CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 118201

AN ORDINANCE relating to land use and zoning; establishing a definition for small efficiency dwelling unit; clarifying standards for configuration of dwelling units; amending development standards for congregate residences; amending design review thresholds; clarifying the application of green factor landscaping requirements to congregate residences; amending income eligible household definitions for incentive programs related to small efficiency dwelling units and congregate residences; and modifying vehicle, bicycle and Restricted Parking Zone regulations for small efficiency dwelling units and congregate residences; amending Sections 11.16.315, 23.41.004, 23.45.504, 23.45.508, 23.45.524, 23.47A.004, 23.47A.016, 23.54.015, 23.54.040, 23.58A.004, and 23.84A.008 of the Seattle Municipal Code; and adopting new Sections 23.42.048 and 23.42.049.

WHEREAS, the City of Seattle Comprehensive Plan states in Housing Goal 4: Achieve a mix of housing types that are attractive and affordable to a diversity of ages, incomes, household types, household sizes, and cultural backgrounds; and

WHEREAS, the City of Seattle Comprehensive Plan states in Housing Policy 20: Promote and foster, where appropriate, innovative and non-traditional housing types such as co-housing, live/work housing and attached and detached accessory dwelling units, as alternative means of accommodating residential growth and providing affordable housing options; and

WHEREAS, the City of Seattle Comprehensive Plan states in Housing Goal 13: Provide new low-income housing through market-rate housing production and assisted housing programs; and

WHEREAS, the City of Seattle Comprehensive Plan states in Housing Policy 5: Provide for lower off-street parking requirements in locations where car ownership rates are low for resident populations, to help reduce housing costs and increase affordability; and

WHEREAS, the adoption of this ordinance will help implement those provisions of the Comprehensive Plan and will help protect and promote the health, safety and welfare of the general public; and

WHEREAS, the Seattle Department of Planning and Development (DPD) after monitoring the production of small unit housing and congregate residences for approximately two

years, forwarded legislation to the City Council to clarify regulations and to ensure the appropriate reviews and standards are in place; and

WHEREAS, the City Council Planning Land Use and Sustainability (PLUS) Committee reviewed proposed legislation, then convened a stakeholder working group comprised of developers, neighborhood representatives, residents of small housing types, and urban design and affordable housing professionals; and

WHEREAS, following the working group process the Council introduced revised legislation that includes a definition of small efficiency dwelling units, and other improvements to reflect input from the working group; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.16.315 of the Seattle Municipal Code, last amended by Ordinance 124220, is amended as follows:

11.16.315 Administration of restricted parking zones

A. Signage: Restricted parking zones shall be appropriately signed and/or marked.

B. Program ((~~C~~))components and ((~~P~~))permit ((~~U~~))use:

1. A restricted parking zone may have one or more of the following components:

a. Parking in the street is reserved for the exclusive use of those vehicles displaying a valid RPZ permit, guest permit, or other identification issued by the Seattle Department of Transportation as part of the RPZ program; or

b. Parking in the street is reserved during certain posted hours for exclusive use of vehicles displaying a valid RPZ permit, guest permit, or other identification issued by the Seattle Department of Transportation as part of the RPZ program but available at all other times without restriction; or

c. Time limits are established for parking in the street that apply to all vehicles except vehicles with a valid RPZ permit, guest permit, or other identification issued by the Seattle Department of Transportation as part of the RPZ program.

2. In any restricted parking zone, the Director of Transportation or the Director's designee may issue permits or other means of identification, maintain lists of vehicles owned or used by permit holders, or adopt any other reasonable means of distinguishing vehicles that are validly parked in a restricted parking zone.

a. A permit shall not guarantee or reserve to the holder an on-street parking space within the designated RPZ.

b. If issued to a resident, a permit must be used within six contiguous city blocks of the household unit address or, if issued to a business, institution, or employee, a permit must be used within six contiguous city blocks of the place of business or the institution.

C. Application:

1. In order to obtain an RPZ permit, any residential applicant shall present proof of residency in or adjacent to the restricted parking zone boundary in addition to submittal of a complete application to the Seattle Department of Transportation. As of January 1, 2010, any residential applicant must also present proof that the address of vehicle registration matches the applicant's household unit address or that the applicant is an out of state non-resident or active military personnel.

2. In order to obtain an employee RPZ permit, an employer shall present, for each employee requesting a permit, proof of employment within the RPZ boundary in addition to submittal of a complete application to the Seattle Department of Transportation.

D. Permit ((~~L~~))limit: As of January 1, 2010, each eligible household unit is entitled to have no more than four RPZ permits at any one time((~~.~~)), unless the household unit's dwelling unit is a small efficiency dwelling unit, in which case no more than one RPZ permit at any one time is allowed.

1. Exception: The Director of Transportation may issue more RPZ permits than the ((~~four~~))permit limit per household for the following land uses:

a. Adult family home;

b. Assisted living facility;

c. Domestic violence shelter; and

d. Permitted congregate residence((.)), provided the amount does not exceed one per sleeping room.

In determining whether to grant additional permits in excess of the four-permit per household limit, the Director of Transportation may also consider the availability of on-street parking in the requestor's residential area and demonstrated need for additional permits.

E. Guest ((P))permits. Each eligible resident may obtain no more than one annual or biennial guest permit per household unit. It is illegal to use a guest permit on a resident's vehicle. As of January 1, 2010, eligible residents may obtain no more than 50 single-day use guest permits per year.

F. Motorcycles and ((S))scooters. As of January 1, 2010, motorcycles and scooters are authorized to park in an RPZ without an RPZ permit.

G. Free-((F))floating ((C))car ((S))sharing ((V))vehicles. Any free-floating car sharing vehicle that displays a valid free-floating car sharing permit is authorized to park in any Restricted Parking Zone (RPZ) with the same privileges as a vehicle with a valid RPZ permit.

H. Employee ((P))permits. Separate from the program authorized by Section 11.16.316, the Director of Transportation shall consider requests from employers within an RPZ for employee permits under certain conditions provided that this can be done while maintaining the following goals of the RPZ program: reduce neighborhood traffic impacts by large parking demand generators; support mixed-use neighborhoods and local business districts; continue to reduce overall energy use and vehicle emissions; keep demand by residents and employees from exceeding available on-street parking spaces in residential areas; and implement a customer-oriented permit program. If resident RPZ permits are subsidized in a particular RPZ, an

employee is not eligible for such a subsidy. Among the criteria the Director shall consider in determining whether to grant requests for employee RPZ permits are:

1. Availability of on-street parking on non-RPZ-signed blocks that is within a reasonable walking distance of the employer;

2. Availability of alternate modes of transportation within a reasonable distance;

3. Availability of off-street parking within a reasonable distance;

4. Availability of on-street parking in the RPZ;

5. Time of day that employees work;

6. Number of permits requested by the employer;

7. Existence of other employers within the RPZ that could potentially also request employee permits; and

8. Other hardships that may exist.

Section 2. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.41.004 Applicability

