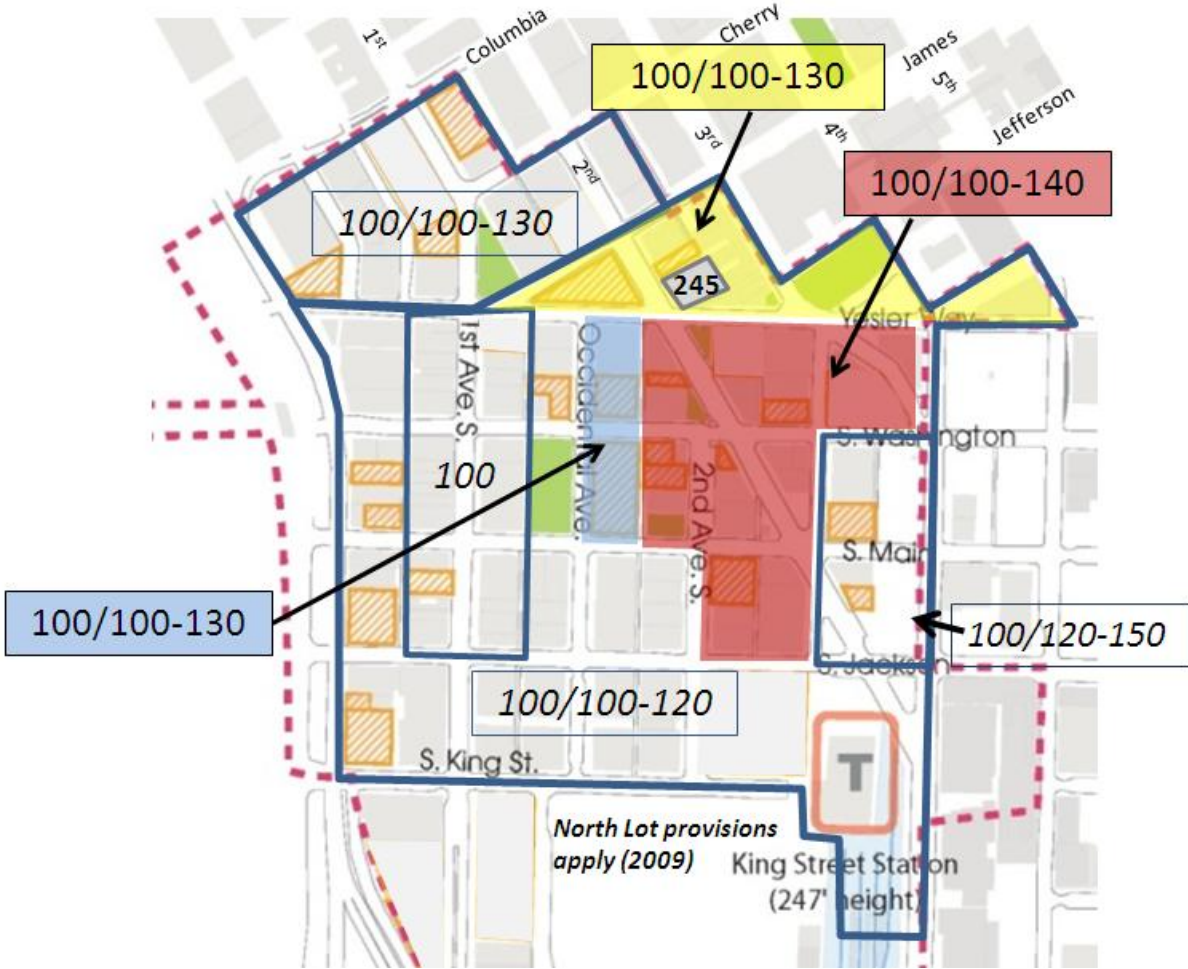
Section \_\_. Subsection A of Section 23.49.180 of the Seattle Municipal Code, which section was enacted by Ordinance 123034, is amended as follows:

**SMC 23.49.180 Additional height in the Pioneer Square Mixed 85-120 zone**

A. General Intent. This section applies to the area identified on Map A for 23.49.180 within the Pioneer Square Preservation District if an applicant elects to develop a project using the height limits in subsection 23.49.178.D.3 ((Section 23.49.178.E.3)). The purpose of this section is to

provide added flexibility through an increase in the maximum height limit to promote a high density, mixed use, and mixed income development that can contribute to the vitality of Pioneer Square.

