

## City of Seattle Legislative Information Service

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**Council Bill Number: 115524**

**Ordinance Number: 122054**

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AN ORDINANCE related to land use and zoning; revising regulations for Downtown Seattle; amending the scope of Design Review departures from Land Use Code requirements; repealing, amending and adding definitions; amending, repealing and re-codifying various provisions and maps of the City of Seattle Land Use Code, Title 23 of the Seattle Municipal Code; providing for penalties; adopting Downtown Amenity Standards; providing for conditions to bonus development, including Leadership in Energy and Environmental Design ("LEED") criteria; and amending the Official Land Use Map, SMC 23.32, to rezone portions of Downtown.

**Date introduced/referred:** March 20, 2006

**Date passed:** April 3, 2006

**Status:** Passed as Amended

**Vote:** 8-0 (Excused: Drago)

**Date of Mayor's signature\*:** April 12, 2006

**Committee:** Urban Development and Planning

**Sponsor:** STEINBRUECK

**Index Terms:** HOUSING, LAND-USE-PERMITS, LAND-USE-PLANNING, DOWNTOWN, MODERATE-INCOME-HOUSING

**References/Related Documents:** Related: Res. 30829, 30831; CF 307824

### Text

ORDINANCE \_\_\_\_\_

AN ORDINANCE related to land use and zoning; revising regulations for Downtown Seattle; amending the scope of Design Review departures from Land Use Code requirements; repealing, amending and adding definitions; amending, repealing and re-codifying various provisions and maps of the City of Seattle Land Use Code, Title 23 of the

Seattle Municipal Code; providing for penalties; adopting Downtown Amenity Standards; providing for conditions to bonus development, including Leadership in Energy and Environmental Design ("LEED") criteria; and amending the Official Land Use Map, SMC 23.32, to rezone portions of Downtown.

WHEREAS, on July 23, 2001, the City Council enacted Ordinance 120443, modifying development regulations for downtown zones in response to certain recommendations of the Downtown Urban Center Planning Group (DUCPG) in the Downtown Urban Center Neighborhood Plan; and

WHEREAS, Ordinance 120443 enacted major revisions to the floor area bonus and the transfer of development rights (TDR) provisions to promote affordable housing and other public amenities that mitigate the impacts of growth; and

WHEREAS, Ordinance 120443 was to be followed by recommendations for further modifications to development regulations in downtown zones that would reinforce these initial actions for accommodating both housing and employment growth downtown consistent with the City's Comprehensive Plan and Downtown neighborhood plans; and

WHEREAS, the City has conducted analysis and public review of several alternatives to develop a preferred recommendation that will help achieve the goals for Seattle's Comprehensive Plan and Downtown neighborhood plans; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, as incorporated in Section 23.32.016 of the Seattle Municipal Code and as previously amended, is hereby further amended to rezone certain properties located on Plat 35W, page 100, Plat 35E, page 101, Plat 36W, page 102, Plat 39W, page 108, Plat 39E, page 109, Plat 40W, page 110, Plat 43E, page 115, and Plat 44W, page 116 as shown on Attachment 1 to this Ordinance.

Section 2. The City Council finds that the provisions of this Ordinance will implement the Comprehensive Plan and protect and promote public health, safety and welfare.

Section 3. Within Chapter 23.49 of the Seattle Municipal Code, Subchapters are hereby redesignated as follows: Subchapter I, General Provisions, includes sections 23.49.001 through 23.49.041, inclusive; Subchapter II, Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial, includes sections 23.49.042 through 23.49.058, inclusive; Subchapter III, Downtown Retail Core, includes sections 23.49.090 through 23.49.108, inclusive; Subchapter IV, Downtown Mixed Residential, includes sections 23.49.140 through 23.49.166, inclusive; Subchapter V, Pioneer Square Mixed, includes sections 23.49.170 through 23.49.178, inclusive; Subchapter VI, International District Mixed, includes sections 23.49.198 through

23.49.208, inclusive; Subchapter VII, International District Residential, includes sections 23.49.223 through 23.49.248, inclusive; Subchapter VIII, Downtown Harborfront 1, includes sections 23.49.300 through 23.49.306, inclusive; Subchapter IX, Downtown Harborfront 2, includes sections 23.49.318 through 23.49.332, inclusive; Subchapter X, Pike Place Market, includes sections 23.49.336 through 23.49.338, inclusive.

Section 4. Subsection A of Section 23.41.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended to read as follows:

Section 23.41.004 Applicability.

A. Design Review Required.

1. Design review is required for any new multifamily or commercial structure that exceeds SEPA thresholds if the structure:

a. Is located in one (1) of the following zones:

i. Lowrise (L3, L4),

ii. Midrise (MR),

iii. Highrise (HR),

iv. Neighborhood Commercial (NC1, 2, 3)

v. Seattle Mixed (SM), or

vi. Industrial Commercial (IC) zone within the South Lake Union Urban Center; or

b. Is located in a Commercial (C1 or C2) zone,

and:

i. The proposed structure is located within an urban village area identified in the Seattle Comprehensive Plan, or

ii. The site of the proposed structure abuts or is directly across a street or alley from any lot zoned single-family, or

iii. The proposed structure is located in the area bounded by NE 95th Street on the south, NE 145th Street on the north, 15th Ave NE on the west, and Lake Washington on the east.

2. Design review is required for all new Major Institution structures that exceed SEPA thresholds in the zones listed in subsection A1 of this section, unless the structure is

located within a Major Institution Overlay (MIO) district.

3. Downtown design review is required for all new structures that equal or exceed any of the following thresholds:

DOC 1, DOC 2 or DMC Zones

Use	Threshold
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

DRC, DMR, DH1 or DH2

Use	Threshold
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new structures exceeding one hundred and twenty (120) feet in width on any single street frontage in the Stadium Transition Area Overlay District as

shown in Exhibit 23.41.006 A.

5. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, administrative design review (Section 23.41.016) is required for new multifamily and commercial structures in Lowrise, Midrise, and commercial zones when an exceptional tree, as defined in Section 25.11.020, is located on the site, if design review would not otherwise be required by this subsection A.

6. New multifamily or commercial structures in the zones listed in subsection A1 of this section, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection A5 of this section.

\* \* \*

Section 5. Section 23.41.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is hereby repealed.

Section 6. Part 1 of Chapter 23.41 is amended to add the following new section, including Exhibit 23.41.012 A and Exhibit 23.41.012 B, which are attached to this ordinance as Attachment 4 and incorporated herein by this reference:

23.41.012 Development standard departures.

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

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

1. Procedures;
2. Permitted, prohibited or conditional use provisions, except that departures may be granted from development standards for required Downtown street level uses;
3. Residential density limits;
4. In downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49;
5. In downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036;

6. In downtown zones, the average floor area limit for stories in residential use in Chart 23.49.058D1;

7. In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041;

8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in 23.49.058E;

9. Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code; 10. Floor Area Ratios;

11. Maximum size of use;

12. Structure height, except that:

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

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

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

13. Quantity of parking required, maximum parking limit in Downtown zones, and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000" may be reduced. The parking requirement shall not be less than the required parking for Pedestrian designated areas shown in Section 23.54.015 Chart D;

14. Provisions of the Shoreline District, Chapter 23.60;

15. Standards for storage of solid-waste containers;

16. The quantity of open space required for major office projects in Downtown zones as provided in Section 23.49.016B;

17. Noise and odor standards.

Section 7. Section 23.42.124 of the Seattle Municipal Code, which Section was last amended by Ordinance 120293, is amended as follows:

23.42.124 Light and glare standards nonconformity.

When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of the light and glare standards of the respective zone. See subsection H of Section 23.44.008 for single-family zones; Section 23.45.017 for lowrise zones; Section 23.45.059 for midrise zones; Section 23.45.075 for highrise zones; Section 23.46.020 for residential commercial zones; Section 23.47.022 for commercial zones; Section 23.49.025 for downtown zones; and Section 23.50.046 for industrial buffer and industrial commercial zones.

Section 8. Subsection C of Section 23.49.002 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.49.002 Scope of provisions.

\* \* \*

C. Standards and guidelines for  
amenity features are found in the Downtown Amenity Standards.

\* \* \*

Section 9. Section 23.49.008 of the Seattle Municipal Code, which  
Section was last amended by Ordinance 121359, is amended as follows:

23.49.008 Structure height.

The following provisions regulating structure height apply to  
all property in downtown zones except the DH1, PSM, IDM, and IDR  
zones.

A. Base and Maximum Height Limits.

1. Maximum structure heights for downtown zones,  
except PMM, are fifty-five (55) feet, sixty-five (65) feet,  
eighty-five (85) feet, one hundred  
twenty-five (125) feet, one hundred fifty (150) feet, one hundred  
sixty (160) feet, two hundred forty (240) feet, , three hundred forty  
(340) feet, four hundred (400) feet, five hundred (500) feet, and  
unlimited, as designated on the Official Land Use Map, Chapter  
23.32. :

In certain zones, as specified in this section, the maximum structure height may be allowed only for particular uses or only on specified conditions, or both.

2. Except in the PMM zone, the base height limit for a structure is the lowest of the maximum structure height or the lowest other height limit, if any, that applies pursuant to the provisions of this title based upon the uses in the structure, before giving effect to any bonus for which the structure qualifies under this chapter and to any special exceptions or departures authorized under this chapter. In the PMM zone the base height limit is the maximum height permitted pursuant to urban renewal covenants.

3. In zones listed below in this subsection A3 there is a base height limit for portions of a structure containing nonresidential and live-work uses, which is shown as the first figure after the zone designation (except that there is no such limit in DOC1), and a base height limit that applies to portions of a structure in residential use, shown as the figure following the "/". The third figure shown is the highest possible applicable height limit for a structure that uses the bonus available under 23.49.015 and has no nonresidential or live-work use above the first height limit shown for that zone:

DOC1\_Unlimited/450 - Unlimited

DOC2 500/300-500

DMC 340/290-400

DMC 240/290-400.

4. In the DRC zone, the  
base height limit is 85 feet, except that, subject to the conditions  
in subsection A5 of this section:

a. The base height limit is 150 feet when any of  
the following conditions is satisfied:

i. When all portions of a  
structure above eighty-five (85) feet contain only residential use;  
or

ii. When at least twenty-five (25)  
percent of the gross floor area of all structures on a lot is in  
residential use; or

iii. When a minimum of 1.5 FAR of  
retail sales and service or entertainment uses, or any combination

thereof, is provided on the lot.

\_\_\_\_\_ b. For residential floor area created by infill of a light well on a Landmark structure, the base height limit is the lesser of 150 feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well.

\_\_\_\_\_ 5. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the eighty-five (85) foot base height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks Preservation Board for any proposed modifications to controlled features is required prior to a decision by the Director to allow or condition additional height for the project. The Landmarks Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of conditioning additional height under this subsection, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark:

Sixth and Pine Building      523 Pine Street

Decatur                      1513-6th Avenue

Coliseum Theater              5th and Pike

Seaboard Building              1506 Westlake Avenue

Fourth and Pike Building      1424-4th Avenue

Pacific First Federal Savings    1400-4th Avenue

Joshua Green Building 1425-4th Avenue

Equitable Building 1415-4th Avenue

Mann Building 1411-3rd Avenue

Olympic Savings Tower 217 Pine Street

Fischer Studio Building 1519-3rd Avenue

Bon Marche (Macy's) 3rd and Pine

Melbourne House 1511 - 3rd Avenue

Former Woolworth's Building 1512 - 3rd Avenue

c. The restrictions in this subsection 5 are in addition to, and not in substitution for, the requirements of the Landmarks Ordinance, SMC Chapter 25.12.

6. The applicable height limit for a structure is the base height limit plus any height allowed as a bonus under this chapter and any additional height allowed by special exception or

departure. The height of a structure shall not exceed the applicable height limit, except

as provided in subsections B, C and D of this section

.

7. The height of rooftop features, as provided in subsection D, is allowed to exceed the applicable height limit

.

B. Structures located in DMC 240/290-400 or DMC 340/290-400 zones may exceed the maximum height limit for residential use by ten (10) percent of that limit if:

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

2. the enclosed space is occupied only by those uses or features otherwise permitted in this Section as an exception above the height limit.

This exception shall not be combined with any other height exception for screening or rooftop features to gain additional height.

C. Height in Downtown Mixed

Residential (DMR) zones is regulated as

follows:

1. No portion of a structure that contains only nonresidential or live-work uses may exceed the lower height limit established on the Official Land Use Map, except for rooftop features permitted by subsection D of this section.

2. Portions of structures that contain only residential uses may extend to the higher height limit established on the Official Land Use Map.

D. Rooftop Features.

1. The following rooftop features are permitted with unlimited rooftop coverage and may not exceed the height limits as indicated:

a. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls up to four (4) feet above the applicable height limit;

b. Solar collectors up to seven (7) feet above the applicable height limit; and

c. The rooftop features listed below shall be

located a minimum of ten (10) feet from all lot lines and may  
extend up to fifty (50) feet above the roof of the structure on which  
they are located or fifty (50) feet above the  
applicable height limit, whichever is less, except as regulated by  
Chapter 23.64, Airport Height Overlay District:

(1) Religious symbols for religious  
institutions,

(2) Smokestacks, and

(3) Flagpoles.

2. The following rooftop features are permitted up to  
the heights indicated below, as long as the combined coverage of  
all rooftop features, whether or not listed in this  
subsection 2, does not exceed fifty-five (55)  
percent of the roof area for structures that are subject  
to maximum floor area limits per story pursuant to Section 23.49.058,  
or thirty-five (35) percent of the roof area for other structures

a. The following rooftop features are permitted to

extend up to fifteen (15) feet above the applicable

height limit:

(1) Solar collectors;

(2) Stair penthouses;

(3) Play equipment and open-mesh fencing, as long as the fencing is at least fifteen (15) feet from the roof edge;

(4) Covered or enclosed common recreation area; and

(5) Mechanical equipment.

b. Elevator penthouses as follows:

(1) In the PMM zone, up to fifteen (15) feet above the applicable height limit ;

(2) Except in the PMM zone, up to twenty-three 23 feet above the applicable height limit for a penthouse designed for an elevator cab up to eight (8) feet high;

(3) Except in the PMM zone, up to twenty-five 25 feet above the applicable height limit for a penthouse designed for an elevator cab more than eight (8) feet high;

(4) Except in the PMM zone, when the elevator provides access to a rooftop designed to provide usable open space, an additional ten (10) feet above the amount permitted in subsections (2) and (3) above shall be permitted.

\_\_\_\_\_ c. Minor communication utilities and accessory communication devices, regulated according to Section 23.57.013, shall be included within the maximum permitted rooftop coverage.

### 3. Screening of Rooftop Features.

a. Measures may be taken to screen rooftop features from public view through the design review process or, if located within the Pike Place Market Historical District, by the Market Historical Commission.

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection D2 of this section.

c. Except in the PMM zone, in no circumstances shall the height of rooftop screening exceed ten (10) percent of the applicable height limit , or fifteen (15) feet, whichever is greater. In the PMM zone, the height of the screening shall not exceed the height of the rooftop feature being screened, or such greater height necessary for effective screening as determined by the Pike Place Market Historical Commission.

#### 4. Administrative Conditional Use for Rooftop Features.

Except in the PMM zone, the rooftop features listed in subsection D1c of this section may exceed a height of fifty (50) feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

a. The feature shall be compatible with and not adversely affect the downtown skyline.

b. The feature shall not have a substantial adverse effect upon the light, air, solar and visual access of properties within a three hundred (300) foot radius.

c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.

d. The increased size is necessary for the successful physical function of the feature, except for religious symbols.

5. Residential Penthouses Above Height Limit in DRC Zone.

a. A residential penthouse exceeding the applicable height limit shall be permitted

in the DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of fifty (50) percent of the total roof surface. Except as the Director may allow under subsection D5b of this section:

(1) A residential penthouse allowed under this subsection shall be set back a minimum of fifteen (15) feet from the street property line.

(2) A residential penthouse may extend up to eight (8) feet above the roof, or twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street property

line.

b. If the Director determines, after a sight line review based upon adequate information submitted by the applicant, that a penthouse will be invisible or minimally visible from public streets and parks within three hundred (300) feet from the structure, the Director may allow one or both of the following in a Type I decision:

(1) An increase of the penthouse height limit under subsection D5a of this section by an amount up to the average height of the structure's street-facing parapet; or

(2) A reduction in the required setback for a residential penthouse.

c. The Director's decision to modify development standards pursuant to subsection D5b must be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum structure height in the DRC zone under Section 23.49.008 .

e. No rooftop features shall be permitted on a

residential penthouse allowed under this subsection D5.

6. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.013.

Section 10. Subchapter I of Section 23.49 is amended to add the following new section:

23.49.009 Street-level use requirements.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated on Map 1G. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses qualify as required street-level uses:

1. Retail sales and services, except lodging;
2. Human service uses and childcare facilities;
3. Customer service offices;
4. Entertainment uses;
5. Museums, and administrative offices within a museum

expansion space meeting the requirement of subsection 23.49.011 B1h;

6. Libraries; and

7. Public atriums.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage at street-level where street level uses are required must be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage at street level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space that qualifies for a floor area bonus, whether it receives a bonus or not, any eligible lot area of an open space TDR site, any outdoor common recreation area required for residential uses, or any open space required for office uses, is not counted in street frontage.

2. In the DRC zone, a combined total of no more than twenty (20) percent of the total street frontage of the lot may be occupied by human service uses, childcare facilities, customer service offices, entertainment uses or museums.

3. Required street-level uses shall be located within ten (10) feet of the street property line or shall abut a public open

space that meets the eligibility criteria of the Downtown Amenity Standards. When sidewalk widening is required by Section 23.49.022, the ten (10) feet shall be measured from the line established by the new sidewalk width.

4. Except for child care facilities, pedestrian access to required street-level uses shall be provided directly from the street, a bonused public open space, or other publicly accessible open space. Pedestrian entrances shall be located no more than three (3) feet above or below sidewalk grade or shall be at the same elevation as the abutting public open space.

Section 11. Section 23.49.010 of the Seattle Municipal Code, which Section was enacted by Ordinance 112303, is hereby repealed.

Section 12. Subsection 23.49.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 121196, is renumbered to Section 23.49.010, and subsection B is amended to read as follows:

23.49.010 General requirements for residential use.

\* \* \*

B. Common Recreation Area. Common recreation area is required for all new development with more than twenty (20) dwelling units. Required common

recreation area shall meet the following standards:

1. An area equivalent to five (5) percent of the total gross floor area in residential use, excluding any floor area in residential use gained in a project through a voluntary agreement for housing under SMC Section 23.49.015, shall be provided as common recreation area. In no instance shall the amount of required common recreation area exceed the area of the lot. The common recreation area shall be available to all residents and may be provided at or above ground level.

\_\_\_\_\_ 2. A maximum of fifty (50) percent of the common recreation area may be enclosed.

3. The minimum horizontal dimension for required common recreation areas shall be fifteen (15) feet, except for open space provided as landscaped setback area at street level, which shall have a minimum horizontal dimension of ten (10) feet. No required common recreation area shall be less than two hundred twenty-five (225) square feet.

4. Common recreation area that is provided as open space at street level shall be counted as twice the actual area in determining the amount provided to meet the common recreation area requirement.

5. In mixed use projects, the Director may permit a bonused public open space to satisfy a portion of the common recreation area requirement, provided that the space meets the standards of this section, and the Director finds that its design, location, access and hours of operation meet the needs of building residents.

6. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be counted as common recreation area.

7. In PSM zones, the Director of the Department of Neighborhoods, on recommendation of the Pioneer Square Preservation Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

8. In IDM and IDR zones, the Director of the Department of Neighborhoods, on recommendation of the International District Special Review District Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

9. For lots abutting designated green

streets , up to fifty (50) percent of the common recreation area requirement may be met by contributing to the development of a green street. The Director may waive the requirement that the green street abut the lot and allow the improvement to be made to a green street located in the general vicinity of the project if such an improvement is determined to be beneficial to the residents of the project.

\* \* \*

Section 13. Section 23.49.011 of the Seattle Municipal Code, which Section was last amended by Ordinance 121874, is amended as follows:

23.49.011 Floor area ratio.

A. General Standards.

1. The base and maximum floor area ratio (FAR) for each zone is provided in Chart 23.49.011 A1.

Chart 23.49.011 A1

Base and Maximum Floor Area Ratios (FARs)

Zone Designation

Base FAR

Maximum FAR

Downtown Office Core 1 (DOC1) 20	6	
Downtown Office Core 2 <u>(DOC2)</u>	5	14
Downtown Retail Core (DRC) 5	3	
Downtown Mixed Commercial (DMC) 4 in 65' height district	4 in 65' height district	
4.5 in 85' height district	4.5 in 85' height district	
	<u>5 in</u>	<u>7 in</u>
<u>160',</u>	<u>125',</u>	<u>125',</u>
<u>and 240'/290' -400' height districts</u>	<u>160', 240'/290'- 400' and</u>	
	<u>340'/290'-400' height districts</u>	
<u>10 in 340'/290'- 400' height districts</u>		
Downtown Mixed 1 in 85'/65' height district	1 in 85'/65' height district	
Residential/Residential 2 in 125'/65' height district	1 in 125'/65' height district	
2 in 240'/65' height district	1 in 240'/65' height district	
(DMR/R)		
Downtown Mixed 4 in 85'/65' height district	1 in 85'/65' height district	

Residential/Commercial 1 in 125'/65' height district  
4 in 125'/65' height district

2 in 240'/125' height district

(DMR/C)  
5 in 240'/125' height district

Pioneer Square Mixed (PSM) N.A.  
N.A.

International District Mixed 3, except hotels  
3, except hotels

(IDM) 6 for hotels  
6 for hotels

International District 1  
2 when 50% or more of the total

gross floor area on the lot is in

Residential (IDR)  
residential use

Downtown Harborfront 1 (DH1) N.A.  
N.A.

Downtown Harborfront 2 2.5  
Development standards regulate

(DH2)  
maximum FAR.

Pike Market Mixed (PMM) 7  
7

N.A. = Not Applicable.

2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to the provisions of this chapter.

a.

For new structures in DOC1, DOC2 and DMC zones allowing chargeable floor area above the base FAR, the first increment of chargeable floor area above the base FAR, shown for each zone on Chart 23.49.011 A.2, shall be gained by making a commitment satisfactory to the Director that the proposed development will earn a LEED Silver rating or a meet a substantially equivalent standard approved by the Director as a Type I decision. In these zones, no chargeable floor area above the base FAR is allowed for a project that includes chargeable floor area in a new structure unless the applicant makes such a commitment. When such a commitment is made, the provisions of SMC Section 23.49.020 shall apply. The Director may establish by rule procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED Silver rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Department of Planning and Development or another City agency with regulatory authority and expertise in green building practices.



c. In the DOC1 zone, additional chargeable floor area over seventeen (17) FAR may be obtained only through the transfer of rural development credits, except as provided below in this subsection c. No chargeable floor area shall be allowed under this subsection unless, at the time of the Master Use Permit application for the project proposing such floor area, an agreement is in effect between the City and King County, duly authorized by City ordinance, for the implementation of a Rural Development Credits Program. If no such agreement is in effect, the chargeable floor area above the seventeenth FAR may be obtained according to the provisions of Section 23.49.011A2f.

d. In no event shall the use of bonuses, TDR, or rural development credits, or any combination of them, be allowed to result in chargeable floor area in excess of the maximum as set forth in Chart 23.49.011A1, except that a structure on a lot in a planned community development pursuant to Section 23.49.036 or a combined lot development pursuant to Section 23.49.041, may exceed the floor area ratio otherwise permitted on that lot, provided the chargeable floor area on all lots included in the planned community development or combined lot development as a whole does not exceed the combined total permitted chargeable floor area.      e. Except as otherwise provided in this

subsection A2e or subsections A2g or A2i of this section  
, not less than five (5) percent of all floor area above the base FAR to be gained on any lot, excluding any floor area gained under subsection A2a of this Section, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR is available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities. An applicant may satisfy the minimum Landmark TDR requirement in this section by purchases from private parties, by transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection A2e does not apply to any lot in a DMR zone.

f. Except as otherwise permitted under subsection A2h or A2i of this section, on any lot except a lot in a DMR zone , the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any housing TDR and Landmark housing TDR used for the same project, shall equal seventy-five (75) percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the base FAR, as determined under this section and Section 23.49.032 if applicable,

plus (ii) any chargeable floor area gained on the lot pursuant to subsection A2a, A2c, A2h, or A2i of this section.

