

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 1180910

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3
4 AN ORDINANCE relating to land use and zoning; amending Sections 23.41.012, 23.47A.005,
5 23.73.002, 23.73.005, 23.73.006, 23.73.008, 23.73.009, 23.73.010, 23.73.012, 23.73.014,
6 23.73.024, 23.84A.006, 23.86.026 and 23.86.028, and adding a new Section 23.73.015 to
7 the Seattle Municipal Code to strengthen measures for maintaining and enhancing the
8 character of the Pike/Pine neighborhood by addressing the bulk and scale of new
development and the use of incentives for retaining character structures, clarifying and
strengthening provisions for retaining character structures, removing restrictions on non-
residential uses under certain conditions, and making corrections.

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

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

16 WHEREAS, in December, 2011, the City Council adopted Ordinance 123776 that designated a
17 Conservation Core area within the Pike/Pine Conservation Overlay District and
18 established a transfer of development potential (TDP) program to further the conservation
goals of the Pike/Pine neighborhood; and

19 WHEREAS, a significant amount of development has occurred following the adoption of the
20 new regulations for the Pike/Pine Conservation Overlay District, providing the
21 opportunity to assess how well the new standards are achieving the intended results and
enabling the City to make appropriate adjustments; NOW THEREFORE,

22
23 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

24 Section 1. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance
25 124378, is amended as follows:

26 **23.41.012 Development standard departures**



1 A. Departure from Land Use Code requirements may be permitted for new multifamily,
2 commercial, and Major Institution development as part of a design review process. Departures
3 may be allowed if an applicant demonstrates that departures from Land Use Code requirements
4 would result in a development that better meets the intent of adopted design guidelines.

5 B. Departures may be granted from any Land Use Code standard or requirement, except
6 for the following:

7 * * *

8 14. Floor Area Ratios; except that in the Pike/Pine Conservation Overlay District
9 shown on Map A for 23.73.004, departures from the development standards for allowing floor
10 area exemptions from FAR calculations in subsection 23.73.009.C and for retaining a character
11 structure on a lot in Section 23.73.015 are not considered departures from FAR limits;

12 15. Maximum size of use;

13 16. Structure height, except that:

14 a. Within the Roosevelt Commercial Core building height departures up
15 to an additional 3 feet may be granted for properties zoned NC3-65, (Map A for 23.41.012,
16 Roosevelt Commercial Core);

17 b. Within the Ballard Municipal Center Master Plan area building height
18 departures may be granted for properties zoned NC3-65, (Map B for 23.41.012, Ballard
19 Municipal Center Master Plan Area). The additional height may not exceed 9 feet, and may be
20 granted only for townhouses that front a mid-block pedestrian connection or a park identified in
21 the Ballard Municipal Center Master Plan;

22 c. In Downtown zones building height departures may be granted for
23 minor communication utilities as set forth in subsection 23.57.013.B;

24 d. Within the Uptown Urban Center building height departures up to 3
25 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet
26 from all lot lines abutting streets;



1 e. Within the Upper Queen Anne ((Hill))Residential Urban Village and
2 Neighborhood Commercial zones within the Upper Queen Anne neighborhood, (Map C for
3 23.41.012, Upper Queen Anne Commercial Areas), building height departures up to 3 feet of
4 additional height may be granted if the top floor of the structure is set back at least 6 feet from all
5 lot lines abutting streets;

6 f. Within the PSM 85-120 zone in the area shown on Map A for
7 23.49.180, departures may be granted from development standards that apply as conditions to
8 additional height, except for floor area ratios and provisions for adding bonus floor area above
9 the base FAR;

10 g. Within the Pike/Pine Conservation Overlay District shown on Map A
11 for 23.73.004, departures may be granted from development standards that apply as conditions to
12 additional height in subsections 23.73.014.A and 23.73.014.B, and the provision for receiving
13 sites for transfer of development potential in subsection 23.73.024.B.5.

14 17. Quantity of parking required, minimum and maximum parking limits, and
15 minimum and maximum number of drive-in lanes, except that within the Ballard Municipal
16 Center Master Plan area required parking for ground level retail uses that abut established mid-
17 block pedestrian connections through private property as identified in the "Ballard Municipal
18 Center Master Plan Design Guidelines, ((2000))2013" may be reduced, but shall not be less than
19 the required parking for ((Pedestrian-designated))pedestrian-designated areas shown in Table D
20 for 23.54.015;

21 18. Provisions of the Shoreline District, Chapter 23.60;

22 19. Standards for storage of solid-waste containers;

23 20. The quantity of open space required for major office projects in Downtown
24 zones as provided in subsection 23.49.016.B;

25 21. Noise and odor standards;

26 22. Standards for the location of access to parking in Downtown zones;



1 23. Provisions of Chapter 23.52, Transportation Concurrency Project Review
2 System;

3 24. Provisions of Chapter 23.53, Requirements for Streets, Alleys, and
4 Easements, except that departures may be granted from the access easement standards in Section
5 23.53.025 and the provisions for structural building overhangs in Section 23.53.035;

6 25. Affordable housing production conditions within the MPC-YT zone, pursuant
7 to Section 23.75.085;

8 26. Limits on floor area for uses within the MPC-YT zone, as provided in
9 Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040;

10 27. Limits on number, distribution, and gross floor area per story for highrise
11 structures within the MPC-YT zone, as provided in Section 23.75.120 or as applicable under
12 Section 23.75.040;

13 28. Definitions;

14 29. Measurements;

15 30. Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.9, and
16 23.28.030.A.3, which may be modified as authorized in those provisions;~~((and))~~

17 31. Standards for structural building overhangs in Section 23.53.035~~((:))~~; and

18 32. Within the Pike/Pine Conservation Overlay District shown on Map A for
19 23.73.004, the requirement that all character structures on a lot be retained in order to qualify as
20 a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-
21 residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection
22 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2,
23 the exception for width and depth measurements in subsection 23.73.012.B, or the exception for
24 an additional 10 feet in height as provided for in subsection 23.73.014.B.

25 a. Departures may, however, be granted under the following
26 circumstances:



1 1) The character structure is neither a designated Seattle landmark
2 nor listed in a rule promulgated by the Director according to Section 23.73.005; and

3 2) The departure is for demolishing a wood-frame character
4 structure originally built as a single-family residence or single-family accessory structure; or

5 3) The departure is for demolishing a character structure that is
6 determined to have insufficient value to warrant retention when the following applies:

7 a) The structure lacks a high degree of architectural
8 integrity as evidenced by extensive irreversible exterior remodeling; or

9 b) The structure does not represent the Pike/Pine
10 neighborhood's building typology that is characterized by the use of exterior materials and design
11 elements such as masonry, brick, and timber; multi-use loft spaces; very high and fully-glazed-
12 ground-floor storefront windows; and decorative details including cornices, emblems, and
13 embossed building names; or

14 c) Demolishing the character structure would allow for
15 more substantial retention of other, more significant character structures on the lot, such as a
16 structure listed in a rule promulgated by the Director according to Section 23.73.005; or would
17 allow for other key neighborhood development objectives to be achieved, such as improving
18 pedestrian circulation by providing through-block connections, developing arts and cultural
19 facilities, or siting publically-accessible open space at key neighborhood locations.

20 b. In addition to the provisions of subsection 23.41.012.B.32.a, the
21 following provisions apply:

22 1) At least one character structure shall be retained on the lot if:
23 subsection 23.73.009.C.3 regarding the FAR exemption for residential uses, subsection
24 23.73.010.B.2 regarding increases in the floor area limits, subsection 23.73.012.B regarding the
25 exception from width and depth measurements, or subsection 23.73.014.B regarding the



1 exception allowing for an additional 10 feet in height are being used by the development
2 proposal.

3 2) No character structures are required to be retained on the lot if:
4 subsection 23.73.009.B regarding the exception to allow additional FAR for non-residential uses,
5 subsection 23.73.010.B.1 regarding increases in the floor area limits, or Section 23.73.024 for the
6 use of TDP on a lot that is an eligible TDP receiving site under the provisions of subsection
7 23.73.024.B are the only provisions being used by the development proposal.

8 * * *

9 ~~((E. Departures for retaining character structures on lots in the Pike/Pine Conservation~~
10 ~~Overlay District. Departures from the conditions in subsections 23.73.010.B.2.c and~~
11 ~~23.73.014.B.2 when retaining a character structure as part of a new project may be granted if the~~
12 ~~following conditions are met:~~

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

15 ~~2. The newly constructed portion of the project, through vertical or horizontal~~
16 ~~modulation or other design treatments, generally provides for better integration of the physical~~
17 ~~appearance and arrangement of interior spaces between the character structure and the new~~
18 ~~project than would occur through the strict application of subsection 23.73.010.B.2.c or~~
19 ~~23.73.014.B.2; or~~

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

22 ~~4. The ground story of the character structure can accommodate the elements of~~
23 ~~the proposed new structure, such as a mezzanine or additional story, while maintaining the~~
24 ~~original character of the character structure by retaining sufficient portions of the ground floor~~
25 ~~that are visible from the street at the original floor to ceiling height, through appropriate~~
26 ~~placement and design of the new structure, or through other design means that are consistent.~~



1 ~~with the Pike/Pine Urban Center Design Guidelines.))~~

2 Section 2. Section 23.47A.005 of the Seattle Municipal Code, last amended by
3 Ordinance 124378, is amended as follows:

4 **23.47A.005 Street-level uses**

5 * * *

6 D. In pedestrian-designated zones the locations of uses are regulated as follows:

7 1. Along designated principal pedestrian streets, one or more of the following
8 uses are required along 80 percent of the street-level street-facing facade in accordance with the
9 standards provided in subsection 23.47A.008.C((-)).

