

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning, - establishing procedures for application of incentive provisions for affordable housing; amending sections 23.30.010, 23.34.008, 23.40.020, 23.45.502, 23.45.510, 23.47A.002, 23.47A.013, 23.58A.002, ~~and~~[23.58A.014](#), 23.84A.018 of the Seattle Municipal Code; and adding new Sections 23.58A.025, 23.58A.026, and 23.58A.028.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.30.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.30.010 Classifications for the purpose of this subtitle((=))**

~~((All land within the City shall be classified as being within one (1) land use zone.))~~

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 designation in this subsection 23.30.010. A, which shall be a designation for a multifamily zone.

<b>Zoning Designation</b>	<b>Abbreviated</b>
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
Seattle Mixed	SM

Zoning Designation	Abbreviated
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

B. Suffixes--Height Limits (~~and~~) , Letters and Incentive Provisions.

The zoning classification for land subject to some of the designations in subsection 23.30.010.A (~~of this section may~~) include one (~~(+)~~) or more numerical suffixes indicating height limit(s) or a range of height limits, or one or more letter suffixes indicating certain overlay districts or designations, or numerical suffixes enclosed in parentheses indicating the application of incentive zoning provisions, (~~or both~~) or any combination of these. A letter suffix may be included only in accordance with provisions of this title expressly providing for the addition of the suffix. A zoning classification that includes a numerical or letter suffix or (~~both~~) other combinations denotes a different zone than a zoning classification without any suffix or with additional, fewer or different suffixes. Except where otherwise specifically stated in this title or where the context otherwise clearly requires, each reference in this title to any zoning designation in subsection 23.30.010.A (~~of this section~~) without a suffix, or with fewer than the

1 maximum possible number of suffixes, includes any zoning classifications created by the  
2 addition to that designation of one or more suffixes.

3 \* \* \*

4 Section 2. Section 23.34.008 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 121700, is amended as follows:

6 **23.34.008 General Rezone Criteria**

7 \* \* \*

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9 J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a  
10 rezone shall be approved only if one of the following conditions are met:

11 1. The rezone includes incentive zoning provisions that would authorize the  
12 provision of affordable housing equal to or greater than the amount of affordable housing  
13 authorized by the existing zone; or

14  
15 2. If the rezone does not include incentive zoning provisions that would authorize  
16 the provision of affordable housing equal to or greater than the amount of affordable housing  
17 authorized by the existing zone, an adopted City housing policy or comprehensive plan provision  
18 identifies the area as not a priority area for affordable housing, or as having an adequate existing  
19 supply of affordable housing in the immediate vicinity of the area being rezoned.

20 \* \* \*

21  
22 Section 3. Section 23.40.020 of the Seattle Municipal Code, which section was last  
23 amended by Ordinance 123046, is further amended as follows:

24 **23.40.020 Variances**

1 A. Variances may be sought from the provisions of Subtitle III, Divisions 2 and 3 of this  
2 Land Use Code, except for the establishment of a use that is otherwise not permitted in the zone  
3 in which it is proposed, for a structure height in excess of that shown on the Official Land Use  
4 Map, from the provisions of Section 23.55.014.A, or from the provisions of Chapters 23.52 and  
5 23.58A. Applications for prohibited variances shall not be accepted for filing.

6 \* \* \*

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8 Section 4. Section 23.45.502 of the Seattle Municipal Code, which section was last  
9 amended by Ordinance 123495, is amended as follows:

10 **23.45.502 Scope of provisions**

11 A. This Chapter 23.45 establishes regulations for the following multifamily zones:

12 Lowrise 1 (LR1);

13 Lowrise 2 (LR2);

14 Lowrise 3 (LR3);

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16 Midrise (MR) (references to Midrise zones include the Midrise/85 (MR/85) zone  
17 unless otherwise noted); and

18 Highrise (HR).

19  
20 B. Multifamily zones listed in subsection 23.45.502.A and having an incentive zoning  
21 suffix are subject to this Chapter 23.45 and Chapter 23.58A, Incentive Provisions.

22 \* \* \*

23 Section 5. Section 23.45.510 of the Seattle Municipal Code, which section was last  
24 amended by Ordinance 123564, is amended as follows:

25 **23.45.510 Floor Area Ratio (FAR) Limits**

\* \* \*

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2 B. FAR limits in LR zones.

