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Gordon Clowers / Sara Belz / Ketil Freeman
DPD Reg Reform ORD
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ORDINANCE _____

AN ORDINANCE related to land use, zoning and environmental review, amending Sections 23.40.006, 23.42.040, 23.42.050, 23.44.014, 23.44.041, 23.45.504, 23.45.510, 23.45.512, 23.45.514, 23.45.518, 23.45.526, 23.45.527, 23.45.529, 23.45.532, 23.45.545, 23.47A.005, 23.47A.008, 23.54.015, 23.54.016, 23.54.020, 23.55.022, 23.76.004, 23.76.006, 23.84A.032, 23.91.002, 25.05.800 and Chapter 23.52 of the Seattle Municipal Code, and adding new Sections 23.40.035 and 23.52.008 to carry out proposals for regulatory reform.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.40.006 Demolition of housing

No demolition permit for a structure containing a dwelling unit shall be issued unless one of the following conditions is satisfied, and provided that no permit for demolition of a structure containing a dwelling unit may be issued if the new use is for non-required parking:

A. The structure is a residential use in a single family zone ((~~that was last occupied as rental housing and has been unoccupied~~)) and was not occupied as rental housing ((~~for at least~~)) during the prior 12 ((~~consecutive~~)) months, unless such demolition aids expansion of ((~~a~~)) an adjacent non-residential use; or

B. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to change the use of the structure or the premises; or

C. A permit or approval has been issued by the Director to relocate the structure containing a dwelling unit to another lot, whether within the City limits or outside the City limits, to be used, on the new lot, as a dwelling unit; or

* * *

Section 2. A new Section 23.40.035 of the Seattle Municipal Code is adopted to read as follows:

23.40.035 Location of accessory dwelling units on through lots

On a through lot, when yards cannot be determined pursuant to Section 23.40.030, the Director shall designate a rear yard for the purpose of allowing a detached accessory dwelling. In designating a rear yard, the Director shall consider factors including but not limited to the location of existing structures, vehicular and pedestrian access, platting patterns in the vicinity and topography.

Section 3. Section 23.42.040 of the Seattle Municipal Code, which section was last amended by Ordinance 123565, is amended as follows:

23.42.040 Intermittent, temporary and interim uses

The Director may grant, deny or condition applications for the following intermittent, temporary or interim uses not otherwise permitted or not meeting development standards in the zone.

A. Intermittent Uses.

1. A Master Use Permit for a time period of up to one year may be authorized for any use that occurs no more than two days per week and does not involve the erection of a permanent structure, provided that:

a. The use ((~~shall~~)) is not ((~~be~~)) materially detrimental to the public welfare; and

b. The use ((~~shall~~)) does not result in substantial injury to the property in the vicinity; and

c. The use ((~~shall be~~)) is consistent with the spirit and purpose of the Land Use Code.

B. Temporary Four Week Use. A Master Use Permit for a time period of up to four weeks may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of subsections 23.42.040.A.1.a – 23.42.040.A.1.c.

C. Temporary Uses for Up to Six Months. A Master Use Permit for a time period of up to six months may be authorized for any use that does not involve the erection of any permanent structure and that meets the requirements of subsections 23.42.040.A.1.a – 23.42.040.A.1.c.

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Section 4. Section 23.42.050 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.42.050 Home occupations

A home occupation of a person residing in a dwelling unit is permitted outright ((~~in that dwelling unit~~)) in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, ((~~in each case~~)) subject to the following requirements: ((~~standards of this section.~~))

A. The occupation ((~~shall be~~)) is clearly incidental to the use of the dwelling unit as a dwelling.

B. Commercial deliveries and pickups to the dwelling unit ((~~shall be~~)) are limited to one per day Monday through Friday. No commercial deliveries or pickups ((~~shall be~~)) are permitted on Saturday, Sunday or federal holidays.

((~~C. To discourage drop-in traffic, the address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, signs, flyers, radio, television or other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.~~))

C. Customer visits are by appointment only.

D. The occupation ((~~shall~~)) may be conducted ((~~only~~)) within ((~~the principal~~)) any legal principal or accessory dwelling unit or structure, ((~~or in an accessory dwelling unit~~)) provided

that licensed child care may be conducted only in the principal structure or in an accessory dwelling unit. Home occupations may be conducted by residents of a principal dwelling unit and/or an accessory dwelling unit. The presence of one home occupation does not preclude a resident of another legally established dwelling unit on the property from also conducting a home occupation.

E. Parking of vehicles associated with the home occupation ((~~shall be~~)) is permitted anywhere that parking is permitted on the lot.

((~~E.~~))F. To preserve the residential appearance of the dwelling unit, there shall be no evidence of the home occupation visible from the exterior of the structure((~~:~~)), provided that:

1.((~~e~~))Outdoor play areas for licensed child care programs and outdoor activities customarily incidental to the residential use ((~~shall be~~)) are permitted((~~.~~));

2. Interior and exterior alterations and additions that comply with the development standards of the zone are permitted;

3. Alterations and additions that are required by licensing or construction codes for licensed child care programs are permitted; and

4. Signs identifying the home occupation are permitted subject to compliance with Chapter 23.55, Signs.

G. No outdoor storage ((~~shall be~~)) is permitted in connection with a home occupation.

((~~F. To preserve the residential character and use of the dwelling unit, only internal alterations customary to residential use shall be permitted, and no external alterations shall be permitted to accommodate a home occupation, except as required by licensing or construction codes for child care programs.~~))

((~~G.~~))H. Except for licensed child care programs, ((~~not~~)) no more than ((~~one~~)) two persons((~~, whether full-time or part-time, who is not a resident~~)) who are not residents of ((~~the~~)) a dwelling unit on the lot may work in ((~~the dwelling unit of the~~)) a home occupation, regardless of whether the persons work full or part-time or are ((~~whether or not~~)) compensated. ((~~This includes~~

~~persons working off-site who come to the site for business purposes at any time as well as persons working on site.~~))

((~~H.~~))I. The home occupation shall not cause ((~~or add to~~)) a substantial increase in on-street parking congestion or ((~~cause~~)) a substantial increase in traffic ((~~through residential areas~~)) within the immediate vicinity.

((~~I.~~))J. A maximum of two passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of 10,000 pounds ((~~shall be~~)) are permitted to operate in connection with the home occupation, independent of commercial deliveries and pickups as provided for in subsection 23.42.050.B.

((~~J.~~))K. The home occupation shall be conducted so that noise, odor, smoke, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

((~~K. Signs are regulated by Chapter 23.55.~~))

L. Licensed ((~~C~~))child care programs in the home of the operator are limited to 12 children per day including the children of the operator.

Section 5. Section 23.44.014 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.44.014 Yards

Yards are required for every lot in a single-family zone. A yard that is larger than the minimum size may be provided.

A. Front Yards.

1. The front yard depth shall be either the average of the front yards of the single-family structures on either side or ((~~twenty (20)~~)) 20 feet, whichever is less.

2. On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of ((~~sixty (60)~~)) 60 feet or the full depth of the lot, whichever is less, is in excess of ((~~thirty-five (35)~~)) 35 percent, the required front yard depth shall be either ((~~twenty~~

((~~20~~))) 20 feet less one ((((~~1~~)))) foot for each one ((((~~1~~)))) percent of gradient or slope in excess of ((~~thirty-five (35)~~))) 35 percent, or the average of the front yards on either side, whichever is less.

3. In the case of a through lot, each yard abutting a street, except a side yard, shall be a front yard. Rear yard ((~~requirements~~)) provisions shall not apply to the lot, except pursuant to Section 23.40.030 or 23.40.035.

4. A larger yard may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

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Section 6. Section 23.44.041 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.44.041 Accessory Dwelling Units

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B. Accessory dwelling units, detached, additional provisions. ((~~A detached accessory dwelling unit is also known as a backyard cottage.~~)) The Director may authorize a detached accessory dwelling unit, also known as a backyard cottage, ((~~and that unit may be used as a residence, only under~~)) if the unit meets the ((~~conditions set forth in~~)) requirements of subsection 23.44.041.A and the following additional ((~~conditions~~)) requirements:

1. Detached accessory dwelling units are not permitted on a lot if any portion of the lot is within the Shoreline District established pursuant to Section 23.60.010.

2. ((~~Detached accessory dwelling units are required to meet the additional~~)) The development standards set forth in Table B for 23.44.041:

Table B for 23.44.041 Development Standards for Detached Accessory Dwelling Units[1]	
a. Minimum Lot Size	4,000 sq. ft.
b. Minimum Lot Width	25 feet
c. Minimum Lot Depth	70 feet[2]
d. Maximum Lot Coverage	The provisions of Section 23.44.010 apply.

Table B for 23.44.041 Development Standards for Detached Accessory Dwelling Units[1]					
e. Maximum Rear Yard Coverage	A detached accessory dwelling unit, together with any other accessory structures and other portions of the principal structure, is limited to a maximum combined coverage of 40% of the rear yard.				
f. Maximum Gross Floor Area	800 sq. ft. including garage and storage area but excluding areas below grade, measured as set forth in Section 23.86.007.				
g. Front Yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.A, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i of this Table B for 23.44.041.				
h. Minimum Side Yard	The provisions of subsection 23.44.014.C apply.[7]				
i. Minimum Rear Yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line.[3,4]				
j. Location of Entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.				
((~~k. Maximum Height Limits~~[5]))	((~~The roof peak of the detached accessory dwelling unit may not extend more than 15 feet above the roof peak of the principal dwelling unit and must comply with the height limits set forth in the table below.~~))				
k. Maximum Height Limits[5]	Lot Width (feet)				
	Less than 30	30 or greater up to 35	Above 35 up to 40	Above 40 up to 50[6]	Greater than 50 ((~~or greater~~[6]))

Table B for 23.44.041 Development Standards for Detached Accessory Dwelling Units[1]					
(1) Maximum Base Structure Height (feet)	12	14	15	16	16
(2) Maximum Structure Height with Pitched Roof (feet)[8]	15	21	22	22	23
(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit A for 23.44.041.	15	18	19	20	20
l. Minimum Separation from Principal Structure	5 feet				

Footnotes:
1. The Director may allow an exception to standards ((1)) a-f, h, i and j pursuant to subsection 23.44.041.B.3, for converting existing accessory structures.
2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 sq. ft., a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.
3. If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.
4. On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.
5. Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height. ((~~The additional height for sloped lots permitted by subsection 23.44.012.B does not apply.~~))
6. Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may ((~~also~~)) be built to the maximum height limit((~~s~~)) applicable in the column for lots greater than 50 feet ((~~listed in this column if both of~~)) when ((~~the following conditions are met: a~~))) the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley.((~~; and b) the width of the lot is 40 feet or greater.~~))
7. The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply.
8. All parts of the roof above the applicable base height shall be pitched at a rate of not less than 3:12.

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3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit.. The Director may allow an exception to one or more of the development standards for

accessory dwelling units contained in subsections 23.44.041.A.4 and standards a-f, h, i and j listed in Table B for ((~~23.044.041~~)) 23.44.041, provided the conversion does not increase the structure's nonconformity with the standard and the applicant can demonstrate that the accessory structure was constructed prior to June 1, 1999, as an accessory structure.

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Section 7. Section 23.45.504 of the Seattle Municipal Code, which section was last amended by Ordinance 123547, is amended as follows:

23.45.504 Permitted and prohibited uses

A. All uses are permitted outright, prohibited or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A for 23.45.504 are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A, 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.45 and additional regulations in Chapter 23.57. Public facilities are subject to the regulations in Section 23.51A.004.

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E. Ground floor commercial use.

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

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

a. Business support services;

b. Food processing and craft work;

c. General sales and services;

d. Medical services;

e. Offices;

f. Restaurants; and

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

((~~2. In MR zones, ground-floor commercial uses are permitted only on a lot that is within 800 feet of a neighborhood commercial zone.~~))

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Section 8. Section 23.45.526 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.45.526 LEED, Built Green, and Evergreen Sustainable Development Standards

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

1. This commitment is not required for building additions and alterations; and

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

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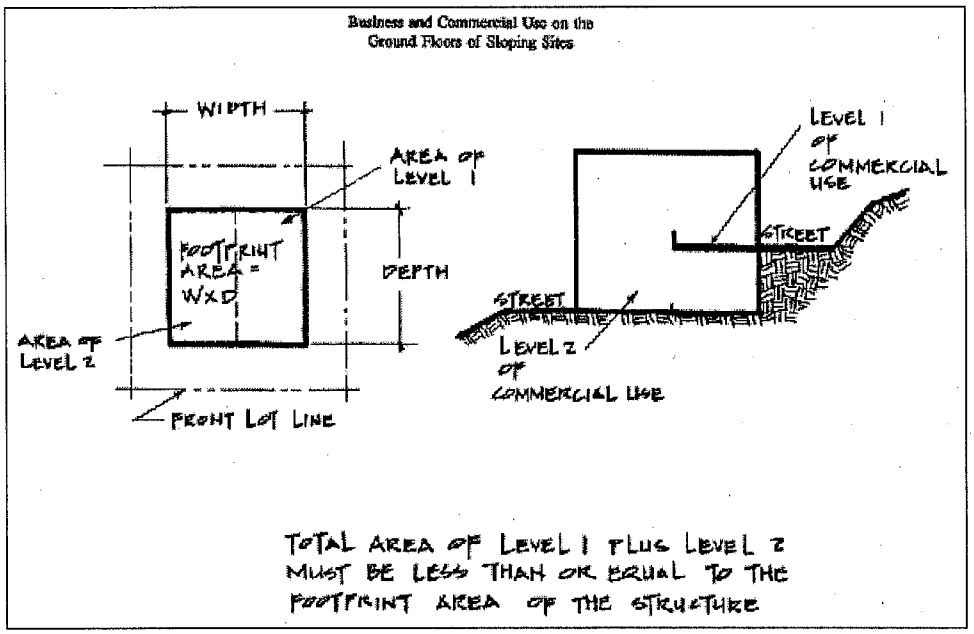
Section 9. Section 23.45.532 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

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

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

1. The commercial use is permitted only on the ground floor of a structure. On sloping lots, the commercial use may be located at more than one level within the structure as long as the floor area in commercial use does not exceed the area of the structure's footprint. See Exhibit A for 23.45.532.

Exhibit A for 23.45.532



2. The ((~~gross floor area~~)) maximum size of use of any one business establishment ((~~can be no greater than~~)) is 4,000 square feet, except that the ((~~gross floor area~~)) maximum size of use of a multi-purpose retail sales establishment ((~~may be up to~~)) is 10,000 square feet.

3. Vents for venting of odors, vapors, smoke, gas and fumes, and exterior heat exchangers and other similar devices (e.g., related to ventilation, air-conditioning, refrigeration)

shall be at least 10 feet above finished sidewalk grade, and directed away to the extent possible from residential uses within 50 feet of the vent.

B. No loading berths are required for ground-floor commercial uses. If provided, loading berths shall be located so that access to residential parking is not blocked.

C. Identifying business signs are permitted pursuant to Chapter 23.55, Signs.

Section 10. Section 23.45.545 of the Seattle Municipal Code, which section was enacted by Ordinance 123495, is amended as follows:

23.45.545 Standards for certain accessory uses

* * *

I. In Lowrise zones, ((~~lots that include rowhouse and townhouse units may include~~)) accessory dwelling units are allowed, in rowhouse and townhouse units, as follows:

1. ((~~No more than one accessory dwelling unit shall be located on a lot.~~)) One accessory dwelling unit is allowed for each rowhouse or townhouse unit that is a "principal unit." A "principal unit" is a dwelling unit that is not an accessory dwelling unit.

((~~2.The principal structure on the lot shall include one and only one dwelling unit other than the accessory dwelling unit, which other dwelling unit is referred to in this subsection 23.45.545.I as the "principal unit".~~))

((~~3.~~))2. The owner of ((~~the lot~~)) a principal unit shall comply with the owner occupancy requirements of subsection 23.44.041.C.

((~~4.~~))3. ((~~Maximum gross floor area: a.~~)) The maximum gross floor area of an accessory dwelling unit is 650 square feet,((~~:~~)) provided that ((~~b. T~~)) the total gross floor area of the accessory dwelling unit ((~~may~~))does not exceed 40 percent of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of garages, storage sheds, and other non-habitable spaces.

((~~5.~~))4. An accessory dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the rowhouse or townhouse unit and the rear lot line.

((~~6.~~))5. The entrance to an accessory dwelling unit provided within the same structure as the principal unit shall be provided through one of the following configurations:

a. Through the primary entry to the principal unit; or

b. Through a secondary entry on a different facade than the primary entry to the principal unit; or

c. Through a secondary entry on the same facade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.

((~~7.~~))6. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory dwelling unit located above a garage.

((~~8.~~))7. Parking. Parking is not required for an accessory dwelling unit.

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Section 11. Section 23.47A.005 of the Seattle Municipal Code, which section was last amended by Ordinance 123816, is amended as follows:

23.47A.005 Street-level uses

A. The requirements of this Section 23.47A.005 apply in addition to the other applicable requirements of this Title 23.

B. Mini-warehouses, warehouses, or utility uses may not abut a street-level street-facing facade in a structure that contains more than one residential dwelling unit.

C. Residential uses at street level.

1. ((~~Residential uses are generally permitted anywhere in a structure in NC1, NC2, NC3 and C1 zones, except as provided in subsections 23.47A.005.C.2 and 23.47A.005.C.3.~~))

((~~2.~~)) In all neighborhood commercial and C1 zones, ((~~R~~))residential uses may ((~~not~~)) occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or

b. Within the Bitter Lake Village Hub Urban Village; or

c. Within the Lake City Hub Urban Village, except as provided in subsection 23.47A.005.C.((4))2; or

d. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or

e. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2; or

f. Within the Northgate Overlay District, except as provided in 23.71.044; or

g. In areas shown on Maps 1 through 60 in Map Book A at the end of this Chapter.

2. ((~~3. Residential uses may not exceed, in the aggregate, 20 percent of the street-level street-facing facade if facing an arterial or within a zone that has a height limit of 85 feet or higher, except that there is no limit on residential uses in the following circumstances or locations:~~)) Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of residential uses in the following circumstances:

a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006 on the same site; or ((.))

b. The residential use is an assisted living facility or nursing home and private living units are not located at street level; or ((.))

c. ((~~Within the Station Area Overlay District, in which case Chapter 23.61 applies.~~))

((~~4. Residential uses may occupy 100 percent of the street-level street-facing façade in a structure if the~~)) Within a structure that:

((~~a.~~)) 1) ((~~I~~))is developed and owned by the Seattle Housing Authority; and

((~~b.~~)) 2) ((~~I~~))is located on a lot zoned NC1 or NC3 that was owned by the Seattle Housing Authority as of January 1, 2009((~~;~~)).

((~~c. Is not located in a pedestrian-designated zone or a zone that has a height limit of 85 feet or higher; and~~))

((~~d. Does not face a designated principal pedestrian street.~~))

((~~5~~))3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

((~~6~~))4. Where residential uses at street level are limited to 20 percent of the street-level street-facing façade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this ((~~s~~))Section 23.47A.005 and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

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Section 12. Section 23.47A.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

23.47A.008 Street-level development standards

A. Basic street-level requirements.

1. The provisions of this subsection apply to:

a. Structures in NC zones;

b. Structures that contain a residential use in C zones; and

c. Structures in C zones across the street from residential zones.

2. Blank facades.

a. For purposes of this section, facade segments are considered blank if they do not include at least one of the following:

1) Windows;

2) Entryways or doorways;

3) Stairs, stoops, or porticos;

4) Decks or balconies; or

5) Screening and landscaping on the facade itself.

b. Blank segments of the street-facing facade between 2 feet and 8 feet above the sidewalk may not exceed 20 feet in width.

c. The total of all blank facade segments may not exceed 40 percent of the width of the facade of the structure along the street.

3. Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

B. Nonresidential street-level requirements.

1. The provisions of this subsection 23.47A.008.B and subsection 23.47A.008.A apply to:

a. Structures with street-level nonresidential uses in NC zones;

b. Structures with street-level nonresidential uses that also contain residential uses in C zones; and

c. Structures with street-level nonresidential uses in C zones across the

street from residential zones.

2. Transparency.

a. Sixty percent of the street-facing facade between 2 feet and 8 feet above the sidewalk shall be transparent.

b. Transparent areas of facades shall be designed and maintained to allow unobstructed views from the outside into the structure or, in the case of live-work units, into display windows that have a minimum 30-inch depth.

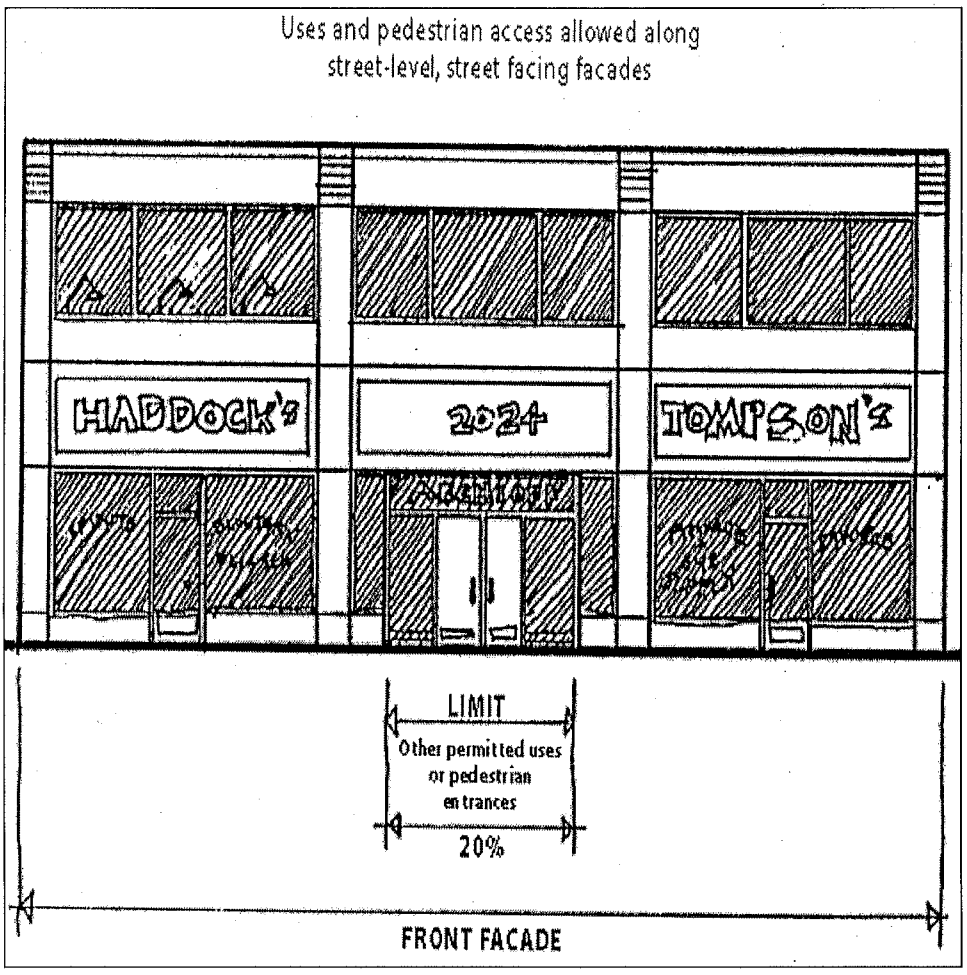
3. ((~~The following h~~)) Height and depth provisions ((~~apply to~~)) for new structures or new additions to existing structures((~~:~~)). ((~~a.~~)) Nonresidential uses shall extend an average depth of at least 30 feet and a minimum depth of 15 feet ((~~in depth~~)) from the street-level street-facing facade. If the combination of the ((~~street-facing façade~~)) requirements of ((~~subsection~~)) Sections 23.47A.005 or 23.47A.008((~~.D.1~~)) and this depth requirement would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to nonresidential use, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be nonresidential.

b. Nonresidential uses at street level shall have a floor-to-floor height of at least 13 feet.

C. In pedestrian-designated zones, the provisions of subsections 23.47A.008.A and 23.47A.008.B and the following apply:

1. A minimum of 80 percent of the width of a structure's street-level street-facing facade that faces a principal pedestrian street shall be occupied by uses listed in subsection 23.47A.005.D.1. The remaining 20 percent of the street frontage may contain other permitted uses and/or pedestrian entrances (see Exhibit A for 23.47A.008).

Exhibit A for 23.47A.008



2. For purposes of calculating the 80 percent of a structure's street-level facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.

3. If the street-facing facade and depth requirements would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to the uses in subsection 23.47A.005.D.1, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be dedicated to the uses in subsection 23.47A.005.D.1.

D. ((~~The provisions of this subsection apply to structures with residential uses located along a street-level street-facing façade~~)) Where ((~~1. R~~))residential uses are ((~~limited to 20% of the~~)) located along a street-level street-facing facade ((~~under section 23.47.005.D;~~)) the following requirements apply unless exempted by subsection 23.47A.008.G:

1. ((~~2.~~)) At least one of the street-level street-facing facades containing a residential use shall have a visually prominent pedestrian entry; and

2.((~~3.~~)) The floor of a dwelling unit located along the street-level street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk.

E. When a live-work unit is located on a street-level street-facing facade, the provisions of subsections 23.47A.008.A and 23.47A.008.B apply, and the portion of each such live-work unit in which business is conducted must be located between the principal street and the residential portion of the live-work unit.

F. The Director may allow departures from street-level requirements of this section for projects that are not subject to the Design Review process, as a Type I decision, if the Director determines that the project will maintain the safety and aesthetics of the streetscape for pedestrians and will:

1. maintain pedestrian access to the structure;

2. maintain urban form consistent with adjacent structures;

3. maintain the visibility of nonresidential uses;

4. maintain the privacy of residential uses; or

5. allow the continued use of an existing structure without substantial renovation.

G. In a structure existing on January 1, 2012, an accessory dwelling unit may be established if it is accessory to an existing dwelling unit and if it meets minimum housing standards of Chapter 22.206, even if nonconforming to standards of subsection 23.47A.008.D.

Section 13. A new Subchapter II and a new Section 23.52.008 are added to Chapter 23.52 of the Seattle Municipal Code, the title of Chapter 23.52 is amended, and a new heading for subchapter I is added as follows:

23.52 Transportation Concurrency, ((~~Project Review System~~)) and Transportation Impact Mitigation

Subchapter I Transportation Concurrency Project Review System

* * *

Subchapter II Transportation Impact Mitigation

23.52.008 Transportation Impact Mitigation

A. Applicability. The requirements of this Section 23.52.008 apply to proposed new development as described in Table A for 23.52.008. Proposed new development that is subject to SEPA environmental review per SMC Chapter 25.05 is exempt from this Subchapter II.

Table A for 23.52.008
Development Location and Size Ranges Where the Requirements of Section 23.52.008 Apply

Applicable Zones, When Located Within an Urban Center or Urban Villages Containing a Station Area Overlay District	Applicable Size Ranges	
	Number of Dwelling Units	Amount of Non-Residential Space (square feet), When Located in a Mixed-Use Development[1]
LR1	7 to 200	4,001 to 30,000
LR2, LR3, NC1, NC2, NC3, C1, C2, MR, HR, SM	31 to 200	12,001 to 30,000
Downtown Zones	81 to 250	12,001 to 30,000

Footnote to Table A for 23.52.008
[1] This size range applies to a development that contains at least one dwelling unit.

B. Impact Analysis Required .

Applicants for proposed development shall prepare and submit with the development permit application an analysis of potential transportation impacts that may result

from the proposed development. For development containing more than 50 dwelling units or 12,000 square feet of non-residential floor area or both, the analysis must contain the following information and analysis:

1. Number of additional daily and peak hour vehicular trips;

2. Likely distribution of project traffic and effects on traffic operations;

3. Availability and expected usage of transit;

4. Existing vehicular, pedestrian, and bicycle conditions, including access and connections to transit and bicycle facilities;

5. Accident history.

For all other development the Director shall determine the scope and level of detail of analysis based on the probable impacts and/or scale of the proposed development. The analysis may include the elements identified above or other elements as determined by the Director.

C. Impact Mitigation.

Based upon the results of the transportation impact analysis the Director may condition permit approval, as a Type I decision, to mitigate or prevent transportation impacts. Required mitigation may include, but is not limited to:

1. changes in access;

2. changes in the location, number and size of curb cuts and driveways;

3. provision of transit incentives, including transit pass subsidies;

4. bicycle parking, and shower facilities for bicycle commuters;

5. signage, including wayfinding;

6. improvements to vehicular, pedestrian and bicycle traffic facilities or operations including signalization, turn channelization, right-of-way dedication, street widening, pedestrian and bicycle facilities improvements, and lighting:

7. transportation management plans;

8. Parking management strategies including, but not limited to, unbundling parking from building-space leases, reserved parking spaces for vanpools, and reduction in the amount of parking to be provided; and

9. Participation in a transportation mitigation payment program or transportation management association, where available.

Section 14. Section 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.54.015 Required parking

A. Minimum parking requirements. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for 23.54.015 for nonresidential uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for institutional uses, except as otherwise provided in this Section 23.54.015 and Section 23.54.020. The minimum parking requirements are based upon gross floor area of a use within a structure and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Exceptions to the parking requirements set forth in this section are provided in subsection 23.54.015.B and in Section 23.54.020, Parking quantity exceptions, unless otherwise specified. This chapter does not apply to parking for construction activity, which is regulated by ((~~SMC~~)) Section 23.42.044.

B. Parking requirements for specific zones.

1. Parking in downtown zones is regulated by Section 23.49.019 and not by this Section 23.54.015.

2. Parking for major institution uses in the Major Institution Overlay District is regulated by Sections 23.54.015 and 23.54.016 ((~~and not by this Section 23.54.015~~)).

3. Parking in the Northgate Overlay District is regulated by Chapter 23.54 except as modified by Section 23.71.016.

4. No parking is required for single-family residential uses in single-family zones on lots less than 3,000 square feet in size or 30 feet in width where access to parking is permitted through a required yard abutting a street according to the standards of subsection 23.44.016.B.2.

5. No parking is required for urban farms or community gardens in residential zones.

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Table A for ((~~Section~~)) 23.54.015
PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS

Use				Minimum parking required
I. General Nonresidential Uses (other than institutions)				
A.	AGRICULTURAL USES			1 space for each 2,000 square feet
B.	COMMERCIAL USES			
	B.1.	Animal shelters and kennels		1 space for each 2,000 square feet
	B.2.	Eating and drinking establishments		1 space for each 250 square feet
	B.3.	Entertainment Uses, general, except as noted below (1)		For public assembly areas: 1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats
		B.3.a	Adult cabarets	1 space for each 250 square feet
		B.3.b	Sports and recreation uses	1 space for each 500 square feet
	B.4.	Food processing and craft work		1 space for each 2,000 square feet
	B.5.	Laboratories, research and development		1 space for each 1,500 square feet
	B.6.	Lodging uses		1 space for each 4 rooms; For bed and breakfast facilities in single family and multifamily zones, 1 space for each dwelling unit, plus 1 space for each 2 guest rooms
	B.7.	Medical services		1 space for each 500 square feet
	B.8.	Offices		1 space for each 1,000 square feet
	B.9.	Sales and services, automotive		1 space for each 2,000 square feet
	B.10.	Sales and services, general, except as noted below		1 space for each 500 square feet
		B.10.a.	Pet Daycare Centers (2)	1 space for each 10 animals or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 animals.
	B.11.	Sales and services, heavy		1 space for each 2,000 square feet
	B.12.	Sales and services, marine		1 space for each 2,000 square feet
C.	HIGH IMPACT USES			1 space for each 2,000 square feet
D.	LIVE-WORK UNITS			0 spaces for units with 1,500 square feet or less; 1 space for each unit greater than 1,500 square

Table A for ((~~Section~~)) 23.54.015 PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS				
Use				**Minimum parking required**
				feet; 1 space for each unit greater than 2,500 square feet, plus the parking that would be required for any nonresidential activity classified as a principal use
E.	MANUFACTURING USES			1 space for each 2,000 square feet
F.	STORAGE USES			1 space for each 2,000 square feet
G.	TRANSPORTATION FACILITIES			
	G.1.	Cargo terminals		1 space for each 2,000 square feet
	G.2.	Parking and moorage		
		G.2.a.	Principal use parking	None
		G.2.b.	Towing services	None
		G.2.c.	Boat moorage	1 space for each 2 berths
		G.2.d.	Dry storage of boats	1 space for each 2,000 square feet
	G.3.	Passenger terminals		1 space for each 100 square feet of waiting area
	G.4.	Rail transit facilities		None
	G.5.	Transportation facilities, air		1 space for each 100 square feet of waiting area
	G.6.	Vehicle storage and maintenance uses		1 space for each 2,000 square feet
H.	UTILITIES			1 space for each 2,000 square feet
II. Nonresidential Use Requirements ((~~with Locational Criteria~~)) <u>For Specific Areas</u>				
I.	Nonresidential uses, <u>except hospitals,</u> (((~~other than institutions~~))) in urban centers or the Station Area Overlay District (3)			No minimum requirement
<u>J.</u>	<u>Nonresidential uses in urban villages that are not within an urban center or the Station Area Overlay District, if the nonresidential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the nonresidential use. (3)</u>			<u>No minimum requirement</u>
((~~J.~~))<u>K.</u>	Nonresidential uses (other than institutions) permitted ((~~in on the ground floor~~)) in MR and HR zones pursuant to Section 23.45.504.			No minimum requirement

Footnotes for Table A for ((~~Section~~)) 23.54.015

(1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An

Table A for ((~~Section~~)) 23.54.015 PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS	
Use	**Minimum parking required**
application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded. (2) The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate. (3) The general requirements of lines A through H of Table A for ((~~Section~~)) 23.54.015 is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a nonresidential use fits within more than one line in Table A for ((~~Section~~)) 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of nonresidential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.	

Table B for 23.54.015: PARKING FOR RESIDENTIAL USES	
Use	**Minimum parking required**
I. General Residential Uses	
A. Adult family homes	1 space for each dwelling unit
B. Artist's studio/dwellings	1 space for each dwelling unit
C. Assisted living facilities	1 space for each 4 assisted living units plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space
D. Caretaker's quarters	1 space for each dwelling unit
E. Congregate residences	1 space for each 4 residents
F. Cottage housing developments	1 space for each dwelling unit
G. Floating homes	1 space for each dwelling unit
H. Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
I. Multifamily residential uses, except as provided in Sections ((~~B or C~~))II or III of this Table B for 23.54.015. (1)	1 space per dwelling unit.
J. Nursing homes (2)	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus

Table B for 23.54.015: PARKING FOR RESIDENTIAL USES	
Use	**Minimum parking required**
	1 space for each 6 beds
K. Single-family dwelling units	1 space for each dwelling unit
II. Residential Use Requirements ((~~with Location Criteria~~)) For Specific Areas	
L. All ((~~R~~))residential uses ((~~in commercial and multifamily zones~~)) within urban centers or within the Station Area Overlay District (1)	No minimum requirement
M. All ((~~R~~))residential uses in commercial and multifamily zones within urban villages that are not within an urban center or the Station Area Overlay District, if the residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the residential use. (1)	No minimum requirement
N. Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015 (1)	1 space per dwelling unit for dwelling units with fewer than two bedrooms; plus 1.5 spaces per dwelling units with 2 or more bedrooms; plus .25 spaces per bedroom for dwelling units with 3 or more bedrooms
O. Multifamily dwelling units within the Alki area shown on Map B for ((~~Section~~)) 23.54.015 (1)	1.5 spaces for each dwelling unit
III. Multifamily Residential Use Requirements with Income Criteria	
P. Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income (3), for the life of the building (1)	0.33 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
Q. Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income (3), for the life of the building (1)	0.75 spaces for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
R. Low-income disabled multifamily residential uses (1) (3)	1 space for each 4 dwelling units
S. Low-income elderly/low-income disabled multifamily residential uses (1) (4)	1 space for each 5 dwelling units
T. Low-income elderly multifamily residential uses (1) (3) not located in urban centers or within the Station Area Overlay District	1 space for each 6 dwelling units
Footnotes for Table B for ((~~Section~~)) 23.54.015: (1) The general requirement of line I of Table B for ((~~Section~~)) 23.54.015 for multifamily residential uses is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a multifamily residential use fits within more than one line in Table B for ((~~Section~~)) 23.54.015, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section ((~~B~~))II of Table B for ((~~Section~~)) 23.54.015 requires more parking than line I, the parking requirement in line I does not apply. The different parking requirements listed for certain categories of multifamily residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23. (2) For development within single-family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can	

Table B for 23.54.015: PARKING FOR RESIDENTIAL USES	
Use	**Minimum parking required**
demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may reduce the requirement. The Director shall specify the parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements shall be met. (3) Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily residential use, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Recorder a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.	

Table C for ((~~Section~~)) 23.54.015 PARKING FOR PUBLIC USES AND INSTITUTIONS		
Use		**Minimum parking required**
I. General Public Uses and Institutions		
A.	Adult care centers (1), (2)	1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)
B.	Child care centers (1), (2), (3)	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children
C.	Colleges	A number of spaces equal to 15 percent of the maximum number of students that the facility is designed to accommodate; plus 30 percent of the number of employees the facility is designed to accommodate; plus 1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities
D.	Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR) (1), (4)	1 space for each 555 square feet; or for family support centers, 1 space for each 100 square feet
E.	Community clubs, and community centers not owned and operated by DOPAR (1), (5)	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; plus 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
F.	Hospitals	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees other than staff doctors; plus 1 space for each 6 beds
G.	Institutes for advanced study, except in single family zones ((~~as provided in line H below~~))	1 space for each 1,000 square feet of offices and similar spaces; plus 1 space for each 10 fixed seats in all auditoria and

Table C for ((~~Section~~)) 23.54.015 PARKING FOR PUBLIC USES AND INSTITUTIONS		
Use		Minimum parking required
		public assembly rooms; or 1 space for each 100 square feet of public assembly area not containing fixed seats
H.	Institutes for advanced study in single family zones (existing) (1)	3.5 spaces for each 1,000 square feet of office space; plus 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of conference room space, whichever is greater
I.	Libraries (1) (6)	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus 1 space for each 500 square feet of floor area, excluding auditoria and public meeting rooms
J.	Museums	1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; plus 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public
K.	Private clubs	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
L.	Religious facilities (1)	1 space for each 80 square feet of all auditoria and public assembly rooms
M.	Schools, private elementary and secondary (1)	1 space for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly room, 1 space for each staff member
N.	Schools, public elementary and secondary (7) (8)	1 space for each 80 square feet of all auditoria or public assembly rooms, or 1 space for every 8 fixed seats in auditoria or public assembly rooms containing fixed seats, for new public schools on a new or existing public school site
O.	Vocational or fine arts schools	1 space for each 2 faculty that the facility is designed to accommodate; plus 1 space for each 2 full-time employees other than faculty that the facility is designed to accommodate; plus 1 space for each 5 students, based on the maximum number of students that the school is designed to accommodate

Table C for ((~~Section~~)) 23.54.015 PARKING FOR PUBLIC USES AND INSTITUTIONS		
Use		**Minimum parking required**
II. General Public Uses and Institutions ((~~with Locational Criteria~~)) For Specific Areas		
P.	General public uses, ((~~and~~)) institutions and Major Institution uses, except hospitals, in urban centers or the Station Area Overlay District (9)	No minimum requirement

Footnotes for Table C for ((~~Section~~)) 23.54.015:

(1) When this use is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.570. The Director, in consultation with the Director of Transportation, may allow adult care and child care centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.