At least half of the remaining twenty-five (25) percent shall be gained by using TDR from a sending lot with a major performing arts facility, to the extent available. The balance of such 25 percent shall be gained through bonuses under Section 23.49.013 or through TDR other than housing TDR, or both, consistent with this chapter. TDR from a sending lot with a major performing arts facility shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering such TDR for sale, at a price per square foot not exceeding the prevailing market price for TDR other than housing TDR, as determined by the Director.

g. In order to gain chargeable floor area on any lot in a DMR zone, an applicant may (i) use any types of TDR eligible under this chapter in any proportions, or (ii) use bonuses under Section 23.49.012 or 23.49.013, or both, subject to the limits for particular types of bonus under Section 23.49.013, or (iii) combine such TDR and bonuses in any proportions.

h. On any lot in a DMC zone allowing a maximum FAR of seven (7), in addition to the provisions of subsection 2f above, an applicant may gain chargeable floor area above the first increment of FAR above the base FAR through use of DMC housing TDR, or any combination of DMC housing TDR with floor area gained through other

TDR and bonuses as prescribed in subsection 2f.

i. When the amount of bonus development sought in any permit application does not exceed five thousand (5,000) square feet of chargeable floor area, the Director may permit such floor area to be achieved solely through the bonus for housing and child care.

j. Subsection A2a of this section shall expire five (5) years from the effective date of this ordinance, and thereafter that first increment of floor area above the base FAR shall be zero (0).

k. No chargeable floor area above the base FAR shall be granted to any proposed development that would result in significant alteration to any designated feature of a Landmark structure, unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

3. The Master Use Permit application to establish any bonus development under this section shall include a calculation of the amount of bonus development sought and shall identify the manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving any such bonus development, issue a Type I decision as to the amount of bonus development to be allowed and the

conditions to such bonus development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with the conditions of any other conditions of the permit, including Design Review if applicable.

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment uses in the DRC zone, up to a maximum FAR of two (2) for all such uses combined;

b. Street-level uses meeting the requirements of Section 23.49.009, Street-level use requirements, whether or not street-level use is required pursuant to Map 1 G, if the uses and structure also satisfy the following standards:

(1) The street level of the structure containing the exempt space must have a minimum floor to floor height of thirteen (13) feet;

(2) The street level of the structure containing the exempt

space must have a minimum depth of fifteen (15) feet;

(3) Overhead weather protection is provided satisfying the provisions of Section 23.49.018.

c.

Shopping atria in the DRC zone and adjacent areas shown on Map 1J, provided that:

(1) The minimum area of the shopping atria shall be four thousand (4,000) square feet;

(2) The eligibility conditions of the Downtown Amenity Standards are met; and

(3) The maximum area eligible for a floor area exemption shall be twenty thousand (20,000) square feet;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Live-work units, except in the PMM and DH2 zones;

h. Museums, provided that the eligibility conditions of the Downtown Amenity Standards are met;

i. The floor area identified as expansion space for a museum, where such expansion space satisfies the following:

(1.) The floor area that will contain the museum expansion space is owned by the museum or a museum development authority; and

(2.) The museum expansion space will be occupied by a museum, existing as of October 31, 2002 on a downtown zoned lot; and

(3.) The museum expansion space is physically designed in conformance with the Seattle Building Code standards for museum use either at the time of original configuration or at such time as museum expansion is proposed;

j. Performing arts theaters;

k. Floor area below grade;

l. Floor area that is used only for short-term parking or parking accessory to residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory to residential uses of one (1) parking space for each dwelling unit on

the lot with the residential use served by the parking;

m. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations;

n. Public restrooms;

o. Major retail stores in the DRC zone and adjacent areas shown on Map 1J, provided that:

(1) The minimum lot area for a major retail store development shall be twenty thousand (20,000) square feet;

(2) The minimum area of the major retail store shall be eighty thousand (80,000) square feet;

(3) The eligibility conditions of the Downtown Amenity Standards are met;

(4) The maximum area eligible for a floor area exemption shall be two hundred thousand (200,000) square feet;

(5) The floor area exemption applies to

storage areas, store offices, and other support spaces necessary for the store's operation; and

p. Shower facilities for bicycle commuters.

2. As an allowance for mechanical equipment, three and one-half (3 1/2) percent shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1 has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

Section 14. Section 23.49.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.012 Bonus floor area for voluntary agreements for housing and child care.

A. General Provisions

1. The purpose of this section is to encourage development in addition to that

authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts from the bonus development are mitigated.

Two impacts from such development are an increased need for low-income housing downtown to house the families of workers having lower-paid jobs and an increased need for child care for downtown workers.

2. If an applicant elects to seek approval of bonus development pursuant to this section, the applicant must execute a voluntary agreement with the City in which the applicant agrees to provide mitigation for such impacts. The mitigation may be provided by building the requisite low-income housing or child care facilities (the "performance option"), by making a contribution to be used by the City to build or provide the housing and child care facilities (the "payment option"), or by a combination of the performance and payment options.

B. Voluntary Agreements for Housing and Child Care. For each square foot of chargeable floor area above the base FAR to be earned under this section, the voluntary agreement shall commit the developer to provide or contribute to the following facilities in the following amounts:

1. Housing.

a. For each square foot of bonus floor area, housing serving each of the specified income levels, or an alternative cash contribution for housing to serve each specified income level, must be provided according to Chart 23.49.012 A.

b. For purposes of this subsection, a housing unit serves households up to an income level only if all of the following are satisfied for a period of fifty (50) years beginning upon the issuance of a final certificate of occupancy by the Department of Planning and Development :

(1) The housing unit is used as rental housing solely for households with incomes, at the time of each household's initial occupancy, not exceeding that level; and

(2) The monthly rent charged for the housing unit,

together with a reasonable allowance for any basic utilities that are not included in the rent, does not exceed one-twelfth of thirty (30) percent of that income level as adjusted for the estimated size of household corresponding to the size of unit, in such manner as the Director of the Office of Housing shall determine;

(3) There are no charges for occupancy other than rent; and

(4) The housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances, for such fifty (50) year period.

c. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus floor area if it is committed to serve one or more of the income groups referred to in this section pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the construction of such housing or conversion of nonresidential space to such housing, but no earlier than three (3) years prior to the issuance of a master use permit for the project using the bonus floor area, and either:

(1) The housing unit is newly constructed, is converted from nonresidential use, or is renovated space that was vacant as of the date of this ordinance, on the lot using the bonus floor area, pursuant to the same master use permit as the project using the bonus

floor area; or

(2) The housing is newly constructed, is converted from nonresidential use, or is renovated in a residential building that was vacant as of the date of this ordinance on a lot in a Downtown zone , and:

i. The housing is owned by the applicant seeking to use the bonus; or

ii. The owner of the housing has signed, and there is in effect, a linkage agreement approved by the Director of the Office of Housing allowing the use of the housing bonus in return for necessary and adequate financial support to the development of the housing, and either the applicant has, by the terms of the linkage agreement, the exclusive privilege to use the housing to satisfy conditions for bonus floor area; or the applicant is the assignee of the privilege to use the housing to satisfy conditions for bonus floor area, pursuant to a full and exclusive assignment, approved by the Director of the Office of Housing, of the linkage agreement, and all provisions of this section respecting assignments are complied with. If housing is developed in advance of a linkage agreement, payments by the applicant used to retire or reduce interim financing may be considered necessary and adequate support for the development of the housing.

d. Housing that is not yet constructed, or is not ready for occupancy, at the time of the issuance of a building permit for the project intending to use bonus floor area, may be considered to be provided by the applicant if, within three (3) years of the issuance of the first building permit for such project, the Department of Planning and Development issues a final certificate of occupancy for such housing. Any applicant seeking to qualify for bonus floor area based on such housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the three (3) year period, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this

section. In the case of any project proposing to use bonus floor area for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus floor area is sought.

e. Nothing in this chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon the regulations in effect at the relevant time for the project proposing to use such bonus floor area, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on such housing.

f. The Director of the Office of Housing shall review the design and proposed management plan for any housing proposed under the performance option to determine whether it will comply with the terms of this section.

g. The Director of the Office of Housing is authorized to accept a voluntary agreement for the provision of housing and related agreements and instruments consistent with this section.

h. Any provision of any Director's rule notwithstanding, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the housing units shall continue to satisfy the requirements of this subsection throughout the required fifty (50) year period and that such compliance shall be documented annually to the satisfaction of the Director of the Office of Housing, and the owner of any project using such bonus floor area shall be in violation of this title if any such housing unit does not satisfy such requirements, or if satisfactory documentation is not provided to the Director of the Office of Housing, at any time during such period. The Director of the Office of Housing may provide by rule for circumstances in which housing units maybe replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide housing units under the terms of this subsection.

Income Level Contribution*	Gross Square Feet of Housing	Cash
Up to 30% of median income	0.01905335	\$ 3.20
Up to 50% of median income	0.06058827	9.28
Up to 80% of median income	0.07614345	6.27
Total	0.15578507	18.75

\* The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84=100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The base year for the first such adjustment shall be 2001. In the alternative, the Director of the Office of Housing may adjust the cash contribution amounts based, on changes to commercial and/or housing development costs

estimated in such manner as the Director deems appropriate. Any such adjustment to the cash contribution amounts may be implemented through a rule-making process.

j. Housing units provided to qualify for a bonus, or produced with voluntary contributions made under this section, should include a range of unit sizes, including units suitable for families with children. The Housing Director is authorized to prescribe by rule minimum requirements for the range of unit sizes, by numbers of bedrooms, in housing provided to qualify for a bonus. The Housing Director shall take into account, in any such rule, estimated distributions of household sizes among low-income households. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing developments funded by contributions received under this section.

## 2. Child Care.

a. For each square foot of bonus floor area allowed under this section, in addition to providing housing or an alternative cash contribution pursuant to subsection B1, the applicant shall provide fully improved child care facility space sufficient for 0.000127 of a child care slot, or a cash contribution to the City of Three Dollars and Twenty-five Cents (\$3.25), to be administered by the Human

Services Department. The Director of the Human Services Department may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The base year for the first such adjustment shall be 2001. The minimum interior space in the child care facility for each child care slot shall comply with all applicable state and local regulations governing the operation of licensed childcare providers. Child care facility space shall be deemed provided only if the applicant causes the space to be newly constructed or newly placed in child care use after the submission of a permit application for the project intended to use the bonus floor area, except as provided in subsection B2b(6). If any contribution or subsidy in any form is made by any public entity to the acquisition, development, financing or improvement of any child care facility, then any portion of the space in such facility determined by the Director of the Human Services Department to be attributable to such contribution or subsidy shall not be considered as provided by any applicant other than that public entity.

b. Child care space shall be provided on the same lot as the project using the bonus floor area or on another lot in a downtown zone and shall be contained in a child care facility satisfying the

following standards:

(1) The child care facility and accessory exterior space must be approved for licensing by the State of Washington Department of Social and Health Services and any other applicable state or local governmental agencies responsible for the regulation of licensed childcare providers.

(2) At least twenty (20) percent of the number of child care slots for which space is provided as a condition of bonus floor area must be reserved for, and affordable to, families with annual incomes at or below the U.S. Department of Housing and Urban Development Low Income Standard for Section 8 Housing based on family size (or, if such standard shall no longer be published, a standard established by the Human Services Director based generally on eighty (80) percent of the median family income of the Metropolitan Statistical Area, or division thereof, that includes Seattle, adjusted for family size). Child care slots shall be deemed to meet these conditions if they serve, and are limited to,

- (a) children receiving child care subsidy from the City of Seattle, King County or State Department of Social and Health Services, and/or
- (b) children whose families have annual incomes no higher than the above standard who are charged according to a sliding fee scale such that the fees paid by any family do not exceed the amount it would be charged, exclusive of subsidy, if the family were enrolled in the City of Seattle Child Care Subsidy Program.

(3) Child care space provided to satisfy bonus conditions shall be dedicated to child care use, consistent with the terms of this section, for twenty years. The dedication shall be established by a recorded covenant, running with the land, and enforceable by the City, signed by the owner of the lot where the child care facility is located and by the owner of the lot where the bonus floor area is used, if different from the lot of the child care facility. The child care facility shall be maintained in operation, with adequate staffing, at least eleven (11) hours per day, five (5) days per week, fifty (50) weeks per year.

(4) Exterior space for which a bonus is or has been allowed under any other section of this title or under former Title 24 shall not be eligible to satisfy the conditions of this section.

(5) Unless the applicant is the owner of the child care space and is a duly licensed and experienced child care provider approved by the Director of the Human Services Department, the applicant shall provide to the Director a signed agreement, acceptable to such Director, with a duly licensed child care provider, under which the child care provider agrees to operate the child care facility consistent with the terms of this section and of the recorded covenant, and to provide reports and documentation to the City to demonstrate such compliance.

(6) One (1) child care facility may fulfill the conditions for a bonus for more than one (1) project if it includes sufficient space, and provides sufficient slots affordable to limited income families, to satisfy the conditions for each such project without any space or child care slot being counted toward the conditions for more than one (1) project. If the child care facility is located on the same lot as one of the projects using the bonus, then the owner of that lot shall be responsible for maintaining compliance with all the requirements applicable to the child care facility; otherwise responsibility for such requirements shall be allocated by agreement in such manner as the Director of the Human Services Department may approve. If a child care facility developed to qualify for bonus floor area by one applicant includes space exceeding the amount necessary for the bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted by the Director of the Human Services Department from that applicant so provides, such excess space may be deemed provided by the applicant for a later project pursuant to a new voluntary agreement signed by both such applicants and by any other owner of the child care facility, and a modification of the recorded covenant, each in form and substance acceptable to such Director.

c. The Director of the Human Services Department shall review the design and proposed management plan for any child care facility proposed to qualify for bonus floor area to determine whether it will

comply with the terms of this section. The allowance of bonus floor area is conditioned upon approval of the design and proposed management plan by the Director. The child care facility shall be constructed consistent with the design approved by such Director and shall be operated for the minimum twenty (20) year term consistent with the management plan approved by such Director, in each case with only such modifications as shall be approved by such Director. If the proposed management plan includes provisions for payment of rent or occupancy costs by the provider, the management plan must include a detailed operating budget, staffing ratios, and other information requested by the Director to assess whether the child care facility may be economically feasible and able to deliver quality services.

d. The Director of the Human Services Department is authorized to accept a voluntary agreement for the provision of a child care facility to satisfy bonus conditions and related agreements and instruments consistent with this section. The voluntary agreement may provide, in case a child care facility is not maintained in continuous operation consistent with this subsection B2 at any time within the minimum twenty (20) year period, for the City's right to receive payment of a prorated amount of the alternative cash contribution that then would be applicable to a new project seeking bonus floor area. Such Director may require security or evidence of adequate financial responsibility, or both, as a condition to acceptance of an agreement under this subsection.

\* \* \*

Section 15. Section 23.49.013 of the Seattle Municipal Code, which Section was enacted by Ordinance 120443, is amended to read as follows:

23.49.013 Bonus floor area for amenities.

A. An applicant may achieve a portion of the chargeable floor area to be established in addition to base FAR through bonuses for amenities, subject to the limits in this chapter. Amenities for which bonuses may be allowed are limited to:

1. Public open space amenities, including hillside terraces on sites shown as eligible for bonuses on Map 1J, urban plazas in DOC1, DOC2 and DMC 340/290-400 zones, parcel parks in DOC1, DOC2, DMC, and DMR zones, public atria in DOC1, DOC2, and DMC 340/290-400 zones, green street improvements and green street setbacks on designated green streets;

2. Hillclimb assists or shopping corridors on sites shown as eligible for these respective bonuses on Map 1

J;

3. Human services uses as follows:

a. Information and referral for support services;

b. Health clinics;

c. Mental health counseling services;

d. Substance abuse prevention and treatment services;

e. Consumer credit counseling;

f. Day care services for adults;

g. Jobs skills training services;

\_\_\_\_\_ 4. Public restrooms;

\_\_\_\_\_ 5. For projects in a DOC1, DOC2, or DMC 340'/290-400' zone, restoration and preservation of Landmark performing arts theaters, provided that the following conditions are met:

\_\_\_\_\_ a. the theater contains space that was designed

for use primarily as, or is suitable for use as, a performing arts theater;

\_\_\_\_\_ b. the theater is located in a DOC1, DOC2, DRC, or DMC zone;

\_\_\_\_\_ c. the theater is a designated Landmark pursuant to Chapter 25.12;

\_\_\_\_\_ d. the theater is subject to an ordinance establishing an incentive and controls, or the owner of the theater executes, prior to the approval of a floor area bonus under any agreement with respect to such theater, an incentives and controls agreement approved by the City Landmarks Preservation Board;

\_\_\_\_\_ e. the theater has, or will have upon completion of a proposed plan or rehabilitation, a minimum floor area devoted to performing arts theater space and accessory uses of at least twenty thousand (20,000) square feet; and

\_\_\_\_\_ f. The theater will be available, for the duration of any commitment made to qualify for a floor area bonus, for live theater performances no fewer than one hundred eighty (180) days per year; and

\_\_\_\_\_ 6. Transit station access for fixed rail transit

facilities.

B. Standards for Amenities .

1. Location of Amenities . Amenities  
shall be located on the lot using  
the bonus, except as follows:

a. Green street improvements may be located within an abutting  
right-of-way subject to applicable Director's rules.

b. An open space amenity , other than green  
street improvements, may be on a lot other than the lot using the  
bonus, provided that it is within a Downtown zone and all of the  
following conditions are satisfied:

(1) The open space must be open to the general public  
without charge, must meet the eligibility  
conditions of the  
Downtown Amenity Standards, and must be one of the open space  
features cited in subsection A1 of this section.

(2) The open space must be within one-quarter (1/4) mile  
of the lot using the bonus, except as may be permitted pursuant to

subsection B1b(4).

(3) The open space must have a minimum contiguous area of five thousand (5,000) square feet, except as may be permitted pursuant to subsection B1b(4).

(4) Departures from standards for the minimum size of off-site open space and maximum distance from the project may be allowed by the Director as a Type I decision if the Director determines that if such departures are approved, the proposed open space will meet the additional need for open space caused by the project, and improve public access to the open space compared to provision of the open space on-site.

(5) The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement or other instrument in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Downtown Amenity Standards.

c. Public restrooms shall be on a ground floor; shall satisfy all codes and accessibility standards; shall be open to the general public during hours that the structure is open to the public, although access may be monitored by a person located at the restroom facility; shall be maintained by the owner of the structure for the

life of the structure that includes the bonused space; and shall be designated by signs sufficient so that they are readily located by pedestrians on an abutting street or public open space. The Director is authorized to establish standards for the design, construction, operation and maintenance of public restrooms qualifying for a bonus, consistent with the intent of this subsection to encourage the provision of accessible, clean, safe and environmentally sound facilities.

2. Options for Provision of Amenities.

a. Amenities must be provided by performance except as expressly permitted in this Section. The Director may accept a cash payment for green street improvements subject to the provisions of this section, the Downtown Amenity Standards and the Green Street Director's Rule, DR 11-93, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully one (1) square foot of green street space for each five (5) square feet of bonus floor area allowed for such payment.

b. Restoration and preservation of a Landmark performing arts theater may consist of financial assistance provided by the applicant for rehabilitation work on a Landmark performing arts theater, or for retirement of the cost of improvements made after February 5, 1993,

if:

(1) The assistance is provided pursuant to a linkage agreement between the applicant and the owner of the Landmark performing arts theater satisfactory to the Director, in which such owner agrees to use such financial assistance to complete such rehabilitation and agrees that the applicant is entitled to all or a portion of the bonus floor area that may be allowed therefor;

(2) The owner of the Landmark performing arts theater executes and records covenants enforceable by the City, agreeing to maintain the structure and the performing arts theater use, consistent with the Downtown Amenity Standards; and

(3) Prior to the issuance of any building permit after the first building permit for the project using the bonus, and in any event before any permit for any construction activity other than excavation and shoring is issued for that project, unless the rehabilitation work has then been completed, the applicant posts security for completion of that work, consistent with the Downtown Amenity Standards.

3. Ratios and limits.

a. Amenities may be

used to gain floor area according to the applicable ratios, and subject to the limits, in Section 23.49.011 and in Chart 23.49.013A.

Chart 23.49.013A Downtown Amenities

<u>Amenity</u>	<u>Zone</u>	<u>Location of Lots Eligible to Use Bonus</u>
<u>Bonus</u>	<u>Maximum</u>	

<u>Ratio</u>	<u>square feet</u>
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(SF) of floor

area eligible

for a bonus

	<u>DOC1</u>	<u>DOC2</u>	<u>DMC</u>	<u>DMC</u>	<u>DRC</u>	<u>DMR</u>
			340/290-	240/290-		
			400	400		

<u>Hillside</u>	<u>Only eligible for bonus at locations specified on</u>
<u>5:1</u>	<u>6,000 SF</u>

<u>Terrace</u>	<u>Map 1J of the Land Use Code</u>
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Urban Plaza X X X  
5:1 15,000 SF

Commercial X X X X  
5:1 7,000 SF

Parcel Park

Residential X X X  
5:1 12,000 SF

Parcel Park

Green Street Lots abutting designated green street  
5:1 7,000 SF

Parcel Park

Public Atrium X X X  
5:1 5,500 SF

Green Street Lots abutting designated green street  
5:1 No limit

Improvement

Green Street Lots abutting designated green street not subject  
1:1 10 times the

Setback to property line street wall requirement  
length of

lot's green

street

frontage

Hillclimb Only eligible for bonus at locations specified on Not applicable Maximum gain

Assist Map 1J of the Land Use Code  
of 0.5 FAR

Shopping Only eligible for bonus at locations specified on  
5:1 7,200 SF

Corridor Map 1J of the Land Use Code

Transit X X X X X X  
Not Applicable Maximum gain

Station Access  
of 1.0 FAR

Public X X X X X X  
7:1 No limit

Restroom

Human Services X X X X X X  
7:1 10,000 SF

Preservation X X X  
Variable; Maximum gain

of Landmark  
maximum of of 1.0 FAR

Theater  
12:1

"X" indicates that bonus is potentially available.

b. Any bonus for restoration and preservation

of a Landmark performing arts theater shall not exceed a maximum of one (1) FAR. Such bonus may be allowed at a variable ratio, as described in the Downtown Amenity Standards, of up to twelve (12) square feet of floor area granted per one (1) square foot (12:1) of performing arts theater space rehabilitated by the applicant, or previously rehabilitated so as to have a useful life at the time the bonus is allowed of no less than twenty (20) years, in each case consistent with any controls applicable to the Landmark performing arts theater and any certificates of approval issued by the Landmarks Preservation Board. For purposes of this subsection, performing arts theater space shall consist only of the following: stage; audience seating; theater lobby; backstage areas such as dressing and rehearsal space; the restrooms for audience, performers and staff; and areas reserved exclusively for theater storage. For any Landmark performing arts theater from which TDR has been transferred, or that has received any public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited, pursuant to a subsidy review, to the lowest ratio, as determined by the Housing Director, such that the benefits of the bonus, together with the value of any TDR and any public finding or subsidy, are no more than the amounts reasonably necessary to make economically feasible:

(1) The rehabilitation and preservation of the Landmark performing arts theater; and

(2) Any replacement by the owner of such theater of low-income housing that is reasonably required to be eliminated from the lot of the Landmark performing arts theater to make rehabilitation, preservation and operation of the performing arts theater economically feasible.

4. Downtown Amenity Standards.

a. The Director shall approve a feature for a bonus if the Director determines that the feature satisfies the eligibility conditions of the Downtown Amenity Standards, and that the feature carries out the intent of this section and the guidelines in the Downtown Amenity Standards.

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

c. The Director may condition the approval of a feature for

a bonus as provided in the Downtown Amenity Standards.

5. Open Space Amenities . Open space amenities must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this chapter and the Downtown Amenity Standards.

6. Declaration. When amenities are to be provided on-site for purposes of obtaining bonus floor area, the owner shall execute and record a declaration in a form acceptable to the Director identifying the features and the fact that the right, to develop and occupy a portion of the gross floor area on the site is based upon the long-term provision and maintenance of those amenities.

7. All bonused amenities shall be provided and maintained in accordance with the applicable provisions of the Downtown Amenity Standards for as long as the portion of the chargeable floor area gained by the amenities exists. A permit is required to alter or remove any bonused amenity.

Section 16. Section 23.49.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 121874, is amended as follows:

23.49.014 Transfer of development rights (TDR).

A. General Standards.

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

a. Housing TDR;

b. DMC housing TDR;

c. Landmark housing TDR;

d. Landmark TDR; and

e. Open space TDR.

2. In addition to transfers permitted under subsection A1, TDR may be transferred from any lot to another lot on the same block, as within-block TDR, to the extent permitted in Chart 23.49.014A, subject to the limits and conditions in this chapter.