3 Floor area ratio limits apply in LR zones as shown in Table A for 23.45.510-, provided  
4 that if the LR zone designation includes an incentive zoning suffix, then the applicant shall  
5 comply with Chapter 23.58A, Incentive Provisions, to obtain gross floor area exceeding that  
6 allowed by the FAR shown in the suffix designation.  
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8 \* \* \*

9 Section 6. Section 23.47A.002 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 123046, is amended as follows and the code reviser is directed to reletter  
11 subsequent subsections:

12 **23.47A.002 Scope of provisions**

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14 A. This chapter describes the authorized uses and development standards for the  
15 following commercial zones:

- 16 Neighborhood Commercial 1 (NC1),
- 17 Neighborhood Commercial 2 (NC2),
- 18 Neighborhood Commercial 3 (NC3),
- 19 Commercial 1 (C1),
- 20 Commercial 2 (C2).

21  
22 B. Commercial zones listed in subsection 23.47A.002.A and having an incentive  
23 zoning suffix are subject to this Chapter 23.47A and Chapter 23.58A, Incentive Provisions.  
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25 \* \* \*

26 Section 7. Section 23.47A.013 of the Seattle Municipal Code, which section was last  
27

1 amended by Ordinance 123564, is further amended as follows:

2 **23.47A.013 Floor area ratio**

3 \* \* \*

4 B. Except as provided in subsections (~~(C, D and E of this section)~~) 23.47A.013.C,  
5 23.47A.013.D, and 23.47A.013.E, maximum FAR allowed in C zones and NC zones is shown in  
6 Table A for 23.47A.013(~~(-)~~), provided that if the commercial zone designation includes an  
7 incentive zoning suffix, then the applicant shall comply with Chapter 23.58A, Incentive  
8 Provisions, to obtain gross floor area exceeding that allowed by the FAR shown in the suffix  
9 designation.

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11 C. Maximum FAR allowed in NC zones or C zones within the Station Area  
12 Overlay District is shown in Table B for 23.47A.013 (~~(-)~~) provided that if the commercial zone  
13 designation includes an incentive zoning suffix, then the applicant shall comply with Chapter  
14 23.58A, Incentive Provisions, to obtain gross floor exceeding that allowed by the FAR shown  
15 in the suffix designation.

16 \* \* \*

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18 Section 8. Section 23.58A.002 of the Seattle Municipal Code, which section was last  
19 amended by Ordinance 123589, is amended as follows:

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21 **23.58A.002 Scope of chapter; general rules**

22 A. This chapter contains rules for workforce housing and other incentive programs in  
23 areas for which the provisions of the zone specifically refer to this chapter or in zones having an  
24 incentive zoning suffix. This chapter does not apply to Downtown zones, except in South  
25 Downtown. The provisions in this chapter specify conditions under which extra floor area may  
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1 be allowed, as exceptions to the otherwise applicable floor area or base height limit, or both,  
2 subject to the maximum limits stated in the provisions of the zone and to all other applicable  
3 requirements and approvals. Nothing in this chapter authorizes allowance of extra floor area, or  
4 the construction or use of any structure, contrary to any other provisions of this Title 23 or Title  
5 25. Projects for which extra floor area is sought may be subject to conditions under other  
6 chapters and titles of this Code, including without limitation conditions imposed pursuant to  
7 Chapter 25.05, Environmental Policies and Procedures.  
8

9 B. The provisions of this subchapter I apply generally to projects using any of the  
10 incentive provisions in this Chapter 23.58A, unless otherwise expressly provided in the  
11 applicable subchapter of this Chapter 23.58A or in the provisions of the zone.  
12

13 C. Nothing in this Chapter 23.58A shall be construed to confer on any owner or  
14 developer any development rights or property interests. The availability and terms of any  
15 allowance of extra floor area depend on the regulations in effect on the relevant date for  
16 consideration of a permit application for the project proposing to use such extra floor area,  
17 pursuant to Section 23.76.026, notwithstanding any prior approvals, interpretations or  
18 agreements by the Director, Housing Director or other official regarding the eligibility of any  
19 actual or proposed facility or feature to satisfy conditions for extra floor area.  
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21 \* \* \*

22 Section 9. ~~A new Subchapter IV is added to Chapter~~ Section 23.58A.014 of the Seattle  
23 Municipal Code, which ~~includes new Sections 23.58A.025, 23.58A.026, and 23.58A.028~~ section  
24 was last amended by Ordinance 123209, is amended as follows::  
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26 \* \* \*

1 C. Payment option. The payment option is available only where the maximum height for  
2 residential use under the provisions of the zone is more than 85 feet and only if the  
3 Director determines that the payment achieves a result equal to or better than providing  
4 the affordable housing on-site and the payment does not exceed the approximate cost of  
5 developing the same number and quality of housing units that would otherwise be  
6 developed; or for development of a single purpose commercial structure in zones with an  
7 incentive zoning suffix.