(2) The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.

(3) A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces.

(4) When family support centers are located within community centers owned and operated by the Department of Parks and Recreation, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to ((~~Section~~)) subsection 23.54.020.I.

(5) Indoor gymnasiums are not considered ball courts, nor are they considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the gymnasium is one parking space for every eight fixed seats. Each 20 inches of width of bleachers is counted as one fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement is one space for each 350 square feet.

(6) When a library is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when a library is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122; and when a library is permitted in a commercial zone, the Director may modify the parking requirements according to ((~~Section~~)) subsection 23.44.022.L.

(7) For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements are determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Table C for 23.54.015 for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is 10 percent or less than that for the existing auditorium or other place of assembly, then no additional parking is required.

(8) Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

(9) The general requirement of lines A through O of Table C for ((~~Section~~)) 23.54.015 for general public uses, ((~~and~~)) institutions, and requirements of subsection 23.54.016.B for Major Institution uses ((~~is~~)) are superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a general public use, institution or Major ((~~i~~))Institution use fits within more than one line in Table C for ((~~Section~~)) 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of general public uses or institutions shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

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Section 15. Section 23.54.016 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.54.016 Major Institutions—Parking and transportation((.))

Major Institution uses are subject to the following transportation and parking requirements:

A. General Provisions.

1. Minimum requirements for parking quantity are established in subsection 23.54.016.B ((~~of this section~~)).

2. The maximum number of spaces provided for the Major Institution use shall not exceed ((~~one hundred thirty-five (~~))135((~~)~~)) percent of the minimum requirement, ((~~except~~)) unless additional spaces are approved through administrative or Council review as provided in subsection 23.54.016.C ((~~of this section~~)). For a Major Institution use in an urban center or the Station Area Overlay District, the maximum limit shall not exceed 135 percent of the minimum parking requirements calculated pursuant to subsection 23.54.016.B.2.

3. Parking requirements for Major Institutions with more than one (((~~1~~))) type of institutional use (for example, a hospital and a university), if applicable, shall be calculated for each use separately, and then added together to derive the total number of required spaces.

4. When a permit application is made for new development at an existing Major Institution and the new development is a hospital or located outside an urban center or the Station Area Overlay District, parking requirements shall be calculated both for the entire Major Institution and for the proposed new development. If there is a parking deficit for the entire institution, the institution shall make up a portion of the deficit in addition to the quantity required for the new development, according to the provisions of subsection 23.54.016.B.3((~~5 of this section~~)). If there is a parking surplus((~~,~~)) above the maximum allowed number of spaces((~~,~~)) for the institution as a whole, ((~~requirements~~)) required amounts of parking for new development

will first be applied to the surplus in the required ratio of long-term and short-term spaces. Additional parking shall be permitted only when no surplus remains.

5. When determining parking requirements, individuals fitting into more than one ((~~(1)~~)) category (for example, a student who is also an employee or a faculty member who is also a doctor) shall not be counted twice. The category requiring the greater number of parking spaces shall be used.

B. Parking Quantity Required.((~~The minimum number of parking spaces required for a Major Institution shall be as follows:~~))

1. In urban centers and the Station Area Overlay District, no parking is required for Major Institution uses, except for hospitals.

2. For all other Major Institutions the minimum number of parking spaces required is as follows:

((~~1.~~))a. Long-term Parking.

((~~a.~~))1) Medical Institutions. A number of spaces equal to ((~~eighty~~ ~~(~~))80((~~)~~)) percent of hospital-based doctors; plus ((~~twenty-five (~~))25((~~)~~)) percent of staff doctors; plus ((~~thirty (~~))30((~~)~~)) percent of all other employees present at peak hour;

((~~b.~~))2) Educational Institutions. A number of spaces equal to ((~~fifteen (~~))15((~~)~~)) percent of the maximum students present at peak hour, excluding resident students; plus ((~~thirty (~~))30((~~)~~)) percent of employees present at peak hour; plus ((~~twenty-five~~ ~~(~~))25((~~)~~)) percent of the resident unmarried students; plus one ((~~(1)~~)) space for each married student apartment unit.

((~~2.~~))b. Short-term Parking.

((~~a.~~))1) Medical Institutions. A number of spaces equal to one ((~~(1)~~)) space per six ((~~(6)~~)) beds; plus one ((~~(1)~~)) space per five ((~~(5)~~)) average daily outpatients;

((~~b.~~))2) Educational Institutions. A number of spaces equal to five ((~~(5)~~)) percent of the maximum students present at peak hour excluding resident students.

((~~3.~~))c. Additional Short-term Parking Requirements. When one (((~~1~~))) of the following uses is a Major Institution use, the following additional short-term parking requirements shall be met. Such requirements may be met by joint use of parking areas and facilities if the Director determines that the uses have different hours of operation according to ((~~Section~~)) subsection 23.54.020.G:

((~~a.~~))1) Museum. One (((~~1~~))) space for each ((~~two hundred fifty~~ ~~(~~))250((~~)~~)) square feet of public floor area;

((~~b.~~))2) Theater, Auditorium, or Assembly Hall. One (((~~1~~))) space for each ((~~two hundred (~~))200((~~)~~)) square feet of audience assembly area not containing fixed seats, and one (((~~1~~))) space for every ((~~ten (~~))10((~~)~~)) seats for floor area containing fixed seats;

((~~c.~~))3) Spectator Sports Facility Containing Fewer than ((~~Twenty Thousand (~~))20,000((~~)~~)) Seats. One (((~~1~~))) space for each ((~~ten (~~))10((~~)~~)) permanent seats and one (((~~1~~))) space for each ((~~one hundred (~~))100((~~)~~)) square feet of spectator assembly area not containing fixed seats;

((~~d.~~))4) Spectator Sports Facility Containing ((~~Twenty Thousand~~ ~~(~~))20,000((~~)~~)) or More Seats. One (((~~1~~))) space for each ((~~ten (~~))10((~~)~~)) permanent seats and one (((~~1~~))) bus space for each ((~~three hundred (~~))300((~~)~~)) permanent seats.

((~~4.~~))d. Bicycle Parking. Bicycle parking meeting the development standards of subsections 23.54.015.K.2 through 23.54.015.K.((—))6 and subsection 23.54.016.D.2 ((~~of this section~~)) shall be provided in the following quantities:

((a.))1) Medical Institutions. A number of spaces equal to two (((~~2~~))) percent of employees, including doctors, present at peak hour;

((b.))2) Educational Institutions. A number of spaces equal to ((~~ten~~ ~~(~~))10((~~)~~)) percent of the maximum students present at peak hour plus five (((~~5~~))) percent of employees.

If at the time of application for a master use permit, the applicant can demonstrate that the bicycle parking requirement is inappropriate for a particular institution because of topography, location, nature of the users of the institution or other reasons, the Director may modify the bicycle parking requirement.

((~~5.~~))3. Parking Deficits. In addition to providing the minimum required parking for a new structure, five (((~~5~~))) percent of any vehicular or bicycle parking deficit as determined by the minimum requirements of this subsection 23.54.016.B, existing on the effective date of the ordinance codified in this section, shall be supplied before issuance of a certificate of occupancy.

C. Requirement for a Transportation Management Program.

1. When a Major Institution proposes parking in excess of ((~~one hundred thirty-five (~~))135((~~)~~)) percent of the applicable minimum requirement for short-term parking spaces calculated pursuant to subsections 23.54.016.A and 23.54.016.B, or when a Major Institution prepares a master plan or applies for a master use permit for development that would provide ((~~require twenty (~~))20((~~)~~)) or more parking spaces or increase the Major Institution's number of parking spaces by ((~~twenty (~~))20((~~)~~)) or more above the level existing on May 2, 1990, a transportation management program shall be required or an existing transportation management program shall be reviewed and updated. The Director shall assess the traffic and parking impacts of the proposed development against the general goal of reducing the percentage of the Major Institution's employees, staff and/or students who commute in single-occupancy vehicles (SOV) during the peak period to ((~~fifty (~~))50((~~)~~)) percent or less, excluding those employees or staff whose work regularly requires the use of a private vehicle during working hours.

2. Transportation management programs ((~~shall be~~)) are prepared and implemented in accordance with the Director's Rule governing Transportation Management Programs. The Transportation Management Program shall be in effect upon Council adoption of the Major Institution master plan.

***

4. Through the process of reviewing a new or updated transportation management program in conjunction with reviewing a master plan, the Council may approve in excess of ((~~one hundred thirty-five ()~~)135((~~)~~)) percent of the minimum requirements for long-term parking spaces, or may increase or decrease the required ((~~fifty ()~~)50((~~)~~)) percent SOV goal, based upon the Major Institution's impacts on traffic and opportunities for alternative means of transportation. Factors to be considered shall include, but not be limited to:

a. Proximity to a street with ((~~fifteen ()~~)15((~~)~~)) minute transit service headway in each direction;

b. Air quality conditions in the vicinity of the Major Institution;

c. The absence of other nearby traffic generators and the level of existing and future traffic volumes in and through the surrounding area;

d. The patterns and peaks of traffic generated by Major Institution uses and the availability or lack of on-street parking opportunities in the surrounding area;

e. The impact of additional parking on the Major Institution site;

f. The extent to which the scheduling of classes or work shifts reduces the transportation alternatives available to employees and/or students or the presence of limited carpool opportunities due to the small number of employees; and

g. The extent to which the Major Institution has demonstrated a commitment to SOV alternatives.

5. The provision of short-term parking spaces in excess of ((~~one hundred thirty-five ()~~)135((~~)~~)) percent of the minimum requirements established in subsection 23.54.016.B.2 ((~~of this section~~)) may be permitted by the Director through preparation or update of a Transportation Management Program. In evaluating whether to allow more than ((~~one hundred thirty-five ()~~)135((~~)~~)) percent of the minimum, the Director, in consultation with the Director of ((~~Seattle Department of~~)) Transportation ((~~and Metropolitan King County~~)), shall consider

evidence of parking demand and opportunities for alternative means of transportation. Factors to be considered shall include but are not necessarily limited to the criteria contained in subsection 23.54.015.D.1.b ((~~of this section~~)) and the following:

a. The nature of services provided by Major Institution uses which generate short-term parking demand; and

b. The extent to which the Major Institution manages short-term parking to ensure its availability to meet short-term parking needs.

Based on this review, the Director shall determine the amount of additional short-term parking to be permitted, if any.

***

Section 16. Subsection F of Section 23.54.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.54.020 Parking quantity exceptions

***

F. Reductions to minimum parking requirements.

1. When parking is required, ((~~R~~))reductions to minimum parking requirements permitted by this subsection 23.54.020.F will be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to required parking as provided in this subsection 23.54.020.F may not exceed ((~~40~~)) 50 percent.

2. Transit reduction.

a. In multifamily and commercial zones, the minimum parking requirement for all uses is reduced by ((~~20~~)) 50 percent if the use is located within 1,320 feet of a street with frequent transit service. This distance will be the walking distance measured from the nearest transit stop to the lot line of the lot containing the use.

b. In industrial zones, the minimum parking requirement for a nonresidential use is reduced by 15 percent if the use is located within 1,320 feet of a street with

peak transit service headways of 15 minutes or less. This distance will be the walking distance measured from the nearest transit stop to the lot line of the lot containing the use.

3. For new or expanding offices or manufacturing uses that require 40 or more parking spaces, the minimum parking requirement may be reduced by up to a maximum of 40 percent by the substitution of alternative transportation programs, according to the following provisions:

a. For every ((~~certified~~)) carpool space accompanied by a cash fee, performance bond or alternative guarantee acceptable to the Director, the total parking requirement will be reduced by 1.9 spaces, up to a maximum of 40 percent of the parking requirement. ((~~The Director will consult with the Director of the Seattle Department of Transportation in certifying carpool spaces and the location of carpool parking.~~))

b. For every ((~~certified~~)) vanpool purchased or leased by the applicant for employee use, or equivalent cash fee for purchase of a van by the public ridesharing agency, the total parking requirement will be reduced by six spaces, up to a maximum of 20 percent of the parking requirement. ((~~Before a certificate of occupancy may be issued, details of the vanpool program shall be specified in a Memorandum of Agreement executed between the proponent, the Director, and the Director of the Seattle Department of Transportation.~~))

c. If transit or transportation passes are provided with a 50 percent or greater cost reduction to all employees in a proposed structure for the duration of the business establishment(s) within it, or five years, whichever is less, and if transit service is located within 800 feet, the parking requirement shall be reduced by 10 percent. With a 25 percent to 49 percent cost reduction, and if transit service is located within 800 feet, the parking requirement shall be reduced by 5 percent.

d. For every four covered bicycle parking spaces provided, the total parking requirement shall be reduced by one space, up to a maximum of 5 percent of the parking requirement, provided that there is access to an arterial over improved streets.

***

Section 17. Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.76.004 Land use decision framework

***

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. **Type I** decisions are decisions made by the Director that require the exercise of little or no discretion and that are not appealable to the Hearing Examiner. **Type II** decisions are discretionary decisions made by the Director that are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that **Type II** decisions enumerated in ((~~Section~~)) subsection 23.76.006.C.2 shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. **Type III** decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

***

Table A for 23.76.004
LAND USE DECISION FRAMEWORK
DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
* Compliance with development standards * Uses permitted outright * Temporary uses, four weeks or less * Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments.	* Temporary uses, more than four weeks, except for temporary relocation of police and fire stations * Variances * Administrative conditional uses * Shoreline decisions (*appealable to Shorelines Hearings Board along with all related environmental appeals)	* Subdivisions (preliminary plats)

Table A for 23.76.004
LAND USE DECISION FRAMEWORK
DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
* Intermittent uses * Interim use parking authorized under subsection 23.42.040.G * Uses on vacant/underused lots per Section 23.42.038 * Certain street uses * Lot boundary adjustments * Modifications of features bonused under Title 24 * Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation * Temporary uses for relocation of police and fire stations * Exemptions from right-of-way improvement requirements * Special accommodation * Reasonable accommodation * Minor amendment to a Major Phased Development Permit * Determination of public benefit for combined lot FAR * Determination of whether an amendment to a Property Use and Development Agreement is major or minor * Streamlined design review, pursuant to Section 23.41.018, if no development standard departures are	* Short subdivisions * Special Exceptions * Design review, except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested * Light rail transit facilities * The following environmental determinations: 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) * Major Phased Development * Downtown Planned Community Developments	

Table A for 23.76.004 LAND USE DECISION FRAMEWORK DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS		
TYPE I Director's Decision (No Administrative Appeal)	**TYPE II Director's Decision (Appealable to Hearing Examiner*)**	**TYPE III Hearing Examiner's Decision (No Administrative Appeal)**
requested * Other Type I decisions that are identified as such in the Land Use Code		

COUNCIL LAND USE DECISIONS	
TYPE IV (Quasi-Judicial)	**TYPE V (Legislative)**
* Amendments to the Official Land Use Map (rezones), except area-wide amendments, and adjustments pursuant to Section 23.69.023	* Land Use Code text amendments
* Public project approvals	* Area-wide amendments to the Official Land Use Map
* Major Institution Master Plans, including major amendments and renewal of a master plan's development plan component	* Concept approval for City facilities
* Major amendments to Property Use and Development Agreements	* Major Institution designations
* Council conditional uses	* Waiver or modification of development standards for City facilities
	* Planned Action Ordinance

***

Section 18. Section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

2. Establishment or change of use for uses permitted outright, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, and temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction and transitional encampments.((~~, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, and temporary relocation of police and fire stations for 24 months or less;~~))

***

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures):

a. Determinations of Non-significance (DNS), including mitigated DNS;

b. Determination that a final environmental impact statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations that are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long

as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting temporary relocation of police and fire stations for 24 months or less;

b. Short subdivisions;

c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

e. Design review, including streamlined design review pursuant to Section 23.41.018 if development standard departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses; provided that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

1) Shoreline substantial development permits;

2) Shoreline variances;

3) Shoreline conditional uses;

h. Major Phased Development;

i. Determination of project consistency with a planned action ordinance and EIS;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004; and

k. Downtown planned community developments; and

l. Establishment of temporary uses for transitional encampments.

***

Section 19. Section 23.84A.032 of the Seattle Municipal Code, which section was last amended by Ordinance 123589, is amended as follows:

23.84A.032 "R((.))"

***

"Residential use" means any one or more of the following:

1. "Accessory dwelling unit" means one or more rooms that (a) are located within an owner-occupied dwelling unit, or within an accessory structure on the same lot or unit lot as an owner-occupied dwelling unit; (b) meet the standards of Section 23.44.041, ((~~or~~)) 23.45.545, or Chapter 23.47A, as applicable; (c) are designed, arranged, and intended to be occupied by not more than one household as living accommodations independent from any other household; and (d) are so occupied or vacant.

***

18. "Rowhouse Development" means a multifamily residential use in which all principal dwelling units on the lot meet the following conditions: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit, ((~~including an accessory dwelling unit, but excluding garages~~)) except for an accessory dwelling unit or shared parking garage, occupies space above or below another dwelling unit; (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line; (d) the front of each dwelling unit faces a street lot line; (e) each dwelling unit provides pedestrian access directly to the street that it faces; and (f) no portion of any other dwelling unit, except for an attached accessory dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

***

20. "Townhouse Development" means a multifamily residential use that is not a rowhouse development, and in which: (a) each dwelling unit occupies the space from the ground

to the roof of the structure in which it is located; (b) no portion of a dwelling unit occupies space above or below another dwelling unit, except for an attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage; and (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line.

***

Section 20. Section 23.91.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123546, is amended as follows:

23.91.002 Scope of Chapter 23.91

A. Violations of the following provisions of Seattle Municipal Code Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (Sections 23.44.006 and 23.44.040, and Chapter 23.45), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014 and 23.44.040, and Chapter 23.45);

3. Parking of vehicles in a single-family zone (Section 23.44.016) unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A; and

4. Keeping of animals (Section 23.42.050). ((~~; and~~))

((~~5. Home occupations (Section 23.42.052).~~))

B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect, limit or preclude any previous, pending or subsequent enforcement action or proceeding taken pursuant to Chapter 23.90.

Section 21. Section 25.05.800 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

Subchapter IX Categorical Exemptions

25.05.800 Categorical exemptions

The proposed actions contained in this subchapter 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 ((~~A.2 of this Section~~)) 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 ((~~structures~~)) or mixed-use development containing no more than the number of dwelling units identified in Table A for 25.05.800((~~, except for lots located in an Urban Center or a SAOD, if the proposed construction or location is on a lot in an LR1 or LR2 zone, and if the lot abuts any portion of another lot that is zoned SF or RSL, or is across an alley of any width from a lot that is zoned SF or RSL, or is across a street from a lot zoned SF or RSL if that street does not meet minimum width requirements in Section 23.53.015.A, then the level of exempt construction is 4 dwelling units for lots in an LR1 zone, and 6 dwelling units for lots in an LR2 zone~~));

Table A for 25.05.800: Exemptions for Residential Uses			
Zone	**Residential Uses**		
	Number of Exempt Dwelling Units		
	Outside of Urban Centers and Urban Villages Containing SAODs	**Within Urban Centers or Urban Villages Containing SAODs**	**Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded**
SF, RSL	4	4	4
LR1	4	((~~6~~))200(1)	20
LR2	6	((~~30~~))200(1)	20
LR3	8	((~~30~~))200(1)	20
NC1, NC2, NC3, C1, C2	4	((~~30~~))200(1)	20
MR, HR, SM	20	((~~30~~))200(1)	20
Downtown zones	NA	((~~80~~))250(1)	20
Industrial zones	4	4	4

Notes for Table A for 25.05.800
SAOD = Station Area Overlay District((s)).
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 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 ((~~the~~)) Table B for 25.05.800 below:

Table B for 25.05.800: Exemptions for Non-Residential Uses			
Zone	**Non-Residential Uses**		
	Exempt Area of Use (square feet of gross floor area)		
	Outside of Urban Centers and Urban Villages Containing SAODs	**Within Urban Centers or Urban Villages Containing SAODs**	**Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded**
SF, RSL, LR1 ((~~LR2, LR3~~))	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((~~, Industrial~~)) zones	12,000	12,000(1) or 30,000	12,000
Industrial zones	12,000	12,000	12,000
Downtown zones	Not Applicable	12,000(1) or 30,000	12,000

Notes for Table B for 25.05.800. SAOD = Station Area Overlay District((s)).
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 A.2.d ((~~above~~)), unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see ((~~Section~~)) 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% or more of the gross floor area.

i. To implement the requirements of Tables A and B 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% of the residential or employment growth targets established in the Comprehensive Plan.

j. The Director shall monitor residential and employment growth and publish quarterly a determination of growth for each urban center and urban village containing a SAOD. Residential growth shall include, but need not be limited to, net new units that have been built and net new units in projects that have received a building permit but have not received a certificate of occupancy. If the Director determines that exemption limits have been reached for an urban center or urban village containing a SAOD, subsequent development is not categorically exempt from SEPA review pursuant to RCW 43.21C.229.

* * *

Section 22. Map Book A attached as Exhibit 1 to this ordinance shall be codified at the end of SMC Chapter 23.47A.

Section 23. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances.

Section 24. 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 ____ day of _____, 2012, and signed by me in open session in authentication of its passage this _____ day of _____, 2012.

_____

President _____ of the City Council

Approved by me this ____ day of _____, 2012.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

_____

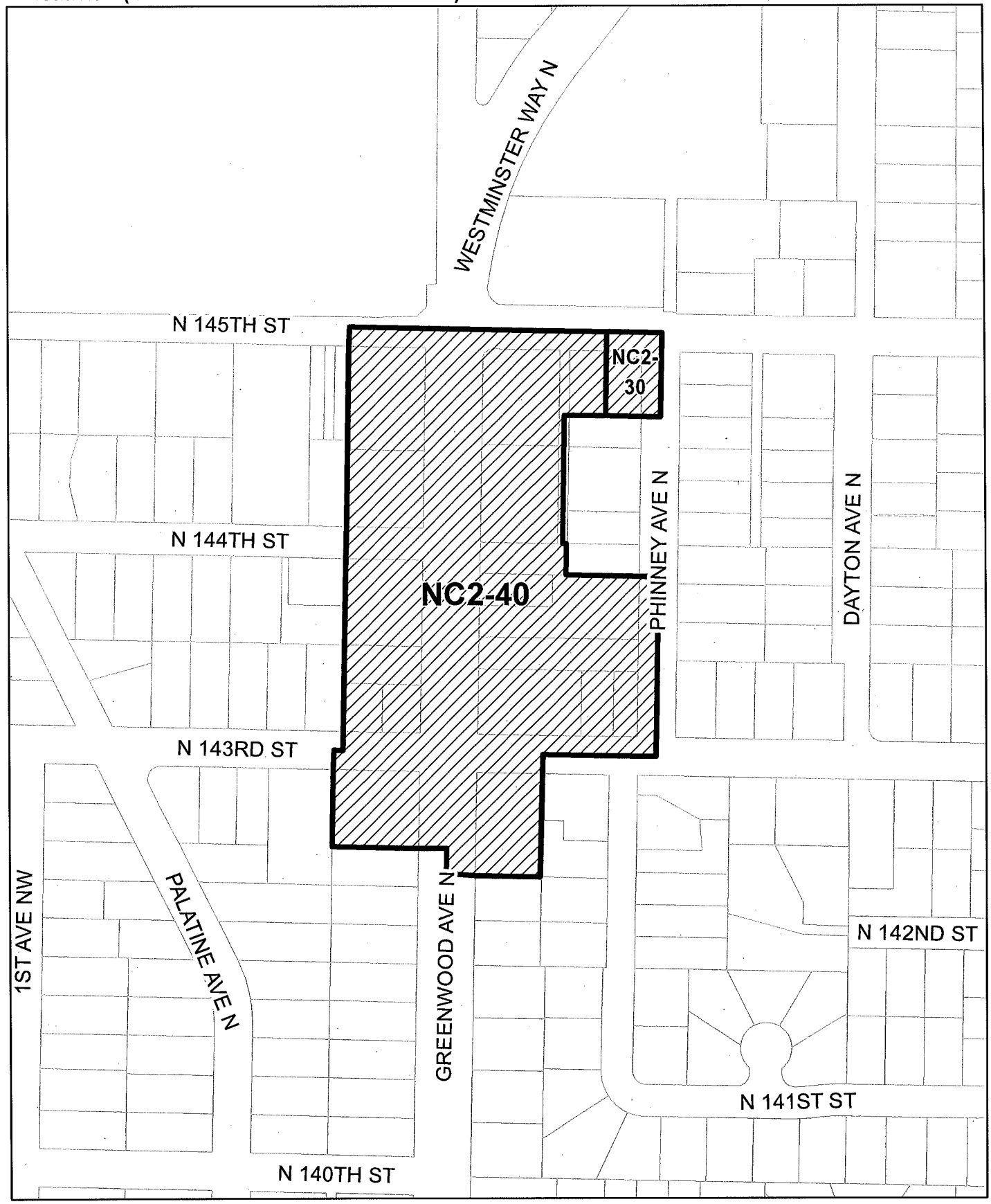
Monica Martinez Simmons, City Clerk

(Seal)

Exhibit 1: Map Book A for Chapter 23.47A

MAP 1 for 23.47A.005.C

Broadview (Greenwood Ave N south of N 145th)



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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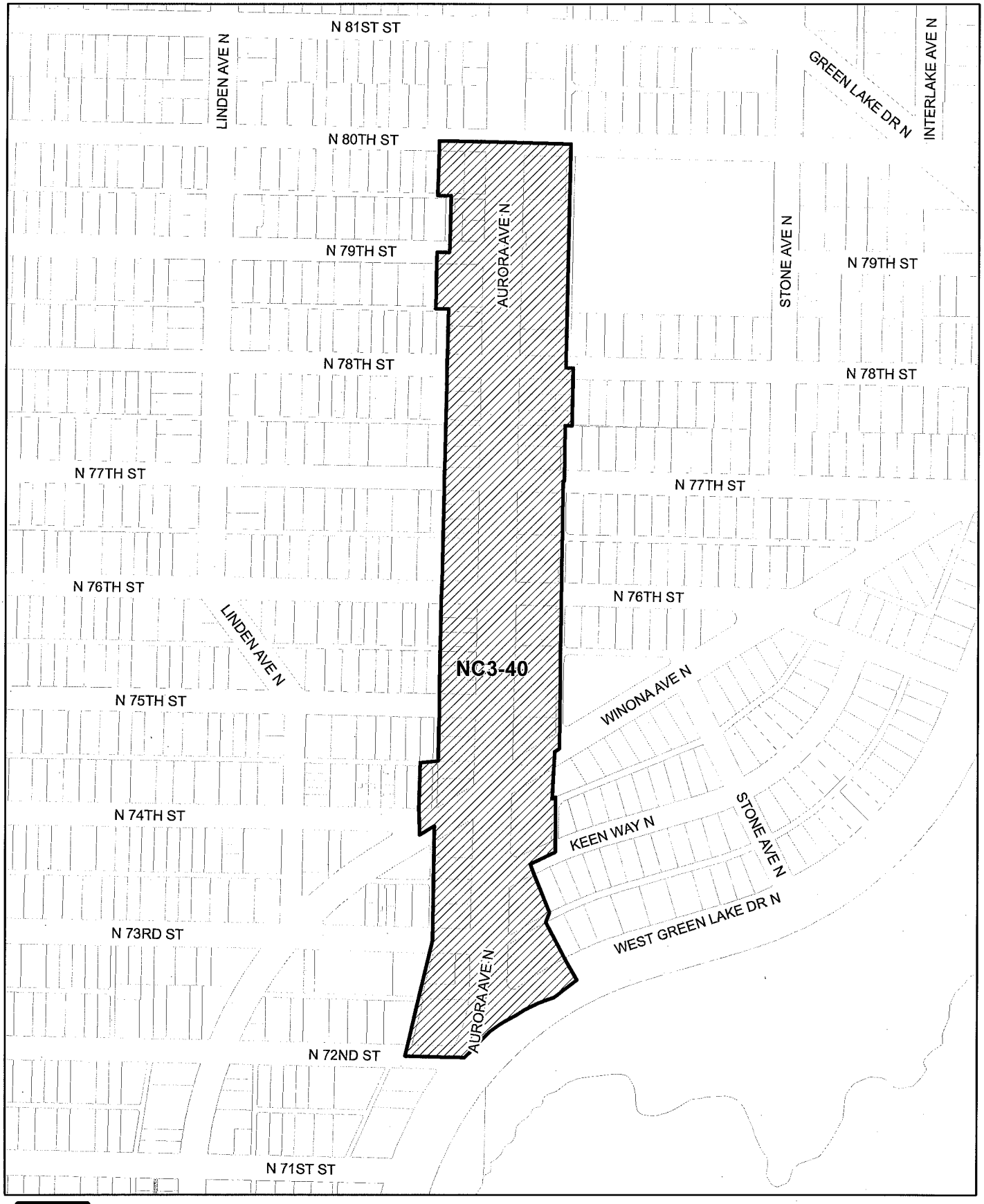
MAP 2 for 23.47A.005.C

Aurora Ave N south of N 80th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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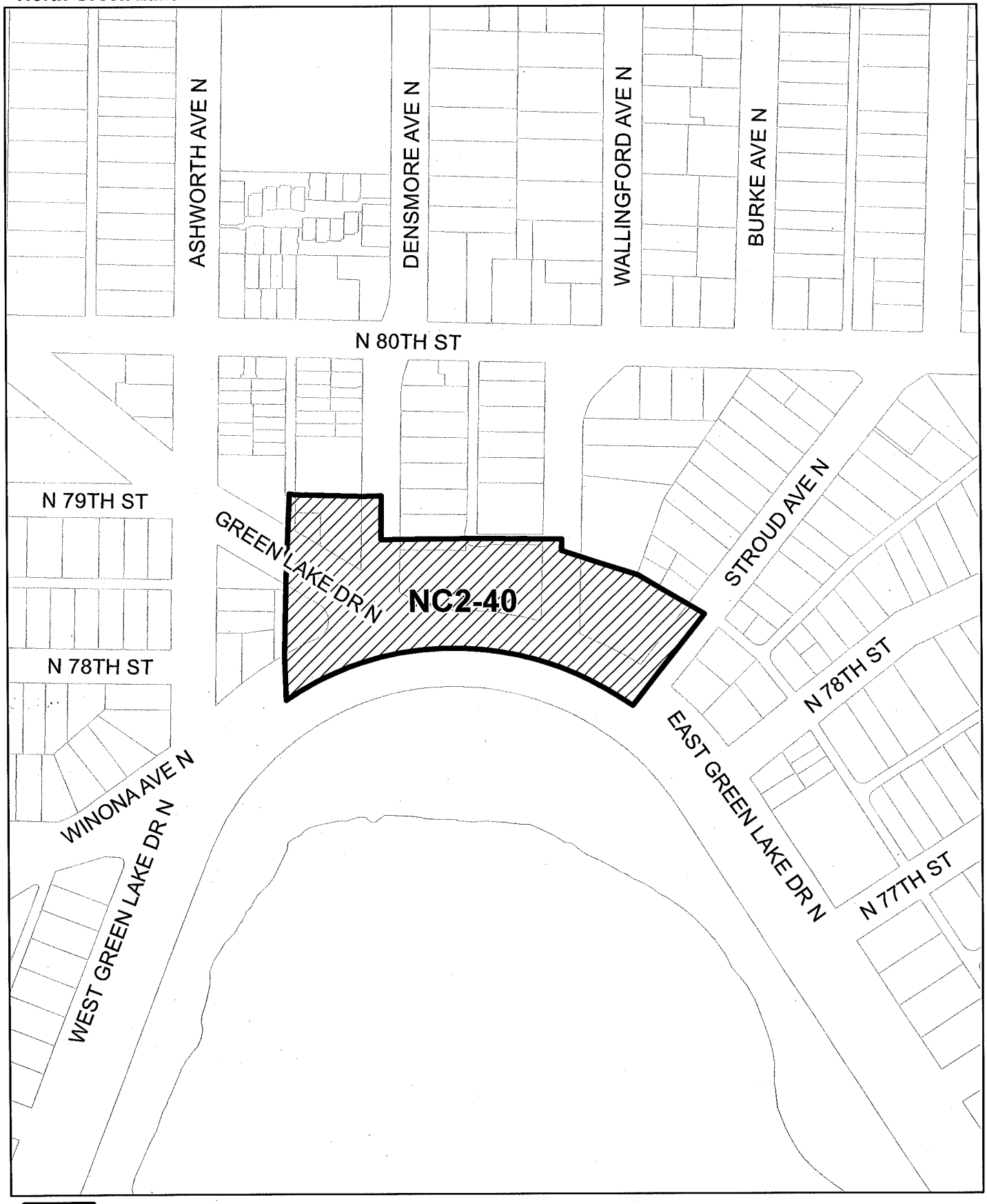
MAP 3 for 23.47A.005.C

North Green Lake



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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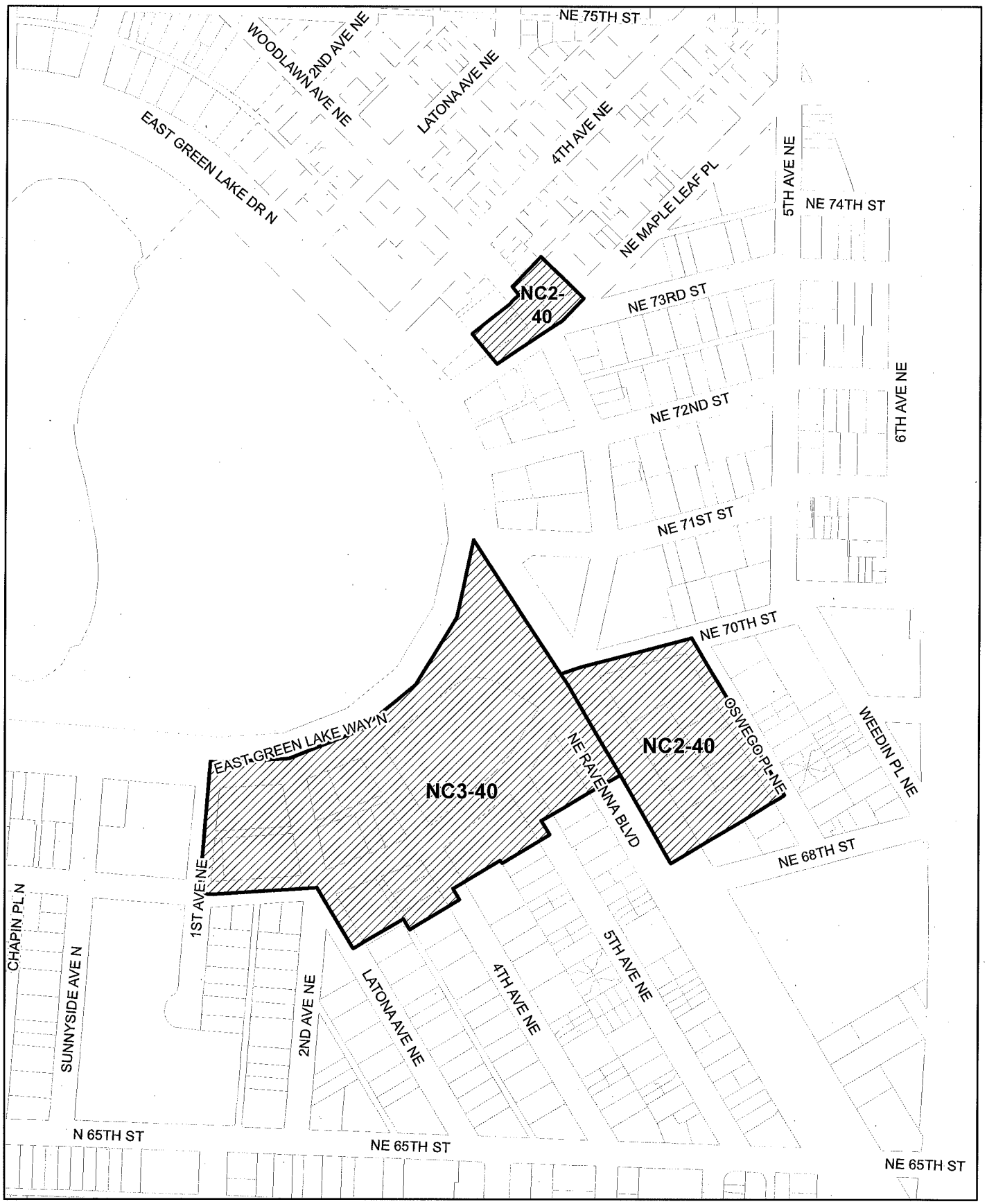
MAP 4 for 23.47A.005.C