3. A lot's eligibility to be either a sending or receiving lot is regulated by Chart 23.49.014A.

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

5. No permit after the first building permit, and in any event, no permit for any construction activity other than excavation and shoring or for occupancy of existing floor area by any use based upon TDR, will be issued for development that includes TDR until the applicant's possession of TDR is demonstrated according to rules promulgated by the Director to implement this section.

B. Standards for Sending Lots.

1. a. The maximum amount of floor area that may be transferred, except as open space TDR, Landmark TDR, or Landmark housing TDR, from an eligible sending lot, except a sending lot in the PSM or IDM zones, is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of any chargeable gross floor area existing or, if a DMC housing TDR site, to be developed on the sending lot, plus any TDR previously transferred from the sending lot.

b. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the base FAR of the

sending lot, as provided in Section 23.49.011, exceeds the sum of (a) any existing chargeable gross floor area that is built on or over the eligible lot area on the sending lot, plus (b) the amount, if any, by which the total of any other chargeable floor area on the sending lot exceeds the product of the base FAR of the sending lot, as provided in Section 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus (c) any TDR previously transferred from the sending lot.

c. The maximum amount of floor area that may be transferred from an eligible Landmark housing TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds TDR previously transferred from the sending lot, if any.

d. The maximum amount of floor area that may be transferred from an eligible Landmark TDR site, when the chargeable floor area of the landmark structure is less than or equal to the base FAR permitted in the zone, is equivalent to the base FAR of the sending lot, minus any TDR that have been previously transferred. For landmark structures having chargeable floor area greater than the base FAR of the zone, the amount of floor area that may be transferred is limited to an amount equivalent to the base FAR of the sending lot minus the sum of (i) any chargeable floor area of the landmark structure exceeding the base FAR and (ii) any TDR that have been previously transferred.

e. For purposes of this subsection 1, the eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over one-quarter (1/4) of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by any portion of the lot ineligible under Section 23.49.016.

\_\_\_\_\_ 2. When the sending lot is located in the PSM or IDM zone, the gross floor area that may be transferred is six (6) FAR, minus the sum of any existing chargeable gross floor area and any floor area in residential use on the sending lot, and further reduced by any TDR previously transferred from the sending lot.

3. When TDR are transferred from a sending lot in a zone with a base FAR limit, the amount of chargeable gross floor area that may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable base FAR limit set in Section 23.49.011, minus the total of:

a. The existing chargeable floor area on the lot;  
plus

b. The amount of gross floor area transferred from the lot.

4. When TDR are sent from a sending lot in a PSM zone, the combined maximum chargeable floor area and residential floor area that may then be established on the sending lot shall be equal to the total gross floor area that could have been built on the sending lot consistent with applicable development standards as determined by the Director had no TDR been transferred, less the sum of:

a. The existing chargeable floor area on the lot;  
plus

b. The amount of gross floor area that was transferred from the lot.

5. Gross floor area allowed above base FAR under any bonus provisions of this title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only if the TDR are from an eligible Landmark site, consistent with subsection B1c above, or to the extent, if any, that:

a. TDR were previously transferred to such lot in

compliance with the Land Use Code provisions and applicable rules then in effect;

b. Those TDR, together with the base FAR under Section 23.49.011, exceed the chargeable floor area on the lot and any additional chargeable floor area for which any permit has been issued or for which any permit application is pending; and

c. The excess amount of TDR previously transferred to such lot would have been eligible for transfer from the original sending lot under the provisions of this section at the time of their original transfer from that lot.

6. Landmark structures on sending lots from which Landmark TDR or Landmark housing TDR are transferred shall be restored and maintained as required by the Landmarks Preservation Board.

7. Housing on lots from which housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable conditions, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least fifty (50) years from the time of the TDR transfer, as approved by the Director of the Office of Housing.

Landmark buildings on lots from which Landmark housing TDR are transferred shall be rehabilitated to the extent required to provide

decent, sanitary and habitable housing, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least fifty (50) years from the time of the TDR transfer, as approved by the Director of the Office of Housing and the Landmarks Preservation Board. If housing TDR or Landmark housing TDR are proposed to be transferred prior to the completion of work necessary to satisfy this subsection B7, the Director of the Office of Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

8. The housing units on a lot from which housing TDR, Landmark housing TDR, or DMC housing TDR are transferred, and that are committed to low-income housing use as a condition to eligibility of the lot as a TDR sending lot , shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director, after completion of any rehabilitation or construction undertaken in order to qualify as a TDR sending lot .

C. Limit on within-block TDR.

Any receiving lot is limited to a gain of fifteen (15) percent of the floor area above the first increment of FAR above the base FAR, as specified in subsection

23.49.011A2a, from TDR from sending

lots that are eligible to send TDR solely because they are on the same block as the receiving lot.

D. Transfer of Development Rights Deeds and Agreements.

1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDR from a housing TDR site, Landmark housing TDR site or DMC housing TDR site) such consent is waived by the Director of the Office of Housing for good cause, which deed shall be recorded in the King County real property records. When TDR are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or not a structure using such TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in or lien on the receiving lot from which the conveyance is made. If the TDR are transferred other than directly from the sending lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed.

2. Any person may purchase any TDR that are eligible for transfer by complying with the applicable provisions of this section, whether or not the purchaser is then an applicant for a permit to develop downtown real property. Any purchaser of such TDR (including any successor or assignee) may use such TDR to obtain chargeable floor area above the applicable base on a receiving lot to the extent such use of TDR is permitted under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDR. The Director may require, as a condition of processing any permit application using TDR or for the release of any security posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot demonstrate that the TDR have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDR are not available for retransfer.

3. For transfers of housing TDR, Landmark housing TDR, or DMC housing TDR, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of the Office of Housing for good cause, to provide for the maintenance of the required housing on the sending lot for a minimum of fifty (50) years. Such agreement shall commit to limits on rent and occupancy, consistent with the definition of housing TDR site,

Landmark housing TDR site, or DMC housing TDR site, as applicable,  
and acceptable to the Director of the Office of Housing.

4. For transfers of Landmark TDR or Landmark housing TDR,  
the owner of the sending lot shall execute and record an agreement in  
form and content acceptable to the Landmarks Preservation Board  
providing for the restoration and maintenance of the historically  
significant features of the structure or structures on the lot.

5. A deed conveying TDR may require or permit the return of the  
TDR to the sending lot under specified conditions, but  
notwithstanding any such provisions:

Chart 23.49.014 A

TDR Transferable Transferable Within or Between Blocks		Types of TDR	
Within-block			
Landmark TDR <u>and</u>	Transfer from any Open Space TDR	Housing TDR	<u>DMC Housing TDR</u>
<u>Landmark Housing</u>	lot within the		
<u>TDR</u>	same Downtown		
Zones	block		

DOC1 and S, R	S, R S, R	S, R	<u>X</u>
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DOC2

DRC S, R <u>2</u> S,	S, R <u>2</u>	S, R <u>2</u>	<u>X</u>
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R2

<u>DMC zones</u> S, R	<u>S, R</u> <u>S, R</u>	<u>S, R</u>	<u>S</u>
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with maximum

10 FAR

<u>DMC zones</u> S, R	<u>S3</u> <u>S, R</u>	<u>S, R</u>	<u>S, R</u>
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with

maximum

7 FAR

<u>DMC 85'</u> S, R	<u>S, R</u>	<u>X</u>	<u>S, R</u>	<u>X</u>
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DMC 65' S	X S	S	<u>X</u>
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DMR S, R <u>4</u>	S, X	S, R <u>4</u>	<u>X</u>
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R4

IDM, IDR and	X	S	<u>X</u>
X	X		

PSM

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

\*1 Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.

2 Transfers to lots in the 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 Transfers to lots in the DMR zone are permitted only from lots that also are zoned DMR.

a. The transfer of TDR to a receiving lot shall remain effective so long as any portion of any structure for which a permit was issued based upon such transfer remains on the receiving lot; and

b. The City shall not be required to recognize any return of

TDR unless it is demonstrated that all parties in the chain of title have executed, acknowledged and recorded instruments conveying any interest in the TDR back to the sending lot and any lien holders have released any liens thereon.

6. Any agreement governing the use or development of the sending lot shall provide that its covenants or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

E. TDR Sales Before Base FAR Increases and Changes in Exemptions.

Except for transfers of TDR from a sending lot with a major performing arts facility, transfers of TDR from any lot from which a TDR transfer was made prior to the effective date of Ordinance 120443 are limited to the amount of TDR available from such lot immediately prior to such date.

F. Projects Developed Under Prior Code Provisions.

1. Any project that is developed pursuant to a master use permit issued under the provisions of this title as in effect prior to the effective date of ordinance 120443 ,which permit provides for the use of TDR, may use TDR that were transferred from the sending lot consistent with such prior provisions prior to such effective date.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot after the effective date of ordinance 120443 .

3. The use of TDR by any such project must be consistent with the provisions of this title applicable to the project, including any limits on the range of FAR in which a type of TDR may be used, except that open space TDR may be used by such a project in lieu of any other TDR or any bonus, or both, allowable under such provisions.

G. TDR Satisfying Conditions to Transfer Under Prior Code.

1. If the conditions to transfer Landmark TDR, as in effect immediately prior to the effective date of Ordinance 120443, the following are satisfied on or before December 31, 2001, such TDR may be transferred from the sending lot in the amounts eligible for transfer as determined under the provisions of this title in effect immediately prior to the effective date of Ordinance 120443. If the conditions to transfer housing TDR are satisfied prior to the effective date of Ordinance 120443 under the provisions of this title then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that effective date. If the conditions to transfer TDR from a major performing arts facility are satisfied prior to the effective date of Ordinance 120443 under the provisions of this Title then in effect, TDR may be

transferred from the sending lot after that effective date, for use on any receiving lots in zones where housing TDR may be used according to Chart 23.49.014 A, in an amount as determined under subsection B of this section, provided that the cumulative amount of TDR that may be transferred after June 1, 2005 from any sending lot based on the presence of a major performing arts facility is limited to 150,000 square feet.

2. For purposes of this subsection, conditions to transfer include, without limitations, the execution by the owner of the sending lot, and recording in the King County real property records, of any agreement required by the provisions of this title or the Public Benefit Features Rule in effect immediately prior to the effective date of Ordinance 120443, but such conditions do not include any requirement for a master use permit application for a project intending to use TDR, or any action connected with a receiving lot. TDR transferable under this subsection G are eligible either for use consistent with the terms of Section 23.49.011 or for use by projects developed pursuant to permits issued under the provisions of this title in effect prior to the effective date of Ordinance 120443. The use of TDR transferred under this subsection G on the receiving lot shall be subject only to those conditions and limits that apply for purposes of the master use permit decision for the project using the TDR.

H. Time of Determination of TDR Eligible for Transfer. Except as

stated in subsection G, the eligibility of a sending lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the date of transfer from the sending lot and shall not be affected by the date of any application, permit decision or other action for any project seeking to use such TDR.

I. Use of Previously Transferred TDR by New Projects.

Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR that were transferred from the sending lot consistent with the provisions of this title in effect at the time of such transfer. For purposes of this subsection I, the owner of TDR that were transferred based upon a housing commitment accepted by the City shall be entitled to have such TDR considered as housing TDR.

Section 17. Section 23.49.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 18 . Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.015 Bonus residential floor area for voluntary agreements for low-income housing and moderate income housing.

A. General Provisions.

1. The purpose of this section is to encourage residential development in addition to that authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts from the bonus development are mitigated. "Basic zoning regulations" for purposes of this section are the provisions of Section 23.49.008 that determine base height limits for residential use in DOC-1, DOC-2 and DMC zones, and for DMC zones, the provisions of Section 23.49.058 that determine the maximum average floor area per story. The City has determined that one impact of high-rise residential development is an increased need for low-income housing and moderate-income housing downtown to house the families of workers having lower paid jobs who serve the residents of such development. The City also finds that DOC-1, DOC-2 , and DMC zones are areas in which increased residential development will assist in achieving local growth management and housing policies, and has determined that increased residential development capacity and height of residential structures can be achieved within these zones, subject to consideration of other regulatory controls on development. The City Council finds that in the case of affordable housing for rental occupancy, use of the income level for low-income housing rather than a lower level is necessary to address local housing market conditions, and that in the case of affordable housing for owner occupancy, higher income levels than those for low-income housing are needed to address local housing market conditions. The City hereby

adopts the extension of the authority of Chapter 149, Laws of 2006 of the State of Washington, to the bonus development program under this Section 23.49.015, in addition to the City's preexisting authority. To the extent that any provision of this Section or the application thereof to any project for which a Master Use Permit application is considered under the Land Use Code as in effect after the effective date of Section 2 of Chapter 149, Laws of 2006 would conflict with any requirement of that statute, the terms of this Section shall be deemed modified to conform to the requirements of Section 2 of Chapter 149, Laws of 2006.

2. An applicant may elect to seek bonus development under this section only for a project in a DOC1, DOC2 or DMC zone that includes residential development. If an applicant elects to seek approval of bonus development under this section, the applicant must execute a voluntary agreement with the City in which the applicant agrees to provide mitigation for impacts described in subsection A1 of this section. The mitigation may be provided in the form of low-income housing or moderate-income housing, or both, either within or adjacent to the residential project using the bonus development (the "performance option"), by paying the City to build or provide the housing (the "payment option"), or by a combination of the performance and payment options.

3. No bonus development under this section shall be granted to any proposed development that would result in significant

alteration to any designated feature of a Landmark structure unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

4. No bonus development under this section shall be granted for any housing in a new structure unless the applicant makes a commitment that the structure shall earn a LEED Silver rating. When such a commitment is made, the provisions of SMC Section 23.49.020 shall apply. This subsection 4 shall expire and be of no further effect five (5) years after the effective date of this ordinance.

5. The Master Use Permit application to establish any bonus development under this section shall include a calculation of the amount of bonus development sought and shall identify the manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving any such bonus development, issue a Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with any other conditions of the permit, including Design Review conditions if applicable.

B. Voluntary Agreements for Housing.

1. The voluntary agreement shall commit the applicant to provide or contribute to low-income housing or moderate-income housing, or both, in an amount as set forth in this subsection B. The quantities in this subsection are based on findings of an analysis that quantifies the linkages between new market-rate units in high-rise residential structures in DOC1, DOC2, and DMC zones and the demand that residents of such units generate for low-income housing and moderate-income housing. The amount of such housing and income levels served, and the amount of any cash payment, shall be determined as follows:

a. For the performance option, the applicant shall provide, as low-income housing or moderate-income housing, net rentable floor area equal to eleven (11) percent of the net residential floor area sought as bonus development, computed by multiplying the following sum by an efficiency factor of eighty (80) percent: (i) the total square footage of gross residential floor area to be developed on the lot above the base height limit for residential use under SMC Section 23.49.008, plus (ii) the excess, if any, in each tower to be developed on the lot, of (X) the total number of square feet of gross residential floor area between the height of eighty-five (85) feet and such base height limit, over (Y) the product of the "average residential gross floor area limit of stories above 85 feet if height does not exceed the base height limit for residential use" as provided in Chart 23.49.058D1, column 2,

multiplied by the number of stories with residential use in such tower above eighty-five (85) feet and below such base height limit. All low-income housing or moderate income housing provided under the performance option shall be on the lot where the bonus development is used or an adjacent lot. The adjacent lot must be within the block where the bonus development is used and either abut the lot where bonus development is used, or be separated only by public right-of-way. All rental housing provided under the performance option shall be low-income housing.

b. For the payment option, the applicant shall pay the lesser of the following:

(1) an amount that equals the approximate cost of developing the same number and quality of housing units that would be developed under the performance option, as determined by the Director ; or

(2) (i) in DMC zones, ten (10) dollars per square foot of net residential floor area sought as bonus development between the height of eighty-five (85) feet and the base height limit for residential use under Section 23.49.008, fifteen (15) dollars per square foot of the net residential floor area of the first four (4) floors above the base height limit for residential use, twenty (20) dollars per square foot of net residential floor area of the next three (3) floors, and twenty-five (25) dollars per square foot

of net residential floor area of the remaining floors up to the maximum residential height limit, not to exceed an average of eighteen dollars and ninety-four cents (18.94) per square foot of net residential floor area sought as bonus development; and (ii) in DOC1 and DOC2 zones, eighteen dollars and ninety-four cents (18.94) per square foot of net residential floor area sought as bonus development above the base height limit for residential use under Section 23.49.008. Net residential floor area shall be computed by multiplying the total gross floor area sought as bonus development by an efficiency factor of eighty (80) percent. The full amount must be paid to the City in cash, except that if the City shall approve by ordinance the acceptance of specific real property in lieu of all or part of the cash payment, the Housing Director may accept such real property.

2. Each low-income housing unit provided as a condition to the bonus allowed under this section shall serve only households with incomes at or below eighty (80) percent of median income at the time of their initial occupancy. Each moderate-income housing unit provided as a condition to the bonus allowed under this section shall serve only as owner-occupied housing for households with incomes no higher than median income at the time of their initial occupancy. For rental housing, housing costs, including rent and basic utilities, shall not exceed 30% of eighty (80) percent of median income, adjusted for the average size of family expected to occupy the unit based on the number of bedrooms, all as determined by the

Housing Director, for a minimum period of fifty (50) years. For owner-occupied housing, the initial sale price shall not exceed an amount determined by the Housing Director to be consistent with affordable housing for a moderate-income household with the average family size expected to occupy the unit based on the number of bedrooms, and the units shall be subject to recorded instruments satisfactory to the Housing Director providing for sales prices on any resale consistent with affordability on the same basis. The Housing Director may promulgate rules specifying the method of determining affordability, including eligible monthly housing costs. The Housing Director may also promulgate rules for determining whether units satisfy the requirements of this section and any requirements relating to down-payment amount, design, quality, maintenance and condition of the low-income housing or moderate-income housing.

3. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus development under the performance option if the housing satisfies all of the following conditions:

(i) It is committed to serve an eligible income group, and for a time period, referred to in this section pursuant to an agreement between the housing owner and the City.

(ii) The agreement required by subsection (i) is executed and

recorded prior to the issuance of the master use permit to establish the use for the project using the bonus development, but except when subsection (iii)(B) below applies, no earlier than 1 year prior to issuance of that master use permit.

(iii) Either (A) the Certificate of Occupancy for the new low-income housing or moderate income housing, or both, must be issued within 3 years of the date the Certificate of Occupancy is issued for the project using the bonus, development unless the Housing Director approves an extension based on delays that the applicant or housing developer

could not reasonably have avoided, or (B) only in the case of low-income housing on a lot adjacent to the project using bonus development, which housing is subject to a regulatory agreement related to long-term City financing of low-income housing and was developed under a master use permit issued pursuant to a decision that considered the housing together with a project then proposed on that adjacent site, a final Certificate of Occupancy for the low-income housing was issued within 5 years of the building permit issuance for the project proposed for bonus development on the adjacent lot.

(iv) If the low-income housing or moderate-income housing is not owned by the applicant, then the applicant made a financial contribution to the low-income housing or moderate-income housing, or

promised such contribution and has provided to the City an irrevocable, unconditional letter of credit to ensure its payment, in form and content satisfactory to the Housing Director, in either case in an amount determined by the Housing Director to be, when reduced by the value of any expected benefits to be received for such contribution other than the bonus development, approximately equal to the cost of providing units within the project using the bonus development, and the owner of the low-income housing or moderate-income housing has entered into a linkage agreement with the applicant pursuant to which only the applicant has the right to claim such housing for purposes of bonus development under this section or any other bonus under this title.

4. Any applicant seeking to qualify for bonus floor area based on development of new housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the three (3) year period specified in subsection B3 of this section, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank

of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus development for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus development is sought.

5. Nothing in this chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus development depend upon the regulations in effect at the relevant time for the project proposing to use such bonus development, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus development will be permitted based on such housing.

6. The Director of the Office of Housing is authorized to accept

and execute agreements and instruments to implement this section. For the performance option, the voluntary agreement by the applicant or, if the applicant is not the housing owner, then a recorded agreement of the housing owner acceptable to the Housing Director, shall provide for an initial monitoring fee payable to the City of \$500 per unit of low-income housing or moderate-income housing provided, and in the case of rental housing, an annual monitoring fee payable to the City of \$65 for each such unit. For rental housing, such agreement also shall require the housing owner to submit to the City annual reports with such information as the Housing Director shall require for monitoring purposes. In the case of housing for owner-occupancy, the recorded resale restrictions also shall include a provision requiring payment to the City, on any sale or other transfer, of a fee of \$500 for the review and processing of transfer documents to determine compliance with income and affordability restrictions.

7. If the Housing Director shall certify to the Director that the Housing Director has accepted and there have been recorded one or more agreements or instruments satisfactory to the Housing Director providing for occupancy and affordability restrictions on housing provided for purposes of the performance option under this section, and that either all affordable housing has been completed or the applicant has provided the City with an irrevocable, unconditional letter of credit satisfactory to the Housing Director in the amount of the contribution to the affordable housing approved by the

Housing Director, if applicable, then any failure of such housing to satisfy the requirements of this subsection B shall not affect the right to maintain or occupy the bonus development. Unless and until the Housing Director shall so certify, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the low-income or moderate-income housing units, or both, as applicable, shall continue to satisfy the requirements of this subsection throughout the term specified in this section and that such compliance shall be documented to the satisfaction of the Director of the Office of Housing. The Director of the Office of Housing may provide by rule for circumstances in which low-income or moderate-income housing units, or both, as applicable, may be replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide low-income housing or moderate-income housing, or both, under the terms of this subsection.

8. Housing units produced with voluntary contributions made under this section, shall include a range of unit sizes, including units suitable for families with children. Housing units provided to qualify for bonus development shall comply with the following: (i) they shall be provided in a range of sizes comparable to those available to other residents; (ii) to the extent practicable, the number of bedrooms in low-income units and moderate-income units must

be in the same proportion as the number of bedrooms in units within the entire building; (iii) the low-income units and moderate-income units shall generally be distributed throughout the building, except that they may be provided in an adjacent building; and (iv) the low-income units and moderate-income units shall have substantially the same functionality as the other units in the building or buildings. The Housing Director is authorized to prescribe by rule standards and procedures for determining compliance with the requirements of this subsection 7. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing developments funded by contributions received under this section.

9. References in this subsection B to a Certificate of Occupancy for a project mean the first Certificate of Occupancy issued by the City for the project, whether temporary or permanent.

C. Cash Option Payments.

1. The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84=100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other relevant and appropriate index that such Director may deem appropriate. Any such adjustment to the cash contribution amounts may be implemented

through a rule-making process.

2. Cash payments under voluntary agreements for bonuses shall be made prior to issuance, and as a condition to issuance, of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, unless the applicant elects in writing to defer payment. If the applicant elects to defer payment, then the issuance of any certificate of occupancy for the project shall be conditioned upon payment of the full amount of the cash payment determined under this Section, plus an interest factor equal to that amount multiplied by the increase, if any, in the Consumer Price Index, All Urban Consumers, West Region, All Items, 1962-64=100, as published monthly, from the last month prior to the date when payment would have been required if deferred payment had not been elected, to the last month for which data are available at the time of payment. If the index specified in this subsection is not available for any reason, the Director shall select a substitute cost of living index. In no case shall the interest factor be less than zero. All payments under this Section shall be deposited in special accounts established solely to fund capital expenditures for the affordable housing for low-income households.

D. No Subsidies for Bonused Housing: Exception.

1. Intent. Housing provided through the bonus system is intended

to mitigate a portion of the additional low-income housing needs resulting from increased high-rise market rate housing development, beyond those needs that would otherwise exist, which the City and other governmental and charitable entities attempt to meet through various subsidy programs. Allowing bonus development under the performance option for housing that uses such subsidy programs therefore could undermine the intent of this section.

2. Agreement Concerning Subsidies. The Director of the Office of Housing may require, as a condition of any bonus floor area for housing under the performance option, that the owner of the lot upon which the low-income housing is located agree not to seek or accept any subsidies, including without limitation those items referred to in subsection D3 of this section, related to the housing, except for any subsidies that may be allowed by the Director of the Office of Housing under that subsection. The Housing Director may require that such agreement provide for the payment to the City, for deposit in an appropriate account to be used for Downtown low-income housing, of the value of any subsidies received in excess of any amounts allowed by such agreement.

3. No Bonus for Subsidized or Restricted Housing. In general, no bonus may be earned by providing housing if:

a. Any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing

development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, county housing funds, State of Washington housing funds, or property tax exemptions or other special tax treatment; or

b. The housing is or would be, independent of the requirements for the bonus, subject to any restrictions on the use, occupancy or rents.

