

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 22.214.040, 22.214.050, 23.22.062, 23.22.100, 23.24.040, 23.24.045, 23.28.030, 23.40.060, 23.41.004, 23.41.012, 23.42.048, 23.42.112, 23.44.008, 23.44.010, 23.44.014, 23.44.016, 23.44.026, 23.44.041, 23.45.506, 23.45.518, 23.45.522, 23.45.545, 23.47A.008, 23.47A.012, 23.47A.013, 23.48.005, 23.48.020, 23.48.025, 23.48.220, 23.48.225, 23.48.245, 23.48.720, 23.48.724, 23.48.740, 23.49.008, 23.49.011, 23.49.014, 23.49.056, 23.49.166, 23.54.015, 23.54.025, 23.54.030, 23.54.040, 23.58C.040, 23.58D.006, 23.66.342, 23.69.032, 23.73.009, 23.73.012, 23.84A.004, 23.84A.032, 23.84A.036, 23.86.007, 23.90.018, and 25.09.060 of the Seattle Municipal Code; and adding a new Section 23.48.007 to the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.214.040 of the Seattle Municipal Code, last amended by Ordinance 125705, is amended as follows:

22.214.040 Rental housing registration, compliance declaration, and renewals

A. With the exception of rental housing units identified in subsection 22.214.030.A, all properties containing rental housing units shall be registered with the Department according to the registration deadlines in this section 22.214.040.A. After the applicable registration deadline, no one shall rent, subrent, lease, sublease, let, or sublet to any person or entity a rental housing unit without first obtaining and holding a current rental housing registration for the property where the rental housing unit is located. The registration shall identify all rental housing units on the property and shall be the only registration required for the rental housing units on the property. For condominiums and cooperatives, the property required to be registered shall be the individual housing unit being rented, and common areas accessible to the tenant of the housing unit, and not the entire condominium building, cooperative building, or development. If a

1 property owner owns more than one housing unit in a condominium or cooperative building, the
2 owner may submit a single registration application for the units owned in the building. Properties
3 with rental housing units shall be registered according to the following schedule:

4 * * *

5 E. The fees for rental housing registration, renewal, or reinstatement, or other fees
6 necessary to implement and administer the Rental Registration and Inspection Ordinance
7 program, shall be adopted by amending Chapter 22.900. A rental housing registration or renewal
8 shall not be issued until all fees required under this Chapter 22.214 have been paid.

9 * * *

10 H. A rental housing registration must be renewed according to the following procedures:

11 1. A registration renewal application and the renewal fee shall be submitted ((~~at~~
12 ~~least 30 days~~)) before the current registration expires;

13 2. All information required by subsection 22.214.040.G shall be updated as
14 needed; and,

15 3. A new declaration as required by subsection 22.214.040.G.6 shall be
16 submitted.

17 * * *

18 Section 2. Section 22.214.050 of the Seattle Municipal Code, last amended by Ordinance
19 125705, is amended as follows:

20 **22.214.050 Inspection and certificate of compliance required**

21 A. The Department shall periodically select, from registered properties containing rental
22 housing units, the properties that shall be inspected by a qualified rental housing inspector for
23 certification of compliance. The property selection process shall be based on a random

1 methodology adopted by rule, and shall include at least ten percent of all registered rental
2 properties per year. Newly constructed or substantially altered properties that receive final
3 inspections or a first certificate of occupancy and register after January 1, 2014, shall not be
4 included in the random property selection process (~~((after the date the property registration is
5 required to be renewed for the first time))~~)for five years. After a property is selected for
6 inspection, the Department shall provide at least 60 days' advance written notice to the owner or
7 owner's agent to notify them that an inspection of the property is required. If a rental property
8 owner chooses to hire a private qualified rental housing inspector, the property owner or owner's
9 agent shall notify the Department a minimum of five and a maximum of ten calendar days prior
10 to the scheduled inspection, at which time the Department shall inform the property owner or
11 owner's agent of the units selected for inspection. If the rental property owner chooses to hire a
12 Department inspector, the Department shall inform the property owner or owner's agent of the
13 units selected for inspection no earlier than ten calendar days prior to the inspection.

14 * * *

15 E. A certificate of compliance shall be issued by a qualified rental housing inspector,
16 based upon the inspector's physical inspection of the interior and exterior of the rental housing
17 units, and the inspection shall be conducted not more than 60 days prior to the certificate of
18 compliance date. A certificate of compliance shall not be issued until all fees required under this
19 Chapter 22.214 have been paid.

20 * * *

21 Section 3. Section 23.22.062 of the Seattle Municipal Code, last amended by Ordinance
22 125272, is amended as follows:

23 **23.22.062 Unit lot subdivisions**

1 A. The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of
2 land for residential development including single-family dwelling units, townhouse, rowhouse,
3 and cottage housing developments, and existing apartment structures built prior to January 1,
4 2013, but not individual apartment units, in all zones in which these uses are permitted, or any
5 combination of the above types of residential development as permitted in the applicable zones.

6 If development standards applicable to the parent lot are met, a unit lot may be undeveloped
7 open space or may be developed with a use accessory to the principal use established on the
8 parent lot.

9 B. Except for any site for which a permit has been issued pursuant to Sections
10 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be
11 developed with uses described in subsection 23.22.062.A above may be subdivided into
12 individual unit lots. The development as a whole shall meet development standards applicable at
13 the time the permit application is vested. As a result of the subdivision, development on
14 individual unit lots may be nonconforming as to some or all of the development standards based
15 on analysis of the individual unit lot, except that any private usable open space or private
16 amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it
17 serves.

18 C. Subsequent platting actions, additions or modifications to the structure(s) may not
19 create or increase any nonconformity of the parent lot.

20 D. Access easements and joint use and maintenance agreements shall be executed for
21 use of common garage or parking areas, common open space (such as common courtyard open
22 spaces for cottage housing), and other similar features, as recorded with the King County
23 Recorder.

1 a. If a lot is proposed with street frontage, then one lot line shall abut the
2 street for at least 10 feet; and

3 b. No lot shall be less than 10 feet wide for a distance of more than 10
4 feet as measured at any point; and

5 c. No proposed lot shall have more than six separate lot lines. The lot
6 lines shall be straight lines, unless the irregularly-shaped lot line is caused by an existing right-
7 of-way or an existing lot line; and

8 d. If the property proposed for subdivision is adjacent to an alley, and the
9 adjacent alley is either improved or required to be improved according to the standards of
10 Section 23.53.030, then no new lot shall be proposed that does not provide alley access for
11 vehicles, except that access from a street to an existing use or structure is not required to be
12 changed to alley access. Proposed new lots shall either have sufficient frontage on the alley to
13 meet access standards for the zone in which the property is located or provide an access
14 easement from the proposed new lot or lots to the alley that meets access standards for the zone
15 in which the property is located.

16 D. Special Exception. The Director's recommendation on a proposed subdivision, as a
17 Type II special exception decision, may modify the standards of subsection 23.22.100.C.3, if the
18 applicant demonstrates that the proposed plat meets the following criteria:

19 1. The property has one of the following conditions not created by the applicant:
20 a. ~~((Natural topographic features or))~~ Topography, natural obstructions,
21 configuration of existing lot lines prior to platting, existing platting patterns, or street alignment
22 that prevent the platting of one or more lots according to the standards of subsection
23 23.22.100.C.3;

1 2. Adequacy of access for pedestrians, vehicles, utilities, and fire protection as
2 provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and
3 circulation;

4 3. Adequacy of drainage, water supply, and sanitary sewage disposal;

5 4. Whether the public use and interests are served by permitting the proposed
6 division of land;

7 5. Conformance to the applicable provisions of Section 25.09.240, Short
8 subdivisions and subdivisions, in environmentally critical areas;

9 6. Whether the proposed division of land is designed to maximize the retention
10 of existing trees;

11 7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions,
12 when the short subdivision is for the purpose of creating separate lots of record for the
13 construction and/or transfer of title of single-family dwelling units, townhouse, rowhouse, and
14 cottage housing developments, existing apartment structures built prior to January 1, 2013, but
15 not individual apartment units, or any combination of the above types of residential
16 development, as permitted in the applicable zones; and

17 8. Every lot except unit lots and lots proposed to be platted for individual live-
18 work units in zones where live-work units are permitted, shall conform to the following
19 standards for lot configuration, unless a special exception is authorized under subsection
20 23.24.040.B:

21 a. If a lot is proposed with street frontage, then one lot line shall abut
22 the street for at least 10 feet; and

1 b. No lot shall be less than 10 feet wide for a distance of more than 10
2 feet as measured at any point; and

3 c. No proposed lot shall have more than six separate lot lines. The lot
4 lines shall be straight lines, unless the irregularly shaped lot line is caused by an existing right-
5 of-way or an existing lot line; and

6 d. If the property proposed for subdivision is adjacent to an alley, and
7 the adjacent alley is either improved or required to be improved according to the standards of
8 Section 23.53.030, then no new lot shall be proposed that does not provide alley access, except
9 that access from a street to an existing use or structure is not required to be changed to alley
10 access. Proposed new lots shall either have sufficient frontage on the alley to meet access
11 standards for the zone in which the property is located or provide an access easement from the
12 proposed new lot or lots to the alley that meets access standards for the zone in which the
13 property is located.

14 B. Special Exception. The Director may modify the standards of subsection
15 23.24.040.A.8, as a Type II special exception decision, if the applicant demonstrates that the
16 proposed plat meets the following criteria:

17 1. The property has one of the following conditions not created by the
18 applicant:

19 a. ~~((Natural topographic features or))~~ Topography, natural obstructions,
20 configuration of existing lot lines prior to platting, existing platting patterns, or street alignment
21 that prevent the platting of one or more lots according to the standards of subsection
22 23.24.040.A.8;

1 b. Location of existing principal structures that are retained on lots
2 existing prior to the proposed platting require a platting configuration of one or more lots that
3 cannot reasonably meet the standards of subsection 23.24.040.A.8;

4 c. Location of existing easements or feasibility of access to portions of
5 the property prevents the configuration of proposed plat lines that meet the standards of
6 subsection 23.24.040.A.8.

7 2. Modification of the standards of subsection 23.24.040.A.8 shall be the
8 minimum necessary to allow platting of lots that each contain a building area for development
9 meeting the development standards of the zone in which the proposed plat is located.

10 3. Lots created under the special exception standards of this subsection
11 23.24.040.B shall not have a configuration that requires a variance from setbacks and yard
12 requirements of the Land Use Code or a variance or exception from the Regulations for
13 Environmentally Critical Areas for any development that may be proposed on the lots.

14 Section 6. Section 23.24.045 of the Seattle Municipal Code, last amended by Ordinance
15 125272, is amended as follows:

16 **23.24.045 Unit lot subdivisions**

17 A. The provisions of this Section 23.24.045 apply exclusively to the unit subdivision of
18 land for residential development including single-family dwelling units, townhouse, rowhouse,
19 and cottage housing developments, and existing apartment structures built prior to January 1,
20 2013, but not individual apartment units, in all zones in which these uses are permitted, or any
21 combination of the above types of residential development as permitted in the applicable zones.

22 If development standards applicable to the parent lot are met, a unit lot may be undeveloped

1 open space or may be developed with a use accessory to the principal use established on the
2 parent lot.

3 B. Except for any lot for which a permit has been issued pursuant to Sections
4 23.44.041 or 23.45.545 for a detached accessory dwelling unit, lots developed or proposed to be
5 developed with uses described in subsection 23.24.045.A above may be subdivided into
6 individual unit lots. The development as a whole shall meet development standards applicable at
7 the time the permit application is vested. As a result of the subdivision, development on
8 individual unit lots may be nonconforming as to some or all of the development standards based
9 on analysis of the individual unit lot, except that any private, usable open space or private
10 amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it
11 serves.

12 C. Subsequent platting actions, additions or modifications to the structure(s) may not
13 create or increase any nonconformity of the parent lot.

14 D. Access easements and joint use and maintenance agreements shall be executed for
15 use of common garage or parking areas, common open space (such as common courtyard open
16 space for cottage housing), and other similar features, as recorded with the Director of the King
17 County Department of Records and Elections.

18 E. Within the parent lot, required parking for a dwelling unit may be provided on a
19 different unit lot than the lot with the dwelling unit, as long as the right to use that parking is
20 formalized by an easement on the plat, as recorded with the Director of the King County
21 Department of Records and Elections.

22 F. The facts that the unit lot is not a separate buildable lot, and that additional
23 development of the individual unit lots may be limited as a result of the application of

1 development standards to the parent lot shall be noted on the plat, as recorded with the Director
2 of the King County Department of Records and Elections.

3 Section 7. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance
4 124843, is amended as follows:

5 **23.28.030 Criteria for approval**

6 A. The Director shall approve an application for a lot boundary adjustment if it is
7 determined that:

8 1. No additional lot, tract, parcel, site, or division is created by the proposed
9 adjustment;

10 2. No lot contains insufficient area and dimensions to meet the minimum
11 requirements for development as calculated under the development standards of the zone in
12 which the lots affected are situated, except as provided in Section 23.44.010, and under any
13 applicable regulations for siting development on parcels with riparian corridors, wetlands,
14 wetland buffers, or steep slopes in Chapter 25.09 or on parcels containing priority freshwater
15 habitat or priority saltwater habitat in Section 23.60A.160. Adjusted lots shall continue to be
16 regarded as existing lots for purposes of Chapter 25.09. Any required nondisturbance area shall
17 be legibly shown and described on the site plan, and a covenant shall be required as set out in
18 Section 25.09.335;

19 3. Every proposed adjusted lot shall conform to the following standards for lot
20 configuration, unless a modification is authorized under subsection 23.28.030.A.4:

21 a. If an adjusted lot is proposed with street frontage, then one lot line shall
22 abut the street for at least 10 feet; and

1 b. No adjusted lot shall be less than 10 feet wide for a distance of more
2 than 10 feet as measured at any point; and

3 c. No adjusted lot shall have more than six separate lot lines. The lot lines
4 shall be straight lines unless the irregularly shaped lot line is caused by an existing right-of-way
5 or existing lot line; and

6 d. If a lot to be adjusted abuts upon an alley, and that alley is either
7 improved or required to be improved according to the standards of Section 23.53.030, then no
8 adjusted lot shall be proposed that does not provide alley access, except that access from a street
9 to an existing use or structure is not required to be changed to alley access. Either the proposed
10 adjusted lots shall have sufficient frontage on the alley to meet access standards for the zone in
11 which the property is located or an access easement from the adjusted lot or lots shall be
12 provided to the alley that meets access standards for the zone in which the property is located.

13 4. Modification. The ~~((Director's recommendation on a proposed lot adjustment~~
14 ~~may modify the))~~ standards of subsection 23.28.030.A.3 may be modified if at least one of the
15 following criteria applies ~~((if the applicant demonstrates that the proposed lot boundary~~
16 ~~adjustment meets the following criteria))~~:

17 a. ~~((The property has one of the following conditions not created by the~~
18 ~~applicant:))~~ One or more of the existing lots prior to the lot boundary adjustment is irregular in
19 shape;

20 ~~((1))~~b. ((Natural topographic features or))Topography, natural
21 obstructions, configuration of existing lot lines prior to lot line adjustment, existing platting
22 patterns, or street alignment prevent the reconfiguration of one or more lots according to the
23 standards of subsection 23.28.030.A.3;

1 ~~((2))~~c. Location of existing principal structures that are retained on lots
2 existing prior to the proposed lot boundary adjustment require a reconfiguration of one or more
3 lots that cannot reasonably meet the standards of subsection 23.28.030.A.3;

4 ~~((3))~~d. Location of existing easements or feasibility of access to portions
5 of the property prevents the reconfiguration of lot lines that meet the standards of subsection
6 23.28.030.A.3~~((7))~~; or

7 e. The lot boundary adjustment establishes an irregular lot line that
8 resulted from an adverse possession claim.

