

# 15  
17235

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

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2 AN ORDINANCE relating to land use and zoning; amending Sections 22.900G.010,  
3 22.900G.015, 23.41.012, 23.47A.012, 23.73.009, 23.73.010, and 23.84A.038, and adding  
4 new Sections 23.73.005, 23.73.012, 23.73.014, 23.73.016, 23.73.018, and 23.73.024 to  
5 the Seattle Municipal Code, and amending the fee schedules for the Department of  
6 Neighborhoods and Office of Housing, in order to designate a Conservation Core area  
7 within the Pike/Pine Conservation Overlay District and to establish and administer a  
8 transfer of development potential program for the Conservation Overlay District to better  
9 preserve and enhance the character of the Pike/Pine neighborhood.

10 WHEREAS, in response to the 1991 Pike/Pine Planning Study sponsored and conducted by a  
11 coalition of Pike/Pine neighborhood and civic groups, business and property owners, and  
12 residents, the Pike/Pine Overlay District was established to preserve and enhance the  
13 area's mixed-use character; and

14 WHEREAS, in March 1999, the City Council adopted Ordinance 119413 amending the City's  
15 Comprehensive Plan to include key goals and policies from the 1998 Pike/Pine Urban  
16 Center Village Plan, which reaffirmed the neighborhood's commitment to mixed-use  
17 development, while identifying additional priorities including: (1) sustaining the  
18 character of Pike/Pine through implementation of urban design recommendations and  
19 policy changes, and (2) considering a "conservation district" for the neighborhood; and

20 WHEREAS, in July 2009, the City Council adopted Ordinance 123020, renaming the overlay  
21 district the Pike/Pine Conservation Overlay District, expanding its boundaries, and  
22 adding provisions that: limit the scale of new projects, encourage new projects to retain  
23 existing structures as part of a development site, provide spaces for small businesses at  
24 street level, accommodate facilities serving the arts, and further the preservation and  
25 enhancement of the unique character of the Pike/Pine neighborhood; and

26 WHEREAS, in September, 2010, the City Council adopted Ordinance 123392, which revised the  
27 Neighborhood Design Guidelines for the Pike/Pine Urban Center Village to better reflect  
28 conservation goals and update the text and illustrations to clarify community priorities;  
and

WHEREAS, establishing a transfer of development potential (TDP) program will further the  
conservation goals of the Pike/Pine neighborhood; NOW THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. A new subsection F of Section 22.900G.010 of the Seattle Municipal Code,  
which section was last amended by Ordinance 123453, is added to read as follows:

**22.900G.010 Fees for Department of Neighborhoods review((:))**

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2 The following fees shall be collected by the Director of the Department of  
3 Neighborhoods and deposited in the General Fund.

4 \* \* \*

5 F. Requests for reviewing character structure TDP sending sites in the Pike/Pine  
6 Conservation Overlay District. The Department of Neighborhoods' hourly review fee for  
7 determining whether a character structure may, if requested by a property owner, be added to the  
8 list of character structures in the Department of Planning Development Director's Rule  
9 promulgated according to Section 23.73.005, is \$250 per hour.  
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11 Section 2. Subsection A of Section 22.900G.015 of the Seattle Municipal Code, which  
12 section was enacted by Ordinance 123589, is amended as follows:

13 22.900G.015 Fees for review by the Office of Housing

14 A. An applicant for a land use permit who seeks to obtain extra floor area pursuant to  
15 Sections 23.48.011, 23.49.012, 23.49.014, 23.49.015, 23.49.181, 23.50.052, 23.50.053,  
16 23.58A.014, ~~((or))~~ 23.58A.024, or 23.73.0024 shall pay a fee in the amount of \$550 to the Office  
17 of Housing for review of the application.  
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21 Section 3. Subsection E of Section 23.41.012 of the Seattle Municipal Code, which  
22 section was last amended by Ordinance 123392, is amended as follows:

23 **23.41.012 Development standard departures**

24 \* \* \*

25 E. Departures for retaining character structures on lots in the Pike/Pine Conservation  
26 Overlay District. Departures from the conditions in subsections ~~((23.73.010.C.2))~~  
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1 23.73.010.B.2.b and ~~((23.73.010.F.2))~~ 23.73.014.B.2 when retaining a character structure as part  
2 of a new project may be granted if the following conditions are met:

3 1. The retained portion of the character structure is sufficient to give the  
4 appearance of a free-standing structure; or

5 2. The newly-constructed portion of the project, through vertical or horizontal  
6 modulation or other design treatments, generally provides for better integration of the physical  
7 appearance and arrangement of interior spaces between the character structure and the new  
8 project than would occur through the strict application of subsection ~~((23.73.010.C.1))~~

9 23.73.010.B.2.b or 23.73.014.B.2; or

10 3. Additional flexibility is necessary to maintain a character structure on a small  
11 development lot that is 8,000 square feet or less in size; and

12 4. The ground story of the character structure can accommodate the elements of  
13 the proposed new structure, such as a mezzanine or additional story, while maintaining the  
14 original character of the character structure by: retaining sufficient portions of the ground floor  
15 that are visible from the street at the original floor to ceiling height, through appropriate  
16 placement and design of the new structure, or through other design means that are consistent  
17 with the Pike/Pine Urban Center Design Guidelines.

18 Section 4. Subsection A of Section 23.47A.012 of the Seattle Municipal Code, which  
19 section was last amended by Ordinance 123649, is amended as follows:

20 **23.47A.012 Structure Height**

21 A. The height limit for structures in NC zones or C zones is 30 feet, 40 feet, 65 feet, 85  
22 feet, 125 feet, or 160 feet, as designated on the Official Land Use Map, Chapter 23.32. Structures  
23 may not exceed the applicable height limit, except as otherwise provided for in this Section  
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1 23.47A.012. Within the South Lake Union Urban Center, any modifications or exceptions to  
2 maximum structure height are allowed solely according to the provisions of the Seattle Mixed  
3 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,  
4 and not according to the provisions of this Section 23.47A.012. An overlay district may increase  
5 or reduce the maximum structure height.