4. Exceptions by Rule. The Director of the Office of Housing may provide, by rule promulgated after the effective date of this ordinance, for terms and conditions on which exceptions to the restriction on subsidies in this subsection may be allowed. Such rule may provide that, as a condition to any exception, the Director of the Office of Housing shall increase the amount of floor area of low-income housing or moderate-income housing per square foot of bonus development, otherwise determined pursuant to subsection B of this section, to an amount that allows credit for only the Director's estimate of the incremental effect, in meeting the City's housing needs for the next fifty (50) years, of the net financial contribution that is being made by the applicant pursuant to the voluntary agreement and not funded or reimbursed, directly or indirectly, from any other source.

Section 19. Section 23.49.016 of the Seattle Municipal Code, which

Section was last amended by Ordinance 121196, is hereby repealed.

Section 20. Subchapter I of Chapter 23.49 is amended to renumber Section 23.49.009, which was last amended by Ordinance 121477, and amend it as follows:

23.49.016 Open space.

A. Finding. The City Council finds that:

1. Office workers are the principal users of Downtown open space.
2. Additional major office projects Downtown will result in increased use of public open space.
3. If additional major office projects Downtown do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety and welfare.
4. The additional open space needed to accommodate office workers is at least twenty (20) square feet for each one thousand (1,000) square feet of office space.
5. Smaller office developments may encounter design problems in

incorporating open space, and the sizes of open spaces provided for office projects under eighty-five thousand (85,000) square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than eighty-five thousand (85,000) square feet of new office space should be exempt from any open space requirement.

6. As indicated in the October 1994 report of the Department of Construction and Land Use, with the exception of certain projects, most major recent Downtown office projects have provided significant amounts of on-site open space. Therefore, requiring open space for future major projects will tend to ensure that existing projects do not bear the burdens caused by new development and will result in an average reciprocity of advantage.

B. Quantity of Open Space. Open space in the amount of twenty (20) square feet for each one thousand (1,000) square feet of gross office floor area shall be required of projects that include eighty-five thousand (85,000) or more square feet of gross office floor area in

DOC1, DOC2, DMC, DMR/C and DH2 zones, except that the floor area of a museum expansion space, satisfying the provisions of Section 23.49.011 B1h, shall be excluded from the calculation of gross office floor area.

C. Standards for Open Space. To satisfy this requirement, open

space may be provided on-site or off-site, as follows:

1. Private Open Space. Private open space on the project site or on an adjacent lot directly accessible from the project site may satisfy the requirement of this section. Such space shall not be eligible for bonuses. Private open space shall be open to the sky and shall be consistent with the general conditions related to landscaping, seating and furnishings contained in the Downtown Amenity Standards. Private open space satisfying this requirement must be accessible to all tenants of the building and their employees.

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for amenity feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of Section 23.49.013 and the Downtown Amenity Standards for one (1) or more of the following:

\* Parcel park;

\* Green street setback and green street improvement on an abutting right-of-way;

\* Hillside terrace;

\* Harborfront open space; or

\* Urban plaza.

b. On-site open space satisfying the requirement of subsection C2a of this section may achieve a bonus as an amenity feature not to exceed any limits pursuant to Section 23.49.013, subject to the conditions in this chapter, which bonus shall be counted against, and not increase, the total FAR bonus available from the provision of amenity features.

### 3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (1/4) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area. The minimum size of off-site open space and maximum distance from the project may be increased or decreased for a project if the Director determines that such adjustments are reasonably necessary to provide for open space that will meet the additional need for open space caused by the project and enhance public access.

b. Public open space provided on a site other than the project site may qualify for a development bonus for the project if the open space meets the standards of Section 23.49.013 and is one of the open space features cited in subsection C2a of this section. Bonus ratios for off-site open space are prescribed in Section 23.49.013. This bonus is counted against, and may not increase, the total amount of bonus development allowed under Section 23.49.011 and Section 23.49.013

4. Easement for Off-site Open Space. The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Downtown Amenity Standards. The Director is authorized to accept such an easement, provided that the terms do not impose any costs or obligations on the City.

D. Payment in Lieu. In lieu of providing open space under this requirement, an owner may make a payment to the City if the Director determines that the payment will contribute to the improvement of a designated green street or to other public open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open

space caused by the project, and that the improvement within a reasonable time is feasible. Any such

payment shall be placed in a dedicated fund or account and used

within five (5) years of receipt for the development of such improvements, unless the property owner and the City

agree upon another use involving the acquisition or development of public open space that will mitigate the impact of the project. A

bonus may be allowed for a payment in lieu

of providing improvement made wholly or in part to satisfy the requirements of this section, pursuant to Section 23.49.013.

E. Limitations. Open space satisfying the requirement of this section for any project shall not be used to satisfy the open space requirement for any other project, nor shall any bonus be granted to any project for open space meeting the requirement of this section for any other project. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.013. Open space on the site of any building for which a Master Use Permit decision was issued or a complete building permit application was filed prior to the effective date of ordinance 117430, that is not required under the Land Use Code in effect when such permit decision was issued or such application filed but that would have been required for the same building by this section, shall not be used to satisfy the open space requirement or to gain an FAR bonus for any other project.

F. Authority. This section is adopted pursuant to the Growth Management Act, the City's Comprehensive Plan and the City's inherent police power authority. The City Council finds that the requirements of this section are necessary to protect and promote the public health, safety and welfare.

Section 21. Subchapter I of Chapter 23.49 is amended to renumber Section 23.49.027, which section was enacted by Ordinance 120443, and amend it as follows:

Section 23.49.017 Open\_space TDR Site Eligibility

A. Intent. The intent of open\_space TDR is to provide opportunities for establishing a variety of usable public open space generally distributed to serve all areas of downtown.

B. Application and Approval. The owner of a lot who wants to establish and convey open space TDR shall apply to the Director for approval of the lot as a sending lot for open space TDR. The application shall include a design for the open space in such detail as the Director shall require and a maintenance plan for the open space. The Director shall review the application pursuant to the provisions of this section, and shall approve, disapprove or conditionally approve the application to establish and convey open space TDR. Conditions may include, without limitation, assurance of funding for long-term maintenance of the open space and

dates when approvals shall expire if the open space is not developed.

C. Area Eligible for Transfer. For purposes of calculating the amount of TDR transferable under Section 23.49.014, Transfer of Development Rights (TDR), eligible area does not include any portion of the lot occupied above grade by a structure or use unless the structure or use is accessory to the open space.

D. Basic requirements. In order to qualify as a sending lot for open space TDR, the sending lot must include open space that satisfies the basic requirements of this subsection, unless an exception is granted by the Director pursuant to Section 23.49.039 subsection H of this Section. A sending lot for open space TDR must:

1. Include a minimum area as follows:

- a. Contiguous open space with a minimum area of fifteen thousand (15,000) square feet; or

- b. A network of adjacent open spaces, which may be separated by a street right-of-way, that are physically and visually connected with a minimum area of thirty thousand (30,000) square feet;

2. Be directly accessible from the sidewalk or another public

open space, including access for persons with disabilities;

3. Be at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected;

4. Not have more than twenty (20) percent of the lot area occupied by any above grade structures; and

5. Be located a minimum of one quarter (1/4) mile from the closest lot approved by the Director as a separate open space TDR site.

E. Open Space Guidelines. The Director shall consider the following guidelines, and may disapprove or condition an application based on one or more of them. If the Director determines that the design for the open space will substantially satisfy the intent of the guidelines as a whole, the Director need not require that every guideline be satisfied as a condition to approval. Open space should be designed to:

1. Be well integrated with downtown's pedestrian and transit network;

2. Be oriented to promote access to sun and views and protection from wind, taking into account potential development on adjacent lots

built to the maximum limits zoning allows;

3. Enhance user safety and security and ease of maintenance;

4. Be highly visible because of the relation to the street grid, topographic conditions, surrounding development pattern, or other factors, thereby enhancing public access and identification of the space as a significant component of the urban landscape;

5. Incorporate various features, such as seating and access to food service, that are appropriate to the type of area and that will enhance public use of the area as provided by the guidelines for an urban plaza in the

Downtown Amenity Standards;

6. Provide such ingress and egress as will make the areas easily accessible to the general public along street perimeters;

7. Be aesthetically pleasing space that is well integrated with the surrounding area through landscaping and special elements, which should establish an identity for the space while providing for the comfort of those using it;

8. Increase activity and comfort while maintaining the overall open character of public outdoor space; and

9. Include artwork as an integral part of the design of the public space.

F. Public Access.

1. Recorded Documents. The open space must be subject to a recorded easement, or other instrument acceptable to the Director, to limit any future development on the lot and to ensure general public access and the preservation and maintenance of the open space, unless such requirement is waived by the Director for open space in public ownership. The Director is authorized to accept such an easement or instrument, so long as its terms do not impose obligations or costs on the City.

2. Hours of Operation. The open space must be open to the general public without charge for reasonable and predictable hours, such as those for a public park, for a minimum of ten (10) hours each day of every week. Within the open space, property owners, tenants and their agents shall allow individuals to engage in activities allowed in public parks of a similar nature. Free speech activities such as hand billing, signature gathering and holding signs, all without obstructing access to the open space, or adjacent buildings or features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities members of the public may not be asked to leave for any reason other than conduct that unreasonably

interferes with the enjoyment of the space by others.

3. Plaque Requirement. A plaque indicating the nature of the site and its availability for general public access must be placed in a visible location at the entrances to the site. The text on the plaque is subject to the approval of the Director.

G. Maintenance. The property owner and/or another responsible party who shall have assumed obligations for maintenance on terms approved by the Director, shall maintain all elements of the site, including but not limited to landscaping, parking, seating and lighting, in a safe and clean condition as provided for in a maintenance plan to be approved by the Director.

H. Special exception for Open Space TDR sites.

The Director may authorize an exception to the requirements for open space TDR sites in subsection D of this Section, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.

1. The provisions of this subsection H will be used by the Director in determining whether to grant, grant with condition or deny a special exception. The Director may grant exceptions only to the extent such exceptions further the provisions of this subsection

H.

2. In order for the Director to grant, or grant with conditions, an exception to the requirements for open space TDR sites, the following must be satisfied:

a. The exception allows the design of the open space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings; and

b. The applicant demonstrates that the exceptions would result in an open-space that better meets the intent of the provisions for open space TDR sites in subsection G of this Section.

Section 22. [Reserved]

Section 23. Section 23.49.017 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is hereby repealed.

Section 24. Section 23.49.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is hereby repealed.

Section 25. Section 23.49.019 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 26. Section 23.49.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is hereby

repealed.

Section 27. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.018 Overhead Weather Protection and Lighting.

A. Continuous overhead weather protection shall be required for new development along the entire street frontage of a lot except along those portions of the structure facade that:

1. are located farther than five (5) feet from the street property line or widened sidewalk on private property; or
2. abut a bonused open space amenity feature; or
3. are separated from the street property line or widened sidewalk on private property by a landscaped area at least two (2) feet in width; or
4. are driveways into structures or loading docks.

B. Overhead weather protection shall have a minimum dimension of eight (8) feet measured horizontally from the building wall or must extend to a line two (2) feet from the curb line, whichever is less.

C. The installation of overhead weather protection shall not result in any obstructions in the sidewalk area.

D. The lower edge of the overhead weather protection must be a minimum of ten (10) feet and a maximum of fifteen (15) feet above the sidewalk.

E. Lighting for pedestrians shall be provided if ambient lighting from other sources is not adequate. The lighting may be located on the facade of the building or on the overhead canopy.

Section 28. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.019 Parking quantity, location and access requirements, and screening and landscaping of surface parking areas.

The regulations in this section do not apply to the Pike Market Mixed zones.

A. Parking Quantity Requirements

1. No parking, either long-term or short-term, is required for uses on lots in Downtown zones, except as follows:

a. In the International District Mixed and International District Residential zones, parking requirements for restaurants, motion picture theaters, and other entertainment uses and places of public assembly are as prescribed by Section 23.66.342.

b. In the International District Mixed and International District Residential zones, the Director of the Department of Neighborhoods, upon the recommendation of the International District Special Review District Board may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access.

c. Bicycle parking is required as specified in E1 of this Section.

2. Reduction or Elimination of Parking Required by Permits. A property owner may apply to the Director for the reduction or elimination of parking required by any permit issued under this title or Title 24, except for a condition contained in or required pursuant to any Council conditional use, contract rezone, planned community development or other Type IV decision. The Director may grant reduction or elimination of required parking as a Type I decision, either as part of a Master Use Permit for the establishment of any new use or structure, or as an independent application for reduction or elimination of parking required by permit. Parking for bicycles may not be reduced or eliminated under this subsection. Any

Transportation Management Plan (TMP) required by permit for the development for which a parking reduction or elimination is proposed shall remain in effect, except that the Director may change the conditions of the TMP to reflect current conditions and to mitigate any parking and traffic impacts of the proposed changes. If any bonus floor area was granted for the parking, then reduction or elimination shall not be permitted except in compliance with applicable provisions regarding the elimination or reduction of bonus features. If any required parking that is allowed to be reduced or eliminated under this subsection is the subject of a recorded parking covenant, the Director may authorize modification or release of the covenant.

B. Parking Location within Structures.

1. Parking at street level

a. On Class I pedestrian streets and designated green streets, parking is not permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets, parking may be permitted at street level if:

(1) at least thirty (30) percent of the street frontage of any street level parking area, excluding that

portion of the frontage occupied by garage doors, is separated from the street by other uses;

(2) the facade of the separating uses satisfies the transparency and blank wall standards for Class I pedestrian streets for the zone in which the structure is located;

(3) the portion of the parking, excluding garage doors, that is not separated from the street by other uses is screened from view at street level; and

(4) the street facade is enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

2. Except as provided in subsection B1 above for parking at street level, parking within structures shall be located below street level or separated from the street by other uses, except as follows:

a. On lots that are less than thirty thousand (30,000) square feet in size or that are less than one hundred and fifty (150) feet in depth measured from the lot line with the greatest street frontage, parking shall be permitted above the first story under the following conditions:

(1). One story of parking shall be permitted above the first story of a structure for each story of parking provided below grade that is of at least equivalent capacity, up to a maximum of four stories of parking above the first story.

(2). Parking above the third story of a structure shall be separated from the street by another use for a minimum of 30% of each street frontage of the structure. For structures on lots located at street intersections, the separation by another use shall be provided at the corner portion(s) of the structure.

(3) The perimeter of each story of parking above the first story of the structure shall have an opaque screen at least three and one-half (3 1/2) feet high where the parking is not separated from the street by another use.

b. The Director may permit more than four stories of parking above the first story of the structure, or may permit other exceptions to subsection B2a(1) as a Type I decision if the Director finds that locating parking below grade is infeasible due to physical site conditions such as a high water table or proximity to a tunnel. In such cases, the applicant shall place the maximum feasible amount of parking below grade before more than four stories of parking above the first story shall be permitted.

C. Maximum Parking Limit for Nonresidential Uses.

1. Except as provided in subsection C2 below, parking for nonresidential uses is limited to a maximum of one parking space per one thousand (1,000) square feet.

2. More than one (1) parking space per one thousand (1,000) square feet of nonresidential use may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of parking demand and alternative means of transportation, including but not limited to the following:

a. Whether the additional parking will substantially encourage the use of single occupancy vehicles;

b. Characteristics of the work force and employee hours, such as multiple shifts that end when transit service is not readily available;

c. Proximity of transit lines to the lot and headway times of those lines;

d. The need for a motor pool or large number of fleet vehicles at the site;

e. Proximity to existing long-term parking opportunities

downtown which might eliminate the need for additional parking on the lot;

f. Whether the additional parking will adversely affect vehicular and pedestrian circulation in the area;

g. Potential for shared use of additional parking as residential or short-term parking.

h. The need for additional short-term parking to support shopping in the retail core or retail activity in other areas where short-term parking is limited.

D. Ridesharing and transit incentive program requirements.

The following requirements apply to all new structures containing more than ten thousand (10,000) square feet of new nonresidential use, and to structures where more than ten thousand (10,000) square feet of nonresidential use is proposed to be added.

1. The building owner shall establish and maintain a transportation coordinator position for the proposed structure and designate a person fill this position, or the building owner may contract with an area-wide transportation coordinator acceptable to the Department. The transportation coordinator shall devise and implement alternative means for employee commuting. The

transportation coordinator shall be trained by the Seattle Department of Transportation or by an alternative organization with ridesharing experience, and shall work with the Seattle Department of Transportation and building tenants. The coordinator shall disseminate ridesharing information to building occupants to encourage use of public transit, carpools, vanpools and flextime; administer the in-house ridesharing program; and aid in evaluation and monitoring of the ridesharing program by the Seattle Department of Transportation. The transportation coordinator in addition shall survey all employees of building tenants once a year to determine commute mode percentages.

2. The Seattle Department of Transportation, in conjunction with the transportation coordinator, shall monitor the effectiveness of the ridesharing/transit incentive program on an annual basis. The building owner shall allow a designated Department of Transportation or rideshare representative to inspect the parking facility and review operation of the ridesharing program.

3. The building owner shall provide and maintain a transportation information center, which has transit information displays including transit route maps and schedules and Seattle ridesharing program information. The transportation display shall be located in the lobby or other location highly visible to employees within the structure, and shall be established prior to issuance of a certificate of occupancy.

E. Bicycle Parking

1. The minimum number of off-street spaces for bicycle parking required for specific use categories is set forth in Chart 23.49.019 A below. In the case of a use not shown on Chart 23.49.019 A, there is no minimum bicycle parking requirement. After the first fifty (50) spaces for bicycles are provided for a use, additional spaces are required at one half (1/2) the ratio shown in Chart 23.49.019 A. Spaces within dwelling units or on balconies do not count toward the bicycle parking requirement.

Chart 23.49.019 A

Use	Bicycle Parking Required
Office	1 space per 5,000 square feet of gross floor area of office use
Hotel	.05 spaces per hotel room
Retail use over 10,000 square feet	1 space per 5,000 square feet of gross floor area of retail use



the City to fund public bicycle parking in the public right-of-way in lieu of providing required bicycle parking on- or off-site, if the Director determines that:

a. Safe, accessible and convenient bicycle parking accessory to a nonresidential use cannot be provided on-site or in a shared bicycle parking facility within one hundred (100) feet of the lot, without extraordinary physical or financial difficulty;

b. The payment is comparable to the cost of providing the equivalent bicycle parking on-site, and takes in consideration the cost of materials, equipment and labor for installation; and

c. The bicycle parking funded by the payment is located within sufficient proximity to serve the bicycle parking demand generated by the project.

d. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt to provide the bicycle parking.

#### F. Bicycle Commuter Shower Facilities

Structures containing two hundred fifty thousand (250,000) square feet or more of office gross floor area shall include shower facilities and clothing storage areas for bicycle commuters. One

shower per gender shall be required for every two hundred fifty thousand (250,000) square feet of office use. Such facilities shall be for the use of the employees and occupants of the building, and shall be located where they are easily accessible to parking facilities for bicycles.

G. Off-street Loading.

1. Off-street loading spaces shall be provided according to the standards of Section 23.54.030, Parking space standards.

2. In Pioneer Square Mixed zones, the Department of Neighborhoods Director, after review and recommendation by the Pioneer Square Preservation Board, may waive or reduce required loading spaces according to the provisions of Section 23.66.170, Parking and access.

3. In International District Mixed and International District Residential zones, the Department of Neighborhoods Director, after review and recommendation by the International District Special Review District Board, may waive or reduce required loading spaces according to the provisions of Section 23.66.342, Parking and access.

H. Standards for location of access to parking.

This subsection does not apply to Pike Market Mixed, Pioneer Square Mixed, International District Mixed, and International District

Residential zones.

1. Curbcut Location. When a lot abuts more than one (1) right-of-way, the\_location of access shall be determined by the Director after consulting with the Director of Transportation. The Director shall consider the classification of rights-of-way on Map 1B and the ranking of the classification below, from most to least preferred:

a. Alley, if of sufficient width to accommodate existing and anticipated\_uses;

b. Access street;

c. Class II pedestrian street-Minor arterial;

d. Class II pedestrian street-Principal arterial;

e. Class I pedestrian street-Minor arterial;

f. Class I pedestrian street-Principal arterial;

g. Principal transit street.

2. Curbcut controls on designated green streets shall be evaluated on a case-by-case basis, but generally access from green

streets is not allowed.

3. The preferred right-of-way for access indicated by subsection H1 shall be further evaluated by the Director, after consulting with the Director of Transportation, for a final determination based on whether the location of the access will expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid the on-street queuing of vehicles, enhance vehicular safety and pedestrian comfort, or create a hazard.

4. Curbcut Width and Number. The width and number of curbcuts shall comply with the provisions of Section 23.54.030, Parking space standards.

I. Screening and landscaping of surface parking areas.

1. Screening. Surface parking areas for more than five (5) vehicles shall be screened in accordance with the following requirements:

- a. Screening is required along each street lot line.
- b. Screening shall consist of a landscaped berm, or a view-obscuring fence or wall at least three (3) feet in height.
- c. A landscaped strip on the street side of the fence or wall

shall be provided when a fence or wall is used for screening. The strip shall be an average of three (3) feet from the property line, but at no point less than one and one-half (1 1/2) feet wide. Each landscaped strip shall be planted with sufficient shrubs, grass and/or evergreen groundcover so that the entire strip, excluding driveways, will be covered in three (3) years.

d. Sight triangles shall be provided in accordance with Section 23.54.030, Parking space standards.

2. Landscaping. Surface parking areas for twenty (20) or more vehicles, except temporary surface parking areas, shall be landscaped in accordance with the following requirements:

a. Amount of landscaped area required:

Total Number of Parking Spaces	Required Landscaped Area
20 to 50 spaces space	18 square feet per parking
51 to 99 spaces space	25 square feet per parking
100 or more spaces space	35 square feet per parking

b. The minimum size of a required landscaped area is one hundred (100) square feet. Berms provided to meet the screening standards in subsection I2 of this section may be counted as part of a landscaped area. No part of a landscaped area shall be less than four (4) feet in any dimension except those dimensions reduced by turning radii or angles of parking spaces.

c. No parking stall shall be more than sixty feet (60') from a required landscaped area.

d. One (1) tree per every five (5) parking spaces is required.

e. Each tree shall be at least three (3) feet from any curb of a landscaped area or edge of the parking area.

f. Permanent curbs or structural barriers shall enclose landscaped areas.

g. Sufficient hardy evergreen groundcover shall be planted to cover each landscaped area completely within three (3) years. Trees shall be selected from Seattle Department of Transportation's list for parking area planting.

Section 29. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.020 Demonstration of LEED Silver rating.

A. Applicability. This section applies whenever a commitment to earn a LEED Silver rating or substantially equivalent standard is a condition of a permit pursuant to SMC Section 23.49.011 or 23.49.015.

B. Demonstration of Compliance; Penalties.

1. The applicant shall demonstrate to the Director the extent to which the applicant has complied with the commitment to earn a LEED Silver rating no later than ninety days after issuance of final Certificate of Occupancy for the new structure, or such later date as may be allowed by the Director for good cause, by submitting a report analyzing the extent credits earned toward such rating from the U.S. Green Building Council or another independent entity approved by the Director. For purposes of this section, if the Director shall have approved a commitment to achieve a substantially equivalent standard, the term "LEED Silver rating" shall mean such other standard.

2. Failure to submit a timely report regarding a LEED Silver rating from an approved independent entity by the date required 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, without any requirement of notice to the applicant.

3. Failure to demonstrate, through an independent report as provided in this subsection, full compliance with the applicant's commitment to earn a LEED Silver rating, is a violation of the Land Use Code. The penalty for each violation is an amount determined as follows:

$$P = [(LSM - CE) / LSM] \times CV \times 0.0075,$$

where:

P is the penalty;

LSM is the minimum number of credits to earn a LEED Silver rating;

CE is the number of credits earned as documented by the report; and

CV is the Construction Value as set forth on the building permit for the new structure.

Example:

Construction Value	\$ 200,000,000.00
Minimum LEED Credits for Silver rating	33
Credits Earned	32

$$\text{Penalty} = [(33-32)/33] \times 200,000,000 \times .0075 = \$45,454.55$$

4. Failure to comply with the applicant's commitment to earn a LEED Silver rating is a violation of the Land Use Code independent of the failure to demonstrate compliance; however, such violation shall not affect the right to occupy any chargeable floor area, and if a penalty is paid in the amount determined under subsection B3 of this section, no additional penalty shall be imposed for the failure to comply with the commitment.

5. If the Director determines that the report submitted provides satisfactory evidence that the applicant's commitment is satisfied, the Director shall issue a certificate to the applicant so stating. If the Director determines that the applicant did not demonstrate compliance with its commitment to earn a LEED Silver rating in accordance with this section, the Director may give notice of such determination, and of the calculation of the penalty due, to the applicant.