A. Design review required

1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

Table A for 23.41.004
Thresholds for Design Review

	Zone	Threshold
a.	Lowrise 3 (LR3)	((~~Eight~~))8 dwelling units
b.	Midrise (MR)	((~~Twenty~~))20 dwelling units
c.	Highrise (HR)	((~~Twenty~~))20 dwelling units
d.	Neighborhood Commercial (NC1, NC2, NC3)	((~~Four~~))4 dwelling units or 4,000 square feet of non-residential gross floor area

Table A for 23.41.004 Thresholds for Design Review		
	Zone	**Threshold**
e.	Commercial (C1,C2)	((~~Four~~))4 dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban village[1], or on a lot that abuts or is across a street or alley from a lot zoned single-family, or on a lot located in the area bounded by: NE 95th St., NE 145th St., 15th Ave. NE, and Lake Washington
f.	Seattle Mixed (SM)	((~~Twenty~~))20 dwelling units or 12,000 square feet of non-residential gross floor area
g.	Industrial Commercial (IC)((~~-zone~~)) within all designated urban villages and centers	12,000 square feet of non-residential gross floor area
h.	Master Planned Community (MPC)[2]	((~~Twenty~~))20 dwelling units or 12,000 square feet of non-residential gross floor area
i.	All zones – congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units[3].	Developments containing at least 5,000 but less than 12,000 square feet of gross floor area are subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018.
		Developments containing at least 12,000 but less than 20,000 square feet of gross floor area are subject to Administrative Design Review (ADR) pursuant to Section 23.41.016.
		Developments containing 20,000 square feet or more of gross floor area are subject to Design Review pursuant to Chapter 23.41.

Footnote to Table A for 23.41.004:

[1] Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

[2] If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014.

[3] When a congregate residence or development in which more than 50 percent of dwelling units are small efficiency dwelling units is subject to more than one design review threshold, the gross square footage threshold on line i shall apply.

2. Design review is required for all new Major Institution development proposals that exceed any applicable threshold listed in this subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Design review is required for all new development proposals located in the following Downtown zones that exceed any of the following thresholds:

((~~DOC 1, DOC 2 or DMC Zones~~))

Table B for 23.41.004 Thresholds	
DOC 1, DOC 2 or DMC zones	
Use	**Threshold**
Non-residential	50,000 square feet of gross floor area
Residential	20 dwelling units
DRC, DMR, DH1 or DH2 ((~~Z~~))zones, or PMM zone outside the Pike Place Market Historical District	
Use	**Threshold**
Non-residential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet of non-residential gross floor area and electing to add extra floor area above the base FAR that are located in an IC 85-160 zone.

5. Streamlined administrative design review (SDR) to protect trees. As provided in Sections 25.11.070 and 25.11.080, ((~~streamlined administrative design review~~))SDR pursuant to Section 23.41.018 is required for any new development proposals in LR, MR, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located on the lot and is not proposed to be preserved, if design review would not otherwise be required by this subsection 23.41.004.A.

6. New multifamily or commercial development proposals in the zones listed in this subsection 23.41.004.A, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection 23.41.004.A.5.

7. Design review pursuant to Section 23.41.014 is required for projects that are eligible for design review under any provision of this ((s))Section 23.41.004 and that are participating in the Living Building Pilot Program authorized by Section 23.40.060.

8. ((~~Streamlined administrative design review ()~~))SDR((~~()~~)) pursuant to Section 23.41.018 is required for all new developments that include at least three townhouse units, if design review is not otherwise required by this subsection 23.41.004.A.

* * *

Section 3. A new Section 23.42.048 is added to the Seattle Municipal Code as follows:

23.42.048 Configuration of dwelling units

A. Dwelling units. In all zones a dwelling unit exists if the use meets the requirements of subsection 23.42.048.A.1 or 23.41.048.A.2 and if the use is not an adult family home, congregate residence, assisted living facility, or nursing home.

1. A separate or separable area within a building, including:

a. a complete food preparation area. A room or portion of a room designed, arranged, intended or used for cooking or otherwise making food ready for consumption that contains a sink, and a stove or range, a refrigerator, and a countertop, shall be considered a complete food preparation area; and

b. a bathroom containing a toilet, and a shower or bathtub; and

c. one or more sleeping rooms.

2. A sleeping room with an associated private bathroom including a toilet, and a shower or bathtub, within a separate or separable area of a building that contains more than 4 sleeping rooms, if:

a. fifty percent or more of the sleeping rooms in the separate or separable area have an associated private bathroom including a toilet, and a shower or bathtub; or

b. less than 30 percent of the floor area of the separate or separable area is in shared space such as a living or dining room.

3. For the purposes of this subsection 23.42.048.A, a separate or separable area is an area having direct access to the exterior of the building or access to the exterior via hallways and stairways that are primarily ingress/egress routes to the exterior rather than leading to common kitchens and living areas.

B. Small efficiency dwelling units. In all zones small efficiency dwelling units are subject to the following standards. Small efficiency dwelling units are also subject to additional standards specified in the Seattle Building Code and any Director's Rule making interpretation thereof.

1. Sleeping room net floor area. Each small efficiency dwelling unit shall have a sleeping room that has at least 120 net square feet of floor area. The floor area occupied by bathrooms, cabinets, appliances and structural features, is not included in calculating the net floor area.

2. Total floor area. In a building containing small efficiency dwelling units, the average total floor area of the small efficiency dwelling units and other dwelling units in the building inclusive of bathrooms, cabinets and structural features shall be at least 220 square feet. Dwelling units greater than 400 gross square feet are not included in calculating the average total floor area.

3. Food preparation area. Each small efficiency dwelling unit shall contain a food preparation area with a cooking appliance that may be portable, such as a microwave, a refrigerator, a sink, and not less than 4 square feet of contiguous countertop work area.

4. Bathroom. Each small efficiency dwelling unit shall contain a bathroom with a toilet, and a shower or bathtub.

Section 4. A new Section 23.42.049 is added to the Seattle Municipal code as follows:

23.42.049 Congregate residences

Congregate residences are subject to the development standards for the zone in which they are located, to the development standards for apartments where such housing type standards are specified, and to the following requirements:

A. Common food preparation area. At least one complete common food preparation area is required within the congregate residence, and all residents shall have access to either a common complete food preparation area or a food preparation area within a sleeping room.

B. Food preparation areas in sleeping rooms. Within a congregate residence not more than 25 percent of sleeping rooms shall have complete food preparation areas, where a complete food preparation area is identified by the presence of a plumbed sink, a stove or range, a refrigerator, and a counter top. The Director has discretion to increase the percentage up to 100 percent of sleeping rooms if the congregate residence is owned by a college or university, is a sorority or fraternity, or is owned by a not for profit entity or charity, or is a congregate residence that is licensed by the State and provides on-site supportive services for seniors or persons with disabilities. Supportive services include meal service, cleaning service, health services or similar services.