9 ~~((b. Modification of the standards of subsection 23.28.030.A.3 shall be~~
10 ~~the minimum necessary to allow adjusted lots that each contain a building area for development~~
11 ~~that meets the development standards of the zone in which the proposed lot boundary adjustment~~
12 ~~is located.))~~

13 5. ~~((The))~~No adjusted lot shall be approved for development without a
14 determination that it is capable of being served by existing or extended infrastructure for ((has
15 adequate)) drainage; a determination that the lot has water supply and sanitary sewage disposal;

16 and a determination that there is access for vehicles, utilities, and fire protection;

17 * * *

18 Section 8. Subsection 23.40.060 of the Seattle Municipal Code, last amended by
19 Ordinance 125612, is amended as follows:

20 **23.40.060 Living Building Pilot Program**

21 * * *

22 B. Minimum standards. A project shall qualify for the Living Building Pilot Program if it
23 is located outside of the shoreline jurisdiction, is reviewed in accordance with the full design

1 review process provided in Section 23.41.014, and meets full Living Building Certification by
2 achieving either all of the imperatives of the International Living Future Institute's (ILFI) Living
3 Building Challenge SM 3.1 or 4.0 certification or all of the following:

4 1. The project meets ILFI Living Building Challenge SM Petal certification (~~by~~
5 ~~attaining at least three of the seven performance areas, or "Petals," of the ILFI Living Building~~
6 ~~Challenge SM program, (Place, Water, Energy, Health and Happiness, Materials, Equity, and~~
7 ~~Beauty), including at least one of the following three petals: Water, Energy, or Materials));~~

8 2. Total annual building energy use that is 25 percent less than a baseline defined
9 as the Energy Use Intensity (EUI) targets in the Target Performance Path of Seattle Energy Code
10 Section C401.3;

11 3. None of the space heating and water heating in the project shall be provided
12 using on-site combustion of fossil fuel; and

13 4. The project uses only nonpotable water to meet the demand for toilet and
14 urinal flushing, irrigation, hose bib, cooling tower (make up water only), and water features,
15 except to the extent other applicable local, state, or federal law requires the use of potable water.

16 * * *

17 Section 9. Subsection 23.41.004 of the Seattle Municipal Code, last amended by
18 Ordinance 125603, is amended as follows:

19 **23.41.004 Applicability**

20 A. Design review required

21 1. Subject to the exemptions in subsection 23.41.004.B, design review is
22 required in the following areas or zones when development is proposed that exceeds a threshold
23 in Table A or Table B for 23.41.004:

- 1 a. Multifamily;
- 2 b. Commercial;
- 3 c. Seattle Mixed;
- 4 d. Downtown; and
- 5 e. Stadium Transition Area Overlay District as shown in Map A for
- 6 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

7 2. Subject to the exemptions in subsection 23.41.004.B, design review is
8 required in the following areas or zones when commercial or institution development is proposed
9 that exceeds a threshold in Table A or Table B for 23.41.004:

- 10 a. Industrial Buffer; and
- 11 b. Industrial Commercial.

12 * * *

13 4. Any development proposal participating in the Living Building or 2030
14 Challenge High Performance Existing Building Pilot Program according to Sections 23.40.060
15 and 23.40.070, including a development proposal for an existing structure, regardless of size or
16 site characteristics, is subject to full design review according to Section 23.41.014.

17 * * *

Table A for 23.41.004	
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones	
If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.	
A.	Site Characteristic

A.1. Context	<p>a. Lot is abutting or across an alley from a lot with single-family zoning.</p> <p>b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.</p>
A.2. Scale	<p>a. Lot is 43,000 square feet in area or greater.</p> <p>b. Lot has any street lot line greater than 200 feet in length.</p>
A.3. Special features	<p>a. Development proposal includes a Type IV or V Council Land Use Decision.</p> <p>b. Lot contains a designated landmark structure.</p> <p>c. Lot contains a character structure in the Pike/Pine Overlay District.</p>

B. Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.

Amount of gross floor area of development	Design review type ¹
B.1. Less than 8,000 square feet	No design review ^{2,3}
B.2. At least 8,000 but less than 35,000 square feet	Administrative design review
B.3. 35,000 square feet or greater	Full design review ⁴

C. Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.

Amount of gross floor area of development	Design review type ¹
C.1. Less than 8,000 square feet	No design review ^{2,3}

C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review
C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
C.4. 35,000 square feet or greater	Full design review ⁴

Footnotes to Table A for 23.41.004

¹ Applicants for any development proposal subject to administrative design review may choose full design review instead, and applicants for any project subject to streamlined design review may choose administrative or full design review.

² The following development is subject to streamlined design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 1 (LR1) zone or Lowrise 2 (LR2) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

³ The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 3 (LR3) zone, any Midrise zone, Highrise zone, Commercial (C) zone, or Neighborhood Commercial (NC) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

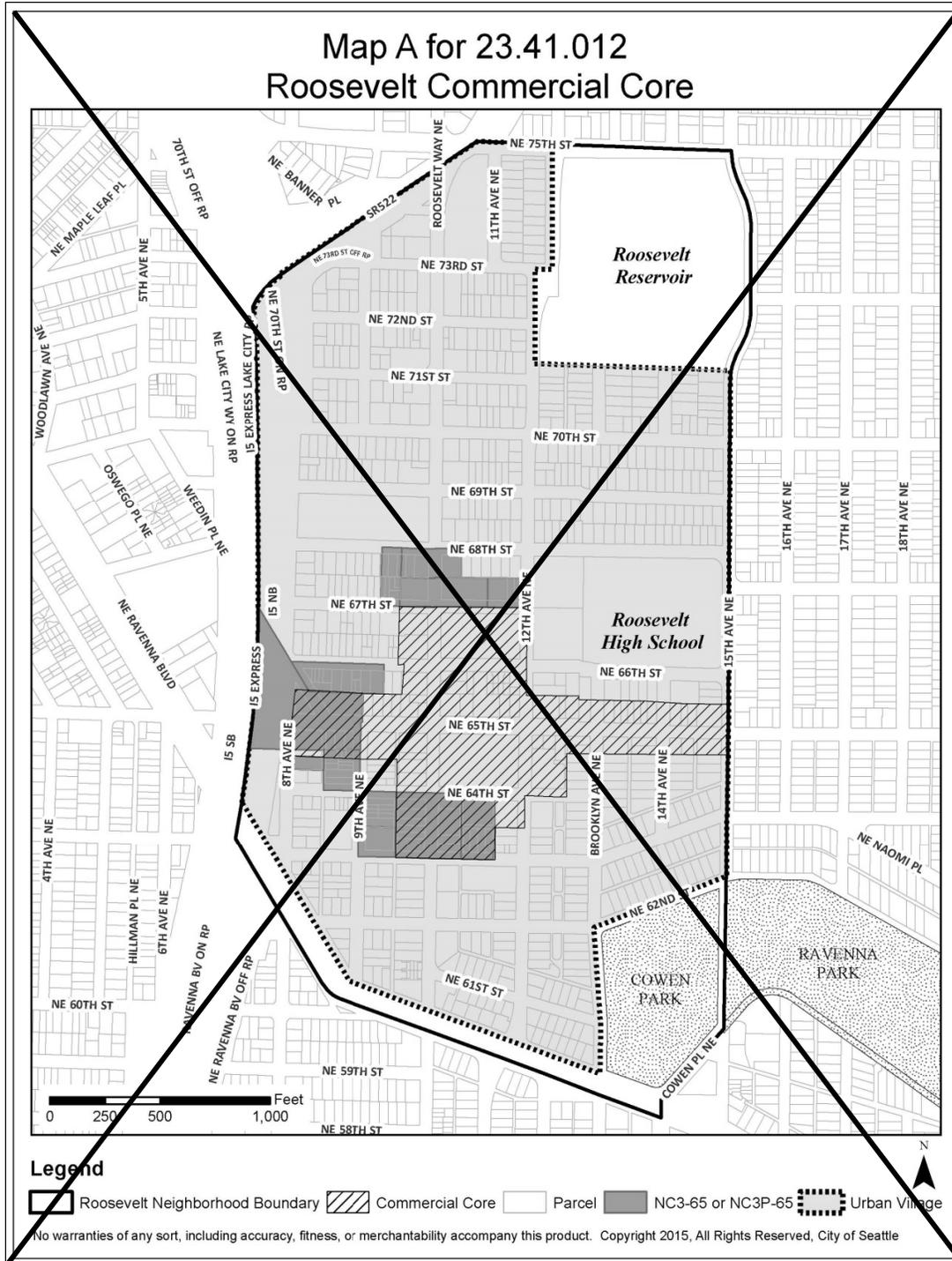
⁴ Development proposals that would be subject to the full design review, may elect to be reviewed pursuant to the administrative design review process according to Section 23.41.016 if the applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. If the applicant elects administrative design review process pursuant to this footnote 4 to Table A for 23.41.004, the applicant shall not be eligible to change its election between performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.

* * *

Section 10. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance 125843, is amended as follows:

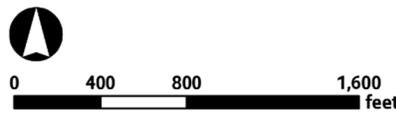
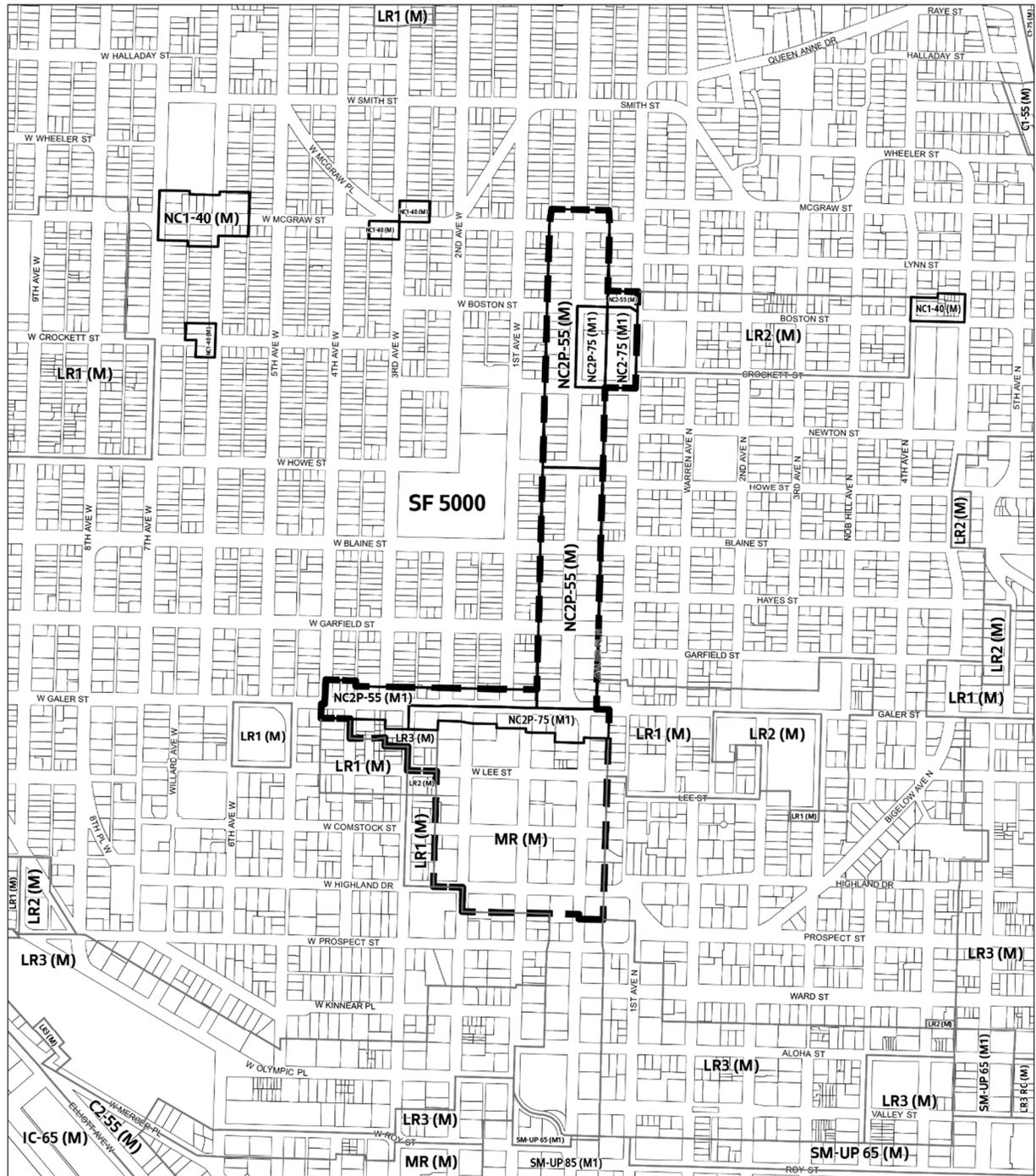
23.41.012 Development standard departures

- 1 **Map A for 23.41.012**
- 2 **Roosevelt Commercial Core**



3

**Map B for 23.41.012
 Upper Queen Anne Commercial Areas**



- Upper Queen Anne Residential Urban Village
- Neighborhood Commercial zones
- Zoning outlines
- Parcel outlines

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product. Copyright 2019, City of Seattle.
 Prepared Monday, June 24, 2019, by OPCD.

1 Section 11. Section 23.42.048 of the Seattle Municipal Code, enacted by Ordinance
2 124608, is amended as follows:

3 **23.42.048 Configuration of dwelling units**

4 A. Dwelling units. In all zones a dwelling unit exists if the ~~((use))~~area meets the
5 requirements of subsection 23.42.048.A.1 or ~~((23.41.048.A.2))~~23.42.048.A.2 and if the
6 ~~((use))~~area is not ~~((an adult family home,))~~a congregate residence~~((, assisted living facility,))~~ or
7 nursing home, and is not located in a hotel, motel, or public facility such as a fire station.

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

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

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

14 c. one or more sleeping rooms.

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

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

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

22 3. For the purposes of this subsection 23.42.048.A, a separate or separable area
23 is an area having direct access to the exterior of the building or access to the exterior via

1 hallways and stairways that are primarily ingress/egress routes to the exterior rather than leading
2 to common kitchens and living areas.

3 * * *

4 Section 12. Subsection 23.42.112.B of the Seattle Municipal Code, which section was
5 last amended by Ordinance 124105, is amended as follows:

6 **23.42.112 Nonconformity to development standards**

7 * * *

8 B. A structure nonconforming to development standards and occupied by or accessory
9 to a residential use may be rebuilt or replaced but may not be expanded or extended in any
10 manner that increases the extent of nonconformity unless specifically permitted by this code.

11 1. A survey by a licensed Washington surveyor, or other documentation
12 acceptable to the Director, documenting the extent of nonconformity and confirming that the
13 plans to rebuild or replace a residential structure create no unpermitted increase in
14 nonconformity shall be required prior to approval of any permit to rebuild or replace a
15 nonconforming residential structure.