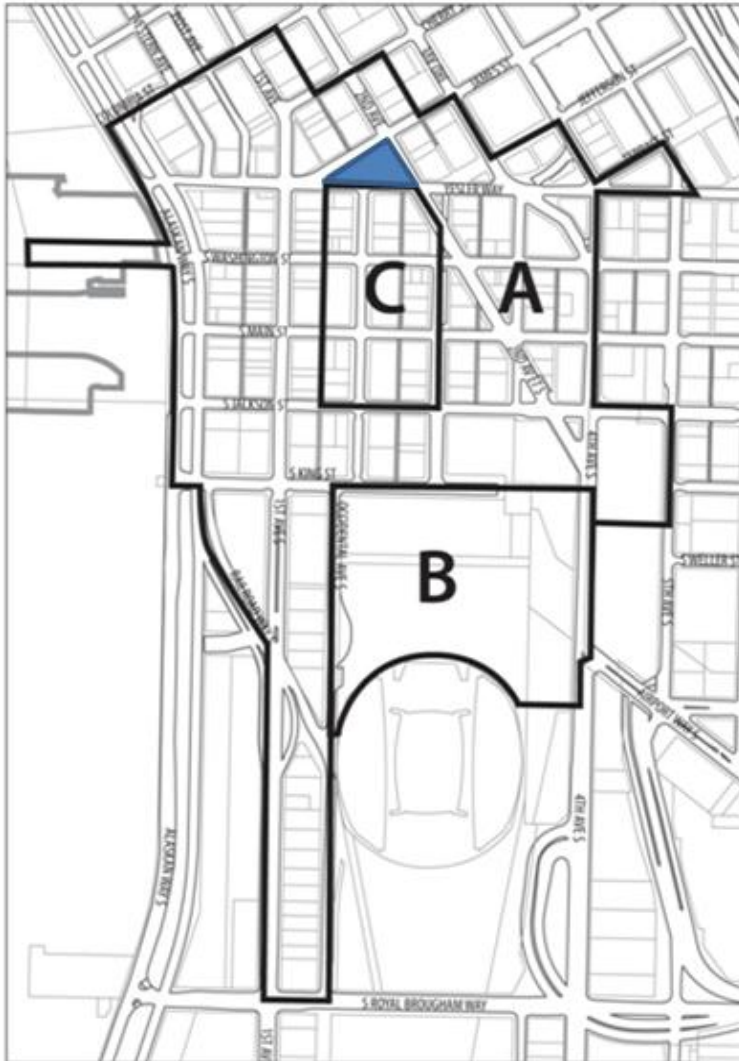
Revise Exhibit A (Rezoning West of Interstate 5) to reflect the changes shown below in yellow, red, and blue:



**Enlarge area in which upper-level setback is required for structures above 100 feet in height.**

excerpt from C.B. 117073 (v12), Map C for 23.66.122 and 23.66.150 ( page 312)

**Map C for 23.66.122 and 23.66.150**



Amend this map to enlarge Subarea C to include area in blue.

For reference, see the following excerpt from C.B. 117073 as introduced, showing SMC 23.66.150 as it will read after passage of the C.B.:

**23.66.150 Structure setbacks**

Except as allowed through the provisions of subsection 23.49.180.G for the PSM 85-120 zone in the area shown on Map A for 23.49.180:

A. Structures located within Subarea A on Map C for 23.66.122 and 23.66.150 shall cover the full width of the lot along street lot lines and have street-facing facades that abut street lot lines for the full width of portions of a structure that are up to 100 feet in height.