- 10 a. General sales and services;
- 11 b. Major durables retail sales;
- 12 c. Eating and drinking establishments;
- 13 d. Lodging uses;
- 14 e. Theaters and spectator sports facilities;
- 15 f. Indoor sports and recreation;
- 16 g. Medical services;
- 17 h. Rail transit facilities;
- 18 i. ~~((Museum))~~Museums;
- 19 j. Community clubs or centers;
- 20 k. Religious ~~((facility))~~facilities;
- 21 l. ~~((Library))~~Libraries;
- 22 m. Elementary or secondary ~~((school))~~schools;
- 23 n. Parks and open ~~((space))~~spaces;((-))
- 24 o. Arts ~~((facility))~~facilities in the Pike/Pine Conservation Overlay District;

25 and



1 p. Automotive retail sales and service uses in the Pike/Pine Conservation
2 Overlay District, if located within an existing structure or within a structure that retains a
3 character structure as provided in Section 23.73.015.

4 The establishment of any such use is subject to the applicable use
5 provisions of this ((title))Title 23.

6 2. The following streets are principal pedestrian streets when located within a
7 pedestrian-designated zone:

8 10th Avenue;

9 11th Avenue;

10 12th Avenue;

11 13th Avenue, (())between East Madison Street and East Pine Street(());

12 15th Avenue East;

13 15th Avenue Northwest;

14 22nd Avenue Northwest;

15 23rd Avenue;

16 24th Avenue Northwest;

17 25th Avenue Northeast;

18 Beacon Avenue South;

19 Boren Avenue;

20 Boylston Avenue, except within the Pike/Pine Conservation Overlay

21 District;

22 Broadway;

23 Broadway East;

24 California Avenue Southwest;

25 East Green Lake Drive North;

26 East Madison Street;

- 1 East Olive Way;
- 2 East Pike Street;
- 3 East Pine Street((:));
- 4 East Union Street((:)), except that within the Pike/Pine Conservation
- 5 Overlay District only lots abutting East Union Street between Broadway and East Madison
- 6 Street;
- 7 ~~((East Union Street (from Broadway to East Madison Street only);))~~
- 8 Eastlake Avenue East;
- 9 First Avenue North;
- 10 Fremont Avenue North;
- 11 Fremont Place North;
- 12 Greenwood Avenue North;
- 13 Lake City Way Northeast;
- 14 Madison Street;
- 15 Martin Luther King Jr. Way South;
- 16 Mercer Street;
- 17 North 45th Street;
- 18 North 85th Street;
- 19 Northeast 43rd Street;
- 20 Northeast 45th Street;
- 21 Northeast 65th Street;
- 22 Northeast 125th Street;
- 23 Northwest 85th Street;
- 24 Northwest Market Street;
- 25 Pike Street;
- 26 Pine Street;



1 Queen Anne Avenue North;
2 Rainier Avenue South;
3 Roosevelt Way Northeast;
4 Roy Street;
5 South Alaska Street;
6 South Henderson Street;
7 South Lander Street;
8 South McClellan Street;
9 South Othello Street;
10 Southwest Alaska Street;
11 Summit Avenue, except within the Pike/Pine Conservation Overlay

12 District;

13 Terry Avenue;
14 University Way Northeast;
15 Wallingford Avenue North; and
16 Woodlawn Avenue Northeast.

17 Section 3. Section 23.73.002 of the Seattle Municipal Code, last amended by Ordinance
18 123020, is amended as follows:

19 **23.73.002 ((-)) Purpose and intent**

20 The purpose of this ((chapter))Chapter 23.73 is to implement Resolution 28657, calling
21 for development of the Pike/Pine Overlay District in order to preserve and enhance the balance
22 of residential and commercial uses, by encouraging residential development ((and discouraging
23 ~~large, single purpose commercial development~~))and development that combines residential and
24 non-residential uses, while also providing additional opportunities for commercial development
25 to balance the substantial amount of residential development that has occurred since Resolution
26 28657 was adopted. In addition, a purpose of this ((chapter))Chapter 23.73 is to promote the
27



1 conservation of Pike/Pine's existing historic character by limiting new development to a scale
2 that is compatible with the established development pattern, accommodating arts facilities and
3 small businesses at street level, and encouraging the retention of the existing structures and their
4 architectural features that establish the District's architectural character; generally, those
5 structures that have been in existence (~~for 75 years or more~~) prior to 1940~~(;)~~ ("character
6 structures"), and are related to the area's early history as Seattle's original "auto row".

7 Section 4. Section 23.73.005 of the Seattle Municipal Code, enacted by Ordinance
8 123776, is amended as follows:

9 **23.73.005 ~~(-)~~ Adoption of rules to implement Pike/Pine Conservation Overlay District**
10 **~~((Regulations))~~ regulations**

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

- 13 1. The structure retains a high degree of architectural integrity;
- 14 2. The structure represents the Pike/Pine neighborhood's building typology,
15 which is characterized by use of exterior materials and design elements such as masonry
16 (especially brick) and timber structures; multi-use loft spaces; very high, fully-glazed storefront
17 windows; and decorative details such as cornices, emblems, and embossed building names; and

18 3. The structure is compatible with the architectural scale, rhythm, and patterns of
19 nearby structures in the Pike/Pine neighborhood.

20 B. A character structure may be added to or removed from the list described in
21 subsection 23.73.005.A by the Director in consultation with the Director of the Department of
22 Neighborhoods.

23 Section 5. Section 23.73.006 of the Seattle Municipal Code, last amended by Ordinance
24 123020, is amended as follows:

1 **23.73.006 ((-)) Application of regulations**

2 Land that is located within the Pike/Pine Overlay District, as shown on Map A for
3 23.73.004, is subject to the regulations of the underlying zones unless specifically modified by
4 the provisions of this ~~((chapter))~~Chapter 23.73. In the event of a conflict between the provisions
5 of this ~~((chapter))~~Chapter 23.73 and the underlying zone, the provisions of this
6 ~~((chapter))~~Chapter 23.73 shall apply. In the event of a conflict between the provisions of this
7 ~~((chapter))~~Chapter 23.73 and Chapter 23.69, Major Institution Overlay District, the provisions of
8 Chapter 23.69 shall apply.

9 Section 6. Section 23.73.008 of the Seattle Municipal Code, last amended by Ordinance
10 123020, is amended as follows:

11 **23.73.008 ((-)) Street-level uses~~((Uses at street level))~~**

12 A. Street-level uses on principal pedestrian streets. Along designated principal pedestrian
13 streets shown on Map A for 23.73.008, provisions for street-level uses are established in
14 ~~((chapter))~~Chapter 23.47A, except as modified by this ~~((section))~~Section 23.73.008.

15 B. Space for small commercial uses at street level~~((;-))~~

16 1. Except as provided in subsection 23.73.008.B.3, ~~((All new))~~all structures that
17 include more than 5,000 square feet of commercial uses at street level, excluding the floor area
18 of performing arts theaters, arts facilities, and parking and access, shall include commercial
19 ~~((space(s)))~~spaces at street level for small, individual business establishments that average 2,000
20 square feet or less in size, according to Table A for 23.73.008.

Table A for 23.73.008	
Commercial ((space)) <u>Space</u> for ((small business establishments)) <u>Small Business</u>	
<u>Establishments</u>	
Total amount of square feet in commercial use at street level as calculated in subsection <u>23.73.008.B</u>	Number of required commercial spaces for individual business establishments averaging 2,000 square feet or less in size
Up to 5,000 square feet	0
More than 5,000 square feet, up to 8,000 square feet	1
More than 8,000 square feet, up to 12,000 square feet	2
More than 12,000 square feet, up to 16,000 square feet	3
More than 16,000 square feet	4, plus ((one)) <u>1</u> additional space for each additional 4,000 square feet above 16,000 square feet, up to a maximum of <u>8</u>

2. ~~((This))~~ The commercial space requirement of subsection 23.73.008.B.1 applies to the total size of a business establishment, except that if a business establishment includes more than one principal use, each principal use within the business establishment may qualify as a small business establishment.

