Lyle Bicknell, Brennon Staley

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning, amending the Official Land Use Map at pages 133 and 145 to rezone land in the North Rainier Hub Urban Village and expand the boundaries of the Mount Baker Station Area Overlay District; and amending Sections 23.48.004, 23.48.009, 23.48.011, 23.48.012, 23.48.014, 23.48.024, 23.48.034, 23.58A.040, and 23.84A.048 and adding a new section 23.61.018 to describe bonus provisions for additional floor area within the Mount Baker Station Area Overlay District, implement standards for a Mount Baker Overlay District Special Standards Area, change the definition of "Zone, residential" to include SM\R, and modify and add maps for Chapter 23.48.

WHEREAS, on September 27, 1999, the City Council adopted Resolution 29976 recognizing the North Rainier Neighborhood Plan and approving the City's work program in response to the Plan;

WHEREAS, in September 2008, the City Council passed Ordinance 122799 and adopted Resolution 31085, that collectively outlined a process for updating the City's neighborhood plans and placed a priority on updating plans in neighborhoods containing transit stations; and

WHEREAS, Ordinance 122799 prioritized the North Beacon Hill, North Rainier and Othello Neighborhood Plans for updates to capitalize on the opening of light rail stations in these neighborhoods in 2009; and

WHEREAS, throughout 2009, the Department of Planning and Development (DPD) and Department of Neighborhoods (DON) conducted significant public outreach, including to historically underrepresented communities, in the North Beacon Hill, North Rainier, and Othello neighborhoods; and

WHEREAS, over 1600 City of Seattle residents played an integral role in neighborhood planning for these three neighborhoods, as evidenced by over 100 public workshops and meetings, that resulted in proposals to update neighborhood plans; and

WHEREAS, on April 19, 2010, the City Council adopted Resolution 31204 outlining specific actions, deliverables, and a schedule for completing neighborhood plan updates for the North Beacon Hill, North Rainier, and Othello neighborhoods; and

WHEREAS, broad community commitment to updating neighborhood plans was shown in May 2010, when 169 people, including 47 from historically underrepresented communities, attended Town Hall meetings, and 136 participated through a web survey to prioritize strategies and actions to implement neighborhood priorities; and

WHEREAS, on October 4, 2010, the City Council adopted Resolution 31247 recognizing the extensive efforts of the North Rainier neighborhood to update their vision and plan for the future; approving an action plan for the neighborhood and City to undertake actions to advance neighborhood priorities; and authorizing the submittal of proposed amendments to the North Rainier Neighborhood Plan for consideration as part of the Comprehensive Plan amendment process; and

WHEREAS, in 2011, an Urban Design Framework was prepared for the Mount Baker town center; and

WHEREAS the proposed rezone meets the Land Use Code rezone criteria contained in Chapter 23.34, Amendments to Official Land Use Map (Rezones);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone certain land shown on pages 133 and 145 of the Official Land Use Map and to expand the boundaries of the Mount Baker Station Area Overlay District, all as shown on Exhibit A and Exhibit B attached to this ordinance.

Section 2. Section 23.48.004 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.48.004 Uses

* * *

D. Required street-level uses

1. One or more of the uses listed in this subsection 23.48.004.D are required at street-level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Maps A and B for 23.48.014, except as required in subsection 23.48.004.D.3. The following uses qualify as required street-level uses:

a. General sales and service uses;

b. Eating and drinking establishments;

c. Entertainment uses;

d. Public libraries;

e. Public parks; and

f. Arts facilities

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.014.E.

3. Within the SM 160/85-240 zone, for development meeting the standards in subsection 23.48.017.B, structures with a street-facing facade along 8th Avenue N. or a designated neighborhood green street (Map A for 23.48.014) shall have a minimum of 10 percent of the length of the street-level portion of that street-facing facade occupied by general sales and service uses, eating and drinking establishments, or entertainment uses, that shall meet the development standards for required street-level uses in subsection 23.48.014.E.

Section 3. Section 23.48.009 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.48.009 Floor area ratio

A. General provisions

1. All gross floor area not exempt under subsection 23.48.009.D counts toward the maximum gross floor area allowed under the floor area ratio (FAR) limits.

2. The applicable FAR limit applies to the total non-exempt gross floor area of all structures on the lot.

3. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone.

B. Floor Area Ratio (FAR) limits in SM zones

1. Except as otherwise specified in this subsection 23.48.009.B, FAR limits in SM zones exclusive of specified SM zones within the South Lake Union Urban Center are as shown in Table A for 23.48.009((÷)).

Table A for 23.48.009 Floor Area Ratios in Seattle Mixed Zones, excluding specified SM zones within the South Lake Union Urban Center		
ZONE	**Base FAR for all uses**	**Maximum FAR for all uses**
SM 40	3	3.5
SM 65	3.5	5
SM 85	4.5 (1)	6 (1)
SM 125	5	8
SM 160	5	9
SM 240	6	13
SM/R 55/75	NA	NA
SM/D 40-85	NA	NA
Footnotes for Table A for 23.48.009: NA (not applicable) refers to zones where uses are not subject to an FAR limit. (1) Within the area shown on Map A for 23.48.009, all gross floor area occupied by a residential use is exempt from FAR calculations.		

2. Except as otherwise specified in this subsection 23.48.009.B, FAR limits for specified SM zones within the South Lake Union Urban Center are as shown in Table B for 23.48.009.

Table B for 23.48.009 FAR ((~~L~~))limits for ((~~S~~))specified ((~~Z~~))zones in South Lake Union Urban Center			
Zone	**FAR limits for nonresidential uses**		**Maximum FAR for structures that do not exceed the base residential height limit and include any residential use.**
	Base FAR	**Maximum FAR**	
SM 85/65-125	4.5	6	4.5
SM 85/65-160	4.5	7	4.5
SM 160/85-240	4.5*	7	6
SM 85-240	0.5	NA	6
SM 240/125-400	5*	7	10
*In the SM 160/85-240, and SM 240/125-400 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting conditions of 23.48.009.B.4.			

3. FAR for development including a mix of residential and nonresidential uses.

a. For zones included on Table B for 23.48.009, development including a mix of nonresidential uses and residential uses that do not exceed the base height limit for residential use shall:

1) obtain extra floor area for any chargeable nonresidential floor area above the base FAR for nonresidential uses as prescribed in((~~in~~))Table B for 23.48.009; and

2) not exceed the lower of the maximum FAR for nonresidential uses in Table B of 23.48.009 or the maximum FAR for structures that do not exceed the base height limit and include any residential use in Table B of 23.48.009.

* * *

9. Within zones that have an incentive zoning suffix, the number in the suffix shall be the base floor area ratio.

* * *

Section 4. Section 23.48.011 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.48.011 Extra floor area in Seattle Mixed ((~~Z~~))zones

A. General

1. Developments containing extra floor area obtained under Sections 23.48.009 or 23.48.010 shall provide public amenities according to the standards of this Section 23.48.011 and Chapter 23.58A. If the development is not located within an adopted Local Infrastructure Project Area, extra floor area shall be achieved through the requirements of subsection 23.48.011.B. If the development is located within an adopted Local Infrastructure Project Area, extra floor area shall be achieved through the requirements of subsection 23.48.011.C.

2. Definitions in Section 23.58A.004 apply in this Section 23.48.011 unless otherwise specified.

B. Calculation outside of an adopted Local Infrastructure Project Area

1. Means to achieve extra residential floor area.

a. If the maximum height limit for residential use is 85 feet or lower or the lot is located outside of the South Lake Union Urban Center and the Mount Baker Station Area Overlay District, the applicant shall use bonus residential floor area for affordable housing pursuant to Section 23.58A.014 to achieve all extra residential floor area on the lot.

b. If the maximum height limit for nonresidential use is greater than 85 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

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

((~~b.~~))2) achieve 40 percent of the extra residential floor area by using open space transferable development potential or Landmark transferable development potential pursuant to subsection 23.48.011.D and Section 23.58A.042.

c. If the maximum height limit for residential use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

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

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

2. Means to achieve extra nonresidential floor area.

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

b. If the maximum height limit for nonresidential use is greater than 85 feet and the lot is located in the South Lake Union Urban Center, the applicant shall:

((~~a.~~))1) achieve 75 percent of the extra nonresidential floor area on the lot by using bonus nonresidential floor area for affordable housing and child care pursuant to Section 23.58A.024, or housing transferable development rights pursuant to subsection 23.48.011.D and Section 23.58A.042, or both.