16 2. Additions to a rebuilt nonconforming residential structure that meet current
17 development standards are allowed.

18 3. Nonconforming development that is not structural, including but not limited to
19 access or location of parking, may be maintained if a structure is rebuilt according to the
20 requirements of this subsection 23.42.112.B.

21 * * *

22 Section 13. Subsection 23.44.008.C of the Seattle Municipal Code, which section was
23 last amended by Ordinance 124105, is amended as follows:

1 **23.44.008 Development standards for uses permitted outright**

2 A. The development standards set out in this subchapter apply to principal and
3 accessory uses permitted outright in single-family zones.

4 B. All structures or uses shall be built or established on a lot or lots.

5 C. Floating homes are subject to the provisions of Chapter 23.60A, Shoreline District,
6 and are also subject to the parking provisions of this ((~~Section 23.44.008~~))Chapter 23.44.

7 D. An exception from one specific standard does not relieve the applicant from
8 compliance with any other standard.

9 * * *

10 Section 14. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance
11 125791, is amended as follows:

12 **23.44.010 Minimum lot area and lot coverage**

13 A. Minimum lot area. The minimum lot area in single-family zones shall be as provided
14 in Table A for 23.44.010:

Table A for 23.44.010	
Minimum lot area	
Zone	Minimum lot area required
SF 9600	9,600 square feet
SF 7200	7,200 square feet
SF 5000	5,000 square feet
RSL	No minimum lot area ¹

Footnote to Table A for 23.44.010

¹ In RSL zones, there is no minimum lot area; however, the maximum number of dwelling units on a lot is limited by the density limits in subsection 23.44.017.B.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Submerged lands shall not be counted in calculating the area of lots for the purpose of these minimum lot area requirements, or the exceptions to minimum lot area requirements provided in this Section 23.44.010. A parcel that does not meet the minimum lot area requirements or exceptions of this Section 23.44.010, and that is in common ownership with an abutting lot when the abutting lot is the subject of any permit application, shall be included as a part of the abutting lot for purposes of the permit application.

B. Exceptions to minimum lot area requirements. The following exceptions to minimum lot area requirements are allowed in SF 5000, SF 7200, and SF 9600 zones, subject to the requirements in subsection 23.44.010.B.2, and further subject to the requirements in subsection 23.44.010.B.3 for any lot less than 3,200 square feet in area:

1. A lot that does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped under one of the following circumstances:

a. "The Seventy-Five/Eighty Rule." The Seventy-Five/Eighty Rule exception may be applied to allow separate development of lots already in existence in their current configuration, or new lots resulting from a full subdivision, short subdivision, or lot boundary adjustment. In order to qualify for this exception, the lot must have an area at least 75 percent of the minimum required for the zone and also at least 80 percent of the mean area of the lots within the same block front, subject to the following provisions:

1 the property subject to the subdivision, or the lots modified by the lot boundary adjustment, shall
2 be excluded from the block front mean area calculation.

3 5) For purposes of this subsection 23.44.010.B.1.a, if the platting
4 pattern is irregular, the Director will determine which lots are included within a block front.

5 6) If an existing or proposed lot has frontage on more than one
6 street, the lot may qualify for this exception based on the calculation being applied to any street
7 on which the lot has at least 30 feet of frontage. If a proposed lot has frontage on multiple streets
8 but does not have 30 feet of frontage on any street, the exception may be applied based on the
9 calculation along the street on which the lot has the most frontage, provided the lot has at least
10 10 feet of frontage on that street. If the lot has less than 30 feet of frontage on any one street but
11 equal frontage on multiple streets, the rule may be applied based on the calculation along any
12 one of the streets, provided the lot has at least 10 feet of frontage on that street.

13 7) New lots created pursuant to subsection 23.44.010.B.1.a shall
14 comply with the following standards:

15 a) For a lot that is subdivided or short platted, the
16 configuration requirements of subsections 23.22.100.C.3 and 23.24.040.A.9 or with the
17 modification provisions of subsections 23.22.100.D and 23.24.040.B, as applicable; or

18 b) For an existing lot that is reconfigured under the
19 provisions of Chapter 23.28, the configuration requirements of subsection 23.28.030.A.3 or with
20 the modification provisions of subsection 23.28.030.A.4.

21 b. The lot area deficit is the result of a dedication or sale of a portion of
22 the lot to the City or state for street or highway purposes, payment was received for only that
23 portion of the lot, and the lot area remaining is at least 2,500 square feet.

1 c. The lot would qualify as a legal building site under subsection
2 23.44.010.B but for a reduction in the lot area due to court-ordered adverse possession, and the
3 amount by which the lot was so reduced was less than ten percent of the former area of the lot.
4 This exception does not apply to lots reduced to less than 2,500 square feet.

5 d. "The Historic Lot Exception." The historic lot exception may be
6 applied to allow separate development of lots already in existence if the lot has an area of at least
7 2,500 square feet, and was established as a separate building site in the public records of the
8 county or City prior to July 24, 1957, by deed, contract of sale, platting, or building permit. The
9 qualifying lot shall be subject to the following provisions:

10 1) A lot is considered to have been established as a separate
11 building site by deed if the lot was held under separate ownership from all abutting lots for at
12 least one year after the date the recorded deed transferred ownership. A lot is considered to have
13 been established as a separate building site by contract of sale only if that sale would have
14 caused the property to be under separate ownership from all abutting lots.

15 2) If two contiguous lots have been held in common ownership at
16 any time after January 18, 1987, and a principal structure extends onto or over both lots, neither
17 lot qualifies for the exception. If the principal structure does not extend onto or over both lots,
18 but both lots were required to meet development standards other than parking requirements in
19 effect at the time the structure was built or expanded, neither lot qualifies for the exception
20 unless the vacant lot is not needed to meet current development standards other than parking
21 requirements. If the combined property fronts on multiple streets, the orientation of the principal
22 structure shall not be considered when determining if it could have been built to the same
23 configuration without using the vacant lot or lots as part of the principal structure's building site.

1 a. Development may occur on a substandard lot containing a riparian
2 corridor, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the
3 provisions of Chapter 25.09 or containing priority freshwater habitat or priority saltwater habitat
4 described in Section 23.60A.160, if the following conditions apply:

5 1) The substandard lot is not held in common ownership with an
6 abutting lot or lots at any time after October 31, 1992, or

7 2) The substandard lot is held in common ownership with an
8 abutting lot or lots, or has been held in common ownership at any time after October 31, 1992, if
9 proposed and future development will not intrude into the environmentally critical area or buffer
10 or priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160.

11 b. Lots on totally submerged lands do not qualify for any minimum lot
12 area exceptions.

13 3. Special exception review for lots less than 3,200 square feet in area. A special
14 exception Type II review as provided for in Section ~~((23.76.004))~~23.76.006 is required for
15 separate development of any lot ~~((with))~~that has not been previously developed as a separate lot
16 and has an area less than 3,200 square feet that qualifies for any lot area exception in subsection
17 23.44.010.B.1. The special exception application shall be subject to the following provisions:

18 a. The depth of any structure on the lot shall not exceed two times the
19 width of the lot. If a side yard easement is provided according to subsection 23.44.014.D.3, the
20 portion of the easement within 5 feet of the structure on the lot qualifying under this provision
21 may be treated as a part of that lot solely for the purpose of determining the lot width for
22 purposes of complying with this subsection 23.44.010.B.3.a.

1 a. No structure or portion of a structure may be built on either lot within
2 the 10-foot separation, except as provided in this Section 23.44.014.

3 b. Accessory structures, other than detached accessory dwelling units,
4 and features of and projections from principal structures, such as porches, eaves, and chimneys
5 are permitted in the 10-foot separation area required by this subsection 23.44.014.C.3 if
6 otherwise allowed in side yards by this subsection 23.44.014.C. For purposes of calculating the
7 distance a structure or feature may project into the 10-foot separation, assume the property line is
8 5 feet from the wall of the principal structure or detached accessory dwelling unit proposed to
9 extend into a side yard and consider the 5 feet between the wall and the assumed property line to
10 be the required side yard.

11 c. ~~((No))~~ Notwithstanding subsection 23.44.014.C.3.b, no portion of any
12 structure, including eaves or any other projection, shall cross the actual property line.

13 d. The easement shall be recorded with the King County Recorder's
14 Office. The easement shall provide access for normal maintenance activities to the principal
15 structure on the lot with less than the required 5-foot side yard.

16 4. Certain additions. Certain additions to an existing single-family structure, or
17 an existing accessory structure if being converted to a detached accessory dwelling unit may
18 extend into a required yard if the existing single-family structure or existing accessory structure
19 is already nonconforming with respect to that yard. The presently nonconforming portion must
20 be at least 60 percent of the total width of the respective facade of the structure prior to the
21 addition. The line formed by the existing nonconforming wall of the structure is the limit to
22 which any additions may be built, except as described in subsections 23.44.014.C.4.a through
23 23.44.014.C.4.e. Additions may extend up to the height limit and may include basement

1 additions. New additions to the nonconforming wall or walls shall comply with the following
2 requirements (Exhibit A for 23.44.014):

3 a. Side yard. If the addition is a side wall, the existing wall line may be
4 continued by the addition except that in no case shall the addition be closer than 3 feet to the side
5 lot line;

6 b. Rear yard. If the addition is a rear wall, the existing wall line may be
7 continued by the addition except that in no case shall the addition be closer than 20 feet to the
8 rear lot line or centerline of an alley abutting the rear lot line or in the case of an existing
9 accessory structure being converted to a detached accessory dwelling unit, 3 feet to the rear lot
10 line;

11 * * *

12 5. Uncovered porches or steps. Uncovered, unenclosed porches or steps may
13 project into any required yard, if ~~((each component is))~~ the surface of porches or steps are no
14 higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, and has ~~((no~~
15 horizontal distance)) a width and depth no greater than 6 feet within the required yard. For each
16 entry to a principal structure, one uncovered, unenclosed porch and/or associated steps are
17 permitted in the required yards.

18 * * *

19 17. Stormwater management

20 a. Above-grade green stormwater infrastructure (GSI) features are
21 allowed without yard restrictions if:

22 1) Each above-grade GSI feature is ~~((less))~~ no more than 4.5 feet
23 tall, excluding piping;

1 3. Garages shall not be located in a required side yard that abuts the rear or side
2 yard of another lot or in that portion of the rear yard of a reversed corner lot within 5 feet of the
3 key lot's side lot line unless:

4 a. The garage is a detached garage (~~located entirely in~~)and extends
5 only into that portion of a side yard that is either within 35 feet of the centerline of an alley or
6 within 25 feet of any rear lot line that is not an alley lot line; or

7 b. An agreement between the owners of record of the abutting
8 properties, authorizing the garage in that location, is executed and recorded, pursuant to
9 subsection 23.44.014.D.2.a.

10 4. Detached garages with vehicular access facing an alley shall not be located
11 within 12 feet of the centerline of the alley except as provided in subsections 23.44.016.D.9,
12 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12.

13 5. Attached garages shall not be located within 12 feet of the centerline of any
14 alley, nor within 12 feet of any rear lot line that is not an alley lot line, except as provided in
15 subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12.

16 6. On a reversed corner lot, no garage shall be located in that portion of the
17 required rear yard that abuts the required front yard of the adjoining key lot unless the provisions
18 of subsection 23.44.016.D.9 apply.

19 7. If access to required parking passes through a required yard, automobiles,
20 motorcycles and similar vehicles may be parked on the open access located in a required yard.

21 8. Trailers, boats, recreational vehicles and similar equipment shall not be
22 parked in required front and side yards or the first 10 feet of a rear yard measured from the rear
23 lot line.

1 9. Lots with uphill yards abutting streets. Parking for one two-axle or one up to
2 four-wheeled vehicle may be established in a required yard abutting a street according to
3 subsection 23.44.016.D.9.a or 23.44.016.D.9.b only if access to parking is permitted through that
4 yard pursuant to subsection 23.44.016.B.

5 a. Open parking space

6 1) The existing grade of the lot slopes upward from the street lot
7 line an average of at least 6 feet above sidewalk grade at a line that is 10 feet from the street lot
8 line; and

9 2) The parking area shall be at least an average of 6 feet below
10 the existing grade prior to excavation and/or construction at a line that is 10 feet from the street
11 lot line; and

12 3) The parking space shall be no wider than 10 feet for one
13 parking space at the parking surface and no wider than 20 feet for two parking spaces if
14 permitted as provided in subsection 23.44.016.D.12.

15 b. Terraced garage

16 1) The height of a terraced garage is limited to no more than 2
17 feet above existing or finished grade, whichever is lower, for the portions of the garage that are
18 10 feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may
19 extend up to 3 feet above this 2 foot height limit. All parts of the roof above the 2 foot height
20 limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof shall be permitted
21 to extend beyond the 2 foot height limit of this provision. Portions of a terraced garage that are
22 less than 10 feet from the street lot line shall comply with the height standards in subsection
23 23.44.016.E.2;

1 2. The use shall be allowed only when it is demonstrated that uses permitted in
2 the zone are impractical because of site configuration or structure design and/or that no permitted
3 use can provide adequate financial support necessary to sustain the structure or site in a
4 reasonably good physical condition; and

5 3. The use shall not be detrimental to other properties in the zone or vicinity or
6 to the public interest.

7 B. The parking requirements for a use allowed in a landmark are those listed in Section
8 23.54.015. These requirements may be waived pursuant to Section 23.54.020 C.

9 Section 18. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
10 125854, is amended as follows:

11 **23.44.041 Accessory dwelling units**

12 A. General provisions. The Director may authorize an accessory dwelling unit, and that
13 dwelling unit may be used as a residence, only under the following conditions:

14 1. Number of accessory dwelling units allowed on a lot

15 a. In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed for a
16 principal single-family dwelling unit may have up to two accessory dwelling units, provided that
17 the following conditions are met:

18 1) Only one accessory dwelling unit may be a detached accessory
19 dwelling unit; and

20 2) A second accessory dwelling unit is allowed only if : (1) the
21 second accessory dwelling unit is added by converting floor area within an existing structure; or
22 (2) for a new structure, the applicant makes a commitment that the new principal structure
23 containing an attached accessory dwelling unit or the new accessory structure containing a

1 detached accessory dwelling unit will meet a green building standard and shall demonstrate
2 compliance with that commitment, all in accordance with Chapter 23.58D(~~(—A second accessory~~
3 ~~dwelling unit that is proposed within an existing structure does not require the structure to be~~
4 ~~updated to meet the green building standard)~~); or ~~((2))~~(3) if the second accessory dwelling unit
5 is a rental unit affordable to and reserved solely for “income-eligible households,” as defined in
6 Section 23.58A.004, and is subject to an agreement specifying the affordable housing
7 requirements under this subsection approved by the Director of Housing to ensure that the
8 housing shall serve only income-eligible households for a minimum period of 50 years. The
9 monthly rent, including basic utilities, shall not exceed 30 percent of the income limit for the
10 unit, all as determined by the Director of Housing, and the housing owner shall submit a report to
11 the Office of Housing annually that documents how the affordable housing meets the terms of
12 the recorded agreement. Prior to issuance, and as a condition to issuance, of the first building
13 permit for a project, the applicant shall execute and record a declaration in a form acceptable to
14 the Director that shall commit the applicant to satisfy the conditions to establishing a second
15 accessory dwelling unit as approved by the Director.