C. Communal area. Communal areas such as common kitchens, lounges, recreation rooms, dining rooms, living rooms, foyers and lobbies, that are accessible to all residents of the congregate residence with sufficient accommodations for socializing and meeting shall be provided, and shall meet the following standards:

1. The total amount of communal area shall have a floor area that is at least 10 percent of the total floor area of all sleeping rooms. In calculating the total floor area of sleeping rooms, the abutting ancillary areas associated with sleeping rooms shall be included, such as: sleeping lofts, counters, closets, built-ins, and private bathrooms;

2. Service areas, including, but not limited to hallways and corridors, supply or janitorial storage areas, operations and maintenance areas, staff areas and offices, and required bicycle parking areas may not be counted toward the communal area requirement;

3. Communal areas are required in addition to any residential amenity area that is required in the zone.

Section 5. Section 23.45.504 of the Seattle Municipal Code, last amended by Ordinance 123939, is amended as follows:

23.45.504 Permitted and prohibited uses

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

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

Table A for 23.45.504: Permitted and Prohibited Uses		
	Permitted and ((~~P~~))prohibited ((~~U~~))uses by ((~~Z~~))zone	
Uses	**LR1, LR2, LR3**	**MR and HR**
A. Residential use except as listed below.	P	P
A.1. Congregate residence	X/P[1]	P/X[2]
B. Institutions	P/CU ((~~[1]~~))[3]	P/CU ((~~[1]~~))[3]
C. Uses in existing or former public schools		
C.1. Child care centers, preschools, public or private schools, educational and vocational training for the disabled, adult	P	P

Table A for 23.45.504: Permitted and Prohibited Uses		
	Permitted and ((P))prohibited ((U))uses by ((Z))zone	
Uses	**LR1, LR2, LR3**	**MR and HR**
evening education classes, nonprofit libraries, community centers, community programs for the elderly, and similar uses in existing or former public schools.		
C.2. Other non-school uses in existing or former public schools	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
D. Park and pool and park and ride lots	X/CU((2))4	X/CU((2))4
E. Parks and playgrounds including customary uses	P	P
F. Ground floor commercial uses	RC	P34
G. Medical ((S))service ((U))uses other than permitted ground floor commercial uses	P/X((4))6	P/CU/X((4))6
H. Uses not otherwise permitted in landmark structures	CU	CU
I. Cemeteries	P/X((5))7	P/X((5))7
J. Community ((G))gardens	P	P
K. All other uses	X	X

Footnotes to Table A for 23.45.504

1. Congregate residences that are owned by a college or university; or are a sorority or fraternity; or are owned by a not for profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities; are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services or similar.

2. Congregate Residences that are owned by a college or university; or are a sorority or fraternity; or are owned by a not for profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities; are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, health services or similar.

((1))3. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69.

((2))4. Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.

((3))5. Subject to subsection 23.45.504.E.

((4))6. Subject to subsection 23.45.504.G and 23.45.506.F.

((5))7. Subject to subsection 23.45.504.F.

Table A for 23.45.504: Permitted and Prohibited Uses		
	Permitted and ((~~P~~))prohibited ((~~U~~))uses by ((~~Z~~))zone	
Uses	**LR1, LR2, LR3**	**MR and HR**
P = Permitted outright CU = Permitted as an Administrative Conditional Use RC = Permitted in areas zoned Residential Commercial (RC), and subject to the provisions of the RC zone, Chapter 23.46 X = Prohibited		

Section 6. Section 23.45.508 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.508 General provisions

A. Except for structures related to an urban farm, a structure occupied by a permitted use other than a residential use may be partially or wholly converted to a residential use even if the structure does not conform to the development standards for residential uses in multifamily zones.

B. Off street parking shall be provided pursuant to Section 23.54.015.

C. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses are regulated by Sections 23.42.108 and 23.42.110.

D. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys, and easements are provided in Chapter 23.53. Standards for parking and access and design are provided in Chapter 23.54. Standards for solid waste and recyclable materials storage space are provided in Section 23.54.040. Standards for signs are provided in Chapter 23.55.

E. Assisted living facilities, congregate ((~~housing~~))residences, and nursing homes shall meet the development standards for apartments unless otherwise specified. Congregate residences are subject to additional requirements as specified in Section 23.42.049.

F. Single-family dwelling units. In LR zones, single-family dwelling units shall meet the development standards for townhouse developments, except as otherwise provided. In MR and HR zones, single-family dwelling units shall meet the development standards of the zone.

G. Proposed uses in all multifamily zones are subject to the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

H. Lots with no street frontage. For purposes of structure width, depth, and setbacks, multifamily zoned lots that have no street frontage are subject to the following:

1. For lots that have only one alley lot line, the alley lot line shall be treated as a front lot line.

2. For lots that have more than one alley lot line, the Director shall determine which alley lot line shall be treated as the front lot line.

3. For lots that have no alley lot lines, the applicant may choose the front lot line provided that the selected front lot line length is at least 50 percent of the width of the lot.

I. All use provisions and development standards applicable to MR zones, except maximum height, also apply in the MR/85 zone.

J. Any other provision of the Seattle Municipal Code notwithstanding, an applicant is not entitled to a permit for any use or development on a lot in a ((~~Lowrise~~))LR zone that would be inconsistent with any term, condition, or restriction contained either in any recorded agreement that is in effect as to that lot and was made in connection with a rezone of the lot to LDT, L1, L2, L3, or L4, or in any City Council decision or ordinance related to a rezone of the lot to LDT, L1, L2, L3, or L4 conditioned on a recorded agreement prior to ((~~the effective date of the ordinance introduced as Council Bill 117014.~~))April 19, 2011.

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Section 7. Section 23.45.524 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.524 Landscaping standards

A. Landscaping requirements((.))

1. Standards. All landscaping provided to meet requirements under this Section 23.45.524 shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, number of plants, spacing of plants, depth and quality of soil, use of drought-tolerant plants, and access to light and air for plants.

2. Green Factor requirement((~~,~~))

a. Landscaping that achieves a Green Factor score of 0.6 or greater, determined as set forth in Section 23.86.019, is required for any lot ((~~with development containing~~))within a LR zone if development is proposed that has more than one dwelling unit((~~ in Lowrise zones.~~)), or a congregate residence. Vegetated walls may not count towards more than 25 percent of a lot's Green Factor score.

b. Landscaping that achieves a Green Factor score of 0.5 or greater, determined as set forth in Section 23.86.019, is required for any lot ((~~with development containing~~))within a MR or HR zone if development is proposed that has more than one dwelling unit ((~~in Midrise and Highrise zones~~))or a congregate residence.

* * *

Section 8. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinances 124378, is amended as follows:

23.47A.004 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.47A.004 and this Section 23.47A.004, except as may be otherwise provided pursuant to Division 3, Overlay Districts, of this subtitle III of Title 23.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in Table A for 23.47A.004.