((~~b.~~))2) achieve 25 percent of the extra nonresidential floor area by using open space transferable development rights or Landmark transferable development rights pursuant to subsection 23.48.011.D and Section 23.58A.042.

c. If the maximum height limit for nonresidential use is greater than 85 feet and the lot is located in the Mount Baker Station Area Overlay District, the applicant shall:

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

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

* * *

Section 5. Section 23.48.012 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

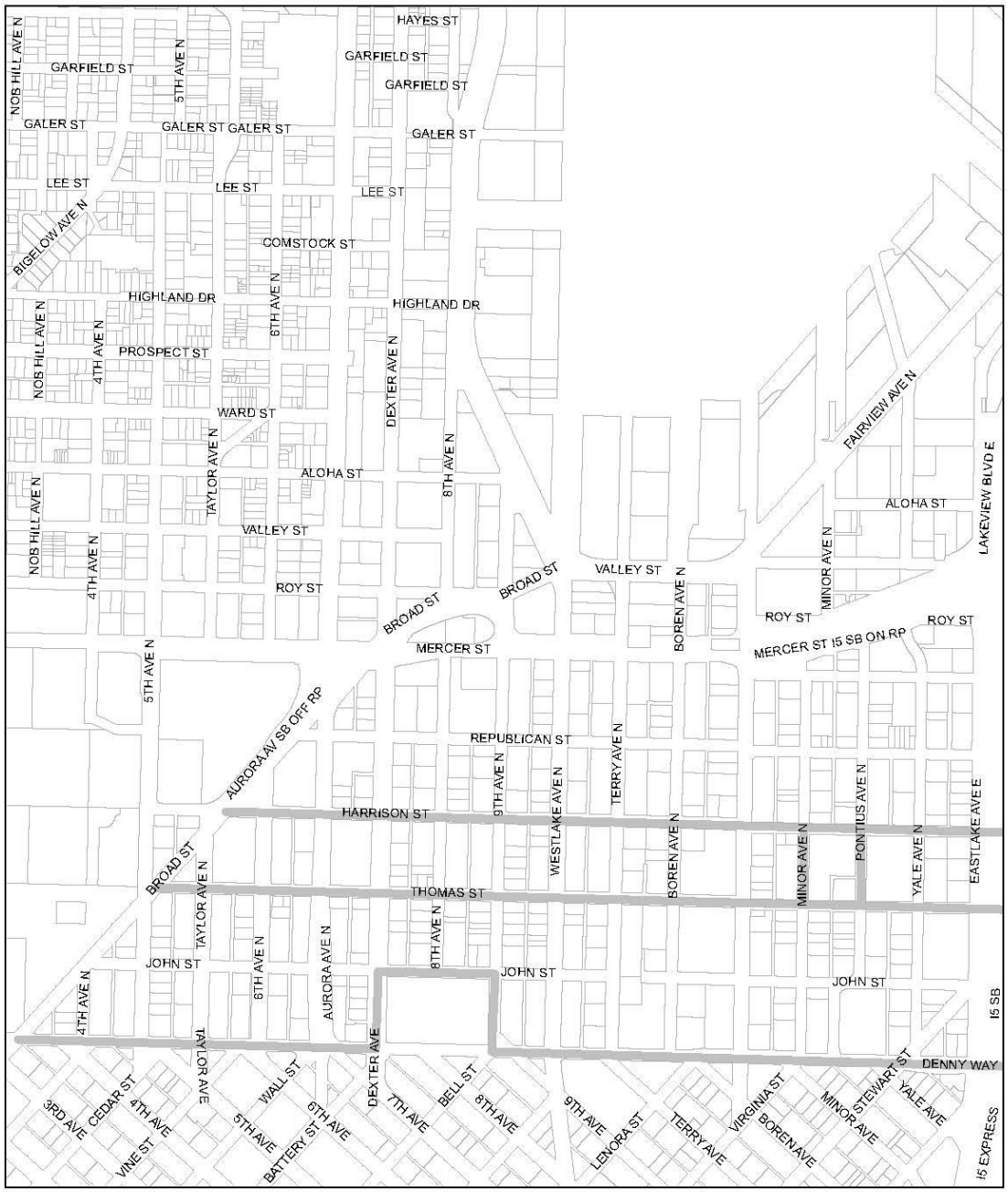
23.48.012 Upper-level setback requirements

A. The following requirements for upper-level setbacks in this subsection 23.48.012.A apply to structures on lots abutting a street shown on Maps A and B for 23.48.012, except for those structures in the South Lake Union Urban Center with nonresidential uses above 85 feet in height or residential uses above the base height limit for residential use, which are subject to the upper-level setback requirements of subsection 23.48.013.C.

1. For all zones except the SM 240/125-400 zone, any portion of a structure greater than 45 feet in height is required to set back from a lot line abutting a street shown on Maps A and B for 23.48.012. In the SM 240/125-400 zone, portions of a structure greater than 75 feet in height are required to set back from a lot line abutting a street shown on Map A for 23.48.012.

2. A setback of ((~~one~~))1 foot for every ((~~two~~))2 additional feet of height is required for any portion of a structure exceeding the maximum height permitted without a setback according to subsection 23.48.012.A.1, up to a maximum setback of 15 feet measured from the street lot line, as shown in Exhibit A for 23.48.012.

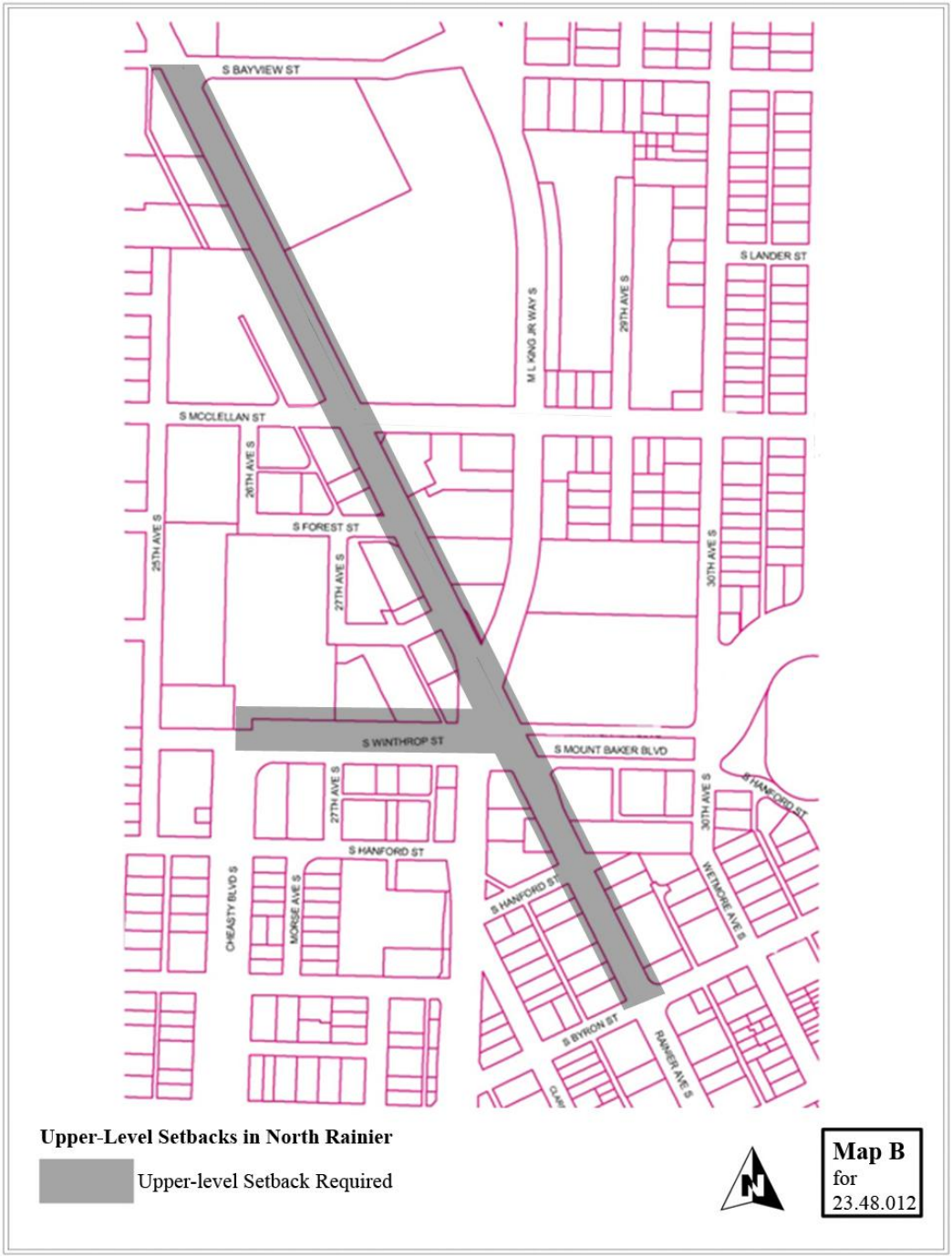
Map A for 23.48.12: Upper-Level Setbacks <u>in South Lake Union</u>



Map A for 23.48.012

Map B for 23.48.012

Upper Level Setbacks in North Rainier



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

1. Portions of a structure above 45 feet in height shall set back a minimum of 15 feet from street lot lines abutting Valley Street, Westlake Avenue North, Terry Avenue North, Boren Avenue North, and Fairview Avenue North as shown in Exhibit B for 23.48.012.