16 b. In an RSL zone, each principal dwelling unit may have no more than
17 one accessory dwelling unit.

18 2. In the Shoreline District, accessory dwelling units shall be as provided in
19 Chapter 23.60A; where allowed in the Shoreline District, they are also subject to the provisions
20 in this Section 23.44.041.

21 3. Any number of related persons may occupy each unit on a lot with one or more
22 accessory dwelling units. If unrelated persons occupy any dwelling unit, the total number of
23 persons occupying all dwelling units may not altogether exceed eight if there is one accessory

1 dwelling unit on the lot. If two accessory dwelling units exist on the lot, the total number of
2 unrelated persons occupying all units may not altogether exceed 12.

3 * * *

4 C. Detached accessory dwelling units. Detached accessory dwelling units are subject to
5 the following additional conditions:

6 1. Detached accessory dwelling units are required to meet the additional
7 development standards set forth in Table A for 23.44.041.

Table A for 23.44.041 Development standards for detached accessory dwelling units ^{1,2}	
a. Minimum lot size	3,200 square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ³
d. Maximum lot coverage	Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.
e. Maximum rear yard coverage	Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, are subject to the requirements governing maximum rear yard coverage exceptions in subsections 23.44.014.D.
f. Maximum size	The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet excluding garage and storage areas, <u>covered</u> porches and covered decks that are less than 25 square feet in area, and gross floor <u>area</u> that is underground. Up to 35 square feet of floor area dedicated to long-term bicycle parking shall be exempt from the gross floor area calculation for a detached accessory dwelling unit. The bicycle parking area shall be provided in a safe, and convenient location, emphasizing user convenience and theft deterrence, and shall be located where bicyclists are not required to carry bicycles on stairs to access the parking. Where practicable, long-term bicycle parking shall include a variety of rack types to accommodate different types of bicycles.
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035.

h. Minimum side yard	A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3 or 23.44.014.C.4. ⁴			
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ^{4, 5, 6}			
j. Location of entry	If the entrance to a detached accessory dwelling unit is located on a facade facing a side lot line or a rear lot line, the entrance may not be within 10 feet of that lot line unless that lot line abuts an alley or other public right-of-way.			
k. Maximum height limits ^{7, 8, 9}	Lot width (feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater
(1) Base structure height limit (in feet) ¹⁰	14	16	18	18
(2) Height allowed for pitched roof above base structure height limit (in feet)	3	7	5	7
(3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041	3	4	4	4
l. Minimum separation from principal ((dwelling unit)) structure	5 feet			

Footnotes to Table A for 23.44.041

¹ The Director may allow an exception to standards a through f and h through k pursuant to subsection 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.

²The Director may allow an exception to standards i and j if the exception allows for the

preservation of an exceptional tree or a tree over 2 feet in diameter measured 4.5 feet above the ground.

³For lots that do not meet the lot depth requirement but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.

⁴External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3 feet from any lot line. Bay windows are limited to 8 feet in width and may project no closer than 3 feet from any lot line. Other projections that include interior space, such as garden windows, must start a minimum of 30 inches above the finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3 feet from any lot line.

⁵If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.

⁶On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.

⁷Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.

⁸Projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof permitted pursuant to row k if all conditions of subsection 23.44.012.C.3 are satisfied.

⁹Any structure with a green roof or other features necessary to meet a green building standard, as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.

¹⁰Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.

* * *

Section 19. Section 23.45.506 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.45.506 Administrative conditional uses

A. Uses permitted as administrative conditional uses in Section 23.45.504, may be permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506 are met.

B. Unless otherwise specified in this Chapter 23.45, conditional uses shall meet the development standards for uses permitted outright. If an existing structure is nonconforming to development standards, then no conditional use is required for any alterations that do not increase the nonconformity.

1 * * *

2 Section 20. Section 23.45.518 of the Seattle Municipal Code, last amended by Ordinance
3 125791, is amended as follows:

4 **23.45.518 Setbacks and separations**

5 * * *

6 H. Projections permitted in required setbacks and separations

7 1. Cornices, eaves, gutters, roofs and other forms of weather protection may
8 project into required setbacks and separations a maximum of 4 feet if they are no closer than 3
9 feet to any lot line.

10 2. Garden windows and other features that do not provide floor area may
11 project a maximum of 18 inches into required setbacks and separations if they:

- 12 a. are a minimum of 30 inches above the finished floor;
13 b. are no more than 6 feet in height and 8 feet wide; and
14 c. combined with bay windows and other features with floor area, make
15 up no more than 30 percent of the area of the facade.

16 3. Bay windows and other features that provide floor area may project a
17 maximum of 2 feet into required setbacks and separations if they:

- 18 a. are no closer than 5 feet to any lot line;
19 b. are no more than 10 feet in width; and
20 c. combined with garden windows and other features included in
21 subsection 23.45.518.H.2, make up no more than 30 percent of the area of the facade.

22 4. Unenclosed decks up to 18 inches above existing or finished grade,
23 whichever is lower, may project into required setbacks or separations ((to the lot line)).

5. Unenclosed porches or steps

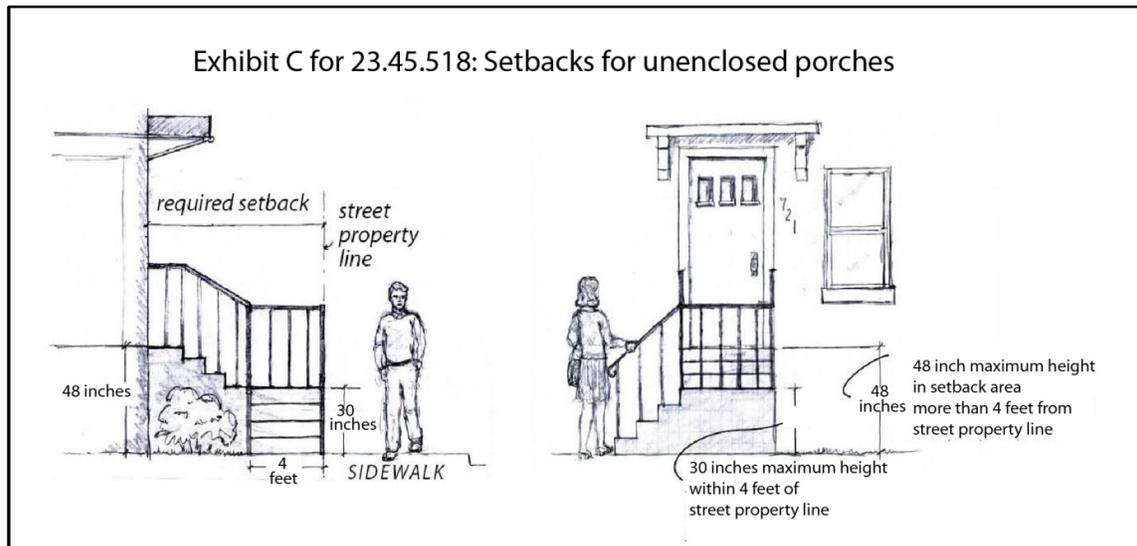
a. Unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than 2.5 feet in height from existing or finished grade, whichever is lower, excluding guard rails or hand rails, may extend to a street lot line. See Exhibit C for 23.45.518.

b. Unenclosed porches or steps no higher than 4 feet above existing grade may project into the required rear setback or required separation between structures a maximum of 4 feet provided they are a minimum of 5 feet from a rear lot line.

c. Unenclosed porches or steps permitted in required setbacks and separations shall be limited to a combined maximum width of 20 feet.

Exhibit C for 23.45.518

Setbacks for unenclosed porches



d. Permitted porches or steps may be covered, provided that no portions of the cover-structure, including any supports, are closer than 3 feet to any lot line.

1 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade
2 may be no closer than 5 feet to the lot line.

3 3. Solar collectors on roofs. Solar collectors (~~((that meet minimum written energy~~
4 ~~conservation standards administered by the Director and))~~) that are located on a roof are permitted
5 as follows:

6 a. In LR zones up to 4 feet above the maximum height limit or 4 feet
7 above the height of stair or elevator penthouse(s), whichever is higher; and

8 b. In MR and HR zones up to 10 feet above the maximum height limit or
9 10 feet above the height of stair or elevator penthouse(s), whichever is higher.

10 c. If the solar collectors would cause an existing structure to become
11 nonconforming, or increase an existing nonconformity, the Director may permit the solar
12 collectors as a special exception pursuant to Chapter 23.76. ~~((Such s))~~Solar collectors may be
13 permitted under this subsection 23.45.545.C.3.c even if the structure exceeds the height limits
14 established in this subsection 23.45.545.C.3, ~~((when))~~if the following conditions are met:

15 1) There is no feasible alternative solution to placing the
16 collector(s) on the roof; and

17 2) ~~((Such))~~The collector(s) are located so as to minimize view
18 blockage from surrounding properties and the shading of property to the north, while still
19 providing adequate solar access for the solar collectors.

20 * * *

21 Section 23. Subsection 23.47A.008.D of the Seattle Municipal Code, which section was
22 last amended by Ordinance 125791, is amended as follows:

23 **23.47A.008 Street-level development standards**

1 * * *

2 C. In addition to the provisions of subsections 23.47A.008.A and 23.47A.008.B, the
3 following standards also apply in pedestrian designated zones:

4 * * *

5 5. Maximum width and depth limits

6 a. The maximum width and depth of a structure, or of a portion of a
7 structure for which the limit is calculated separately according to subsection 23.47A.008.C.5.b, is
8 250 feet, except as otherwise provided in subsection 23.47A.008.C.5.c. Structure width may
9 exceed 250 feet if the structure complies with the modulation standards in Section 23.47A.014.D

10 b. For purposes of this subsection 23.47A.008.C.5, the width and depth
11 limits shall be calculated separately for a portion of a structure if:

12 1) There are no connections allowing direct access, such as
13 hallways, bridges, or stairways, between that portion of a structure and other portions of a
14 structure; or

15 2) The only connections between that portion of a structure and
16 other portions of a structure are in stories, or portions of a stories, that are underground or extend
17 no more than 4 feet above the sidewalk, measured at any point above the sidewalk elevation to
18 the floor above the partially below-grade story, excluding access.

19 c. For purposes of this subsection 23.47A.008.C.5, the following
20 portions of a structure shall not be included in measuring width and depth:

21 1) Designated Landmark structures that are retained on the lot.
22 2) Stories of a structure on which more than 50 percent of the
23 total gross floor area is occupied by any of the following uses:

- a) Arts facilities;
- b) Community clubs or community centers;
- c) Child care centers;
- d) Elementary or secondary schools;
- e) Performing arts theaters; or
- f) Religious facilities.

* * *

D. Where residential uses are located along a street-level street-facing facade, the following requirements apply unless exempted by subsection 23.47A.008.G:

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

2. The floor of a dwelling unit located along the street-level, street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk. An exception to the standards of this subsection (~~(23.44.008.D.2)~~)23.47A.008.D.2 may be granted as a Type I decision if the following criteria are met:

a. An accessible route to the unit is not achievable if the standard is applied or existing site conditions such as topography make access impractical if the standard is applied;

b. The floor is at least 18 inches above average sidewalk grade or 4 feet below sidewalk grade, or is set back at least 10 feet from the sidewalk; and

c. The visually prominent pedestrian entry is maintained.

* * *

1 Section 24. Section 23.47A.012 of the Seattle Municipal Code, last amended by
2 Ordinance 125791, is amended as follows:

3 **23.47A.012 Structure height**

4 A. The height limit for structures in NC zones or C zones is as designated on the
5 Official Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit,
6 except as otherwise provided in this Section 23.47A.012.

7 * * *

8 C. Rooftop features

9 1. Smokestacks, chimneys, flagpoles, and religious symbols for religious
10 institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport
11 Height Overlay District, provided they are a minimum of 10 feet from any side or rear lot line.

12 2. Open railings, planters, skylights, clerestories, greenhouses, solariums,
13 parapets, and firewalls may extend as high as the highest ridge of a pitched roof permitted by
14 subsection 23.47A.012.B or up to 4 feet above the otherwise applicable height limit, whichever
15 is higher. Insulation material(~~(, rooftop decks and other similar features,))~~ or soil for landscaping
16 located above the structural roof surface may exceed the maximum height limit by up to 2 feet if
17 enclosed by parapets or walls that comply with this subsection 23.47A.012.C.2. Rooftop decks
18 and other similar features may exceed the maximum height limit by up to two feet, and open
19 railings or parapets required by the Building Code around the perimeter of rooftop decks or other
20 similar features may exceed the maximum height limit by the minimum necessary to meet
21 Building Code requirements.

22 * * *

1 Section 25. Subsection 23.47A.013.B of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125791, is amended as follows:

3 **23.47A.013 Floor area ratio**

4 * * *

5 B. The following gross floor area is not counted toward FAR:

- 6 1. All stories, or portions of stories, that are underground;
- 7 2. All portions of a story that extend no more than 4 feet above existing or
8 finished grade, whichever is lower, excluding access;
- 9 3. Gross floor area of a transit station, including all floor area open to the
10 general public during normal hours of station operation but excluding retail or service
11 establishments to which public access is limited to customers or clients, even where such
12 establishments are primarily intended to serve transit riders;
- 13 4. On a lot containing a peat settlement-prone environmentally critical area,
14 above-grade parking within or covered by a structure or portion of a structure, if the Director
15 finds that locating a story of parking below grade is infeasible due to physical site conditions
16 such as a high water table, if either:
- 17 a. The above-grade parking extends no more than 6 feet above existing
18 or finished grade and no more than 3 feet above the highest existing or finished grade along the
19 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
20 pursuant to subsection 23.47A.012.A.3; or
- 21 b. All of the following conditions are met:
- 22 1) No above-grade parking is exempted by subsection
23 23.47A.013.B.4.a;

1 A. An applicant may seek approval of a Major Phased Development, as defined in Section
2 23.84A.025. A Major Phased Development proposal is subject to the provisions of the zone in
3 which it is located and shall meet the following thresholds:

4 1. A minimum site size of five acres, composed of contiguous parcels or parcels
5 divided only by one or more rights-of-way.

6 2. The proposed project, which at time of application is a single, functionally
7 interrelated campus, contains more than one building, with a minimum total gross floor area of
8 200,000 square feet.

9 3. The first phase of the development consists of at least 100,000 square feet in
10 gross building floor area.

11 4. At the time of application, the project is consistent with the general character
12 of development anticipated by Land Use Code regulations.

13 B. A Major Phased Development application shall be submitted, evaluated, and
14 approved according to the following:

15 1. The application shall contain a level of detail that is sufficient to reasonably
16 assess anticipated impacts, including those associated with a maximum build-out, within the
17 timeframe requested for Master Use Permit extension.

18 2. A Major Phased Development component shall not be approved unless the
19 Director concludes that anticipated environmental impacts, such as traffic, open space, shadows,
20 construction impacts and air quality, are not significant or can be effectively monitored and
21 conditions imposed to mitigate impacts over the extended life of the permit.

22 3. Expiration or renewal of a permit for the first phase of a Major Phased
23 Development is subject to the provisions of Chapter 23.76, Master Use Permits and Council

1 Land Use Decisions. The Director shall determine the expiration date of a permit for subsequent
2 phases of the Major Phased Development through the analysis provided for above; such
3 expiration shall be no later than fifteen years from the date of issuance.