B. Structures located within Subarea B on Map C for 23.66.122 and 23.66.150 shall abut street lot lines for the full width of the structure's street-facing facade.

C. New structures or portions of structures located within Subarea C on Map C for 23.66.122 and 23.66.150 shall cover the full width of the lot along street lot lines and have street-facing facades that abut street lot lines for the full width of portions of a structure that are up to 100 feet in height. For structures that exceed 100 feet in height, all portions that exceed 100 feet in height shall be set back at least 15 feet from street lot lines.

D. For all Subareas, modifications to setback standards may be permitted by the Director of Neighborhoods following review and recommendation by the Preservation Board if the following criteria are met:

1. A larger or smaller setback will be compatible with and not adversely affect the streetscape or publicly-owned open space; and
2. A larger or smaller setback will be compatible with other design elements, such as bulk, size and profile, of the proposed building.

**Pioneer Square**

Areas for Structure Setbacks

**A** Subarea A

**B** Subarea B

**C** Subarea C

**Map C**  
23.66.122 and 23.66.150  
**Pioneer Square**

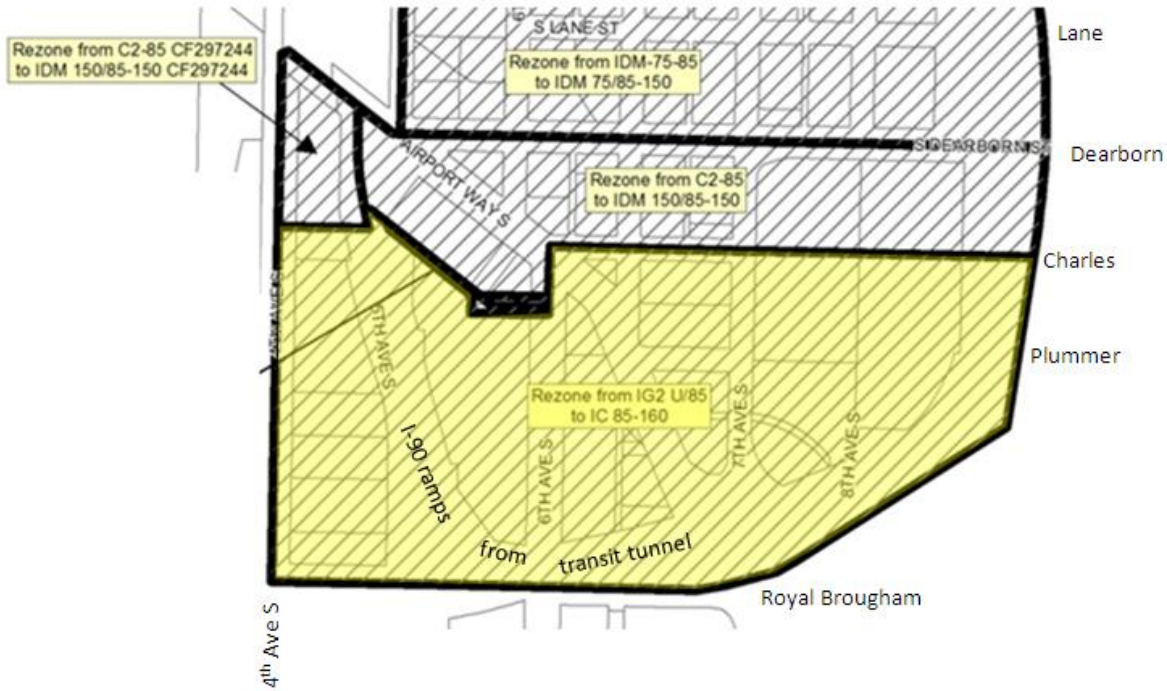
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**South Downtown: Area South of S. Charles Street**

**For COBE meeting on March 9, 2011**

1. DPD’s proposed zoning for the area south of S. Charles Street is a new industrial commercial zone designation – IC 85-160 – which would apply to the area from about S. Charles Street to S. Royal Brougham Way, and from 4<sup>th</sup> Avenue S. to I-5, shown below in yellow.