2. In addition to the upper-level setbacks specified in subsection 23.48.012.B.1, additional upper-level setbacks are required for tower structures that include residential use above the base height limit for residential use, or hotel use above a height of 85 feet, according to the provisions of subsection 23.48.013.C.3.

Exhibit A for 23.48.012

Stepped upper-level setbacks

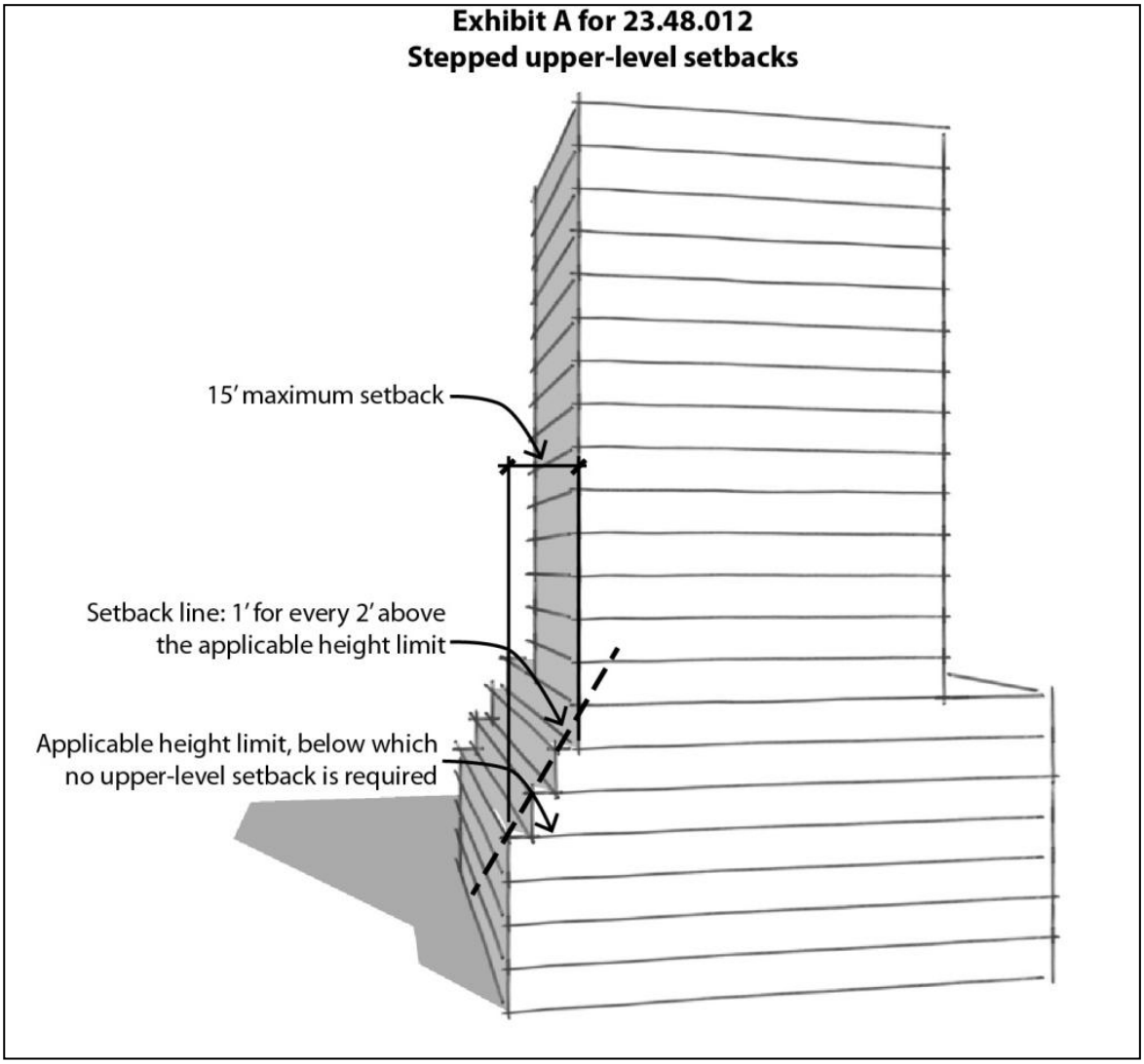
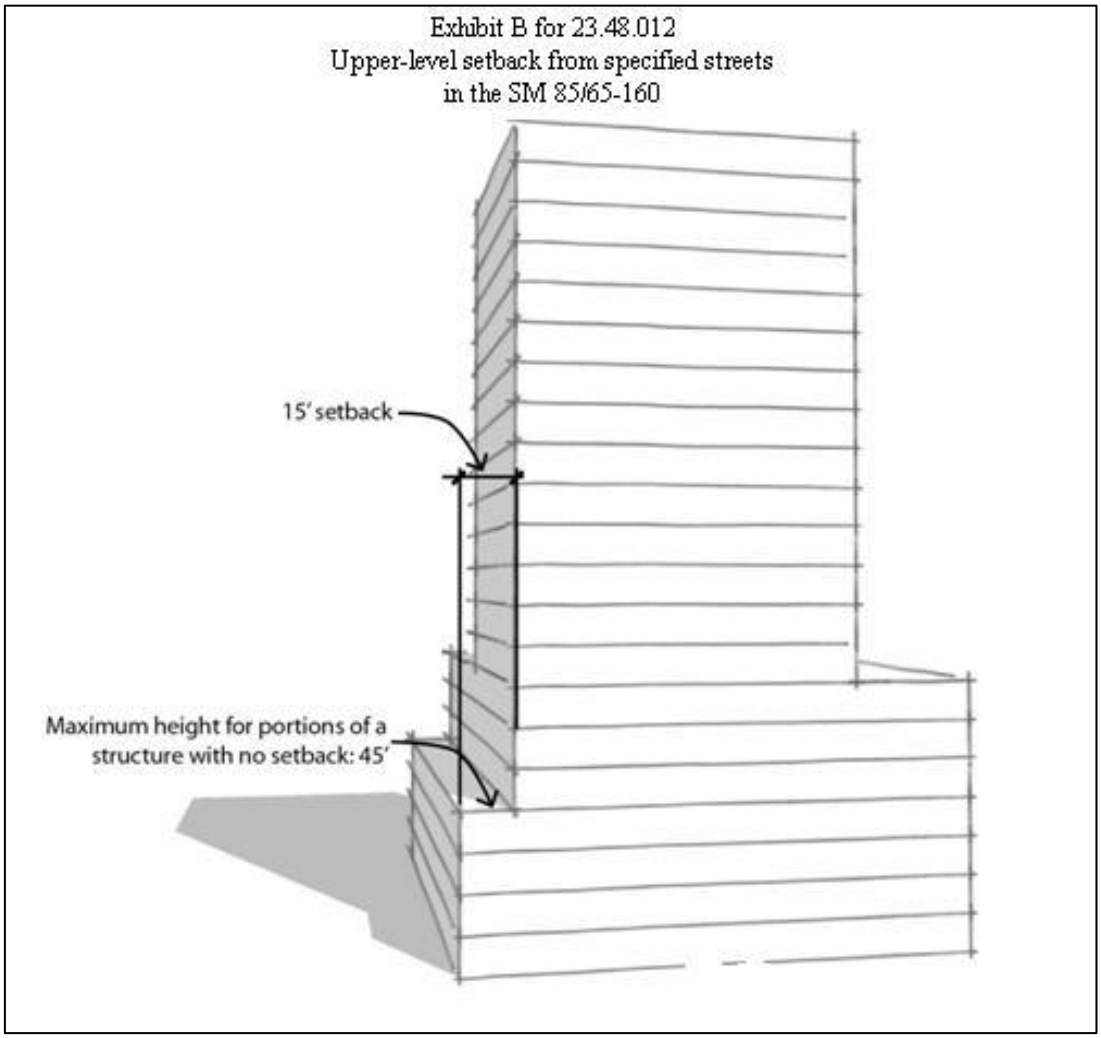


Exhibit B for 23.48.012

Upper-level setback from specified streets in the SM 85/65-160 ((~~zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North~~))