4 C. Changes to the approved Major Phased Development.

5 1. When an amendment to a Master Use Permit with a Major Phased
6 Development component is requested, the Director shall determine whether the amendment is
7 minor or not.

8 a. A minor amendment is one that meets the following criteria:

9 (1) Substantial compliance with the approved site plan and
10 conditions imposed in the existing Master Use Permit with the Major Phased Development
11 component with no substantial change in the mix of uses and no major departure from the bulk
12 and scale of structures originally proposed; and

13 (2) Compliance with applicable requirements of this title in effect
14 at the time of the original Master Use Permit approval; and

15 (3) No significantly greater impact would occur.

16 2. If the Director determines that the amendment is minor, the Director may
17 approve a revised site plan as a Type I decision. The Master Use Permit expiration date of the
18 original approval shall be retained.

19 3. If the Director determines that the amendment is not minor, the applicant may
20 either continue under the existing MPD approval or may submit a revised MPD application. The
21 revised application shall be the subject of a Type II decision. Only the portion of the site affected
22 by the revision shall be subject to regulations in effect on the date of the revised MPD

1 application, notwithstanding any provision of Chapter 23.76. The decision may retain or extend
2 the existing expiration date on the portion of the site affected by the revision.

3 Section 28. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance
4 125603, is amended as follows:

5 **23.48.020 Floor area ratio (FAR)**

6 A. General provisions

7 1. All gross floor area not exempt under subsection 23.48.020.~~((D))~~B counts
8 toward the gross floor area allowed under the FAR limits.

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

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

13 B. Floor area exempt from FAR calculations. The following floor area is exempt from
14 maximum FAR calculations:

15 1. All underground stories or portions of stories.

16 2. Portions of a story that extend no more than 4 feet above existing or finished
17 grade, whichever is lower, excluding access.

18 3. As an allowance for mechanical equipment, in any structure 65 feet in height
19 or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR
20 calculations. Calculation of the allowance includes the remaining gross floor area after all
21 exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment
22 located on the roof of a structure, whether enclosed or not, is not included as part of the
23 calculation of total gross floor area.

SM-SLU 100/65-145	4.5	6.5	4.5
SM-SLU 85/65-160	4.5	7	4.5
SM-SLU 175/85-280	4.5 ²	8	6
SM-SLU 85- 280	0.5/3 ³	NA	6
SM-SLU 240/125-440	5 ²	8	10

Footnotes to Table A for 23.48.220

NA (not applicable) refers to zones where uses are not subject to an FAR limit.

¹ All portions of residential structures that exceed the base height, including portions restricted to the podium height limit, are exempt from FAR limits.

² In the SM-SLU 175/85-280, and SM-SLU 240/125-440 zones, an additional increment of 0.5 FAR above the base FAR is permitted on lots meeting the requirements of subsection 23.48.220.A.3.

³ The 3 FAR limit applies to religious facilities. For all other non-residential uses, the 0.5 FAR limit applies.

1

Table B for 23.48.220

FAR limits for SM-SLU/R 65/95, SM-SLU 100/95, and SM-SLU 145 zones

Zone	FAR limits for all uses	
	Base FAR	Maximum FAR
SM-SLU/R 65/95	Not applicable	Not applicable
SM-SLU 100/95	4.5	6.75

SM-SLU 145	5	9.5 ¹
Footnote to Table B for 23.48.220 ¹ The maximum FAR for development with non-residential uses that exceed 85 feet in height is 8.5.		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Section 31. Subsection 23.48.225.A of the Seattle Municipal Code, which section was last amended by Ordinance 125603, is amended as follows:

23.48.225 Structure height in South Lake Union Urban Center

A. Base and maximum height limits

1. In zones listed below in this subsection 23.48.225.A.1, the applicable height limit for portions of a structure that contain non-residential and live-work uses is shown as the first figure after the zone designation and the base height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. Except as stated in Section 23.48.025, the base residential height limit is the applicable height limit for portions of a structure in residential use if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra floor area under the provisions of Chapter 23.58A(~~and if the structure complies with the standards for tower development specified in Section 23.48.240 (Street level development standards in South Lake Union Urban Center) and Section 23.48.245 (Upper level development standards in South Lake Union Urban Center))~~):

- SM-SLU 100/65-145
- SM-SLU 85/65-160
- SM-SLU 175/85-280

SM-SLU 240/125-440

2. In the SM-SLU 85/65-160 zone on the blocks bounded by Valley Street, Mercer Street, Westlake Avenue North, and Fairview Avenue North, hotel use is permitted above 85 feet in height and is subject to the same provisions as residential use exceeding the base height limit for residential use, provided that all development standards that apply to a residential tower also apply to the hotel use, including the provisions of Section 23.48.221 for gaining extra residential floor area.

3. In the SM-SLU 85-280 zone, except as stated in subsections 23.48.225.C and 23.48.225.F, the base height limit is the applicable height limit for portions of a structure if the structure does not gain extra residential floor area under the provisions of Chapter 23.58A, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure includes extra residential floor area under the provisions of Chapter 23.58A, and if the structure complies with the standards for residential tower development in this Chapter 23.48.

4. In the SM-SLU 100/95 zone, the maximum height for portions of a structure in non-residential or live-work use is 100 feet and the maximum height limit for portions of a structure in residential use is 95 feet.

5. In the SM-SLU 145, the maximum height for all uses is 145 feet.

* * *

Section 32. Subsection 23.48.245.B of the Seattle Municipal Code, which section was last amended by Ordinance 125603, is amended as follows:

23.48.245 Upper-level development standards in South Lake Union Urban Center

1 Lots in the SM-SLU 100/65-145, SM-SLU 85/65-160, SM-SLU 175/85-280, SM-SLU
2 85-280, and SM-SLU 240/125-440 zones are subject to upper-level development standards that
3 may include upper-level floor area limits, gross floor area limits and podium heights, upper-level
4 setbacks, facade modulation, maximum facade widths, a limit on the number of towers per block,
5 and tower separation requirements, as specified in this Section 23.48.245. For the purpose of this
6 Section 23.48.245, a tower is a structure that exceeds a height of 65 feet for the SM-SLU 100/65-
7 145 and SM-SLU 85/65-160 zones, 85 feet for the SM-SLU 175/85-280 and SM-SLU 85-280
8 zones, or 125 feet for the SM-SLU 240/125-440 zone.

9 A. Upper-level floor area limit. For residential towers, the average gross floor area of
10 all stories above the podium height specified on Map A for 23.48.245 shall not exceed 50 percent
11 of the lot area, provided that:

12 1. In no case shall the gross floor area of stories above the podium height
13 exceed the gross floor area limits of subsection 23.48.245.B.2; and

14 2. The limit on towers per block in subsection 23.48.245.F applies.

15 B. Floor area limits and podium heights. The following provisions apply to
16 development in the SM-SLU 100/65-145, SM-SLU 85-280, SM-SLU 85/65-160, SM-SLU
17 175/85-280, and SM-SLU 240/125-440 zones located within the South Lake Union Urban
18 Center:

19 1. Floor area limit for structures or portions of structures occupied by non-
20 residential uses:

21 a. Except as specified in subsections 23.48.245.B.1.b and
22 23.48.245.B.1.c, there is no floor area limit for non-residential uses in a structure or portion of
23 structure that does not contain non-residential uses above 85 feet in height.

1 b. There is no floor area limit for a structure that includes research and
2 development uses and the uses are in a structure that does not exceed a height of 105 feet, provided
3 that the following conditions are met:

4 1) A minimum of two floors in the structure are occupied by
5 research and development uses and have a floor-to-floor height of at least 14 feet; and

6 2) The structure has no more than seven stories above existing or
7 finished grade, whichever is lower, as measured from the lowest story to the highest story of the
8 structure but not including rooftop features permitted under subsection 23.48.025.C. The lowest
9 story shall not include a story that is partially below grade and extends no higher than 4 feet above
10 existing or finished grade, whichever is lower.

11 c. Within locations in the SM-SLU 175/85-280 zone meeting the
12 standards in subsection 23.48.230.B for extra height in South Lake Union Urban Center, there is
13 no floor area limit for structures that do not exceed a height of 120 feet and that are designed for
14 research and development laboratory use and administrative office associated with research and
15 development laboratories.

16 d. For structures or portions of structures with non-residential uses that
17 exceed a height of 85 feet, or that exceed the height of 105 feet under the provisions of
18 subsection 23.48.245.B.1.b, or 120 feet under subsection 23.48.245.B.1.c, each story of the
19 structure above the specified podium height indicated for the lot on Map A for 23.48.245 is
20 limited to a maximum gross floor area of 24,000 square feet per story, except that the average
21 gross floor area for stories above the specified podium height is 30,000 square feet for structures
22 on a lot that meets the following conditions:

23 1) The lot has a minimum area of 60,000 square feet; and

1 3. Floor area limit for mixed-use development. This subsection 23.48.245.B.3
2 applies to structures or portions of structures that include both residential and non-residential
3 uses, as provided for in subsection 23.48.220.A.2.

4 a. For a story that includes both residential and non-residential uses, the
5 gross floor area limit for all uses combined shall not exceed the floor area limit for non-
6 residential uses, provided that the floor area occupied by residential use shall not exceed the floor
7 area limit otherwise applicable to residential use.

8 b. For a mixed-use structure with residential uses located on separate
9 stories from non-residential uses, the floor area limits shall apply to each use at the applicable
10 height limit.

11 4. Podium standards. The standards for podiums apply only to structures or
12 portions of structures that include a tower that is subject to a floor area limit.

13 a. Height limit for podiums. The specific podium height for a lot is
14 shown on Map A for 23.48.245, and the height limit extends from the street lot line to the
15 parallel alley lot line, or, where there is no alley lot line parallel to the street lot line, from the
16 street lot line to a distance of 120 feet from the street lot line, or to the rear lot line, if the lot is
17 less than 120 feet deep. If the street lot line is not straight, the measurement will be from the
18 point where the distance between the street lot line and the rear lot line is the narrowest. The
19 podium height is measured from the grade elevation at the street lot line. In the SM-SLU 85/65-
20 160 and the SM-175/85-280 zones on the blocks bounded by Valley Street or Roy Street, Mercer
21 Street, ~~((9th))~~Dexter Avenue North, and Fairview Avenue North, the line on Map A for 23.48.245
22 demarcating the different podium heights within these blocks is located 120 feet north of the
23 northerly line of Mercer Street.

1 b. Podium floor area limits. For the podiums of structures with
2 residential uses that exceed the base height limit established for the zone under subsection
3 23.48.225.A.1 and for structures with non-residential uses that exceed a height of 85 feet, the
4 average gross floor area (~~((coverage of required lot area, pursuant to subsection 23.48.245.A,))~~) for
5 all the stories below the podium height specified on Map A for 23.48.245, shall not exceed 75
6 percent of the lot area required for residential tower development, except that floor area is not
7 limited for each story if the total number of stories below the podium height is three or fewer
8 stories, or if the conditions in subsection 23.48.245.B.4.c apply.

9 c. The floor area limit on podiums in subsection 23.48.245.B.4.b does
10 not apply if a lot includes one of the following:

11 1) Usable open space that meets the provisions of subsection
12 23.48.240.F; or

13 2) A structure that has been in existence prior to 1965 and the
14 following conditions are met:

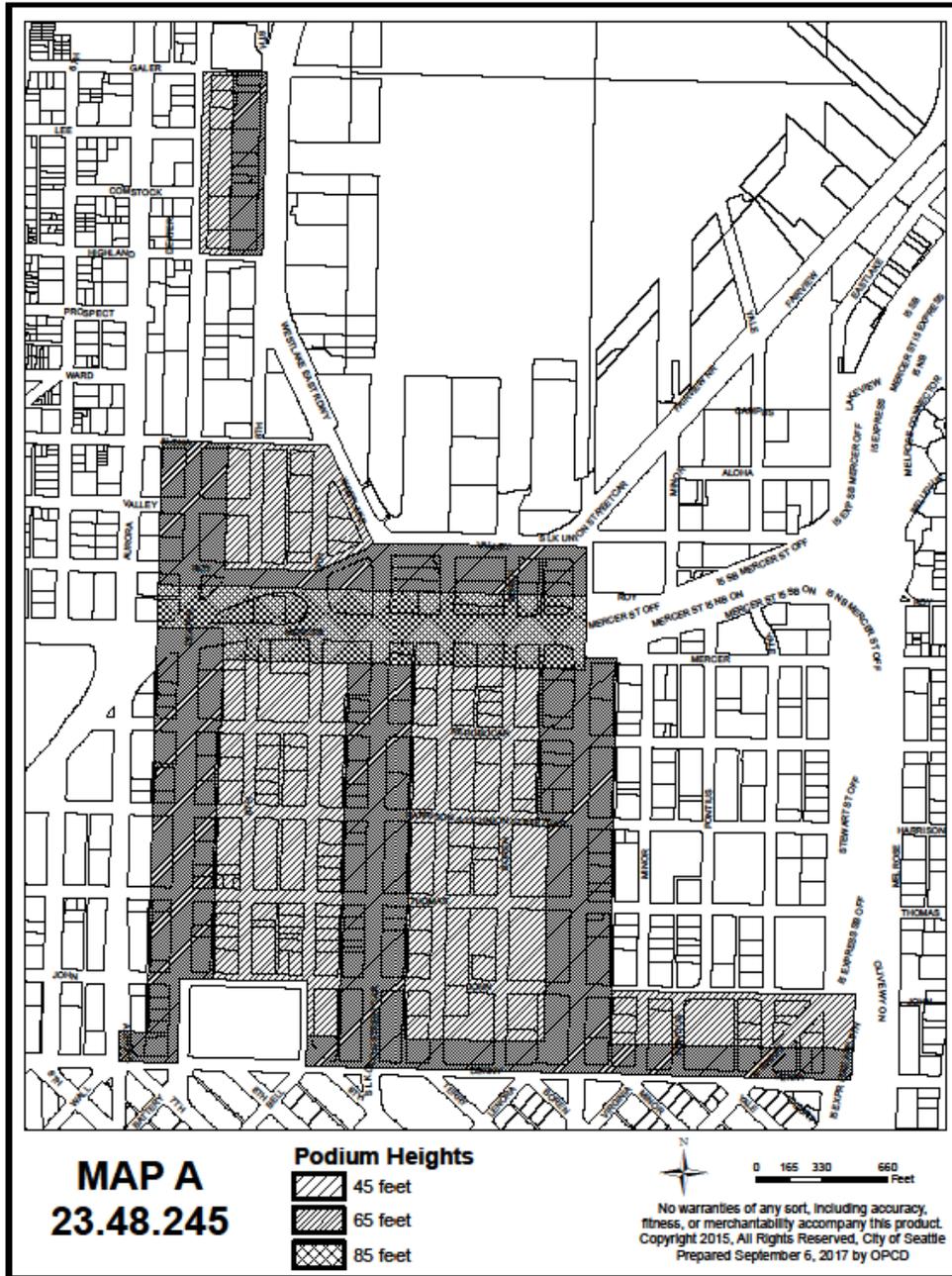
15 a) The structure is rehabilitated and maintained to
16 comply with applicable codes and shall have a minimum useful life of at least 50 years from the
17 time that it was included on the lot with the project allowed to waive the podium area limit;

18 b) The owner agrees that the structure shall not be
19 significantly altered for at least 50 years from the time that it was included on the lot with the
20 project allowed to waive the podium area limit. Significant alteration means the following:

21 i. Alteration of the exterior facades of the
22 structure, except alterations that restore the facades to their original condition;

1 **Map A for 23.48.245**

2 **Podium Heights**



3

4 C. Upper-level setbacks

5 1. The following requirements for upper-level setbacks in this subsection

6 23.48.245.C.1 apply to development that meets the following conditions:

1 a. The development is on a lot abutting a street segment shown on Table
2 A for 23.48.245; and

3 b. For lots in the SM-SLU 85-280, SM-SLU 85/65-160, SM-SLU
4 175/85-280, and SM-SLU 240/125-440 zones located within the South Lake Union Urban
5 Center, the development includes a tower structure with residential uses exceeding the base
6 height limit established for residential uses in the zone under subsection 23.48.225.A.1, or
7 includes a structure with non-residential uses that exceed a height of ~~((85))~~95 feet.