Green Lake



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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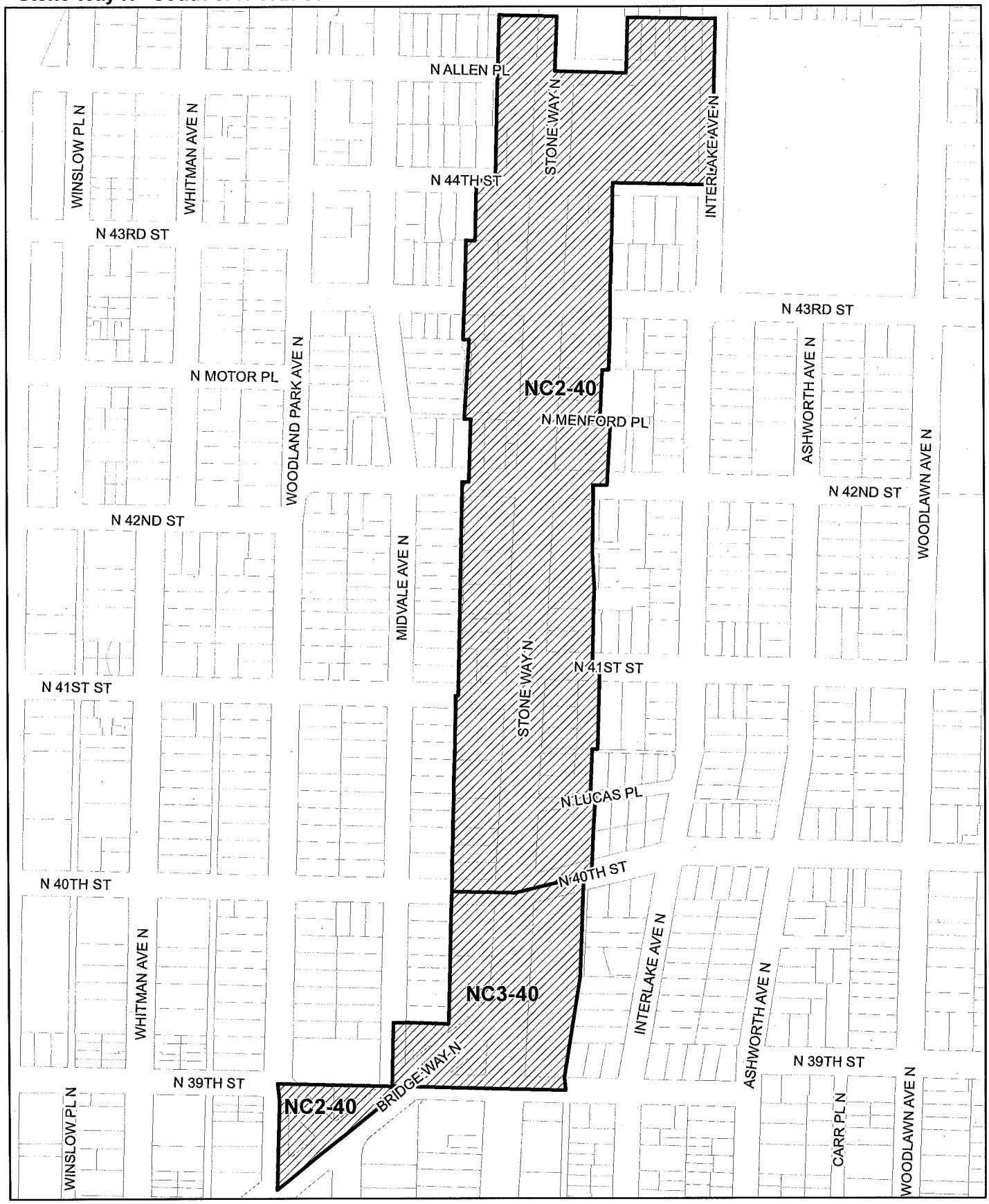
MAP 5 for 23.47A.005.C

Stone Way N - south of N 45th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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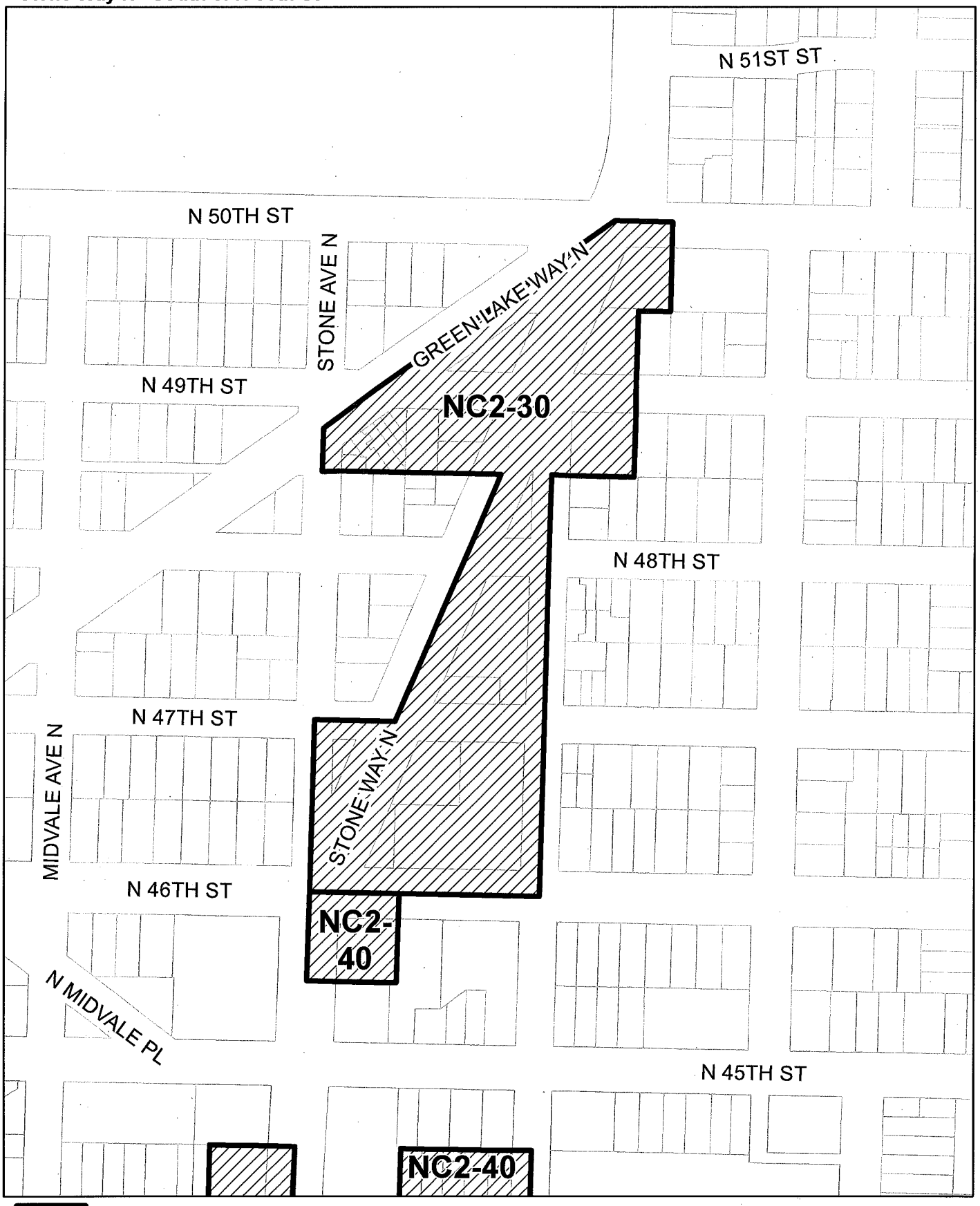
MAP 6 for 23.47A.005.C

Stone Way N - south of N 50th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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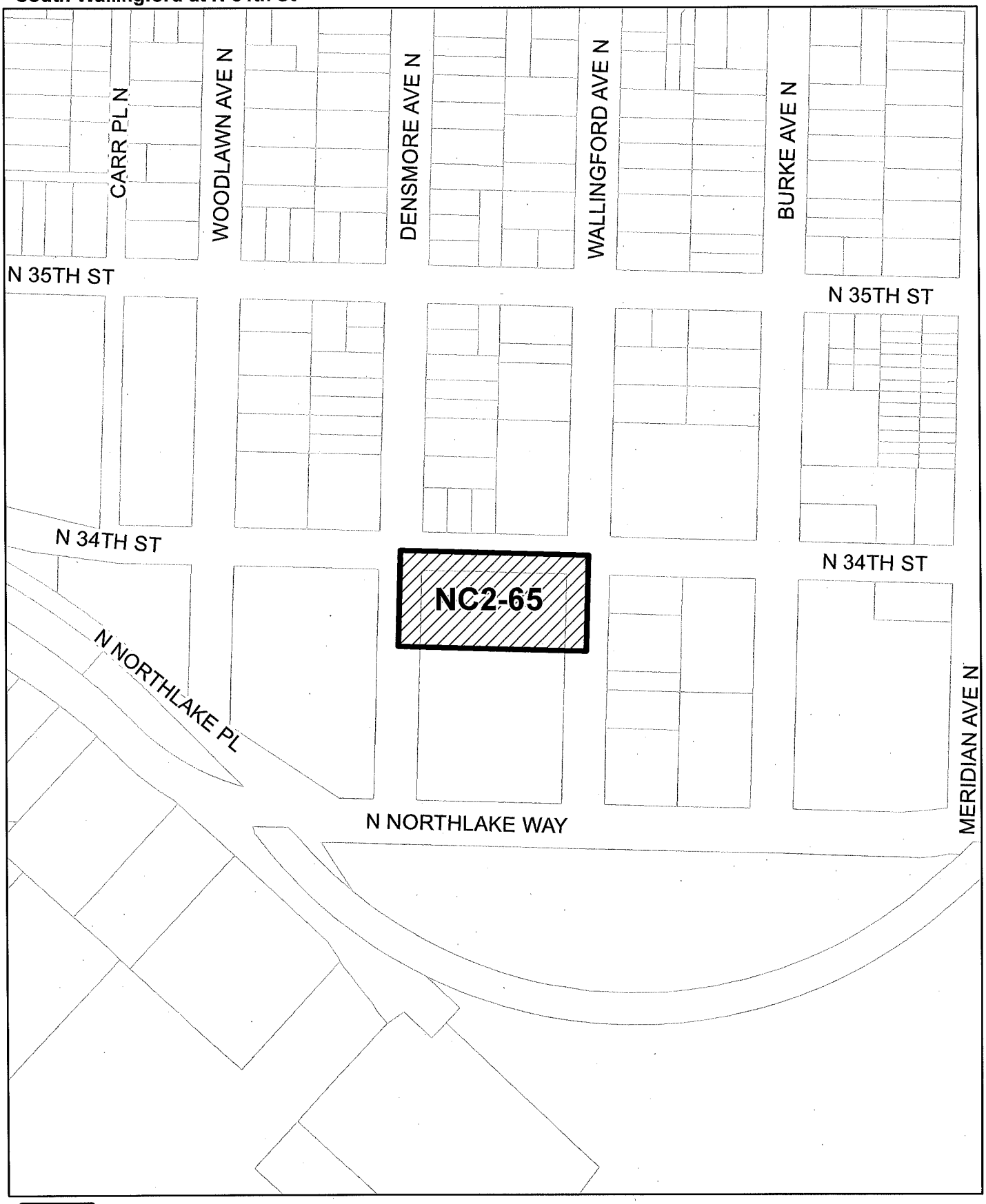
MAP 7 for 23.47A.005.C

South Wallingford at N 34th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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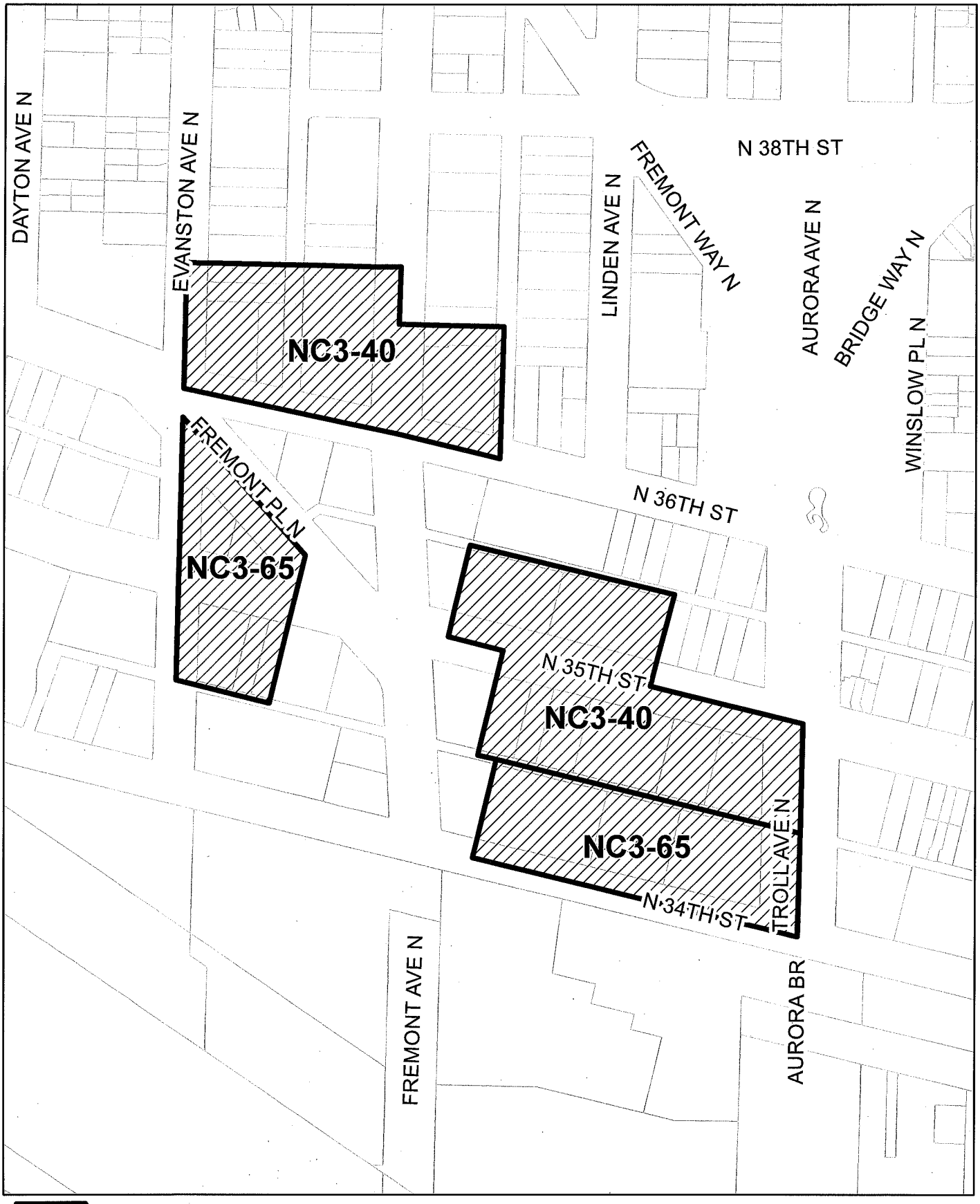
MAP 8 for 23.47A.005.C

Fremont



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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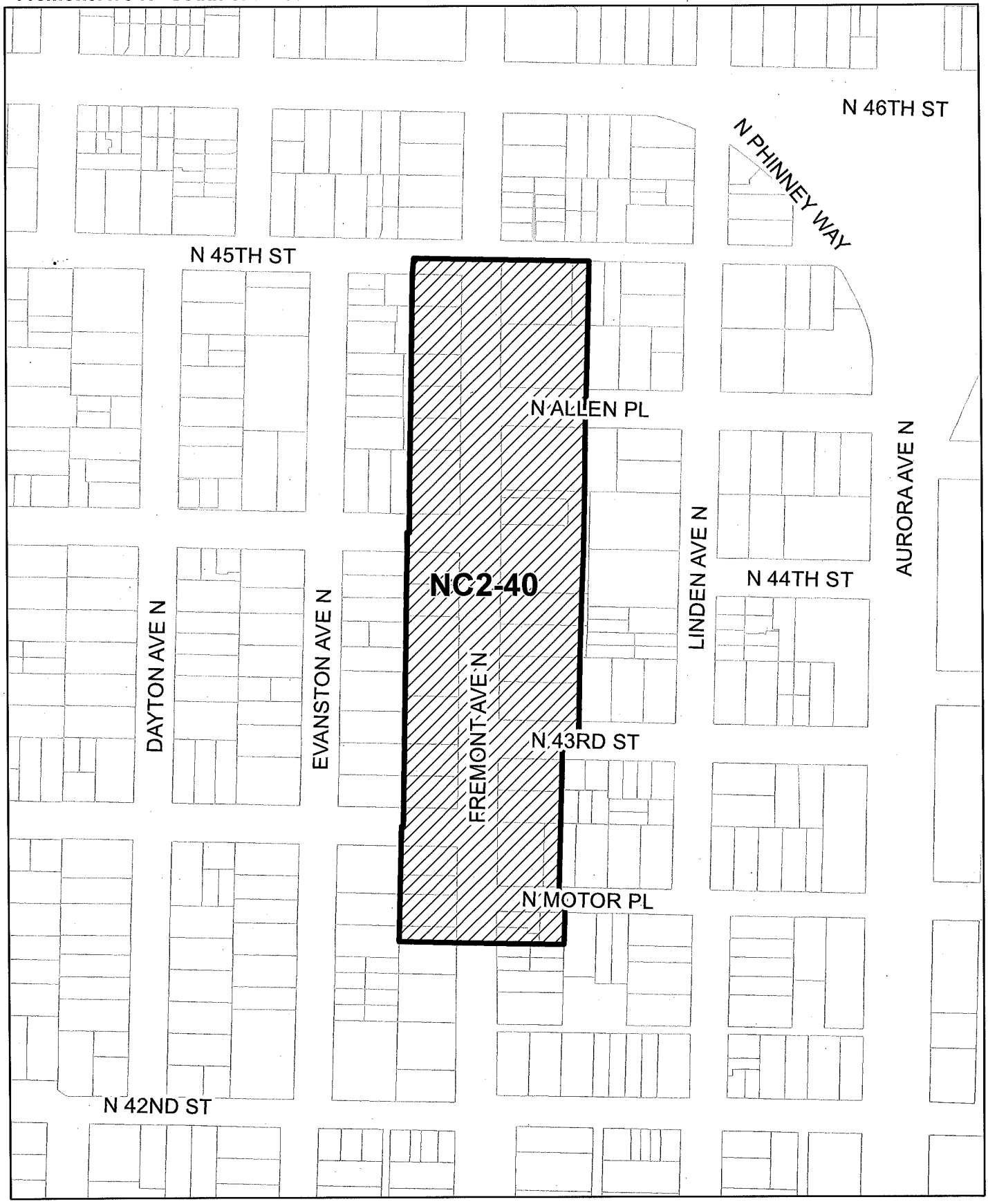
MAP 9 for 23.47A.005.C

Fremont Ave N - south of N 45th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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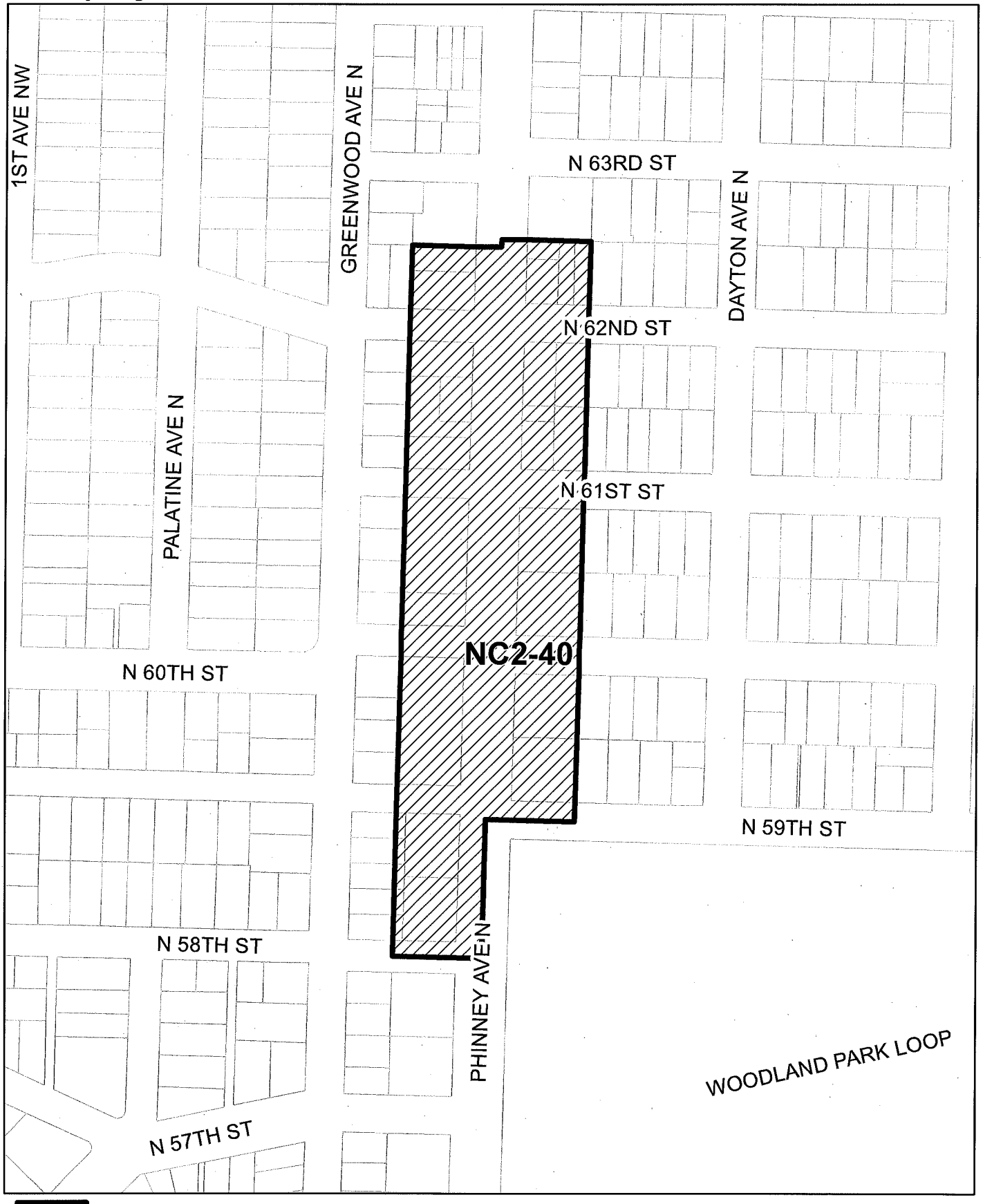
MAP 10 for 23.47A.005.C

Phinney Ridge - north of N 58th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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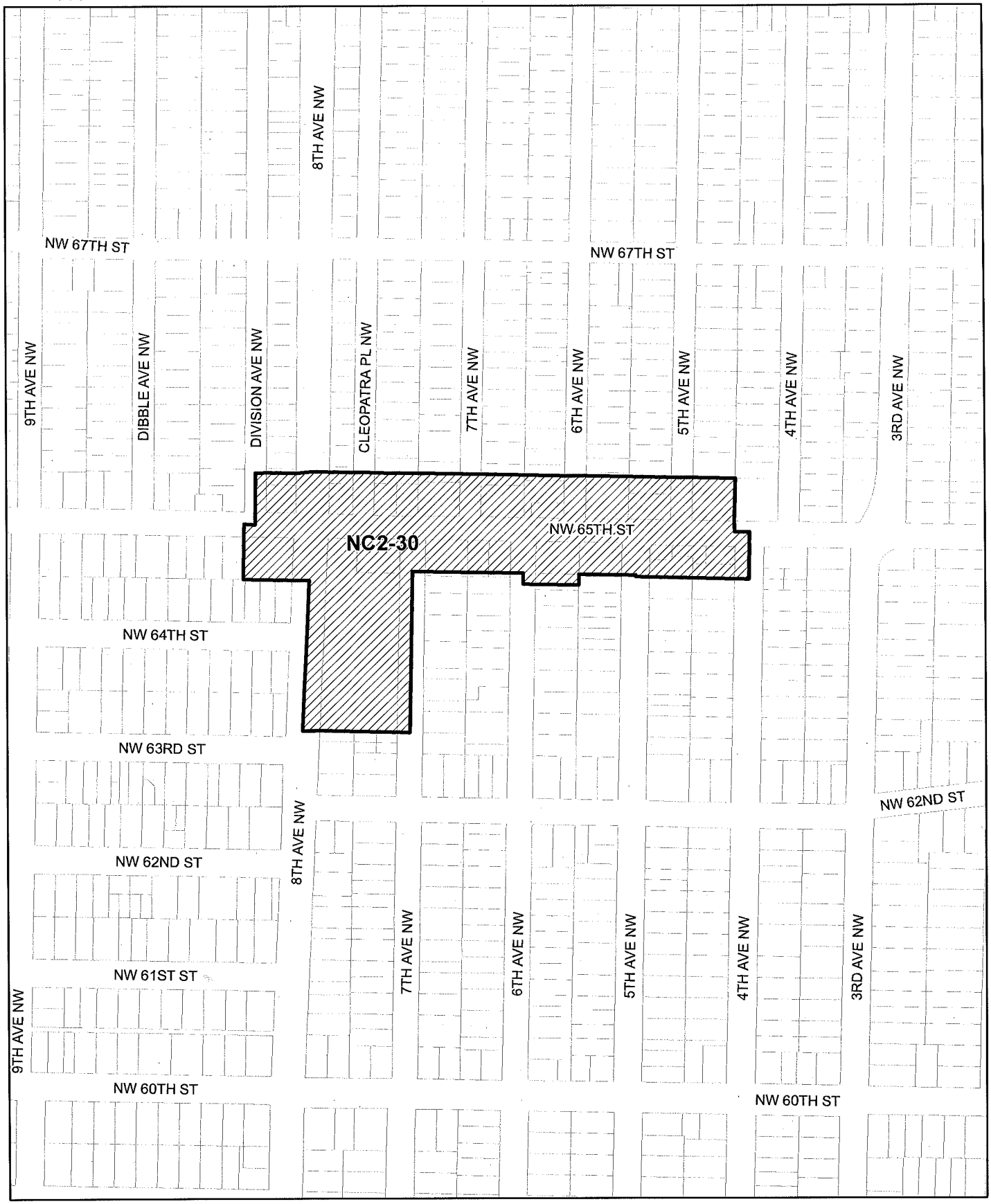
MAP 11 for 23.47A.005.C

NW 65th St - west of 4th Ave NW



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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MAP 12 for 23.47A.005.C

Downtown Ballard

Subject to street-level residential use limits identified in 23.47A.005.C

N

0 120 240 480 Feet

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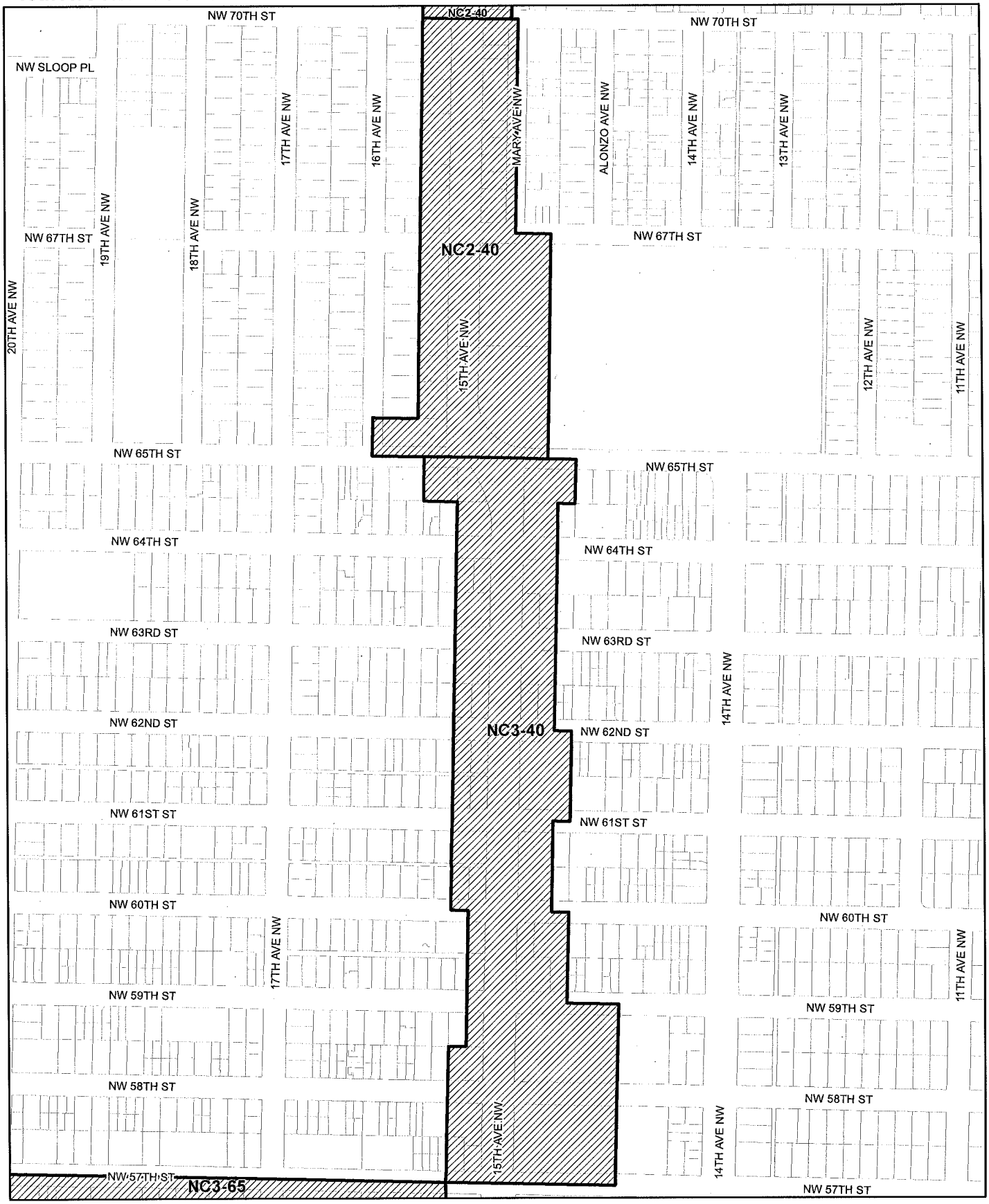
MAP 13 for 23.47A.005.C

15th Ave NW - north of NW 57th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 105 210 420 Feet

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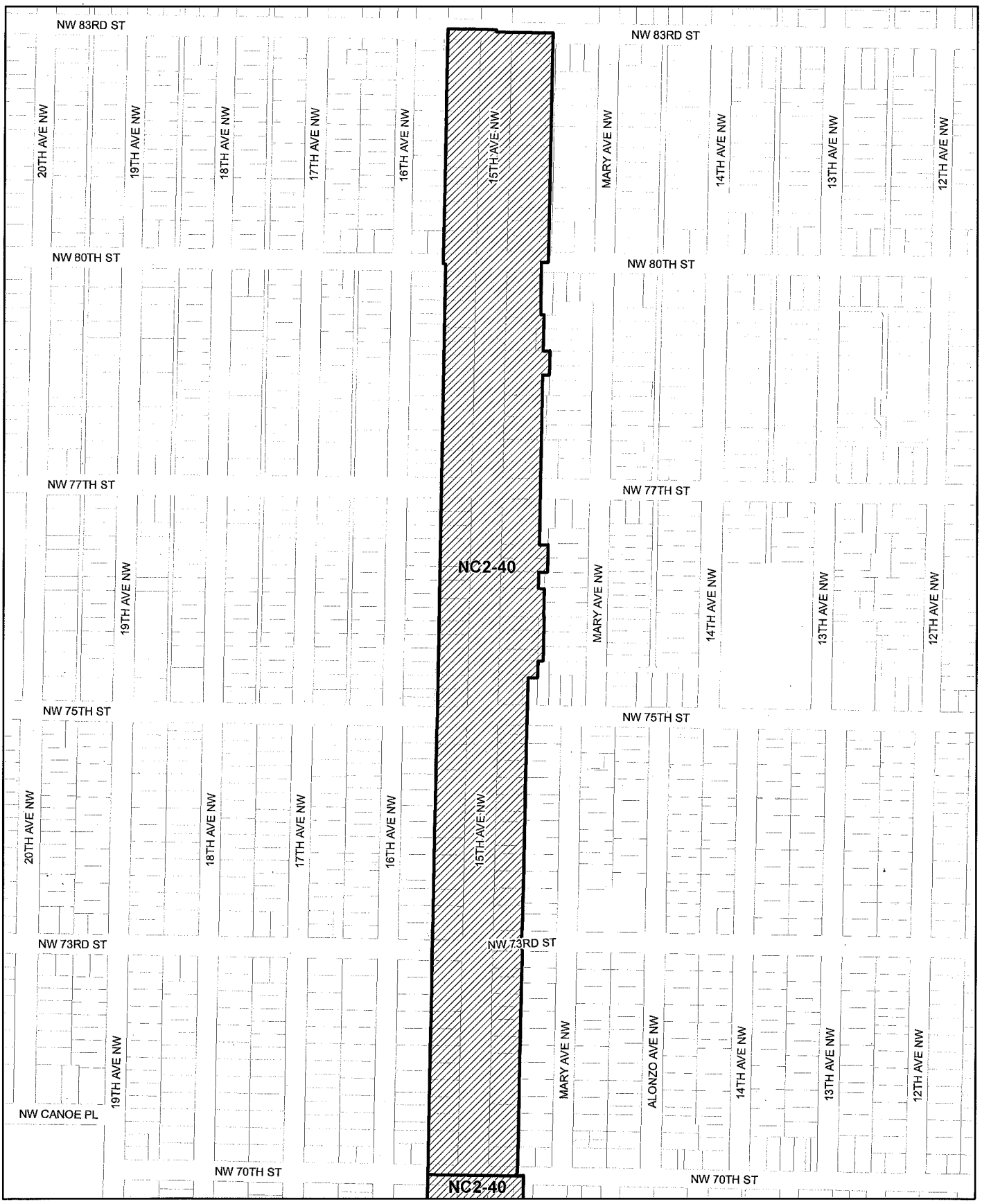
MAP 14 for 23.47A.005.C

15th Ave NW - south of NW 83rd St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 105 210 420 Feet

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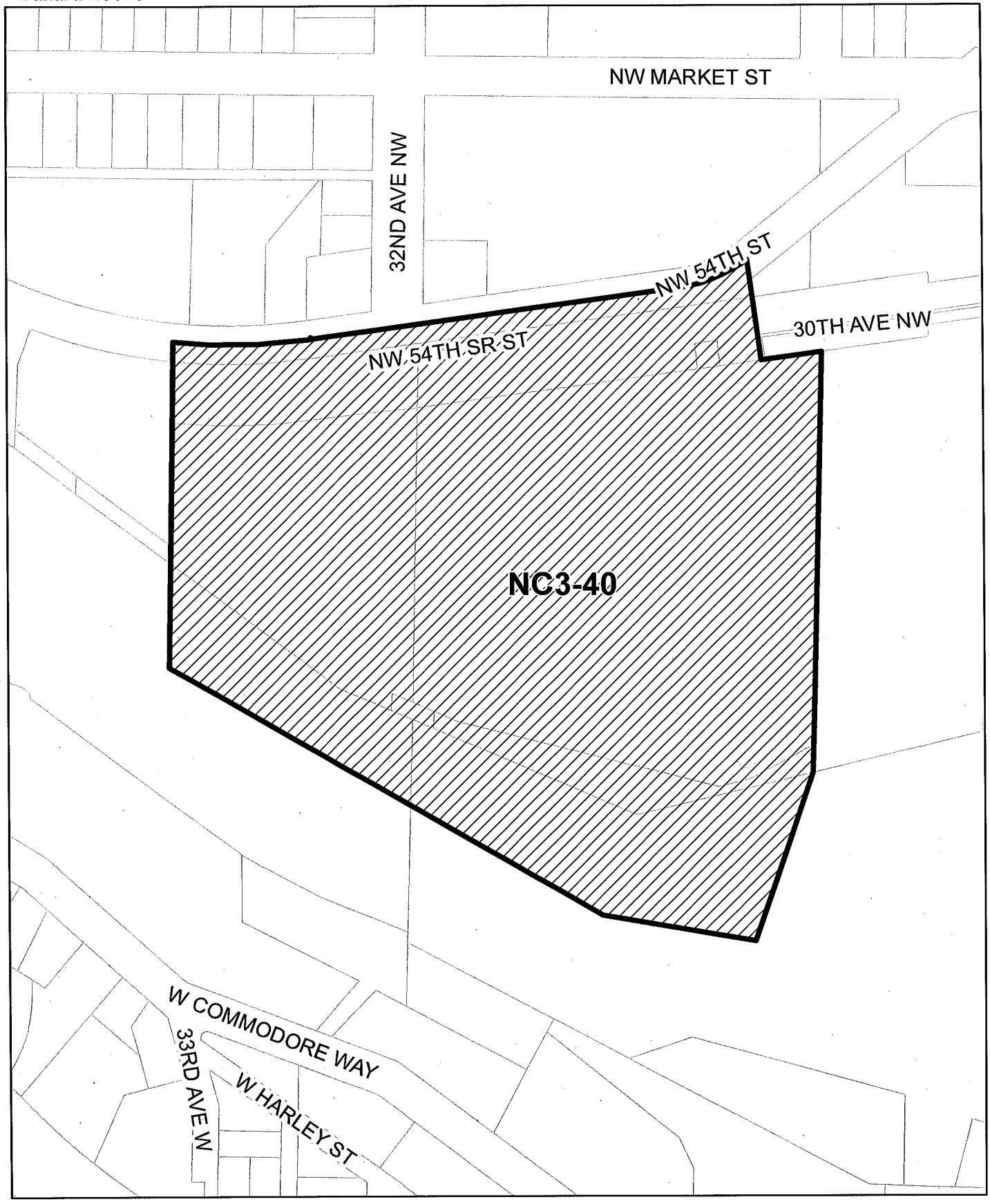
MAP 15 for 23.47A.005.C