6  
7 1. In zones with a 30 foot or 40 foot mapped height limit:

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

11 1) Either:

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

14 b) A residential use is located on a street-level, street-facing  
15 facade, and the first floor of the structure at or above grade is at least 4 feet above sidewalk  
16 grade; and

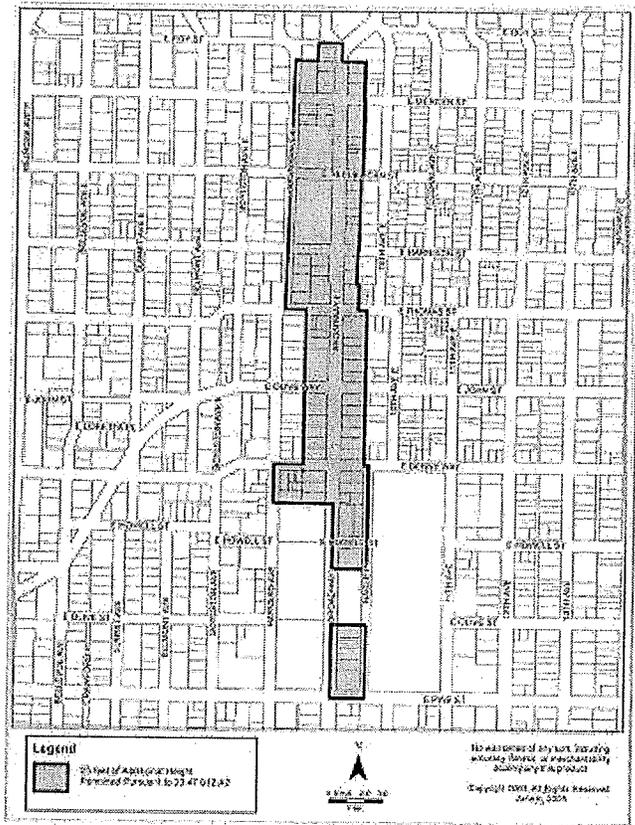
17 2) The additional height allowed for the structure will not allow an  
18 additional story beyond the number that could be built under the otherwise applicable height  
19 limit.

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

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



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

4. 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;

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

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

6 e. This subsection 23.47A.012.A.4 can be used only once ~~((per))~~ for each  
7 ~~((functionally related))~~ development that is functionally related.  
8

9 5. On a lot containing a peat settlement-prone environmentally critical area, the  
10 height of a structure may exceed the otherwise applicable height limit and the other height  
11 allowances provided by this ~~((section))~~ Section 23.47A.012 by up to 3 feet. In addition, 3 more  
12 feet of height may be allowed for any wall of a structure on a sloped lot, provided that on the  
13 uphill ~~((side(s)))~~ sides of the structure, the maximum elevation of the structure height shall be no  
14 greater than the height allowed by the first sentence of this subsection 23.47A.012.A.5. The  
15 Director may apply the allowances in this subsection 23.47A.012.A.5 only if the following  
16 conditions are met:  
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18 a. The Director finds that locating a story of parking underground is  
19 infeasible due to physical site conditions such as a high water table;  
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21 b. The Director finds that the additional height allowed for the structure is  
22 necessary to accommodate parking located partially below grade that extends no more than 6 feet  
23 above existing or finished grade and no more than 3 feet above the highest existing or finished  
24 grade along the structure footprint, whichever is lower, as measured to the finished floor level  
25 above; and  
26

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

5 6. In zones that are located within the Pike/Pine Conservation Overlay District  
6 with a (~~65-foot~~) mapped height limit of 65 feet, or with a mapped height limit of 40 (~~feet~~  
7 ~~mapped height limit~~) feet with provisions allowing for additional height up to 65 feet  
8 (~~pursuant~~) according to subsection 23.47A.012.A.2, (~~that are located within the Pike/Pine~~  
9 ~~Conservation Overlay District,~~) the provisions of Section (~~23.73.010~~) 23.73.014 apply.

11 \* \* \*

12 Section 5. A new Section 23.73.005 is added to the Seattle Municipal Code, to read as  
13 follows:

14 **23.73.005 Adoption of rules to implement Pike/Pine Conservation Overlay District**  
15 **Regulations**

16 A. The Director shall promulgate a rule, which shall be periodically updated to reflect  
17 changed conditions, listing the character structures that meet the following criteria:

- 18 1. The structure retains a high degree of architectural integrity;
- 19 2. The structure represents the Pike/Pine neighborhood's building typology,  
20 which is characterized by use of exterior materials and design elements such as masonry  
21 (especially brick) and timber structures; multi-use loft spaces; very high, fully glazed storefront  
22 windows; and decorative details such as cornices, emblems and embossed building names;
- 23 3. The structure is compatible with the architectural scale, rhythm, and patterns of  
24 nearby structures in the Pike/Pine neighborhood.

1 B. A character structure may be added to the list described in subsection 23.73.005.A by  
2 the Director in consultation with the Director of the Department of Neighborhoods.

3 Section 6. Subsections A and C of Section 23.73.009 of the Seattle Municipal Code,  
4 which section was enacted by Ordinance 123020, are amended as follows:

5 **23.73.009 Floor Area Ratio**

6 A. The floor area ratio (FAR) limits of the underlying zones for residential use apply to  
7 all structures and lots within the boundaries of the Pike/Pine Conservation Overlay District,  
8 except as provided in this Section 23.73.009 and in Section 23.73.024 for projects using transfer  
9 of development potential.  
10

11 \* \* \*

12 C. In addition to the floor area exempt under the provisions of the underlying zone, the  
13 following floor area is exempt from the calculation of gross floor area subject to an FAR limit  
14 and from the limit on nonresidential use in 23.73.009.B:

15 1. (~~Non-residential~~) Nonresidential use located in a character structure, provided  
16 that the non-residential use does not displace an existing residential use.

17 2. New (~~non-residential~~) nonresidential floor area added to a character structure,  
18 provided that the added floor area does not exceed the equivalent of 0.5 FAR, as calculated on  
19 the lot occupied by the character structure at the time it was built.

20 3. Street-level commercial uses complying with the standards of 23.47A.008 and  
21 23.73.008.B.

22 4. Floor area used for the creation, display, performance or screening of art for  
23 members of the general public and floor area used by an arts facility.  
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1           5. All floor area in residential use in a development that meets the provisions of  
2 23.73.010.~~((C))~~B.2, provided that development of the lot does not require the removal of a  
3 character structure ~~((identified on Table A for 23.73.010))~~ listed in a rule promulgated by the  
4 Director according to Section 23.73.005.

5           6. In areas where the underlying zoning is NC3P~~((/))~~ 65, all floor area in  
6 residential use on a lot that is 8,000 square feet or less in area and has been either vacant or in  
7 parking use since February 27, 1995.