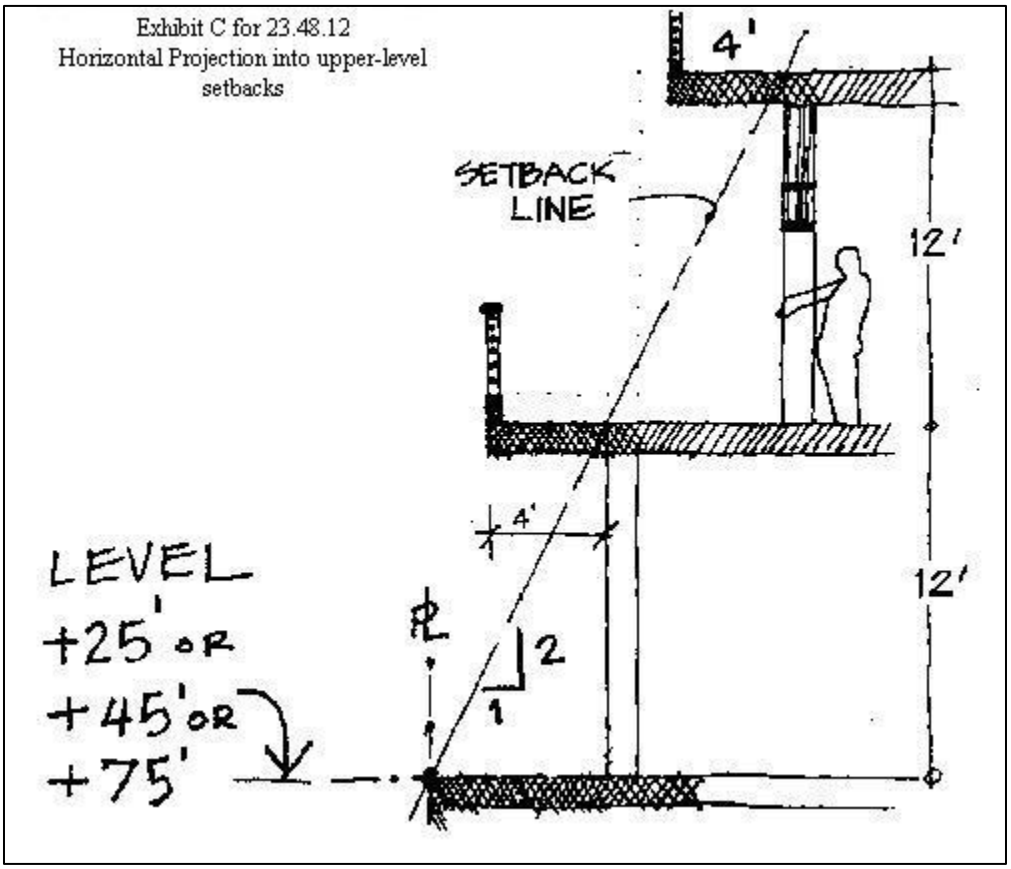
C. Upper-level setbacks on alleys in the SM/R 55/85 zone. For lots abutting an alley in the SM/R 55/85 zone, portions of a structure greater than 25 feet in height shall set back a minimum of ((~~one~~))1 foot from the alley lot line for every 2 feet of additional height above 25

feet, up to a maximum setback of 15 feet measured from the alley lot line, as shown in Exhibit A for 23.48.012.

D. Projections permitted in required upper-level setbacks. Horizontal projections, including decks, balconies with open railings, eaves, cornices, and gutters are permitted to extend a maximum of 4 feet in required setbacks (Exhibit C for 23.48.012).

Exhibit C for 23.48.012

Horizontal projection into upper-level setbacks



Section 6. Section 23.48.014 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.48.014 Street-level development standards

A. General facade requirements

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

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

a. On Class 1 Pedestrian Streets, as shown on Maps A and B for 23.48.014, the minimum height for street-facing facades is 45 feet.

b. On Class 2 Pedestrian Streets and Neighborhood Green Streets, as shown on Maps A and B for 23.48.014, the minimum height for street-facing facades is 25 feet.

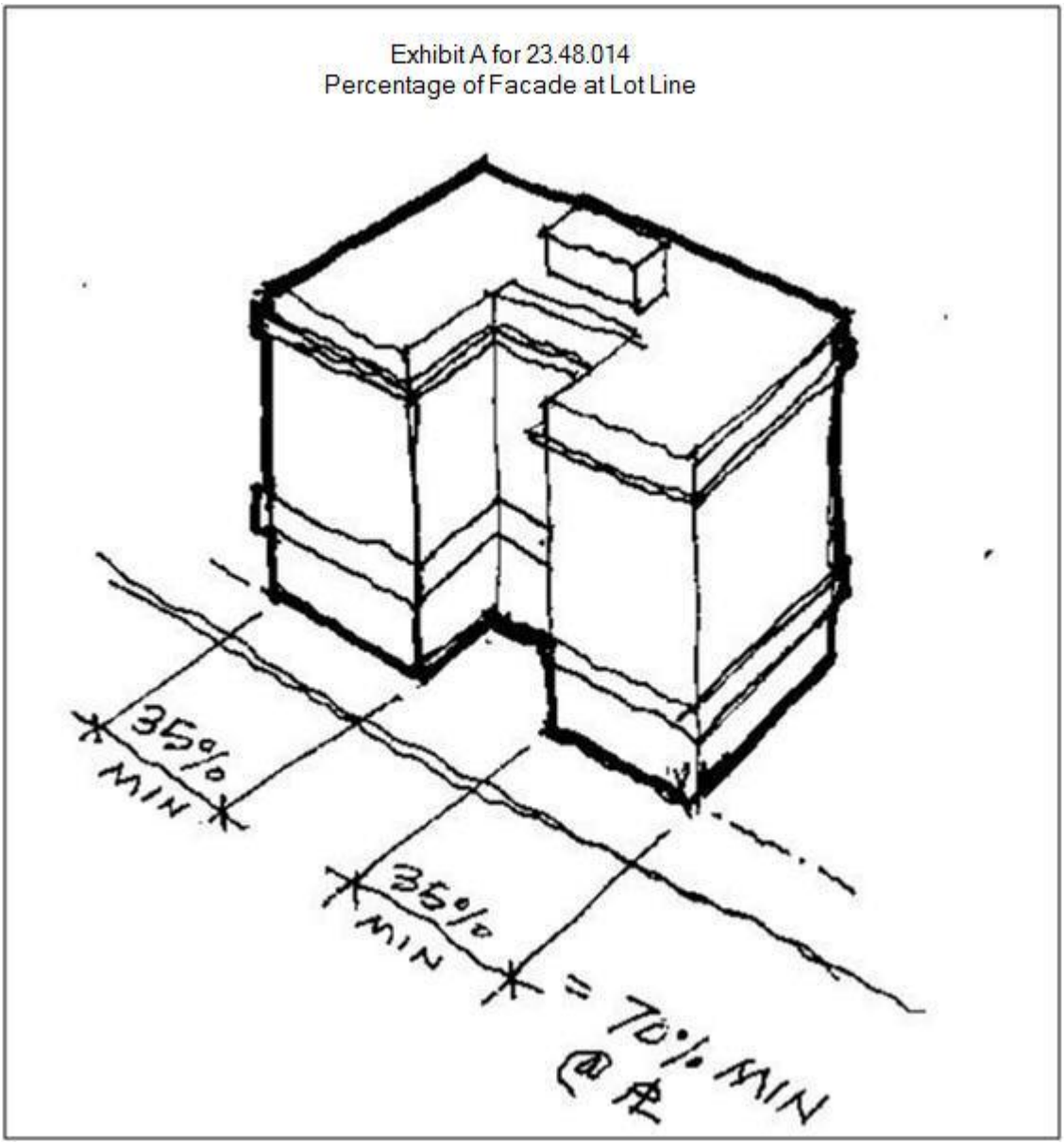
c. On all other streets, the minimum height for street-facing facades is 15 feet.

3. Permitted setbacks from street lot lines. Except on lots subject to the provisions of subsection 23.48.014.B, the street-facing facades of a structure are permitted to set back from the street lot line as follows:

a. The street-facing facades of structures abutting Class 1 Pedestrian Streets, as shown on Maps A and B for 23.48.014, shall be built to the street lot line for a minimum of 70 percent of the facade length, provided that the street frontage of any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.48.013.B.4.c, 23.48.014.F, or 23.48.014.G is excluded from the total amount of frontage required to be built to the street lot line.