- a. The total area proposed for this zone is about 910,000 s.f. One can think of this area in several general groups:
    - between 4<sup>th</sup> Avenue S. and the I-90 ramps from the transit tunnel: 212,000 s.f.
    - both sides of 6<sup>th</sup> Avenue S. – Urban Visions properties: 274,000 s.f.
    - two parcels on Airport Way S.: 19,000 s.f.
    - between Airport Way and 7<sup>th</sup> Avenue S. (BMW dealership): 105,000 s.f.
    - between 7<sup>th</sup> and I-5 (portion of the City’s Charles Street yards south of Charles): 300,000 s.f.
  - b. The proposed zoning would allow a base of 2.5 FAR primarily for industrial uses, but a base of 1 FAR for office and other specified uses; and a maximum with participation in incentive zoning of 3.5 FAR.
  - c. The proposed zoning would allow a maximum height of 160 feet through incentive zoning.
  - d. Residential uses are prohibited, as in all industrial zones.
2. Requirements that are already reflected in DPD’s proposal to go above the base to the proposed maximum of 3.5 FAR include:
    - a. The developer must participate in the incentive zoning program (gain 75% of extra floor area via affordable housing, child care, or housing TDR; gain 25% via other TDR).

- b. A parking maximum of 1 space per 1,000 s.f. of floor area applies, as do requirements for ridesharing and a transit incentive program.
  - c. No principal use parking is permitted.
  - d. The Director of DPD makes an individualized determination of impacts on the need for pedestrian facilities, and on the need for open space resources.
  - e. The development must achieve a LEED silver rating.
  - f. The development must achieve a green factor landscaping requirement of 0.3.
  - g. Upper level development standards apply.
  - h. Street-level uses are required on at least 75% of the street-facing façade of lots that abut 4<sup>th</sup> Avenue S., 6<sup>th</sup> Avenue S., or S. Charles Street. Allowable street-level uses include automotive sales and service uses. (This requirement applies even for development at base FAR).
3. If COBE members want to consider increasing the maximum from 3.5 FAR to 5 FAR, suggested additional requirements for going above 3.5 FAR to a maximum of 5 FAR include:
- a. The development must qualify as a “major phased development” (existing defined term in the Land Use Code), with additional requirements outlined below. Key requirements of a major phased development include:
    - The minimum site size is 5 acres (217,800 s.f.), where the site is composed of contiguous parcels or contains a right-of-way within.
    - The project is a single, functionally interrelated campus, with more than one building.
    - The first phase has at least 100,000 s.f. of floor area.
    - The expiration date of the permit for subsequent phases is determined by the Director of DPD, not to exceed 15 years from the date of issuance.
  - b. Suggested additional requirements for a major phased development to exceed 3.5 FAR, to a maximum of 5 FAR, in an IC 85-160 zone include:
    - The site must abut an urban center, and must be within 800 feet of a light-rail transit station or other high-capacity transit station.
    - All extra floor area must be achieved through the incentive zoning program.
    - The development must achieve a LEED platinum rating.
    - All parking must be below-grade; provided that if the DPD Director determines that it is infeasible to put all the parking below-grade, the Director may allow some parking to be above-grade, which counts as chargeable floor area toward the allowable FAR.
    - A minimum of 25 percent of the total site area at ground level must be open space, including pedestrian connections.
    - For development on any lot that exceeds 3.5 FAR, a schedule for all required improvements for the overall major phased development (road, sidewalk, open space, etc.) is required in order to receive a building permit, and all required improvements must be completed in order to receive a certificate of occupancy.