Ballard Locks



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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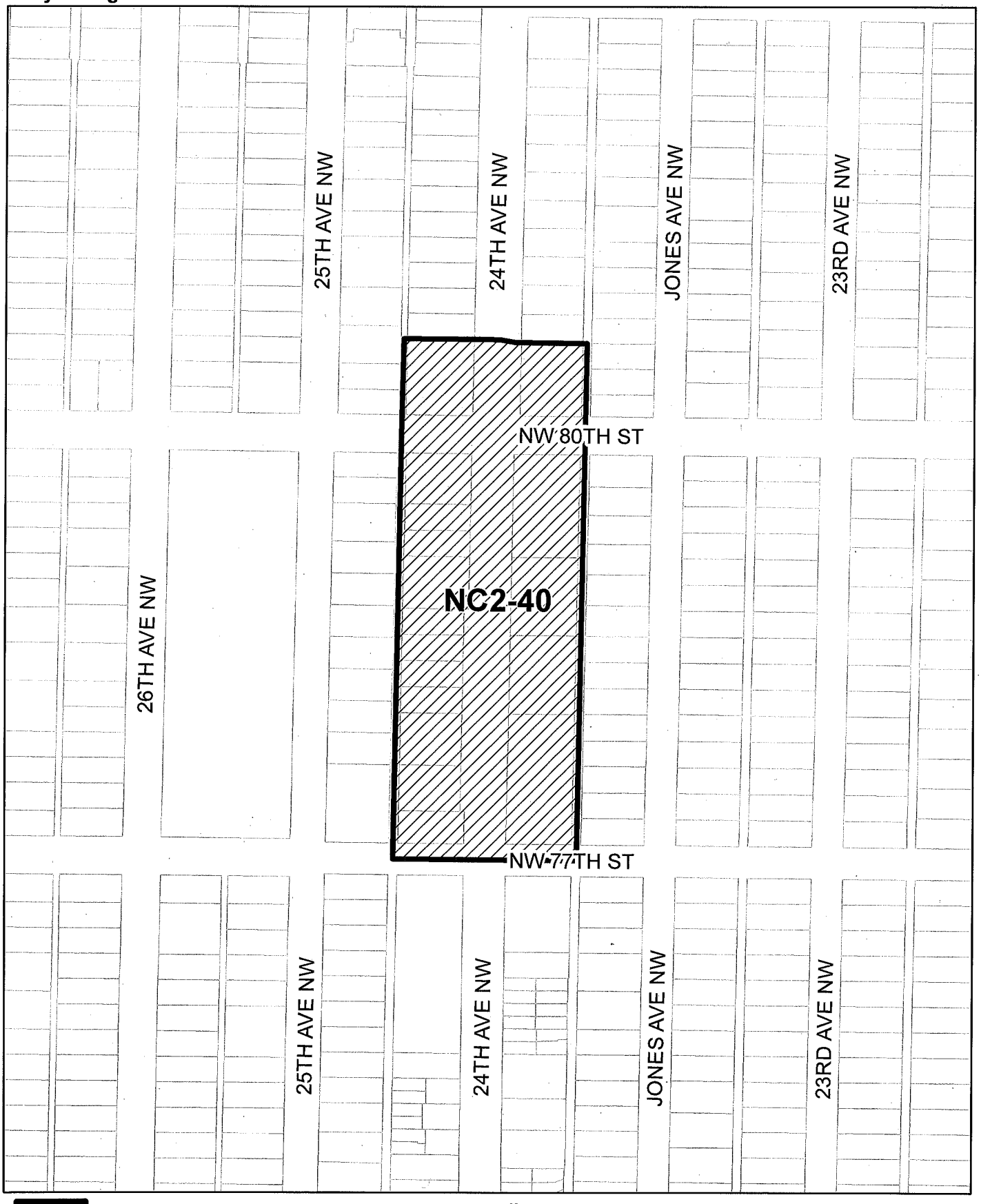
MAP 16 for 23.47A.005.C

Loyal Heights



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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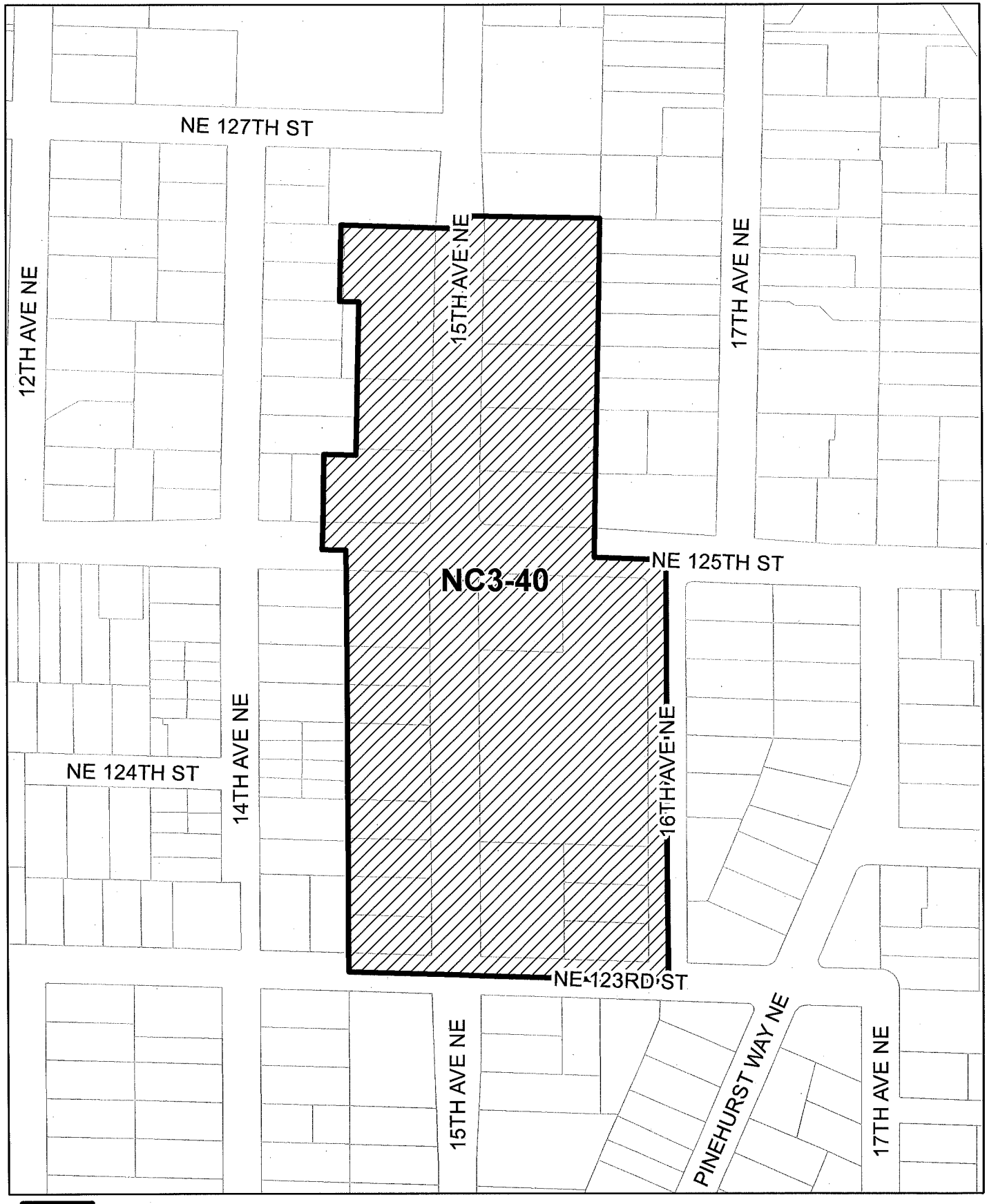
MAP 17 for 23.47A.005.C

15th Ave NE at NE 125th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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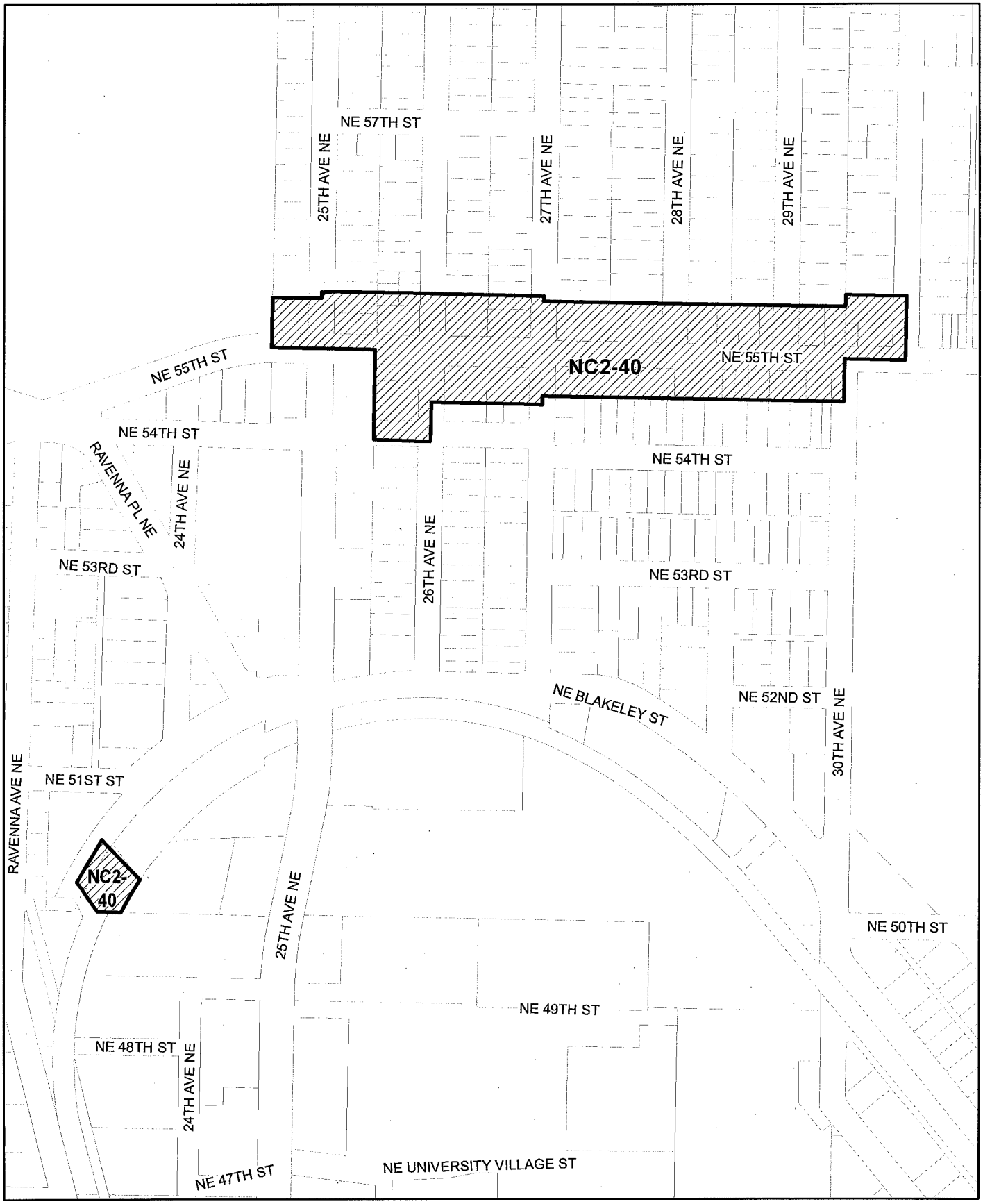
MAP 18 for 23.47A.005.C

25th Ave NE at NE 55th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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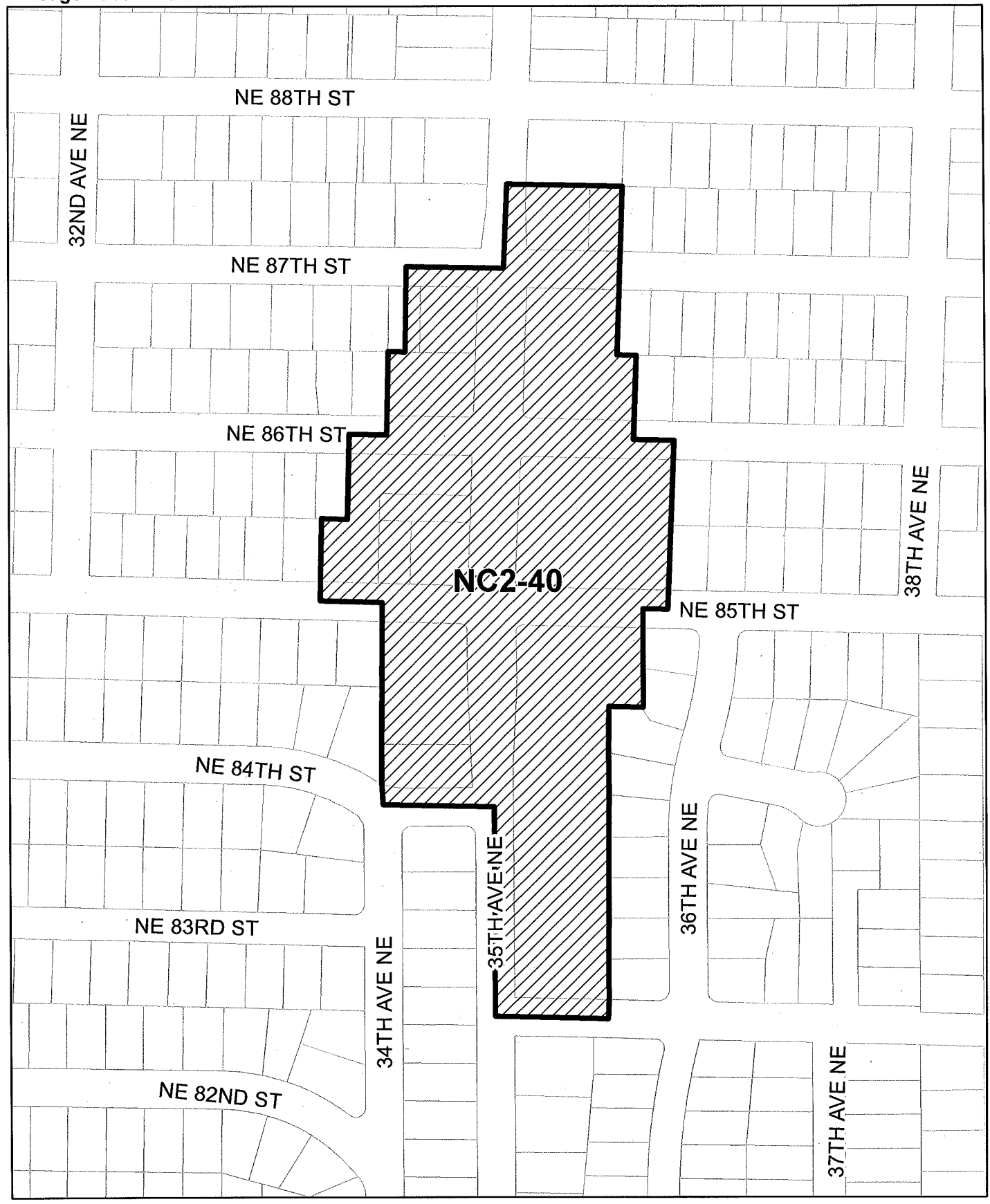
MAP 19 for 23.47A.005.C

Wedgewood - North



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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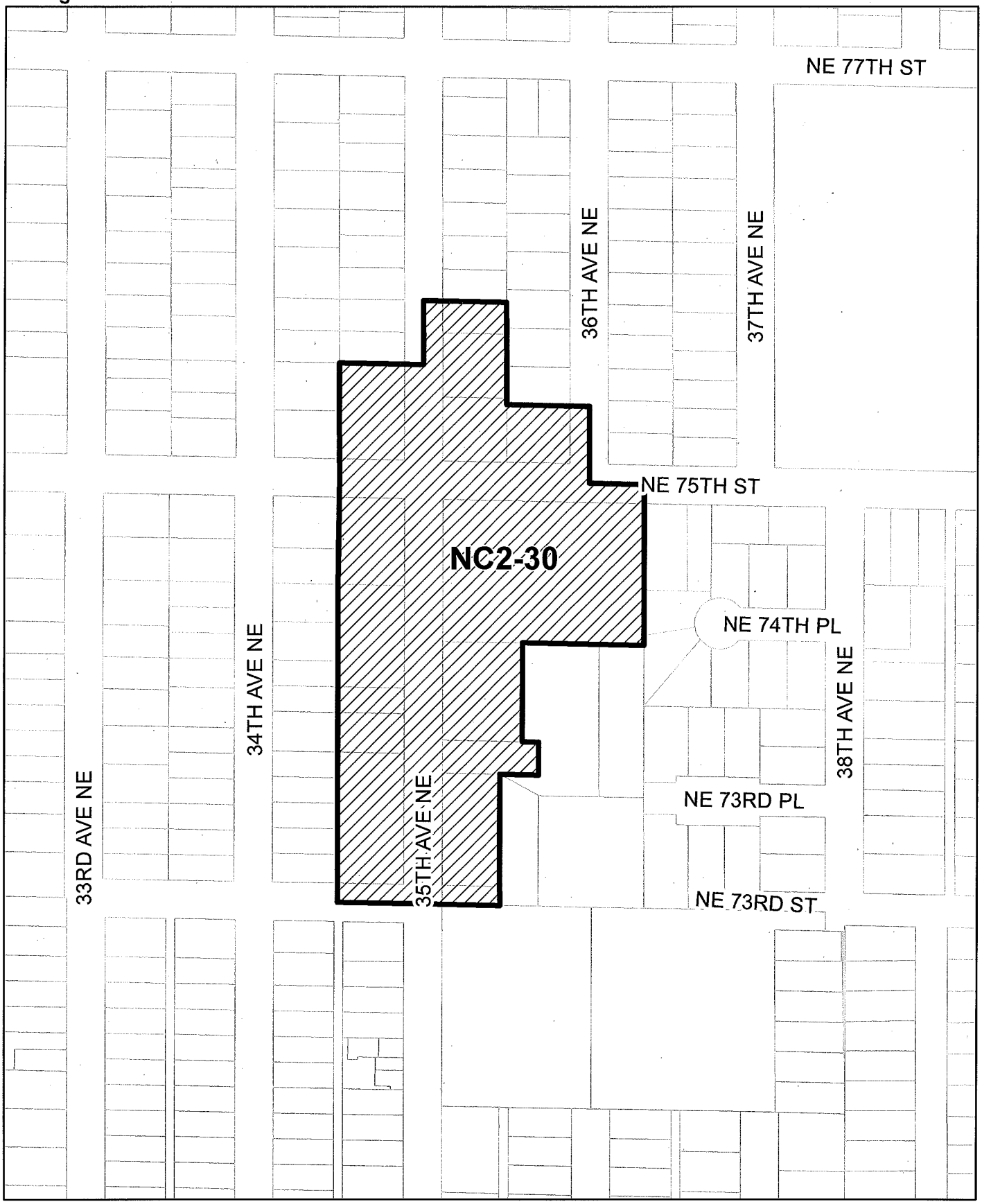
MAP 20 for 23.47A.005.C

Wedgewood - South



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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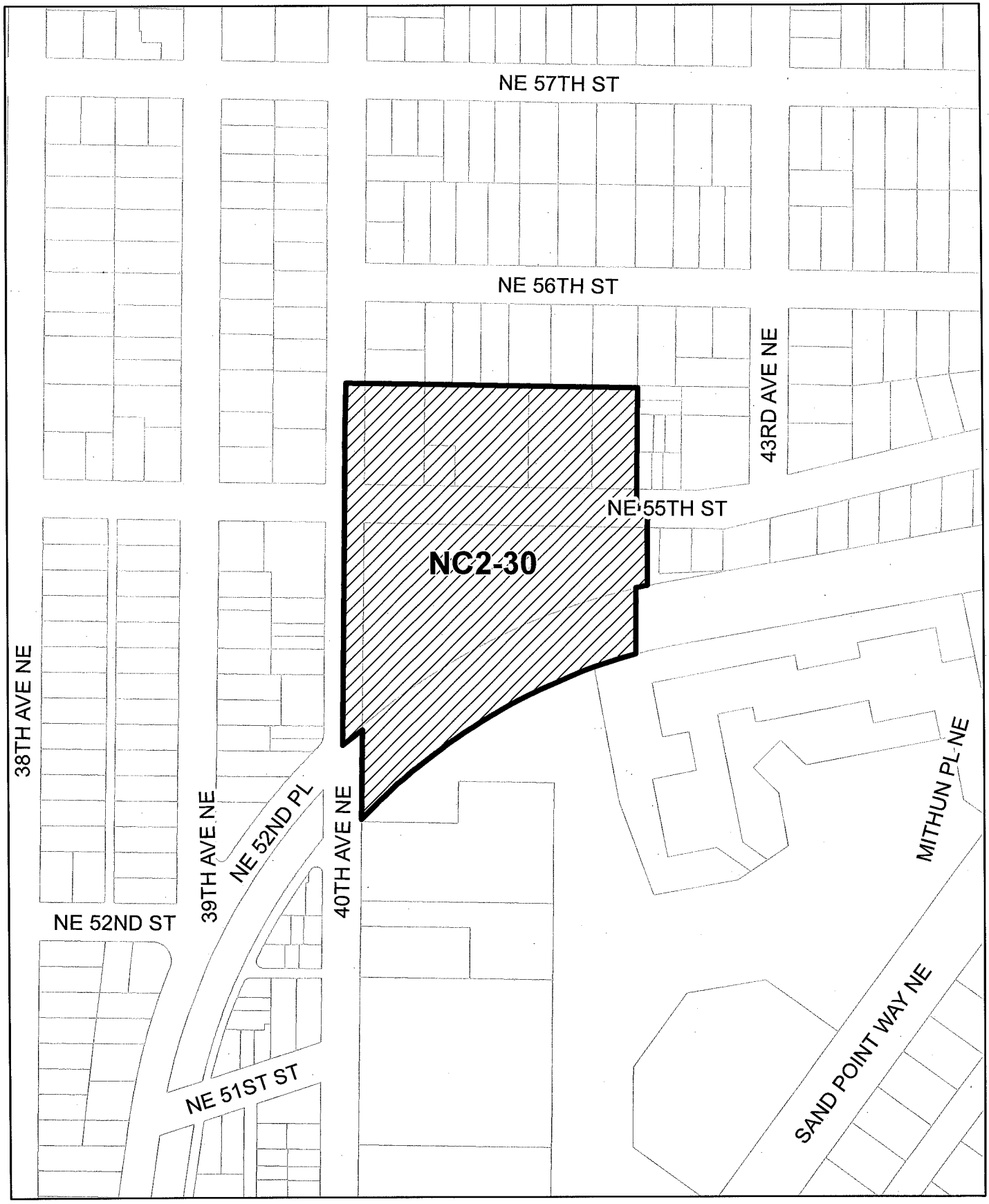
MAP 21 for 23.47A.005.C

40th Ave NE at NE 55th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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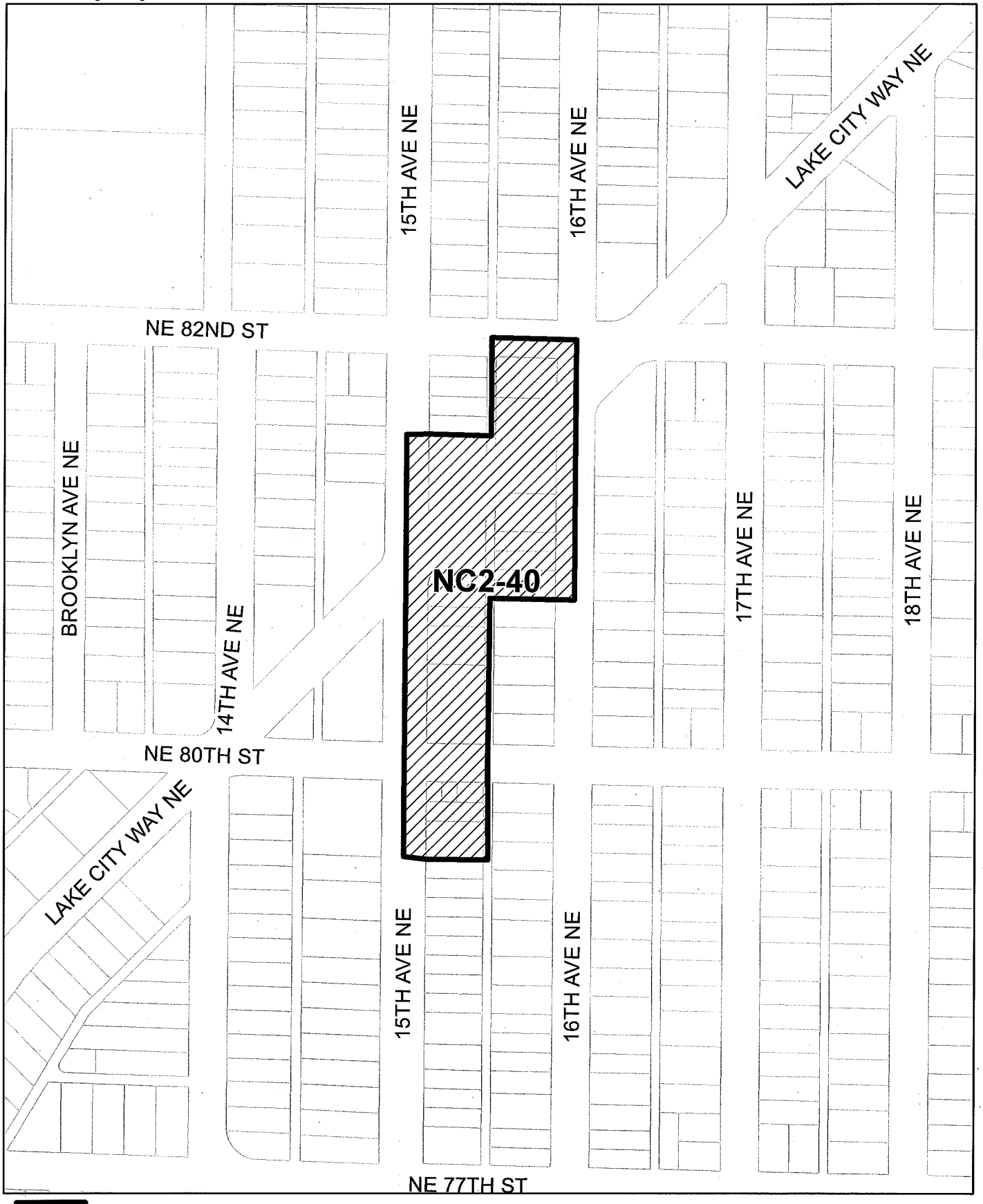
MAP 22 for 23.47A.005.C

Lake City Way at NE 80th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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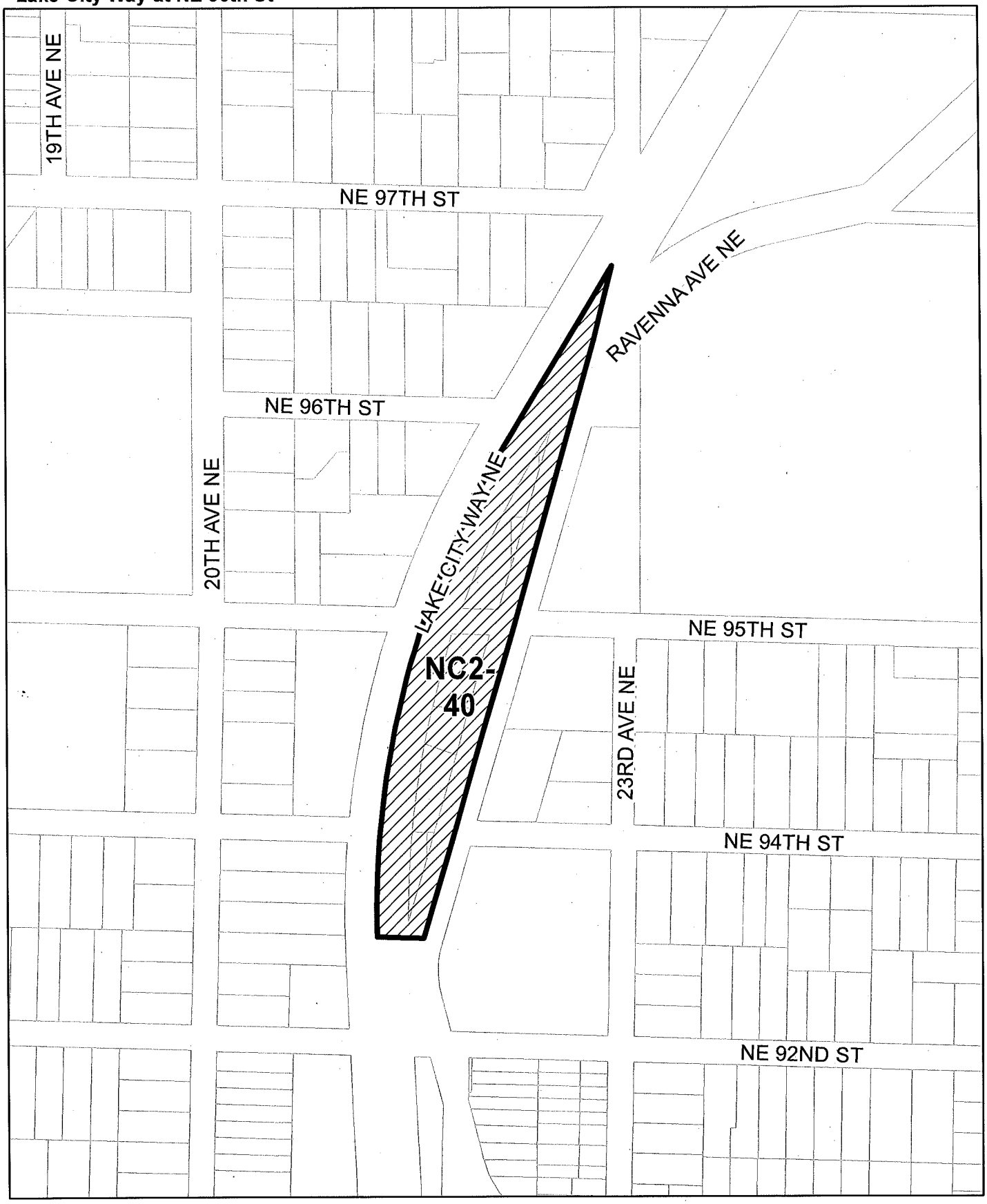
MAP 23 for 23.47A.005.C

Lake City Way at NE 96th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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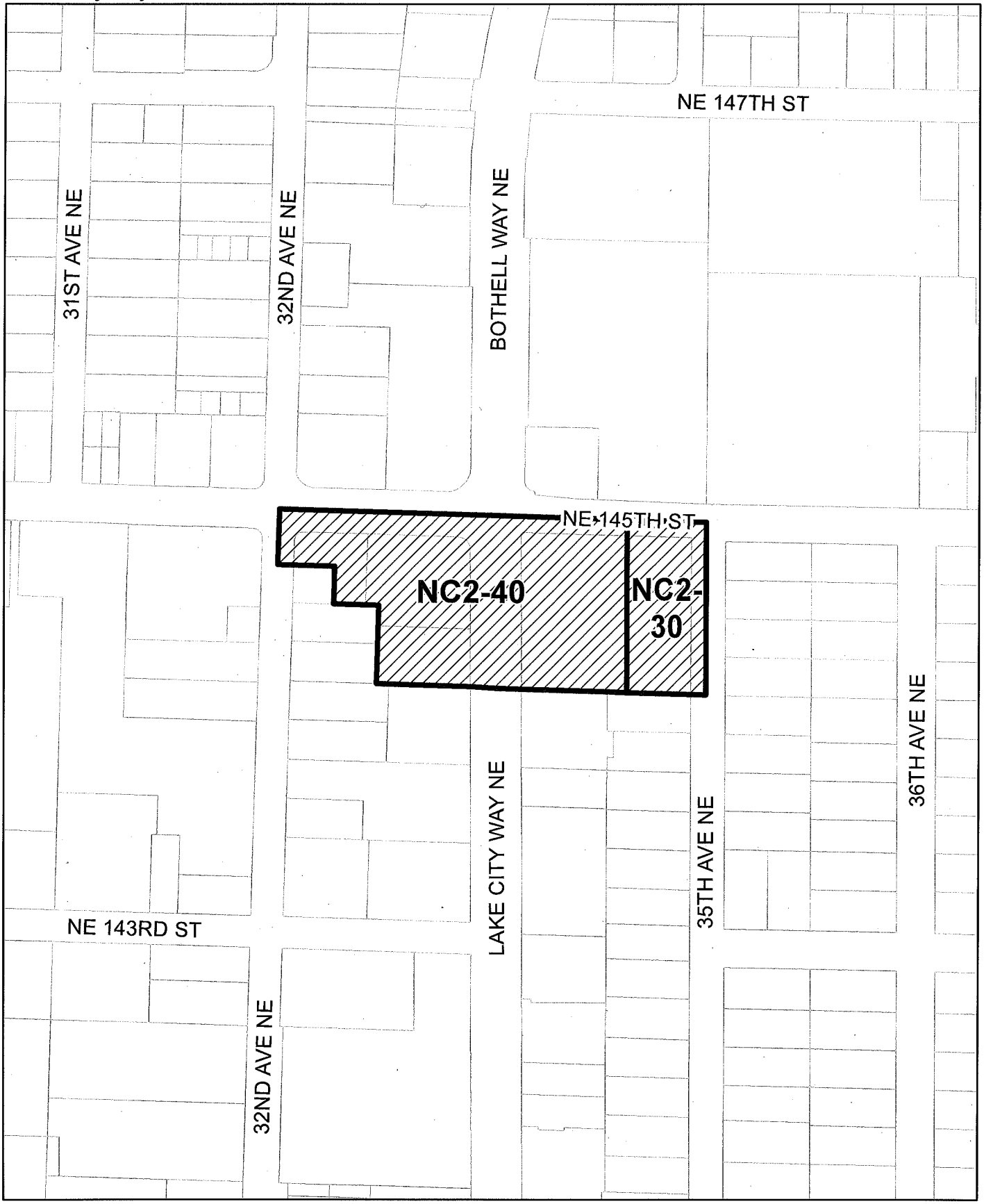
MAP 24 for 23.47A.005.C

Lake City Way at NE 145th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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MAP 25 for 23.47A.005.C

Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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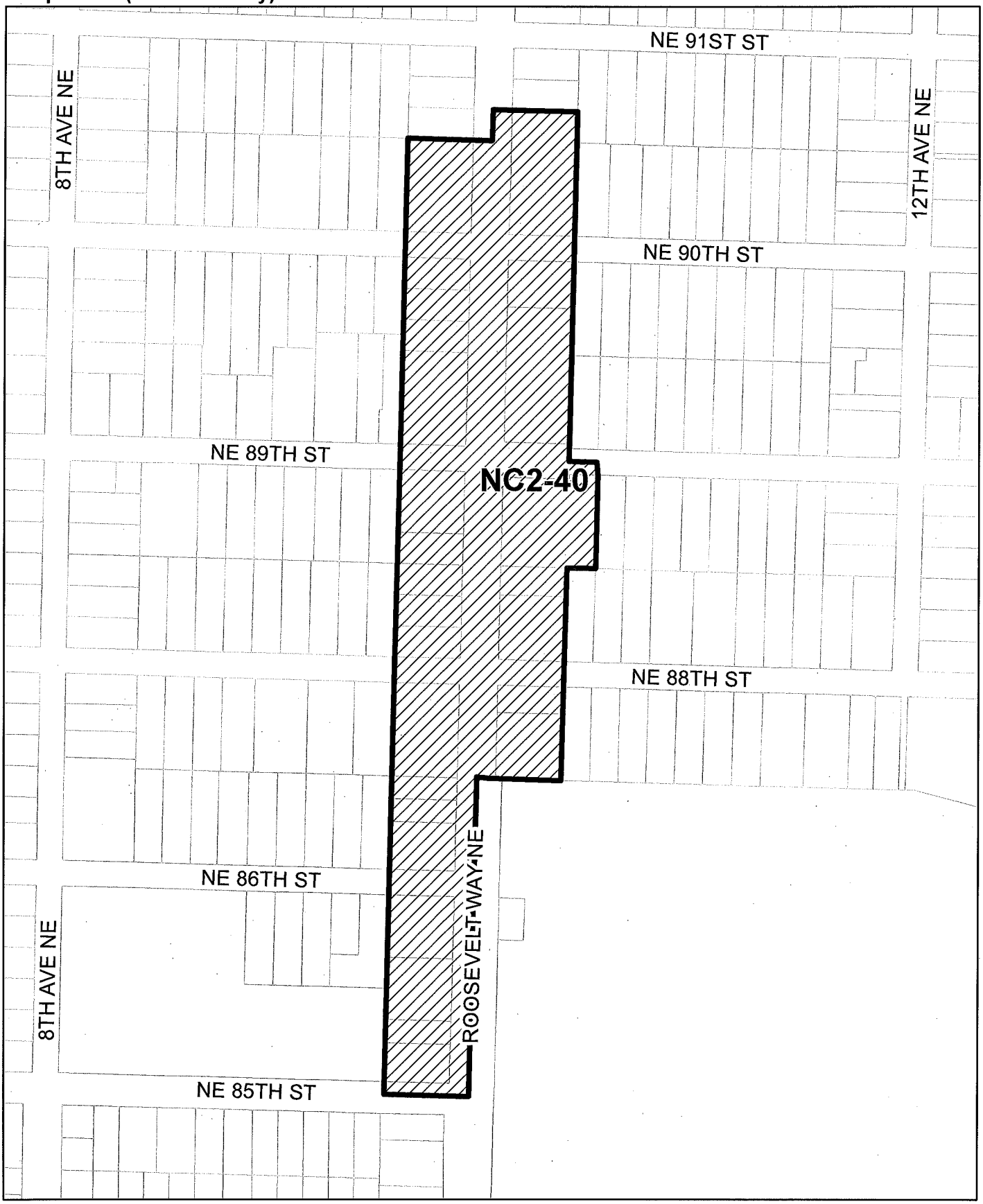
MAP 26 for 23.47A.005.C

Maple Leaf (Roosevelt Way)