3. For projects that retain a character structure as provided in Section 23.73.015, in addition to any excluded floor area specified in subsection 23.73.008.B.1, floor area meeting the following conditions is not required to comply with subsection 23.73.008.B.1:

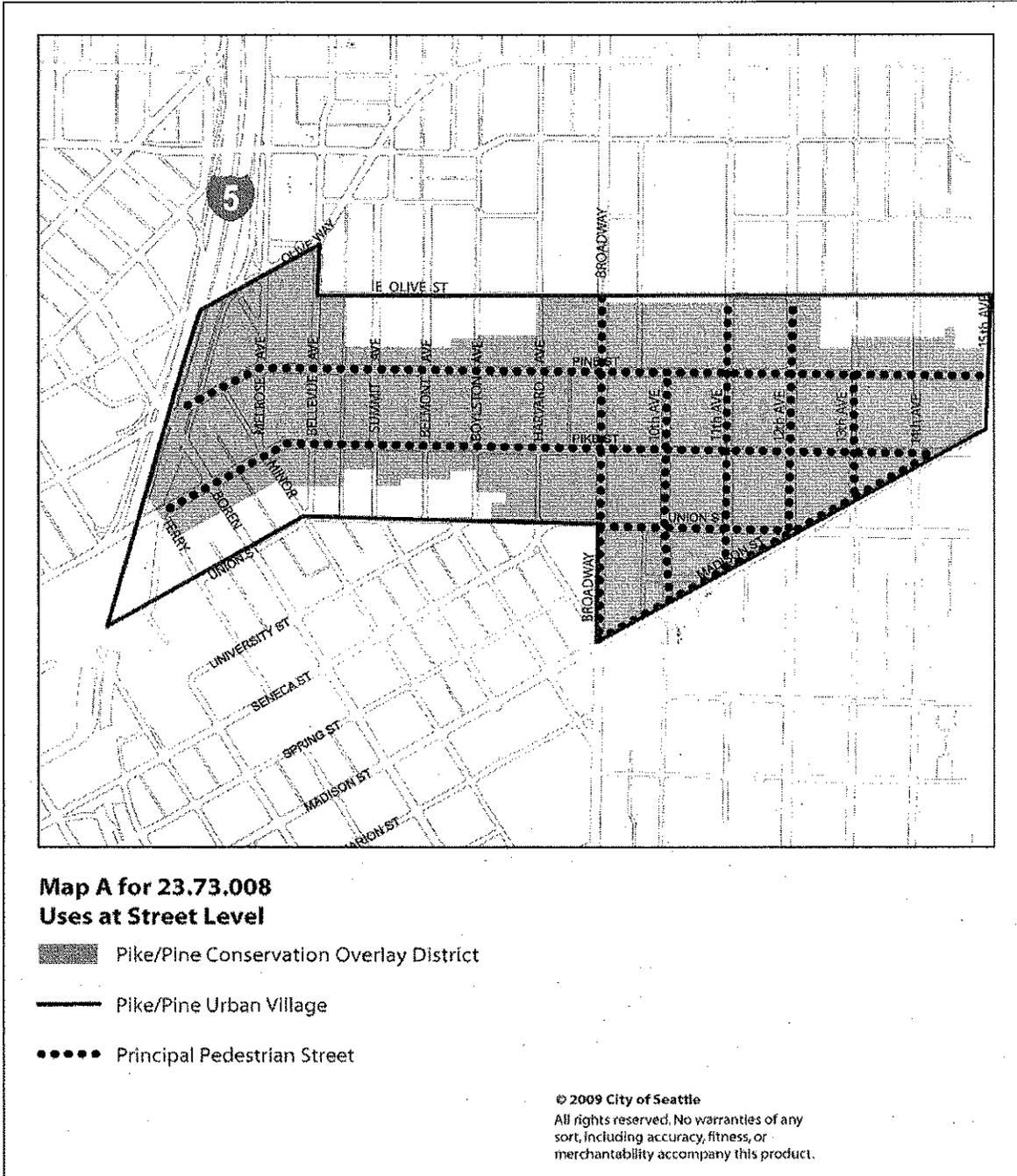
a. The floor area is occupied by street-level commercial uses or other uses excluded from the requirement for small commercial spaces in subsection 23.73.008.B.1 and is within the original street-level footprint of the retained character structure; and

1 b. The original street-level of the character structure was designed as a
2 large space for use as automobile retail sales and service, warehouse, manufacturing, or large
3 retail or commercial space.

4 C. Within new structures that face Pike, East Pike, Pine, and East Pine Streets, ((The))the
5 length of street frontage permitted at street level for an individual business((at street level)),
6 excluding institutional uses, ((within a new structure on Pike, East Pike, Pine, and East Pine
7 Streets))is limited to 50 feet. Portions of a business that are separated from the street by another
8 business or a different use that provides separate pedestrian access to the street are not limited in
9 width. The limit on the street frontage of an individual business does not apply to uses in an
10 existing character structure or in a character structure retained in a project according to Section
11 23.73.015, provided that the original street-level of the character structure was designed as a
12 large space for use as automobile retail sales and service, warehouse, manufacturing, or large
13 retail or commercial space.

Map A for 23.73.008

Uses at Street Level



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1 Section 7. Section 23.73.009 of the Seattle Municipal Code, last amended by Ordinance
2 123776, is amended as follows:

3 **23.73.009 ((-)) Floor area ratio**

4 A. For lots with residential uses only, or lots that include both residential and non-
5 residential uses, the FAR limits in Section 23.47A.013 for the underlying zone apply, except as
6 provided in this Section 23.73.009 and in Section 23.73.024 for projects using transfer of
7 development potential, and provided the gross floor area of non-residential uses does not exceed
8 2 FAR, except as permitted in subsection 23.73.009.B.((The floor area ratio (FAR) limits of the
9 underlying zones for residential use apply to all structures and lots within the boundaries of the
10 Pike/Pine Conservation Overlay District, except as provided in this Section 23.73.009 and in
11 Section 23.73.024 for projects using transfer of development potential.))

12 B. ((The gross floor area of non-residential use is))Non-residential uses are limited to a
13 maximum of 2 FAR, except that for development on a lot that meets one of the following
14 conditions, the FAR limits for non-residential uses in Section 23.47A.013 for the underlying
15 zone applies:

- 16 1. A character structure has not existed on the lot since January 18, 2012; or
17 2. For lots that include a character structure, all character structures on the lot are
18 retained according to Section 23.73.015, unless a departure is approved through the design
19 review process to allow the removal of a character structure based on the provisions of
20 subsection 23.41.012.B.32. If the lot includes a character structure that has been occupied by
21 residential uses since January 18, 2012, the same amount of floor area in residential uses shall be
22 retained in that structure, unless a departure is approved through the design review process to
23 allow the removal of the character structure based on the provisions of subsection
24 23.41.012.B.32. The owner of the lot shall execute and record in the King County real property
25 records an agreement to provide for the maintenance of the required residential uses for the life
26 of the project.



1 ~~((1. For all structures greater than 30 feet in height, the gross floor area in non-~~
2 ~~residential use is limited to the lesser of 50 percent of the total gross floor area of all structures~~
3 ~~on a lot, or 2 FAR.~~

4 ~~2. For development on a lot that meets all of the following conditions, the only~~
5 ~~limit on the gross floor area in non-residential uses shall be the FAR limit established by the~~
6 ~~underlying zoning for non-residential uses:~~

7 ~~a. The lot is 18,000 square feet in area or less;~~

8 ~~b. The lot abuts a street that is a boundary of the Pike/Pine Conservation~~
9 ~~Overlay District; and~~

10 ~~e. The lot is across a street from a lot that is:~~

11 ~~1) zoned NC3-65 or NC3P-65;~~

12 ~~2) located outside the Pike/Pine Conservation Overlay District;~~

13 and

14 ~~3) is not located within a Major Institution Overlay Zone.))~~

15 C. In addition to the floor area exempt under the provisions of the underlying zone, the
16 following floor area is exempt from the calculation of gross floor area subject to an FAR
17 limit~~((and from the limit on nonresidential use in 23.73.009.B))~~:

18 ~~((1. Nonresidential use located in a character structure, provided that the non-~~
19 ~~residential use does not displace an existing residential use.~~

20 ~~2. New nonresidential floor area added to a character structure, provided that the~~
21 ~~added floor area does not exceed the equivalent of 0.5 FAR, as calculated on the lot occupied by~~
22 ~~the character structure at the time it was built.))~~

23 ~~((3))1. The following ((Street-level))street-level ((commercial))uses complying
24 with the standards of Section 23.47A.008 and subsection 23.73.008.B((-)):~~

25 ~~a. General sales and services;~~

26 ~~b. Major durables retail sales;~~

1 c. Eating and drinking establishments;

2 d. Museums;

3 e. Religious facilities;

4 f. Libraries; and

5 g. Automotive retail sales and service uses located within an existing
6 structure or within a structure that retains a character structure as provided in Section 23.73.015.

7 ~~((4))~~2. Floor area used for ((the creation, display, performance or screening of art
8 for members of the general public and floor area used by an arts facility))theaters or arts
9 facilities, which for the purposes of this Section 23.73.009 only, may be operated either by for-
10 profit or not-for-profit organizations.

11 ~~((5))~~3. All floor area in residential use in a development that ((meets the
12 provisions of 23.73.010.B.2, provided that development of the lot does not require the removal
13 of a character structure listed in a rule promulgated by the Director according to Section
14 23.73.005))retains all character structures on the lot as provided in Section 23.73.015, or that
15 uses the transfer of development potential (TDP) on a lot that is a TDP receiving site according
16 to Section 23.73.024, unless a departure is approved through the design review process to allow
17 the removal of a character structure based on the provisions of subsection 23.41.012.B.32.

18 ~~((6))~~4. In areas where the underlying zoning is NC3P-65, all floor area in any use
19 if the lot that is to be developed((on a lot that)) is 8,000 square feet or less in area and has been
20 either vacant or in parking use ((as of))since February 27, 1995.

21 5. Floor area in non-residential use within a character structure that meets the
22 minimum requirements for retaining a character structure in 23.73.024.C.4, provided that the
23 non-residential use does not displace a residential use existing in the structure since January 18,
24 2012.

1 Section 8. Section 23.73.010 of the Seattle Municipal Code, last amended by
2 Ordinance 123776, is amended as follows:

3 **23.73.010 ((-)) Floor ((size))area limits outside the Conservation Core**

4 A. Floor ((size))area limit. The following provisions apply to lots located outside the
5 boundaries of the Conservation Core identified on Map A for 23.73.010.

6 1. ~~((On lots greater than 15,000 square feet in size, the))~~The maximum gross
7 floor area of any single story above 35 feet in height is limited to 15,000 square feet, except as
8 provided in subsections 23.73.010.A.2, 23.73.010.A.3, 23.73.010.B, and 23.73.010.C.((The floor
9 size limit does not apply to non-residential uses in a structure developed on a lot according to
10 subsection 23.73.009.B.2.))