C. The Director may authorize a use not otherwise permitted in the zone in a landmark structure, subject to the following criteria:

1. The use will not require significant alteration of the structure;

2. The design of the structure makes uses permitted in the zone impractical in the structure, or the permitted uses do not provide sufficient financial return to make use of the landmark structure feasible; and

3. The physical impacts of the use will not be detrimental to other properties in the zone or vicinity or to the public interest.

D. Public ((~~F~~))facilities((.))

1. Uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this ((e))Chapter 23.47A are permitted outright or as a conditional use, respectively, subject to the same use regulations, development standards and conditional use criteria that govern the similar uses.

2. Permitted ((~~U~~))uses in ((~~P~~))public ((~~F~~))facilities ((~~R~~))requiring Council ((~~A~~))approval. Unless specifically prohibited in Table A for 23.47A.004, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this ((e))Chapter 23.47A, may be permitted by the City Council.

3. In all NC zones and C zones, uses in public facilities not meeting development standards may be permitted by the Council, and the Council may waive or grant departures from development standards, if the following criteria are satisfied:

a. The project provides unique services that are not provided to the community by the private sector, such as police and fire stations;

b. The proposed location is required to meet specific public service delivery needs;

c. The waiver of or departure from the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

4. The City Council's use approvals, and waivers of or grants of departures from applicable development standards or conditional use criteria, contemplated by subsections 23.47A.004.D.2 and 23.47A.004.D.3, are governed by the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions.

5. Expansion of ((~~U~~))uses in ((~~P~~))public ((~~F~~))facilities((~~.~~))

a. Major ((~~E~~))expansion. Major expansion of uses in public facilities allowed pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 may be permitted according to the criteria and process in those subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3. A major expansion of a public facility use occurs when an expansion would not meet development standards or the area of the expansion would exceed either ((~~seven hundred fifty (~~))750((~~)~~)) square feet or ((~~ten (~~))10((~~)~~)) percent of the existing area of the use, whichever is greater. For the purposes of this subsection 23.47A.004, area of use includes gross floor area and outdoor area devoted actively to that use, other than as parking.

b. Minor ((~~E~~))expansion. An expansion of a use in a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 above may be permitted according to the provisions of Chapter 23.76, for a Type I Master Use Permit.

6. Essential ((~~P~~))public ((~~F~~))facilities. Permitted essential public facilities will be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

E. Changes from accessory to principal use parking. On a lot where principal use parking is permitted outright, legally established accessory parking may be converted to principal use

parking without a use permit or approval when the use served by the accessory parking has been discontinued. Any lawfully existing nonconformities as to development standards may be maintained.

F. Use of accessory parking. Where principal use parking is permitted outright, legally established accessory parking may be made available to the general public as short-term parking without a separate use permit or approval.

G. Live-work units((.))

1. In all NC zones and C zones live-work units are permitted outright subject to the provisions of this ((t))Title 23.

2. In pedestrian-designated zones, live-work units shall not occupy more than 20 percent of the street-level street-facing facade along designated principal pedestrian streets listed in subsection 23.47A.005.D.

3. In the Lake City and Bitter Lake Village Hub Urban Villages, live-work units shall not occupy more than 20 percent of the street-level street-facing facade.

4. Except where expressly treated as a residential use, live-work units shall be deemed a nonresidential use.

H. Adult ((C))cabarets((.))

1. Any lot line of property containing any proposed new or expanding adult cabaret must be 800 feet or more from any lot line of property on which any of the following uses has been established by permit or otherwise recognized as a legally established use: community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be 600 feet or more from any lot line of property for which a permit has been issued for any other adult cabaret.

3. The dispersion analysis required by subsections 23.47A.004.H.1 and 23.47A.004.H.2 shall be based on the facts that exist on the earlier of:

a.((~~(~~)) the date a complete application for a building permit for an adult cabaret for the property proposed to contain the new or expanding adult cabaret is made, or

b.((~~(~~)) the date of publication of notice of the Director's decision on the Master Use Permit application to establish or expand an adult cabaret use, if the decision can be appealed to the Hearing Examiner, or the date of the Director's decision if no Hearing Examiner appeal is available.

I. The terms of Table A for 23.47A.004 are subject to any applicable exceptions or contrary provisions expressly set forth in this ((~~t~~))Title 23.

Table A for 23.47A.004
Uses in Commercial zones

PERMITTED AND PROHIBITED USES BY ZONE(1)						
USES		**NC1**	**NC2**	**NC3**	**C1**	**C2**
A. AGRICULTURAL USES						
	A.1. Animal ((~~H~~))husbandry	A	A	A	A	P
	A.2. Aquaculture	10	25	P	P	P
	A.3. Community ((~~G~~))garden	P	P	P	P	P
	A.4. Horticulture	10	25	P	P	P
	A.5. Urban ((~~F~~))farm	P	P	P	P	P
B. CEMETERIES		X	X	X	X	X
C. COMMERCIAL USES						
C.1. Animal shelters and kennels		X	X	X	X	P
C.2. Eating and drinking establishments						
	C.2.a. Drinking establishments	CU-10	CU-25	P	P	P
	C.2.b. Restaurants	10	25	P	P	P
C.3. Entertainment uses						
	C.3.a. Cabarets, adult (((~~15~~)))17	X	P	P	P	P
	C.3.b. Motion picture theaters, adult	X	X	X	X	X
	C.3.c. Panorams, adult	X	X	X	X	X
	C.3.d. Sports and recreation, indoor	10	25	P	P	P
	C.3.e. Sports and recreation, outdoor	X	X	X(2)	P	P
	C.3.f. Theaters and spectator sports facilities	X	25	P	P	P

Table A for 23.47A.004
Uses in Commercial zones

PERMITTED AND PROHIBITED USES BY ZONE(1)						
USES		**NC1**	**NC2**	**NC3**	**C1**	**C2**
C.4. Food processing and craft work		10	25	25	P	P
C.5. Laboratories, ((R))research and development		10	25	P	P	P
C.6. Lodging uses		X(3)	CU-25(3)	P	P	P
C.7. Medical services (4)		10	25	P	P	P
C.8. Offices		10	25	P	35(5)	35(5)
C.9. Sales and services, automotive						
	C.9.a. Retail sales and services, automotive	10(6)	25(6)	P(6)	P	P
	C.9.b. Sales and rental of motorized vehicles	X	25	P	P	P
	C.9.c. Vehicle repair, major automotive	X	25	P	P	P
C.10. Sales and services, general						
	C.10.a. Retail sales and services, general	10	25	P	P	P
	C.10.b. Retail sales, multipurpose	10(7)	50	P	P	P
C.11. Sales and ((S))services, heavy						
* * *						
E. INSTITUTIONS						
E.1. Institutions not listed below		10	25	P	P	P
E.2. Major institutions subject to the provisions of Chapter 23.69		P	P	P	P	P
E.3. Religious ((F))facilities		P	P	P	P	P
E.4. Schools, ((E))elementary or ((S))secondary		P	P	P	P	P
* * *						
J. RESIDENTIAL USES(9)						
J.1. Residential uses not listed below		P	P	P	P	CU(10)
J.2. Caretaker's quarters		P	P	P	P	P
J.3. Congregate residence		X/P(11)	X/P(11)	P/X(12)	P/X(12)	P/X(12)
K. STORAGE USES						
K.1. Mini-warehouses		X	X	25	40	P
K.2. Storage, outdoor		X	X	X(((~~11~~))) (13)	P	P
K.3. Warehouses		X	X	25	25	P
L. TRANSPORTATION FACILITIES						
L.1. Cargo terminals		X	X	X	S	P
L.2. Parking and moorage						
	L.2.a. Boat moorage	S	S	S	S	S
	L.2.b. Dry boat storage	X	25	P	P	P
	L.2.c. Parking, principal use, except as listed	X	25	P	P	P