6. If, within 90 days, or such longer period as the Director may allow for good cause, after initial notice from the Director of a penalty due under this subsection, the applicant shall demonstrate, through a supplemental report from the independent entity that provided the initial report, that it has made sufficient alterations or improvements to earn a LEED Silver rating, or to earn

more credits toward such a rating, then the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as so redetermined shall be final. If the applicant does not submit a supplemental report in accordance with this subsection by the date required under this subsection, then the amount of the penalty as set forth in the Director's original notice shall be final.

7. Any owner, other than the applicant, of any lot on which the bonus development was obtained or any part thereof, shall be jointly and severally responsible for compliance and liable for any penalty due under this subsection.

C. Use of Penalties. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsection B of this section. Revenue from penalties under that subsection shall be allocated to activities or incentives to encourage and promote the development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated.

Section 30. Section 23.49.025 of the Seattle Municipal Code, which Section was last amended by Ordinance 120967, is hereby repealed.

Section 31. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space standards.

A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least ten (10) feet above finished sidewalk grade, and directed away from residential uses within fifty (50) feet of the vent.

1. Major Odor Sources.

a. Uses that employ the following odor-emitting processes or activities are considered major odor sources:

Lithographic, rotogravure or flexographic printing;

Film burning;

Fiberglassing;

Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;

Handling of heated tars and asphalts;

Incinerating (commercial);

Metal plating;

Use of boilers (greater than 106 British thermal units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);

Other similar uses.

b. Uses which employ the following processes are considered major odor sources except when the entire activity is conducted as part of a retail sales and service use:

Cooking of grains;

Smoking of food or food products;

Fish or fishmeal processing;

Coffee or nut roasting;

Deep fat frying;

Dry cleaning;

Other similar uses.

2. Review of Major Odor Sources. When an application is made for a use which is a major odor source, the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be specified on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures that were required by the permit shall be maintained.

B. Noise standards

1. All food processing for human consumption, custom and craft work involving the use of mechanical equipment, and light manufacturing activities shall be conducted wholly within an enclosed structure.

2. The following uses or devices are considered major noise generators:

a. Light manufacturing uses;

b. Auto body, boat and aircraft repair shops; and

c. Other similar uses.

3. When a major noise generator is proposed, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specified construction techniques or building materials. Measures to be taken shall be specified on the plans. After a permit has been issued, any measures that are required by the permit to limit noise shall be maintained.

C. Lighting and glare.

1. Exterior lighting shall be shielded and directed away from adjacent uses.

2. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.

D. Solid waste and recyclable materials storage space.

1. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in Downtown zones and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, the addition of two or more units to a multifamily structure shall be considered expansion.

2. The design of the storage space shall meet the following requirements:

a. The storage space shall have no dimension (width and depth) less than six (6) feet;

b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and

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

3. The location of the storage space shall meet the following requirements:

a. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing facade of the structure and the street;

b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;

c. The storage space shall not block or impede any fire exits,

public rights-of-ways or any pedestrian or vehicular access; and

d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

4. Access to the storage space for occupants and service providers shall meet the following requirements:

a. For rear-loading containers:

(1) Any ramps to the storage space shall have a maximum slope of six (6) percent, and

(2) Any gates or access routes shall be a minimum of six (6) feet wide; and

b. For front-loading containers:

(1) Direct access shall be provided from the alley or street to the containers,

(2) Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and

(3) When accessed directly by a collection vehicle into a structure, a twenty-one (21) foot overhead clearance shall be

provided.

5. The solid waste and recyclable materials storage space specifications required in subsections 1, 2, 3, and 4 of this subsection above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

6. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to allow departure from the requirements of subsections 1, 2, 3, and 4 of this subsection as a Type I decision when the applicant proposes alternative, workable measures that meet the intent of this section and:

a. For new construction, the applicant can demonstrate significant difficulty in meeting any of the requirements of subsections 1, 2, 3, and 4 of this subsection due to unusual site conditions such as steep topography; or

b. For expansion of an existing building, the applicant can demonstrate that the requirements of subsections 1, 2, 3, and 4 of this subsection conflict with opportunities to retain ground-level retail uses.

Seattle Municipal Code

Chart 23.49.025 A

Structure Type Type	Structure Size	Minimum Area for Storage Space	Container
Multifamily*	7 -- 15 units	75 square feet	Rear-loading
	16 -- 25 units	100 square feet	Rear-loading
	26 -- 50 units	150 square feet	Front- loading
	51 -- 100 units	200 square feet	Front- loading
loading	More than 100 units	200 square feet plus 2 square feet for each additional unit	Front- loading
Commercial*	0 -- 5,000 square feet	82 square feet	Rear-loading
	5,001 -- 15,000 square feet	125 square feet	Rear-loading
	15,001 -- 50,000	175 square feet	Front- loading

	square feet		
loading	50,001 -- 100,000	225 square feet	Front-
	square feet		
loading	100,001 --	275 square feet	Front-
	200,000 square		
	feet		
loading	200,001 plus	500 square feet	Front-
	square feet		

\* Mixed Use Buildings. Mixed use buildings with eighty (80) percent or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

Section 32. [Reserved].

Section 33. Subsection A of Section 23.49.032 of the Seattle Municipal Code, which Section was enacted by Ordinance 120443, is amended as follows:

23.49.032 Additions of chargeable floor area to

lots with existing structures.

A. When development is proposed on a lot that will retain existing structures containing chargeable floor area in excess of the applicable base FAR, additional chargeable floor area may be added to the lot up to the maximum permitted FAR, by qualifying for bonuses or using TDR, or both, and by the use of rural development credits if permitted on such lot, subject to the general rules for FAR and use of bonuses, TDR, and rural development credits, SMC Sections 23.49.011 through 23.49.014. Solely for the purpose of determining the amounts and types of bonus and TDR, if any, that may be used to achieve the proposed increase in chargeable floor area, the legally established continuing chargeable floor area of the existing structures on the lot shall be considered as the base FAR.

\* \* \*

Section 34. The following subsections of Section 23.49.034 of the Seattle Municipal Code, which Section was last amended by Ordinance 112522, are amended as follows, and a new subsection G is added:

23.49.034 Modification of plazas and other features bonused under Title 24

A. The modification of plazas, shopping plazas, arcades, shopping

arcades, and voluntary building setbacks that resulted in any increase in gross floor area under Title 24 of the Seattle Municipal Code, shall be encouraged in any Downtown zone if the change makes the plaza, arcade or setback more closely conform to the criteria for amenities or street level use and development standards in this chapter. The Director shall review proposed modifications to determine whether they provide greater public benefits and are consistent with the intent of the Downtown Amenity Standards, as specified in this section. The procedure for approval of proposed modifications shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, except as provided in subsection G of this section.

\* \* \*

C. Plazas and Shopping Plazas. Modifications to plazas and shopping plazas for which increased gross floor area was granted under Title 24 shall be permitted, based on the classification of the plaza on Map 1E.

1. Type I Plazas. Type I plazas shall continue to function as major downtown open spaces. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza is consistent with the intent of the Downtown Amenity Standards

for urban plazas and parcel parks.

2. Type II Plazas. Type II plazas do not function as major downtown open spaces, but they shall continue to provide open space for the public. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza is consistent with the intent of the Downtown Amenity Standards for urban plazas, parcel parks, and hillside terraces.

D. Shopping Arcades.

1. Exterior Shopping Arcades. When street level uses are eligible for a floor area bonus in a zone in which an existing exterior shopping arcade is located, the existing shopping arcade or a portion of the existing shopping arcade may be converted to retail sales and service uses if the conversion will result in greater conformity with the street facade development standards of the zone, and if the minimum sidewalk widths established by Section 23.49.022 are met. No bonuses shall be given for any retail space created by conversion of a shopping arcade. New retail sales and service uses shall comply with the Downtown Amenity Standards for retail shopping bonuses.

2. Interior Shopping Arcades. Portions of existing interior shopping arcades may be modified and/or reduced in size, so long as

any pathway which connects streets or other public open spaces is maintained at a width of at least fifteen (15) feet and it continues to allow comfortable and convenient pedestrian movement. The visual interest and the sense of space and light in the shopping arcade shall be also maintained and enhanced if possible. The Downtown Amenity Standards for shopping atriums and shopping corridors shall be used as a guideline in the review of proposed changes.

\* \* \*

G. Optional Public Access and Signage Standards. The owner of any lot with a plaza, arcade, shopping plaza, or exterior shopping arcade for which a bonus was granted under Title 24, and which feature has not become subject to standards for amenity features under Title 23, may elect to have the signage requirements and the terms of public access and use for that feature governed by the Downtown Amenity Standards as they apply to urban plazas, as modified by this subsection G. If the owner so elects, then the hours during which such feature must be open to the public without charge shall be as designated by the owner on signs identifying the feature, but in any event shall include the period from 7:00 AM to 11:00 PM every day, plus any other hours during which the principal structure on the lot is open. In order to make an election under this subsection G, the owner shall sign and record in the real property records a declaration in form approved by the Director. The owner then shall

install and maintain signs identifying the feature as open to the public, consistent with the Downtown Amenity Standards. Such election, once made, may not be revoked or modified. The public access and signage requirements pursuant to this subsection shall be deemed conditions of any permit under which a bonus was allowed for the feature. The purpose of this subsection is to encourage public awareness and use of features bonused under Title 24, while providing for greater certainty and consistency in the rules applicable to such features. Until an election shall be made as to any such feature in compliance with this subsection G, nothing in this subsection G shall limit any obligation to allow public access or use of any such feature under the terms of any permit or Code provision.

Section 35. Section 23.49.035 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.035 Replacement and modification of public benefit features

A. All public benefit features, except (1) housing and (2) landmark performing arts theaters, shall remain for the life of the structure that includes the additional gross floor area except as otherwise specifically permitted pursuant to this section.

B. Unless the specified period for which a feature is to be maintained has expired in accordance with the terms of this chapter,

or another provision of this chapter specifically otherwise provides,  
a public benefit feature may be diminished or discontinued only if:

1. the feature is not housing or child care; and

2. a. the additional gross floor area permitted in  
return for the specific feature is permanently removed or converted  
to a use that is not counted as chargeable floor area; or

b. an amount of chargeable floor area equal to  
that obtained by the public benefit feature to be replaced is  
provided pursuant to provisions for granting floor area above the  
base FAR in this chapter.

C. The terms under which use as a landmark performing arts theater  
may be

discontinued or diminished, and the sanctions for failure to  
continue such use, shall be governed by the  
agreements and instruments executed by the City and owners of  
the properties on which such theaters are located

. Any such change in  
use shall not affect any other structure for which additional FAR was  
granted in return for the provision of such public benefit features.

D. In addition to the provisions of subsections  
A and B, this subsection applies in

Downtown zones when additional gross floor area or a floor area exemption is granted for any of the following public benefit features: Human service uses, child care centers, retail shopping, cinemas, performing arts theaters other than landmark performing arts theaters, major retail stores, and museums.

1. In the event that the occupant or operator of one (1) of the public benefit features listed in this subsection moves out of a structure, or notifies the owner of intent to move, the owner

or owner's agent shall notify

the Director within five (5) days of the date that notice of intent to move is given or that the occupant or operator moves out, whichever is earlier.

2. Starting from the fifth day after notice is given or that the occupant or operator moves out, whichever is first, the owner or owner's agent shall have a maximum of six (6) months to replace the use with another use that meets the provisions of Section 23.49.011 and the Downtown Amenity Standards.

3. When the public benefit feature is replaced, any portion of the gross floor area formerly occupied by that feature and not reoccupied by a replacement feature, may be either:

a. Changed to other uses that are exempt

from FAR calculations in the zone in which the structure is located;  
or

b. Changed to uses that are not exempt from FAR calculations, provided that this would not cause the structure to exceed the maximum FAR limit for the zone in which it is located, and that gross floor area in an amount equivalent to the gross floor area proposed to be changed shall be achieved through provision of public benefit features, or transfer of development rights, according to the provisions of SMC Section 23.49.011 .

4. As a condition to allowing the substitution of a feature, rather than an application to establish floor area de novo under the terms of this chapter, during the time that the space formerly constituting the amenity feature is vacant, it shall be made available to nonprofit community and charitable organizations for events at no charge.

E. Modifications of amenity features that do not result in the diminishment or discontinuation of the feature may be permitted by the Director as a Type I decision, provided that the Director finds that the feature as modified meets the eligibility conditions in the Downtown Amenity Standards.

Section 36. Section 23.49.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is amended as

follows:

23.49.036 Planned community developments (PCDs).

A. Authority. Planned community developments may be permitted by the Director as a Type II Land Use Decision pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Public Benefit Priorities. The Director shall determine public benefit priorities for the PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall include priorities for public benefits listed in subsection F and priorities for implementing the goals of the Comprehensive Plan, including adopted neighborhood plans for the area affected by the PCD, and a determination of whether the proposed PCD may use public right-of-way area to meet the minimum site size set forth in subsection E. Before the priorities are prepared, the Director shall cause a public meeting to be held to identify concerns about the site and to receive public input into priorities for public benefits identified in adopted neighborhood plans and subsection F. Notice for the meeting shall be provided pursuant to Section 23.76.011. The Director shall prepare priorities

for the PCD taking into account comments made at the public meeting or in writing to the Director, and the criteria in this section. The Director shall distribute a copy of the priorities to all those who provided addresses for this purpose at the public meeting, to those who sent in comments or otherwise requested notification, and to the project proponent.

C. A PCD shall not be permitted if the Director determines it would be likely to result in a net loss of housing units or if it would result in significant alteration to any designated feature of a Landmark structure, unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board.

D. Location.

1. Planned Community Developments may be permitted in all Downtown zones except the Pike Market Mixed zone and the Downtown Harborfront 1 zone.

2. A portion of a PCD may extend into any non-downtown zone(s) within the Downtown Urban Center and adjacent to a downtown zone subject to the following conditions:

a. The provisions of this title applicable in the non-downtown zone(s) regulate the density of non-residential use by floor area ratio; and

b. The portion of a PCD project located in non-downtown zone(s) shall be not more than twenty percent (20%) of the total area of the PCD .

E. Minimum Size. A PCD shall include a minimum site size of one hundred thousand (100,000) square feet within one or more of the downtown zones where PCDs are permitted according to subsection D1.

The total area of a PCD shall be contiguous.

Public right-of-way shall not be considered a break in contiguity.

At the Director's discretion, public right-of-way area may be included in the minimum area calculations if actions related to the PCD will result in significant enhancements to the streetscape of the public right-or-way, improved transit access and expanded transit facilities in the area, and/or significant improvement to local circulation, especially for transit and pedestrians.

F. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public benefits provided, possible impacts of the project, and consistency with the standards contained in this subsection.

1. Public Benefits. A proposed PCD shall address the priorities for public benefits identified through the process outlined in subsection B. The PCD shall include three (3) or more of the following elements:

a. low-income housing,

b. townhouse development,

c. historic preservation,

d. public open space,

e. implementation of adopted neighborhood plans,

f. improvements in pedestrian circulation,

g. improvements in urban form,

h. improvements in transit facilities, and/or

i. other elements that further an  
adopted City policy and provide a demonstrable public benefit.

2. Potential Impacts. The Director shall evaluate the

potential impacts of a proposed PCD including, but not necessarily limited to, the impacts on housing, particularly low-income housing, transportation systems, parking, energy, and public services, as well as environmental factors such as noise, air, light, glare, public views and water quality.

3. The Director may place conditions on the proposed PCD in order to make it compatibl

e with areas adjacent to Downtown that  
could be affected by the PCD.

4. When the proposed PCD is located in the Pioneer Square Preservation District or International District Special Review District, the Board of the District(s) in which the PCD is located shall review the proposal and make a recommendation to the Department of Neighborhoods Director who shall make a recommendation to the Director prior to the Director's decision on the PCD.

G. Bonus Development

in PCDs. All increases in floor area above the base FAR shall be consistent with provisions in Section 23.49.011, Floor area ratio, and the PCD process shall not result in any increase in the amount of chargeable floor area allowed without

use of bonuses or TDR ,  
considering all of the lots within the PCD boundaries as a  
single lot.

H. Exceptions to Standards.

1. Portions of a project may exceed the  
floor area ratio permitted in the zone or zones in which the PCD is  
located, but the maximum chargeable  
floor area allowed for the PCD as a whole shall meet the  
requirements of the zone or zones in which it is located.

2. Except as provided in subsection H3 of this  
section, any requirements of this chapter may be varied through the  
PCD process in order to provide public benefits identified in  
subsection F.

3. Exceptions to the following provisions are not permitted  
through the PCD process:

a. The following provisions of Subchapter I, General Standards:

(1)

Applicable height limits,

(2) Light and glare standards,

(3) Noise standards,

(4) Odor standards,

(5) Minimum sidewalk widths,

(6) View corridor requirements,

(7) Nonconforming uses,

(8) Nonconforming structures, when the nonconformity is to one (1) of the standards listed in this subsection;

b. Use provisions except for provisions for principal and accessory parking;

c. Transfer of development rights regulations;

d. Bonus ratios and amounts assigned to public benefit features;

e. Development standards of adjacent zones outside the Downtown Urban Center in which a PCD may be partially located according to subsection D2 of this section.

f. Provisions for allowing increases in floor area above the base FAR and for allowing residential floor area above the base height limit.

Section 37. Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is hereby repealed.

Section 38. Section 23.49.039 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 39. Section 23.49.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed, except for Map 23.49.041A, which is renamed Exhibit 23.49.056 F and made part of Section 23.49.056 as amended by this ordinance.

Section 40. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.041 Combined lot development.

When authorized by the Director pursuant to this section, lots located on the same block in DOC1 or DOC2 zones, or in DMC zones with a maximum FAR of ten (10), or lots zoned DOC1 and DMC on the same block, may be combined, whether contiguous or not, solely for the

purpose of allowing some or all of the capacity for chargeable floor area on one such lot under this chapter to be used on one or more other lots, according to the following provisions:

A. Up to all of the capacity on one lot, referred to in this section as the "sending lot," for chargeable floor area in addition to the base FAR, pursuant to Section 23.49.011 (referred to in this section as "bonus capacity"), may be used on one or more other lots, subject to compliance with all conditions to use of such bonus capacity, pursuant to Sections 23.49.011-.014, as modified in this Section. For purposes of applying any conditions related to amenities or features provided on site under Section 23.49.013, only the lot or lots on which such bonus capacity shall be used are considered to be the lot or site using a bonus. Criteria for use of bonus that apply to the structure or structures shall be applied only to the structure(s) on the lots using the transferred bonus capacity.

B. Only if all of the bonus capacity on one lot shall be used on other lots pursuant to this section, there may also be transferred from the sending lot, to one or more such other lots, up to all of the unused base FAR on the sending lot, without regard to limits on the transfer or on use of TDR in Section 23.49.014. Such transfer shall be treated as a transfer of TDR for purposes of determining remaining development capacity on the sending lot and TDR available to transfer under SMC 23.49.014, but shall be treated as additional base FAR on the other lots, and to the extent so treated shall not

qualify such lots for bonus development. If less than all of the bonus capacity of the sending lot shall be used on such other lots, then unused base FAR on the sending lot still may be transferred to the extent permitted for within-block TDR under Section 23.49.014, and if the sending lot qualifies for transfer of TDR under any other category of sending lot in Chart 23.49.014A, such unused base FAR may be transferred to the extent permitted for such category, but in each case only to satisfy in part the conditions to use of bonus capacity, not as additional base FAR.

C. To the extent permitted by the Director, the maximum chargeable floor area for any one or more lots in the combined lot development may be increased up to the combined maximum chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development. To the extent permitted by the Director, and subject to subsection B of this section, the base floor area for any one or more lots in the combined lot development may be increased up to the combined maximum base chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development.

D. The Director shall allow combined lot development only to the extent that the Director determines, in a Type I land use decision, that permitting more chargeable floor area than would otherwise be allowed on a lot shall result in a significant public benefit. In addition to features for which floor area bonuses are granted, the

Director may also consider the following as public benefits that could satisfy this condition when provided for as a result of the lot combination:

1. preservation of a landmark structure located on the block or adjacent blocks;

2. uses serving the downtown residential community, such as a grocery store, at appropriate locations;

3. public facilities serving the Downtown population, including schools, parks, community centers, human service facilities, and clinics;

4. transportation facilities promoting pedestrian circulation and transit use, including through block pedestrian connections, transit stations and bus layover facilities;

5. Short-term parking on blocks within convenient walking distance of the retail core or other Downtown business areas where the amount of available short term parking is determined to be insufficient;

6. a significant amount of housing serving households with a range of income levels;

7. improved massing of development on the block that achieves a better relationship with surrounding conditions, including: better integration with adjacent development, greater compatibility with an established scale of development, especially relative to landmark structures, or improved conditions for adjacent public open spaces, designated green streets, or other special street environments;

8. public view protection within an area; and/or

9. arts and cultural facilities, including a museum or museum expansion space.

E. The fee owners of each of the combined lots shall execute an appropriate agreement or instrument, which shall include the legal descriptions of each lot and shall be recorded in the King County real property records. In the agreement or instrument, the owners shall acknowledge the extent to which development capacity on each sending lot is reduced by the use of such capacity on another lot or lots, at least for so long as the chargeable floor area for which such capacity is used remains on such other lot or lots. The deed or instrument shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by the City of Seattle.

F. Nothing in this Section shall allow the development on any lot in a combined lot development to exceed or deviate from height limits

or other development standards.

Section 41. The following subsections of Section 23.49.042 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, are amended as follows:

23.49.042 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial permitted uses.

The provisions of this section apply in DOC1, DOC2 and DMC zones.

\* \* \*

C. Public Facilities.

1. Except as provided in Section 23.49.046 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 42. Section 23.49.044 of the Seattle Municipal Code, which

Section was last amended by Ordinance 112777, is amended as follows:

23.49.044 Downtown Office Core 1, Downtown Office Core 2, and  
Downtown Mixed Commercial prohibited uses.

The following uses are prohibited as both principal and accessory uses in DOC1, DOC2, and DMC zones, or where a single zone classification is specified, in zones with that classification only:

A. Drive-in businesses, except gas stations located in parking garages;

B. Outdoor storage;

C. All general and heavy manufacturing uses;

D. All salvage and recycling uses except recycling collection stations;

E. All high-impact uses;

F. In DMC zones, adult motion picture theaters and adult panorams; and

G. Principal use parking garages for long-term parking.

\_\_\_\_\_Section 43. Section 23.49.045 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.045 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial principal and accessory parking.

The provisions of this section apply in DOC1, DOC2, and DMC zones.

A. Principal Use Parking.

1.

Principal use parking garages for short-term parking may be permitted as conditional uses, pursuant to Section 23.49.046.

2. In DOC1 zones, principal use long-term and short-term surface parking areas are prohibited. In DOC2 and DMC zones, principal use long-term and short-term surface parking areas may be permitted as administrative conditional uses in areas shown on Map 1I, pursuant to Section 23.49.046.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are permitted outright, up to the maximum parking limit established by Section 23.49.019, Parking quantity, access and screening/landscaping requirements.

2. Accessory surface parking areas are  
:

a. Permitted outright in areas shown on Map 1I when containing a total of twenty (20) or fewer parking spaces on the lot;  
and

b. Permitted as administrative conditional uses pursuant to Section 23.49.046 when located in areas shown on Map 1I on a lot containing more than twenty (20) parking spaces; and

c. Prohibited in areas not shown on Map 1I.

3. Temporary principal and accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.046.

Section 44. The following subsections of Section 23.49.046 of the Seattle Municipal Code, which Section was last amended by

Ordinance 120443, are amended as follows:

23.49.046 Downtown Office Core 1, Downtown Office Core 2, and  
Downtown Mixed Commercial conditional uses and Council decisions.

The provisions of this section apply in DOC1, DOC2 and DMC zones.

\* \* \*

B. Principal use parking garages for short-term parking may be permitted as administrative conditional

uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5 or on

traffic circulation in the area around the garage; and

2. The vehicular entrances to the garage are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.

C. Temporary surface parking areas that  
were in existence prior to January 1, 1985 or are located on

lots vacant on or before January 1, 1985, or on lots that become vacant as a result of a City-initiated abatement action, and surface parking areas meeting the requirements of Section 23.49.045, may be permitted as administrative conditional uses according to the following standards:

1. The standards stated for garages in subsection B of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.019 Parking quantity, access and screening/landscaping requirements; and

\_\_\_\_\_ 3. Permits for temporary surface parking areas may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface parking area is subject to the following:

a. Renewals are permitted only for those temporary surface parking areas that were in existence on or before January 1, 1985 or are located on lots vacant on or before January 1, 1985. A permit for temporary surface parking

on a lot that became vacant as a result of a  
City-initiated abatement action shall not be renewed, and

b. Renewal shall be for a maximum of two (2) years  
and shall be granted only if, through an administrative conditional  
use process,

the Director finds that the temporary surface parking area continues  
to meet

applicable criteria; and

c. The applicant shall post a bond in  
an amount adequate to cover the costs of removing the physical  
evidence of the parking area, such as curbcuts, paving, and parking  
space striping, when the permit expires. Landscaping need not be  
removed when the permit expires; and

d. Signs at each entrance to the  
parking area stating the ending date of the permit shall be required.