8           Section 7. Section 23.73.010 of the Seattle Municipal Code, which section was last  
9 amended by Ordinance 123392, is amended as follows:

10 **23.73.010 ~~((Development standards))~~ Floor size limits outside the Conservation Core**

11           A. Floor size limit. The following provisions apply to lots located outside the boundaries  
12 of the Conservation Core identified on Map A for 23.73.010.

13           1. On lots greater than 15,000 square feet in size, the maximum gross floor area of  
14 any single story above 35 feet in height is 15,000 square feet. The floor size limit ~~((shall))~~ does  
15 not apply to non-residential uses in a structure developed on a lot ~~((pursuant))~~ according to  
16 subsection 23.73.009.B.2.

17           2. On a lot with more than one structure that exceeds 35 feet in height, the floor  
18 size limit applies to the portions of each structure above 35 feet in height.

19           3. On a lot where ~~((or))~~ more than one portion of the same structure exceeds 35  
20 feet in height, the floor size limit ~~((shall apply))~~ applies to each portion of the structure above 35  
21 feet in height. ~~((A minimum separation of 40 feet is required at all points between separate~~  
22 portions of a structure above 35 feet in height on the same lot, except that separation between a  
23 new structure and an existing structure located on the same lot is not required. ~~Where))~~ If the  
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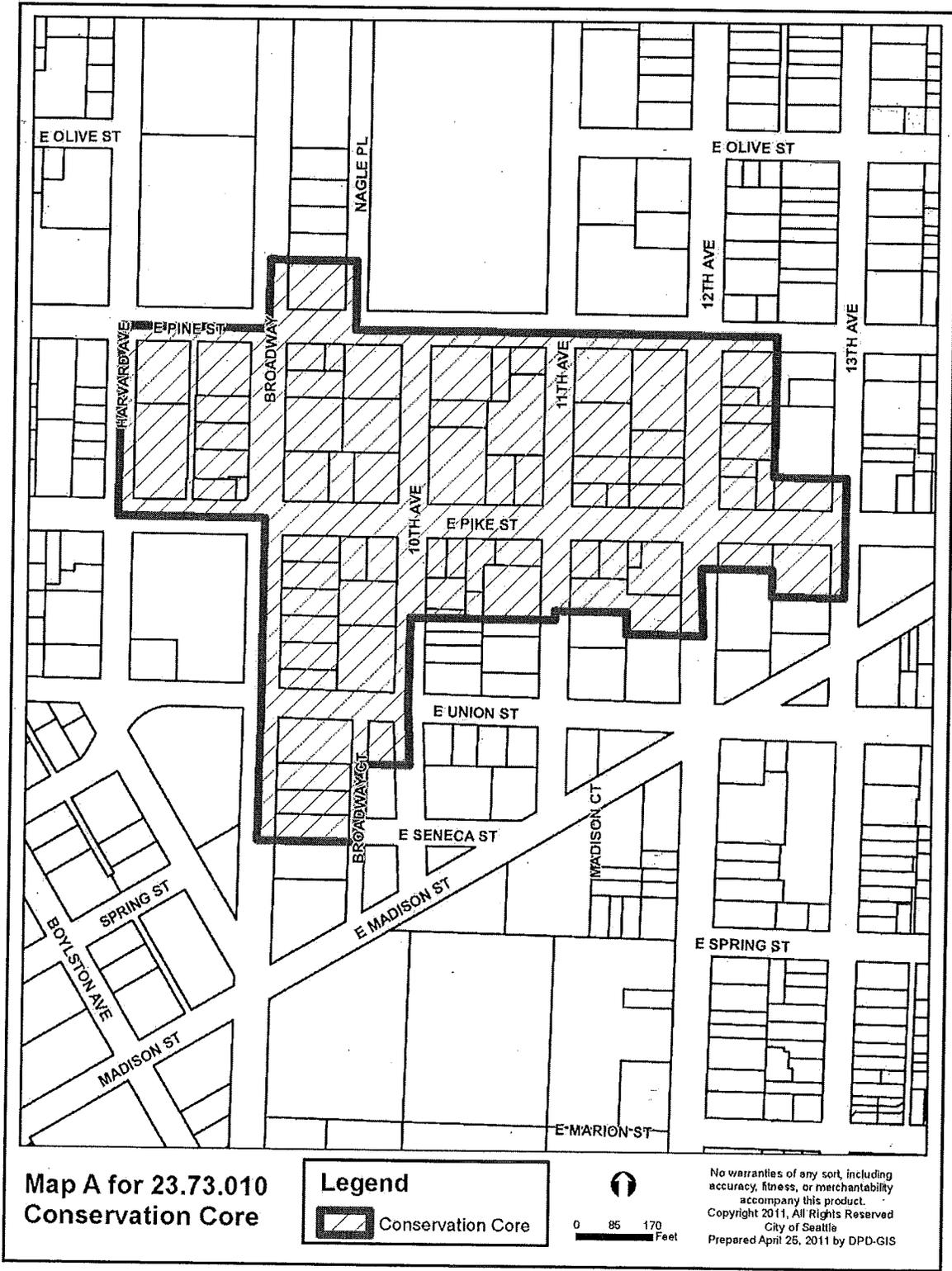
1 separation between portions of a structure above 35 feet in height is less than 40 feet, the floor  
2 area of each story in the separated portions of the structure shall be combined to determine the  
3 floor area subject to the floor size limit.

4 ~~((3))~~4. If new structures on the same or abutting lots have internal connections  
5 above the first story, the connected structures are considered to be a single structure for the  
6 purpose of calculating the floor area subject to the floor size limit, ((Internal connections above  
7 35 feet in height between new portions of a structure on the same lot and between separate  
8 structures on abutting lots are not permitted,)) unless the structure ((on the abutting lot)) to which  
9 the connection is made is a character structure.

11 ~~((4))~~5. For a project that retains ~~((the whole of a))~~ an entire character structure on  
12 the lot, any floor area above 35 feet in height within the character structure, whether connected to  
13 a new structure or not, is not included in the calculation of the floor area subject to the limit on  
14 floor size.  
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26 **Map A for 23.73.010: Pike/Pine Conservation Core**  
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1 B. Exceptions to floor size limit.