8 2. The required upper-level setbacks for development specified in subsection
9 23.48.245.C.1 shall be provided as follows:

10 a. For portions of a structure facing the applicable street, the maximum
11 height above which a setback is required is specified on Column 2 of Table A for 23.48.245.

12 b. For portions of a structure exceeding the maximum height above
13 which a setback is required, the minimum depth of the setback, measured from the abutting
14 applicable street lot line, is specified on Column 3 of Table A for 23.48.245.

Table A for 23.48.245 Required upper-level setbacks for development meeting the conditions of subsection 23.48.245.C		
Column 1: Location of lot	Column 2: Height above which setback is required (in feet)	Column 3: Minimum depth of setback from applicable street lot line (in feet)
Thomas Street, south side, between Aurora Ave N to 8 th Ave N	45	50
Thomas Street, south side, between 8 th Ave N and 9 th Ave N	45	40

Thomas Street, south side, between 9 th Ave N and alley between Fairview Ave N and Minor Ave N	45	30
John Street, north side, between Aurora Ave N and 9 th Ave N	45	30
John Street, north side, between 9 th Ave N and Boren Ave N	45	15
John Street, south side, between Aurora Ave N and Minor Ave N	45	30
Boren Ave N, both sides, between Mercer Street and John Street	65 ¹	10 ¹
Fairview Ave N, west side, between Mercer Street and John Street	65	10
Fairview Ave N, east side, between Mercer Street to John Street	65	10

Footnotes to Table A for 23.48.245

¹ On corner lots at intersections with Thomas and John Streets, for the portion of the lot subject to the setback requirements on these cross streets, the lower height above which setbacks are required and the greater distance of the setback from the cross streets apply.

1
2
3
4
5
6
7
8

* * *

F. Limit on towers per block or block front

1. For purposes of this subsection 23.48.245.F and subsection 23.48.245.G, a tower is considered to be "existing" and must be taken into consideration when other towers are proposed, under any of the following circumstances:

a. The tower is physically present, except that a tower that is physically present is not considered "existing" if the owner of the lot where the tower is located has applied

1 to the Director for a permit to demolish the tower and provided that no building permit for the
2 proposed tower is issued until the demolition of the tower that is physically present has been
3 completed;

4 b. The tower is a proposed tower for which a complete application for a
5 Master Use Permit or building permit has been submitted, provided that:

6 1) the application has not been withdrawn or cancelled without the
7 tower having been constructed; and

8 2) if a decision on that application has been published or a permit
9 on the application has been issued, the decision or permit has not expired, and has not been
10 withdrawn, cancelled, or invalidated, without the tower having been constructed.

11 c. The tower is a proposed tower for which a complete application for
12 early design guidance has been filed and a complete application for a Master Use Permit or
13 building permit has not been submitted, provided that the early design guidance application will
14 not qualify a proposed tower as an existing tower if a complete Master Use Permit application is
15 not submitted within 90 days of the date of the early design guidance public meeting if one is
16 required, or within 90 days of the date the Director provides guidance if no early design meeting
17 is required, or within 150 days of the first early design guidance public meeting if more than one
18 early design guidance public meeting is held.

19 2. Only one residential tower, or one tower with non-residential uses exceeding
20 85 feet in height, is permitted on a single block front, except as modified by subsections
21 23.48.245.F.3, 23.48.245.F.4, and 23.48.245.F.5.

1 3. In the SM-SLU 85/65-160 zone, only one residential tower structure or one
2 non-residential tower structure with a hotel use meeting residential development standards is
3 permitted per block.

4 4. In the SM-SLU 100/65-145 zone, more than one residential tower is permitted
5 on a block front if the lot area is 30,000 square feet or more.

6 5. Only one tower with non-residential uses exceeding 85 feet in height is
7 permitted on a block, unless the tower meets the requirements of Section 23.48.230 or unless all
8 of the following conditions apply:

9 a. The tower is on a lot with a minimum area of 60,000 square feet. The
10 area of one or more lots, separated only by an alley, may be combined for the purposes of
11 calculating the minimum required lot area under this subsection 23.48.245.F.5. The minimum lot
12 area is 59,000 square feet if the lot area was reduced below 60,000 square feet as a result of
13 acquisition of right-of-way by the City;

14 b. A minimum separation of 60 feet is provided between all portions of
15 structures on the lot that exceed the limit on podium height shown on Map A for 23.48.245. If
16 the lot includes a qualifying Landmark structure, an average separation of 60 feet is permitted;

17 c. A minimum of 15 percent of the lot area is provided as landscaped
18 open space at ground level, allowing for some area to be provided above grade to adapt to
19 topographic conditions, provided that such open space is accessible to people with disabilities.
20 The required open space shall have a minimum horizontal dimension of 15 feet and shall be
21 provided as one continuous area;

22 d. A pedestrian connection meeting the development standards of
23 subsection 23.48.240.H for through-block pedestrian connections for large lot developments is

1 provided through the lot to connect the north/south avenues abutting the lot. If the lot abuts an
2 avenue that has been vacated, the connection shall be to an easement providing public access
3 along the original alignment of the avenue. In addition, if the slope of the lot between the
4 north/south avenues exceeds a slope of ten percent, a hillclimb shall be provided;

5 e. The application of the provisions in this subsection 23.48.245.F.5
6 shall not result in more than two structures on a block with either non-residential uses above 85
7 feet in height or with residential use above the base height limit for residential use, except as
8 allowed by subsection 23.48.245.F.5.f;

9 f. The block front on the east side of Terry Avenue North between
10 Denny Way and Thomas Street shall be treated as two block fronts, separated by the location of
11 John Street, if extended between Boren Avenue North and Terry Avenue North. ((For lots that,
12 as a result of a street vacation, exceed 150,000 square feet, the Director shall, as a Type I
13 decision, determine the permitted number of structures with non-residential uses above 85 feet in
14 height or with residential use above the base height limit, based on the limits in subsection
15 23.48.245.F.5.e as applied to the block conditions existing prior to the street vacation));

16 g. The Director shall make a determination of project impacts on the
17 need for pedestrian and bike facilities and complete a voluntary agreement between the property
18 owner and the City to mitigate impacts, if any. The Director may consider the following as
19 impact mitigation:

20 1) Pedestrian walkways on a lot, including through-block
21 connections on through lots, where appropriate, to facilitate pedestrian circulation by connecting
22 structures to each other and abutting streets;

1 c) Public space inside or on the roof of a Landmark
2 building.

3 2) The Director may approve open space in lieu of that
4 contained or referred to in subsection 23.49.016.C to mitigate project impacts, based on
5 consideration of relevant factors, including the following:

6 a) The density or other characteristics of the workers
7 anticipated to occupy the development compared to the presumed office employment population
8 providing the basis for the open space standards applicable under Section 23.49.016; and

9 b) Characteristics or features of the development that
10 mitigate the anticipated open space impacts of workers or others using or occupying the project.

11 6. The block front on the east side of Terry Avenue N. between Denny Way and
12 Thomas Street N. shall be treated as two block fronts, separated by the location of John Street N.,
13 if extended between Boren Avenue N and Terry Avenue N.

14 G. Tower separation. The following separation is required between a proposed tower
15 with residential use above the base height limit for residential use and existing towers with
16 residential use above the base height limit for residential use and that are located on the same
17 block. For the purposes of this subsection 23.48.245.G, a block is defined as the area bounded by
18 street lot lines and excluding alley lot lines. Alleys shall not be deemed to bisect a block into two
19 separate blocks:

20 1. A separation of 60 feet is required between all portions of the structures
21 above the podium height limit for towers that exceed the base height limit for residential use and
22 any tower consider to be existing according to subsection 23.48.245.F.1.

1 5. Floor area in a vulnerable masonry structure that is included on a list of
2 structures that meet specified criteria in a rule promulgated by the Director under Section
3 23.48.627, provided that the structure is retained for a minimum of 50 years according to the
4 provisions that apply to a qualifying vulnerable masonry structure TDR or TDP sending site in
5 subsection 23.58A.042.F.3.

6 Section 34. Section 23.48.724 of the Seattle Municipal Code, adopted by Ordinance
7 125432, is amended as follows:

8 **23.48.724 Extra floor area for open space amenities in SM-UP 160 zone**

9 A. In the SM-UP 160 zone, extra floor area may be gained above the base FAR specified
10 for the zone in Section 23.48.720 in projects that provide open space amenities in accordance
11 with Section 23.58A.040 and subject to the limits and conditions of Section 23.48.722 and this
12 Section 23.48.724.

13 B. Projects that include the following open space amenities are eligible for extra floor
14 area as specified in Section 23.48.722:

15 1. Green street improvements on designated Neighborhood Green Streets shown
16 on Map A for 23.48.740;

17 2. Green street setbacks on lots abutting a designated Neighborhood Green Street
18 shown on Map A for 23.48.740; ~~((and))~~

19 3. Mid-block corridor~~((-))~~; and

20 4. Neighborhood open space.

21 C. To be eligible for a floor area bonus, open space amenities shall comply with the
22 applicable development standards and conditions specified in Section 23.58A.040, except that
23 for a mid-block corridor the provisions

1 Section 35. Subsection 23.48.740 of the Seattle Municipal Code, adopted by Ordinance
2 125432, is amended as follows:

3 **23.48.740 Street-level development standards in SM-UP zones**

4 Street-level development standards in Section 23.48.040 apply to all streets in the SM-UP
5 zones. In addition, the following requirements apply:

6 A. Street-level facade requirements; setbacks from street lot lines

7 Street-facing facades of a structure (~~(are must)~~)shall be built to the lot line except as
8 follows:

9 1. The street-facing facades of structures abutting Class 1 Pedestrian Streets, as
10 shown on Map A for 23.48.740, shall be built to the street lot line for a minimum of 70 percent
11 of the facade length, provided that the street frontage of any required outdoor amenity area, other
12 required open space, or usable open space provided in accordance with subsections 23.48.740.B
13 and 23.48.740.C is excluded from the total amount of frontage required to be built to the street
14 lot line.

15 2. If a building in the Uptown Urban Center faces both a Class 1 Pedestrian
16 Street and a Class 2 Pedestrian Street a new structure is only required to provide a primary
17 building entrance on the Class 1 Pedestrian Street.

18 3. For streets designated as Class II and Class III Pedestrian Streets and Green
19 Streets as shown on Map A for 23.48.740, and as specified in subsection 23.48.740.B.1, the
20 street-facing facade of a structure may be set back up to 12 feet from the street lot line subject to
21 the following (as shown on Exhibit B for 23.48.740):

22 a. The setback area shall be landscaped according to the provisions of
23 subsection 23.48.055.A.~~(2)~~3;

1 * * *

2 Section 36. Subsection 23.49.008.B of the Seattle Municipal Code, which section was
3 last amended by Ordinance 125603, is amended as follows:

4 **23.49.008 Structure height**

5 The following provisions regulating structure height apply to all property in Downtown
6 zones except the DH1 zone. Structure height for PSM, IDM, and IDR zones is regulated by this
7 Section 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

8 * * *

9 B. Structures located in DMC 240/290-440, ~~((or))~~ DMC 340/290-440, or DOC2
10 500/300-550 zones may exceed the maximum height limit for residential use, or if applicable the
11 maximum height limit for residential use as increased under subsection 23.49.008.A.4, by ten
12 percent of that limit, as so increased if applicable, if:

13 1. The facades of the portion of the structure above the limit do not enclose an area
14 greater than 9,000 square feet, and

15 2. The enclosed space is occupied only by those uses or features otherwise permitted in
16 this Section 23.49.008 as an exception above the height limit. The exception in this subsection
17 23.49.008.B shall not be combined with any other height exception for screening or rooftop
18 features to gain additional height.

19 * * *

20 Section 37. Subsection 23.49.011.B of the Seattle Municipal Code, which section was
21 last amended by Ordinance 125603, is amended as follows:

22 **23.49.011 Floor area ratio**

23 * * *

1 Section 38. Subsection 23.49.014.A of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125371, is amended as follows:

3 **23.49.014 Transfer of development rights**

4 A. General standards

5 1. The following types of TDR may be transferred to the extent permitted in
6 Table A for 23.49.014, subject to the limits and conditions in this Chapter 23.49:

- 7 a. Housing TDR;
- 8 b. DMC housing TDR;
- 9 c. Landmark housing TDR;
- 10 d. Landmark TDR;
- 11 e. Open space TDR; and
- 12 f. South Downtown Historic TDR.

13 2. In addition to transfers permitted under subsection 23.49.014.A.1, TDR may
14 be transferred from any lot to another lot on the same block, as within-block TDR, to the extent
15 permitted in Table A for 23.49.014, subject to the limits and conditions in this Chapter 23.49.

16 3. A lot's eligibility to be either a sending or receiving lot is regulated by Table
17 A for 23.49.014.

18 4. Except as expressly permitted pursuant to this Chapter 23.49, development
19 rights or potential floor area may not be transferred from one lot to another.

20 5. No permit after the first building permit, and in any event, no permit for any
21 construction activity other than excavation and shoring or for occupancy of existing floor area by
22 any use based upon TDR, will be issued for development that includes TDR until the applicant's

1 possession of TDR is demonstrated according to rules promulgated by the Director to implement
2 this Section 23.49.014.

Table A for 23.49.014 Permitted use of TDR						
Zones ¹	Types of TDR					
	Within-block TDR	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR	South Downtown Historic TDR
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	R
DRC	S, R ⁽²⁾	S, R ⁽²⁾	X	S, R ⁽²⁾	S, R ⁽²⁾	R
DMC 340/290-440	S, R	S, R	S	S, R	S, R	R
DMC 145 and DMC 240/290-440	S ⁽³⁾²	S, R	S, R	S, R	S, R	R
DMC 170	X	S, R	S, R	S, R	S, R	R
DMC 95 and DH2	X	S, R	X	S, R	S, R	R
DMC 75 and DMC 85/75-170	X	S	X	S	S	R
DMR	X	S, R ⁽⁴⁾²	X	S, R ⁽⁴⁾²	S, R ⁽⁴⁾²	R ⁽⁴⁾²
IDR	X	S	X	X	S	S

IDR/C	X	S	X	X	S, R (§) ⁴	S
IDM	X	S, R	X	X	S, R (§) ⁴	S, R
PSM	X	S	X	X	S (§) ⁴	S, R

S = Eligible sending lot.
R = Eligible receiving lot.
X = Not permitted.

Footnotes to Table A for 23.49.014:

¹ Development rights may not be transferred to or from lots in the PMM or DH1 zones.