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10 D. ((If a rental housing building on a lot contained four or more dwelling units that were  
11 occupied and demolished on the site of the new project within 18 months prior to a  
12 Master Use Permit application to establish bonus residential floor area on the lot, the)) If  
13 a Master Use Permit application includes establishment of bonus residential floor area  
14 and the proposed development entails demolition of a building containing four or more  
15 dwelling units occupied as rental housing within 18 months prior to that Master Use  
16 Permit application, then the amount of low-income housing to be provided under  
17 23.58A.014.B.1 is increased by the ((gross square footage of any)) number of units  
18 within the building or buildings to be demolished that were rented to tenants who  
19 received or are eligible to receive a tenant relocation assistance payment under Chapter  
20 22.210. ((, and)) ((†))The additional low-income housing is subject to the following  
21 requirements:

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3 Section 10. A new Subchapter IV is added to Chapter 23.58A of the Seattle Municipal  
4 Code, which includes new Sections 23.58A.025, 23.58A.026, and 23.58A.028 as follows:

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6 **Subchapter IV Extra Floor Area In Zones With An Incentive Zoning Suffix**

7 **23.58A.025 Scope of subchapter**

8 This subchapter IV includes provisions under which applicants may gain extra floor area  
9 for development in zones with an incentive zoning suffix.

10 **23.58A.026 Application of floor area limits in zones with an incentive zoning suffix**

11 In zones with an incentive zoning suffix, extra floor area may be allowed in addition to  
12 the maximum gross floor area allowed by the FAR limit indicated by the incentive zoning suffix.

13 All extra floor area shall be considered extra residential floor area regardless of the use. Extra  
14 floor area may be gained up to the maximum non-exempt gross floor area allowed by the FAR  
15 limit of the applicable Commercial or ~~Lowrise Multifamily zone~~Multifamily zone. For single  
16 purpose commercial structures in zones with an incentive zoning suffix, extra floor area may be  
17 allowed when the applicant qualifies by using the performance option or the payment option in  
18 accordance with Sections 23.58A.014, or a combination of these options. Subchapter II  
19 provisions under which applicants may gain extra residential floor area shall apply.

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22 **23.58A.028 Application of incentive zoning in legislative rezones**

23 A. When the City Council approves a Type V legislative rezone pursuant to Section  
24 23.76.062, the Council may elect to apply the incentive zoning provisions of this chapter to all or  
25 part of the area being rezoned. If the Council decides to apply this chapter, then the maximum  
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1 floor area ratio permitted within the area subject to this chapter is the floor area ratio of the  
 2 previous zone, as described in subsection 23.58A.028.B below, unless the applicant for project  
 3 approval gains additional floor area ratio pursuant to this chapter.

4 B. For the sole purpose of establishing base FAR and/or base residential floor area under  
 5 this chapter, the following shall be applied as the base FAR and/or base residential floor area  
 6 when rezoning from one of the following ~~designations~~zones:

7 1. Single-Family zones: .75

8 2. Lowrise 1 Zones: 1.2

9 3. Lowrise 2 Zones: 1.3

10 4. Lowrise 3 Zones:

11 a. Outside urban centers, urban villages, and the Station Area Overlay

12 District: 1.6

13 b. Inside urban centers, urban villages, and the Station Area Overlay

14 District: 2.0

15 5. Commercial zones as shown in Table A for 23.58A.028.

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Table A for 23.58A.028			
Base FAR outside of the Station Area Overlay District			
	Height Limit		
	30'	40'	65'
	Base FAR		
1.	2.25	3	4.25
Base FAR in the Station Area Overlay District			
	Height Limit		
	30'	40'	65'
	Base FAR		
2.	3	4	5.75

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Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and  
signed by me in open session in authentication of its passage this  
\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)