#### D. Public Facilities.

1. Uses in public facilities that are most similar to uses  
permitted as a conditional use under this chapter shall also be  
permitted as a conditional use subject to the same conditional use  
criteria that govern the similar uses.

2. The City Council may waive or modify applicable development

standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other Permitted Uses in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. The City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is

greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

\* \* \*

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for the takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize

adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as Safeco Field and Qwest Field, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

\* \* \*

Section 45. Section 23.49.056 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended by moving Map 23.49.041A and renaming it Exhibit 23.49.056 F, and also as follows:

23.49.056 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial street facade and street setback requirements.

Standards for the street facades of structures are established in this section for DOC1, DOC2, and DMC zones, for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits;

Street trees ; and

Setback and Landscaping Requirements in the Denny Triangle Urban Village.

These standards apply to each lot line that abuts a street designated on Map 1F as having a pedestrian classification, except lot lines of open space TDR sites. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1F, and whether property line facades are required by Map 1H .

Standards for street landscaping and setback requirements in subsection G of this section also apply along lot lines abutting



Pedestrian Streets

DMC: 15 feet

Designated Green DOC1, DOC 2, DMC:

Streets 25 feet

\*Except as provided in subsection A2 regarding view corridor requirements.

[Exhibit 23.49.056 F - Denny Triangle](#)

2. On designated view corridors specified in Section 23.49.024, the minimum facade height is the maximum height permitted in the required setback, when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map 1H as requiring property line facades.

a. The facades of structures fifteen (15) feet or less in height shall be located within two (2) feet of the street property line.

b. Structures greater than fifteen (15) feet in height shall be governed by the following criteria:

(1) No setback limits shall apply up to an elevation of fifteen (15) feet above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that:

i. Any exterior public open space that satisfies the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.056 B:

-- The maximum setback shall be ten (10) feet.

-- The total area of a facade

that is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

-- No setback deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

-- The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten (10) feet. Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

c. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

2. General Setback Limits. The following setback limits apply on streets not requiring property line facades, as shown on Map 1H:

a. The portion of a structure subject to setback limits shall vary according to the structure height and required minimum facade height, as follows:

(1) Except as provided in subsection C2a(3) of this section, when the structure is greater than 15 feet in height, the setback limits apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.056 C.

(2) When the entire structure is fifteen (15) feet or less in height, the setback limits apply to the entire street facade.

(3) When the minimum facade height is fifteen (15) feet, the setback limits apply to the portion of the street facade that is fifteen (15) feet or less in height.

b. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.056 D). The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II pedestrian streets and designated green streets.

c. The maximum width, measured along the street property line, of any setback area exceeding a depth of

fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.056 D.)

d. The maximum setback of the facade from the street property lines at intersections shall be ten (10) feet. The minimum distance the facade must conform to this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.056 E.)

e. Any exterior public open space that meets the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.056 C.)

f. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

#### C. Facade Transparency Requirements.

1. Facade transparency requirements apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except that when the slope along the street frontage

of the facade exceeds seven and one-half (7 1/2) percent, the transparency requirements apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows is considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do not apply to portions of structures in residential use.

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection shall apply.

4. Transparency requirements are as follows:

a. Class I pedestrian streets and designated green streets: A minimum of sixty (60) percent of the street level facade shall be transparent.

b. Class II pedestrian streets: A minimum of thirty (30) percent of the street level facade shall be transparent.

c. Where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required

amount of transparency shall be reduced to fifty (50) percent on Class I pedestrian streets and designated green streets and twenty-five (25) percent on Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except that where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2 ) percent, blank facade limits apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade.

b. Any portion of a facade that is not transparent shall be considered to be a blank facade.

c. Blank facade limits do not apply to portions of structures in residential use.

2. Blank Facade Limits for Class I Pedestrian Streets and designated Green Streets.

a. Blank facades shall be no more than fifteen (15)

feet wide except for garage doors which may exceed fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage, or fifty (50) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

### 3. Blank Facade Limits for Class II Pedestrian Streets.

a. Blank facades shall be no more than thirty (30) feet wide, except for garage doors, which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director in a Type I decision determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus

five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-five (75) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

\* \* \*

F. Setback and Landscaping Requirements for Lots Located Within the Denny Triangle Urban Village.

1. Landscaping in the Street Right-of-Way for All Streets Other Than Those With Green Street Plans Approved by Director's Rule.

All new development in DMC zones in the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F, shall provide landscaping in the

sidewalk area of the street right-of-way, except on streets with a Green Street plan approved by Director's Rule. The square footage of landscaped area provided shall be at least one and one-half (1 1/2) times the length of the street property line (in linear feet). The following standards apply to the required landscaped area:

a. The landscaped area shall be at least eighteen (18) inches wide and shall be located in the public right-of-way along the entire length of the street property line, except for building entrances, vehicular access or other connections between the sidewalk and the lot, provided that the exceptions may not exceed fifty (50) percent of the total length of the street property line(s).

b. As an alternative to locating the landscaping at the street property line, all or a portion of the required landscaped area may be provided in the sidewalk area within five (5) feet of the curblines.

c. Landscaping provided within five (5) feet of the curblines shall be located and designed in relation to the required street tree planting and be compatible with use of the curb lane for parking and loading.

d. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the

ground is not feasible. A minimum of fifty (50) percent of the plant material shall be perennial.

## 2. Landscaping on a Designated Green Street

Where required landscaping is on a designated Green Street, or on a street with urban design and/or landscaping guidelines promulgated by Seattle Department of Transportation, the planting shall conform to those provisions.

## 3. Landscaping in Setbacks.

a. In the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F, at least twenty (20) percent of the total square footage of all areas abutting the street property line that are not covered by a structure, have a depth of ten (10) feet or more from the street property line and are larger than three hundred (300) square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022 is exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the ground is not feasible. A minimum of fifty (50) percent of the plant material shall be perennial and shall include trees when a contiguous

area, all or a portion of which is landscaped pursuant to subsection G1a above, exceeds six hundred (600) square feet.

4. Terry and 9th Avenues Green Street Setbacks.

a. In addition to the requirements of subsections G2 and G3 of this section, a two (2) foot wide setback from the street property line is required along the Terry and 9th Avenue Green Streets within the Denny Triangle Urban Village as shown on Exhibit 23.49.056 F. The Director may allow averaging of the setback requirement of this subsection to provide greater conformity with an adopted Green Street plan.

b. Fifty (50) percent of the setback area must be landscaped.

Section 46. Section 23.49.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 120967, is amended as follows:

23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards.

The provisions of this section apply in DOC 1, DOC 2, and DMC zones. For purposes of this section, a "tower" is a portion of a structure, not including rooftop features that would be permitted above the applicable height limit pursuant to Section 23.49.008, in which portion all gross floor area in each story is horizontally contiguous, and which portion is above (i) a height of eighty-five (85) feet in a structure that has any nonresidential use above a height of sixty-five feet or does not have residential use above a height of one hundred sixty (160) feet; or (ii) in any structure not described in clause (i), a height determined as follows:

(1) For a structure on a lot that includes an entire block front or that is on a block front with no other structures, sixty-five (65) feet; or

(2) For a structure on any other lot, the height of the facade closest to the street property line of the existing structure on the same block front nearest to that lot, but if the nearest existing structures are equidistant from that lot, then the

height of the higher such facade; but in no instance shall the height exceed eighty-five (85) feet or be required to be less than sixty-five (65) feet.

A. The requirements of subsections 23.49.058B and C apply to:

\_\_\_\_\_ 1. All structures 160 feet in height or less in which any story above an elevation of eighty-five (85) feet above the adjacent sidewalk exceeds fifteen thousand (15,000) square feet. For structures with separate towers, the fifteen thousand (15,000) square foot threshold applies to each tower individually; and

\_\_\_\_\_ 2. Portions of structures in non-residential use above a height of 160 feet in which any story above an elevation of eighty-five (85) feet exceeds fifteen thousand (15,000) square feet. For structures with separate towers, the fifteen thousand (15,000) square foot threshold applies to each tower individually.

B. Facade Modulation.

\_\_\_\_\_ 1. Facade modulation is required above a height of eighty-five (85) feet above the sidewalk for any portion of a structure located within fifteen (15) feet of a street property line. No modulation is required for portions of a facade set back fifteen (15) feet or more from a street property line.

2. The maximum length of a facade without modulation is prescribed in Chart 23.49.058A. This maximum length shall be measured parallel to each street property line, and shall apply to any portion of a facade, including projections such as balconies, that is located within fifteen (15) feet of street property lines.

Chart 23.49.058A

<u>Elevation</u>	<u>Maximum length of un-modulated facade within 15' of street property line</u>
<u>0 to 85 feet</u>	<u>No limit</u>
<u>86 to 160 feet</u>	<u>155 feet</u>
<u>161 to 240 feet</u>	<u>125 feet</u>
<u>241 to 500 feet</u>	<u>100 feet</u>
<u>Above 500 feet</u>	<u>80 feet</u>

3. Any portion of a facade exceeding the maximum length of facade prescribed on Chart 23.49.058A shall be set back a minimum of fifteen (15) feet from the street property line for a minimum distance of sixty (60) feet before any other portion may be within 15

feet of the street property line.

C. Maximum tower width. On lots where the width and depth of the lot each exceed two hundred (200) feet, the maximum facade width for portions of a building above two hundred forty (240) feet shall be one hundred forty-five (145) feet along the general north/south axis of a site (parallel to the Avenues), and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot above 145 feet by at least eighty (80) feet at all points.

D. Tower floor area limits and tower width limits for portions of structures in residential use. The requirements of this subsection D apply only to structures that include portions in residential use above a height of one hundred and sixty (160) feet.

1. Maximum limits on average residential gross floor area per story and maximum residential floor area per story of towers are prescribed in Chart 23.49.058D1.

Chart 23.49.058D1

Average residential gross floor area per story and maximum residential gross floor area per story of a tower\*

<u>(1) Zone</u>	<u>(2) Average</u>	<u>(3) Average</u>	<u>(4) Maximum</u>
	<u>residential gross</u>	<u>residential gross</u>	<u>residential</u>
	<u>floor</u>		

	<u>floor area limit</u>	<u>floor area limit</u>	<u>area of any</u>
<u>story</u>	<u>o per story of a</u>	<u>per story of a</u>	<u>in a tower</u>
	<u>tower if height</u>	<u>tower when height</u>	
	<u>does not exceed</u>	<u>exceeds the base</u>	
	<u>the base height</u>	<u>height limit for</u>	
	<u>limit for</u>	<u>residential use</u>	
	<u>residential use</u>		

DMC 240/290-400	10,000 sq. ft.	10,700 sq. ft.	11,500 sq. ft.
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and

DMC 340/290-400

DOC2	15,000 sq. ft.	12,700 sq. ft.	16,500 sq. ft.
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DOC1	15,000 sq. ft.	13,800 sq. ft.	16,500 sq. ft.
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\*For the height at which a "tower" begins, see  
the definition at the beginning of this Section 23.49.058.

a. For structures that do not exceed the base  
height limit for residential use, each tower is subject to the  
average floor area per story limits specified in column (2) on Chart  
23.49.058D1.

b. For structures that exceed the base height limit

for residential use (which requires that the applicant obtain bonus residential floor area pursuant to Section 23.49.015), the average residential gross floor area per story of each tower is subject to the applicable maximum limit specified in column (3) on Chart 23.49.058D1.

c. In no instance shall the residential gross floor area of any story in a tower exceed the applicable maximum limit specified in column (4) on Chart 23.49.058D1.

d. Unoccupied space provided for architectural interest pursuant to Section 23.49.008B shall not be included in the calculation of gross floor area.

## 2. Maximum Tower Width.

a. In DMC zones, the maximum facade width for portions of a building above eight-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one-hundred twenty (120) feet or eighty (80) percent of the width of the lot measured on the Avenue, which ever is less, except that:

(1) On a lot where the limiting factor is the eighty (80) percent width limit, the facade width is one-hundred twenty (120) feet, when at all elevations above a height of eighty-five (85) feet, no more than fifty (50) percent of the area of the

lot located within fifteen (15) feet of the street lot line(s) is occupied by the structure; and

(2) On lots smaller than ten thousand seven hundred (10,700) square feet that are bounded on all sides by street right-of-way, the maximum facade width shall be one hundred twenty (120) feet.

b. In DOC1 and DOC2 zones, the maximum facade width for portions of a building above eight-five (85) feet along the general north/south axis of a site (parallel to the Avenues) shall be one hundred forty-five (145) feet.

c. the maximum width of tower structures may be increased if lot is combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

(1). All lots have frontage on the same street;

(2). Any existing structure does not exceed a height of one hundred twenty-five (125) feet;

(3). The coverage and spacing of both the proposed and any existing structures meets the limits established in this Section; and

(4). The fee owners of the abutting lot(s) execute and record a covenant that restricts future development on the abutting lot to a maximum height of one hundred twenty-five (125) feet for the life of the proposed structure; and that precludes the use of the abutting lot(s) in combination with any other lots for purposes of meeting the requirements of this section.

d. The projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating the maximum width of a facade.

E. Tower spacing for all structures over 160 feet in height in those DMC zoned areas specified below:

1. For the purposes of this section, no separation is required:

a. between structures on different blocks, except as may be required by view corridor or designated green street setbacks, or

b. from a structure on the same block that is not located in a DMC zone; or

c. from a structure allowed pursuant to the Land

Use Code in effect prior to the effective date of this ordinance.

2. Except as otherwise provided in this subsection E, in the DMC 240'/290-400' zone located between Stewart Street, Union Street, Third Avenue and First Avenue, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and twenty-five (125) feet in height shall be separated by a minimum of two hundred (200) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

3. Except as otherwise provided in this subsection E, on DMC zoned sites with maximum height limits of more than one hundred sixty (160) feet located in the Belltown Urban Center Village, as shown on Exhibit 23.49.058E, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower that are above one hundred and twenty-five (125) feet in height must be separated by a minimum of eighty (80) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

4. Except as otherwise provided in this subsection E, on DMC zoned sites with maximum height limits of more than one hundred sixty (160) feet located in the Denny Triangle Urban Center Village, as shown on Exhibit 23.49.056F, if any part of a tower exceeds one hundred sixty (160) feet in height, then all portions of the tower

that are above one hundred and twenty-five (125) feet in height must be separated by a minimum of sixty (60) feet from any portion of any other existing tower above one hundred and twenty-five (125) feet in height.

5. The projection of unenclosed decks and balconies, and architectural features such as cornices, shall be disregarded in calculating tower separation.

6. If the presence of an existing tower would preclude the addition of another tower proposed on the same block, as a special exception, the Director may waive or modify the tower spacing requirements of this section to allow a maximum

of two towers to be located on the same block that are not separated by at least the minimum spacing required in subsections E2, E3 and E4, other than towers described in subsection E1. The Director shall determine that issues raised in the design review process related to the presence of the additional tower have been adequately addressed before granting any exceptions to tower spacing standards. The Director shall consider the following factors in determining whether such an exception shall be granted:

a. potential impact of the additional tower on adjacent residential structures, located within the same block and on adjacent blocks, in terms of views, privacy, and shadows;

b. potential public benefits that offset the  
impact of the reduction in required separation between towers,  
including the provision of public open space, designated green street  
or other streetscape improvements, preservation of landmark  
structures, and provision of neighborhood commercial services, such  
as a grocery store, or community services, such as a community center  
or school;

                    c. potential impact on the public environment,  
including shadow and view impacts on nearby streets and public open  
spaces;

                    d. design characteristics of the additional tower  
in terms of overall bulk and massing, facade treatments and  
transparency, visual interest, and other features that may offset  
impacts related to the reduction in required separation between  
towers;

                    e. the City's goal of encouraging residential  
development downtown; and

                    f. the feasibility of developing the site without  
an exception from the tower spacing requirement.

7. For purposes of this section, an "existing" tower is

either:

(a) a tower that is physically present,  
except as provided below in this subsection E6, or

(b) a proposed tower for which a Master Use  
Permit decision that includes approval of the Design Review element  
has been issued, unless and until either (i) the Master Use Permit  
issued pursuant to such decision expires or is cancelled, or the  
related application is withdrawn by the applicant, without the tower  
having been constructed; or (ii) a ruling by a hearing examiner or  
court of competent jurisdiction reversing or vacating such  
decision, or determining such decision or the Master Use Permit  
issued thereunder to be invalid, becomes final and no longer subject  
to judicial review.

A tower that is physically present shall not be considered "existing"  
if the owner of the lot where such tower is located shall have  
applied to the Director for a permit to demolish such tower and such  
application shall be pending or a permit issued for such demolition  
shall be in effect, but any permit decision or permit for any  
structure that would not be permitted under this section if such  
tower were considered "existing" may be conditioned upon the actual  
demolition of such tower.

F. Upper Level Setbacks

1. When a lot in a DMC zone is across a street from the Pike Place Market Historical District as shown on Map 1K, a continuous upper-level setback of fifteen (15) feet shall be provided on all street frontages across from the Historical District above a height of sixty-five (65) feet.

2. When a lot in a DMC or DOC2 zone is located on a designated green street, a continuous upper-level setback of fifteen (15) feet shall be provided on the street frontage abutting the green street at a height of forty-five (45) feet.

Section 47. Section 23.49.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is hereby repealed.

Section 48. Section 23.49.062 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is hereby repealed.

Section 49. Section 23.49.064 of the Seattle Municipal Code, which Section was last amended by Ordinance 121476, is hereby repealed.

Section 50. Section 23.49.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 51. Section 23.49.076 of the Seattle Municipal Code, which

Section was last amended by Ordinance 121477, is hereby repealed.

Section 52. Section 23.49.078 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 53. Section 23.49.094 of the Seattle Municipal Code, which Section was last amended by Ordinance 112519, is amended as follows:

23.49.094 Downtown Retail Core, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking are prohibited.

2. Principal use parking garages for short-term parking may be permitted as administrative conditional uses pursuant to Section 23.49.096.

3. Principal use surface parking areas for both long and short term parking are prohibited, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.096.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are permitted outright, up to the maximum parking limit established by Section 23.49.019, Parking quantity, access and screening/landscaping requirements.

2. Accessory surface parking areas are prohibited, except that temporary accessory surface parking may be permitted as administrative conditional uses pursuant to Section 23.49.096.

Section 54. Subsections D and G of Section 23.49.096 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, are amended as follows:

23.49.096 Downtown Retail Core, conditional uses and Council decisions.

\* \* \*

D. Temporary surface parking areas that were in existence prior to January 1, 1985 or are located on lots vacant on or before January 1, 1985, or that are located on lots that become vacant as a result of

a City-initiated abatement action, may be permitted as administrative conditional uses according to the following standards:

1. The standards stated for garages in subsection C of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.019, Parking quantity, access and screening/landscaping requirements ; and

3. Permits for temporary surface parking areas may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface parking area is subject to the following:

a. Renewals are permitted only for those temporary surface parking areas that were in existence on or before January 1, 1985 or are located on lots vacant on or before January 1, 1985. A permit for a temporary surface parking area on a lot that became vacant as a result of a City-initiated abatement action shall not be renewed; and

b. Renewal shall be for a maximum of two (2) years

and shall be granted only if, through an administrative conditional use approval process, the Director finds that the temporary surface\_parking area continues to meet applicable criteria; and

c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

4. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

\* \* \*

G. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan adopted by the City Council and is a public facility; or is part of a City and regional transportation

plan adopted by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as Safeco Field and Qwest Field, the Pike Place Market and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles and approach lanes.

\* \* \*

Section 55. The following subsections of Section 23.49.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, are amended as follows:

23.49.106 Downtown Retail Core, street facade requirements.

\* \* \*

B. Facade Setback Limits.

1. The facades of structures less than or equal to fifteen (15) feet in height shall be located within two (2) feet of the street property line.

2. Structures greater than fifteen (15) feet in height shall be governed by the following criteria:

a. No setback limits shall apply up to an elevation of fifteen (15) feet above sidewalk grade.

b. Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards (see Exhibit 23.49.106 A):

(1) The maximum setback shall be ten (10) feet.

(2) The total area of the portion of the facade

between the elevations of fifteen (15) feet and thirty-five (35) feet above sidewalk grade at the street property line that is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) feet and thirty-five (35) feet.

(3) No setback deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

(4) The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten (10) feet. Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

3. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

\* \* \*

E. Reserved.

\* \* \*

Section 56. Section 23.49.108 of the Seattle Municipal Code, which Section was enacted by Ordinance 120443, is amended as follows:

23.49.108 Downtown Retail Core, upper-level development standards.

A. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk.

(See Exhibit 23.49.108A.)

Section 57. Section 23.49.116 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is hereby repealed.

Section 58. Section 23.49.118 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is hereby repealed.

Section 59. Section 23.49.120 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 60. Section 23.49.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 61. Section 23.49.126 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby

repealed.

Section 62. Section 23.49.130 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 63. Section 23.49.134 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is hereby repealed.

Section 64. Section 23.49.136 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 65. Subsection B of Section 23.49.146 of the Seattle Municipal Code, which Section was last amended by Ordinance 121196, is amended as follows:

23.49.146 Downtown Mixed Residential, principal and accessory parking.

\*\*\*

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are permitted outright, when located on

the same lot as the use that they serve, up to the maximum parking limit established by Section 23.49.019, Parking quantity, access and screening/landscaping requirements. Parking garages providing accessory parking for residential uses, which include the residential portion of live-work units, located on another lot may be permitted as conditional uses pursuant to Section 23.49.148. Parking garages providing accessory parking for nonresidential uses located on another lot are prohibited.

2. Accessory surface parking areas are:

- a. Prohibited in DMR/R areas;
- b. Permitted outright in DMR/C areas when containing twenty (20) or fewer parking spaces; or
- c. Permitted as a conditional use in DMR/C areas when containing more than twenty (20) parking spaces, pursuant to Section 23.49.148.

Section 66. Subsection C of Section 23.49.148 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.148 Downtown Mixed Residential, conditional uses and Council

decisions.

\* \* \*

C. Accessory surface-parking areas, where permitted as an administrative conditional use by Section 23.49.146, and temporary principal surface-parking areas that were in existence prior to January 1, 1985 or are located on lots vacant on or before January 1, 1985, or on lots that become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses in DMR/C areas if the Director finds that:

1. Traffic from the parking area will not have substantial adverse effects on traffic circulation in the surrounding areas; and

2. The vehicular entrances to the parking area are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the parking area will not have substantial adverse effects on pedestrian circulation; and

\_\_\_\_\_ 4. The parking area is screened and landscaped according to the provisions of Section 23.49.019, Parking quantity, access and screening/landscaping requirements; and

For temporary principal surface parking areas, permits may be issued for a maximum of two (2) years.

Renewal of a permit for a temporary surface parking area shall be subject to the following:

a. Renewals

are permitted only for those temporary surface parking areas that were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for temporary surface parking on a lot that became vacant as a result of a City-initiated abatement action shall not be renewed; and

b. Renewal shall be for a

maximum of two (2) years and shall be granted only if, through an administrative conditional use process, the Director finds s that the temporary surface parking area continues to meet applicable criteria; and

c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the

permit expires, and

d. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

\* \* \*

Section 67. The introductory subsection and other following subsections of Section 23.49.162 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, are amended as follows:

23.49.162 Downtown Mixed Residential, street facade requirements.

Standards for the facades of structures are established for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits; and

Landscaping.

These standards shall apply to each lot line that abuts a street designated on Map 1F as having a pedestrian classification, except lot lines of open space TDR sites. The standards on each street frontage shall vary according to the pedestrian classification of the street on Map 1F, and whether property line facades are required by Map 1H.

\* \* \*

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map 1H as requiring property line facades:

a. The facades of structures fifteen (15) feet or less in height shall be located within two (2) feet of the street property line.

b. Structures greater than fifteen (15) feet in height shall be governed by the following standards:

(1) No setback limits shall apply up to an elevation of

fifteen (15) feet above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that:

i. Any exterior public open space that satisfies the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards (See Exhibit 23.49.162 B.):

(a) The maximum setback shall be ten (10) feet.

(b) The total area of a facade that is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

(c) No setback deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property

line.