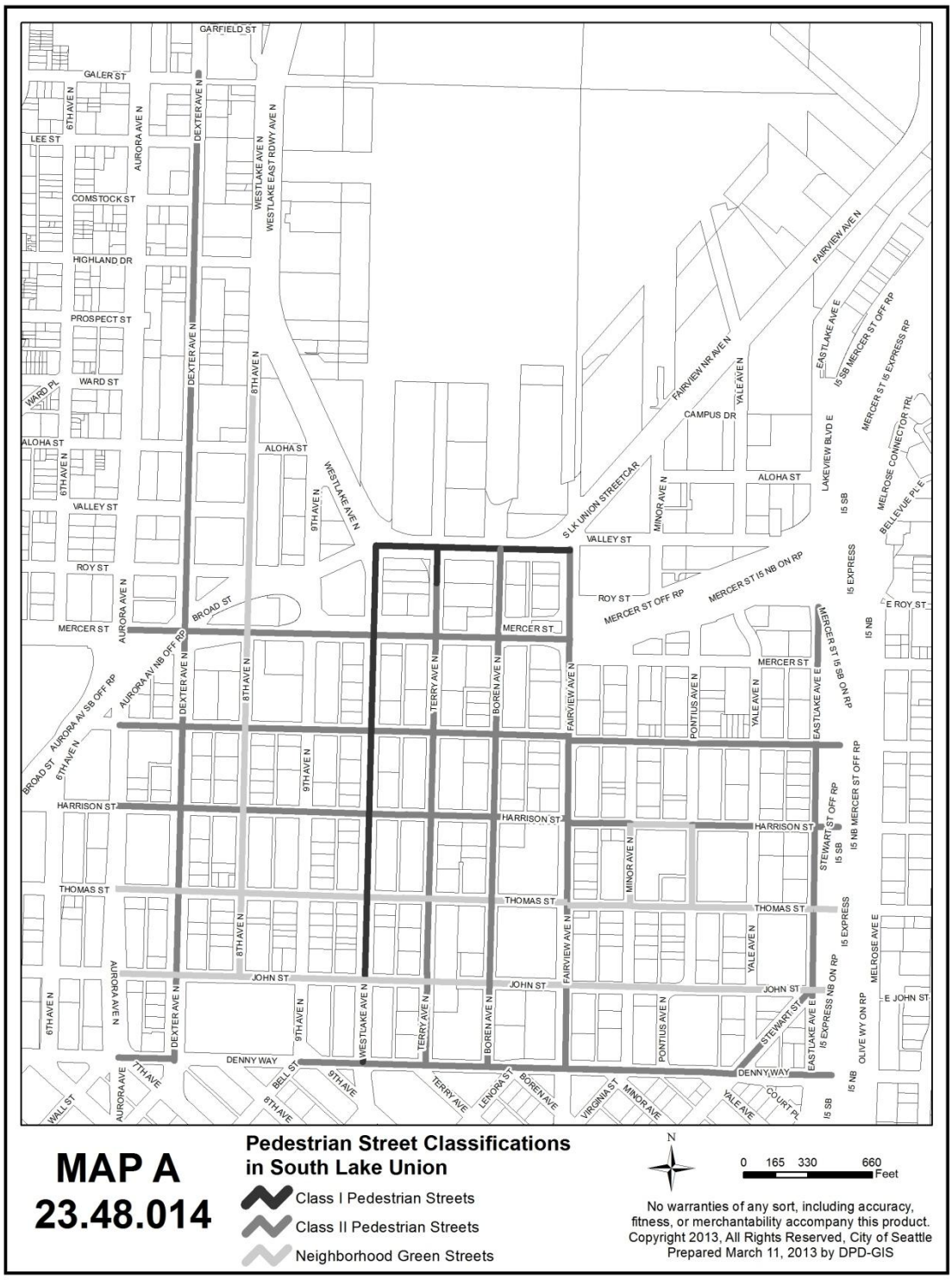
Exhibit A for 23.48.014

Percentage of Facade at Lot Line



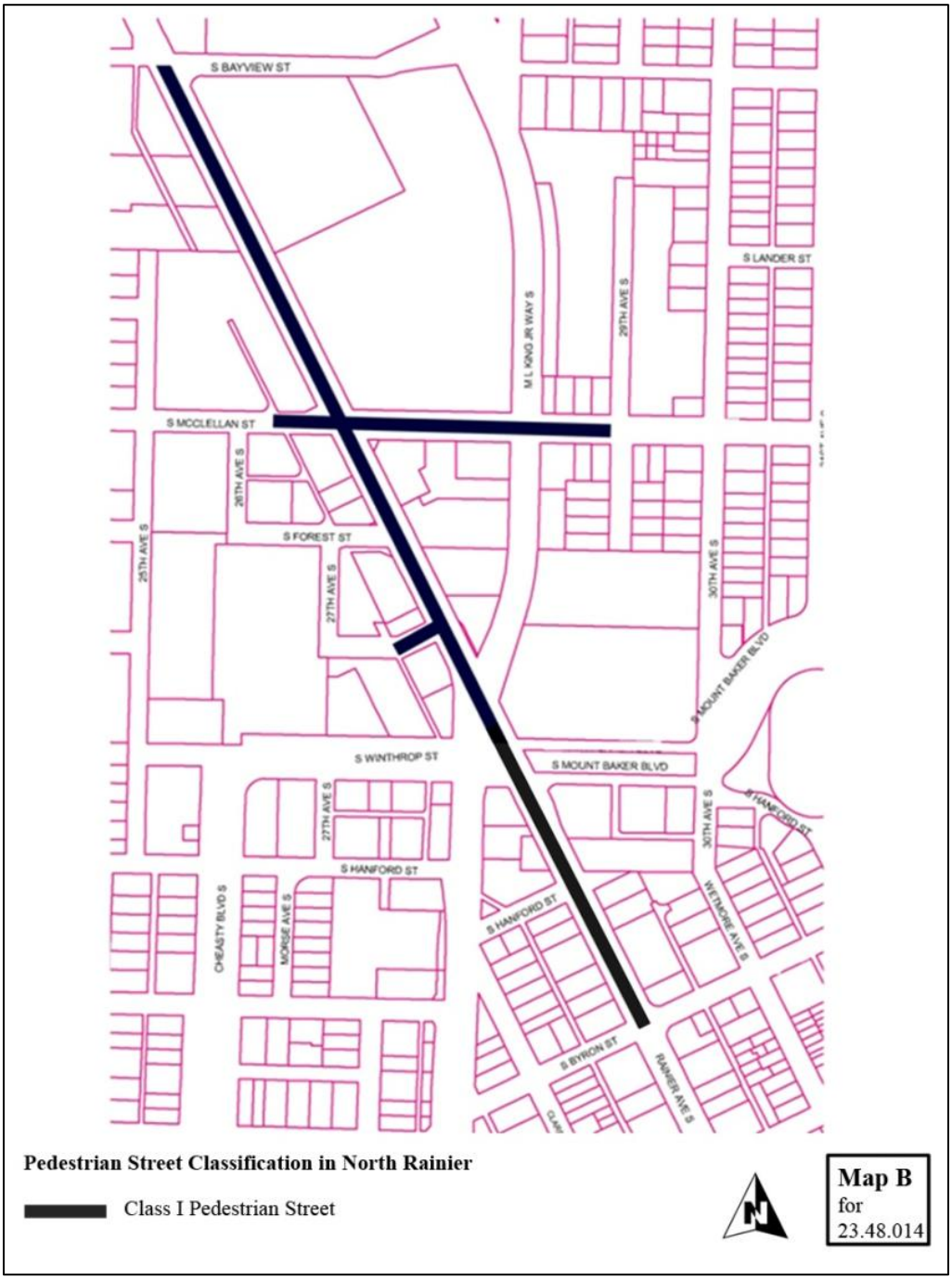
Map A for 23.48.014

Pedestrian Street Classifications <u>in South Lake Union</u>



Map B for 23.48.014

Pedestrian Street Classifications in North Rainier



b. Except on Class 1 Pedestrian Streets, as shown on Maps A and B for 23.48.014, and as specified in subsection 23.48.014.B.1, the street-facing facade of a structure may be set back up to 12 feet from the street lot line subject to the following (Exhibit B for 23.48.014):

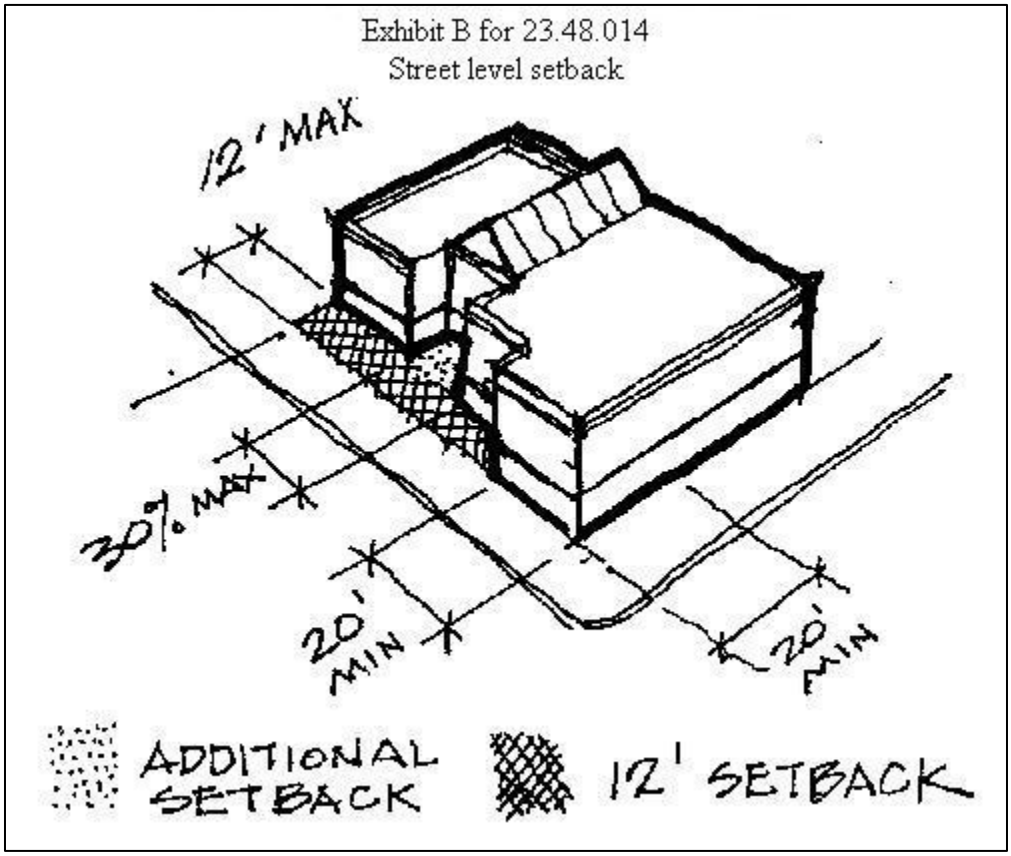
1) The setback area shall be landscaped according to the provisions of Section 23.48.024;