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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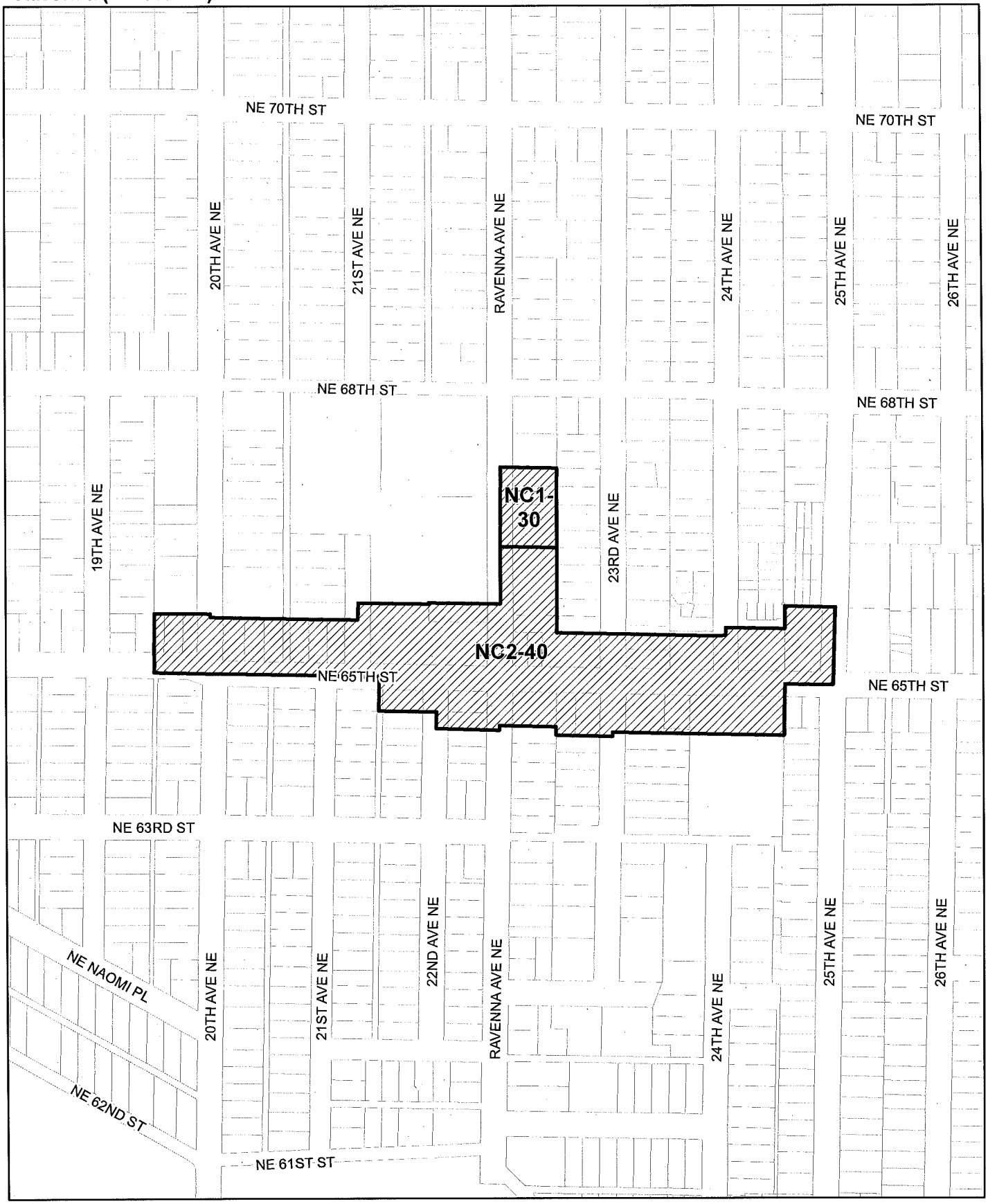
MAP 27 for 23.47A.005.C

Ravenna (NE 65th St)



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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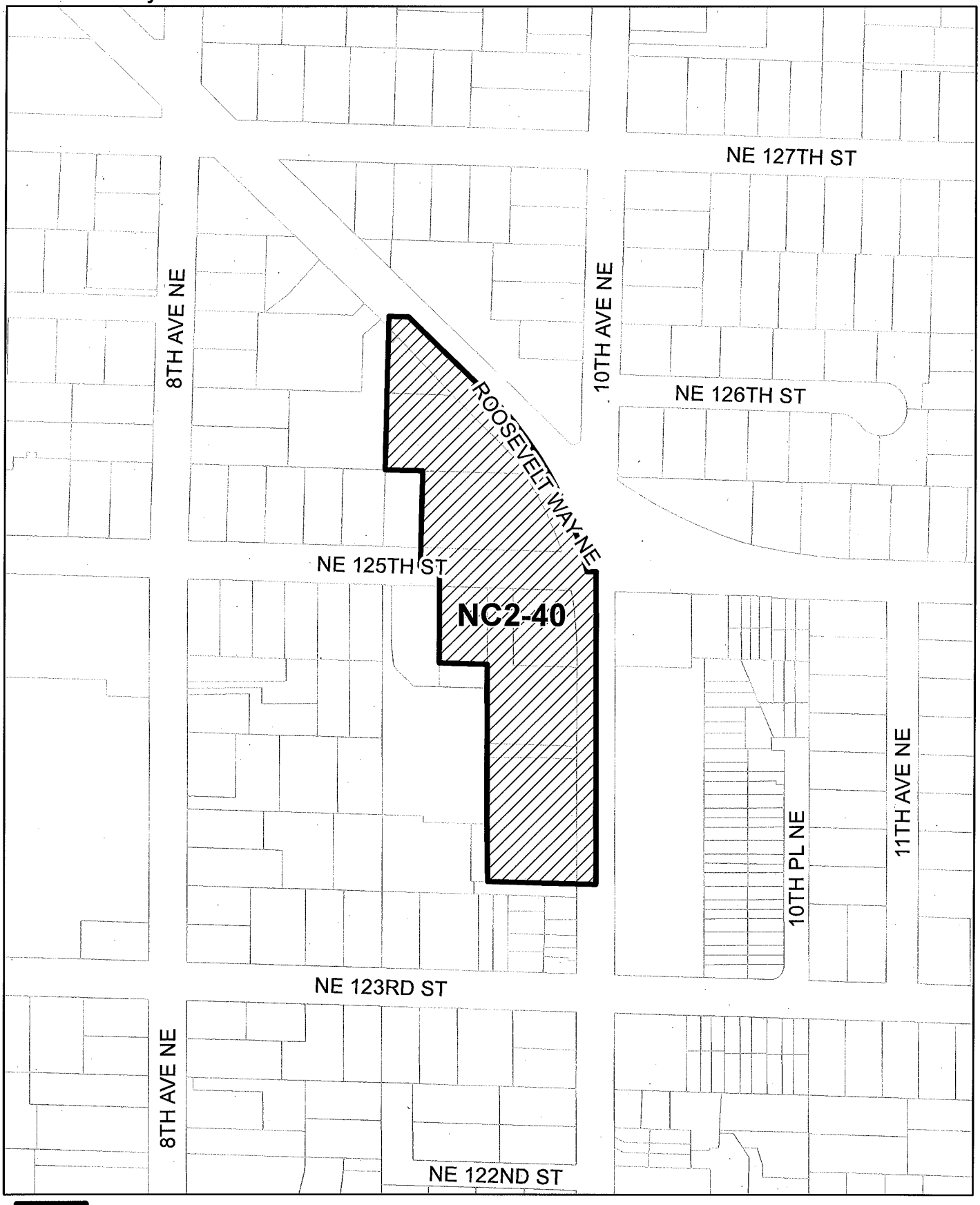
MAP 28 for 23.47A.005.C

Roosevelt Way NE at NE 125th St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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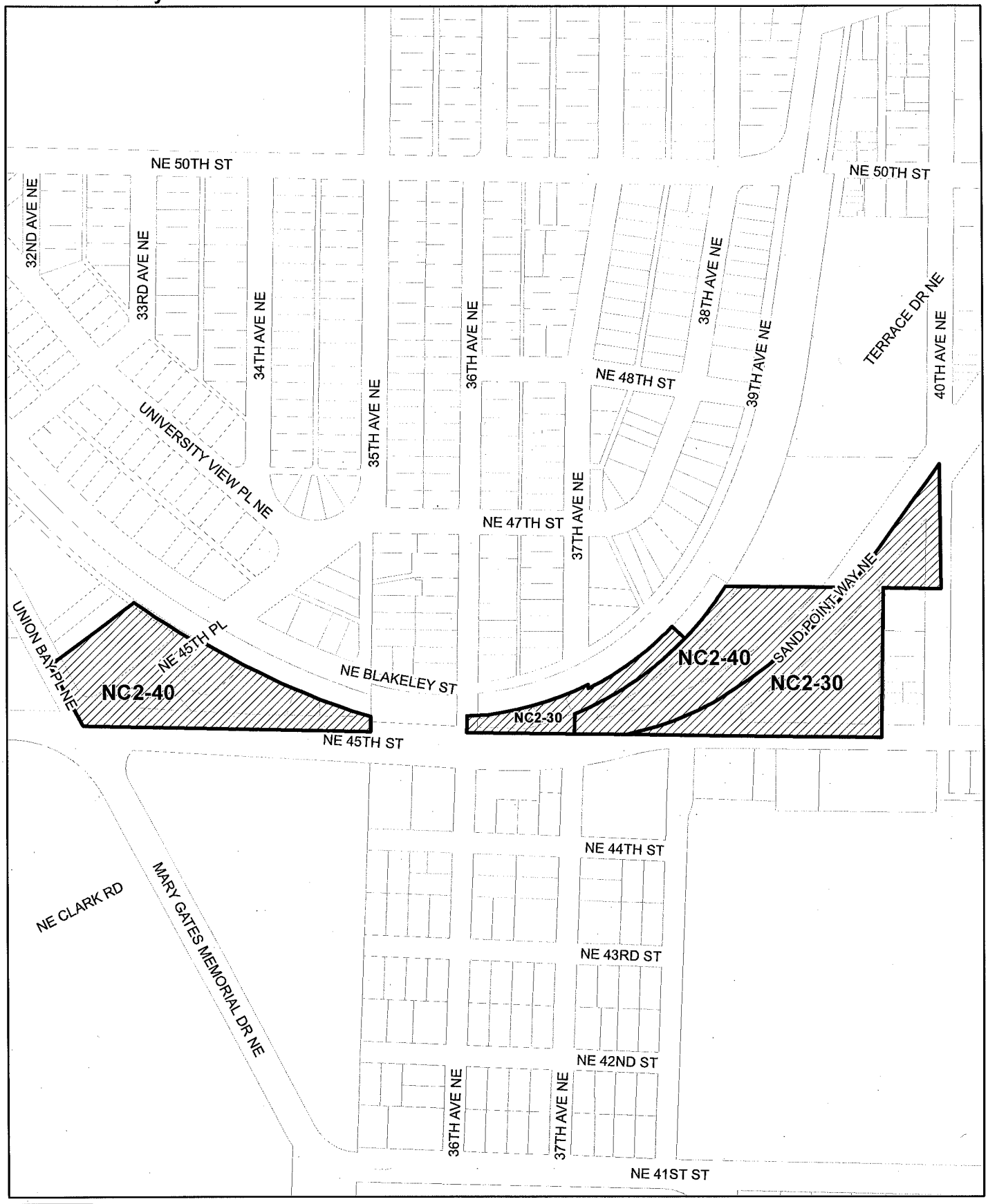
MAP 29 for 23.47A.005.C

Sand Point Way NE at 36th Ave NE



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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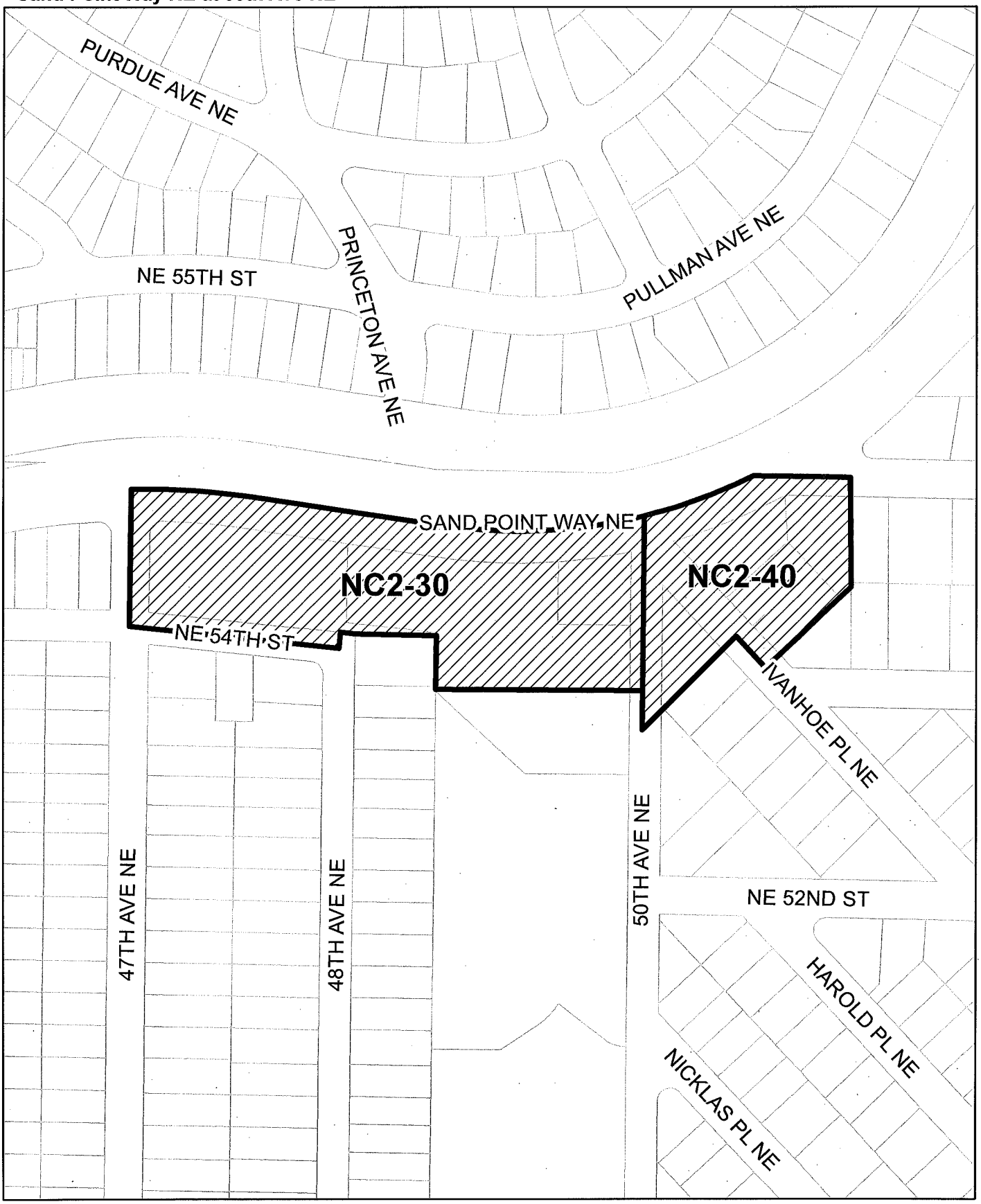
MAP 30 for 23.47A.005.C

Sand Point Way NE at 50th Ave NE



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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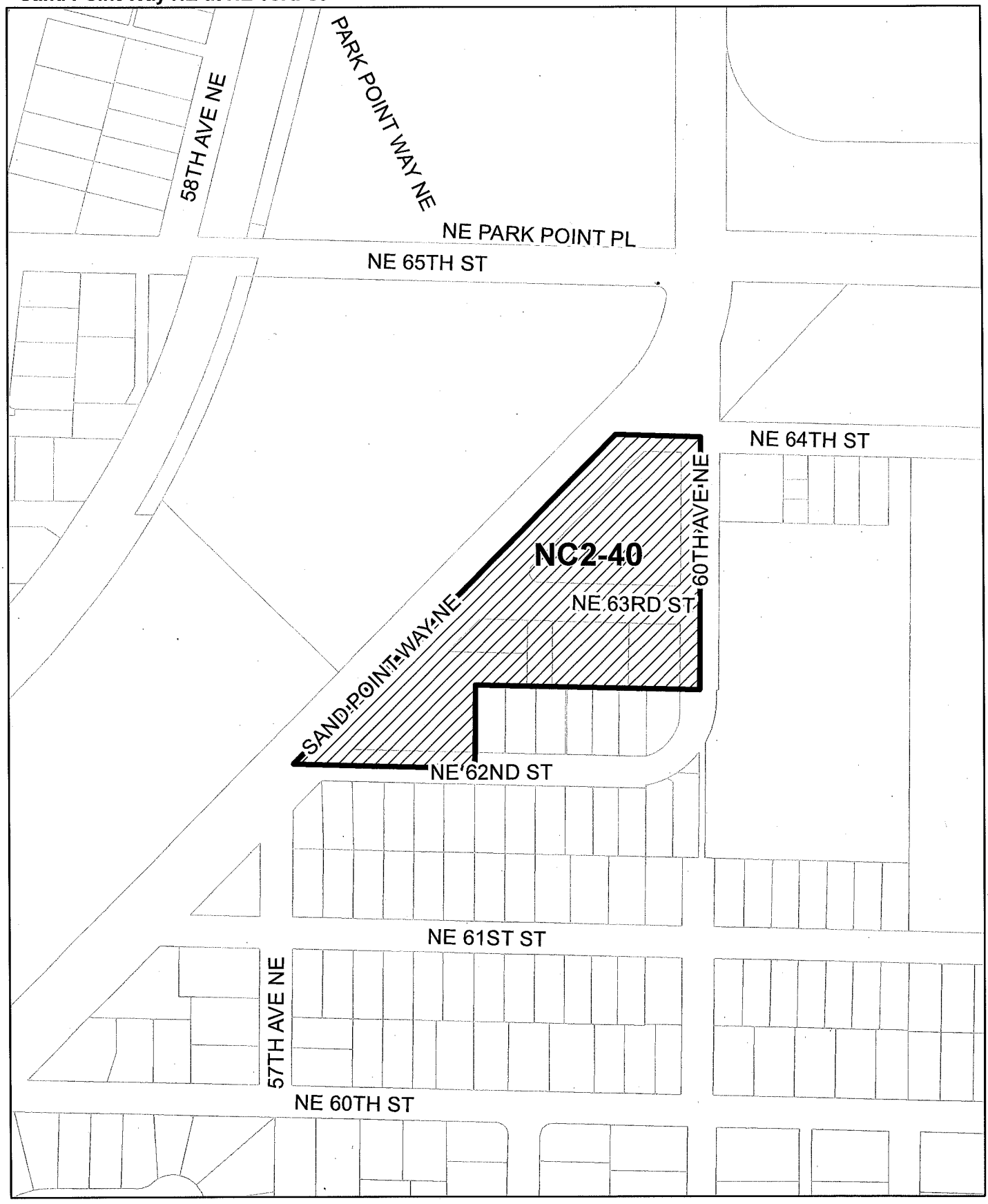
MAP 31 for 23.47A.005.C

Sand Point Way NE at NE 63rd St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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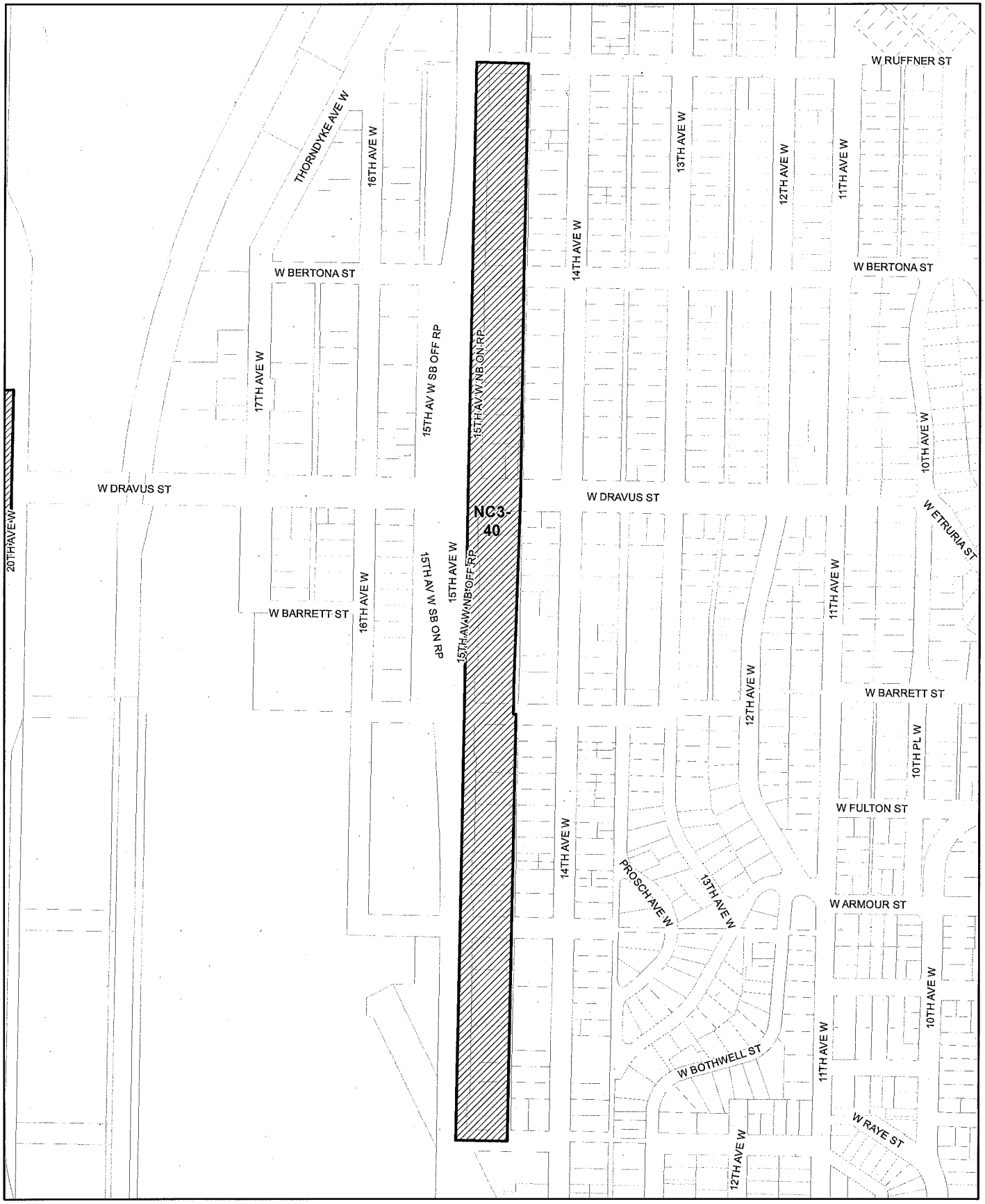
MAP 32 for 23.47A.005.C

15th Avenue West



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 115 230 460 Feet

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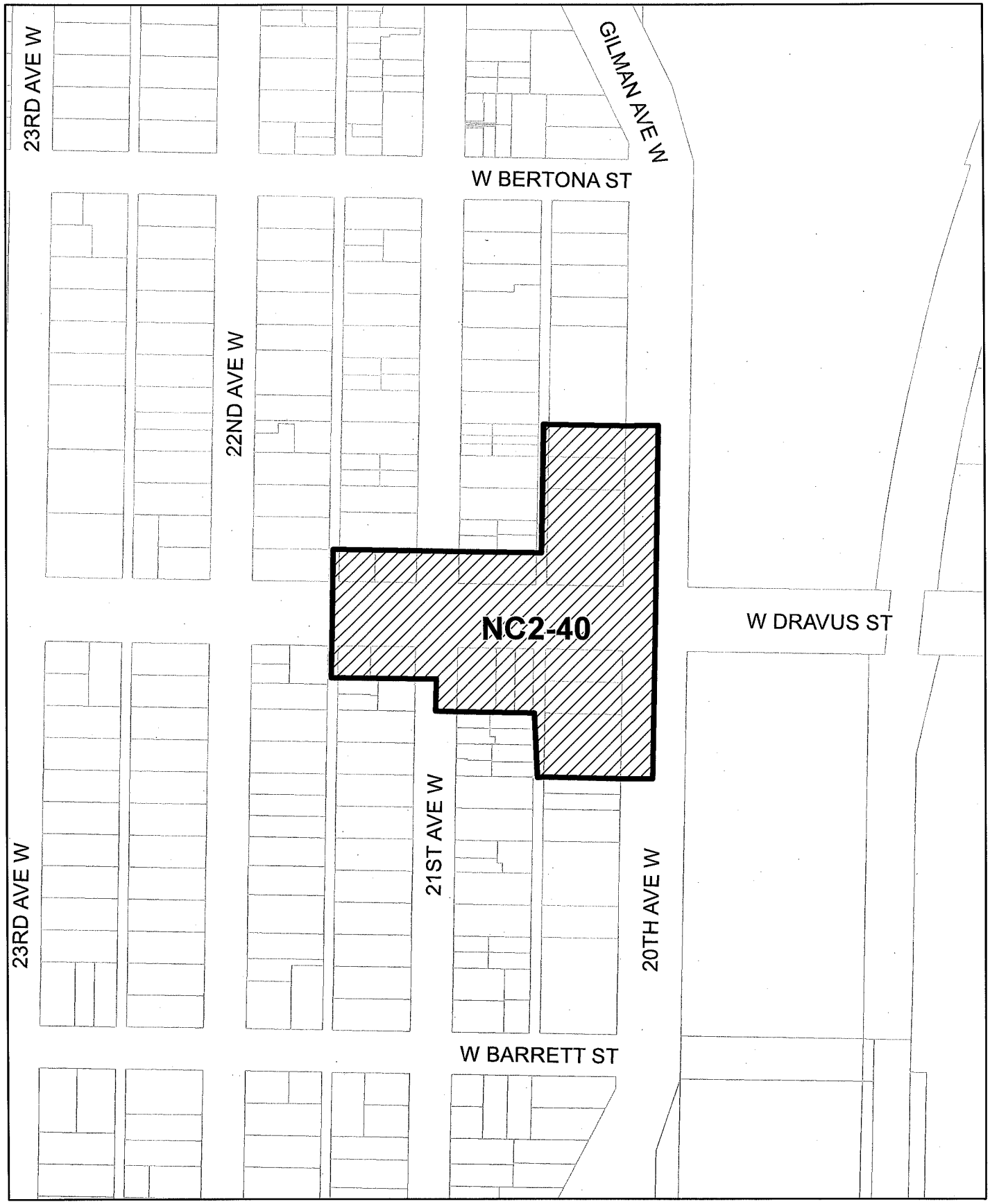
MAP 33 for 23.47A.005.C

21st Ave W and W Dravus St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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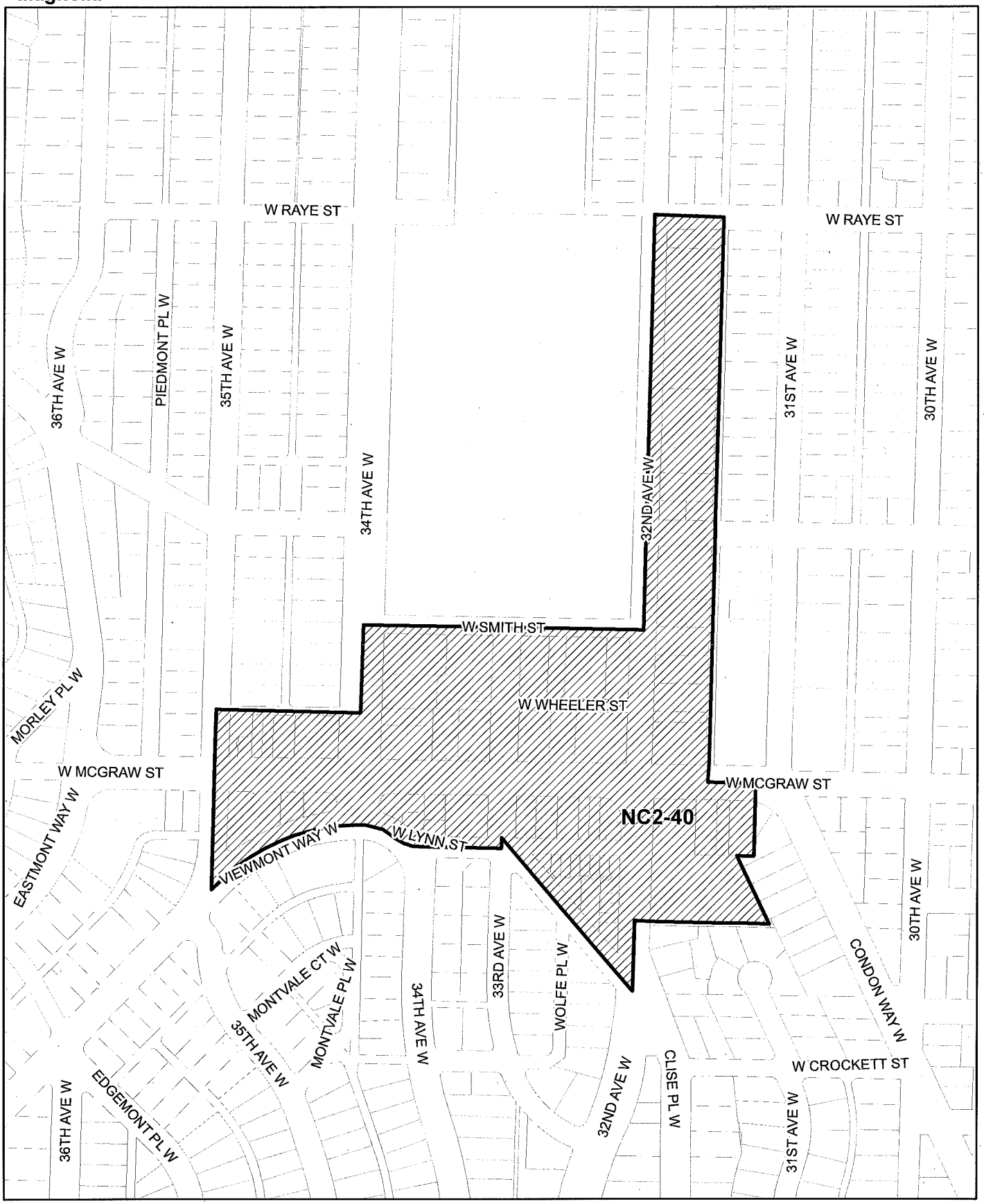
MAP 34 for 23.47A.005.C

Magnolia



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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MAP 35 for 23.47A.005.C

34th Ave W at W Emerson St

Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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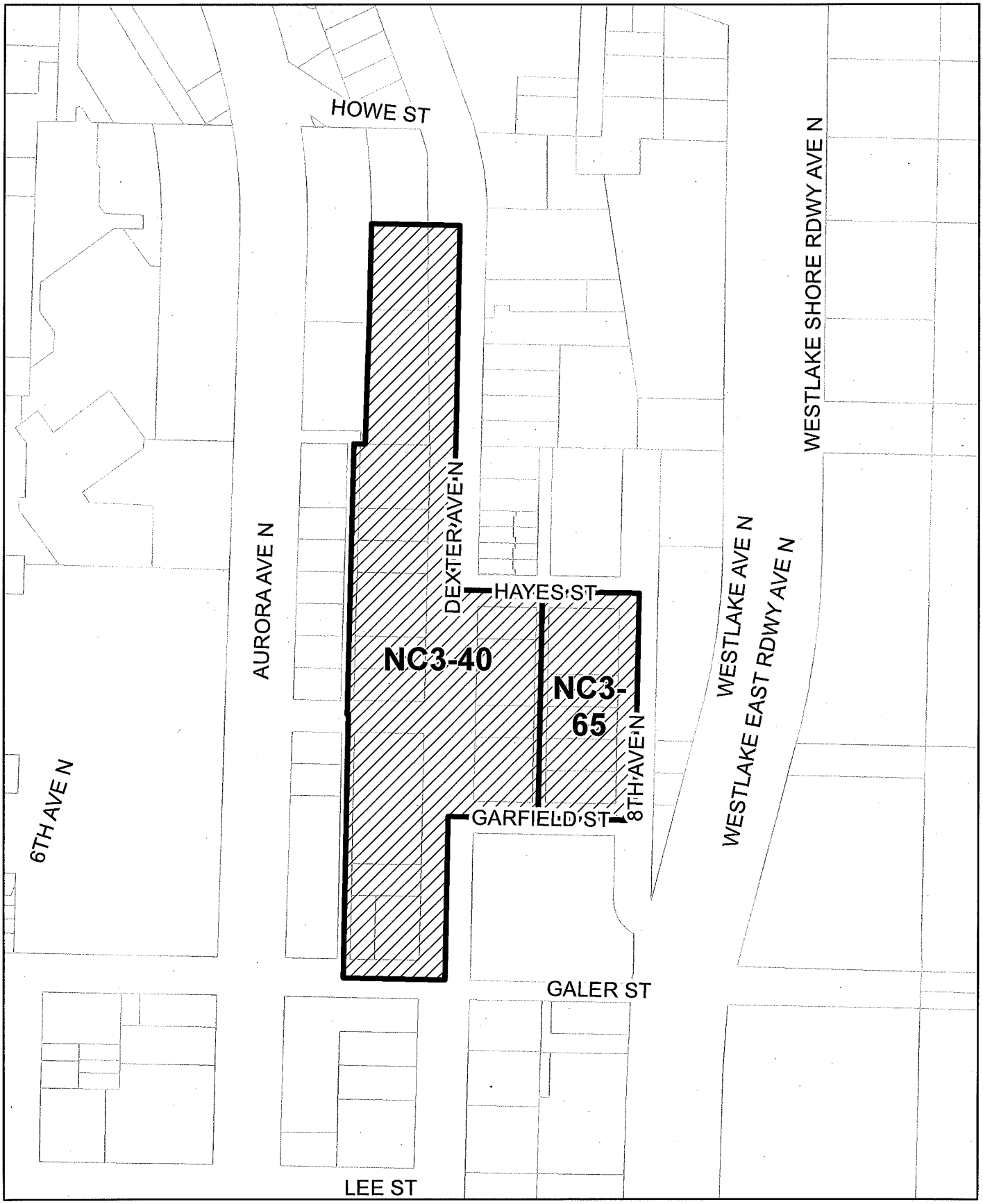
MAP 36 for 23.47A.005.C

Dexter Ave N at Garfield St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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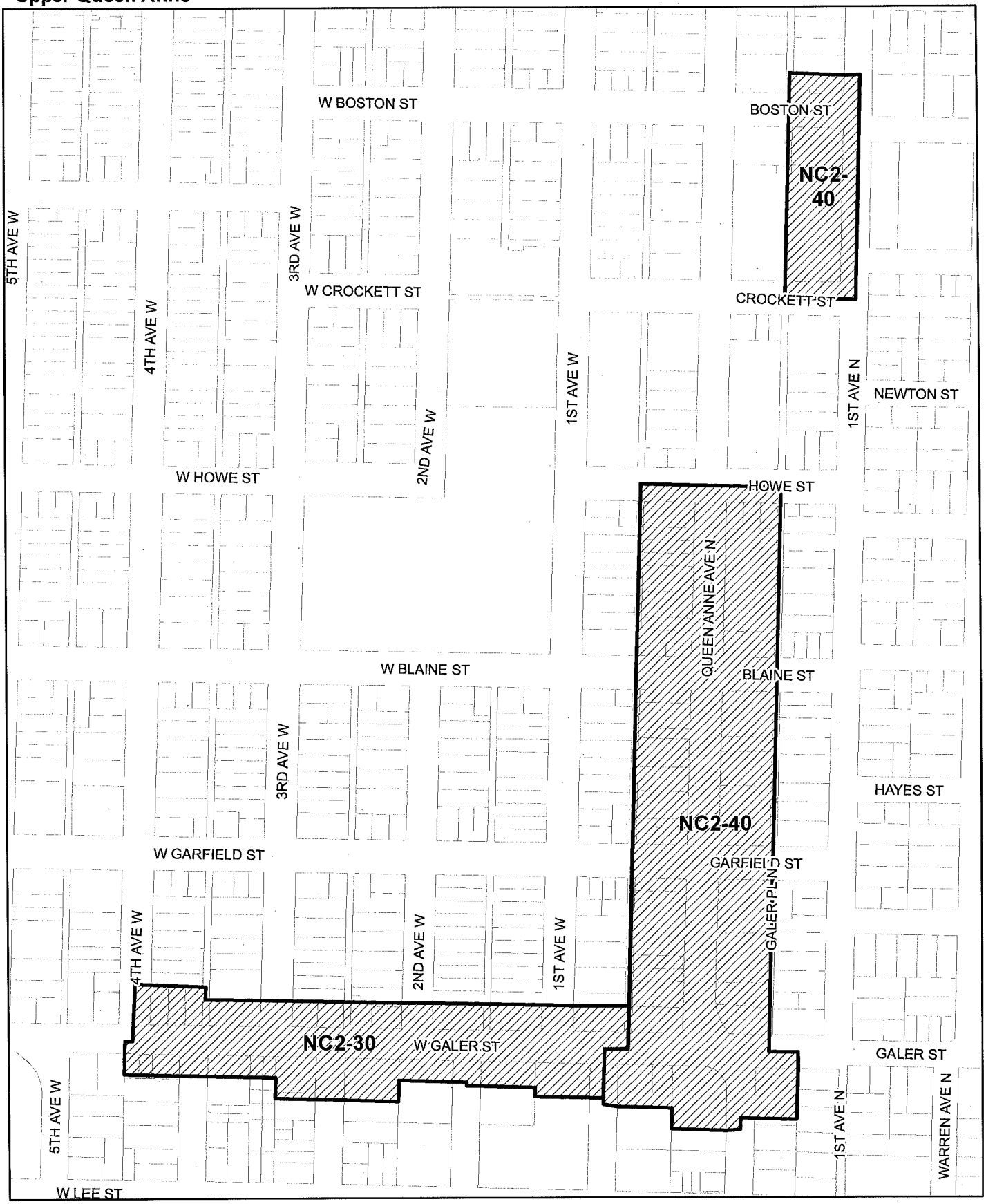
MAP 37 for 23.47A.005.C