(d) The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten feet (10'). Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

c. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades as shown on Map 1H. Except when the entire structure is fifteen (15) feet or less in height, or when the minimum facade height established in subsection A of this section is fifteen (15) feet, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section (see Exhibit 23.49.162 C). When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen (15) feet, the setback limits shall apply to the portion of the street facade that is fifteen (15) feet or less in height.

a. The maximum area of all setbacks between the lot line and facade shall be limited according to an averaging technique. The maximum area of all setbacks along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along the street. (See Exhibit 23.49.162 D.) The averaging factor shall be five (5) on Class I pedestrian streets, twenty (20) on Class II pedestrian streets, and thirty (30) on designated green streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.162D.)

c. The maximum setback of the facade from the street property line at intersections is ten (10) feet. The minimum distance the facade must conform to under this limit is twenty (20) feet along each street. (See Exhibit 23.49.162E.)

d. Any exterior public open space that satisfies the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.162C.)

e. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except that where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2 ) percent, the facade transparency requirements apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade.

Only clear or lightly tinted glass in windows, doors, and display windows is considered to be transparent.

Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do not apply to portions of structures in residential use.

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection applies.

4. Transparency requirements are

as follows:

a. Class I pedestrian streets: A minimum of sixty (60) percent of the street-level facade shall be transparent.

b. Class II pedestrian streets and designated green streets: A minimum of thirty (30) percent of the street-level facade shall be transparent.

c. When the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency shall be reduced to fifty (50) percent on Class I pedestrian streets and twenty-five (25) percent on Class II pedestrian streets and designated green streets.

#### D. Blank Facade Limits.

##### 1. General Provisions.

a. Blank facade limits apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2 ) percent, in which case the blank facade limits apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade.

b. Any portion of a facade that is not transparent is considered to be a blank facade.

c. Blank facade limits do not apply to portions of structures in residential use.

## 2. Blank Facade Limits for Class I Pedestrian Streets.

a. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors which may exceed fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage; or fifty (50) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

3. Blank Facade Limits for Class II Pedestrian Streets  
and Designated Green Streets.

a. Blank facades shall be limited to segments thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-five (75) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. . Reserved.

\* \* \*

Section 68. Subsection C of Section 23.49.164 of the Seattle

Municipal Code, which Section was last amended by Ordinance 114079,  
is amended as follows:

23.49.164 Downtown Mixed Residential, maximum wall dimensions.

\* \* \*

C. Housing Option.

1. On lots with structures that contained low  
- income housing on or before the effective date  
of ordinance 114079 ,  
and that meet the requirements of subsection C4,  
the maximum length of portions of structures above an elevation of  
sixty-five (65) feet that are located less than  
twenty (20) feet from a street property line shall not  
exceed one hundred twenty (120) feet per block front. This maximum  
length shall be measured parallel to the street property line.  
Portions of structures, measured parallel to the street  
property line, that are located twenty (20) feet  
or more from the street property line, shall have no  
maximum limit.

2. When the housing option is used, no portions of the structure  
may be located in the area within twenty (20) feet of the  
intersection of street property lines between elevations of sixty-

five (65) and one hundred twenty-five (125) feet.

3. When the housing option is used, each floor in portions of structures between elevations of sixty-five (65) and one hundred twenty-five (125) feet shall have a maximum gross floor area of twenty-five thousand (25,000) square feet or the lot coverage limitation whichever is less.

4. In order to use the housing option, housing on the lot shall be subject to an agreement with the City that contains the following conditions and any other provisions necessary to ensure compliance:

a. The demolition or change of use of the housing shall be prohibited for not less than fifty (50) years from the date a final certificate of occupancy is issued for the commercial development on the lot; and

b. If the housing is or was rental housing on or before the effective date of Ordinance 114079, it shall be used as rental housing for not less than fifty (50) years from the date a final certificate of occupancy is issued for the commercial development of the lot; and

c. The structure will be brought up to and maintained in conformance with the Housing and Building Maintenance Code; and

d. Housing that is or was low-income housing on or before the effective date of ordinance 114079, shall be maintained as low-income housing for not less than fifty (50) years from the date a final certificate of occupancy is issued for the commercial development on the lot.

e. Housing that is preserved according to the provisions of this section shall not qualify for a downtown housing bonus or for transfer of development rights.

Section 69. Subsection A of Section 23.49.306 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is amended as follows:

23.49.306 Downtown Harborfront 1, parking.

Parking located at or above grade shall be screened according to the following requirements:

A. Parking where permitted on dry land at street level shall be screened according to the provisions of Section 23.49.019, Parking quantity, access and screening/landscaping requirements.

\* \* \*

Section 70. Subsections C and F of Section 23.49.324 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.324 Downtown Harborfront 2, conditional uses.

\* \* \*

C. Surface parking areas where permitted as an administrative conditional use by Section 23.49.322, and temporary surface parking areas located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B of this section are met; and
2. The lot is screened and landscaped according to the provisions of Section 23.49.019, Parking quantity, access and screening/landscaping requirements; and
3. For temporary surface parking areas:
  - a. At least twenty (20) percent of the long-term spaces shall

be set aside for carpools, according to the provisions of Section 23.49.046 C3; and

b. The permit may be issued for a maximum of two (2) years.

c. Renewal of a permit for a temporary surface parking area shall be subject to the following:

(1) Renewals shall be permitted only for those temporary surface parking areas that were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary surface parking area on a lot

that became vacant as a result of a City-initiated abatement action shall not be renewed; and

(2) Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary surface parking area continues to meet applicable criteria; and

d. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area such as curb cuts, paving and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

e. Signs at each entrance to the parking area stating the

ending date of the permit shall be required.

\* \* \*

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as Safeco Field and Qwest Field, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

\* \* \*

Section 71. The introductory subsection and the following lettered subsections of Section 23.49.332 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, are amended as follows:

23.49.332 Downtown Harborfront 2, street facade requirements.

Standards for the facades of structures at street level are established for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits; and

Street trees.

These standards shall apply to each lot line that abuts a street designated on Map 1 F as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1F.

\* \* \*

B. Facade Setback Limits.

1. Except when the entire structure is less than or equal to fifteen (15) feet in height, or when the minimum facade height established in subsection A of this section is fifteen (15) feet, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section (and see Exhibit 23.49.332B). When the structure is less than or equal to fifteen (15) feet in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen (15) feet, the setback limits shall apply to the portion of the street facade that is fifteen (15) feet or less in height.

2. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor times the width of the street frontage of the lot along that street (see Exhibit 23.49.332C). The averaging factor shall be thirty (30) on both Class II pedestrian streets and designated green streets. Parking shall not be located between the facade and the street property line.

3. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.332 C.)

4. The maximum setback of the facade from the street property line at intersections shall be ten (10) feet. The minimum distance the facade must conform to this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.332 D.)

5. Any exterior public open space that satisfies the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.332 B.)

6. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except that where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2 ) percent, the facade transparency requirements apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade.

Only clear or lightly tinted glass in windows, doors, and display windows is considered to be transparent.

Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do not apply to portions of structures in residential use.

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection shall apply.

4. Transparency requirements are as

follows:

a. Class I pedestrian streets: A minimum of sixty (60) percent of the street-level facade shall be transparent.

b. Class II pedestrian streets and Designated Green Streets: A minimum of thirty (30) percent of the street-level facade shall be transparent.

c. When the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency is reduced to fifty (50) percent on Class I pedestrian streets and twenty-five (25) percent on Class II pedestrian streets and designated green streets.

\_\_\_\_\_ D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the

facade exceeds seven and one-half (7 1/2) percent, in which case the blank facade limits apply to the area of the facade between four (4) feet and eight (8) feet above sidewalk grade.

b. Any portion of a facade that is not transparent shall be considered to be a blank facade.

c. Blank facade limits shall not apply to portions of structures in residential use.

## 2. Blank Facade Limits for Class I Pedestrian Streets

a. Blank facades are limited to segments fifteen (15) feet wide, except for garage doors which may exceed fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors may not exceed the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated from other blank segments by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments,

including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage; or fifty (50) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

\_\_\_\_\_ 3. Blank Facade Limits for Class II

Pedestrian Streets and Designated Green Streets

.

\_\_\_\_\_ a. Blank facades shall be limited to segments thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-five (75) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. Reserved.\* \* \*

Section 72. Subsection B of Section 23.49.338 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.49.338 Pike Market Mixed, prohibited uses.

\* \* \*

B. Within the Pike Place Market Historical District, Map 1K, uses may be prohibited by the Pike Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance.

Section 73. Subsection A of Section 23.54.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 121792, is amended as follows:

23.54.015 Required parking.

A. The minimum number of off-street parking spaces required for specific uses shall be based upon gross floor area, unless otherwise specified, as set forth in Chart A, except for uses located in downtown zones, which are regulated by Section

23.49.019, and Major Institution uses, which are regulated by Section 23.54.016. (See Chart A for Section 23.54.015.)

Minimum parking requirements for uses in the Stadium Transition Area Overlay District to which a maximum parking ratio applies shall be reduced to the extent necessary, if any, to allow compliance with the maximum parking ratio as it applies to all such uses on the same lot.

If floor area of a use for which parking is required is added to a lot for which one or more minimum parking ratios has been reduced under the previous sentence, or if the floor area of any such existing uses on such a lot are modified, or both, then any reductions in minimum required parking ratios shall be adjusted so that the total of all reductions in required parking for uses on that lot is the amount necessary to permit compliance with the applicable maximum parking ratio.

\* \* \*

Section 74. The introductory subsection of Section 23.54.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended as follows:

23.54.020 Parking quantity exceptions.

The parking quantity exceptions set forth in this section shall

apply in all zones except downtown zones, which are regulated by Section 23.49.019, and Major Institution zones, which are regulated by Section 23.54.016.

\* \* \*

Section 75. Subsection F of Section 23.54.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782 is amended as follows:

23.54.030 Parking space standards

\* \* \*

F. Curbcuts. Curbcut requirements shall be determined by whether the parking served by the curbcut is for residential or nonresidential use, and by the zone in which the use is located. When a curbcut is used for more than one (1) use or for one (1) or more live-work units, the requirements for the use with the largest curbcut requirements shall apply.

1. Residential Uses in Single-family and Multi-family Zones and Single-purpose Residential Uses in All Other Zones.

a. For lots not located on a principal arterial as designated on Exhibit 23.53.015 A, the number of curbcuts permitted shall be

according to the following chart:

Street or Easement Frontage of the Lot	Number of Curbcuts Permitted
0 -- 80 feet	1
81 -- 160 feet	2
161 -- 240 feet	3
241 -- 320 feet	4

For lots with frontage in excess of three hundred twenty (320) feet, the pattern established in the chart shall be continued.

b. Curbcuts shall not exceed a maximum width of ten (10) feet except that:

(1) One (1) curbcut greater than ten (10) feet but in no case greater than twenty (20) feet in width may be substituted for each two (2) curbcuts permitted by subsection Fla; and

(2) A greater width may be specifically permitted by the development standards in a zone; and

(3) When subsection D of Section 23.54.030 requires a driveway greater than ten (10) feet in width, the curbcut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curbcuts of a maximum width of twenty-three (23) feet shall be permitted according to the following chart.

Street Frontage of the Lot	Number of Curbcuts Permitted
0 -- 160 feet	1
161 -- 320 feet	2
321 -- 480 feet	3

For lots with street frontage in excess of four hundred eighty (480) feet, the pattern established in the chart shall be continued.

d. There shall be at least thirty (30) feet between any two (2) curbcuts located on a lot.

e. A curbcut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

f. Where two (2) adjoining lots share a common driveway according to the provisions of Section 23.54.030 D1, the combined frontage of the two (2) lots shall be considered one (1) in determining the maximum number of permitted curbcuts.

2. Nonresidential Uses in Single-family and Multifamily Zones, and All Uses, Except Single-purpose Residential Uses, in All Other Zones Except Industrial Zones.

a. Number of Curbcuts.

(1) In RC, NC1, NC2 and NC3 zones and within Major Institution Overlay Districts, the number of two-way curbcuts permitted shall be according to the following chart:

Street Frontage of the Lot	Number of Curbcuts Permitted
0 -- 80 feet	1
81 -- 240 feet	2
241 -- 360 feet	3
361 -- 480 feet	4

For lots with frontage in excess of four hundred eighty (480) feet the pattern established in the chart shall be continued. The Director may allow two (2) one-way curbcuts to be substituted for one (1) two-way curbcut, after determining that there would not be a significant conflict with pedestrian traffic.

(2) In C1 and C2 zones and the SM zone, the Director shall review and make a recommendation on the number and location of curbcuts.

(3) In downtown zones, a maximum of two (2) curbcuts for one (1) way traffic at least forty (40) feet apart, or one (1) curbcut for two (2) way traffic, shall be permitted on each street front where access is permitted by Section 23.49.019 H. No curbcut shall be located within forty (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.

(4) For public schools, the minimum number of curbcuts determined necessary by the Director shall be permitted.

b. Curbcut Widths.

(1) For one (1) way traffic, the minimum width of curbcuts shall be twelve (12) feet, and the maximum width shall be fifteen (15) feet.

(2) For two (2) way traffic, the minimum width of curbcuts shall be twenty-two (22) feet, and the maximum width shall be twenty-five (25) feet, except that the maximum width may be increased to thirty (30) feet when truck and auto access are combined.

(3) For public schools, the maximum width of curbcuts shall be twenty-five (25) feet. Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

(4) When one (1) of the following conditions applies, the Director may require a curbcut of up to thirty (30) feet in width, if it is found that a wider curbcut is necessary for safe access:

i. The abutting street has a single lane on the side that abuts the lot; or

ii. The curb lane abutting the lot is less than eleven (11) feet wide; or

iii. The proposed development is located on an arterial

with an average daily traffic volume of over seven thousand (7,000) vehicles; or

iv. Off-street loading space is required according to subsection H of Section 23.54.015.

c. The entrances to all garages accessory to nonresidential uses or live-work units and the entrances to all principal use parking garages shall be at least six (6) feet nine (9) inches high.

3. All Uses in Industrial Zones.

a. Number and Location of Curbcuts. The number and location of curbcuts shall be determined by the Director.

b. Curbcut Width. Curbcut width in Industrial zones shall be provided as follows:

(1) When the curbcut provides access to a parking area or structure it shall be a minimum of fifteen (15) feet wide and a maximum of thirty (30) feet wide.

(2) When the curbcut provides access to a loading berth, the maximum width of thirty (30) feet set in subsection F3b(1) may be increased to fifty (50) feet.

(3) Within the minimum and maximum widths established by this subsection, the Director shall determine the size of the curbcuts.

4. Curbcuts for Access Easements.

a. When a lot is crossed by an access easement serving other lots, the curbcut serving the easement may be as wide as the easement roadway.

b. The curbcut serving an access easement shall not be counted against the number or amount of curbcut permitted to a lot if the lot is not itself served by the easement.

5. Curbcut Flare. A flare with a maximum width of two and one-half (2 1/2) feet shall be permitted on either side of curbcuts in any zone.

6. Replacement of Unused Curbcuts. When a curbcut is no longer needed to provide access to a lot, the curb and any planting strip shall be replaced.

\* \* \*

Section 76. Subsection B of Section 23.66.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.66.122 Prohibited Uses.

\* \* \*

B. Commercial uses that are automobile-oriented are prohibited. Such uses include but are not limited to the following:

1. Drive-in businesses, except gas stations accessory to parking garages;

2. Principal and accessory surface parking areas not in existence prior to August 10, 1981, except that accessory use surface parking lots may be permitted in Subarea B shown on Map C if the lot satisfies the provisions of SMC Section 23.49.019, Parking quantity, access and screening/landscaping requirements.

3. Motels.

Section 77. Subsection A of Section 23.66.170 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is amended as follows:

23.66.170 Parking and access.

A. Parking standards in the Pioneer Square Preservation District are set forth in Section 23.49.019 of this Land Use Code.

\* \* \*

Section 78. Subsection C of Section 23.74.010 of the Seattle Municipal Code, which Section was enacted by Ordinance 119972, is amended as follows:

23.74.010 Development Standards.

\* \* \*

C. The following development standards apply to each use and structure, except spectator sports facilities, to the extent that the use or structure either is on a lot fronting on Railroad Way South, 1st Avenue South, South Holgate between 1st Avenue South and Occidental Avenue South, or Occidental Avenue South, or is within a forty (40) foot radius measured from any of the block corners of 1st Avenue South or Occidental Avenue South intersecting with the following streets: Railroad Way South, South Royal Brougham, South Atlantic, South Massachusetts, South Holgate and any other streets intersecting with 1st Avenue or Occidental Avenue South that may be established between South Holgate Street and Railroad Way South, as

depicted in Exhibit 23.74.010 A. Railroad Way South, First Avenue South, South Holgate Street and Occidental Avenue South within the Stadium Transition Overlay District, and all street areas within a forty (40) foot radius of any of those block corners described above, are referred to in this section as the "pedestrian environment," except that in applying this section to a through lot abutting on Occidental Avenue South and on 1st Avenue South, Occidental Avenue South is not considered part of the pedestrian environment.

1. Street Facade Requirements. The following requirements apply to facades or portions thereof facing streets or portions of streets in the pedestrian environment:

a. Minimum Facade Height. Minimum facade height shall be twenty-five (25) feet, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height.

b. Facade Setback Limits.

(i) Within the first twenty-five (25) feet of height measured from sidewalk grade, all building facades must be built to within two (2) feet of the street property line for the entire facade length. For purposes of this subsection (C)(1)(b), balcony railings and other nonstructural features or nonstructural walls are not considered parts of the facade of the structure.

(ii) Above twenty-five (25) feet measured from sidewalk grade, the maximum setback is ten (10) feet, and no single setback area that is deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

(iii) The facade shall return to within two (2) feet of the street property line for a minimum of ten (10) feet, measured parallel to the street property line, between any two setback areas that are deeper than two feet.

2. Outdoor Service Areas. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling are not allowed between any structure and the pedestrian environment area described in this section. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling must be located behind or to the side of a gas station, as viewed from any street in such pedestrian environment and are not allowed between any structure on the same lot and the pedestrian environment area described in this section.

3. Screening and Landscaping. The requirements of Sections 23.50.016, 23.50.034, and 23.50.038, including requirements contingent on location near a commercial zone, apply to all new uses and structures. Requirements in Section 23.50.038 contingent on location near a residential lot do not apply. In addition, the

screening and landscaping requirements for outdoor storage in subsections a and c of Section 23.47.016 D5 apply, with respect to street property lines abutting the pedestrian environment, to the following uses, where a principal or accessory use is located outdoors: outdoor storage (except for outdoor storage associated with florists and horticultural uses), surface parking, sales and rental of motorized vehicles, towing services, sales and rental of large boats, dry storage of boats, sales, service and rental of commercial equipment and construction materials, heavy commercial services, outdoor participant sports and recreation, wholesale showroom, mini-warehouse, warehouse and outdoor storage, transportation facilities, and utilities (except for utility service uses), and light and general manufacturing.

4. Blank Facades and Transparency Requirements. In addition to the blank facade requirements of Section 23.50.038 A2, the blank facade limits and transparency and street tree requirements of Section 23.49.056 C, D, and E, and the screening of parking requirements of Section 23.49.019B apply to facades or portions thereof facing streets in the pedestrian environment, except that requirements for Class I Pedestrian Streets and designated green streets do not apply.

5. Principal Pedestrian Entrances. A principal pedestrian entrance to a structure having a facade along Railroad Way South, 1st

Avenue South, or Occidental Avenue South shall be located on Railroad Way South, 1st Avenue South, or Occidental Avenue South, respectively. If the structure has facades along both 1st Avenue South and Occidental Avenue South, a principal pedestrian entrance is required only on 1st Avenue South.

Section 79. Section 23.57.013 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

\* \* \*

B. Development Standards.

1. Access to transmitting minor communication utilities and accessory communication devices shall be restricted to authorized personnel when located on rooftops or other common areas. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radiofrequency radiation.

2. Height.

a. Except for special review, historic and landmark districts (see Section 23.57.014), minor communication utilities and accessory communication devices may be located on rooftops of buildings, including sides of parapets and equipment penthouses above the roofline, as follows:

(i) These utilities and devices located on a rooftop of a building nonconforming as to height may extend up to fifteen (15) feet above the height of the building existing as of the date of Ordinance 120928;

(ii) These utilities and devices located on a rooftop may extend up to fifteen (15) feet above the applicable height limit or above the highest portion of a building, whichever is less.

The additional height permitted in a(i) and (ii) above is permitted if the combined total of communication utilities and accessory communication devices in addition to the roof area occupied by rooftop features listed in Section 23.49.008 D2, does not exceed thirty-five (35) percent of the total rooftop area .

b. The height of minor communications utilities and accompanying screening may be further increased through the design review process, not to exceed ten (10) percent of the applicable height limit for the structure . For new buildings this increase in height may be granted through the design review process provided for in Section 23.41.014. For minor communication utilities on existing

buildings this increase in height may be granted through administrative design review provided for in Section 23.41.016.

3. Visual Impacts. All minor communication utilities and accessory communication devices, except for facilities located on buildings designated by the Seattle Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio towers, shall meet the standards set forth in Section 23.57.016.

4. Antennas may be located on rooftops of buildings, including sides of parapets above the roofline. Rooftop space within the following parameters shall not count toward meeting open space requirements: the area eight (8) feet away from and in front of a directional antenna and at least two (2) feet from the back of a directional antenna, or, for an omnidirectional antenna, eight (8) feet away from the antenna in all directions. The Seattle-King County Department of Public Health may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

\* \* \*

Section 80. Subsection A of Section 23.76.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 121828, is amended as follows:

23.76.004 Land use decision framework.

A. Land use decisions are classified into five (5) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five (5) different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Exhibit 23.76.004A.

Exhibit 23.76.004A

LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S

DECISIONS REQUIRING MASTER USE PERMITS

TYPE I	TYPE II	TYPE III Hearing
Director's Decision Decision	Director's Decision	Examiner's
(No Administrative Administrative	(Appealable to Hearing	(No
Appeal)	Examiner*)	Appeal)
Compliance with (preliminary	Temporary uses, more than	Subdivision
development standards	four weeks	plats)

Uses permitted outright	Variances
Temporary uses, four weeks or less	Administrative conditional uses
Intermittent uses	Shoreline decisions (*appealable to Shorelines
Certain street uses	Hearings Board along with all related environmental
Lot boundary adjustments	appeals)
Modifications of features bonused under Title 24	Short subdivisions  Special exceptions
Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation	Design review  Light rail transit facilities  Monorail transit facilities
Temporary uses, twelve months or less, for relocation of police and	The following environmental determinations:

fire protection

Exemptions from  
right-of-way improvement  
requirements

1. Determination of  
nonsignificance (EIS not  
required)

Special accommodation

2. Determination of final  
EIS adequacy

Reasonable accommodation

3. Determination of  
significance based solely  
on historic and cultural  
preservation

Minor amendment to a  
Major Phased Development  
Permit

Determination of  
public benefit for  
combined lot FAR

4. A decision by the  
Director to approve,  
condition or deny a  
project based on SEPA  
Policies

Other Type I decisions  
that are identified as  
such in the Land Use  
Code.

5. A decision by the  
Director that a project is  
consistent with a Planned  
Action Ordinance and EIS  
(no threshold  
determination or EIS  
required)

Major Phased Development

Downtown Planned

Community Developments

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COUNCIL LAND USE DECISIONS

TYPE IV

(Quasi-Judicial)

Land use map amendments (rezones)

Public project approvals  
Policies

Major Institution master plans  
facilities

Council conditional uses

TYPE V

(Legislative)

Land Use Code text amendments

Rezones to implement new City

Concept approval for City

Major Institution designations

Waive or modify development standards

for City facilities

Planned Action Ordinance

\* \* \*

Section 81. Subsections B and C of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 121476, are amended as follows:

23.76.006 Master Use Permits required.

\* \* \*

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

2. Establishment or change of use for uses permitted outright, temporary uses for four (4) weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for twelve (12) months or less;

3. The following street use approvals associated with a development proposal:

- a. Curb cut for access to parking,
- b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street

drainage, sidewalks, and paving,

c. Sidewalk cafes provided that Type II notice of application procedures shall be followed,

d. Structural building overhangs,

e. Areaways;

4. Lot boundary adjustments;

5. Modification of the following features bonused under Title 24:

a. Plazas,

b. Shopping plazas,

c. Arcades,

d. Shopping arcades,

e. Voluntary building setbacks;

6. Determinations of Significance (determination that an environmental impact statement is required) for Master Use Permits and for building, demolition, grading and other construction permits

(supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by Section 23.55.042D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015;

10. Reasonable accommodation;

11. Minor amendment to Major Phased Development Permit;

12. Determination of public benefit for combined lot development; and

13. Other Type I decisions that are identified as such in the Land Use Code.

C. The following are Type II decisions:

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

a. Determinations of Nonsignificance (DNSs), including mitigated DNSs;

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

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

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

a. Establishment or change of use for temporary uses more than four

(4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040E, and excepting temporary relocation of police and fire stations for twelve (12) months or less;

b. Short subdivisions;

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

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

e. Design review;

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

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

(1) Shoreline substantial development permits,

(2) Shoreline variances,

(3) Shoreline conditional uses;

h. Major Phased Development;

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

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

k. Establishment of monorail transit facilities necessary to operate and maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and Section 15.54.020;

and

l. Downtown planned community developments.