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

3) Any required outdoor amenity area, or other required open space, or usable open space provided in accordance with subsections 23.49.013.B.4.c, 23.48.014.F or 23.48.014.G is not considered part of the setback area and may extend beyond the limit on setbacks from the street lot line that would otherwise apply under subsections 23.48.014.A.3.b or 23.49.014.A.3.b.2.

Exhibit B for 23.48.014((÷))

Street level setback

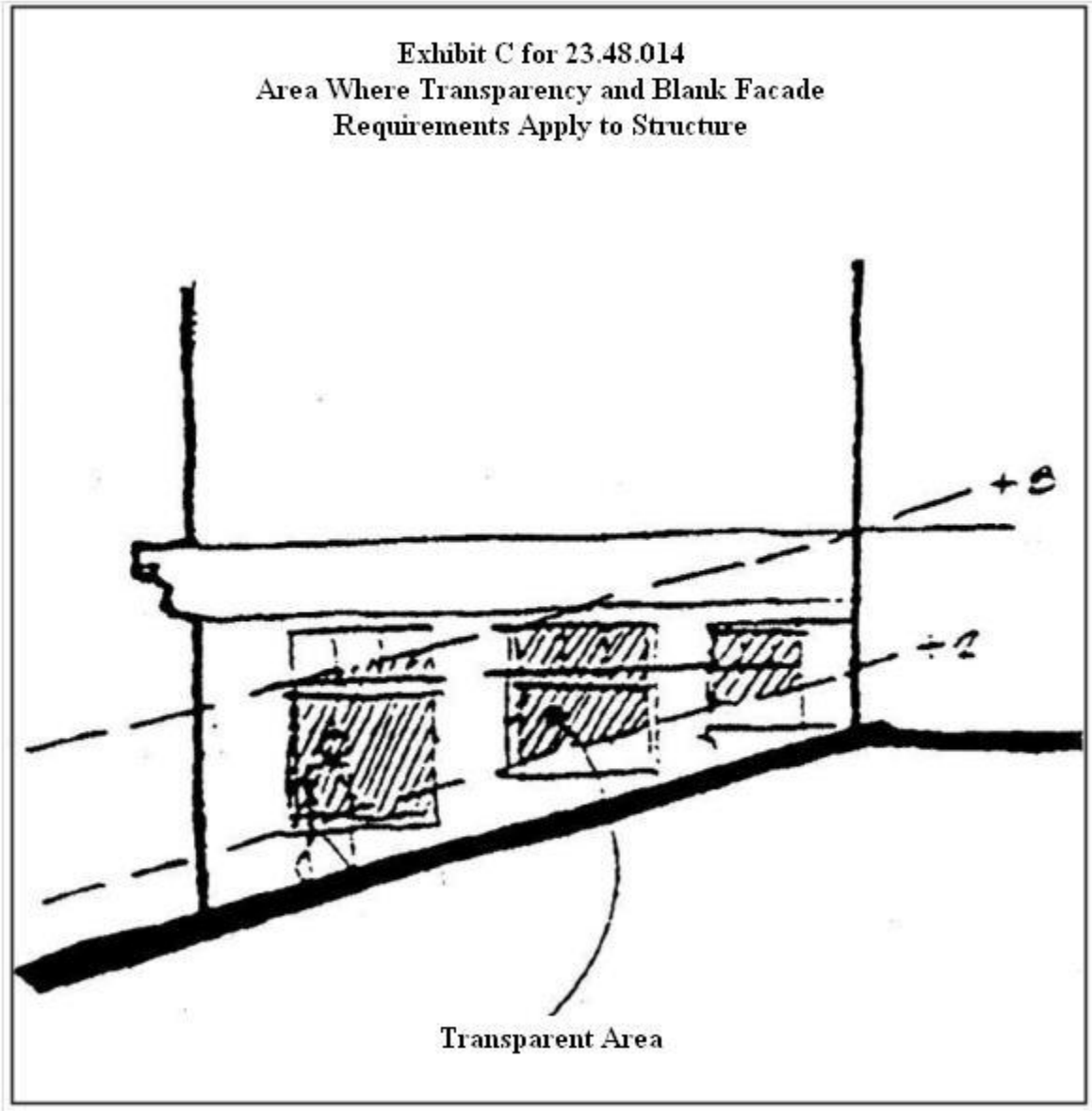


* * *

D. Transparency and blank facade requirements. The provisions of this subsection 23.48.014.C apply to the area of a street facing facade between 2 feet and 8 feet above a sidewalk (Exhibit C for 23.48.014).

Exhibit C for 23.48.014

Area ((~~W~~))where ((~~T~~))transparency and ((~~B~~))blank ((~~F~~))facade ((~~R~~))requirements ((~~A~~))apply to ((~~S~~))structure



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

a. For Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, shown on Maps A and B for 23.48.014, a minimum of 60 percent of the street facing facade must be transparent.

b. For all other streets not specified in subsection 23.48.014.D.1.a, a minimum of 30 percent of the street facing facade must be transparent.

c. If the slope of the street frontage of the facade exceeds 7.5 percent, the required amount of transparency shall be reduced to 45 percent of the street facing facade on Class 1 and Class 2 Pedestrian Streets and Neighborhood Green Streets, shown on Maps A and B for 23.48.014, and 22 percent of the street facing facade on all other streets.

d. Only clear or lightly tinted glass in windows, doors, and display windows are considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

* * *

Section 7. Section 23.48.024 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.48.024 Screening and landscaping standards

* * *

C. Screening for specific uses

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

2. Surface parking areas

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

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

3. Parking in structures. Except where prohibited by subsection 23.48.034.B, parking located at or above street-level in a garage shall be screened according to the following requirements.

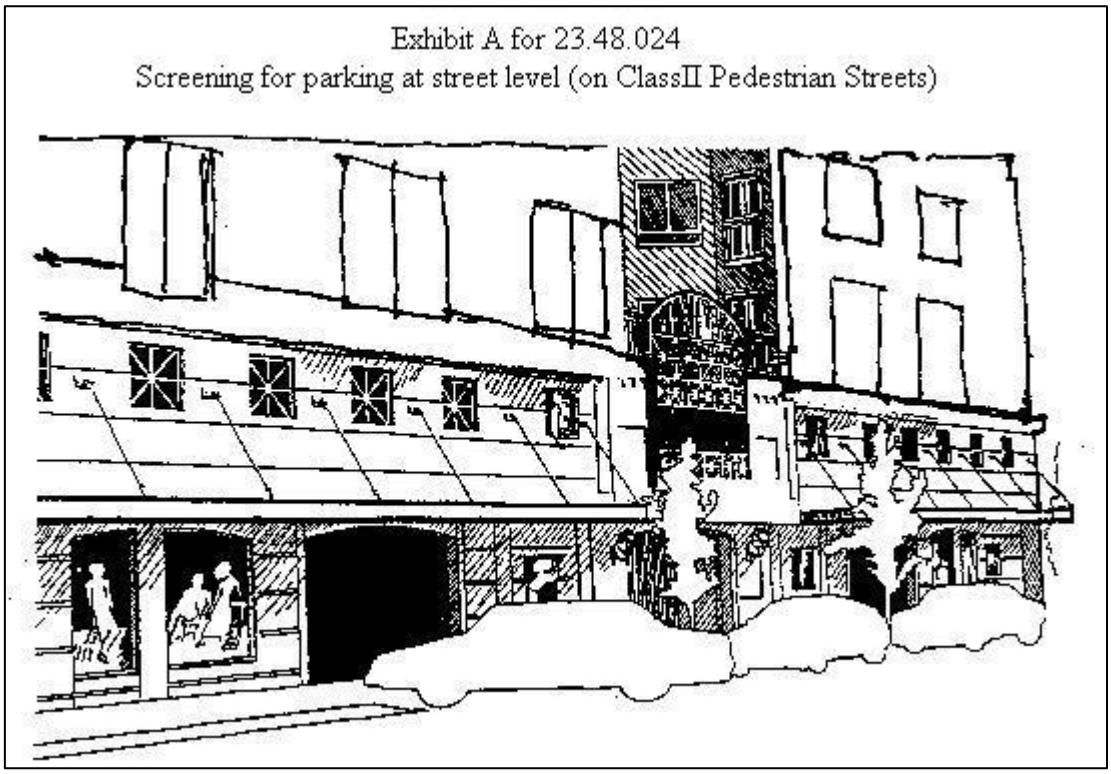
a. On Class 1 and 2 Pedestrian Streets, shown on Maps A and B for 23.48.014, parking is not permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated. The facade of the separating uses shall be subject to the transparency and blank facade standards in Section 23.48.014.

b. On all other streets, parking is permitted at street level when at least 30 percent of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards in Section 23.48.014. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features (Exhibit A for 23.48.024)

c. The perimeter of each floor of parking above street level shall have an opaque screen at least 3.5 feet high.