Upper Queen Anne



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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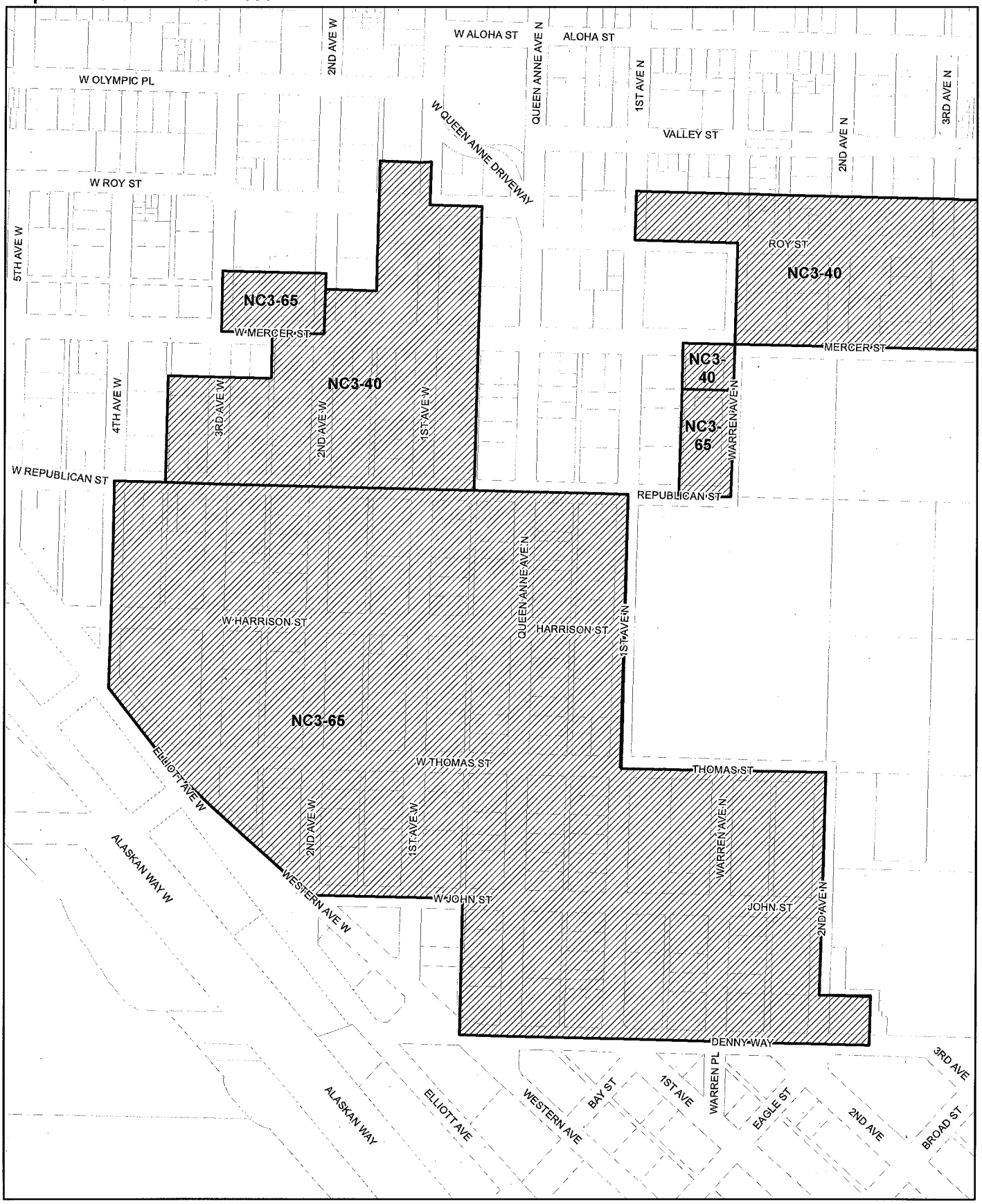
MAP 38 for 23.47A.005.C

Uptown Urban Center West



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 115 230 460 Feet

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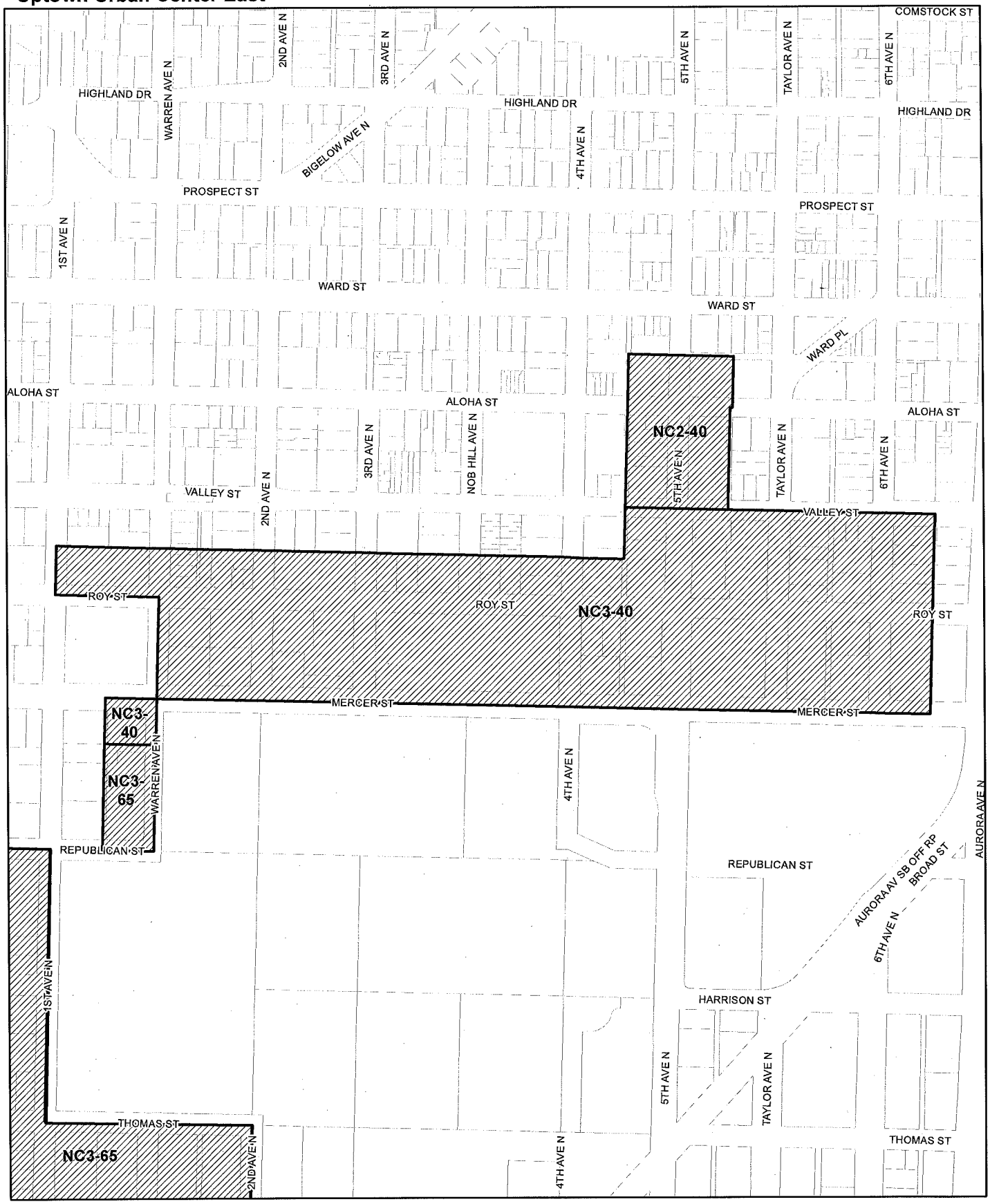
MAP 39 for 23.47A.005.C

Uptown Urban Center East



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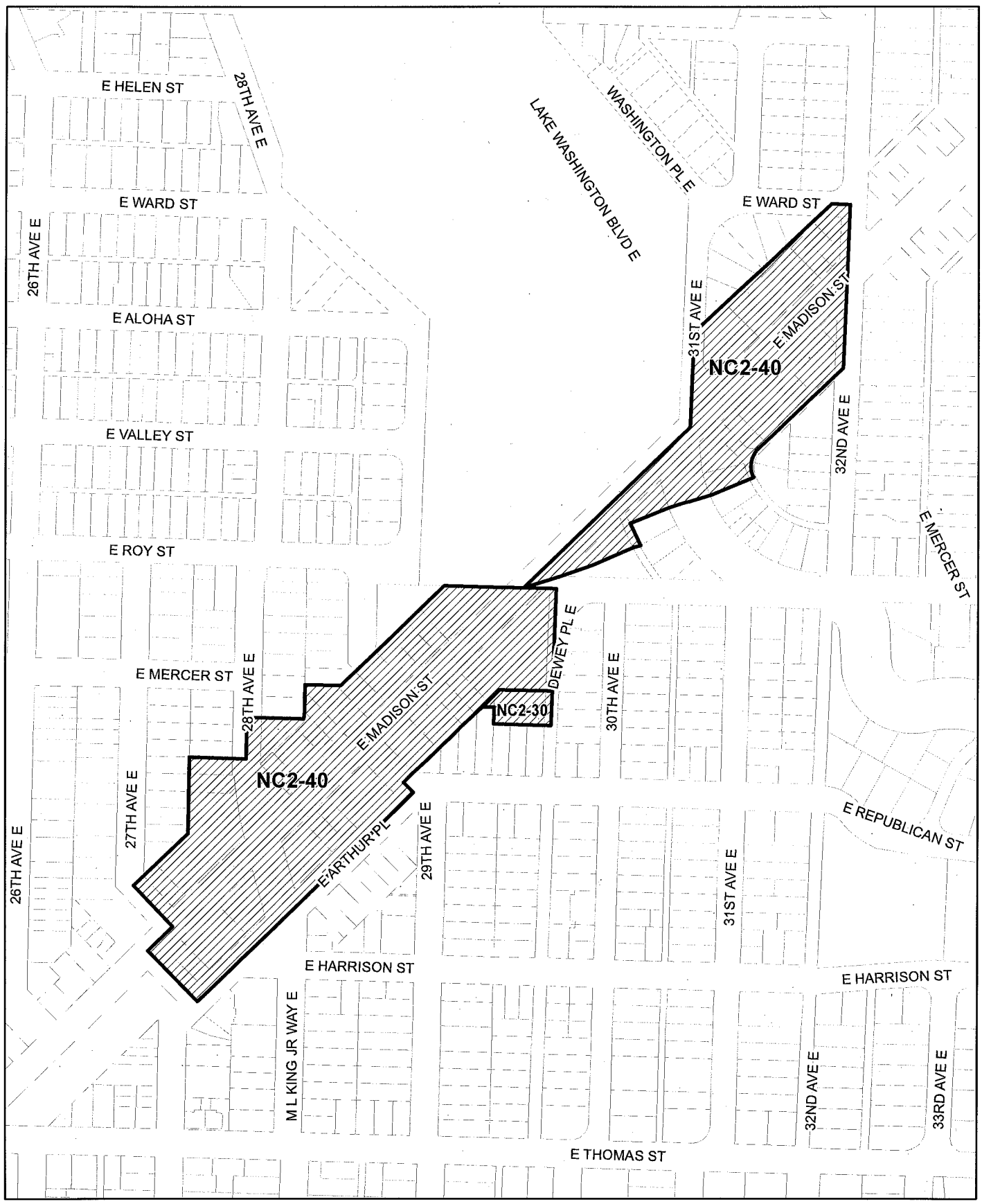
MAP 40 for 23.47A.005.C



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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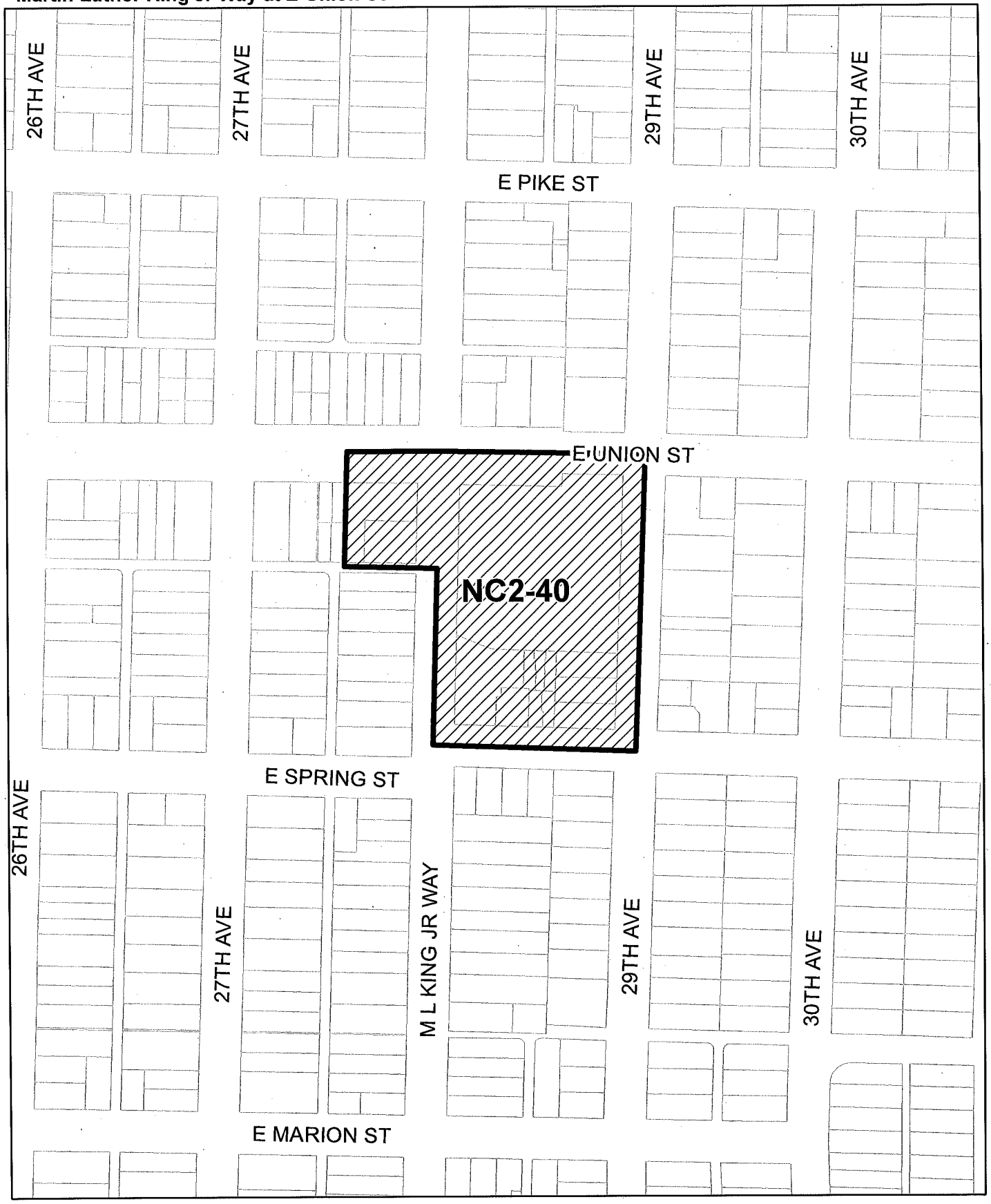
MAP 41 for 23.47A.005.C

Martin Luther King Jr Way at E Union St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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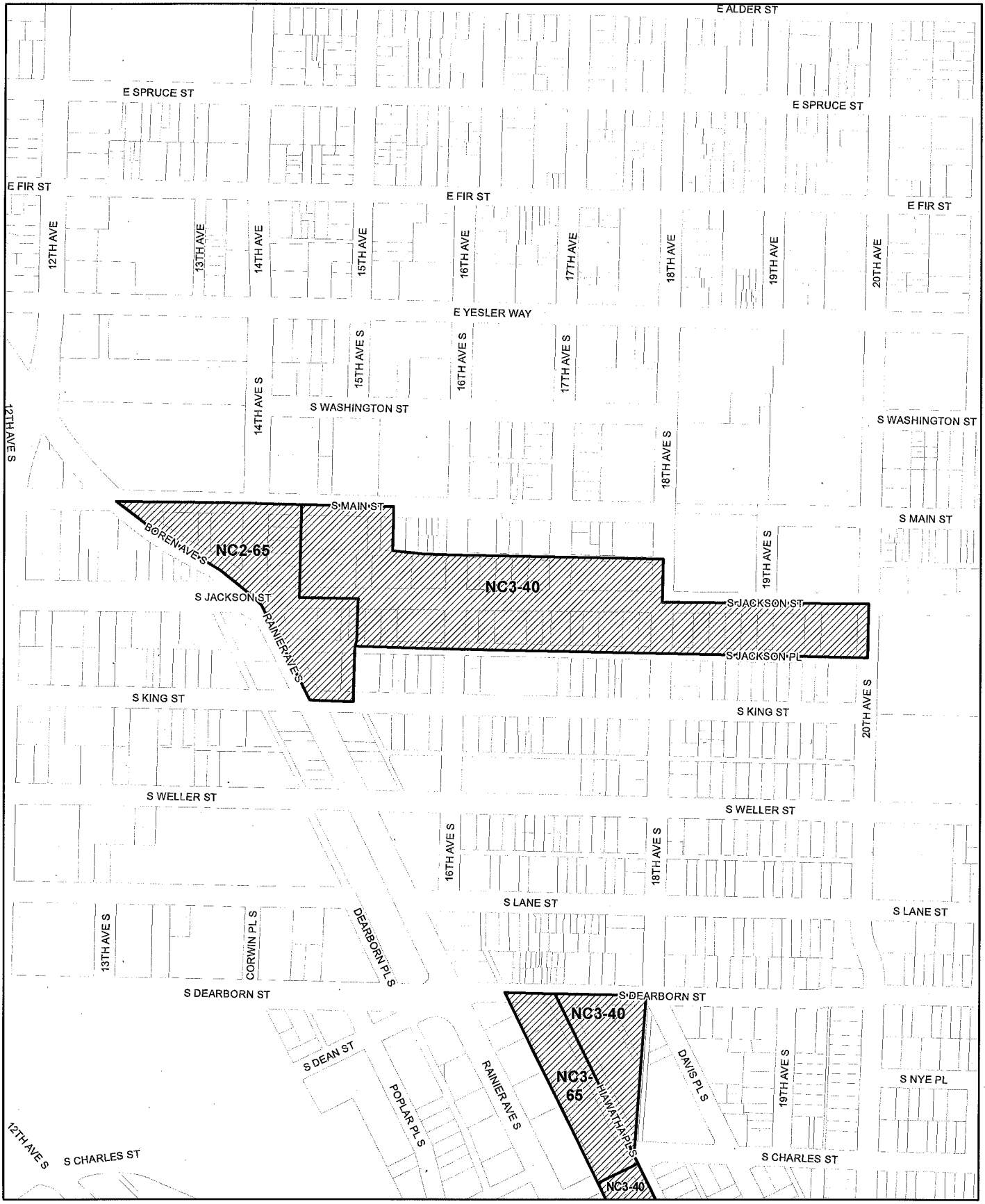
MAP 42 for 23.47A.005.C

S Jackson St - east of Rainier Ave s



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 115 230 460 Feet

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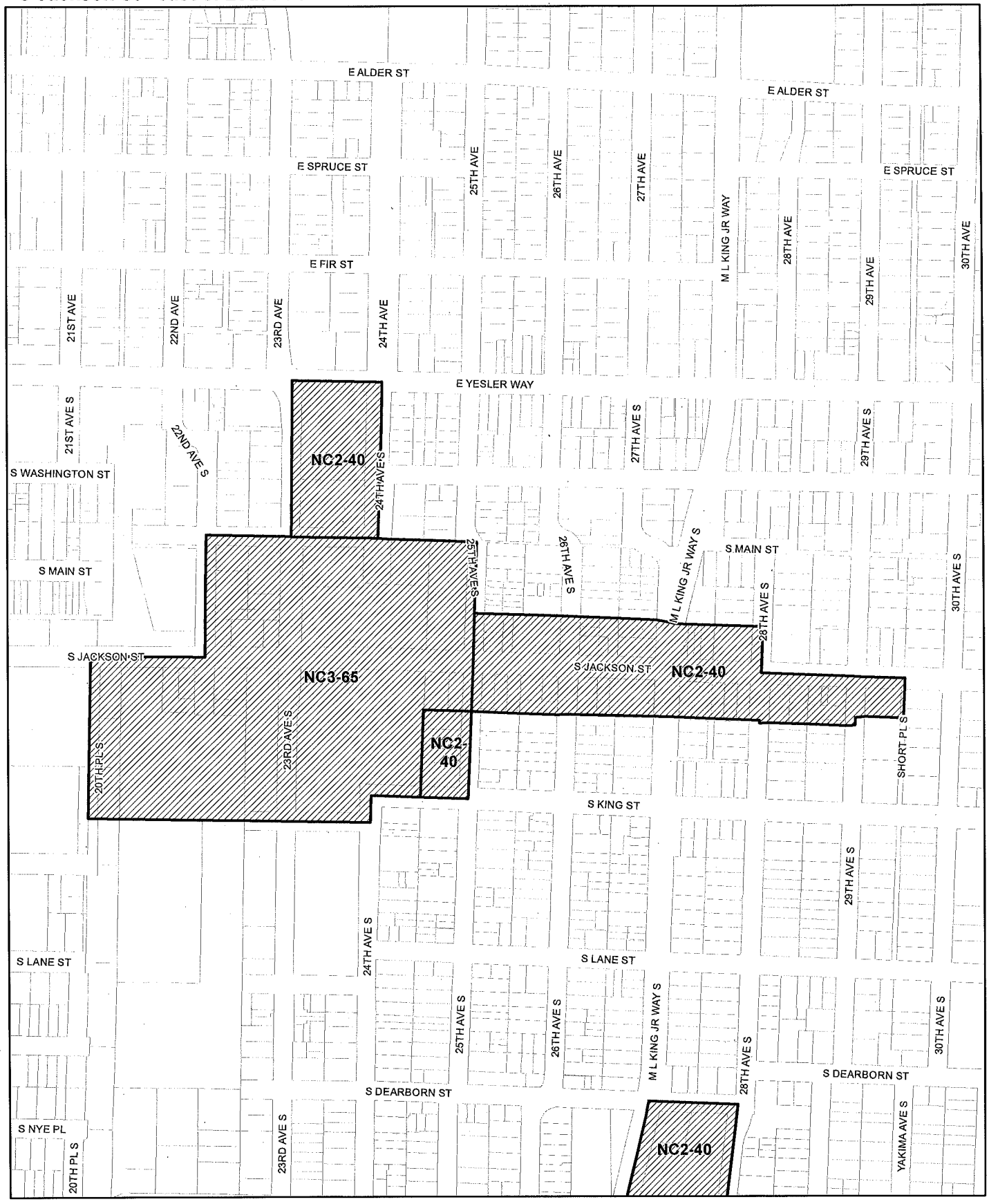
MAP 43 for 23.47A.005.C

S Jackson St - east of 20th Pl S



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 115 230 460 Feet

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MAP 44 for 23.47A.005.C

Martin Luther King Jr Way S at S Dearborn St

Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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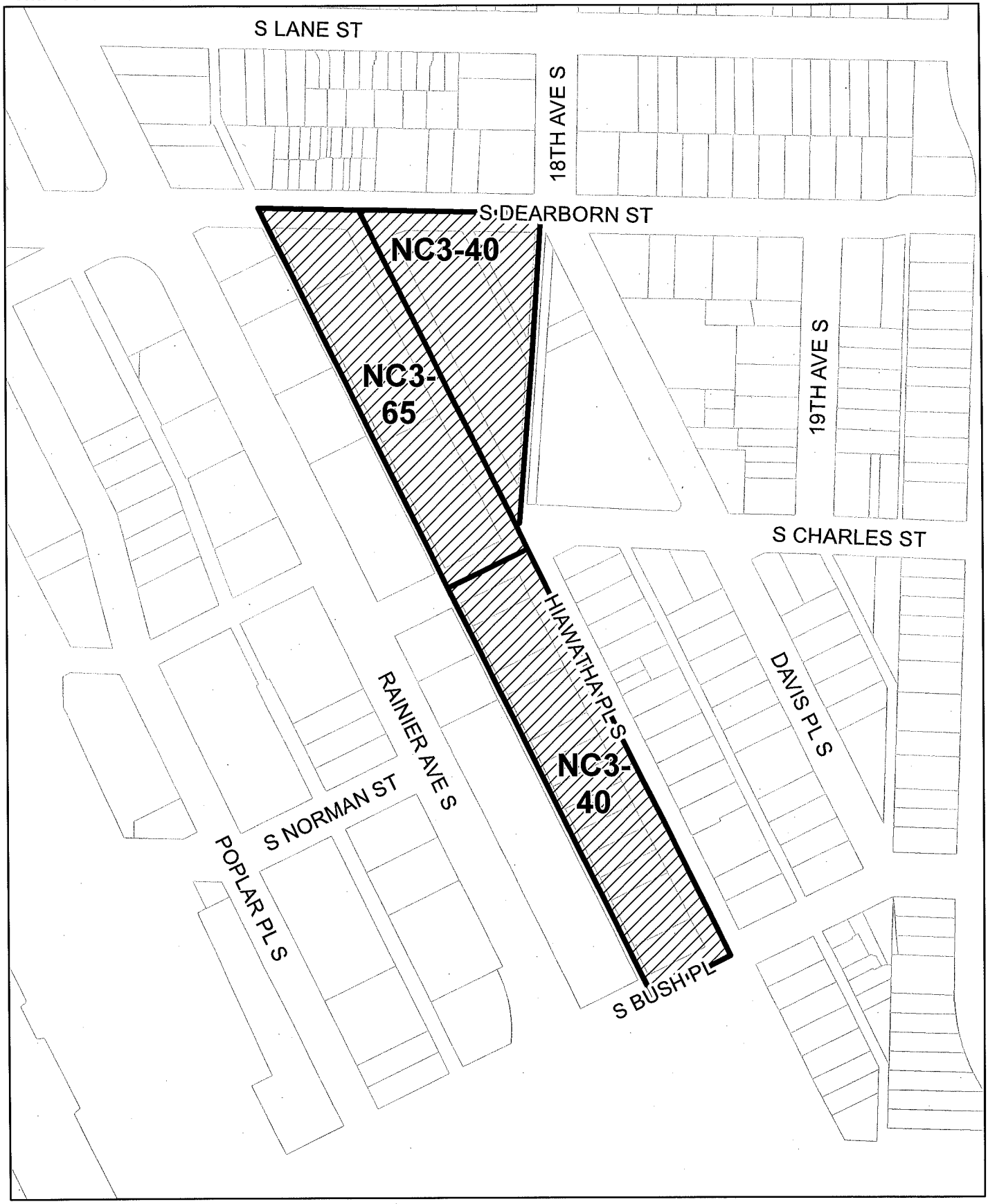
MAP 45 for 23.47A.005.C

Hiawatha Place S at S Dearborn St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 55 110 220 Feet

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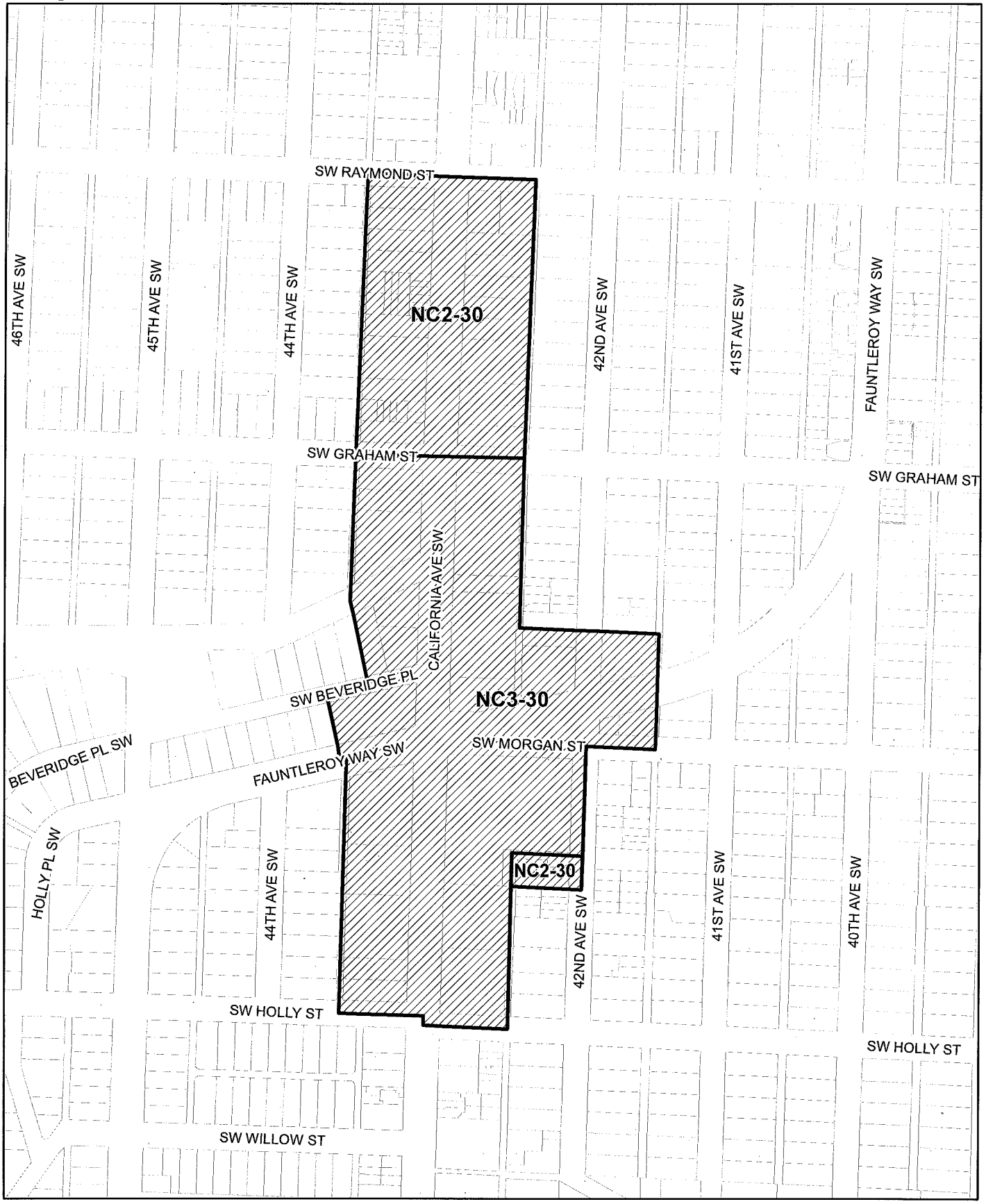
MAP 46 for 23.47A.005.C

Morgan Junction



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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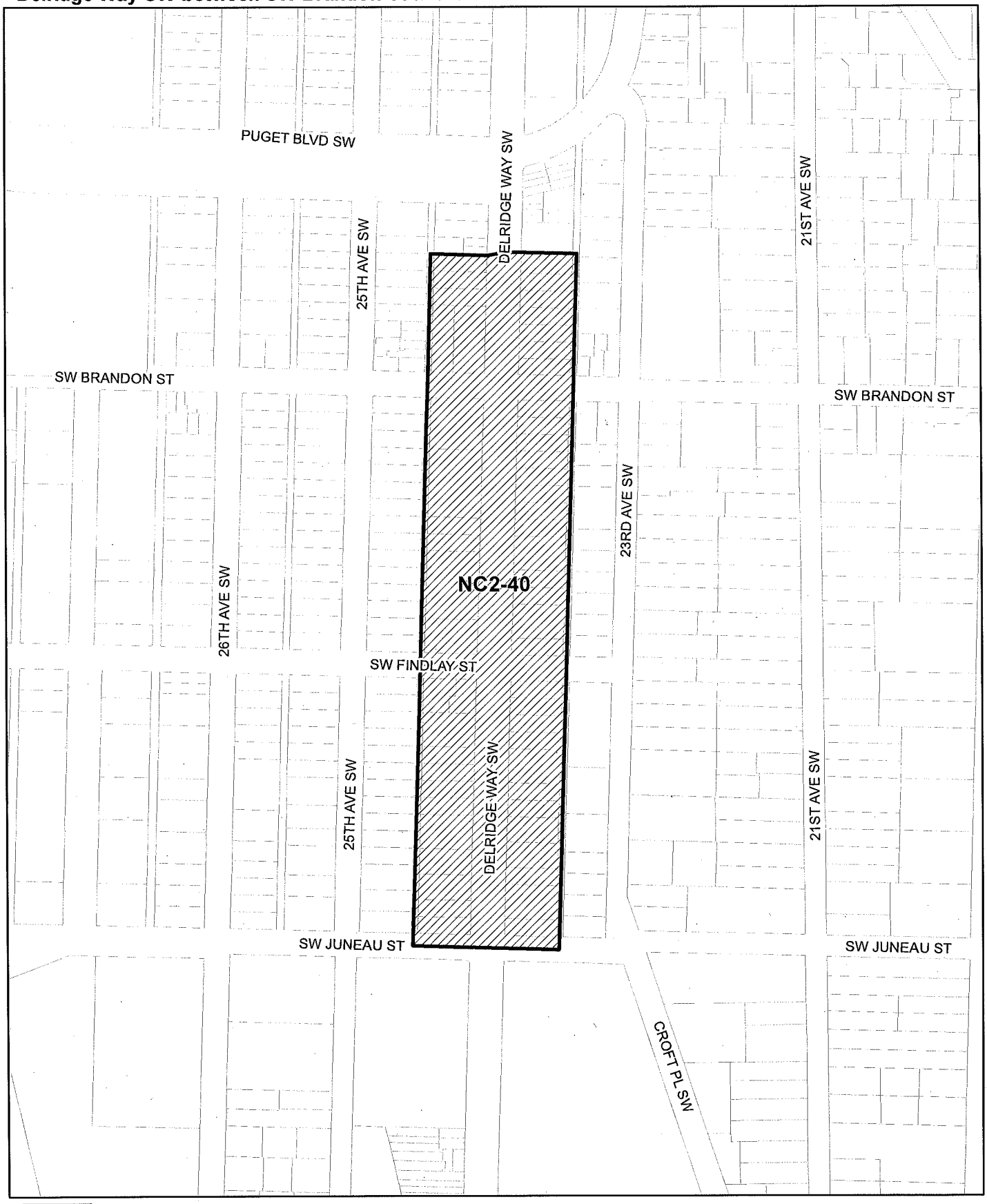
MAP 47 for 23.47A.005.C

Delridge Way SW between SW Brandon St and SW Juneau St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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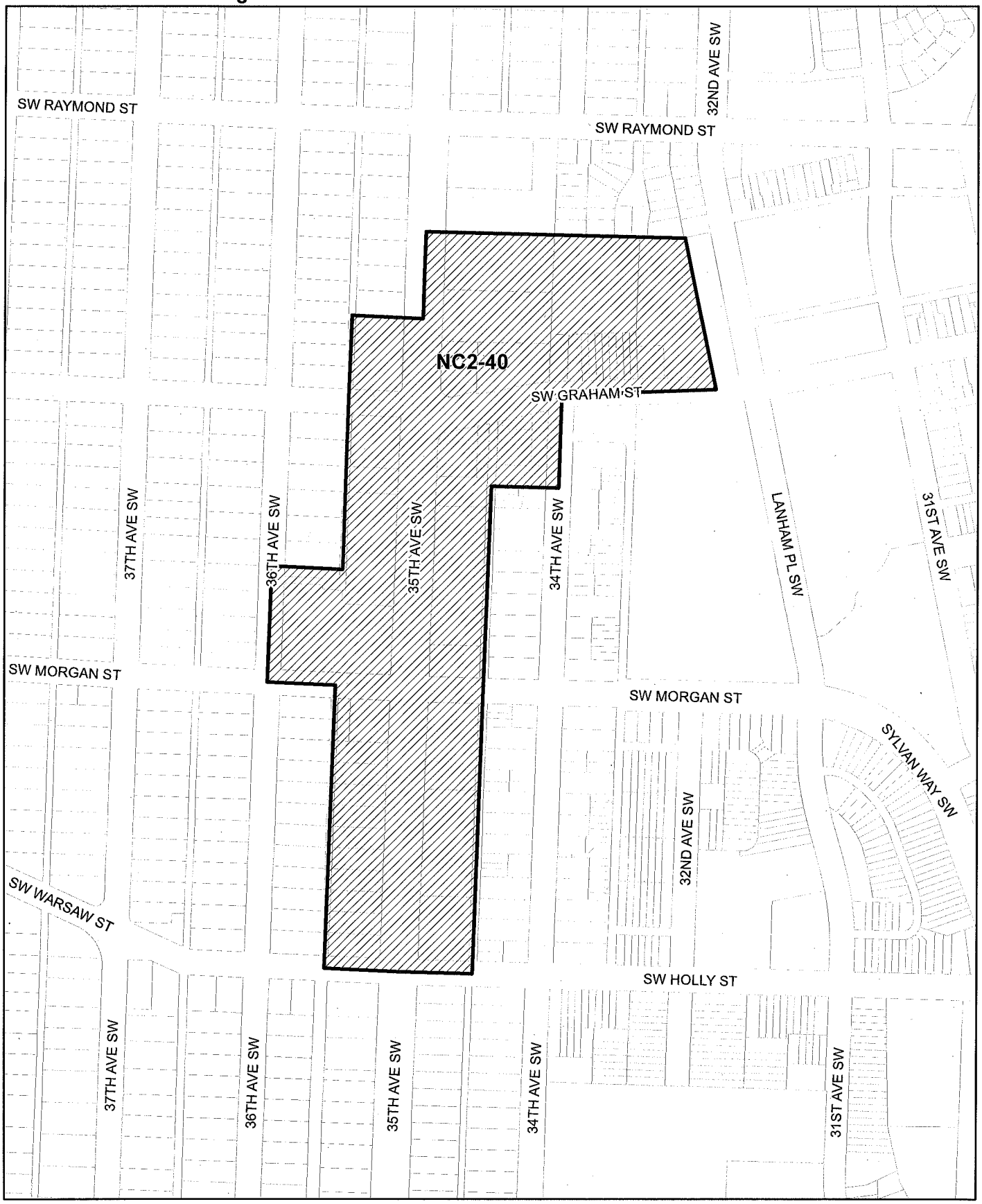
MAP 48 for 23.47A.005.C