Table A for 23.47A.004
Uses in Commercial zones

PERMITTED AND PROHIBITED USES BY ZONE(1)

USES	NC1	NC2	NC3	C1	C2
below(((~~12~~)))(14)					
L.2.c.i. Park and ((~~P~~))pool ((~~L~~))lots(((~~12~~)))(14)	P(((~~13~~)))(15)	P	P	P	P
L.2.c.ii. Park and ((~~R~~))ride ((~~L~~))lots(((~~12~~)))(14)	X	X	CU	CU	CU
L.2.d. Towing services	X	X	X	P	P
L.3. Passenger terminals	X	X	25	P	P
L.4. Rail ((~~T~~))transit ((~~F~~))facilities	P	P	P	P	P
* * *					
M. UTILITY USES					
M.1. Communication ((~~U~~))utilities, major (((~~14~~)))(16)	X	X	X	CCU	CCU
M.2. Communication ((~~U~~))utilities, minor (((~~14~~)))(16)	P	P	P	P	P
M.3. Power ((~~P~~))plants	X	X	X	X	X
M.4. Recycling	X	X	X	P	P/CU(((~~16~~)))(18)
M.5. Sewage ((~~T~~))treatment ((~~P~~))plants	X	X	X	X	X
M.6. Solid waste management	X	X	X	X	X
M.7. Utility ((~~S~~))services ((~~U~~))uses	10	25	P	P	P

KEY
A = Permitted as an accessory use only
CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)
CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)
P = Permitted
S = Permitted in shoreline areas only
X = Prohibited
10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010
20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010
25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010
35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010
40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010
50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010

FOOTNOTES to Table A for 23.47A.004

* * *

(11) Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not for profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services or similar.

(12) Congregate Residences that are owned by a college or university, or are a sorority or fraternity, or are owned by a not for profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services

Table A for 23.47A.004 Uses in Commercial zones					
PERMITTED AND PROHIBITED USES BY ZONE(1)					
USES	NC1	NC2	NC3	C1	C2
include meal service, cleaning service, health services or similar. (((~~11~~)))13 Permitted at Seattle Center, see Section 23.47A.011. (((~~12~~)))(14) In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2. (((~~13~~)))(15) Permitted only on parking lots existing at least five years prior to the establishment of the park and pool lot. (((~~14~~)))(16) See Chapter 23.57, Communications regulations, for regulation of communication utilities. (((~~15~~)))(17) Subject to subsection 23.47A.004.H. (((~~16~~)))(18) A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.					

Section 9. Section 23.47A.016 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.47A.016 Landscaping and screening standards

A. Landscaping requirements((.))

1. The Director shall promulgate rules to foster the long-term health, viability, and coverage of plantings. The rules shall address, at a minimum, the type and size of plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants. All landscaping provided to meet the requirements of this ((s))Section 23.47A.016 shall comply with these rules.

2. Landscaping that achieves a Green Factor score of ((~~.30~~))0.3 or greater, pursuant to Section 23.86.019, is required for any lot with:

a. development containing more than four new dwelling units or a congregate residence; or

b. development, either a new structure or an addition to an existing structure, containing more than 4,000 new square feet of non-residential uses; or

c. any parking lot containing more than 20 new parking spaces for automobiles.

* * *

Section 10. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.54.015 Required parking

* * *

Table B for 23.54.015 Parking for ((~~r~~))Residential ((~~u~~))Uses		
Use		**Minimum parking required**
I. General ((~~R~~))residential ((~~U~~))uses		
A.	Adult family homes	1 space for each dwelling unit
B.	Artist's studio/dwellings	1 space for each dwelling unit
C.	Assisted living facilities	1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space
D.	Caretaker's quarters	1 space for each dwelling unit
E.	Congregate residences	1 space for each 4 ((~~residents~~))sleeping rooms
F.	Cottage housing developments	1 space for each dwelling unit
G.	Floating homes	1 space for each dwelling unit
H.	Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
I.	Multifamily residential uses, except as otherwise provided in ((~~Section H or III of~~))this Table B for 23.54.015[1]((~~, (1)~~))	1 space per dwelling unit((~~,~~)), or 1 space for each 2 small efficiency dwelling units
J.	Nursing homes[2]((~~(2)~~))	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
K.	Single-family dwelling units	1 space for each dwelling unit
II. Residential ((~~U~~))use ((~~R~~))requirements ((~~F~~))for ((~~S~~))specific ((~~A~~))areas		
L.	All residential uses within urban centers or within the Station Area Overlay District[1]((~~(1)~~))	No minimum requirement

Table B for 23.54.015 Parking for ((r))Residential ((u))Uses		
Use		**Minimum parking required**
M.	All residential uses in commercial and multifamily zones within urban villages that are not within urban center or the Station Area Overlay District, if the residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the residential use[1]((~~(1)~~))	No minimum requirement
N.	Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015[1]((~~(1)~~))	1 space per dwelling unit for dwelling units with fewer than two bedrooms; plus 1.5 spaces per dwelling units with 2 or more bedrooms; plus 0.25 spaces per bedroom for dwelling units with 3 or more bedrooms
O.	Multifamily dwelling units, within the Alki area shown on Map B for 23.54.015[1]((~~(1)~~))	1.5 spaces for each dwelling unit
III. Multifamily ((~~R~~))residential ((~~U~~))use ((~~R~~))requirements with ((~~I~~))income ((~~C~~))criteria		
P.	Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income[3]((~~(3)~~)), for the life of the building[1]((~~(1)~~))	0.33 space for each dwelling unit with two or fewer bedrooms, and one space for each dwelling unit with three or more bedrooms
Q.	Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income[3]((~~(3)~~)), for the life of the building[1]((~~(1)~~))	0.75 spaces for each dwelling unit with two or fewer bedrooms, and one space for each dwelling unit with three or more bedrooms
R.	Low-income disabled multifamily residential uses[1,3]((~~(1) (3)~~))	((~~one~~))1 space for each ((~~four~~))4 dwelling units
S.	Low-income elderly/low-income disabled multifamily residential uses[1,3] ((~~(1) (3)~~))	((~~one~~))1 space for each ((~~five~~))5 dwelling units