2 1. For a structure with a minimum of 50 percent of the total gross floor area in  
3 residential use, the Director may permit, as a Type I decision, an increase in the floor size limit  
4 of up to 15 percent on lots with an area of 30,000 square feet or less, not counting any area  
5 occupied by a character structure, to allow additional development flexibility to promote  
6 neighborhood conservation objectives and design that minimizes the overall appearance of the  
7 project's bulk. ~~((, provided that no))~~ No increase in floor size is permitted for a project that will  
8 result in the demolition of a character structure. ~~((On a lot with an area of 30,000 square feet or~~  
9 ~~less, not counting any area occupied by a character structure, the limit on floor size above 35 feet~~  
10 ~~in height may be increased by 15 percent))~~ In order for a structure to qualify for an increase in  
11 floor size area ((if)) one or more of the following conditions ((apply)) must exist:  
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13  
14 ~~((1))~~a. Conditions in the vicinity of the lot minimize the impact of  
15 additional development bulk on the existing character of the area. Such conditions include  
16 locations on the edges of the Pike/Pine Conservation Overlay District where development on  
17 large lots already exists, or where irregularities in the street grid have created small blocks or a  
18 single lot surrounded on all sides by streets; or

19  
20 ~~((2))~~b. The proposed new project includes features that offset the  
21 perceived scale of development, such as a landscaped courtyard that is visible from the sidewalk  
22 and located primarily at street level on a street that is not a principal pedestrian street; or

23  
24 ~~((3))~~c. The increase in floor size is for a mixed-use project that includes  
25 uses contributing to the area's recognized character as an arts district, including performing arts  
26 space and artist live/work space, ~~((which))~~ that typically have design requirements ~~((,))~~ such as  
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1 ~~((non-standard))~~ nonstandard floor-to-ceiling heights~~((;))~~ that reduce the total amount of usable  
2 floor area in a structure; or

3 ~~((4))~~d. The additional floor area will facilitate development of housing that  
4 is affordable to and occupied by "income-eligible households," as defined in Section  
5 23.58A.004, for a minimum of 50 percent of the total gross floor area of the project and is  
6 subject to covenants ensuring that the housing remains available to these households for a  
7 minimum of 50 years.

8 ~~((C))~~2. Retaining character structures on a lot. A 25 percent increase in the floor  
9 size limit ~~((above 35 feet in height))~~ is permitted for projects that incorporate a character  
10 structure on the same lot, either as a whole structure or as a portion of a structure, ~~((pursuant))~~  
11 according to the following provisions.

12  
13 ~~((1))~~a. No increase in floor size is permitted under the provisions of this  
14 subsection 23.73.010.B.2 for a project that will result in the demolition of a designated Seattle  
15 ~~((Landmark))~~landmark, or of a character structure ~~((identified on Table A for 23.73.010))~~ listed  
16 in a rule promulgated by the Director according to Section 23.73.005.

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18 ~~((2))~~b. One character structure must be retained for each new structure or  
19 portion of a structure that is subject to the floor size limit in order for the new structure or portion  
20 of a structure to qualify for the 25 percent increase in floor size.

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22 c. For a project that incorporates portions of a character structure, the  
23 following conditions shall be met:

24 ~~((a))~~1) All street-facing facades of the character structure are  
25 retained;

1                                   ((b))2) All portions of the new structure above the height of the  
2 street-facing facades of the character structure are set back a minimum of 15 feet from all street  
3 property lines that abut the character structure; and

4                                   ((e))3) The original floor-to-ceiling height of the ground story is  
5 maintained.

6                                   ((3))d. Any floor area in a new portion of the structure above 35 feet in  
7 height that is within the area of the original footprint of the character structure and is separated  
8 from the street along all street frontages by the original facades of the character structure is not  
9 included in the calculation of the floor area subject to the floor size limit.

10                                   ((4))e. A project that is granted an increase in floor size under the  
11 provisions of this subsection 23.73.010.((C))B.2 shall maintain the character structure, or  
12 portions of the character structure, both interior and exterior, in good condition and repair and in  
13 a manner that preserves unique features and characteristics for the life of the project. Any  
14 increase in floor size permitted ((pursuant)) according to this ((Section)) subsection  
15 23.73.010.((C))B.2 shall not be combined with any increase in floor size permitted ((pursuant))  
16 according to Section 23.73.010.B.1.

17                                   3. A 25 percent increase in the floor size limit is permitted on the receiving site of  
18 a project that adds floor area through the use of TDP as permitted by Section 23.73.024,  
19 provided that the amount of floor area added through the use of TDP is equivalent to at least 0.25  
20 FAR, as calculated for the receiving site.

21                                   ~~((Table A for 23.73.010~~  
22                                   ~~Identified Character Structures~~<sup>†</sup>

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Address	Historic Name	Common Name
1519 12th Avenue	Overland Pacific Building	Police Department East

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Address	Historic Name	Common Name
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300 E. Pine Street	Butterworth Mortuary	Butterworth Mortuary
1501 Broadway	Broadway State Bank	Tully's
1205 E. Pine Street	McAlpin-Schreiner Company	Foley Sign Company
1021 E. Pine Street	Colyear Motor Sales Company	REI/Velo Bike
901-911 E. Pike Street	Tyson Oldsmobile Company	Frame Central
1217-1221 E. Pike Street	S. L. Savidge	Elysian Brewery
915-919 E. Pike Street	Graham Motor Cars	Shambhala Center of Seattle
1525 11th Avenue	Boeker Building	REI/Value Village
1400 12th Avenue	Bekins Moving and Storage	Trace Lofts
1201-1205 E. Pike Street	Standard Brands	1205 E. Pike Building
1519-1521 Broadway	Eldridge Tire Company	Broadway Café
1120-1124 E. Pike Street	Paekard-Seattle	Utrecht Art Supplies
953 E. Union Street	Otto's Radiator Service	The Finer Details
301-309 E. Pine Street	Melrose Building	Melrose Building
311-321 E. Pine Street	Timken Roller Bearing	Le Froek
721-725 E. Pine Street	Flick and Rash	Bill's Off Broadway
1600 Broadway	Boone and Company Pontiac	AEI Music
1511 Boylston Avenue	Glencoe Apartments	Glencoe Apartments
1633 Melrose Avenue	Sherwood Apartments	Sherwood Apartments
1631 Belmont Avenue	Conrad Apartments	Conrad Apartments
401 E. Pine Street	Carr Brothers Auto Repair	General Petroleum Museum
1520 Melrose Avenue	Melrose Apartments	Melrose Apartments
1351 Olive Way	Unknown	Fillipi's Old Books and Records
1611 Boylston Avenue	Universal Repair Shop	Universal Repair Shop
1001 E. Pike Street	Unknown	Arensberg/La Puerta
1134 Broadway	Unknown	Vacant
1400 Broadway	Johnson & Hamilton Mortuary	Gilda's Club of Seattle
1426 Broadway	Unknown	Rutherford's Auto-Rebuild
1158 Broadway	Unknown	Complete Automotive
1414 Broadway	Western Auto Wrecking	Aker's
1612 Broadway	Unknown	AEI Music
400 E. Pine Street	Hirsch Cycle Co.	Lighting Design Lab and 4 others
501 E. Pine Street	Unknown	Bell Occhio 7 and 3 others
610 E. Pine Street	Unknown	Capitol Loans and 4 others
619 E. Pine Street	Paige Building	R Place
801-805 E. Pine Street	Masonic Temple	Egyptian Theater and SCCG