² ~~((Transfers to lots in a DRC zone are permitted only from lots that also are zoned DRC.))~~
⁽³⁾ Transfers are permitted only from lots zoned DMC to lots zoned DOC1.

⁽⁴⁾³ Transfers to lots in a DMR zone are permitted only from lots that also are zoned DMR except that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.

⁽⁵⁾⁴ Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

1
2
3
4
5
6
7
8
9
10
11

* * *

Section 39. Subsection 23.49.056.B of the Seattle Municipal Code, which section was last amended by Ordinance 125173, is amended as follows:

23.49.056 Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and Downtown Mixed Commercial (DMC) street facade, landscaping, and street setback requirements

Standards are established in this Section 23.49.056 for DOC1, DOC2, and DMC zones, for the following elements:

- Minimum facade heights,
- Setback limits,
- Facade transparency,

1 Blank facade limits,
2 Street trees, and
3 Setback and landscaping requirements in the Denny Triangle.

4 These standards apply to each lot line that abuts a street designated on Map 1F or another
5 map identified in a note to Map 1F as having a pedestrian classification, except lot lines of open
6 space TDR sites, and apply along other lot lines and to circumstances as expressly stated in this
7 Section 23.49.056. The standards for each street frontage shall vary according to the pedestrian
8 classification of the street on Map 1F or another map identified in a note to Map 1F and to the
9 property line facades are required by Map 1H. Standards for street landscaping and setback
10 requirements in subsection 23.49.056.F also apply along lot lines abutting streets in the Denny
11 Triangle, as shown on Map A for 23.49.056.

12 * * *

13 B. Facade setback limits

14 1. Setback limits for property line facades. The following setback limits apply
15 to all streets designated on Map 1H as requiring property line facades, except as specified in
16 subsection 23.49.056.B.1.d.

17 * * *

18 d. In the DMC ((~~160~~))170 zone, on lots that abut Alaskan Way, as an
19 alternative to the standards for required property line facades in subsections 23.49.056.B.1.a,
20 23.49.056.B.1.b, and 23.49.056.B.1.c, a continuous setback of up to 16 feet from the lot line
21 abutting Alaskan Way is allowed for the street-facing facade. If the alternative setback allowed
22 by this subsection 23.49.056.B.1.d is provided, the setback area shall be used for outdoor uses
23 related to abutting street-level uses, for landscaped open space, for a partially above-grade story

1 that meets the conditions of subsection 23.49.011.B.1.u, or to widen the abutting sidewalk for
2 pedestrian use.

3 * * *

4 Section 40. Section 23.49.166 of the Seattle Municipal Code, last amended by Ordinance
5 123589, is amended as follows:

6 **23.49.166 Downtown Mixed Residential, side setback and green street setback**
7 **requirements**

8 A. Side Setbacks((=))

9 1. In DMR zones outside South Downtown, except in DMR/R ((85/65))95/65
10 zones, setbacks are required from side lot lines that are not street lot lines as established in Table
11 A for 23.49.166. The setback requirement applies to all portions of the structure above a height
12 of 65 feet. The amount of the setback requirement is determined by the length of the frontage of
13 the lot on an avenue:

14 **Table A for 23.49.166**
15 **Required Side Setbacks Above 65 Feet, DMR Zones Outside South Downtown**
16 **Except DMR/R ((85/65))95/65 Zones**

Frontage on Avenue	Required Setback Above 65 Feet
120 feet or less	Not required
Greater than 120 feet up to 180 feet	20 feet
Greater than 180 feet	40 feet

17
18 2. In DMR zones within South Downtown, setbacks of 10 feet are required
19 from side lot lines that are not street lot lines, for portions of structures above a height of 65 feet.

1 upon gross floor area of a use within a structure minus gross floor area in parking uses, and the
2 square footage of a use when located outside of an enclosed structure, or as otherwise specified.

3 Maximum parking limits for specific uses and specific areas are set forth in subsection
4 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section
5 23.54.015 are provided in: subsections 23.54.015.B and 23.54.015.C; and in Section 23.54.020,
6 Parking quantity exceptions, unless otherwise specified. This Chapter 23.54 does not apply to
7 parking for construction activity, which is regulated by Section 23.42.044.

8 * * *

9 D. Parking waivers for non-residential uses

10 1. In all commercial zones (~~and in pedestrian designated zones~~), no parking is
11 required for the first 1,500 square feet of each business establishment or the first 15 fixed seats
12 for motion picture and performing arts theaters.

13 2. In all other zones, no parking is required for the first 2,500 square feet of
14 gross floor area of non-residential uses in a structure, except for the following:

- 15 a. structures or portions of structures occupied by restaurants with
16 drive-in lanes,
17 b. motion picture theaters,
18 c. offices, or
19 d. institution uses, including Major Institution uses.

20 When two or more uses with different parking ratios occupy a structure, the 2,500 square
21 foot waiver is prorated based on the area occupied by the non-residential uses for which the
22 parking waiver is permitted.

23 * * *

1 K. Bicycle parking. The minimum number of (~~off-street~~) parking spaces for bicycles
2 required for specified uses is set forth in Table D for 23.54.015. Long-term parking for bicycles
3 shall be for bicycles parked four or more hours. Short-term parking for bicycles shall be for
4 bicycles parked less than four hours. In the case of a use not shown on Table D for 23.54.015,
5 one bicycle parking space per 10,000 gross square feet of either short- or long-term bicycle
6 parking is required, except single-family residential use is exempt from bicycle parking
7 requirements. The minimum requirements are based upon gross floor area of the use in a
8 structure minus gross floor area in parking uses, or the square footage of the use when located
9 outside of an enclosed structure, or as otherwise specified.

10 1. Rounding. For long-term bicycle parking, calculation of the minimum
11 requirement shall round up the result to the nearest whole number. For short-term bicycle
12 parking, calculation of the minimum requirement shall round up the result to the nearest whole
13 even number.

14 2. Performance standards. Provide bicycle parking in a highly visible, safe, and
15 convenient location, emphasizing user convenience and theft deterrence, based on rules
16 promulgated by the Director of the Seattle Department of Transportation that address the
17 considerations in this subsection 23.54.015.K.2.

18 a. Provide secure locations and arrangements of long-term bicycle
19 parking, with features such as locked rooms or cages and bicycle lockers. The bicycle parking
20 should be installed in a manner that avoids creating conflicts with automobile accesses and
21 driveways.

22 b. For a garage with bicycle parking and motor vehicle parking for more
23 than two dwelling units, (~~Provide~~)provide pedestrian and bicycle access to long-term bicycle

1 parking that is separate from other vehicular entry and egress points or uses the same entry or
2 egress point but has a marked walkway for pedestrians and bicyclists.

3 c. Provide adequate lighting in the bicycle parking area and access routes
4 to it.

5 d. If short-term bicycle parking facilities are not clearly visible from the
6 street or sidewalk or adjacent on-street bicycle facilities, install directional signage in adequate
7 amounts and in highly visible (~~(indoor and outdoor)~~) locations in a manner that promotes easy
8 wayfinding for bicyclists. (~~(Wayfinding signage shall be visible from adjacent on-street bicycle~~
9 ~~facilities.)~~) Provide signage to long-term bicycle parking that is oriented to building users.

10 e. Long-term bicycle parking shall be located where bicyclists are not
11 required to carry bicycles on interior stairs to access the parking.

12 f. Where practicable, long-term bicycle parking shall include a variety of
13 rack types to accommodate different types of bicycles.

14 g. Install bicycle parking hardware so that it can perform to its
15 manufacturer's specifications and any design criteria promulgated by the Director of the Seattle
16 Department of Transportation, allowing adequate clearance for bicycles and their riders.

17 h. Provide full weather protection for all required long-term bicycle
18 parking.

19 3. Long-term (~~(Bicycle)~~)bicycle parking required for residential uses shall be
20 located on-site. Short-term bicycle parking may be provided on the lot or in an adjacent right-of-
21 way, subject to approval by the Director of the Seattle Department of Transportation.

22 4. (~~(Bicycle)~~) Long-term bicycle parking required for small efficiency dwelling
23 units and congregate residence sleeping rooms is required to be covered for full weather

1 protection. If the required, covered long-term bicycle parking is located inside the building that
2 contains small efficiency dwelling units or congregate residence sleeping rooms, the space
3 required to provide the required long-term bicycle parking shall be exempt from Floor Area
4 Ratio (FAR) limits. Covered long-term bicycle parking that is provided beyond the required
5 bicycle parking shall not be exempt from FAR limits.

6 5. Bicycle parking facilities shared by more than one use are encouraged.

7 6. Except as provided in subsection 23.54.015.K.7, bicycle parking facilities
8 required for non-residential uses shall be located:

9 a. On the lot; or

10 b. For a functionally interrelated campus containing more than one
11 building, in a shared bicycle parking facility within 600 feet of the lot; or

12 c. Short-term bicycle parking may be provided in an adjacent right-of-
13 way, subject to approval by the Director of the Seattle Department of Transportation.

14 7. ~~((Both long-term and short-term bicycle parking for))~~ For non-residential uses
15 on a functionally interrelated campus containing more than one building, both long-term and
16 short-term bicycle parking may be located in an off-site location within 600 feet of the lot, and
17 short-term public bicycle parking may be provided in a ~~((public place))~~ right-of-way, subject to
18 approval by the Director of the Seattle Department of Transportation. The Director of the Seattle
19 Department of Transportation may consider whether bicycle parking in the public place shall be
20 sufficient in quality to effectively serve bicycle parking demand from the site.

21 8. Bicycle commuter shower facilities. Structures containing 100,000 square feet
22 or more of office use floor area shall include shower facilities and clothing storage areas for
23 bicycle commuters. Two showers shall be required for every 100,000 square feet of office use.

1 They shall be available in a manner that results in equal shower access for all users. The facilities
2 shall be for the use of the employees and occupants of the building, and shall be located where
3 they are easily accessible to bicycle parking facilities, which may include in places accessible by
4 elevator from the bicycle parking location.

5 9. Bicycle parking spaces within dwelling units, other than a private garage, or on
6 balconies do not count toward the bicycle parking requirement.

7 * * *

8
Table B for 23.54.015
Required Parking for Residential Uses

Use	Minimum parking required
I. General residential uses	
* * *	
K.	Single-family dwelling units ³ 1 space for each dwelling unit

9 * * *

10 Footnotes to Table B for 23.54.015

11 ¹ The minimum amount of parking prescribed by Part I of Table B for 23.54.015 does not apply
12 if a use, structure, or development qualifies for a greater or a lesser amount of minimum parking,
13 including no parking, under any other provision of this Section 23.54.015. If more than one such
14 provision may apply, the provision requiring the least amount of minimum parking applies,
15 except that if item O in Part II of this table applies, it shall supersede any other applicable
16 requirement in Part I or Part II of this table. The minimum amount of parking prescribed by Part
17 III of Table B for 23.54.015 applies to individual units within a use, structure, or development

1 instead of any requirements in Parts I or II of Table B for 23.54.015.

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

11 ³ No parking is required for single-family residential uses on lots in any residential zone that are
 12 less than 3,000 square feet in size or less than 30 feet in width where access to parking is
 13 permitted through a required yard or setback abutting a street according to the standards of
 14 subsections 23.44.016.B.2, 23.45.536.C.2, or 23.45.536.C.3.

15 * * *

16

Table D for 23.54.015 Parking for Bicycles ¹		
Use	Bike parking requirements	
	Long-term	Short-term
* * *		
D. RESIDENTIAL USES ³		

D.1.	Congregate residences ⁴	1 per sleeping room	1 per 20 sleeping rooms. 2 spaces minimum
D.2.	Multi-family structures ^{4,5}	1 per dwelling unit (and 1 per small efficiency dwelling unit)	1 per 20 dwelling units
D.3	Single-family residences	None	None
E. TRANSPORTATION FACILITIES			
E.1	Park and ride facilities on surface parking lots	At least 20 ⁽⁵⁾⁶	At least 10
E.2	Park and ride facilities in parking garages	At least 20 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property	At least 10 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property
E.3	Flexible-use parking garages and flexible-use parking surface lots	1 per 20 auto spaces	None
E.4	Rail transit facilities and passenger terminals	Spaces for 5% of projected AM peak period daily ridership ⁽⁵⁾⁶	Spaces for 2% of projected AM peak period daily ridership

1 Footnotes to Table D for 23.54.015

2 ¹ Required bicycle parking includes long-term and short-term amounts shown in this table.

3 ² The Director may reduce short-term bicycle parking requirements for theaters and spectator

4 sport facilities that provide bicycle valet services authorized through a Transportation

1 Management Program. A bicycle valet service is a service that allows bicycles to be temporarily
2 stored in a secure area, such as a monitored bicycle corral.

3 ³ For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are
4 required at three-quarters the ratio shown in this Table D for 23.54.015.

5 ⁴ For congregate residences that are owned by a not-for-profit entity or charity, or that are
6 licensed by the State and provide supportive services for seniors or persons with disabilities, the
7 Director shall have the discretion to reduce the amount of required bicycle parking to as few as
8 zero if it can be demonstrated that residents are less likely to travel by bicycle.

9 ⁵ For each dwelling rent and income-restricted at or below 60 percent of the median income,
10 there is no minimum required short-term and long-term bicycle parking requirement. Dwelling
11 units qualifying for this provision shall be subject to a housing covenant, regulatory agreement,
12 or other legal instrument recorded on the property title and enforceable by the City of Seattle or
13 other similar entity, which restricts residential unit occupancy to households at or below 60
14 percent of median income, without a minimum household income requirement. The housing
15 covenant or regulatory agreement including rent and income restrictions shall be for a term of at
16 least 40 years from the date of issuance of the certificate of occupancy and shall be recorded with
17 the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by
18 the Director of Housing or the Washington State Housing Finance Commission. If these
19 provisions are applied to a development for housing for persons 55 or more years of age, such
20 housing shall have qualified for exemptions from prohibitions against discrimination against
21 families with children and against age discrimination under all applicable fair housing laws and
22 ordinances.

1 ((S))6 The Director, in consultation with the Director of the Seattle Department of Transportation,
2 may require more bicycle parking spaces based on the following factors: Area topography;
3 pattern and volume of expected bicycle users; nearby residential and employment density;
4 proximity to the Urban Trails system and other existing and planned bicycle facilities; projected
5 transit ridership and expected access to transit by bicycle; and other relevant transportation and
6 land use information.

7
8 * * *

9 Section 42. Subsection 23.54.025.A of the Seattle Municipal Code, which section was
10 last amended by Ordinance 125558, is amended as follows:

11 **23.54.025 Off-site required parking**

12 A. Where allowed

13 1. Off-site parking provided to fulfill required parking may be established by
14 permit on a lot if the parking proposed is otherwise allowed by the provisions of this Title 23 on
15 the lot where the off-site parking is proposed or is already established by permit on the lot where
16 the off-site parking is proposed.

17 2. ~~((All applicable))~~The standards in Chapter 23.54 that apply to ~~((for))~~ parking
18 accessory to the use for which the parking is required shall be met on the lot where off-site
19 parking is proposed, if new parking spaces are proposed to be developed. Existing parking may
20 be used even if nonconforming to current standards provided it is not required for a use on the lot
21 that is the site of the off-site parking.