11 2. For a project that is allowed extra height above the height limit by subsection
12 23.73.014.A, the 35-foot height above which the floor area limit applies is increased to 39 feet,
13 provided that the provisions for allowing additional height under subsection 23.73.014.A are
14 met.

15 3. For a project that is allowed extra height above the height limit by subsection
16 23.73.014.B, the 35-foot height above which the floor area limit applies is increased to 39 feet,
17 provided that:

18 a. The provisions for allowing additional height under subsection
19 23.73.014.B are met, and

20 b. The minimum floor-to-ceiling height of non-residential uses at street
21 level is at least 13 feet, except that if a character structure is retained according to Section
22 23.73.015, the floor-to-ceiling height of the portion of the street-level story above the footprint of
23 the character structure need not exceed the original floor-to-ceiling height of the character
24 structure.

25 ~~((2))~~4. On a lot with more than one structure or more than one portion of the
26 same structure that exceeds 35 feet in height, the floor ((size))area limit applies to the combined
27

1 portions of each ~~((structure above))~~ story above 35 feet in height. If 39 feet is the height above
2 which the floor area limit applies as allowed by subsection 23.73.010.A.1 and subsection
3 23.73.010.A.2, then the floor area limit applies to the combined portions of each story above 39
4 feet.

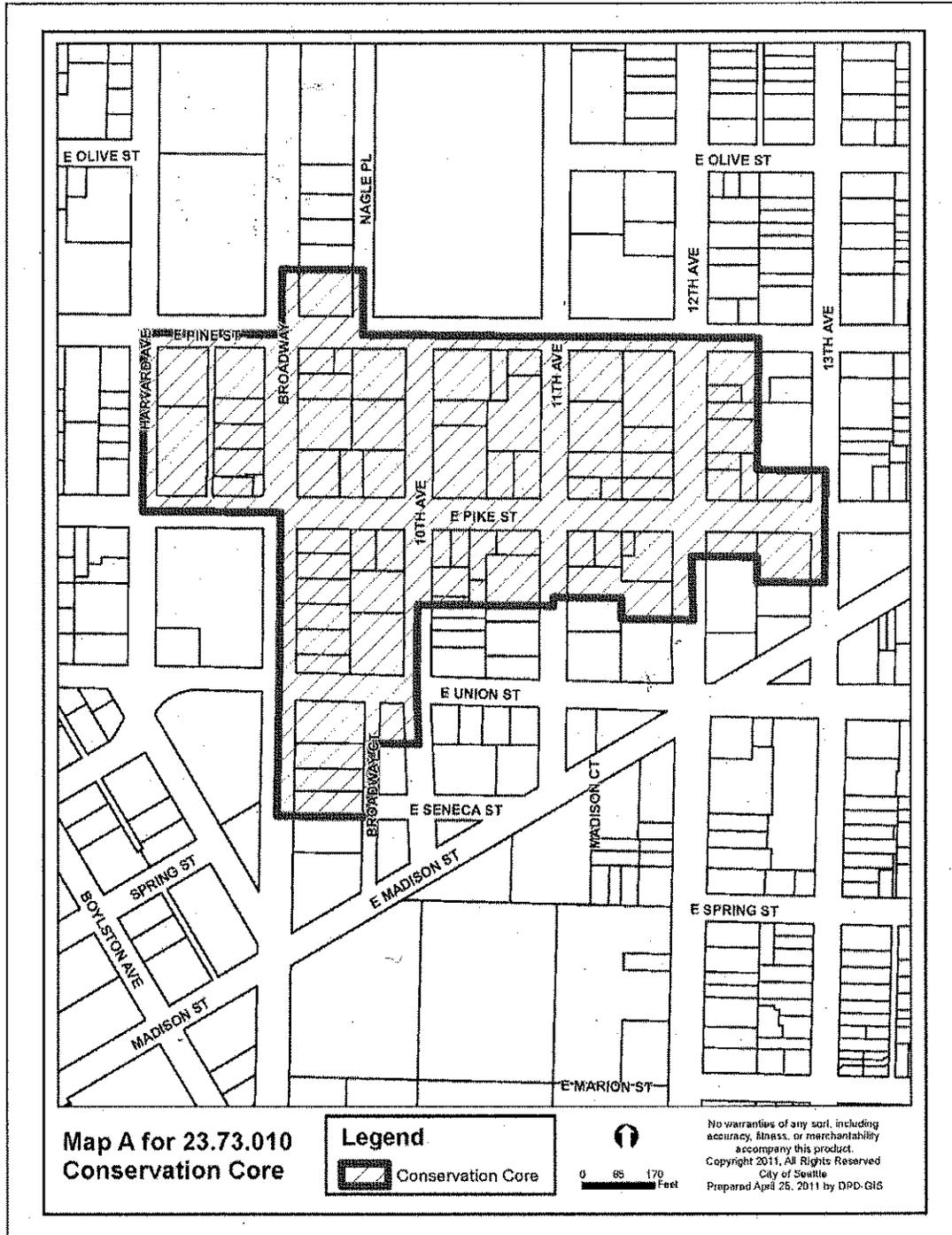
5 ~~((3. On a lot where more than one portion of the same structure exceeds 35 feet in~~
6 ~~height, the floor size limit applies to each portion of the structure above 35 feet in height. If the~~
7 ~~separation between portions of a structure above 35 feet in height is less than 40 feet, the floor~~
8 ~~area of each story in the separated portions of the structure shall be combined to determine the~~
9 ~~floor area subject to the floor size limit.))~~

10 ~~((4)5. If new structures on the same or abutting lots have internal connections~~
11 ~~above or below grade((the first story)), each of the stories of the connected structures are~~
12 ~~considered to be a single ((structure))story for the purpose of calculating the floor area subject to~~
13 ~~the floor ((size))area limit((, unless the structure to which the connection is made is a character~~
14 ~~structure)).~~

15 ~~((5. For a project that retains an entire character structure on the lot, any floor~~
16 ~~area above 35 feet in height within the character structure, whether connected to a new structure~~
17 ~~or not, is not included in the calculation of the floor area subject to the limit on floor size.))~~

Map A for 23.73.010: ((Pike/Pine))Conservation Core

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1 B. Exceptions to floor ~~((size))~~area limit~~((:))~~

2 1. ~~((For a structure with a minimum of 50 percent of the total gross floor area in~~
3 ~~residential use, the Director may permit, as a Type I decision, an))~~ A 15 percent increase in the
4 floor ~~((size))~~area limit ~~((of up to 15 percent))~~is permitted ~~((on lots with an area of 30,000 square~~
5 ~~feet or less, not counting any area occupied by a character structure,))~~ for projects that meet the
6 following conditions: ~~((to allow additional development flexibility to promote neighborhood~~
7 ~~conservation objectives and design that minimizes the overall appearance of the project's bulk.~~
8 ~~No increase in floor size is permitted for a project that will result in the demolition of a character~~
9 ~~structure. In order for a structure to qualify for an increase in floor size area one or more of the~~
10 ~~following conditions must exist:~~

11 a. ~~Conditions in the vicinity of the lot minimize the impact of additional~~
12 ~~development bulk on the existing character of the area. Such conditions include locations on the~~
13 ~~edges of the Pike/Pine Conservation Overlay District where development on large lots already~~
14 ~~exists, or where irregularities in the street grid have created small blocks or a single lot~~
15 ~~surrounded on all sides by streets; or~~

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

19 a. The project retains all the character structures existing on the lot, unless
20 a departure is approved through the design review process to allow the removal of a character
21 structure based on the provisions of subsection 23.41.012.B.32; and

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

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

7 d. Through the design review process a determination is made that
8 including one or more of the following features offsets the increase in the bulk of the project and
9 allows for a design treatment that achieves the intent of the neighborhood design guidelines
10 better than adhering to the floor area limit that would apply without the exception:

11 1) A landscaped courtyard that is visible from the sidewalk and
12 located primarily at street level on a street that is not a principal pedestrian street;

13 2) A through-block pedestrian corridor that connects parallel
14 streets bounding the project, consistent with the neighborhood design guidelines; or

15 3) Open space at locations that support the gateway and open
16 space concepts promoted in the neighborhood design guidelines.

17 2. Retaining character structures on a lot. A 25 percent increase in the floor
18 ~~((size))~~area limit established in subsection 23.73.010.A is permitted for a project((projects)) that
19 retains all the((incorporate a)) character ((structure))structures on the same lot((-either as a
20 whole structure or as a portion of a structure, according to the following provisions.)) according
21 to the provisions in Section 23.73.015, unless a departure is approved through the design review
22 process to allow the removal of a character structure based on the provisions of subsection
23 23.41.012.B.32. Any increase in floor area permitted according to this subsection 23.73.010.B.2
24 shall not be combined with any other increase in floor area permitted according to subsection
25 23.73.010.B.1 or 23.73.010.B.3.