Address	Historic Name	Common Name
911-919 E. Pine Street	Odd Fellows Temple	Odd Fellows Temple
909 E. Pine Street	Unknown	In 2 Services
1101 E. Pine Street	S-E Co.	2nd Base and 1 other
1315-1323 E. Pine Street	Chester Apartments	Capital Grocery and 2 others
1100-1106 E. Union Street	Unknown	Union Art Co-op
1015-1021 E. Pike Street	Lorraine Court Apartments	Wildrose and 2 others
300 E. Pike Street	Gallagher's Fine Cars	Six Arms
1415-1423 10th Avenue	Unkown	Crescent Down works and 4 others
1101-1103 E. Pike Street	Liebeck Garage	Aria and 7 others
1011-1013 E. Pike Street	Unknown	Chrissa's Window Bar and 1 other
1319 E. Madison Street	Talbot Building	Callahan's Auto Rebuild

Footnote for Table A for 23.73.010:  
<sup>1</sup> ((Source))The source of Table A for 23.73.010((:)) is the ((The)) Department of Neighborhoods November 2002 Historic Resources Survey, structures categorized as "Yes - Inventory" or "Yes - Hold".))

((D. Maximum structure width.

1. For each block face abutting Pike, East Pike, Pine, or East Pine Streets, the maximum width of all portions of a structure measured along the street property line is ½ the total width of all lots on the block face.

2. The limit on width shall not apply to the following:

a. Portions of a new structure separated from the street property line by another lot or another structure located on the same lot, provided that abutting structures are not connected internally, either above or below grade, unless the abutting structure is a character structure;

b. Development on lots on blocks abutting Crawford Place, because of the narrow block width; and

1 e. Portions of a new structure separated from the street property line by a  
2 character structure, or the remaining portions of a character structure included in a project  
3 pursuant to the provisions of 23.73.010.C.

4 ~~E. Height Exception for Mixed Use Structures. In zones with a 65 foot height limit, the~~  
5 ~~Director may permit the height of a mixed use structure to exceed the height limit of the zone by~~  
6 ~~up to 4 feet, only if the residential use and either the nonresidential use or the live-work units are~~  
7 ~~located in the same structure and subject to the following:~~

8  
9 1. ~~The nonresidential use or live-work unit located at street level requires a floor~~  
10 ~~to ceiling height that exceeds 13 feet floor to ceiling to support business operations; and~~

11 2. ~~The additional height will not permit an additional story to be built beyond~~  
12 ~~what could be built under a 65 foot height limit if a floor to ceiling height of more than 13 feet~~  
13 ~~were not needed to support street level nonresidential uses.~~

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15 3. ~~The transparency requirements for street-facing façades in 23.47A.008.A.2~~  
16 ~~shall apply to the portion of the street-facing façade between 2 feet and 12 feet above the~~  
17 ~~sidewalk. Only clear or lightly tinted glass shall be considered transparent.~~

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19 F. Height exception for lots that include a character structure. In zones with a mapped  
20 height limit of 65 feet, or with a 40 foot mapped height limit with provisions allowing for  
21 additional height up to 65 feet pursuant to subsection 23.47A.012.A, the Director may permit the  
22 height of a structure to exceed the height limit of the zone by 10 feet, subject to the following:

23 1. ~~The lot includes a character structure, or significant portion of a character~~  
24 ~~structure;~~

25  
26 2. ~~For a project that incorporates a character structure, the following conditions~~  
27 ~~shall be met:~~

1                   a. ~~All street facing facades of the character structure are retained;~~

2                   b. ~~All portions of the new structure above the height of the street facing~~  
3 ~~facades of the character structure are set back a minimum of 15 feet from all street property lines~~  
4 ~~that abut the character structure; and~~

5                   c. ~~The original floor to ceiling height of the ground story is maintained.~~

6                   3. ~~The additional floor area above the height of 65 feet is occupied solely by~~  
7 ~~residential use; and~~

8                   The project will not result in the demolition of a designated landmark or of a  
9 character structure that is identified on Table A for 23.73.010, except as allowed to include a  
10 portion of a character structure in the new development pursuant to subsection 23.73.010.C.

11                   G. Residential Amenity Space.

12                   1. ~~Residential Amenity space is not required for structures existing as of April 1,~~  
13 ~~2000, that are repaired, renovated or structurally altered to the extent permitted by the~~  
14 ~~development standards of the Land Use Code, provided that street facing facades are retained~~  
15 ~~and 50 percent or more of the gross floor area is retained.~~

16                   2. ~~Residential Amenity space is not required for new construction, when~~  
17 ~~affordable housing that meets the following criteria is provided by a nonprofit organization;~~

18                   a. ~~At least 40 percent of the units are rented to households at annual rents~~  
19 ~~not exceeding 30 percent of 60 percent of the median income; and~~

20                   b. ~~Applicants demonstrate compliance with these income criteria for the~~  
21 ~~life of the building.~~

1           ~~3. Existing residential uses that meet the residential amenity requirements of~~  
2     ~~Section 23.47A.024, Residential amenity standards, may eliminate residential amenity space,~~  
3     ~~provided they comply with the requirements of Section 23.73.010G.2.~~

4           ~~H. Location of parking. Parking provided as accessory parking for any permitted use may~~  
5     ~~be located on the lot, or built into or under the structure, or located on a lot other than the lot on~~  
6     ~~which the use is located, except that parking is not permitted on a lot other than the lot on which~~  
7     ~~the use is located if providing the parking would result in the partial or total demolition of a~~  
8     ~~character structure.))~~

9  
10           Section 8. A new Section 23.73.012 of the Seattle Municipal Code is enacted as follows:

11     **23.73.012 Structure width and depth limits**

12           A. The structure width and depth limits in this Section 23.73.012 apply to lots that  
13     contained a character structure on the effective date of the ordinance introduced as Council Bill  
14     117235.