Table B for 23.54.015 Parking for ((~~r~~))Residential ((~~u~~))Uses			
Use			**Minimum parking required**
T.	Low-income elderly multifamily residential uses[1,3](((~~(1)~~ ~~(3)~~))) not located in urban centers or within the Station Area Overlay District	((~~one~~))1 space for each ((~~six~~))6 dwelling units	

Footnotes to Table B for 23.54.015

[1] The minimum amount of parking prescribed by line I of Table B for 23.54.015 does not apply if a use, structure or development qualifies for a greater or a lesser amount of parking, including no parking, under any other provision of this Section 23.54.015. If more than one such provision may apply, the provision requiring the least amount of parking applies, except that if an applicable parking requirement in line II of Table B for 23.54.015 requires more parking than line I, the parking requirement in line I does not apply.

[2] For development within single-family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may reduce the requirement. The Director shall specify the parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions are effective only as long as the conditions that justify the waiver are present. When the conditions are no longer present, the development shall provide the amount of parking that otherwise is required.

[3] Notice of income restrictions. If these provisions are applied to a development, then prior to the issuance of any permit to establish, construct or modify the development, or to reduce the amount of parking accessory to the development, the applicant shall record with the King County Recorder a restrictive covenant signed and acknowledged by the owner(s), in a form prescribed by the Director, that provides notice that compliance with the income limits prescribed by this Section 23.54.015 is a condition for maintaining the reduced parking allowed by this Section 23.54.015, and requiring any subsequent owner to provide the amount of parking otherwise required in the event the income limits are not met.

((~~Footnotes for Table B for 23.54.015 :~~

~~(1) The general requirement of line I of Table B for 23.54.015 for multifamily residential uses is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a multifamily residential use fits within more than one line in Table B for 23.54.015, the least of the applicable parking requirements applies, except that if an applicable parking requirement in line II of Table B for 23.54.015 requires more parking than line I, the parking requirement in line I does not apply. The different parking requirements listed for certain categories of multifamily residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.~~

~~(2) For development within single-family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may reduce the requirement. The Director shall specify~~

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

* * *

Table E for ((~~Section~~))23.54.015 Parking for Bicycles[1]((~~PARKING FOR BICYCLES (1)~~))			
		Bike ((~~P~~))parking ((~~R~~))requirements	
Use		Long-term	Short-term
A. COMMERCIAL USES			
A.1.	Eating and drinking establishments	1 per 12,000 square feet	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2] (((~~2~~)))
A.2.	Entertainment ((~~U~~))uses	1 per 12,000 square feet	1 per 40 seats and 1 per 1,000 square feet of non-seat area; 1 per 20 seats and 1 per 1,000 square feet of non-seat area in UC/SAO[2](((~~2~~)))
A.3.	Lodging ((~~U~~))uses	1 per 20 rentable rooms	2
A.4.	Medical services	1 per 12,000 square feet	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2] (((~~2~~)))
A.5.	Offices and ((~~L~~))laboratories, research and ((~~D~~))development	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2] (((~~2~~)))	1 per 40,000 square feet((~~.~~))
A.6.	Sales and services, general	1 per 12,000 square feet	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2] (((~~2~~)))
A.7.	Sales and services, heavy	1 per 4,000 square feet	1 per 40,000 square feet((~~.~~))
B. INSTITUTIONS			
B.1.	Institutions not listed below	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2] (((~~2~~)))	1 per 40,000 square feet((~~.~~))
B.2.	Child care centers	1 per 4,000 square feet	1 per 40,000 square feet((~~.~~))

Table E for ((~~Section~~))23.54.015 Parking for Bicycles[1]((~~PARKING FOR BICYCLES (1)~~))			
		Bike ((~~P~~))parking ((~~R~~))requirements	
Use		Long-term	Short-term
B.3.	Colleges	A number of spaces equal to ((~~ten (~~))10(())) percent of the maximum students present at peak hour plus ((~~five (~~))5(())) percent of employees(())	None
B.4.	Community clubs or centers	1 per 4,000 square feet(())	1 per 4,000 square feet
B.5.	Hospitals	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2] (((~~2~~)))	1 per 40,000 square feet(())
B.6.	Libraries	1 per 4,000 square feet	1 per 4,000 square feet; 1 per 2,000 square feet in UC/SAO[2] (((~~2~~)))
B.7.	Museums	1 per 4,000 square feet	1 per 4,000 square feet
B.8.	Religious facilities	1 per 12,000 square feet	1 per 40 seats or 1 per 1,000 square feet of non-seat area
B.9.	Schools, elementary	1 per classroom	None
B.10.	Schools, secondary (middle and high)	2 per classroom	None
B.11.	Vocational or fine arts schools	A number of spaces equal to ((~~ten (~~))10(())) percent of the maximum students present at peak hour plus ((~~five (~~))5(())) percent of employees(())	None
C. MANUFACTURING USES		1 per 4,000 square feet	None
D. RESIDENTIAL USES			
D.1.	Congregate residences[3]	1 per ((~~20~~))2 ((~~residents~~))sleeping rooms	None
D.2.	Multi-family structures	1 per 4 dwelling units, or 1 per 2 small efficiency dwelling units	None
E. TRANSPORTATION FACILITIES			
E.1.	Park and ride lots	At least 20[4] (((~~3~~)))	None
E.2.	Principal use parking except ((~~P~~))park-and-ride lots	1 per 20 auto spaces	None
E.3.	Rail transit facilities and ((~~P~~))passenger terminals	At least 20[4] (((~~3~~)))	None

Table E for ((~~Section~~))23.54.015 Parking for Bicycles[1]((~~PARKING FOR BICYCLES (1)~~))		
	Bike ((~~P~~))parking ((~~R~~))requirements	
Use	Long-term	Short-term

Footnote to Table E for 23.54.015
[1] If a use is not shown on this Table E for 23.54.015, there is no minimum bicycle parking requirement.
[2] For the purposes of this Table E for 23.54.015, UC/SAO means urban centers or the Station Area Overlay District.
[3] For congregate residences that are owned by a not for profit entity or charity, or licensed by the State and provide supportive services for seniors or persons with disabilities, the Director shall have discretion to reduce the amount of required bicycle parking if it can be demonstrated that residents are less likely to travel by bicycle.
[4] The Director may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

(((~~(1) If a use is not shown on this Table E, there is no minimum bicycle parking requirement.~~

~~(2) For the purposes of this table, UC/SAO means urban centers or the Station Area Overlay District.~~

~~(3) The Director in consultation with the Director of Transportation may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and, other relevant transportation and land use information.~~))

Section 11. Section 23.54.040 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.54.040 Solid waste and recyclable materials storage and access

A. Except as provided in subsection 23.54.040.I, in downtown, multifamily, master planned community, and commercial zones, storage space for solid waste and recyclable materials containers shall be provided as shown in Table A for 23.54.040 for all new structures, and for existing structures to which two or more dwelling units are added.