1 ~~((a. No increase in floor size is permitted under the provisions of this~~
2 ~~subsection 23.73.010.B.2 for a project that will result in the demolition of a designated Seattle~~
3 ~~landmark, or of a character structure listed in a rule promulgated by the Director according to~~
4 ~~Section 23.73.005.~~

5 ~~b. One character structure must be retained for each new structure or~~
6 ~~portion of a structure that is subject to the floor size limit in order for the new structure or portion~~
7 ~~of a structure to qualify for the 25 percent increase in floor size.~~

8 ~~e. For a project that incorporates portions of a character structure, the~~
9 ~~following conditions shall be met:~~

10 ~~1) All street-facing facades of the character structure are retained;~~

11 ~~2) All portions of the new structure above the height of the street-~~
12 ~~facing facades of the character structure are set back a minimum of 15 feet from all street~~
13 ~~property lines that abut the character structure; and~~

14 ~~3) The original floor-to-ceiling height of the ground story is~~
15 ~~maintained.~~

16 ~~d. Any floor area in a new portion of the structure above 35 feet in height~~
17 ~~that is within the area of the original footprint of the character structure and is separated from the~~
18 ~~street along all street frontages by the original facades of the character structure is not included in~~
19 ~~the calculation of the floor area subject to the floor size limit.~~

20 ~~e. A project that is granted an increase in floor size under the provisions~~
21 ~~of this subsection 23.73.010.B.2 shall maintain the character structure, or portions of the~~
22 ~~character structure, both interior and exterior, in good condition and repair and in a manner that~~
23 ~~preserves unique features and characteristics for the life of the project. Any increase in floor size~~
24 ~~permitted according to this subsection 23.73.010.B.2 shall not be combined with any increase in~~
25 ~~floor size permitted according to Section 23.73.010.B.1.))~~

1 3. A 25 percent increase in the floor ~~((size))~~area limit is permitted on a lot that
2 qualifies as a ((the))receiving site ((of))for a project that adds floor area through the use of TDP
3 as permitted by Section 23.73.024, provided that the amount of floor area added through the use
4 of TDP is equivalent to at least 0.25 FAR, as calculated for the receiving site. Any increase in
5 floor area permitted according to this subsection 23.73.010.B.3 shall not be combined with any
6 other increase in floor area permitted according to subsection 23.73.010.B.1 or 23.73.010.B.2.

7 C. Exempt floor area. The following is not included in calculating floor area subject to
8 the floor area limit:

9 1. Floor area within an existing character structure either on the lot or an abutting
10 lot within the same development site if the entire character structure is retained according to the
11 provisions of subsection 23.73.024.C.4.

12 2. For a project that retains an entire character structure on the lot according to
13 the requirements of subsection 23.73.024.C.4, any floor area in a portion of the new structure
14 that extends or cantilevers over the character structure; provided that the new structure does not
15 alter the envelope or interior of the character structure. Connections between the new structure
16 and the facades of the retained character structure that do not face a public street are allowed.

17 Section 9. Section 23.73.012 of the Seattle Municipal Code, last amended by Ordinance
18 123776, is amended as follows:

19 **23.73.012 ((-)) Structure width and depth limits**

20 ~~((A. The structure width and depth limits in this Section 23.73.012 apply to lots that~~
21 ~~contained a character structure on the effective date of the ordinance introduced as Council Bill~~
22 ~~117235.))~~

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

3 1. Portions of a character structure that are retained according to the provisions in
4 Section 23.73.015, whether connected to a new structure or not;

5 2. Portions of a new structure that are separated from the street ~~((property))~~lot
6 line by another lot;

7 3. Portions of a new structure that are separated from the street ~~((property))~~lot
8 line by an adjacent structure located on the same lot that is not a character structure, provided
9 that the adjacent structures are not internally connected above or below grade; and

10 4. Portions of a new structure that are separated from the street ~~((property))~~lot
11 line by a character structure that is retained according to the provisions of Section 23.73.015.~~((or~~
12 ~~by the remaining portions of a character structure included in a project as allowed by subsection~~
13 ~~23.73.010.B.2.))~~

14 B. Structure width and depth limits inside the Conservation Core. The structure width
15 and depth limits in this subsection 23.73.012.B apply to lots that are located inside the
16 Conservation Core identified on Map A for 23.73.010, except that there are no limits on width
17 and depth for lots that did not contain a character structure on January 18, 2012.

18 1. 128 feet shall be the width and the depth limit for portions of new structures on
19 lots that contained a character structure on January 18, 2012. The width limit is measured as the
20 combined width of all portions of new structures located on the lot and the depth limit is
21 measured as the combined depth of all portions of new structures located on the lot, except as
22 provided in subsection 23.73.012.B.2 and subsection 23.73.012.B.3.

23 ~~((C. Structure width limit inside the Conservation Core. Inside the Conservation Core~~
24 ~~identified on Map A for 23.73.010, the structure width limit on block faces that exceed 170 feet~~
25 ~~in width is 128 feet, measured along the street lot line, except that the structure width limit~~
26 ~~calculation does not include the following:~~

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

3 2. ~~Portions of a new structure that are separated from the street property line by a~~
4 ~~character structure or by the remaining portions of a character structure included in a project as~~
5 ~~allowed by subsection 23.73.010.B.2, provided that the new structure does not result in the total~~
6 ~~demolition of any character structure on the lot.~~

7 ~~D. Structure depth limit inside the Conservation Core. Inside the Conservation Core~~
8 ~~identified on Map A for 23.73.010, structure depth shall be limited to 128 feet, measured as the~~
9 ~~combined depth of all structures located on the lot, except that portions of a character structure,~~
10 ~~whether connected to a new structure or not, are not included in calculating structure depth.))~~

11 2. Portions of a new structure that are separated from the street lot line by a
12 character structure that is retained according to Section 23.73.015 are excluded from structure
13 width and depth measurements, provided that:

14 a. All character structures on the lot are retained according to the
15 provisions of Section 23.73.015, unless a departure is approved through the design review
16 process to allow the removal of a character structure based on the provisions of subsection
17 23.41.012.B.32; and

18 b. This exclusion from width and depth measurement in subsection
19 23.73.012.B.2 is only allowed for one retained character structure on the lot.

20 3. For the narrow block bounded by Broadway, East Union Street, Broadway
21 Court, and East Madison Street, the depth limit does not apply to structures on through lots
22 extending from Broadway to Broadway Court, and the width limit only applies to frontages on
23 Broadway and Broadway Court.

24 Section 10. Section 23.73.014 of the Seattle Municipal Code, last amended by Ordinance
25 123776, is amended as follows:

26 **23.73.014 ((-)) Height exceptions**

1 A. Height ~~((Exception))~~exception for ~~((Mixed-Use Structures))~~street-level uses. In zones
2 with a mapped height limit of 65 feet, an additional 4 feet of height above the height limit of the
3 zone is allowed for structures that include uses listed as required street-level uses in subsection
4 23.47A.005.D.1 or live-work use ~~((the Director may permit the height of a mixed-use structure to~~
5 ~~exceed the height limit of the zone by up to 4 feet, only))~~if the following conditions are
6 met~~((residential use and either the nonresidential use or the live-work units are located in the~~
7 ~~same structure and comply with the following))~~:

8 1. The floor-to-ceiling height of the street-level uses ~~((nonresidential use))~~or live-
9 work ~~((unit))~~units located at street level ~~((requires a floor-to-ceiling height that exceeds))~~is 13
10 feet or more, except when a character structure is retained according to Section 23.73.015, the
11 floor-to-ceiling height of the portion of the street-level story above the footprint of the character
12 structure need not exceed the original floor-to-ceiling height of the character structure~~((to~~
13 ~~support business operations))~~; ~~((and))~~

14 2. The additional height will not permit an additional story to be built beyond the
15 number that ~~((what))~~could be built under a 65-foot height limit~~((if a floor-to-ceiling height of~~
16 ~~more than 13 feet is not needed to support street-level nonresidential uses.))~~; and

17 3. The transparency requirements for street-facing ~~((façades))~~façades in
18 subsection 23.47A.008.A.2 ~~((shall apply to))~~are met for the portion of the street-facing
19 ~~((façades))~~façades between 2 feet and 12 feet above the sidewalk. Only clear or lightly-tinted
20 glass shall be considered transparent. For a character structure that is retained in a new project
21 according to Section 23.73.015, measurement for required transparency of the street-facing
22 façades of the character structure shall be according to the provisions of subsection 23.86.026.B.

23 B. Height exception for lots that include a character structure. In zones with a 65-foot
24 mapped height limit, or with a 40-foot mapped height limit with provisions allowing for
25 additional height up to 65 feet according to subsection 23.47A.012.A, 10 feet of additional height
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1 is allowed above ((the Director may permit the height of a structure to exceed))the 65 foot height
2 limit ((of the zone by 10 feet, subject to))if the following requirements are met:

3 1. The lot includes a character structure and all character structures on the lot are
4 retained according to the provisions of Section 23.73.015, unless a departure is approved through
5 the design review process to allow removal of a character structure based on the provisions of
6 subsection 23.41.012.B.32.