15           B. Structure width limit outside the Conservation Core. Outside the Conservation Core  
16     identified on Map A for 23.73.010, for all portions of a structure that abut Pike, East Pike, Pine,  
17     or East Pine Streets, structure width shall be limited to 50 percent of the total width of all lots on  
18     the block face, measured along the street lot line on block faces that exceed 170 feet in width,  
19     except that the structure width limit calculation does not include the following:

- 20
- 21           1. Portions of a character structure, whether connected to a new structure or not;
  - 22           2. Portions of a new structure that are separated from the street property line by  
23     another lot;
  - 24           3. Portions of a new structure that are separated from the street property line by an  
25     adjacent structure located on the same lot that is not a character structure, provided that the  
26     adjacent structures are not internally connected above or below grade;
  - 27
  - 28

1 4. Portions of a new structure that are separated from the street property line by a  
2 character structure or by the remaining portions of a character structure included in a project as  
3 allowed by subsection 23.73.010.B.2.

4 C. Structure width limit inside the Conservation Core. Inside the Conservation Core  
5 identified on Map A for 23.73.010, the structure width limit on block faces that exceed 170 feet  
6 in width is 128 feet, measured along the street lot line, except that the structure width limit  
7 calculation does not include the following:  
8

9 1. Portions of a character structure, whether connected to a new structure or not;  
10 and

11 2. Portions of a new structure that are separated from the street property line by a  
12 character structure or by the remaining portions of a character structure included in a project as  
13 allowed by subsection 23.73.010.B.2, provided that the new structure does not result in the total  
14 demolition of any character structure on the lot.  
15

16 D. Structure depth limit inside the Conservation Core. Inside the Conservation Core  
17 identified on Map A for 23.73.010, structure depth shall be limited to 128 feet, measured as the  
18 combined depth of all structures located on the lot, except that portions of a character structure  
19 on the lot, whether connected to a new structure or not, are not included in calculating structure  
20 depth.  
21

22 Section 9. A new Section 23.73.014 of the Seattle Municipal Code is enacted as follows:

23 **23.73.014 Height exceptions**

24 A. Height Exception for Mixed Use Structures. In zones with a mapped height limit of 65  
25 feet, the Director may permit the height of a mixed-use structure to exceed the height limit of the  
26  
27  
28

1 zone by up to 4 feet, only if the residential use and either the nonresidential use or the live-work  
2 units are located in the same structure and comply with the following:

3 1. The nonresidential use or live-work unit located at street level requires a floor-  
4 to-ceiling height that exceeds 13 feet to support business operations; and

5 2. The additional height will not permit an additional story to be built beyond  
6 what could be built under a 65-foot height limit if a floor-to-ceiling height of more than 13 feet is  
7 not needed to support street-level nonresidential uses.

8 3. The transparency requirements for street-facing façades in 23.47A.008.A.2  
9 shall apply to the portion of the street-facing façade between 2 feet and 12 feet above the  
10 sidewalk. Only clear or lightly-tinted glass shall be considered transparent.

11 B. Height exception for lots that include a character structure. In zones with a 65-foot  
12 mapped height limit, or with a 40-foot mapped height limit with provisions allowing for  
13 additional height up to 65 feet according to subsection 23.47A.012.A, the Director may permit  
14 the height of a structure to exceed the height limit of the zone by 10 feet, subject to the  
15 following:  
16

17 1. The lot includes a character structure.

18 2. If a project incorporates a character structure on the lot, the project meets the  
19 following conditions:  
20

21 a. All street-facing facades of the character structure shall be retained;

22 b. All portions of the new structure above the height of the street-facing  
23 facades of the character structure shall be set back a minimum of 15 feet from all street property  
24 lines that abut the character structure; and  
25  
26  
27  
28

1 c. The original floor-to-ceiling height of the ground story shall be  
2 maintained.

3 3. The additional floor area above the 65-foot height limit is occupied solely by  
4 residential use;

5 4. The project will not result in the demolition of a character structure  
6 listed in a rule promulgated by the Director according to Section 23.73.005 or of a designated  
7 landmark, except to the extent allowed in subsection 23.73.014.B.2; and  
8

9 5. One character structure must be retained for each new structure or  
10 portion of a structure that is subject to the floor size limit in subsection 23.73.010.A in order for  
11 the new structure or portion of a structure to qualify for the 10 foot increase in height.  
12

13 C. Height exception for character structure TDP receiving sites. A height exception for  
14 character structure TDP receiving sites is allowed according to subsection 23.73.024.B.

15 D. If a project uses more than one of the height exceptions permitted by this Section  
16 23.73.014, the maximum height shall be the height permitted by the exception allowing the  
17 greatest height increase.

18 E. Additional height for rooftop features. For structures using the height exceptions  
19 specified in this Section 23.73.014, additional height is permitted above the maximum height  
20 allowed by the exception to accommodate rooftop features as permitted under subsection  
21 23.47A.012.D.  
22

23 Section 10. A new Section 23.73.018 of the Seattle Municipal Code is enacted as  
24 follows:

25 **23.73.016 Amenity area**  
26  
27  
28

1 A. Amenity area is not required for structures existing as of April 1, 2000 that are  
2 repaired, renovated, or structurally altered to the extent permitted by the development standards  
3 of the Land Use Code, provided that street-facing facades are retained and 50 percent or more of  
4 the gross floor area is retained.

5 B. Amenity area is not required for new construction of affordable housing that meets the  
6 following:

7  
8 1. At least 40 percent of the units are rented to households at annual rents not  
9 exceeding 30 percent of 60 percent of the median income; and

10 2. The applicant demonstrates compliance with these income criteria for the life  
11 of the building.

12 C. Existing residential uses that meet the amenity area requirements of Section  
13 23.47A.024 may eliminate amenity area, provided they comply with subsections 23.73.016.B.1  
14 and B.2.

15  
16 Section 11. A new Section 23.73.018 of the Seattle Municipal Code is enacted as  
17 follows:

18 **23.73.018 Location of Parking**

19  
20 Parking provided as accessory parking for any permitted use may be located on the lot, or  
21 built into or under the structure, or located on a lot other than the lot on which the use is located  
22 except that parking is not permitted on a lot other than the lot where the use is located if  
23 providing the parking would result in the partial or total demolition of a character structure.