Exhibit A for 23.48.024

Screening for parking at street level (on Class II Pedestrian Streets)



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

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

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

* * *

Section 8. Section 23.48.034 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.48.034 Parking and loading location, access and curbcuts

* * *

D. Parking and ((~~L~~))loading ((~~A~~))access. If a lot abuts more than one right-of-way, the location of access for parking and loading shall be determined by the Director, depending on the classification of rights-of-way, as shown on Maps A and B for 23.48.014, according to the following:

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

2. If the lot does not abut an improved alley, or use of the alley for parking and loading access would create a significant safety hazard as determined by the Director, parking and loading access may be permitted from the street. If the lot abuts more than one street, the location of access is determined by the Director, as a Type I decision, after consulting with the Director of Transportation. Unless the Director otherwise determines under subsection 23.48.034.D.3.c, access is allowed only from a right-of-way in the category, determined by the classifications shown on Maps A and B for 23.48.014, that is most preferred among the categories of rights-of-way abutting the lot, according to the ranking set forth below, from most to least preferred (a portion of a street that is included in more than one category is considered as belonging only to the least preferred of the categories in which it is included).

a. An undesignated street;

b. Class 2 Pedestrian Street;

c. Class 1 Pedestrian Street;

d. Designated ((~~n~~))Neighborhood ((~~g~~))Green ((~~s~~))Street.

* * *

Section 9. Subsection 23.58A.040.C of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.58A.040 Bonus floor area for open space amenities

* * *

C. Performance option

1. General provisions

a. An applicant electing to use the performance option shall provide the amenity on the same lot as the development using the bonus floor area, except to the extent a combined lot development is expressly permitted by the provisions of the zone and except for green street improvements that shall be provided within two blocks of the lot. The maximum area of any amenity or combination of amenities provided on a lot eligible for a bonus is established in this subsection 23.58A.040.C and may be further limited by Sections 23.58A.012, 23.58A.022, or the provisions of the zone. Open space amenities shall meet the standards of this subsection 23.58A.040.C in order to qualify for bonus floor area, except as may be authorized by the Director under subsection 23.58A.040.C.4. An open space amenity may also qualify as a required residential amenity to the extent permitted by the provisions of the zone.

b. Amenities in Downtown zones in South Downtown

1) In Downtown zones in South Downtown, in order to qualify for bonus residential floor area, amenity features shall satisfy the eligibility conditions of the Downtown Amenity Standards, except as provided in subsection 23.58A.040.C.1.b.2, and shall be consistent with the guidelines of the Downtown Amenity Standards.

2) The Director may allow departures from the eligibility conditions of the Downtown Amenity Standards, as a Type I decision, if the applicant demonstrates that the amenity better achieves the intent of the Downtown Amenity Standards for that amenity feature, and that the departure is consistent with any applicable criteria for allowing the particular type of departure in the Downtown Amenity Standards.

3) The Director may condition the approval of an amenity as provided in the Downtown Amenity Standards.

2. Bonus ratio. Unless otherwise specified in the provisions of the zone, amenities may be used to gain bonus floor area according to the following ratios and subject to the limits of this Section 23.58A.040:

a. For a neighborhood open space, 7 square feet of bonus floor area per 1 square foot of qualifying neighborhood open space area (7:1).

b. For a green street setback, 5 square feet of bonus floor area per 1 square foot of qualifying green street setback area (5:1).

c. For a green street improvement, 5 square feet of bonus floor area per 1 square foot of qualifying green street improvement area (5:1).

d. For a mid-block corridor, 7 square feet of bonus floor area per 1 square foot of qualifying mid-block corridor area (7:1).

e. For a residential or nonresidential hillside terrace, 5 square feet of bonus floor area per 1 square foot of qualifying hillside terrace area (5:1).

3. Maximum open space amenity in Highrise zone. In the Highrise zone, the amount of open space amenity for which bonus floor area may be allowed shall not exceed the lesser of the amount required to mitigate the impact created by the total bonus residential floor area in the development, or 15,000 square feet. For purposes of this Section 23.58A.040, the amount of open space required to mitigate that impact in the Highrise zone is 0.14 square feet of

open space amenity per square foot of bonus residential floor area, unless the Director determines, as a Type I decision, that a different ratio applies based on consideration of one or both of the following:

a. the overall number or density of people anticipated to use or occupy the structure in which bonus floor area will be located, in relation to the total floor area of the structure, is different from the density level of approximately 1.32 persons per 1,000 residential gross square feet, which was used to establish the ratio in subsection 23.58A.040.C, such that a different amount of open space is needed to mitigate the impacts of development;

b. characteristics or features of the development mitigate the impacts that the anticipated population using or occupying the structure in which bonus floor area will be located would otherwise have on open space needs.

4. Standards for open space amenities. The following standards apply to open space amenities, except as otherwise specifically stated in the provisions of the zone.

a. Public access

1) Public access for open space amenities in Downtown zones is regulated pursuant to subsection 23.58A.040.C.1.b.

2) Except for green street improvements, open space amenities not in Downtown zones shall be open to the public, without charge, each day of the year for a minimum of ten hours each day for a neighborhood open space and 24 hours each day of the year for a green street setback. The hours of public access identified above shall be during daylight hours, unless there are insufficient daylight hours, in which case the open space shall also be open during nighttime hours for the balance of the hours the open space is to remain open. Public access may be limited temporarily during hours that are otherwise required to be open to the public for necessary maintenance or for reasons of public safety.

3) Within the open space, property owners, tenants and their agents shall allow members of the public to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, any building, or other adjacent features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others unless the space is being closed to the general public consistent with this subsection 23.58A.040.C. No parking, storage or other use may be established on or above the surface of the open space except as provided in subsection 23.58A.040.C.4.b.2.f. Use by motor vehicles of open space for which bonus floor area is granted is not permitted. The open space shall be identified clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the amenity. The plaque shall indicate, in letters legible to passersby, the nature of the bonus amenity, its availability for general public access, and additional directional information as needed.

b. Standards for neighborhood open space

1) Neighborhood open space in Downtown zones in South Downtown are regulated pursuant to subsection 23.58A.040.C.1.b.

2) Neighborhood open space not in Downtown zones used to qualify for bonus floor area shall meet the conditions in this subsection 23.58A.040.C.4.b.2, unless an exception is granted by the Director as a Type I decision, based on the Director's determination that, relative to the strict application of the standards, the exception will result in improved public access and use of the space or a better integration of the space with surrounding development.

a) The open space shall comply with the applicable provisions of this Section 23.58A.040. The open space shall consist of one continuous area with a minimum of 3,000 square feet and a minimum horizontal dimension of 10 feet.

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

c) Either permanent or movable seating in an amount equivalent to 1 lineal foot for every 200 square feet of open space shall be available for public use during hours of public access.

d) The open space shall be located and configured to maximize solar exposure to the space, allow easy access from streets or other abutting public spaces, including access for persons with disabilities, and allow convenient pedestrian circulation through all portions of the open space. The open space shall have a minimum frontage of 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

e) The open space shall be provided at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected.

f) Up to 20 percent of the open space may be covered by elements accessory to public use of the open space, including: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features approved by the Director that contribute to pedestrian comfort and active use of the space. The following elements within the open space area may count as open space and are not subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to public areas and are available for public use, and any similar features approved by the Director.

Seating or tables, or both, may be provided and reserved for customers of restaurants or other uses abutting the open space, but the area reserved for customer seating shall not exceed 15 percent of the open space area or 500 square feet, whichever is less.

c. Standards for green street setbacks

1) Green street setbacks in Downtown zones in South Downtown are regulated pursuant to subsection 23.58A.040.C.1.b.

2) Green street setbacks in Downtown zones outside South Downtown are regulated pursuant to Section 23.49.013.