7 ~~((2. If a project incorporates a character structure on the lot, the project meets the~~
8 ~~following conditions:~~

9 a. ~~All street facing facades of the character structure shall be retained;~~

10 b. ~~All portions of the new structure above the height of the street-facing~~
11 ~~facades of the character structure shall be set back a minimum of 15 feet from all street property~~
12 ~~lines that abut the character structure; and~~

13 c. ~~The original floor-to-ceiling height of the ground story shall be~~
14 ~~maintained.))~~

15 ~~((3))~~2. The additional floor area above the 65-foot height limit is occupied solely
16 by residential use, except as otherwise permitted by subsection 23.73.014.B.3;

17 ~~((4. The project will not result in the demolition of a character structure listed in a~~
18 ~~rule promulgated by the Director according to Section 23.73.005 or of a designated landmark,~~
19 ~~except to the extent allowed in subsection 23.73.014.B.2; and))~~

20 3. A project that is permitted the FAR of the underlying zone for non-residential
21 uses under subsection 23.73.009.B may be allowed to occupy the floor area permitted above the
22 65 foot height limit under this subsection 23.73.014.B if a departure is approved through the
23 design review process, provided that there is no additional increase in the FAR for non-
24 residential uses beyond what is otherwise allowed by Section 23.73.009. The decision to allow a
25 departure shall be based on a determination that the additional height will result in a better design

1 treatment and accommodate features that promote the development objectives of the Pike/Pine
2 Conservation Overlay District by:

3 a. Maintaining greater portions of existing character structures on the lot
4 through design treatments that exceed the minimum standards of subsection 23.73.015.A,
5 retaining an entire character structure, or retaining a large number of character structures if the
6 number and siting of the structures pose severe limitations on the amount of floor area that can
7 be achieved in the new project within the applicable height limit; or

8 b. Providing space for features that enhance pedestrian circulation and
9 walkability in the area, such as through-block pedestrian corridors, or open spaces at locations
10 that support the gateway and open space concepts promoted in the neighborhood design
11 guidelines; or

12 c. Accommodating uses, such as theater space or arts facilities that
13 support the area's arts and culture function but that may have special spatial needs that require
14 additional design flexibility to incorporate them into the project, provided the uses are
15 maintained for the life of the project as provided for in a recorded covenant approved by the
16 Director.

17 ~~((5. One character structure must be retained for each new structure or portion of~~
18 ~~a structure that is subject to the floor size limit in subsection 23.73.010.A in order for the new~~
19 ~~structure or portion of a structure to qualify for the 10 foot increase in height.))~~

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

22 D. If a project uses more than one of the height exceptions permitted by this Section
23 23.73.014, the maximum height shall be the height permitted by the exception allowing the
24 greatest height increase.

25 E. Additional height for rooftop features. For structures using the height exceptions
26 specified in this Section 23.73.014, additional height is permitted above the maximum height
27

1 allowed by the exception to accommodate rooftop features as permitted under subsection
2 ~~((23.47A.012.D))~~23.47A.012.C.

3 Section 11. A new Section 23.73.015 is added to the Seattle Municipal code as follows:

4 **23.73.015 Retention and demolition of character structures**

5 A. For provisions in this Chapter 23.73 that require a portion of a character structure to
6 be retained in order to earn incentives, in addition to the provisions of the applicable section, the
7 minimum requirements for retaining a character structure are as follows:

8 1. All street-facing facades of the character structure shall be maintained for the
9 life of the project;

10 2. All portions of the new structure above the height of the street-facing facades
11 of the character structure shall be set back a minimum of 15 feet from the street-facing facades of
12 the character structure, except:

13 a. Projections such as unenclosed balconies, bay windows, cornices, belt
14 courses; and eaves, gutters, and other forms of weather protection may project a maximum of 18
15 inches into the required setback; and

16 b. On through lots that are bounded on three or more sides by a street and
17 that are less than 170 feet wide measured between streets, a setback is not required from the
18 narrowest abutting street that is not shown as a Principal Pedestrian Street on Map A for
19 23.73.008.

20 3. The original floor-to-ceiling height of the street-level story of the character
21 structure is maintained, allowing for adjustments to provide access to persons with disabilities.

22 4. If it is determined at any time that the character structure's street-facing facade
23 cannot be maintained as required under subsection 23.73.015.A.1, the Design Review Board
24 shall review any proposed changes to the facade before changes are made. If the proposed facade
25 changes are not approved through the design review process the incentives may not be used.

1 B. Character structures that are retained as provided by this Section 23.73.015 shall be
2 maintained as approved by the Master Use Permit for the project for the life of the project in a
3 manner that complies with applicable codes and approved plans, including the approved plan
4 required by subsection 23.7.3.015.C.

5 C. The applicant, as part of the Master Use Permit application submittal, shall submit the
6 following:

7 1. A plan specifying the portions of the character structure to be retained,
8 demolished, or rebuilt. For portions of the structure to be retained, the plan shall clearly indicate:
9 the materials to be retained in place, salvaged for reconstruction, or otherwise modified, and new
10 materials to be used in any reconstruction; and

11 2. A representation of the structure's final appearance.

12 D. A demolition permit may only be approved for portions of the project that are
13 specified for demolition in the plan submitted with the Master Use Permit application.

14 E. For the purposes of applying any applicable street-level developments standards of
15 Section 23.47A.008, the portion of a character structure that is retained to meet the standards of
16 subsection 23.73.015.A shall be regarded as an existing structure.

17 F. Departure from standards for retaining portions of a character structure. For a project
18 that retains portions of a character structure, departures from the provisions in subsection
19 23.73.015.A may be granted through the design review process, provided that one or more of the
20 following conditions apply:

21 1. The departure will allow for design treatments that reduce the appearance of
22 the bulk of the new structure and enhance the relationship between the new structure and the
23 retained character structure on the lot or development on adjacent lots; or

24 2. The portions of the new structure will not obscure key elements of the retained
25 structure's architectural character; or



1 3. The departure will facilitate the retention of other character structures on the
2 lot; or

3 4. Additional flexibility is necessary to maintain a character structure on a
4 development lot that is constrained by size or configuration; or

5 5. The departure will allow for a more functional street-level plan and improved
6 pedestrian access while retaining key qualities of the street-level story of the character structure,
7 especially as perceived from the street.

8 G. Demolition of character structures. If a project is required to retain all the character
9 structures on a lot under the provisions of this Chapter 23.73, a character structure may
10 nevertheless be demolished through a departure approved by the design review process
11 according to the provisions of subsection 23.41.012.B.32.

12 Section 12. Section 23.73.024 of the Seattle Municipal Code, last amended by Ordinance
13 123776, is amended as follows:

14 **23.73.024 ((-)) Transfer of development potential**

15 A. General ~~((Standards))~~standards for the transfer of development potential (TDP) within
16 the Pike/Pine Conservation Overlay District.

17 1. For a lot located in an NC3P_65 zone within the Pike/Pine Conservation
18 Overlay District shown on Map A for 23.73.004, ~~((excluding the area within the Conservation
19 Core shown on Map A for 23.73.010;))~~an applicant may use ~~((transferable development
20 potential))~~TDP to obtain ~~((one or both))~~any of the following:

21 a. A floor area exemption for~~((Additional))~~ residential and live-work unit
22 floor area ~~((above the maximum FAR limit for a mixed use structure))~~, as permitted under
23 subsection 23.73.009.C.3~~((in subsection 23.47A.013; or))~~;

24 b. A height exception to allow an additional 10 feet above the 65-foot
25 height limit~~((-))~~; and

1 c. A 25 percent increase in the floor area limit as provided in subsection
2 23.73.010.B.3.

3 2. Within the Conservation Core shown on Map A for 23.73.010, a lot that is an
4 eligible sending site meeting the provisions of subsection 23.73.024.C may transfer development
5 potential to any lot that is an eligible receiving site meeting the provisions of subsection
6 23.73.024.B. Eligible receiving sites may only gain development potential from eligible sending
7 sites that are also located within the Conservation Core.

8 ~~((2))~~3. Development potential may not be transferred from one lot to another
9 except as allowed by this Chapter 23.73.

10 ~~((3))~~4. Development potential may be transferred from eligible sending
11 ~~((lots))~~sites meeting the ~~((conditions))~~provisions of subsection 23.73.024.C to locations outside
12 the Pike/Pine Conservation Overlay District if TDP transfer to ~~((specifically-~~
13 ~~identified))~~specifically identified areas or lots is authorized by City ordinance.

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

16 ~~((1. Character structure TDP receiving sites shall be located outside the~~
17 ~~Conservation Core identified on Map A for Section 23.73.010.))~~

18 1. TDP receiving sites shall be located in an NC3P-65 zone within the Pike/Pine
19 Conservation Overlay District, provided that:

20 ~~((2.))~~a. Development of the receiving site shall not result in the
21 demolition ~~((or significant alteration of a character structure or a designated landmark))~~of a
22 structure designated as a landmark according to Chapter 25.12 or its alteration in a manner that is
23 inconsistent with Chapter 25.12 or an ordinance imposing controls on the landmark structure.

24 ~~((3.))~~b. Development on the lot that is the receiving site shall not result in
25 the demolition or significant alteration of a character structure that is not a designated landmark
26 and that has existed on the site since January 18, 2012, unless a departure is approved through
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1 the design review process to allow the removal of a character structure based on the provisions of
2 subsection 23.41.012.B.32. For the purposes of this subsection 23.73.024.B.1.b, significant
3 alterations to a character structure would result in conditions that would preclude compliance
4 with the minimum requirements of subsection 23.73.024.C.4.((For purposes of this Section
5 23.73.024, significant alteration of a character structure means:

6 a. ~~For character structures that are not designated landmarks:~~

7 1) ~~Alteration of the exterior façades of the character structure,~~
8 ~~except alterations that restore the façades to their original condition;~~

9 2) ~~Alteration of the floor-to-ceiling height of the street level story,~~
10 ~~except alterations that restore the floor-to-ceiling height to its original condition; or~~

11 3) ~~The addition of stories to the character structure, unless the~~
12 ~~proposed addition is no taller than the maximum height to which the character structure was~~
13 ~~originally built.~~

14 b. ~~For character structures that are designated landmarks, if the~~
15 ~~Landmarks Preservation Board grants a Certificate of Approval for an alteration, the alteration is~~
16 ~~not considered significant.))~~

17 ((3))2. An additional 10 feet in height above the height limit of the zone is
18 permitted on a lot that is an eligible TDP receiving ((sites))site.