24 Section 12. A new Section 23.73.024 of the Seattle Municipal Code is enacted as follows:

25 **23.73.024 Transfer of development potential**

1           A. General Standards for the transfer of development potential (TDP) within the  
2 Pike/Pine Conservation Overlay District.

3           1. For a lot located in an NC3P 65 zone within the Pike/Pine Conservation  
4 Overlay District shown on Map A for 23.73.004, excluding the area within the Conservation  
5 Core shown on Map A for 23.73.010, an applicant may use transferable development potential to  
6 obtain one or both of the following:

7                   a. Additional residential and live-work unit floor area above the maximum  
8 FAR limit for a mixed use structure in subsection 23.47A.013; or

9                   b. A height exception to allow an additional 10 feet above the 65-foot  
10 height limit.

11           2. Development potential may not be transferred from one lot to another except  
12 as allowed by this Chapter 23.73.

13           3. Development potential may be transferred from eligible sending lots meeting  
14 the conditions of subsection 23.73.024.C to locations outside the Pike/Pine Conservation Overlay  
15 District if TDP transfer to specifically-identified areas or lots is authorized by City ordinance.

16           B. Standards for character structure TDP receiving sites. A lot must meet the following  
17 conditions in order to be eligible to achieve extra residential floor area through TDP:

18           1. Character structure TDP receiving sites shall be located outside the  
19 Conservation Core identified on Map A for Section 23.73.010.

20           2. Development of the receiving site shall not result in the demolition or  
21 significant alteration of a character structure or a designated landmark. For purposes of this  
22 Section 23.73.024, significant alteration of a character structure means:

23                   a. For character structures that are not designated landmarks:  
24  
25  
26  
27  
28



1 C. Standards for Sending Sites.

2 1. TDP sending sites shall be located in an NC3P zone within the Pike/Pine  
3 Conservation Overlay District, excluding NC3P zones with an MIO-105 overlay, and shall  
4 contain one of the following structures; provided that character structures on the proposed TDP  
5 sending site have not been demolished, or significantly altered as defined in subsection  
6 23.73.024.B.2, since the effective date of this ordinance:  
7

8 a. One or more structures designated wholly or in part as a landmark under  
9 Chapter 25.12 or its predecessor ordinance; or

10 c. Any character structure.

11 2. Maximum transferable floor area.

12 a. The maximum amount of floor area that may be transferred from an  
13 eligible sending site with a character structure that is not a designated landmark is the product of  
14 the eligible lot area of the sending site, times the maximum FAR for structures containing both  
15 residential and nonresidential uses as prescribed in Section 23.47A.013, minus the sum of any  
16 chargeable gross floor area on the sending site under the zoning in effect at the time a complete  
17 application transferring TDP is accepted and any TDP previously transferred from the sending  
18 site.  
19  
20

21 b. The maximum amount of floor area that may be transferred from an  
22 eligible sending site with a designated landmark is the amount calculated in subsection  
23 23.73.024.C.2.a multiplied by two.

24 c. For purposes of this subsection 23.73.024.C.2, the eligible lot area is the  
25 total area of the sending site at the date that the character structure was built.  
26  
27  
28

1                   3. Rehabilitation and maintenance of character structures. Character structures  
2 located on a TDP sending site shall be rehabilitated and maintained to comply with applicable  
3 codes and shall have a minimum useful life of at least 50 years from the time the TDP transfer is  
4 approved by the Director. If the TDP is proposed to be transferred prior to completing  
5 rehabilitation work necessary to satisfy this subsection 23.73.024.C, the Director may require as  
6 a condition of the transfer that a security be deposited with the City in an amount determined by  
7 the Director to ensure that the work is completed.  
8

9                   4. Significant alteration, as defined in subsection 23.73.024.B.2, of the character  
10 structures on a TDP sending site is not permitted for at least 50 years from the time of the TDP  
11 transfer.  
12

13                   D. TDP Deeds and Agreements.

14                   1. The fee owners of the TDP sending site shall execute a deed, and shall obtain  
15 the release of the TDP from all liens of record and the written consent of all holders of  
16 encumbrances on the sending lot other than easements and restrictions, unless the requirement  
17 for a release or consent is waived by the Director for good cause. The deed shall be recorded in  
18 the King County real property records. If TDP is conveyed to the owner of a TDP receiving site  
19 described in the deed, then unless otherwise expressly stated in the deed or any subsequent  
20 instrument conveying the lot or the TDP, the TDP shall pass with the receiving site whether or  
21 not a structure using the TDP shall have been permitted or built prior to any conveyance of the  
22 receiving site. Any subsequent conveyance of TDP previously conveyed to a receiving site shall  
23 require the written consent of all parties holding any interest in or lien on the receiving site from  
24 which the conveyance is made. If the TDP is transferred other than directly from the sending site  
25 to the receiving site using the TDP; then after the initial transfer all subsequent transfers shall  
26  
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1 also be by deed, duly executed, acknowledged, and recorded, each deed referring by King  
2 County recording number to the prior deed.

3           2. Any person may purchase TDP that is eligible for transfer by complying with  
4 this Section 23.73.024, whether or not the purchaser is a permit applicant to develop real  
5 property or the owner of potential receiving site. Any TDP purchaser, including any successor or  
6 assignee, may use TDP on a receiving site to the extent that using TDP is permitted under the  
7 Land Use Code provisions applicable at the time the project intended to use the TDP vests,  
8 according to Section 23.76.026. The Director may require, as a condition of processing any  
9 permit application using TDP, that the owner of the receiving site demonstrate that the TDP has  
10 been validly transferred of record to the receiving site, and that the receiving site owner has  
11 recorded in the real estate records a notice stating that a permit application using TDP has been  
12 filed and the TDP to be used on the receiving site is not available for retransfer.

15           3. As a condition to the effective transfer of TDP from a designated landmark,  
16 except from a City-owned sending site, the fee owner of the sending site shall execute and record  
17 an agreement running with the land, in form and content acceptable to, and accepted in writing  
18 by, the Director of Neighborhoods; providing for the rehabilitation and maintenance of the  
19 historically-significant or other relevant features of the structure or structures on the lot and  
20 acknowledging the restrictions on future development resulting from the transfer. The Director  
21 may require evidence that each lien holder has effectively subordinated the lien to the terms of  
22 the agreement, and that any holders of interests in the property have agreed to its terms. To the  
23 extent that a landmark structure on the sending site, the presence of which is a condition to  
24 eligibility to transfer TDP under the provisions of the zone, requires restoration or rehabilitation  
25 for the long-term preservation of the structure or its historically or architecturally-significant  
26  
27  
28

1 features, the Director of Neighborhoods may require as a condition to acceptance of the  
2 necessary agreement that the owner of the sending site apply for and obtain a certificate of  
3 approval from the Landmarks Preservation Board for the necessary work, or post security  
4 satisfactory to the Director of Neighborhoods for the completing the restoration or rehabilitation.