35th Ave SW at SW Morgan St



Subject to street-level residential use limits identified in 23.47A.005.C

N

0 85 170 340 Feet

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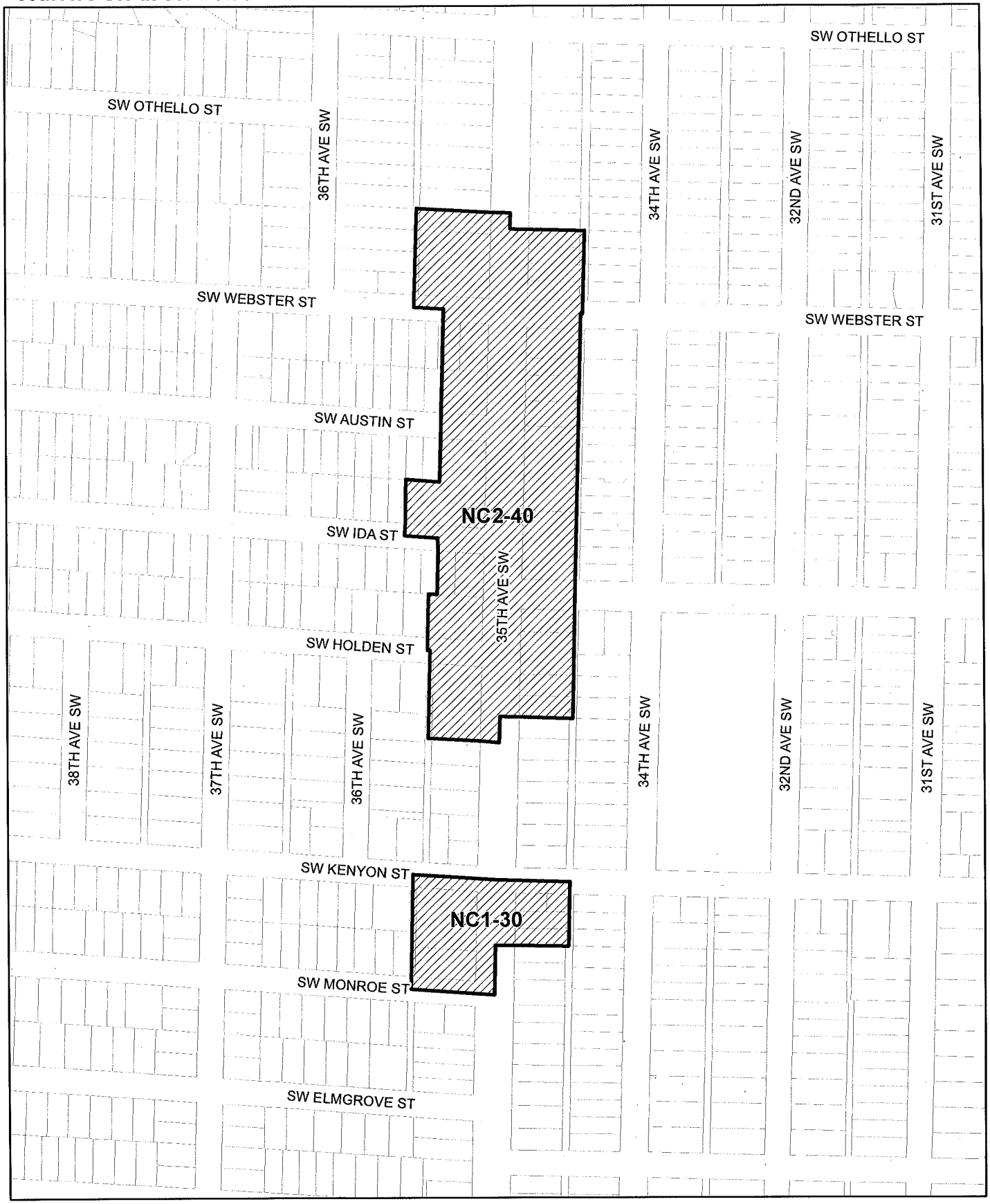
MAP 49 for 23.47A.005.C

35th Ave SW at SW Holden St



Subject to street-level residential use limits identified in 23.47A.005.C

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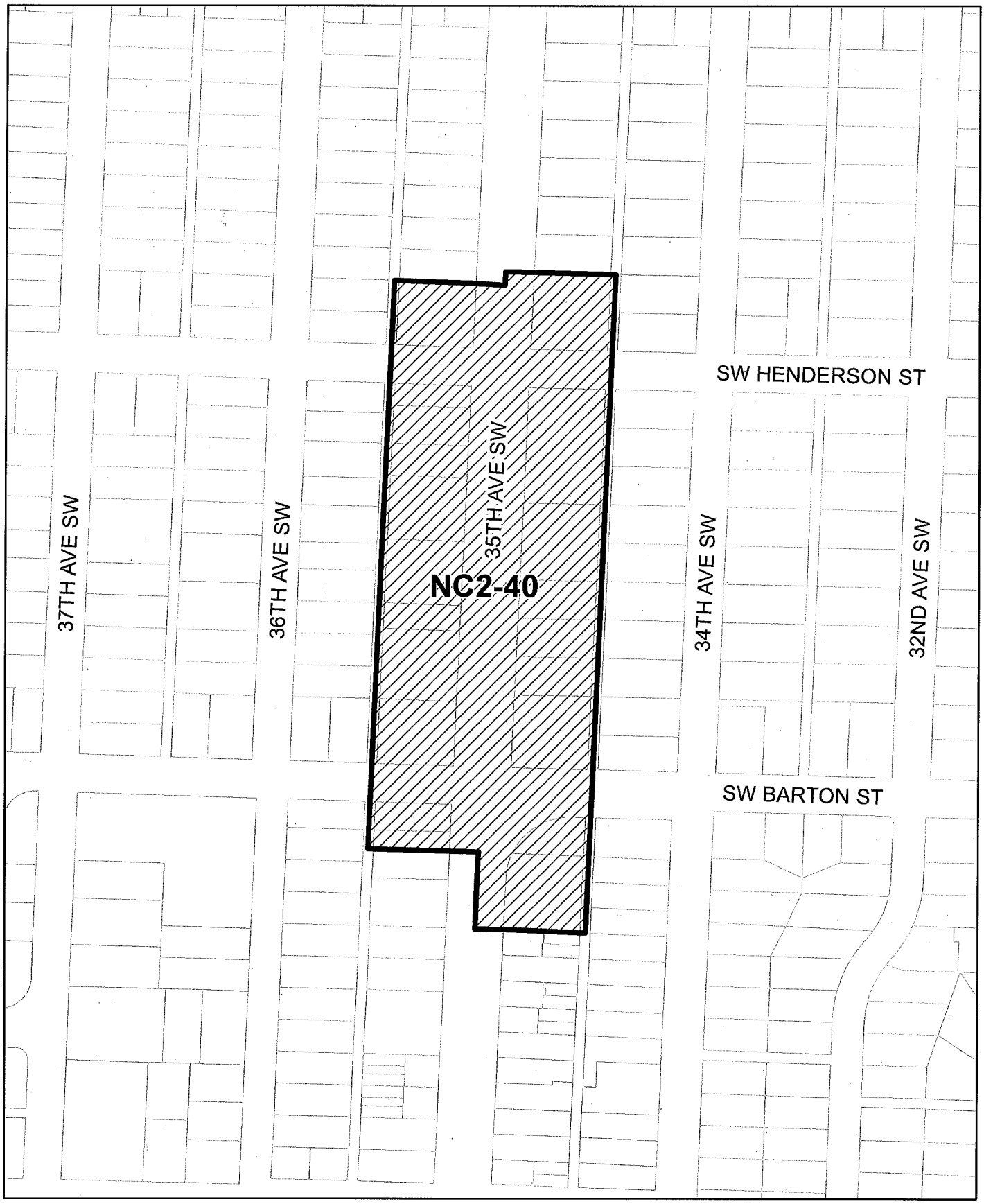
MAP 50 for 23.47A.005.C

35th Ave SW at SW Barton St



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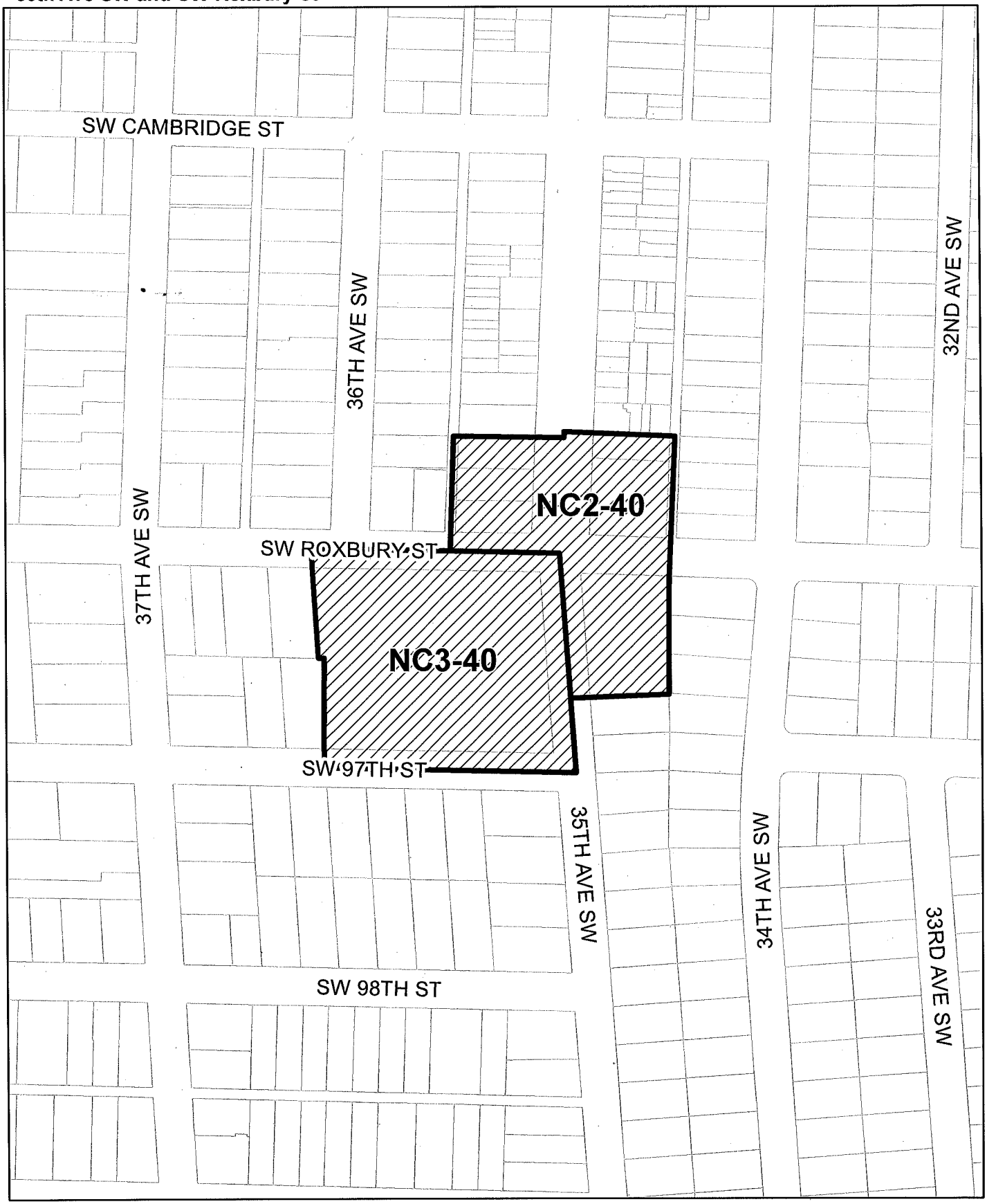
MAP 51 for 23.47A.005.C

35th Ave SW and SW Roxbury St



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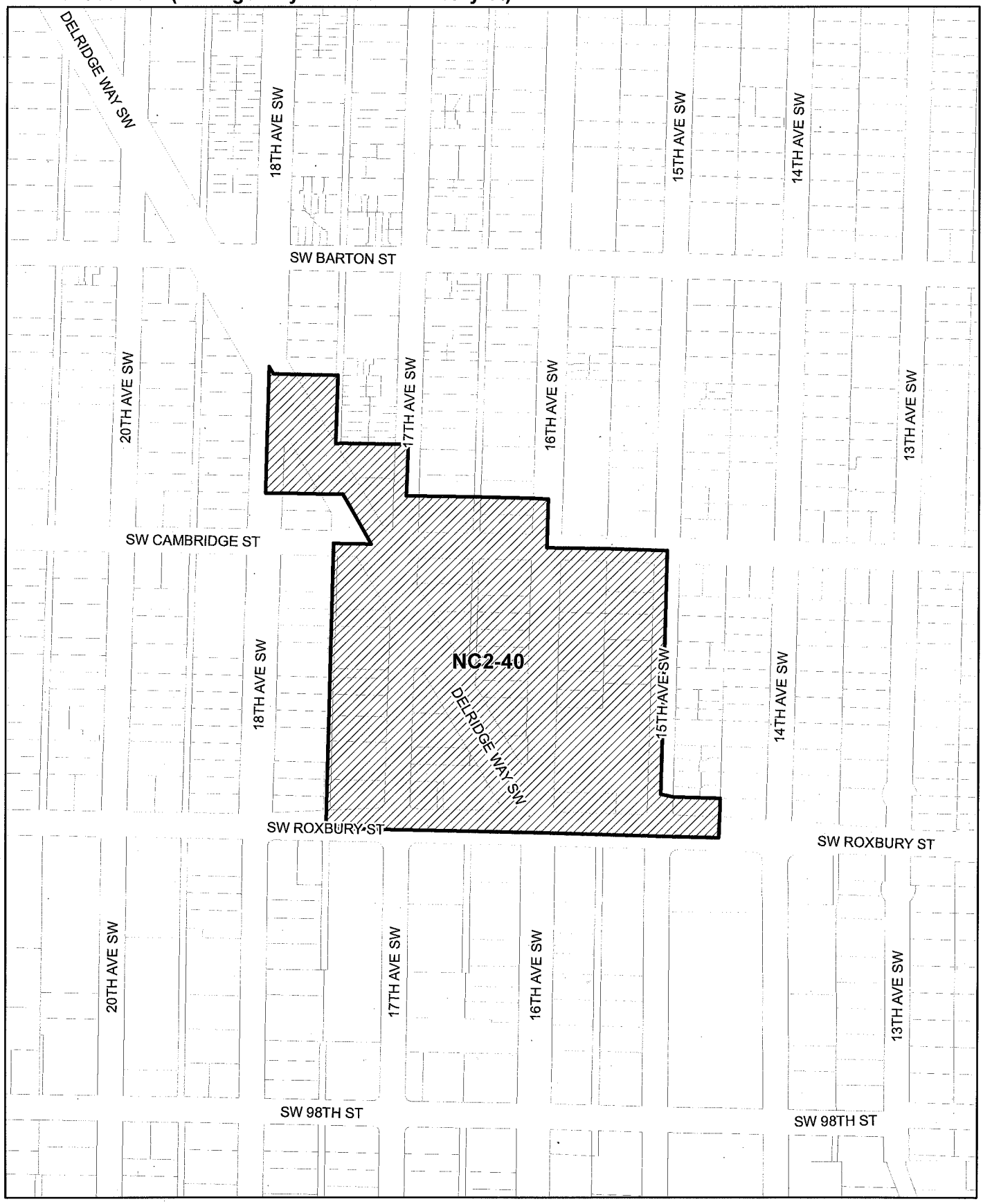
MAP 52 for 23.47A.005.C

Westwood Park (Delridge Way SW at SW Roxbury St)



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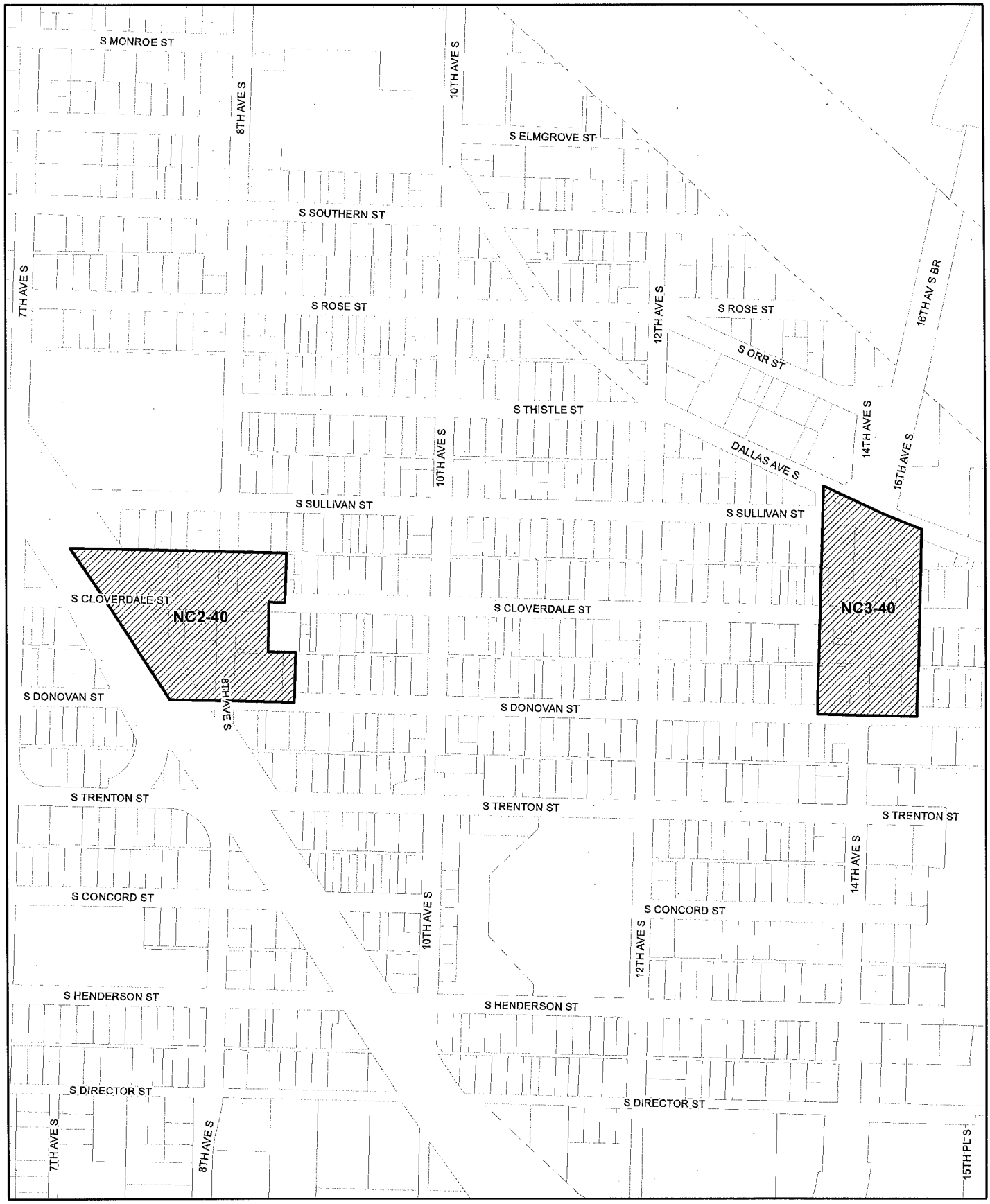
MAP 53 for 23.47A.005.C

South Park



Subject to street-level residential use limits identified in 23.47A.005.C

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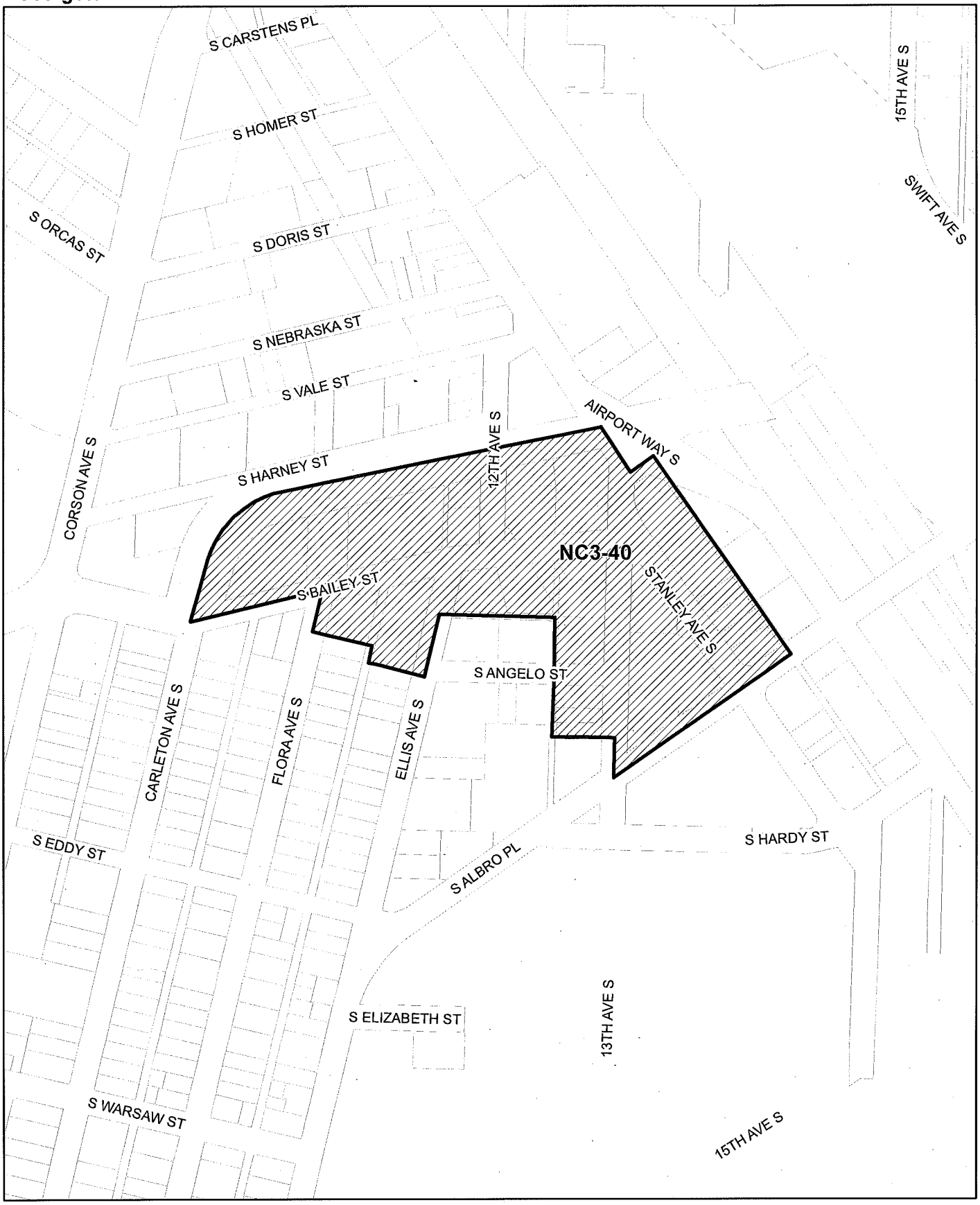
MAP 54 for 23.47A.005.C

Georgetown



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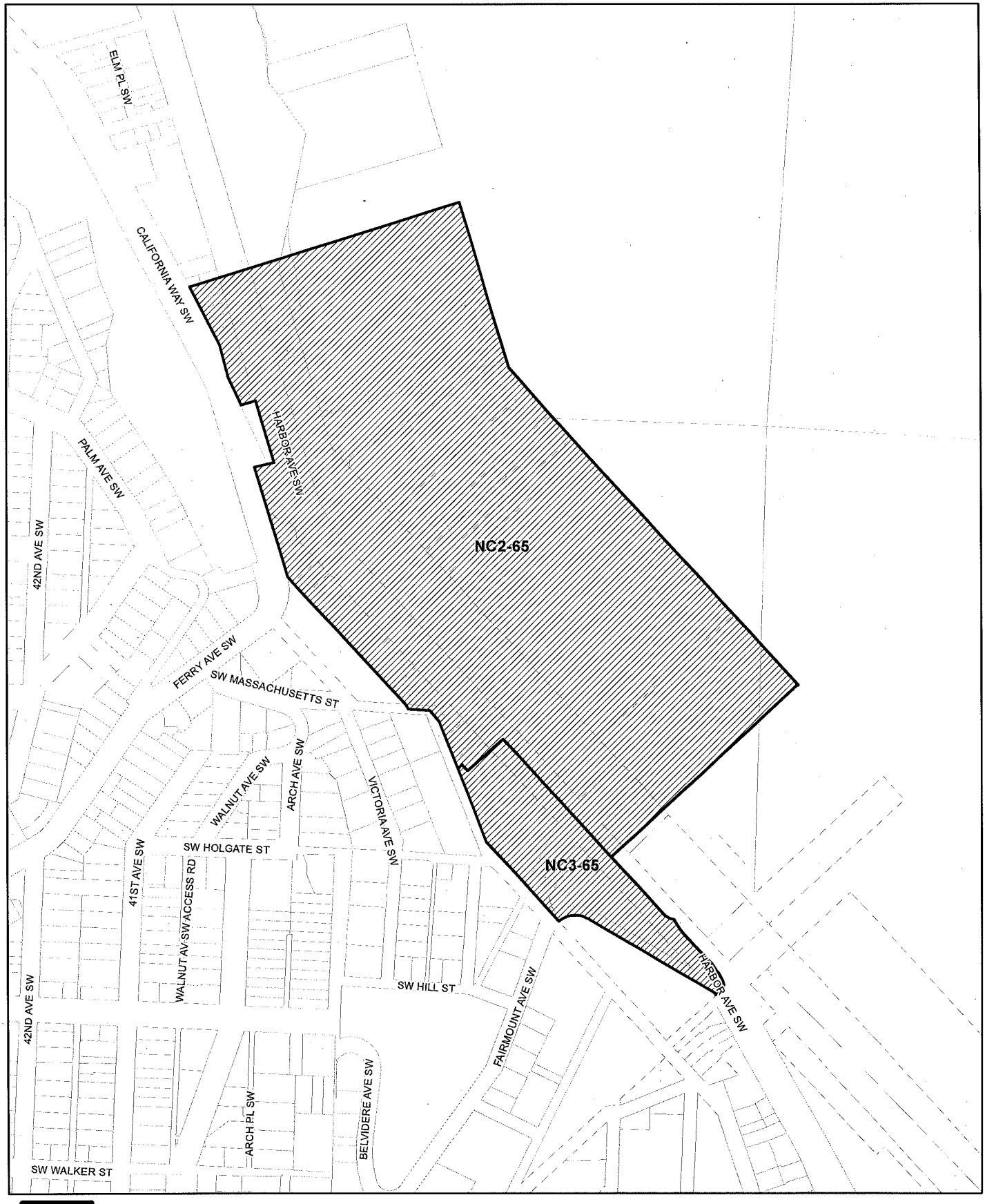
MAP 55 for 23.47A.005.C

Harbor Ave SW - north of Fairmount Ave SW



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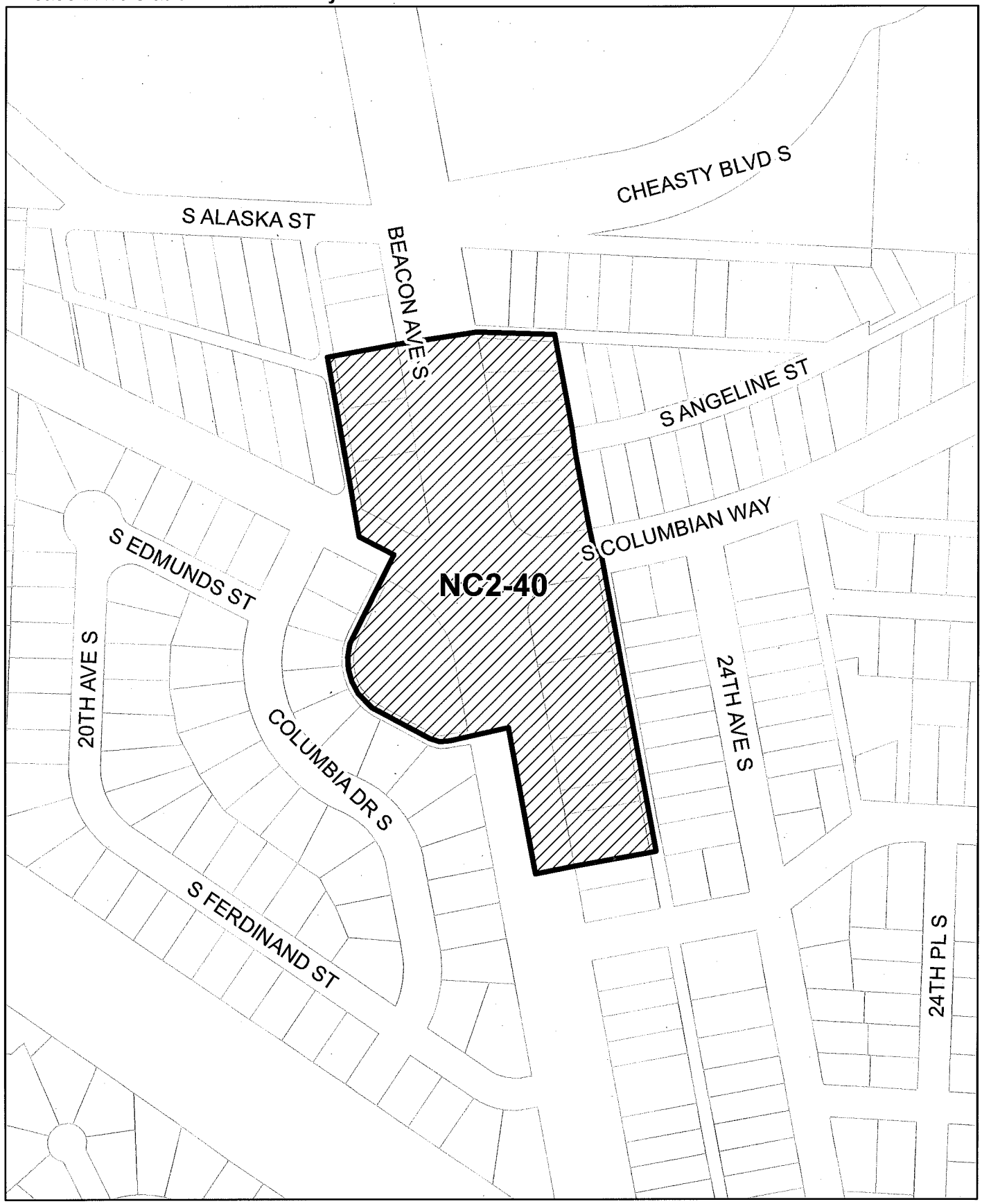
MAP 56 for 23.47A.005.C

Beacon Ave S at S Columbian Way



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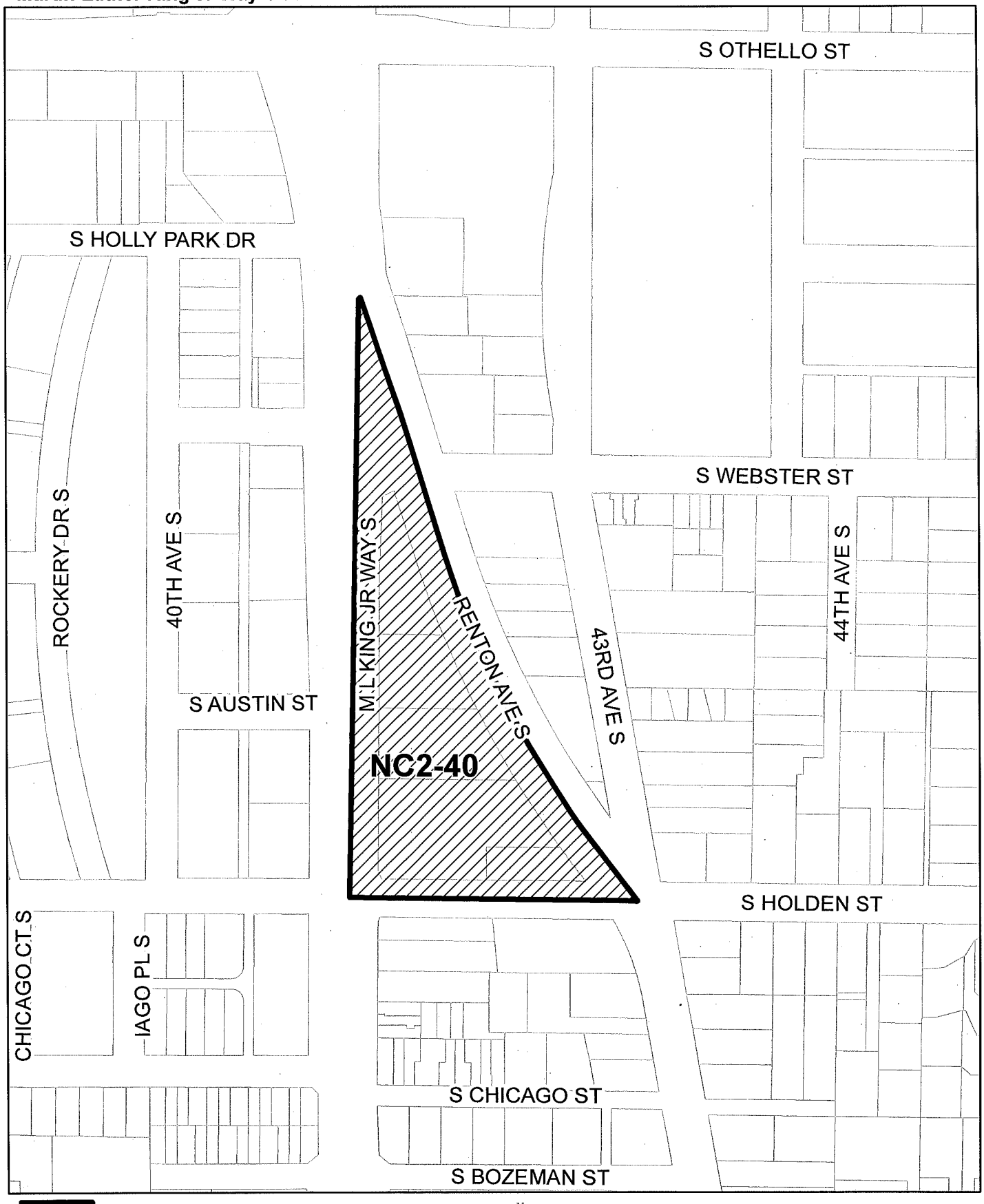
MAP 57 for 23.47A.005.C

Martin Luther King Jr Way S at S Holden St



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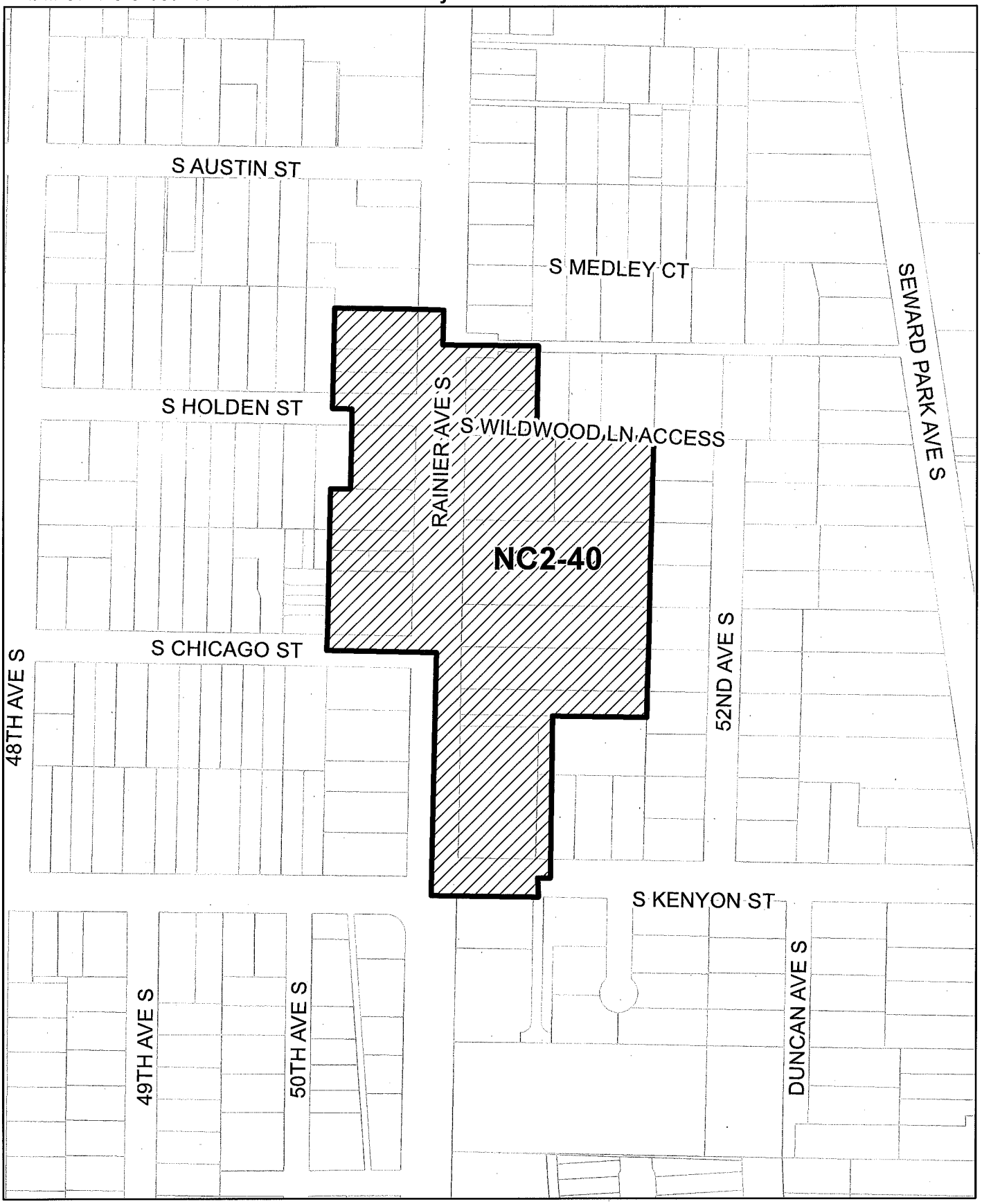
MAP 58 for 23.47A.005.C