19 ((4))3. ((All))Any residential and live-work floor area ((above))that is exempt
20 from the FAR limit as allowed by subsection 23.73.009.C.3, or any floor area that exceeds the
21 maximum floor area limit as allowed under subsection 23.73.010.B.3, or ((and-above))that is
22 located above 65 feet in height shall be achieved through the use of TDP.

23 ((4{5}))4. Floor area gained through the use of TDP shall be for residential and
24 live-work unit use only.

25 ((5{6}))5. For a structure that achieves an increase in height through the use of
26 TDP, the minimum street level floor-to-ceiling height ((shall be))is 13 feet.



1 ~~((6[7]))~~6. TDP required before construction. No permit after the first building
2 permit, and in any event no permit for construction activity other than excavating or shoring, and
3 no permit for occupying existing floor area by any use based on TDP; will be issued for
4 development that includes TDP until the applicant has demonstrated possession of TDP to the
5 Director's satisfaction.

6 C. Standards for ~~((Sending Sites.))~~ sending sites. A lot must meet the following
7 conditions in order to be eligible as a sending site to transfer extra residential floor area through
8 TDP to a lot that is an eligible receiving site according to subsection 23.73.024.B:

9 1. TDP sending sites shall be located in an NC3P zone within the Pike/Pine
10 Conservation Overlay District, excluding NC3P zones with an MIO-105 overlay, and shall
11 contain one of the following structures~~((; provided that character structures on the proposed TDP~~
12 ~~sending site have not been demolished, or significantly altered as defined in subsection~~
13 ~~23.73.024.B.2 since the effective date of this ordinance))):~~

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

16 ~~((e[b]))~~ b. Any character structure, provided that character structures on
17 the proposed TDP sending site have not been demolished or significantly altered since January
18 18, 2012, unless a departure is approved through the design review process to allow the removal
19 of a character structure based on the provisions of subsection 23.41.012.B.32. For the purposes
20 of this subsection 23.73.024.C.1.b, a significant alteration results in conditions that would
21 preclude the character structure from complying with the minimum requirements for retaining
22 the character structure in subsection 23.73.024.C.4.

23 2. Maximum transferable floor area~~((;))~~

24 a. The maximum amount of floor area that may be transferred from an
25 eligible sending site with a character structure that is not a designated landmark is the product of:
26 the eligible lot area of the sending site, times the maximum FAR for structures containing both
27

1 residential and non-residential uses as prescribed in Section 23.47A.013, minus the sum of any
2 chargeable gross floor area on the sending site under the zoning in effect at the time a complete
3 application transferring TDP is accepted, and minus any TDP previously transferred from the
4 sending site.

5 b. The maximum amount of floor area that may be transferred from an
6 eligible sending site with a designated landmark is the amount calculated in subsection
7 23.73.024.C.2.a multiplied by two.

8 c. For purposes of this subsection 23.73.024.C.2, the eligible sending site
9 lot area is the total area of the lot where the character structure (~~((sending site at the date that the~~
10 ~~character structure))~~was originally built.

11 3. Rehabilitation and maintenance of character structures. Character structures
12 that are designated landmark structures on sending lots from which TDP is transferred shall be
13 rehabilitated and maintained as required by the Landmarks Preservation Board. Character
14 structures located on a lot that is a TDP sending site that are not designated landmark structures
15 shall be rehabilitated and maintained to comply with applicable codes and shall remain in
16 compliance with the provisions of subsection 23.73.024.C.4 for the life of the structure on the
17 receiving site that includes the additional gross floor area(~~((have a minimum useful life of at least~~
18 ~~50 years from the time the TDP transfer is approved by the Director))~~). If the TDP is proposed to
19 be transferred prior to completing rehabilitation work necessary to satisfy this subsection
20 23.73.024.C, the Director may require as a condition of the transfer that a security be deposited
21 with the City in an amount determined by the Director to ensure that the work is completed.

22 4. (~~((Significant alteration, as defined in subsection 23.73.024.B.2, of the~~
23 ~~character structures on a TDP sending site is not permitted for at least 50 years from the time of~~
24 ~~the TDP transfer.))~~)For character structures that are not designated landmark structures, the
25 following provisions for retaining the character structure shall apply:

1 **23.84A.006 "C"**

2 * * *

3 "Character structure" means a structure on a lot within the boundaries of the Pike/Pine
4 Conservation Overlay District that has been in existence ~~((for at least 75 years))~~ prior to 1940,
5 thereby contributing to the established scale, development pattern, and architectural character of
6 the area.

7 * * *

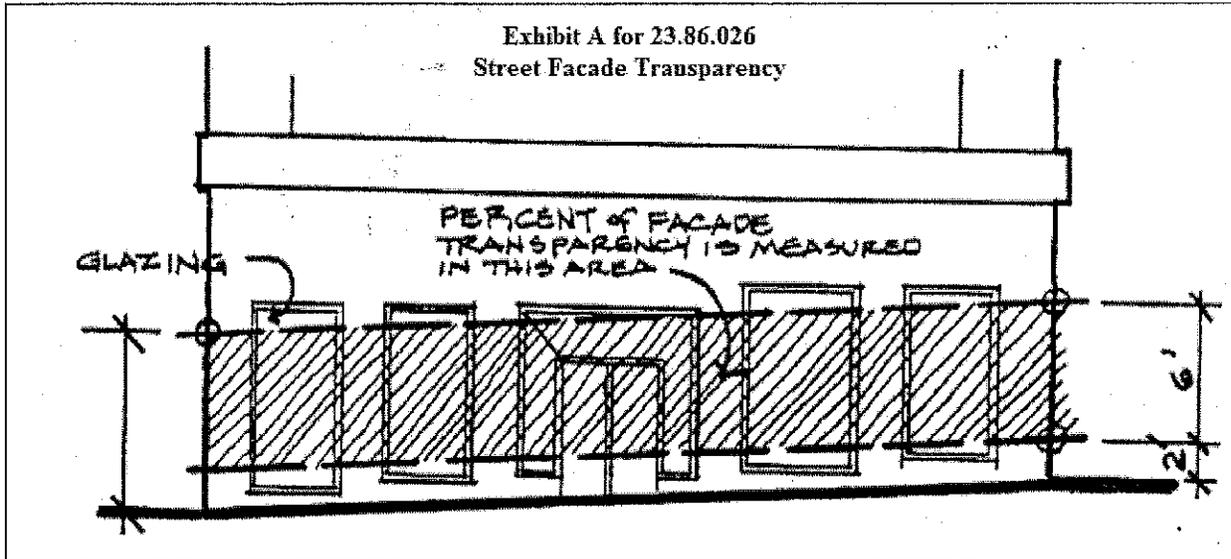
8 Section 14. Section 23.86.026 of the Seattle Municipal Code, last amended by Ordinance
9 123963, is amended as follows:

10 **23.86.026 ~~((Façade))~~ Facade transparency**

11 A. In zones where a certain percentage of the street-facing facade is required to be
12 transparent, transparency shall be measured in an area between 2 feet and 8 feet above the
13 elevation of the ~~((property))~~ lot line at the sidewalk, as depicted in Exhibit A for 23.86.026~~((A))~~,
14 unless a different area is specified in the development standards applicable to the lot. Areaways,
15 stairways, and other excavations at the ~~((property))~~ lot line shall not be considered in measuring
16 the elevation of the street ~~((property))~~ lot line. When sidewalk widening is required according to
17 Section 23.49.022, the elevation of the lines establishing the new sidewalk width shall be used
18 rather than the street ~~((property))~~ lot line.

Exhibit A for 23.86.026((=))

Street Facade Transparency



B. When transparency is required for facades ~~((which))~~ that abut bonused public open spaces, the measurement of facade transparency shall be from the elevation of the public open space.

C. The full length of landmark designated structures, and character structures retained according to Section 23.73.015, shall not be counted in determining the required transparency.

Section 15. Section 23.86.028 of the Seattle Municipal Code, last amended by Ordinance 112303, is amended as follows:

23.86.028 Blank facades((=))

In zones where blank facades are required to be limited, the following provisions shall be used to determine the percent and length of blank facades.