22 3. If parking and parking access, including the proposed off-site parking, are or
23 will be the sole uses of a site, or if surface parking outside of structures will comprise more than

1 one-half of the site area, or if parking will occupy more than half of the gross floor area of all
2 structures on a site, then a permit to establish off-site parking may be granted only if flexible-use
3 parking is a permitted use for the lot on which the off-site parking is located.

4 * * *

5 Section 43. Subsection 23.54.030.F of the Seattle Municipal Code, which section was last
6 amended by Ordinance 125815, is amended as follows:

7 **23.54.030 Parking space and access standards**

8 All parking spaces provided, whether required by Section 23.54.015 or not, and required
9 barrier-free parking, shall meet the standards of this Section 23.54.030.

10 * * *

11 F. Curb cuts. The number of permitted curb cuts is determined by whether the parking
12 served by the curb cut is for residential or nonresidential use, and by the zone in which the use is
13 located. If a curb cut is used for more than one use or for one or more live-work units, the
14 requirements for the use with the largest curb cut requirements shall apply.

15 * * *

16 2. Nonresidential uses in all zones except industrial zones

17 a. Number of curb cuts

18 1) In all residential zones, RC zones, and within the Major
19 Institution Overlay District, two-way curb cuts are permitted according to Table C for 23.54.030:

Table C for 23.54.030: Number of curb cuts in residential zones, RC zones and the Major Institution Overlay District	
Street frontage of the lot	Number of curb cuts permitted

80 feet or less	1
Greater than 80 feet up to 240 feet	2
Greater than 240 feet up to 360 feet	3
Greater than 360 feet up to 480 feet	4
For lots with frontage in excess of 480 feet, one curb cut is permitted for every 120 feet of street frontage.	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

2) The Director may allow two one-way curb cuts to be substituted for one two-way curb cut, after determining, as a Type I decision, that there would not be a significant conflict with pedestrian traffic.

3) The Director shall, as a Type I decision, determine the number and location of curb cuts in C1(~~(C)~~)and C2(~~(C) and SM~~) zones, and the location of curb cuts in SM zones.

4) In downtown zones, a maximum of two curb cuts for one-way traffic at least 40 feet apart, or one curb cut for two-way traffic, are permitted on each street front where access is permitted by subsection 23.49.019.H. No curb cut shall be located within 40 feet of an intersection. These standards may be modified by the Director as a Type I decision on lots with steep slopes or other special conditions, to the minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

5) For public schools, the Director shall permit, as a Type I decision, the minimum number of curb cuts that the Director determines is necessary.

1 F. Access for service providers to the storage space from the collection location shall
2 meet the following requirements:

3 1. For containers 2 cubic yards or smaller:

4 a. Containers to be manually pulled shall be placed no more than 50 feet
5 from a curb cut or collection location;

6 b. Collection location shall not be within a bus stop or within the right-of-
7 way area abutting a vehicular lane designated as a sole travel lane for a bus;

8 c. Access ramps to the storage space and collection location shall not
9 exceed a grade of 6 percent; and

10 d. Any gates or access routes for trucks shall be a minimum of 10 feet
11 wide.

12 2. For containers larger than 2 cubic yards and all compacted refuse containers:

13 a. Direct access shall be provided from the alley or street to the
14 containers;

15 b. Any gates or access routes for trucks shall be a minimum of 10 feet
16 wide;

17 c. Collection location shall not be within a bus stop or within the street
18 right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

19 d. If accessed directly by a collection vehicle, whether into a structure or
20 otherwise, a ~~((21-foot))~~24-foot overhead clearance shall be provided.

21 e. Access ramps to the storage space and collection location shall not
22 exceed a grade of 6 percent.

23 * * *

1 Section 45. Subsection 23.58C.040.A of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125792, is amended as follows:

3 **23.58C.040 Affordable housing—payment option**

4 A. Payment amount

5 1. An applicant complying with this Chapter 23.58C through the payment
6 option shall provide a cash contribution to the City, calculated by multiplying the payment
7 calculation amount per square foot according to Table A or Table B for 23.58C.040 and Map A
8 for 23.58C.050, as applicable, by the total gross floor area in the development, excluding the
9 floor area of parking located in stories or portions of stories that are underground, and excluding
10 any floor area devoted to a domestic violence shelter, as follows:

11 a. In the case of construction of a new structure, the gross floor area in
12 residential use and the gross floor area of live-work units;

13 b. In the case of construction of an addition to an existing structure that
14 results in an increase in the total number of units within the structure, the gross floor area in
15 residential use and the gross floor area of live-work units in the addition;

16 c. In the case of alterations within an existing structure that result in an
17 increase in the total number of units within the structure, the gross floor area calculated by
18 dividing the total gross floor area in residential use and gross floor area of live-work units by the
19 total number of units in the proposed development, and multiplying that quotient by the net
20 increase in units in the ~~((structure))~~ development;

21 d. In the case of change of use that results in an increase in the total
22 number of units, the gross floor area that changed to residential use or live-work units; or

23 e. Any combination of the above.

* * *

Section 46. Section 23.58D.006 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.58D.006 Penalties

A. Failure to timely submit the report required by subsection 23.58D.004.B is a violation of the Land Use Code. The penalty for such violation shall be \$500 per day from the date when the report was due to the date it is submitted. The penalty shall accrue even if the owner is not notified of the violation.

B. Failure to demonstrate compliance with the owner's commitment to meet the green building standard is a violation of the Land Use Code. The penalty for each violation is subject to a maximum penalty of two percent of the construction value set forth in the building permit for the development based on the extent of noncompliance with the commitment.

C. Failure to comply with the owner's commitment that the development will meet the green building standard is a violation of the Land Use Code independent of the failure to demonstrate compliance; however, failure to comply with the owner's commitment shall not affect the right to occupy any floor area, and if a penalty is paid in the amount determined under subsection 23.58D.006.B, no additional penalty shall be imposed for the failure to comply with the commitment.

D. ~~((In addition to the owner, the applicant for the development for which a commitment to meet the green building standard was required shall be jointly and severally responsible for compliance and liable for any penalty imposed pursuant to this Section 23.58D.006.~~

1 a. After incorporating high-occupancy vehicle alternatives such as
2 carpools and vanpools, required parking spaces exceed the net usable space in all below-grade
3 floors; or

4 b. Strict application of the parking, ~~((or))~~ loading, or bicycle parking
5 standards would adversely affect desirable characteristics of the District; or

6 c. An acceptable parking and loading plan is submitted to meet parking
7 demands generated by the use. Acceptable elements of the parking and loading plan may include
8 but shall not be limited to the following:

- 9 1) Valet parking service;
10 2) Validation system;
11 3) Lease of parking from parking management company;
12 4) Provision of employee parking; and
13 5) Accommodations for commercial deliveries and passenger drop
14 off and pick up.

15 * * *

16 Section 48. Subsection 23.69.032.E of the Seattle Municipal Code, which section was last
17 amended by Ordinance 124919, is amended as follows:

18 **23.69.032 Master plan process**

19 * * *

20 E. Draft Report and Recommendation of the Director~~((or))~~

21 1. Within five ~~((5))~~ weeks of the publication of the final master plan and EIS,
22 the Director shall prepare a draft report on the application for a master plan as provided in
23 Section 23.76.050, Report of the Director.

1 B. The gross floor area of non-residential uses is limited to a maximum of 2.25 FAR,
2 except as provided in this Section 23.73.009 and in Section 23.73.024 for projects using transfer
3 of development potential.

4 C. For development on a lot that meets one of the following conditions, the FAR limits
5 in subsections (~~((23.47A.013.A))~~23.73.009.A and (~~((23.47A.013.B))~~23.73.009.B do not apply and
6 the FAR limits for the underlying zone apply instead:

- 7 1. A character structure has not existed on the lot since January 18, 2012; or
- 8 2. For lots that include a character structure, all character structures on the lot
9 are retained according to Section 23.73.015 or a departure is approved through the design review
10 process to allow the removal of a character structure based on the provisions of subsection
11 23.41.012.B. If the lot includes a character structure that has been occupied by residential uses
12 since January 18, 2012, the same amount of floor area in residential uses shall be retained in that
13 structure, unless a departure is approved through the design review process to allow the removal
14 of the character structure based on the provisions of subsection 23.41.012.B. The owner of the
15 lot shall execute and record in the King County real property records an agreement to provide for
16 the maintenance of the required residential uses for the life of the project.

17 D. In addition to the floor area exempt under the provisions of the underlying zone, the
18 following floor area is exempt from the calculation of gross floor area subject to an FAR limit if
19 a character structure is retained on the lot:

- 20 1. The following street-level uses complying with the standards of Section
21 23.47A.008 and subsection 23.73.008.B:
 - 22 a. General sales and services;
 - 23 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 * * *

8 Section 50. Subsection 23.73.012.A of the Seattle Municipal Code, which section was
9 last amended by Ordinance 125429, is amended as follows:

10 **23.73.012 Structure width and depth limits**

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

- 16 1. Portions of a character structure that are retained according to the provisions
17 in Section 23.73.015, whether connected to a new structure or not;
- 18 2. Portions of a new structure that are separated from the street lot line by
19 another lot;
- 20 3. Portions of a new structure that are separated from the street lot line by an
21 adjacent structure located on the same lot that is not a character structure, provided that the
22 adjacent structures are not internally connected above or below grade; and

1 Section 52. Section 23.84A.032 of the Seattle Municipal Code, last amended by
2 Ordinance 125854, is amended as follows:

3 **23.84A.032 "R"**

4 * * *

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

6 * * *

7 23. "Townhouse development" means a multifamily residential use that is not a
8 rowhouse development, and in which:

9 a. Each dwelling unit occupies space from the ground to the roof of the
10 structure in which it is located;

11 b. No portion of a dwelling unit occupies space above or below another
12 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units
13 constructed over a shared parking garage, including shared parking garages that project up to 4
14 feet above grade; and

15 c. Each dwelling unit is attached along at least one common wall to at
16 least one other dwelling unit or live-work unit, with habitable interior space on both sides of the
17 common wall, or abuts another dwelling unit or live-work unit on a common lot line.

18 * * *

19 Section 53. Section 23.84A.036 of the Seattle Municipal Code, last amended by
20 Ordinance 125869, is amended as follows:

21 **23.84A.036 "S"**

22 * * *

1 "Setback" means the minimum required distance between a structure or portion thereof
2 and a lot line of the lot on which it is located, or another line described in a particular section of
3 this title.

4 "Setback, street-level" means the required distance between all portions of a structure and
5 a street lot line.

6 "Setback, upper level" means the required distance between a lot line and all portions of a
7 structure above a height specified in a particular section of this title.

8 "Sewage treatment plant." See "Utility."

9 * * *

10 Section 54. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance
11 125854, is amended as follows:

12 **23.86.007 Gross floor area and floor area ratio (FAR) measurement**

13 A. Gross floor area. Except where otherwise expressly provided in this Title 23, gross floor area
14 shall be as defined in Chapter 23.84A and as measured in this Section 23.86.007. The following
15 are included in the measurement of gross floor area in all zones:

- 16 1. Floor area contained in stories above and below grade;
- 17 2. The area of stair penthouses, elevator penthouses, and other enclosed rooftop
18 features; and
- 19 3. The area of motor vehicle and bicycle parking that is enclosed.
- 20 4. The area of motor vehicle parking that is ((~~or~~)) covered by a structure or
21 portion of a structure.

22 * * *

1 C. Public rights-of-way are not considered part of a lot when calculating FAR or, in
2 downtown and SM-SLU zones, when calculating gross floor area allowed for residential
3 development not subject to FAR (~~(in a downtown or SM-SLU zone except that, i)~~). If dedication
4 of right-of-way is required as a condition of a proposed development, the area of dedicated right-
5 of-way is included in these calculations.

6 * * *

7 Section 55. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance
8 125492, is amended as follows:

9 **23.90.018 Civil enforcement proceedings and penalties**

10 A. In addition to any other remedy authorized by law or equity, any person violating or
11 failing to comply with any of the provisions of this Title 23 shall be subject to a cumulative
12 penalty of up to \$150 per day for each violation from the date the violation begins for the first
13 ten days of noncompliance; and up to \$500 per day for each violation for each day beyond ten
14 days of noncompliance until compliance is achieved, except as provided in subsection
15 23.90.018.B. In cases where the Director has issued a notice of violation, the violation will be
16 deemed to begin for purposes of determining the number of days of violation on the date
17 compliance is required by the notice of violation. In addition to the per diem penalty, a violation
18 compliance inspection charge equal to the base fee set by Section 22.900B.010 shall be charged
19 for the third inspection and all subsequent inspections until compliance is achieved. The
20 compliance inspection charges shall be deposited in the General Fund.

21 B. Specific violations

22 1. Violations of Section 23.71.018 are subject to penalty in the amount specified
23 in subsection 23.71.018.H.

1 2. Violations of the requirements of subsection 23.44.041.C are subject to a civil
2 penalty of \$5,000, which shall be in addition to any penalty imposed under subsection
3 23.90.018.A. Falsely certifying to the terms of the covenant required by subsection
4 23.44.041.C.3 or failure to comply with the terms of the covenant is subject to a penalty of
5 \$5,000, in addition to any criminal penalties.

6 3. Violation of Chapter 23.58D with respect to a failure to timely submit the
7 report required by subsection 23.58D.004.B or to demonstrate compliance with a commitment to
8 meet the green building standard is subject to a penalty in an amount determined by subsection
9 23.58D.006.

10 4. Violation of subsection 23.40.007.B with respect to failure to demonstrate
11 compliance with a waste diversion plan for a structure permitted to be demolished under
12 subsection 23.40.006.D is subject to a penalty in an amount determined as follows:

$$P = SF \times .02 \times RDR,$$

14 where:

15 P is the penalty;

16 SF is the total square footage of the structure for which the demolition permit was
17 issued; and

18 RDR is the refuse disposal rate, which is the per ton rate established in Chapter
19 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and
20 disposal stations by the largest class of vehicles.

21 5. Violation of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a,
22 and 23.55.036.D.3.b, or, if the Seattle Department of Construction and Inspections has issued an
23 on-premises sign permit for a particular sign and the actual sign is not being used for on-

1 premises purposes or does not meet the definition of an on-premises sign as defined in Chapter
2 23.84A, are subject to a civil penalty of \$1,500 per day for each violation from the date the
3 violation begins until compliance is achieved.

4 6. In zones where outdoor storage is not allowed or where the use has not been
5 established as either accessory to the primary use or as part of the primary use and there
6 continues to be a violation of these provisions after enforcement action has been taken pursuant
7 to this chapter, the outdoor storage activity is hereby declared a nuisance and shall be subject to
8 abatement by the City in the manner authorized by law.

9
10 Section 56. Subsection 25.09.060.G of the Seattle Municipal Code, which section was
11 last amended by Ordinance 125292, is amended as follows:

12 **25.09.060 General development standards**

13 The following general development standards apply to development on parcels
14 containing environmentally critical areas or buffers, except as specifically provided in this
15 Chapter 25.09:

16 * * *

17 G. All grading in environmentally critical areas shall be completed or stabilized by
18 October 31 of each year unless the applicant demonstrates to the satisfaction of the Director
19 based on approved technical analysis that no environmental harm or safety problems would
20 result from grading between October 31 and April 1. This provision does not apply to grading in
21 liquefaction-prone areas, peat settlement prone areas, flood-prone areas, and abandoned landfills
22 unless the parcel contains another environmentally critical area.

23 * * *

1 Section 57. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2019,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2019.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2019.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2019.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)