Rainier Ave S between S Holden St and S Kenyon St



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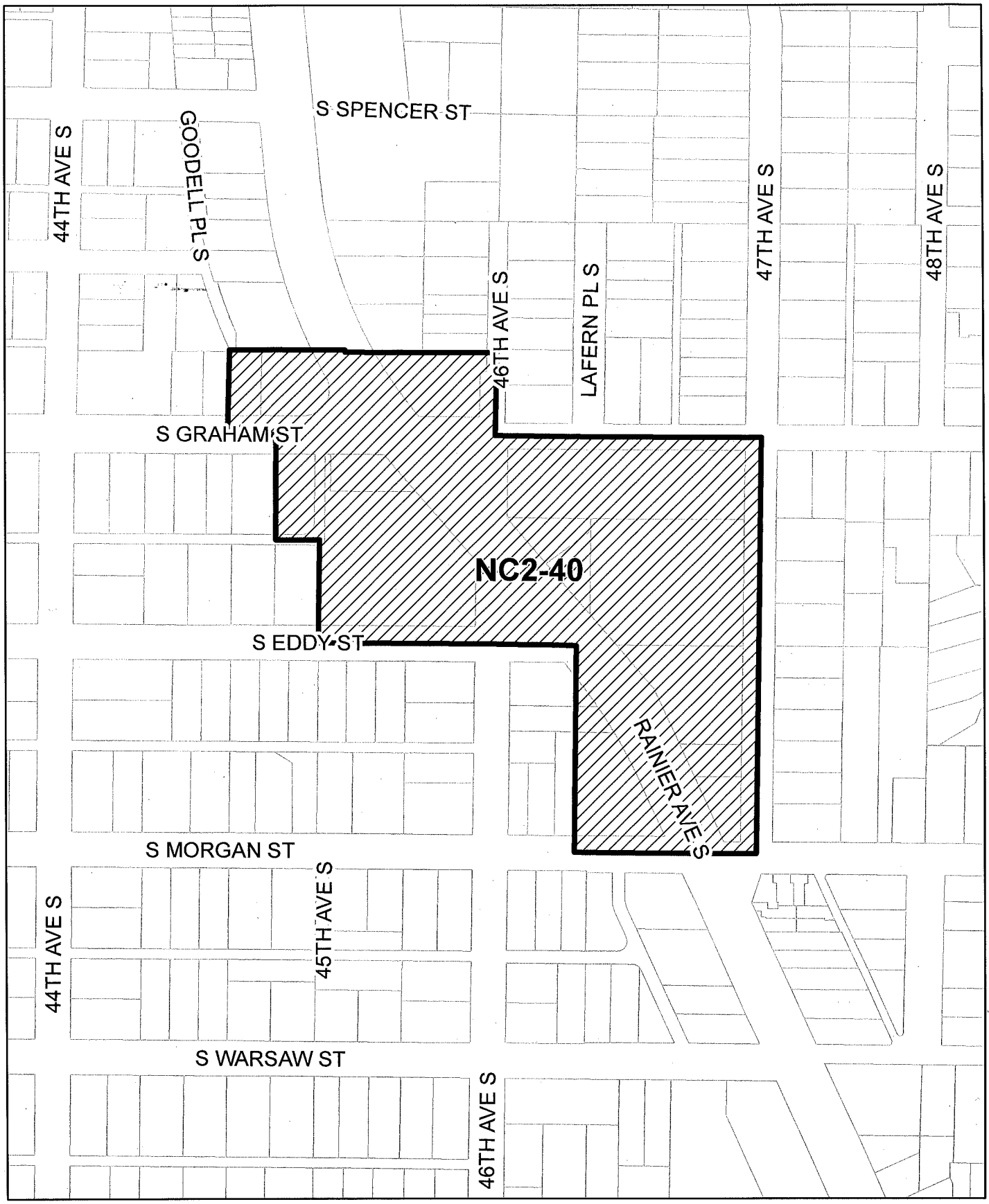
MAP 59 for 23.47A.005.C

Rainier Ave S at S Graham St



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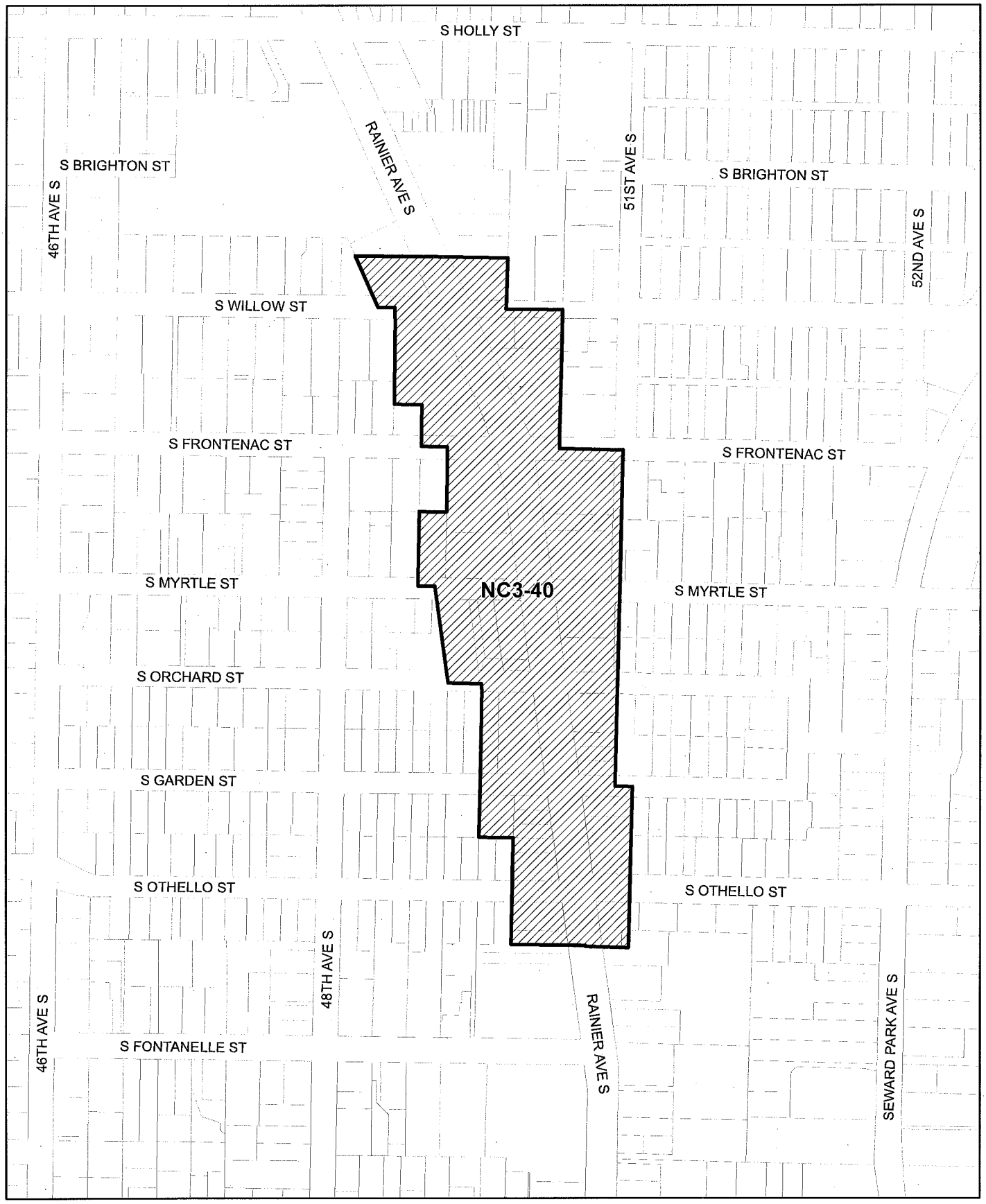
MAP 60 for 23.47A.005.C

Rainier Ave S at S Othello St



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Gordon Clowers
DPD Reg Reform FISC
February 22, 2012
Version #4

Form revised: December 6, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Gordon Clowers/4-8375	Joe Regis/6-1307

Legislation Title: An ordinance related to land use, zoning and environmental review, amending Sections 23.40.006, 23.42.040, 23.42.050, 23.44.014, 23.44.041, 23.45.504, 23.45.510, 23.45.512, 23.45.514, 23.45.518, 23.45.526, 23.45.527, 23.45.529, 23.45.532, 23.45.545, 23.47A.005, 23.47A.008, 23.54.015, 23.54.016, 23.54.020, 23.55.022, 23.76.004, 23.76.006, 23.84A.032, 23.91.002, 25.05.800 and Chapter 23.52 of the Seattle Municipal Code, and adding new Sections 23.40.035 and 23.52.008 to carry out proposals for regulatory reform.

Summary of the Legislation: The legislation is intended to encourage economic growth by providing expanded opportunities for entrepreneurship and new development, encouraging growth in Urban Centers and transit station areas consistent with the City's Comprehensive Plan. The following is a summary of key proposals:

- Increase eligible sites for detached accessory dwelling unit construction;
- Increase the duration allowed for temporary use permits, and simplify the review process;
- Increase flexibility to accommodate home-based businesses;
- Allow limited commercial uses in certain Lowrise 2 and 3 zones;
- Allow a greater presence of residential uses at the ground floor of buildings along arterials in commercial zones outside of pedestrian-designated zones;
- Clarify the capability to include accessory dwelling units in townhouses and rowhouses;
- Raise State Environmental Policy Act (SEPA) threshold levels for environmental review within Urban Centers and the Station Area Overlay District;
- Eliminate minimum parking requirements for uses in Urban Centers, the Station Area Overlay District, and areas within ¼ mile of transit routes with frequent transit service;
- Eliminate minimum parking requirements for new development in Major Institution uses in Urban Centers or the Station Area Overlay District;

Background: The legislation is an important part of the Mayor's Jobs Initiative, and it also addresses the City Council's adopted Resolution 31282 from March, 2011. The reforms are intended to update the City's codes in order to reinforce economic development objectives and stimulate economic recovery by encouraging new development, entrepreneurship and encouraging investments in Seattle. Proposed amendments would increase flexibility for a wider variety of land uses with fewer restrictions on the location or separation of uses, would encourage home-based and small startup businesses, and shorten regulatory review where it would unnecessarily delay or discourage new development. The amendments are aligned with the Comprehensive Plan's objectives to encourage infill development in urban centers and station areas.

CITY CLERK

Please check one of the following:

____ **This legislation does not have any financial implications.**

_X_ **This legislation has financial implications.**

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
The Proposal's Intended Stimulus to the Economy
The legislation is likely to induce new entrepreneurial activity and growth of small businesses as it provides expanded flexibility in codes to accommodate such activities across many parts of the city. This ranges from new start-ups based in homes to new commercial/retail opportunities where today's codes prohibit such activities.

By providing added regulatory flexibility in minimum parking requirements, accessory dwelling unit construction, and the ability to better mix uses in multifamily and commercial zones, the legislation would enhance the feasibility and cost-effectiveness of new development by the private and public sectors, and induce new construction with related job growth and economic benefits. The probable effects would include increased wages, new employment opportunities, added value in terms of affordable housing opportunities, and reinforcement of economic vitality in the city.

The proposal to eliminate minimum parking requirements in locations served by frequent transit could result in lower provision of off-street parking spaces over time as new development occurs. This may result in some greater demand for on-street parking. The indirect financial implications of this increased demand might be added parking revenues from on-street parking and parking enforcement activities.

Implications for DPD Permit Review
The legislation raises environmental review thresholds to eliminate reviews where significant adverse environmental impacts are deemed unlikely to occur or where the impact of new development is adequately addressed by City codes. Some proposed development would forego this environmental review, but would continue to undergo other required review processes including but not limited to zoning and design review.

Review of permit data indicates that the reduced volume of environmental reviews (roughly 35-40 fewer reviews per year) would not have substantial financial implications. The average time devoted to SEPA as part of development reviews is approximately 15-20 hours. Compared to typical permit volumes (roughly 700 permits per year), this reduction in one specific type of review would be relatively minor.

Reduced chargeable SEPA review activity would be mitigated, in part, by increases in zoning and building permit review attributable to new development activity spurred by the proposed legislation including: new commercial or mixed-use development,

SEA CITY CLERK

accessory dwelling units, and temporary use permits. Also, a portion of time allocated to SEPA review, perhaps up to 20-25% of typical SEPA review time, would be maintained in future DPD billings by planners' review and coordination of decision-making materials preparation such as traffic studies or managing public input.

b) What is the financial cost of not implementing the legislation?

Given the unstable footing of the economy at this time, not implementing this proposal may subject the city to increased loss of business and jobs, due to lost opportunities to stimulate new economic activity.

c) Does this legislation affect any departments besides the originating department?

No. DPD consulted with staff from the Seattle Department of Transportation (SDOT). No effects upon SDOT are anticipated.

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

No alternatives to Land Use Code regulatory reform are identified, because the proposed amendments would directly implement regulatory relief that will reduce impediments and costs to new investment, entrepreneurship and housing construction in the city.

e) Is a public hearing required for this legislation?

Yes. At least one public hearing will be held during the City Council's deliberative process.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

A "notice of environmental determination and right to appeal" was published in the Daily Journal of Commerce and the Land Use Information Bulletin on July 11, 2011.

g) Does this legislation affect a piece of property?

The legislation has broad applicability across the city, including commercial zones, multifamily zones, single-family zones and in some cases industrial zones.

h) **Other Issues:**

None anticipated.

List attachments to the fiscal note below: None

DPS CITY CLERK

City of Seattle
Office of the Mayor

February 28, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill addressing regulatory reform. This legislation, announced with City Council support in July 2011, was informed by a panel of developers, neighborhood representatives, design professionals, labor leaders, and environmentalists to reduce regulatory burdens that hinder job creation. I convened the panel as part of a broad City effort to spark innovation and entrepreneurial investment, and make it easier for businesses to be successful in Seattle.

In March, 2011 the City Council passed resolution 31282 that proposed principles to guide "economic development actions and strategies for strengthening and growing the City of Seattle's economy and creating jobs." In addition, my Jobs Plan launched last year highlights the role for regulatory reform to support job creation.

The legislation will invigorate the economy by supporting new development, entrepreneurship and investment that is consistent with our Comprehensive Plan growth strategy. By reducing barriers that hinder small business startups and increasing the flexibility for new housing and commercial development, the legislation will support individuals' efforts to participate in our city's prosperity and hasten new investments in Seattle's future. It will also promote more affordable housing and more walkable, sustainable neighborhoods particularly in urban centers and near transit stations.

We must take proactive steps to foster a thriving business climate, remove unnecessary obstacles to success, and tap the creativity and knowledge base of Seattle residents to build a 21st Century economy. Thank you for your consideration of this legislation. Should you have questions, please contact Mike Podowski at 386-1988.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcginn@seattle.gov

CITY CLERK

Gordon Clowers
DPD Reg Reform RPT
February 21, 2012
Version 1

Director's Report and Recommendations
Code Amendments – Jobs Initiative/Regulatory Reform

INTRODUCTION

The recovery from the recession has been slow in Seattle as well as across the nation. To help residents, businesses and property owners, the City has taken many steps to help get people back to work. Mayor McGinn published the Seattle Jobs Plan in August 2010. Further, to state its intent and guide future action, the City Council adopted Resolution 31282 in March, 2011. The resolution contains guiding principles for strengthening and growing Seattle's economy and creating jobs. Those principles include:

- Quality of life;
- Resilient and sustainable local economy;
- Collaboration and civic leadership;
- Hospitable and responsive business climate; and
- Infrastructure investment.

In keeping with those principles, a group of business, environmental, and neighborhood leaders met to develop proposals for regulatory reform that will support sustainability and economic development in particular. They presented their proposals to the Mayor in a letter in June, 2011. The letter in part states that:

> "*The group shares those principles* (from Resolution 31282) *and believes that sustainable choices can also help foster economic renewal, especially as part of long-term regulatory reform.*"

In response to the group's ideas for immediate changes to get people back to work and jump-start development by simplifying regulations, amendments to the Land Use Code (Title 23) and Environmental Policies and Procedures (Chapter 25.05) are proposed as summarized below:

Encourage Home-Based Businesses

- Allow property owners to conduct home-based businesses in legal principal or accessory structures, including in accessory dwelling units (ADUs), as long as impacts are avoided on other properties.
- Allow structure alterations in keeping with zone standards.
- Allow advertising on the internet, but continue with the current practice of requiring customer visits by appointment only.
- Allow up to 2 non-resident employees (currently limited to one).

Expand Options for Accessory Dwelling Units (ADUs)

- Allow detached ADUs on through lots (lots that front two streets), in locations most comparable to rear yards.

- Allow more flexibility for the height of detached ADUs.
- Clarify that ADUs are allowed with various housing types (including townhouses, rowhouses and at ground-level in housing in NC zones).

Concentrate Street-Level Commercial Uses in Pedestrian (P)-Zones

- Focus street-level commercial use requirement in Pedestrian (P) zones, to support walkable districts, while increasing development flexibility at the street level elsewhere.
- Allow greater flexibility on approximately 80% of Commercial (C) & Neighborhood Commercial (NC) zoned frontage on arterials throughout the city, compared with the current requirement for predominantly commercial uses on all arterial frontages.
- Maintain current street-level standards for new development, which apply depending on use, such as transparency and 13-foot ceiling height requirements for nonresidential and live-work uses, and setback or height separation of residential floor levels from the sidewalk for residential uses.

Allow Small Commercial Uses in Certain Multifamily Zones

- Allow ground-floor commercial uses in Lowrise 2 and 3 zones that are within urban centers or station area overlays (with the same permitted uses, signage as in Midrise and Highrise zones).
- Apply 2,500 square foot limit to all non-residential uses including grocery/drug stores.
- Limit outdoor seating to 10 PM.
- Clarify development standards (such as setbacks) for newly allowed non-residential uses in mixed-use and single-purpose commercial development in LR zones.
- Allow ground-floor commercial uses in all Midrise zones (no longer limited to locations within 800 feet of a neighborhood commercial zone).

Expand Temporary Uses

- Extend maximum length of temporary use permits from 6 months to up to 18 months (to be consistent with building code time period), and convert these reviews to a non-appealable Type 1 permit (rather than Type 2 appealable permit).

Reduce and Eliminate Some Parking Requirements

- Extend no-minimum-parking requirements for residential and non-residential uses (currently applicable to urban centers, the Station Area Overlay District, and residential uses in Urban Villages) to all other areas where frequent transit service is available within ¼ mile.
- Define minimum parking requirements for major institutions that are the same as other nonresidential uses in urban centers.

Change Environmental (SEPA) Review Thresholds

- Encourage infill residential and mixed-use growth in urban centers & the Station Area Overlay District by increasing environmental review thresholds to 200 dwelling units (250 in the Downtown Urban Center), and 75,000 sq. ft. for commercial uses in mixed-use development.
- Codify conditioning authority for transportation analysis and mitigation in the Land Use Code.

Miscellaneous

- Correction of inadvertent errors and omissions from recent ordinances, addressing topics including rental housing demolition provisions, parking for multifamily development for the elderly, and the listing of certain Master Use Permit decision types.

BACKGROUND

The City has already amended the Land Use Code several times since 2007 to help improve the local economy. This includes legislation:

- Extending the life of Master Use Permits;
- Permitting active uses on vacant and underused lots;
- Allowing temporary park and ride lots for light rail parking; and
- Allowing mobile food vending.

The current proposal is consistent with these other efforts. The desired outcomes of this proposal are to reinforce and improve Seattle's greatest assets and create a community that is more vibrant, in terms of:

- An invigorated and sustainable economy that encourages innovation;
- An open environment that fully supports investment and entrepreneurship;
- Safe, walkable, and livable neighborhoods;
- Land use rules that support accessible and efficient transit systems;
- A wide array of desirable and affordable housing options; and
- A high-quality sustainable natural environment.

This proposal sensibly reinforces the City's intent to grow economically over the long term and it helps people weather the current difficult economy in three important ways:

1) ***Helps get people back to work - encourages entrepreneurship and new business development:***

The proposal helps people who are unemployed to re-enter the workforce by working from their own home or other structures on their single family zoned property. In addition, the economy is evolving toward creating new enterprises that begin as sole proprietors or small partnerships and grow into large employers over time. The proposal is to make the home occupation rules more flexible to accommodate these startups and encourage their growth within appropriate limits for a business that is still incidental to the residential use. Also, enabling temporary uses for other small business ventures such as "pop-up" retail, and other commercial uses in certain multifamily zones in urban centers and the Station Area Overlay District, will encourage economic growth and help enliven intended growth centers that are already supported by transportation investments.

2) Promotes flexibility in the Land Use Code to foster innovation, improve efficiency and eliminates unnecessary reviews:

By allowing more diverse mixes of uses in multifamily zones, and otherwise providing more flexibility and choice for developers in how to design their buildings in commercial zones, the proposal would encourage new building investments that are more innovative, efficient and in line with today's needs. By focusing environmental review according to the State Environmental Policy Act (SEPA) only on projects that have the potential to adversely impact the environment, we will further encourage new growth and infill development in urban centers and Station Area Overlay District where it is best able to be accommodated. In these areas the City would continue to make use of the other detailed codes and processes already in place to mitigate impacts, and benefit from other recent programmatic SEPA impact studies that effectively fulfill environmental review purposes.

3) Jumpstarts new housing opportunities - encourages new investment in affordable housing:

The proposal enables attached and detached accessory dwelling units to be built in a greater variety of residential lots across the city, in some cases with a more flexible height envelope. This will encourage development of housing that is more affordable, providing more options for households while continuing to promote development that is a good fit in neighborhoods, and jobs in the community.

ANALYSIS

Encourage Home-Based Businesses

The proposal updates rules addressing home-based businesses to recognize and encourage the emerging trend of small business startups in the home that will grow and meaningfully contribute to area employment and economic growth. Home-based businesses are permitted as an accessory use subject to the standards of Section 23.42.050 in the Land Use Code and the standards of the applicable zone. Home-based businesses are currently allowed wherever residential use is permitted (for example in single-family and multifamily zones and for the residential portion of mixed-use development in commercial and downtown zones).

The amendments would allow more flexibility for home-based businesses, as follows:

- Allow them to be located in any legal structure on a property (currently home occupations are only allowed in the main home or in an accessory dwelling unit);
- Allow additions and alterations to structures, as long as the standards of the applicable zone are met;
- Allow them to advertise the location of a home-based business, on the internet for example, but retain existing limitations on exterior identifying signs (no advertising is currently allowed, even on the internet); and
- Allow up to two non-resident employees (one is currently allowed).

The proposal to allow advertising is essential to attracting customers and growing a business in the local and broader marketplace. In many cases, customers may be served electronically without a need to visit the business location. Allowing the business to employ up to two non-residents will give flexibility for a business to grow a limited amount, while it also strengthens our local economy by supporting city residents' livelihoods. These elements will help foster a more predictable and supportive environment for small businesses to start and grow in homes.

Home-based businesses will continue to be required to avoid creating spillover effects on adjacent properties such as odors, dust, smoke, light/glare, excessive noise, substantial traffic or other similar impacts to adjacent properties. Overall, the several proposed code clarifications will reasonably enhance the ability for home businesses to start and operate while also making the standards easier to use and enforce.

Expand Options for Accessory Dwelling Units (ADUs)

The proposal would improve the Land Use Code's flexibility to accommodate accessory dwelling units, thus providing more opportunity for affordable housing to be creatively built across the city. The amendments would:

- Allow backyard cottages (detached accessory dwelling units) on "through lots" – those with opposite ends bordering on two streets — in the yard that is most like a rear yard;
- Adjust height limits for backyard cottages, which overly restrict height particularly when there is a sloping back yard; and
- Clarify that certain multifamily housing types such as rowhouses and townhouses may include accessory dwellings within them (one per each principal dwelling regardless of the kind of lot) or in an accessory structure, to provide additional housing options.

The proposal adds "through lots" as eligible for construction of backyard cottages. While they typically can be categorized as having "front" and "back" yards based on surrounding development patterns, the current land use code classifies both yards as "front" yards. The proposal is to allow a cottage to be located in the yard that functions most like a rear yard.

Another proposed change would remove a limitation on the height of a backyard cottage to be no more than 15 feet higher than the height of the primary house. Heights for backyard cottages would still be limited to 15 to 23 feet, depending upon the width of the lot and the roof type. The current limitation tied to the height of the primary house penalizes the siting of cottages on lots where the rear yard slopes up from where the primary house is located. In addition, many existing primary houses are lower than the 30 feet allowed in the zone, which leads to an overly restrictive height limit for backyard cottages. Review of DPD's 2011 annual report on backyard cottage development indicates that the more restrictive height limit provision is of limited use because most cottages are generally built in scale with the existing houses, even when the cottage is built above a garage.

In addition, the proposal would clarify the code's definitions of townhouses and rowhouses to allow for an ADU to be present, one for each principal dwelling unit of such a structure. Amendments are necessary to properly authorize them on all kinds of lots, including those in "unit lot subdivisions."

While these changes would each affect only a relatively modest range of situations, they will provide more flexibility to encourage and achieve more affordable housing choices to serve households at many income levels.

Concentrate Street-level Commercial Uses in Pedestrian (P) Zones

The City has designated numerous (approximately 40) pedestrian "P" zone overlay districts that have significant value as current or future pedestrian-friendly environments. These areas are neighborhood commercial centers where ground-floor commercial uses and pedestrian-oriented development standards (transparency requirements, blank wall limits, etc.) are required to help maintain active street fronts. Consistent with neighborhood plans, the predominant commercial use requirements at street-level would also continue to apply within the Bitter Lake and Lake City Urban Villages (per adopted neighborhood plans), and would continue in NC1 zones, and in commercial zones with height limits of 85 feet or higher.

The proposal provides more flexibility in ground-floor uses in non-pedestrian designated commercial areas. The proposed removal of the restrictive ground-floor use rules (requiring commercial uses along 80% of a property's street-level facades) will benefit approximately 82% of the city's commercial-zoned property frontage along arterials. This should increase the economic feasibility and attractiveness of many properties for infill residential development or more varied mixes of residential and commercial uses, where the market for commercial uses currently is limited. Currently, the ground-floor commercial use requirement applies extensively across the city, regardless of a property's economic viability for such uses. The effect in some neighborhoods has been commercial spaces that sit vacant or underused. The proposal allows more flexibility to respond to the market and the specifics of a particular location, and will also improve economic feasibility to develop by allowing for more cost-efficient and space-efficient building designs (also helped in some locations by no minimum parking requirements).

Development standards for street-level uses in new development, including those that apply to commercial uses, live-work spaces, and residential uses in non-pedestrian-designated commercial zones, will continue to apply, ensuring visually interesting and engaging streetscapes.

Allow Small Commercial Uses in Certain Multifamily Zones

The proposal would promote mixed-use development in certain Lowrise 2 and Lowrise 3 (LR2 and LR3) zones in urban centers and the Station Area Overlay District by allowing small commercial uses to locate at the ground floor of buildings. This would be similar to the current allowances in Midrise (MR) and Highrise (HR) zones. The proposal is intended to continue to emphasize the residential character, but allow greater flexibility for a mixing of uses, adding to

the vibrancy of areas where future growth and infill development is anticipated. This would facilitate improved access to goods and services without the need to drive.

The amendments would allow more flexibility for commercial uses to be located in multifamily zones as follows:

- Allow compatible commercial uses at street-level in LR2 and LR3 zones in urban centers and the Station Area Overlay District: retail sales and service, business support services, office, restaurant, medical services, food processing, and craft work and live-work uses.
- Allow commercial uses in MR zones throughout the city (current provisions limit commercial uses to MR zoned lots that are within 800 feet of a neighborhood commercial zone); and
- Apply a maximum size per business establishment of 2,500 square feet, and a limitation against outdoor uses after 10 PM.

The proposal expands upon Seattle's longstanding use of zoning to encourage mixed-use communities with an active pedestrian orientation, particularly in areas well served by transit. While the neighborhood commercial zones (and to a lesser extent, MR and HR zones) have been the primary places for mixed-use development, LR2 and LR3 zones can also contribute to the evolution of preferred growth centers, including light rail station areas, into more interesting and active places that are also supportive of and conducive to small businesses and entrepreneurship. Ideally, the added flexibility to design innovative new forms of mixed-use development will foster the near-term construction of varied new developments, small and large, that will provide exciting new living and shopping opportunities.

Expand Temporary Uses

Business startups and micro-businesses are playing an increasingly important role in today's economy. The City's rules are evolving, but are not currently flexible enough to easily accommodate events and temporary uses that would add to the community and would support entrepreneurial opportunities. Adjustments that would ease the process of obtaining temporary use permits would foster opportunities for those wishing to create and promote new products and services. Such changes would provide greater flexibility in permitting, while still providing for DPD review to help ensure that such activities fit in with their surroundings. Reviews will continue to use the same criteria that require protection of the safety and welfare of the public and adjacent properties (see Section 23.42.040 of the Land Use Code).

The amendments would allow more flexibility for small businesses as follows:

- Allow for a simpler non-appealable (Type I) permit for temporary uses, lasting up to 18 months (currently these temporary use permits are appealable [Type II] and have a maximum term of six months).

Providing for longer temporary use permits would empower individuals to try a business venture, starting small, perhaps filling a niche that is not well-served. This, in combination with the

proposal to allow small commercial activities in Lowrise 2 and 3 (LR2 and LR3) zones within urban centers and Station Area Overlay District, could result in the creation of newly enlivened districts within these areas where denser growth and vital neighborhoods are already encouraged by the City's growth policies.

Reduce and Eliminate Some Parking Requirements

The amendments would allow more flexibility for developers to provide parking, in amounts tailored to the intended users of new development, as follows:

- Extend no-minimum-parking requirements for residential and non-residential uses (currently applicable to urban centers, the Station Area Overlay District, and residential uses in Urban Villages) to all other areas where frequent transit service is available within ¼ mile.
- Similar to other uses, extend a no-minimum-parking requirement to Major Institution properties located in urban centers or Station Area Overlay District.

The proposed reductions in minimum parking levels would recognize the benefits provided by improved transit service for residents to move around the city conveniently, especially in those areas where transit service is frequent. As trends toward less automobile ownership continue over time, more residents will fulfill their needs with local services and/or will travel via transit to urban centers and villages, and there will be less demand for large quantities of parking for residences, businesses and places of employment. National survey data shows that automobiles are owned and used less frequently by younger households, as well as in households in Seattle's growth areas (U.S. Census, 2000) and in areas well served by transit.

Due to these trends, the City's minimum parking requirements should be reduced and made more flexible to allow parking provision as the market demands. These efficiencies will also be instrumental in encouraging new development. Due to the high costs of constructing new parking spaces (up to roughly $30,000-$40,000 per space) and the challenges it poses in designing new buildings on in-city properties, the proposal will provide significant added flexibility and cost savings in future development, thereby encouraging new development and investment.

Major Institutions located in urban centers or the Station Area Overlay District are also proposed to be able to determine the most appropriate parking requirement based on the needs of their employees and clients, and in light of frequent transit service in these areas. Particularly where land and institutional development opportunities are already constrained by their property and their master plan, a Major Institution in an urban center should not be required to provide additional parking that will not be needed, will be increasingly expensive to provide within new development sites, and may result in the need to further expand institution boundaries. These Major Institutions are subject to transportation management program (TMP) requirements, which are already effective in influencing the travel choices of institutional employees. The institutions' Master Plans do not include commitments to specific predefined amounts of parking to serve future development projects, so no conflicts with Master Plans are likely. Taken together, the ability to provide less parking based on anticipated need rather than a set code requirement,

continued TMP expectations, parking pricing for on-street and off-street parking, continuation of current on-street parking control methods (including metering and residential parking zones), and availability of alternative means of transportation, will be effective in preventing significant spillover parking.

Change Environmental (SEPA) Review Thresholds

The State Environmental Policy Act (SEPA) review threshold ("categorical exemption" level) is the level above which significant adverse environmental impacts are considered possible, which means that a SEPA determination must be made. In the past, Seattle and other jurisdictions counted on SEPA authority to address topics for which codes did not provide sufficient protections.

As the City's codes have evolved in recent decades, there is less need to employ SEPA authority because other codes effectively mitigate the potential for significant adverse impacts. Relevant policies and codes include: comprehensive plan policies, environmental critical areas rules, shoreline rules, grading and drainage codes, stormwater regulations, parking codes, design review, land use/zoning code, noise codes, transportation mitigation programs, energy code, building code and historic preservation policies.

In addition, Seattle's planning efforts are increasingly emphasizing actions that promote infill development in designated growth centers, as favored by growth management objectives in the Comprehensive Plan. In recent years, the State Legislature also has produced a number of bills to streamline SEPA review, adopting legislation in 2003 that allows exemption of infill residential and mixed-use development in urban growth areas from SEPA review. Seattle's urban centers and station areas (at a minimum) meet the criteria for this exemption opportunity, and raising SEPA thresholds, as was more modestly done in 2008, is warranted.

The proposal is to exempt from SEPA residential and mixed-use developments up to 200-250 dwelling units in urban centers and Station Areas. Similarly, the proposal is to exempt non-residential space up to 75,000 square feet in size when part of a mixed-use development. These threshold levels would reorient SEPA review to continue to identify sizes of projects that might realistically generate significant adverse environmental impacts, thus creating a need for a SEPA evaluation and possible impact-mitigating measures. The proposal would represent a better interpretation of where such impacts are possible in urban center and station areas where the City's comprehensive plan policies and strategies already encourage the most growth to occur. The SEPA thresholds would be as shown in the following tables.

Proposed SEPA Categorical Exemption Levels
(Revisions shown in strike and underline)

Exemptions for Residential Uses		
Zone	**Number of Exempt Dwelling Units**	
	Outside of Urban Centers and SAOD	**Within Urban Centers or SAOD**
SF, RSL	4	4
LR1	4	((~~6~~))200
LR2	6	((~~30~~))200
LR3	8	((~~30~~))200
NC1, NC2, NC3, C1, C2	4	((~~30~~))200
MR, HR, SM	20	((~~30~~))200
Downtown zones	Not Applicable	((~~80~~))250
Industrial zones	4	4
SAOD = Station Area Overlay Districts.		

Exemptions for Non-Residential Uses		
Zone	**Exempt Area of Use (square feet of gross floor area)**	
	Outside of Urban Centers and SAOD	**Within Urban Centers or SAOD**
SF, RSL, LR1	4,000	4,000
LR2, LR3	4,000	((~~4,000~~))12,000 or 75,000
MR, HR, NC1, NC2, NC3	4,000	12,000 or 75,000
C1, C2, SM zones	12,000	12,000 or 75,000
Industrial zones	12,000	12,000
Downtown zones	Not Applicable	12,000 or 75,000
SAOD = Station Area Overlay Districts.		

Research of Seattle development from 1995-2010 confirms that permitting decisions have used SEPA's impact mitigation authority primarily for modestly-defined mitigation purposes or have referenced other construction noise and transportation code requirements. Review of extensive numbers of residential and mixed-use development projects shows that controls on construction

activities were the most frequent topic of mitigation measures, but that other categories of long-term environmental impacts were only incidentally or rarely identified as warranting mitigation, within the range of project sizes that are affected by this proposal.

The research also indicates that approximately 35 to 40 development projects per year could benefit from the proposed SEPA threshold levels. This is interpreted to be the mid-range of development project sizes in Seattle – the proposed thresholds would still be required for the largest developments. These changes would likely provide an incentive for infill development within these growth areas, due to a reduction in permitting costs, times and uncertainty risks. Such projects would still be subject to Design Review processes in nearly every case, which would continue to be the best venue to effectively address design-related concerns.

Transportation impacts are the most apparent type of impact evaluation that could warrant continued review, due to the potential for individual future developments' contributions to add to local traffic congestion, and the possible need for future conditioning. As a result, the proposal includes the codification of the City's ability to continue to require a transportation study (for a certain size category of development projects) that would examine traffic generation and other non-automobile transportation factors. These new rules would continue to allow conditioning of future developments to mitigate identified adverse effects, and would continue to allow an applicant to voluntarily participate in traffic mitigation payment programs that currently apply in the Northgate and South Lake Union areas.

Another reason for the SEPA thresholds to be adjusted is that Seattle has also expanded its efforts to more comprehensively evaluate the impacts of future growth at a subarea level, which provides a broader and more thorough perspective on the effects of growth. Examples from the past 10 years include environmental impact statements for broad rezones of Downtown and South Downtown, Northgate and South Lake Union. These evaluations provide a more holistic perspective on growth impacts and fit better with current local and regional growth management perspectives that are advanced by our Comprehensive Plan because they support efficient development permitting that aids in directing growth toward urban centers.

Miscellaneous

Correct Inadvertent Errors and Omissions

Various minor amendments are included to restore Code language that was inadvertently omitted in recent ordinances. They would restore details relevant to protections controlling demolition of rental housing, as well as parking for multifamily development for the elderly, and consistency in description of certain master use permit decision types, thus improving the code's accuracy and consistency.

RECOMMENDATION

The DPD Director recommends adoption of the proposed amendments. This proposal would help further the principles presented in City Council Resolution 31282 that are shared by a group of business, environmental, and neighborhood leaders who met to develop this proposal for regulatory reform. This will help support sustainability and economic development consistent with growth strategies in the City's Comprehensive Plan.

The proposed code amendments are anticipated to be instrumental in spurring innovation, getting people back to work, helping to jump-start housing development by simplifying regulations, and lowering hurdles for families who need jobs in these economic times. The proposals are intended to expand housing production and result in a greater variety of affordable housing opportunities, by simplifying rules, increasing flexibility, and significantly improving the cost, efficiency, and ease of new development.