A. Percent of ~~((Blank Facades.))~~ blank facades

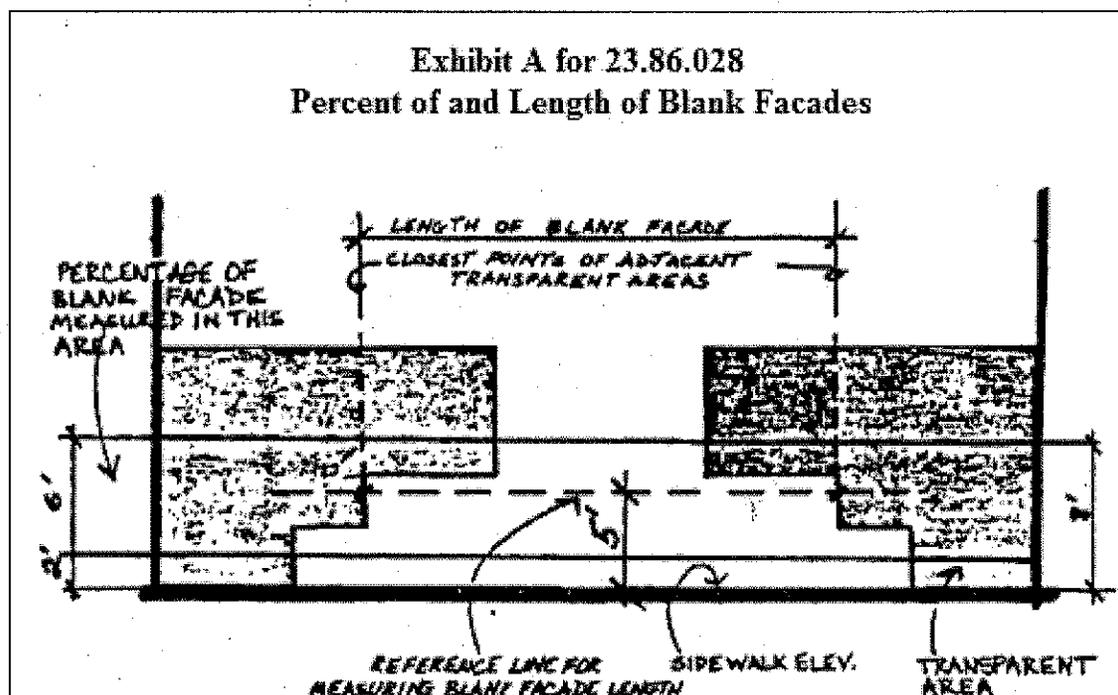
1. Blank facades shall be measured in an area between ~~((two-))~~2((=)) feet and ~~((eight-))~~8((=)) feet above the elevation of the ~~((property))~~ lot line at the sidewalk as depicted in



1 Exhibit A for 23.86.028((-A)). Areaways, stairways, and other excavations at the ((property))lot
2 line shall not be considered in measuring the elevation of the street ((property))lot line. When
3 sidewalk widening is required according to Section 23.49.022, the elevation of the line
4 establishing the new sidewalk width shall be used rather than the street ((property))lot line.

5 **Exhibit A for 23.86.028((-A))**

6 **Percent of and Length of Blank Facades**



19 2. When the blank facade is limited for facades which abut bonused public open
20 spaces, the measurement of facade transparency shall be from the elevation of the public open
21 space.

22 B. Length of ((Blank-Facades))blank facades. The length of a blank facade located
23 within the area established in subsection 23.83.028.A ((of this section))shall be measured
24 between the closest points of adjacent transparent areas, at ((five (5))5((+))) feet above the
25
26
27



1 elevation of the ~~((property))~~ lot line at the sidewalk. ~~((Garage doors shall not be counted in~~
2 ~~determining the length of blank facades, as depicted in Exhibit 23.86.028 A.))~~

3 C. The following shall not be counted in determining the length of blank facades:

4 1. Garage doors, as depicted in Exhibit A for 23.86.028; and

5 2. The full length of landmark designated structures, and character structures
6 retained according to Section 23.73.015.

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Section 16. 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 _____, 2014, and signed by me in open session in authentication of its passage this ____ day of _____, 2014.

President _____ of the City Council

Approved by me this ____ day of _____, 2014.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

Monica Martinez Simmons, City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Rebecca Herzfeld/684-8148	Not applicable

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Sections 23.41.012, 23.47A.005, 23.73.002, 23.73.005, 23.73.006, 23.73.008, 23.73.009, 23.73.010, 23.73.012, 23.73.014, 23.73.024, 23.84A.006, 23.86.026 and 23.86.028, and adding a new Section 23.73.015 to the Seattle Municipal Code to strengthen measures for maintaining and enhancing the character of the Pike/Pine neighborhood by addressing the bulk and scale of new development and the use of incentives for retaining character structures, clarifying and strengthening provisions for retaining character structures, removing restrictions on non-residential uses under certain conditions, and making corrections.

Summary of the Legislation:

The amendments are intended to strengthen measures for maintaining and enhancing the character of the Pike/Pine neighborhood. The amendments would:

- Address issues related to the bulk and scale of new developments that use incentives for retaining character structures;
- Clarify and strengthen provisions for retaining character structures (buildings in existence prior to 1940);
- Remove restrictions on nonresidential uses under specified conditions; and
- Make technical corrections and combine related provisions for ease of use.

Background:

For the past five years, the City Council has been working with the Pike/Pine community to amend land use regulations and design guidelines in order to:

- Promote mixed-use development;
- Keep new development compatible and in scale with the neighborhood;
- Encourage small, diverse local businesses;
- Preserve pre-1940 buildings (“character structures”) that contribute to the character of the neighborhood; and
- Retain and attract arts and cultural uses.

Most of the changes were adopted just before or during the recession, and developers did not start applying for permits for buildings that use the new regulations until recently, when pent-up demand resulted in applications for a number of large projects. The legislation is intended to continue the efforts to conserve the character of the Pike/Pine neighborhood in light of what the community and City have learned from the current development boom. In addition, the legislation provides additional opportunities for commercial development, in order to balance the substantial amount of residential development that has occurred during the boom.

X This legislation does not have any financial implications.



(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

This legislation has financial implications.

(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

No.

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

To the extent that the legislation clarifies the Land Use Code and adds guidance for developers, Department of Planning and Development (DPD) staff, the and volunteer members of the City's Design Review Board, it could reduce the costs by making the permit process more efficient. These potential savings would not be realized if the legislation is not adopted.

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

Because it amends the Land use Code, this legislation would be administered by DPD land use permit staff.

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

None.

e) Is a public hearing required for this legislation?

Yes, a City Council public hearing is required, and is scheduled on June 10, 2014.

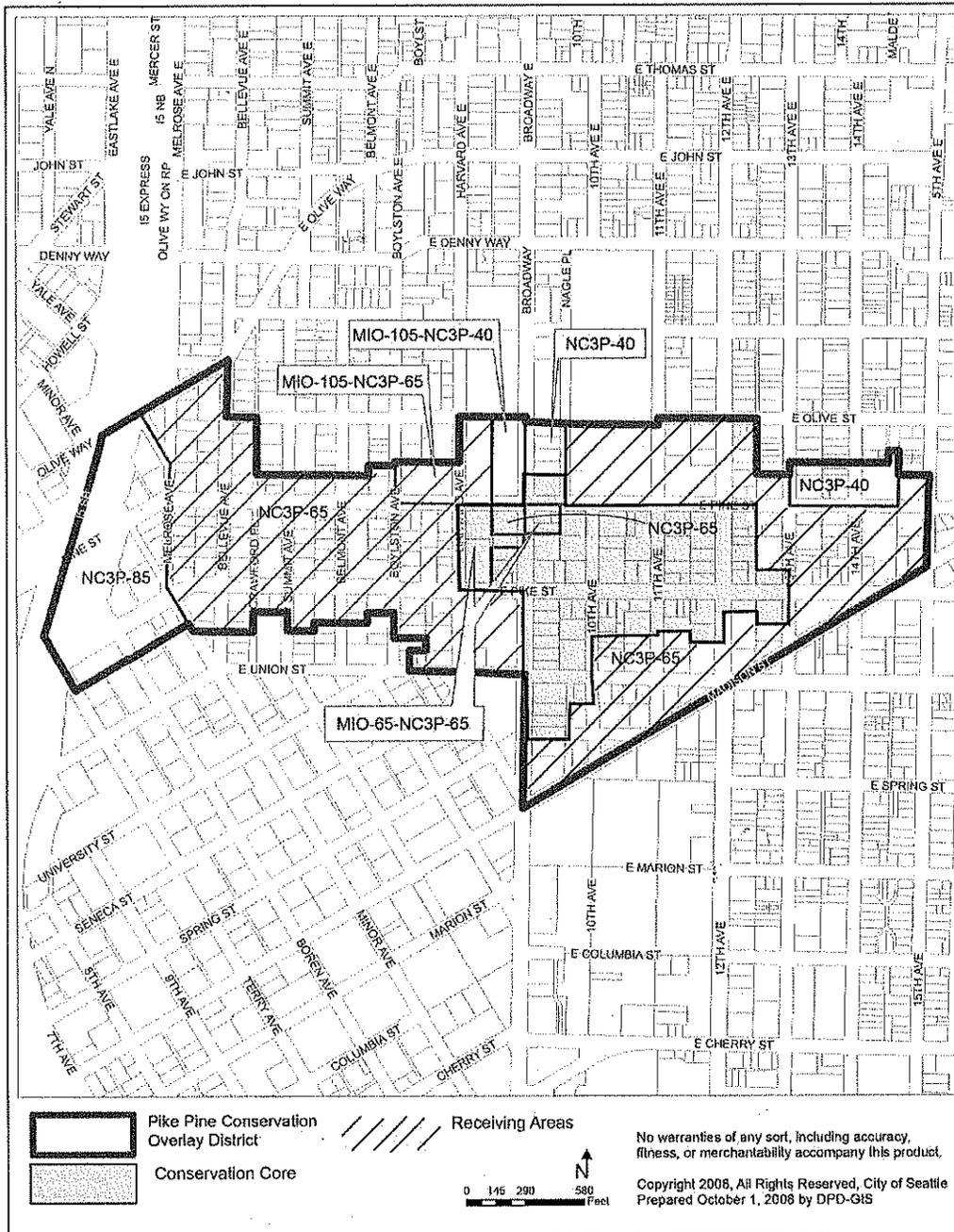
f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

This legislation requires a City Council public hearing, and notice of the public hearing in the Daily Journal of Commerce is required.

g) Does this legislation affect a piece of property?

This legislation would apply to the commercially zoned land within the Pike/Pine Conservation Overlay District, which is a sub-area of the Pike/Pine Urban Center Village. The Pike/Pine Conservation Overlay District boundaries and the boundaries of the proposed Conservation Core are shown on the map below.





h) Other Issues: None.

List attachments to the fiscal note below: None.