5 E. Reservation in Deed. Any TDP eligible for transfer may instead be reserved in the  
6 conveyance of title to an eligible sending site by the express terms of the deed or other  
7 instrument of conveyance reserving a specified amount of TDP, provided that an instrument  
8 acceptable to the Director is recorded binding the sending site to the terms and conditions for  
9 eligibility to send TDP under this Section 23.73.024. Any TDP so reserved shall be considered  
10 transferred from that site and later may be conveyed by deed without participation of the owner  
11 of the site.  
12

13  
14 F. Any agreement governing the use or development of the sending site shall provide  
15 that its covenants or conditions run with the land and shall be specifically enforceable by the  
16 City.

17 G. The eligibility of a sending site to transfer TDP and the amount transferable from a  
18 sending site, shall be determined as of the date of transfer from the sending site and shall not be  
19 affected by the date of any application, permit decision, or other action for any project seeking to  
20 use TDP.  
21

22 Section 13. Section 23.84A.038 of the Seattle Municipal Code, which section was last  
23 amended by Ordinance 123649, is amended to add a definition, to be inserted in alphabetical  
24 order, as follows:  
25

26 **23.84A.038 "T"**  
27  
28



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Legislative	Rebecca Herzfeld/684-8148	Not applicable (NA)

**Legislation Title:**

AN ORDINANCE relating to land use and zoning; amending Sections 22.900G.010, 22.900G.015, 23.41.012, 23.47A.012, 23.73.009, 23.73.010, and 23.84A.038, and adding new Sections 23.73.005, 23.73.012, 23.73.014, 23.73.016, 23.73.018, and 23.73.024 to the Seattle Municipal Code, and amending the fee schedules for the Department of Neighborhoods and Office of Housing, in order to designate a Conservation Core area within the Pike/Pine Conservation Overlay District and to establish and administer a transfer of development potential program for the Conservation Overlay District to better preserve and enhance the character of the Pike/Pine neighborhood.

**Summary of the Legislation:**

The legislation would establish a Transfer of Development Potential (TDP) program for the Pike/Pine neighborhood to provide additional incentives for maintaining the Pike/Pine neighborhood's existing stock of "character structures" (defined as buildings that are at least 75 years old), while continuing to protect the area's special character.

**Background:**

**Project Background**

In response to an initiative sponsored by Councilmember Tom Rasmussen, the Department of Planning and Development (DPD) investigated measures that promote the conservation of existing buildings and uses that contribute to the special character of the Pike/Pine Neighborhood. Phase I of the project was completed in June, 2009, with Council adoption of Ordinance 123020. This legislation amended the Pike/Pine Overlay District to expand the overlay area, rename the District to add "Conservation" to its title, and add provisions that limit the scale of new buildings, encourage new projects to retain existing character structures, and provide spaces for arts facilities and for small businesses at street level.

The Council and the Pike/Pine community completed Phase II of the project in September, 2010 with the adoption of Ordinance 123392. This legislation adopted revised Neighborhood Design Guidelines for the Pike/Pine Urban Center Village to better implement conservation goals and to update the text and illustrations to clarify community priorities.

DPD is now proposing the final phase of the Pike/Pine project, which would adopt a TDP program for the Pike/Pine Conservation Overlay District (District).

**Please check one of the following:**

This legislation does not have any financial implications.

This legislation has financial implications. (Please complete all relevant sections that follow.)



**Appropriations:**

Not applicable.

**Anticipated Revenue/Reimbursement: Resulting from this Legislation:**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Revenue Source</b>	<b>2011 Revenue</b>	<b>2012 Revenue</b>
	Department of Neighborhoods	Fees	NA	\$500
	Office of Housing	Fees	NA	\$550
<b>TOTAL</b>				

Additional staff time may be necessary to review permit applications as a result of the Pike/Pine TDP proposal when compared to review time associated with administering existing Land Use Code requirements. Because only about ten projects are expected to use the proposed Pike/Pine TDP program over the next 20 years, the additional time required is estimated to be no more than ten hours per year, and the impact on DPD is assumed to be offset by permit fees. However, the legislation would add fees to pay for administration of the TDP program by two other departments.

The first new fee would be charged by the Department of Neighborhoods (DON) when a property owner requests a determination of whether a character structure may be added to the list of structures eligible to sell development potential. The fee is \$250 per hour, and DON staff estimates that each review would take approximately two hours, or \$500. It is difficult to estimate how many property owners will request the review, but it is not likely to be more than one every two years.

The second fee would be charged for review by the Office of Housing (OH) of projects that purchase development potential. Applicants for a land use permit who seeks to obtain extra floor area through other incentive programs are already charged this \$500 fee for OH review. If ten projects take advantage of the proposed Pike/Pine TDP program over the next 20 years, the revenue from this fee would equal \$550 every two years.

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:**

Not applicable.

**Do positions sunset in the future?**

Not applicable.

**Spending/Cash Flow:**

Not applicable.

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

No financial costs would result from not implementing the legislation.

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



DON and OH staff would be involved in the administration of the proposed TDP program. The fees described in the section above about anticipated revenue would address the cost of their involvement.

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

The proposal is the final phase of a three-part effort to promote the conservation of existing buildings and uses that contribute to the special character of the Pike/Pine Neighborhood. The two previous phases include other incentives for preservation of existing older structures and regulations and guidelines for the design of new buildings that respect the historic character of the area.

A possible further alternative that could help achieve the objectives of the proposal would be to expand the area eligible for TDP receiving sites, so that there would be more options for property owners in Pike/Pine to sell their development potential and preserve existing structures. Another alternative would be to create an historic district in the proposed "Conservation Core" area of Pike/Pine, which contains the greatest concentration of character structures that are identified in the 2002 Department of Neighborhoods (DON) Historic Resources Survey as having potential historic value. Both of these alternatives would require additional analysis of costs and benefits.

**Is the legislation subject to public hearing requirements?**

A public hearing before the City Council is required for this legislation. The hearing is scheduled on August 15, 2011.

**Other Issues:**

Not applicable.

**List attachments to the fiscal note below:**

Not applicable.