1. Residential uses proposed to be located on separate platted lots, for which each dwelling unit will be billed separately for utilities, shall provide one storage area per dwelling unit that has minimum dimensions of 2 feet by 6 feet.

2. Residential development for which a home ownership association or other single entity exists or will exist as a sole source for utility billing may meet the requirement in subsection 23.54.040.A.1, or the requirement in Table A for 23.54.040.

3. Non-residential development shall meet the requirement in Table A for 23.54.040.

((~~Table A for 23.54.040: Shared Storage Space for Solid Waste Containers~~))

Table A for 23.54.040 Shared Storage Space for Solid Waste Containers	
Residential ((~~D~~))development	**Minimum ((~~A~~))area for ((S))shared ((S))storage ((S))space**
2-8 dwelling units	84 square feet
9-15 dwelling units	150 square feet
16-25 dwelling units	225 square feet
26-50 dwelling units	375 square feet
51-100 dwelling units	375 square feet plus 4 square feet for each additional unit above 50
More than 100 dwelling units	575 square feet plus 4 square feet for each additional unit above 100, except as permitted in subsection 23.54.040.C
For residential uses that are not readily described as a discrete number of dwelling units, such as congregate residences, the Director shall determine the amount of storage space required based on the number of sleeping rooms as a substitute for the number of dwelling units.	
Non-residential ((~~D~~))development (Based on gross floor area of all structures on the lot)	**Minimum ((~~A~~))area for ((S))shared ((S))storage ((S))space**
0 - 5,000 square feet	82 square feet
5,001 - 15,000 square feet	125 square feet
15,001 - 50,000 square feet	175 square feet
50,001 - 100,000 square feet	225 square feet
100,001 - 200,000 square feet	275 square feet
200,001 plus square feet	500 square feet
Mixed use development that contains both residential and non-residential uses, shall meet the requirements of subsection 23.54.040.B.	

B. Mixed use development that contains both residential and non-residential uses shall meet the storage space requirements shown in Table A for 23.54.040 for residential

development, plus 50 percent of the requirement for non-residential development. In mixed use developments, storage space for garbage may be shared between residential and non-residential uses, but separate spaces for recycling shall be provided.

C. For development with more than 100 dwelling units, the required minimum area for storage space may be reduced by 15 percent, if the area provided as storage space has a minimum horizontal dimension of 20 feet.

D. The storage space required by Table A for 23.54.040 shall meet the following requirements:

1. For developments with ((~~8~~))eight or fewer dwelling units, the minimum horizontal dimension (width and depth) for required storage space is 7 feet. For developments with ((~~9~~))nine dwelling units or more, the minimum horizontal dimension of required storage space is 12 feet;

2. The floor of the storage space shall be level and hard-surfaced, and the floor beneath garbage or recycling compactors shall be made of concrete; and

3. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

* * *

Section 12. Section 23.58A.004 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

23.58A.004 Definitions

* * *

B. Defined terms - General

"Affordable housing" means a unit or units of housing provided as a condition to bonus floor area that are affordable to and reserved solely for "income-eligible households."((~~,~~))

"Base FAR" or "Base floor area ratio" means the non-residential floor area that may be allowed under the provisions of the zone limiting floor area, expressed as a multiple of the lot area, without use of any bonuses, transfer of development capacity, other incentive provisions, or any departures, waivers, variances or special exceptions.

* * *

"Bonus floor area" means bonus residential floor area or bonus non-residential floor area.

"Bonus non-residential floor area" means extra non-residential floor area allowed pursuant to the bonus provisions in subchapters III and V of this Chapter 23.58A. It does not include extra floor area gained through TDR.

* * *

"Extra floor area" means extra residential floor area or extra non-residential floor area.

* * *

"Extra non-residential floor area" means the non-residential floor area of all non-residential development allowed in addition to base FAR or to a base height limit for non-residential use, or both, under the provisions of this Chapter 23.58A or under any other provisions of this Title 23 referring to this Chapter 23.58A that allow a bonus or a transfer of development rights or development capacity. It includes, without limitation, gross floor area in non-residential use in all stories wholly or in part above the base height limit for non-residential use, and all bonus non-residential floor area.

* * *

"Housing and child care bonus non-residential floor area" means extra non-residential floor area allowed under subchapter III of this Chapter 23.58A on condition that low-income housing be provided or a payment in lieu of low-income housing be made and that a child care facility be provided or a payment in lieu of a child care facility be made.

"Income-eligible households" means:

1. ((~~In the case of~~))For rental housing units, except housing units of 400 or fewer net square feet, or sleeping rooms in a congregate residence, households with incomes no higher than the lower of:

a. ((~~eighty~~))80 percent of median income as defined in Section 23.84A.025; or

b. the maximum level permitted for rental housing by RCW 36.70A.540 as in effect when the agreement for the housing to serve as affordable housing is executed.

2. In the case of owner-occupied housing units, households with incomes no higher than the lesser of:

a. median income, as defined in Section 23.84A.025, or

b. the maximum level permitted for owner-occupied housing by RCW 36.70A.540 as in effect when the agreement for the housing to serve as affordable housing is executed.

3. For housing units of 400 or fewer net square feet or sleeping rooms in a congregate residence, households with incomes no higher than 40 percent of median income as defined in Section 23.84A.025. For this purpose, the resident(s) of each sleeping room in a congregate residence are regarded as a separate household.

* * *

Section 13. Section 23.84A.008 of the Seattle Municipal Code, last amended by Ordinance 123141, is amended as follows:

23.84A.008 "D"

* * *

"Dwelling unit" means a room or rooms located within a structure((~~,designed, arranged,~~)) that are configured to meet the standards of Section 23.42.048 and that are occupied or intended to be occupied by not more than one household as living accommodations independent from any

other household. ((~~The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.~~))

"Dwelling unit, accessory." See "Residential use."

"Dwelling unit, detached accessory." Also known as a backyard cottage. See "detached accessory dwelling unit" under the definition of "Residential use" in Section 23.84A.032.

"Dwelling unit – small efficiency" means a dwelling unit with an amount of square footage less than the minimum amounts specified for Efficiency Dwelling Units in the Seattle Building Code, and that meet the standards prescribed in Section 23.42.048.