3) Green street setbacks not in Downtown zones shall meet the following standards:

a) Where permitted by the provisions of the zone, bonus floor area may be gained for green street setbacks by development on lots abutting those street segments that are listed or shown as green streets in the provisions of the zone.

b) A green street setback shall be provided as a setback from a lot line abutting a designated green street. The setback shall be continuous for the length of the frontage of the lot abutting the green street, and a minimum of 50 percent of the setback area eligible for a bonus shall be landscaped. The area of any driveways in the setback area is not included in the bonusable area. For area eligible for a bonus, the average setback from the abutting green street lot line shall not exceed 10 feet, with a maximum setback of 15 feet. The design of the setback area shall allow for public access, such as access to street level uses in abutting structures or access to areas for seating. The Director may grant an exception to the standards in this subsection 23.58A.040.C.4.c.3.b as a Type I decision, based on the Director's determination that the exception is consistent with a green street concept plan, if one exists, established in accordance with Directors Report DR 11-2007, or a successor rule.

d. Standards for green street improvement. Green street improvements used to qualify for bonus floor area shall be located on a designated green street and shall meet the standards of a city-approved streetscape concept plan or other design document approved by the Director.

e. Standards for mid-block corridor. Mid-block corridors used to qualify for bonus floor area in Downtown zones in South Downtown are regulated pursuant to subsection 23.58A.040.C.1.b. Mid-block corridors used to qualify for bonus floor area in the Mount Baker Station Area must meet the requirements in the Downtown Amenity Standards.

* * *

Section 10. A new Section 23.61.018 of the Seattle Municipal Code is added as follows:

23.61.018 Provisions applicable to Mount Baker Station Area Overlay District

A. Development within the area described in Map A for Section 23.61.018 shall meet the following standards:

1. Maximum lot coverage for structures and surface parking areas shall be 80 percent of the lot area.

2. A continuous open space corridor interior to the site shall extend across the area described in Map A for Section 23.61.018 to connect at least three of the four surrounding streets: Rainier Avenue South, South Bayview Street, Martin Luther King Jr Way South, and South McClellan Street.

a. The required internal corridor shall have a minimum width of 60 feet.

b. The point at which the corridor intersects each street shall be located no closer than 150 feet to any street intersection.

c. The corridor shall not contain any structures containing any floor area and shall be open from the ground to the sky, although landscaping, transparent weather

protection overhangs, balconies not more than 5 feet in depth, temporary or permanent seating and tables, artwork, or other similar features shall be allowed.

d. The corridor shall not contain any physical barriers or grade changes that would prevent pedestrian access through the site except as necessary to limit public access consistent with subsection 23.61.018.A.2.e.

e. The corridor shall not be required to be open to the public based on the requirements of this subsection 23.61.018.A.2; however, the corridor may be used to meet the requirements for obtaining extra floor area pursuant to Section 23.58A.040 if it is open to the public and meets the requirements of Chapter 23.58A for a mid-block corridor.

f. Driveways providing access to parking or passage through the site are permitted within the internal corridor, but shall be limited in width to a maximum of one lane in each direction, excluding parking areas. Parking is allowed within the internal corridors, except that the width of the driveway and parking areas combined may not exceed more than 60 percent of the width of the corridor. Portions of the corridor with driveways or parking shall not be used to meet the requirements for obtaining extra floor area pursuant to Section 23.58A.040.

g. The corridor shall include at least one 6-foot wide sidewalk connecting the adjacent streets. Where a driveway is provided within the corridor, the corridor shall include at least 6-foot wide sidewalks along both sides of the driveway.

h. The Director may as a Type I decision, modify the standards in subsection 23.61.018.A.2 as follows:

1) if less than all of the area described in Map A for 23.61.018 is proposed for development, the Director may allow less than three of the streets listed in subsection 23.61.018.A.2 to be connected if the applicant connects as many streets as possible and submits a plan demonstrating how at least three of the listed streets can be connected as the

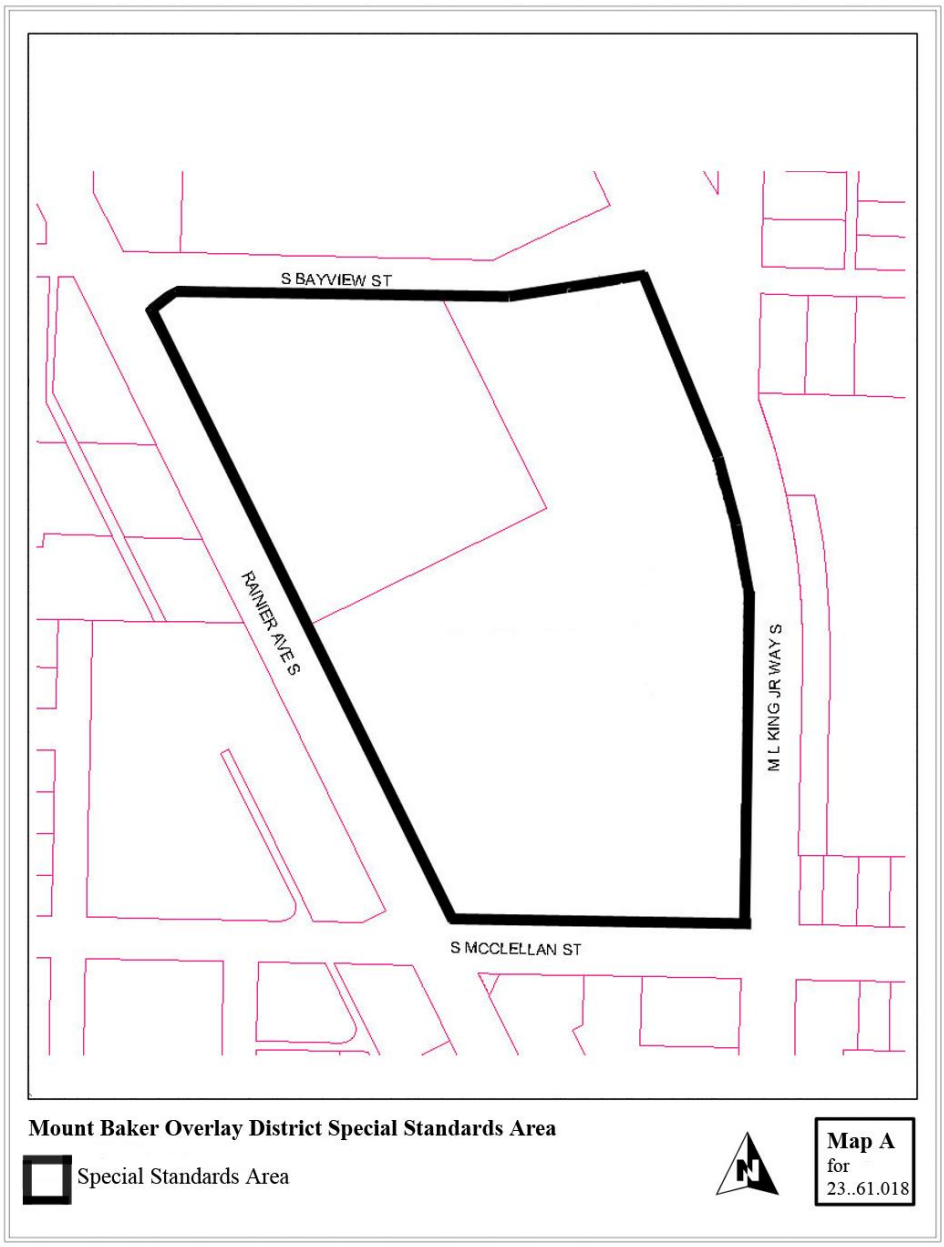
remainder of the area is developed and demonstrates to the satisfaction of the Director that the partial development supports this plan;

2) the Director may waive the requirements of subsection 23.61.018.A.2 for provision of a corridor if the creation of public streets within the area described in Map A for 23.61.018 provides equal or better internal circulation; or

3) the Director may modify the standards in subsections 23.61.018.A.2.a through 23.61.018.A.2.d if the applicant demonstrates to the satisfaction of the Director that the modifications are necessary to accommodate existing structures.

Map A for 23.61.018

Mount Baker Overlay District Special Standards Area



B. Applications for subdivisions within the area described in Map A for 23.61.018 must address the potential location of the open space corridor interior to the site required by subsection 23.61.018.A.2 and shall be designed to facilitate developments that can comply with subsection 23.61.018.A.2.

Section 11. Section 23.84A.048 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.84A.048 Definitions "Z((.))"

"Zone, residential" means a zone with a classification that includes any of the following: SF9600, SF7200, SF5000, RSL, LR1, LR2, LR3, MR, HR, RC, DMR, ((~~and ,~~))IDR <u>and SM/R,</u> which classification also may include one or more suffixes, but not including any zone with an RC designation.

* * *

Section 12. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of its application to any person or circumstance, do not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 13. 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 _____, 2013, and signed by me in open session in authentication of its passage this _____ day of _____, 2013.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2013.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Exhibit A: North Rainier Mount Baker Rezone Proposal Map

Exhibit B: Mount Baker Station Overlay District Expansion Area Proposed