Section 14. 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)

Form revised: December 12, 2012

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning & Development	Geoffrey Wentlandt 684-3586	Melissa Lawrie 4-5805

Legislation Title: AN ORDINANCE relating to land use and zoning; establishing a definition for small efficiency dwelling unit; clarifying standards for configuration of dwelling units; amending development standards for congregate residences; amending design review thresholds; clarifying the application of green factor landscaping requirements to congregate residences; amending income eligible household definitions for incentive programs related to small efficiency dwelling units and congregate residences; and modifying vehicle, bicycle and Restricted Parking Zone regulations for small efficiency dwelling units and congregate residences; amending Sections 11.16.315, 23.41.004, 23.45.504, 23.45.508, 23.45.524, 23.47A.004, 23.47A.016, 23.54.015, 23.54.040, 23.58A.004, and 23.84A.008 of the Seattle Municipal Code; and adopting new Sections 23.42.048 and 23.42.049.

Summary of the Legislation: An ordinance to clarify land use regulations for small efficiency dwelling units and congregate residences and adding certain development standards and design review thresholds for these housing types.

Background: The Department of Planning and Development (DPD) began tracking the production of very small dwelling unit forms of housing in approximately the beginning of 2012. A form of housing commonly referred to as micro-housing, consisting of up to eight sleeping rooms around a shared kitchen, was permitted under application of existing land use regulations along with congregate residences. Congregate residences have characteristics of traditional dormitories or some types of senior living facilities. DPD observed that formats of micro-housing and congregate residences being permitted during the monitoring period were not fully anticipated by existing codes. Under existing definitions and regulations, in some instances, micro-housing and congregate residence developments did not undergo certain permit review processes including design review, which would have been required for similarly scaled buildings within other types of housing. Concerns over compatibility of micro-housing development within existing neighborhoods, as well as the livability of the housing, were identified by community members, elected officials and DPD.

DPD prepared legislation to clarify land use regulations for micro-housing and congregate residences including ensuring appropriate design review thresholds for the housing. DPD issued proposed legislation and a SEPA determination of non-significance (DNS) in October of 2013. The DNS was appealed, and the City Hearing Examiner upheld the DNS in February of 2014. DPD then forwarded legislation in March of 2014 to the City Council Planning Land Use and Sustainability (PLUS) Committee, CB 118067. The legislation included design review thresholds for micro-housing and congregate residences, and would establish increased development

standards for features of micro-housing and congregate residences including vehicle and bicycle parking requirements, and amount of common / shared space.

After reviewing DPD's proposed legislation, CB 118067, the PLUS Committee convened a stakeholder working group, consisting of neighborhood residents, residents of micro-housing, and development and design professionals. Following the working group this revised legislation, initiated by City Council, was developed. The revised legislation regulates very small forms of housing as Small Efficiency Dwelling Units, and includes additional standards for such dwelling units and Congregate Residences. As with the original legislation, this revised legislation includes design review thresholds for Small Efficiency Dwelling Units and Congregate Residences. The design review thresholds are the key element of the legislation that would lead to fiscal implications, and the proposed design review thresholds are substantially similar to those of original CB 118067. Therefore for practical purposes, this legislation has the same fiscal implications, which are described below.

Please check one of the following:

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

__X__ **This legislation has financial implications.**

Anticipated Revenue Resulting from this Legislation:

DPD charges fees for Design Review services. For the Small Efficiency Dwelling Unit and congregate residence projects that are newly entering the design review process there would be corresponding new permit revenue.

Development project applicants pay fees for Design Review, which are designed to reimburse DPD for most of the staffing costs of the program. Permit fees for design review services are a minimum of $2,500 (Streamlined Design Review (SDR) and administrative Design Review (ADR)), and $5,000 (Full Design Review). The base fees cover the first 10 review hours for SDR and the first 20 review hours for full Design Review. There is a $250 / hour fee for each additional review hour beyond the minimum amount. We assume a 50% / 50% split for those projects between Streamlined Design Review (SDR) or Administrative Design Review; and full Design Review. (For these purposes SDR and ADR are grouped together). Estimated review hours per project are 25 for SDR/ADR, and 65 for full Design Review, for a blended average of 45 review hours per project. In addition we assume 15 hours per project of public inquiry/response time, for a total per-project estimate of 60 hours. Using an assumed blended average of 60 review hours per project for 14 – 18 annual projects, we can expect an annual revenue increase of $210,000 - $270,000.

Fund Name and Number	Department	Revenue Source	2013 Revenue	2014 Revenue
Operating Fund 15700	DPD	New permit revenue from Small Efficiency Dwelling Unit and congregate residence projects newly entering the design review process.	N/A	$210,000 - $270,000 estimated. (14 – 18 expected projects)
TOTAL				**$210,000 - $270,000**

Staffing Workload Changes

With the approval of this legislation, DPD plans to request funding authority to fill a vacant unfunded Land Use Planner III in quarterly supplemental legislation, or separate legislation to ensure adequate staffing of the design review program to cover small efficiency dwelling unit and congregate residence development projects that would be newly entering the design review process. Applying 60 average review hours to 14-18 projects yields a total work impact of 840 - 1,080 hours, which equals 0.70- 0.90 FTE.

The position will be allocated to support increases to the workload when actual permit volumes for future small efficiency dwelling unit and congregate residence projects clearly warrant the need. The Land Use Planner III salary and fringe in addition to department overhead costs is $158,000 for 1.00 FTE.

As summarized above estimated additional permit revenues from the 14-18 expected annual projects are $210,000 - $270,000, and estimated total cost of funding the Land Use Planner III is $158,000. Therefore, if the expected number of projects occurs, DPD expects to recover the full cost of the Land Use Planner III. As it can't be known whether actual permit volumes will match expectations, we propose to monitor small efficiency dwelling unit and congregate residence permit volumes following the effective date of the Ordinance. If permit volumes continue to be in line with our projections DPD will fill the Land Use Planner III with authority granted in a quarterly supplemental, or we will seek funding authority to hire the position through a separate ordinance.

Do positions sunset in the future?
N/A

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?** None

b) **What is the financial cost of not implementing the legislation?** None. However, the legislation is intended to clarify regulations for small efficiency dwelling units and congregate residences. This is a topic on which various DPD staff and management have spent significant amounts of time during the last three years responding to citizen and

elected official and media inquiries. Permitting staff have spent extra hours applying unclear regulations to the housing type. Quantities of time are difficult to estimate, but the legislation will have the effect of reducing the amounts of time spent on these activities.

c) **Does this legislation affect any departments besides the originating department?** Yes. DPD has coordinated with the Office of Housing, Seattle Public Utilities, and Department of Transportation related to administrative practices stemming from implementation of the legislation. These activities have already been substantially completed and are not expected to add appreciable inter-departmental administrative costs beyond ongoing practices.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** Do not pass legislation and continue to permit micro-housing and congregate residences as is being done currently, in the absence of specific regulations.

Is a public hearing required for this legislation? A public hearing on CB 118067 was held on May 19, 2014.

e) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
A notice of the public hearing was published in the Daily Journal of Commerce for the City Council public hearing.

f) **Does this legislation affect a piece of property?**
The legislation affects multi-family and commercially zoned properties where future development of small efficiency dwelling units or congregate residences are proposed.

g) **Other Issues:**

List attachments to the fiscal note below: None.