\* \* \*

Section 82. Section 23.76.011 of the Seattle Municipal Code, which Section was last amended by Ordinance 121476, is amended as follows:

23.76.011 Notice of early design guidance and planned community development process.

A. The

Director shall provide the following notice for the required early design guidance process for design review projects and the preparation of priorities for planned community developments:

1. Publication of notice in the Land Use Information

Bulletin; and

2. Mailed notice; and

B. The applicant shall post one (1) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public.

C. For the required meeting for the preparation of priorities for a planned community development, and for a public meeting required for early design guidance , the time, date, location and purpose of the meeting shall be included with the mailed notice.

D. The land use sign may be removed by the applicant the day after the public meeting.

Section 83. Subsection A of Section 23.76.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 121112, is amended as follows:

Section 23.76.032 Expiration and renewal of Type I and II Master Use Permits

A. Expiration.

1. An issued Type I or II Master Use Permit shall expire three (3) years from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of a Master Use Permit with a shoreline component shall be governed by WAC 173-27-090.

b. Expiration of a variance component of a Master Use Permit shall be governed by the following:

(1) Variances for access, yards, setback, open space, or lot area minimums granted as part of short plat or lot boundary adjustment shall run with the land in perpetuity as recorded with the

Director of the King County Department of Records and Elections.

(2) Variances granted as separate Master Use Permits pursuant to Section 23 .76.004 G shall expire three (3) years from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit or the property subject to the permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the three (3) year term of the Master Use Permit.

d. Master Use Permits with a Major Phased Development or Planned Community Development component established under Section 23.47.007, 23.50.015 or 23.49.036 shall expire as follows:

(1) For the first phase, three (3) years from the date the permit is approved for issuance;

(2) For subsequent phases, expiration shall be determined at the time of permit issuance.

2. At the end of the three (3) year term, Master Use Permits shall expire unless one of the conditions in subsections a through d of this subsection 2 prevails:

a. A building permit is issued before the end of the three (3) year term, or an application for a building permit is: (1) submitted at least sixty (60) days before the end of the three (3) year term; (2) made sufficiently complete to constitute a fully complete building permit application as defined in the Seattle Building Code, or for a highrise structure regulated under Section 403 of the Seattle Building Code, made to include the complete structural frame of the building and schematic plans for the exterior shell of the building, in either case before the end of the three (3) year term; and (3) subsequently issued. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building.

b. For projects that do not require a building permit, the use has been established prior to the expiration date of the Master Use Permit and is not terminated by abandonment or otherwise. In such cases the Master Use Permit shall not expire.

c. The Master Use Permit is renewed pursuant to subsection B  
:

d. A Major Phased Development or Planned Community Development component is part of the Master Use Permit, in which case subsection A1d shall apply.

Section 84. Subsection A of Section 23.76.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.76.036 Council decisions required.

A. The Council shall make the following Type IV Council land use decisions, including any integrated decisions to approve, condition or deny based on SEPA Policies, and any associated Type II decisions listed in Section 23.76.006 C2:

1. Amendments to the Official Land Use Map, including changes in overlay districts and shoreline environment redesignations, except those initiated by the City and except boundary adjustments caused by

the acquisition, merger or consolidation of two (2) Major Institutions pursuant to Section 23.69.023;

2. Public projects proposed by applicants other than The City of Seattle that require Council approval;

3. Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69); and

4. Council conditional uses.

\* \* \*

Section 85. Subsection D of Section 23.76.040 of the Seattle Municipal Code, which subsection was last amended by Ordinance 121476, is amended as follows:

\* \* \*

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; SMC Chapter 25.09, Regulations for Environmentally Critical Areas; SMC Chapter 25.12, Landmark Preservation; SMC Chapter 25.16, Ballard Avenue Landmark District; SMC Chapter 25.20, Columbia City Landmark District; SMC Chapter

25.22, Harvard-Belmont Landmark District; SMC Chapter 25.24, Pike Place Market Historical District; and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

1. Property information including, but not limited to, address, legal description, Assessor's Parcel number, and project description;

2. Evidence of ownership or authorization from the property owner for Council Conditional Uses ;

3. A signed statement of financial responsibility from the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees;

4. Scale drawings with all dimensions shown that include, but are not limited to, the following information:

a. Existing site conditions showing adjacent streets (by name), alleys or other adjacent public property, existing street uses, such as street trees and sidewalk displays, buildings and structures, open space and landscape, access driveways and parking areas,

b. Elevations and sections of the proposed new features,

c. Floor plans showing the proposed new features,

d. Drainage plan,

e. Landscape plan,

f. Right-of-way information showing any work proposed in the public right-of-way,

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable,

h. Parking layout and vehicular access,

i. Vicinity map,

j. Topographic map, and

k. Open space plan;

\_\_\_\_\_ 5. A statement whether the site includes or is adjacent to a nominated or designated City of Seattle landmark, or has been listed as eligible for landmark status by the state or federal governments, or is within a City of Seattle landmark or special review district. If the site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle landmark or special review district, then the applicant must provide a copy of any application for any required certificate of approval that has been filed with the Department of Neighborhoods. If the site does not include a landmark and is not within a landmark or special review district, then the applicant must provide the following information:

a. Date the buildings on the site were constructed,

b. Name of the architect(s) or builder(s), and

c. For any building fifty (50) or more years old, clear exterior photos of all elevations of the building;

6. Information, including technical reports, drawings, models or text, necessary to evaluate the development proposal,

project site and potential environmental effects related to the following:

- a. Soils and geology,
- b. Grading,
- c. Drainage,
- d. Construction impacts,
- e. Air quality,
- f. Water quality,
- g. Water discharge,
- h. View impairment,
- i. Energy consumption,
- j. Animal habitat impacts,
- k. Plant ecology, botany and vegetation,
- l. Noise,

m. Release and disposal of toxic and hazardous materials,

n. Soil contamination,

o. Dredging,

p. Land use,

q. Housing,

r. Light and glare,

s. Shadow,

t. Aesthetics,

u. Use and demand on recreation facilities,

v. Vehicular traffic and circulation,

w. Parking,

x. Pedestrian circulation,

y. Circulation and movement of goods,

z. Traffic hazard, and

aa. Demand on public service and utilities.

\* \* \*

Section 86. Subsection C of Section 23.76.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.76.058 Rules for specific decisions.

\* \* \*

C. Reserved.

\* \* \*

Section 87. Subsection B of Section 23.76.060, which Section was last amended by Ordinance 118012, is amended as follows:

B. Contract Rezones, Council Conditional Uses and

Public projects

1. Contract rezones, Council conditional uses and public projects approved under Title 23 shall expire two (2) years from the effective date of approval unless:

a. Within the two (2) year period, an application is filed for a Master Use Permit, which permit is subsequently issued; or

b. Another time for expiration is specified in the Council's decision.

2. If a Master Use Permit is issued for the contract rezone, Council conditional use or public project , the Council's approval of the contract rezone, Council conditional use or public project , shall remain in effect until the Master Use Permit expires pursuant to the provisions of Section 23.76.032, or until the time specified by the Council, whichever is longer

3. When a contract rezone expires, the Director shall file a certificate of expiration with the City Clerk and a notation shall be placed on the Official Land Use Map showing the reversion to the former classification

Section 88. Section 23.84.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended by adding the following new subsections, to be inserted in alphabetical order:

23.84.008 Definitions -- "D."

\* \* \*

"DMC housing TDR site." See "TDR site, DMC housing."

\* \* \*

"Downtown Amenity Standards" means the provisions contained in Attachment 3 to this ordinance, as they may be amended from time to time by ordinance.

\* \* \*

Section 89. Section 23.84.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended adding the following new subsection, to be inserted in alphabetical order:

Section 23.84.014 "G"

\* \* \*

"Green street, designated" means a portion of a street designated as a green street on a map in this Title.

\* \* \*

Section 90. Section 23.84.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is amended by amending and repealing subsections, and adding new subsections to be inserted in alphabetical order, as follows:

23.84.016 Definitions -- "H.

\* \* \*

"Household, low-income" means a household whose income does not exceed eighty (80) percent of median income.

"Household, moderate income" means a household whose income does not exceed median income.

"Household, very low-income" means a household whose income does not exceed fifty (50) percent of median income.

"Housing, affordable" means a housing unit for which the occupant is paying

no more than thirty (30) percent of household income for gross housing costs, including an allowance for utility costs paid by the occupant.

"Housing, low-income" means  
housing affordable to, and occupied by, low-income households.

"Housing, moderate income" means housing affordable to, and occupied by, moderate-income households.

"Housing, very low-income" means housing affordable to, and occupied by, very low-income households.

"Housing TDR site." See "TDR site, housing."

\* \* \*

Section 91. Section 23.84.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended by amending and repealing subsections, and adding new subsections to be inserted in alphabetical order, as follows:

23.84.024 Definitions -- "L.

"Landmark housing TDR site." See "TDR site, Landmark housing."

\* \* \*

"LEED" (Leadership in Energy & Environmental Design) means the U.S. Green Building Council's Green Building Rating System(tm). LEED is a voluntary consensus-based national standard for developing high-performance, sustainable buildings. LEED provides standards for higher performance in the the following categories: Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality, and Innovation and Design Process.

"LEED-CS" (LEED for Core & Shell) means a standard for core and shell construction and covers base building elements, such as the structure, envelope and building level systems. LEED-CS recognizes the division between owner and tenant responsibility for design and construction of certain elements of the building.

"LEED-NC" (LEED for New Construction) meansmeans a standard for application to new construction and and major renovation projects. LEED-NC covers all building elements, including core and shell and interiors. LEED-NC was designed for commercial, institutional, high-

rise residential, and mixed-use projects, but has also been applied to K-12 schools, industrial, laboratories, and many other building types.

"LEED Silver rating" means a level of performance for a new structure that earns at least the minimum number of credits specified to achieve a "Silver" certification either for "LEED-NC" or for "LEED-CS," at the election of the applicant, according to the criteria in the U.S. Green Building Council's LEED Green Building Rating System, LEED-NC Version 2.2 and LEED-CS Pilot Version, copies of which are filed with the City Clerk in C.F. 307824, and incorporated in this section by reference.

           \* \* \*

"Low-income elderly multifamily structure" means a structure in which at least ninety (90) percent of the dwelling units are occupied by one (1) or more persons sixty-two (62) or more years of age who constitute a low-income household.

"Low-income elderly/low-income disabled multifamily structure" means a multifamily structure in which at least ninety (90) percent of the dwelling units (not including vacant units) are occupied by a low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendment Act or a person sixty-two (62) years of age or

older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

"Low-income household." See "Household, low-income."

"Low-income housing." See "Housing, low-income."

\* \* \*

Section 92. Section 23.84.025 of the Seattle Municipal Code, which Section was last amended by Ordinance 121278, is amended by adding subsections, to be inserted in alphabetical order, as follows:

23.84.025 Definitions -- "M."

\* \* \*

"Major retail store" means a structure or portion of a structure

that provides adequate space of at least eighty thousand (80,000) square feet to accommodate the merchandising needs of a major new retailer with an established reputation, and providing a range of merchandise and services, including both personal and household items, to anchor downtown shopping activity around the retail core, thereby supporting other retail uses and the area's vitality and regional draw for customers.

\* \* \*

"Median income" means annual median family income for the Seattle area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD), with adjustments according to household size in a manner determined by the Director, which adjustments shall be based upon a method used by the United States Department of Housing and Urban Development to adjust income limits for subsidized housing, and which adjustments for purposes of determining affordability of rents or sale prices shall be based on the average size of household considered to correspond to the size of the housing unit (one (1) person for studio units and one and a half (1.5) persons per bedroom for other units).

\*\*\*

\*\*\*

Section 93. The following subsection of Section 23.84.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 121700, is amended as follows:

Section 23.84.030 Definitions - "P."

\* \* \*

"Planned Community Development PCD" means a zoning process that authorizes exceptions from certain development standards for structures on large tracts of land in certain downtown zones. A PCD is developed as a single entity through a public process.

\* \* \*

Section 94. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 121359, is amended by deleting subsections and adding a subsection to be inserted in alphabetical order, as follows:

23.84.032 Definitions - "R."

\* \* \*

\* \* \*

"Rural development credit" means the allowance of floor area on a receiving lot that results from the transfer of development potential from rural unincorporated King County to the Downtown Urban Center pursuant to King County Code Chapter 21A.55 or successor provisions and pursuant to the provisions of Section 23.49.011.

Section 95. Section 23.84.038 of the Seattle Municipal Code, which Section was last amended by Ordinance 121278, is amended by amending subsections, and adding new subsections to be inserted in alphabetical order, as follows:

23.84.038 Definitions -- "T."

\* \* \*

"Transferable Development Rights" or "TDR" means development potential, measured in square feet of gross floor area, that may be

transferred from a lot pursuant to provisions of this Title . These terms do not include

development credits transferable from King County

pursuant to the City/County Transfer of Development Credits (TDC)

program established by Ordinance 119728, or other rural development

credits, nor do they include development capacity transferable

between lots pursuant to Planned Community Development provisions.

These terms do not denote or imply that the owner of TDR has a

legal or vested right to construct or develop any project or to

establish any use.

"TDR, DMC housing" means TDR that are eligible for transfer

based on the status of the sending lot as a DMC housing TDR site and,

## **City of Seattle Legislative Information Service**

if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as DMC housing TDR.

"TDR, Landmark" means TDR that are eligible for transfer based

on the landmark status of the sending lot or a structure on such lot,

except Landmark housing TDR.

"TDR, Landmark housing" means TDR that are eligible for transfer based on the status of the sending lot as a Landmark housing TDR site

and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as Landmark housing TDR.

"TDR, open space" means TDR that may be transferred from a lot or lots based

on the provision of public open space meeting certain standards on that lot.

"TDR site, DMC housing" means a lot meeting the following requirements:

1. The lot is located in a Downtown Mixed Commercial (DMC) zone;

2. Each structure to be developed on the lot has or will have a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years, unless such requirement is waived or modified by the Director of the Office of Housing for good cause;

3. The lot will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years; and

4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;

2. Each structure on the lot has a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;

3. The lot has above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;

4. The above-grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is

contained in one or more structures existing as of the date of passage of Ordinance 120443 and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of the Office of Housing; and

5. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, Landmark housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except IDM, IDR, PSM, PMM, DH-1 and DH-2 zones;

2. The lot contains a designated landmark under SMC 25.12 and such structure will be renovated to include a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;

3. The lot has or will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;

4. The low-income housing and very low-income housing

commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

\* \* \*

Section 96. Section 23.84.042 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is amended to add subsections, to be inserted in alphabetical order, as follows:

23.84.042 Definitions -- "V.

\* \* \*

"Very low-income household." See "Household, very low-income."

"Very low-income housing." See "Housing, very low-income."

\* \* \*

Section 97. Section 23.90.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 120156, is amended as follows:

23.90.018 Civil penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of Title 23 and who is identified in an order of the Director shall be subject to a cumulative penalty in the amount of Seventy-five Dollars (\$75) per day for each violation from the date set for compliance until the person complies with the requirements of the code, except as provided in subsection B of this section.

B. Violations of Section 23.71.018 are subject to penalty in the amount specified in Section 23.71.018 H. Violations of Section 23.49.011 or 23.49.015 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings under either such Section are subject to penalty in amounts determined under Section 23.49.020, and not to any other penalty.

C. The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed; the issuance of the notice of violation or of an order following a review

by the Director is not itself evidence that a violation exists.

D. Except in cases of violations of Section 23.49.011 or 23.49.015 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings, the violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the wilful act, or neglect, or abuse of another; or

2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

Section 98. Section 23.90.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.90.020 Criminal penalties.

A. Any person violating or failing to comply with any of the provisions of this Land Use Code and who has had a judgment entered against him or her pursuant to Section 23.90.018 or its predecessors

within the past five (5) years shall be subject to criminal prosecution and upon conviction of a subsequent violation shall be fined in a sum not exceeding Five Thousand Dollars (\$5,000) or be imprisoned in the City Jail for a term not exceeding one (1) year or be both fined and imprisoned. Each day of noncompliance with any of the provisions of this Land Use Code shall constitute a separate offense.

B. A criminal penalty, not to exceed Five Thousand Dollars (\$5,000) per occurrence, may be imposed:

1. For violations of Section 23.90.002 D;

2. For any other violation of this Code for which corrective action is not possible, other than violations with respect to commitments to earn LEED Silver ratings under SMC 23.49.011 or 23.49.015; and

3. For any wilful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this Code.

Section 99. Of the fifteen codified maps at the end of the Seattle Municipal Code Chapter 23.49, four maps (1F Transit Access, 1N Retail and Short-term Parking Public Amenity Features, 1M Downtown Retail Core, and 1O Additional Height) are repealed; four maps (1B Street Classifications, 1C Sidewalk Widths, 1D View Corridors, and 1E

Existing Public Benefit Features Under Title 24) are existing and not amended; five maps (1H Street Level Use Required, 1I Property Line Facades, 1J Parking Uses Permitted, 1K Public Amenity Features, and 1L Pike Place Market) are re-lettered in each case to use the preceding letter of the alphabet; and five maps (1A Downtown Zones, the relettered 1G Street Level Use Required, the re-lettered 1I Parking Uses Permitted, the re-lettered 1J Public Amenity Features, and the re-lettered 1K Pike Place Market) are amended to be codified at the end of Chapter 23.49.

Section 100. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances.

To the extent that sections of this ordinance recodify or incorporate into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant

to, or with reference to, the provisions of such Title in effect prior to such repeal.

Section 101. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2006, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_

Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_

City Clerk

(Seal)

Rebecca Herzfeld/Ketil Freeman

CB 115524 as Amended 4.3.06 v14.doc

April 3, 2006

Version 14

Attachment 1: Rezones

Attachment 2: Amended Downtown Maps:

Map 1A, Downtown Zones, as amended;

Map 1G (formerly Map 1H) - Downtown Zones, Street Level Use  
Required, as amended

Map 1I (formerly Map 1J) - Downtown Zones, Parking Uses Permitted,  
as amended

Map 1J (formerly Map 1K)- Downtown Zones, Public Amenity Features,  
as amended

Map 1K (formerly Map 1L), Pike Place Market, as amended.

Attachment 3: Downtown Amenity Standards

Attachment 4: Exhibits for Section 23.41.012:

Exhibit 23.41.012 A, Roosevelt Commercial Core

Exhibit 23.41.012 B, Ballard Municipal Center Master Plan Area

Attachment 5: Exhibit for Section 23.49.058

Exhibit 23.49.058E, Belltown Urban Center Village

v12a.doc

March 20, 2006

Version 12

ATTACHMENT 3

INTRODUCTION

Downtown Amenity Features and Standards

The standards in this document supplement provisions in the Downtown chapter of the Land Use Code related to the amenity features that can help a project qualify for a floor area bonus or that are exempt from the definition of chargeable floor area. These features are listed below under general categories related to the function and public purpose each is intended to serve.

\* Interior Amenities

Hillclimb Assist

Museum

Public Atrium

Public Restrooms

\* Open Space Amenities

Commercial parcel park

Green street parcel park

Residential parcel park

\* Retail-related Amenities

Major retail store

Shopping atrium

Shopping corridor

\* Streetscape and Circulation-related Amenities

Green Street Improvement

Green Street Setback

Hillside Terrace

Urban Plaza

\* Transit-related Amenities

Transit Station Access Easement

Transit Station Access: Grade Level

Transit Station Access: Mechanical

\* Other Amenities

Human Services

Restoration and Preservation of Landmark Performing Arts Theatre

## Contents

In some Downtown zones, increases in chargeable floor area above the base Floor Area Ratio (FAR) of the zone may be allowed as bonus development or by the use of transferable development rights (TDR), or both, subject to specified conditions. (See Seattle Municipal Code (SMC) 23.49.011-.014).

These standards address all the amenity features that may be provided for floor area increases allowed above the Base FAR. Seattle Municipal Code Chapter 23.49 establishes the features eligible for a bonus in each zone, with the bonus ratio and other conditions and limits governing the floor area that may be obtained for each feature. These standards also address the amenity features that may be exempted from chargeable floor area as provided in SMC 23.49.011.

These standards supplement the provisions of the Land Use Code with additional, detailed criteria that the Department of Planning and Development shall use in the review of proposed amenity features to determine whether a floor area bonus or exemption will be allowed for such features. These standards include requirements for the ongoing operation of amenity features, which apply to the successor owners and operators of the buildings using the bonuses.

The Downtown Amenity Standards are presented in the following three parts:

## Part I General Eligibility Conditions for Amenity Features.

This part focuses on the procedures, operations, mandatory features, maintenance, identification, and leasing requirements generally associated with bonusable amenity features and amenity features that are eligible for a floor area exemption. Some conditions apply to all amenity features, such as hours that they must remain open to the public, while others apply only to specific amenity features, such as requirements for active street level uses. These general conditions must be satisfied for the feature to qualify for a bonus, unless an exception is expressly granted by the Director.

## Part II Specific Eligibility Conditions and Guidelines for Bonusable Amenity Features.

This section of the document part provides the basis for reviewing each bonusable amenity feature, stating the intended function and public benefit of each feature and setting forth eligibility conditions and guidelines.

\* Specific Eligibility Conditions. Eligibility conditions represent basic requirements in addition to any set forth in the Land Use Code -primarily related to the location and size of the feature-that must be met for a floor area bonus to be granted.

\* Guidelines. The guidelines are more flexible statements about the characteristics desired for each amenity feature. They provide direction for the siting and design of a feature, while allowing flexibility to respond to the special circumstances of individual projects and development sites.

### Part III Specific Eligibility Conditions and Guidelines for Amenity Features Eligible for Floor Area Exemption Only.

This section of the document contains specific eligibility conditions and guidelines for exemption of certain amenity features from the definition of chargeable floor area.

### Relationship of Downtown Amenity Standards to Other Downtown Codes/Policies

Relationship to Design Review Guidelines: Most if not all projects using TDR or floor area bonuses for public amenities are required to go through the City's Design Review Program as established by SMC Chapter 23.41. Further information about design review is in Client Assistance Memo 238 and the Design review web page at [www.seattle.gov/designreview](http://www.seattle.gov/designreview). Except for the Design Review Guidelines, such information is unofficial.

The Design Review Program involves public meetings early on in the process with the Design Review Board (DRB). DPD uses the DRB to

recommend priority guidelines for each project from the 21 adopted Guidelines for Downtown Development, April 1999. These Guidelines cover Site Planning, Architectural Expression, The Street Facade, Public Amenities and Vehicular Access and Parking. The Board also makes recommendations to DPD regarding departures from the Land Use development standards and may be requested by DPD to make recommendations on any requested modifications to "eligibility conditions" for the public amenity standards in order to assist the DPD staff in reaching a decision on such modifications.

As part of the review of the proposed amenities, the Director of DPD may consider comments from the Design Review Board to inform recommendations to DPD regarding the quality of the proposed amenities.

The analysis of how the public amenities and FAR incentives proposed meet the criteria of the Code and Downtown Amenity Standards will be included in the Master Use Permit (MUP) decision by DPD. If there are requests for departures from eligibility conditions, the MUP decision will describe the proposed departures, analyze the rationale for them, summarize input received from other City departments and/or the Design Review Board, and state the Director's determination, including any conditions to allowance of departures.

Modification of provisions for public amenity features. Pursuant to SMC Section 23.49.013, the Director has the authority to grant

departures from Eligibility Conditions. In some instances there are specified criteria in these Standards for particular types of departures. DPD staff may present the analysis of requested departures to the DRB as part of the recommendation phase of the DR/MUP process for the DRB's input on the decision by the DPD director.

I: GENERAL ELIGIBILITY CONDITIONS FOR AMENITY FEATURES

The following conditions apply to all amenity features for which a floor area bonus is sought under SMC 23.49.013 and to specific features for which a floor area exemption is allowed as described in these Standards. Categories of conditions include:

- \* Installation Timeframes
  
- \* Public Access and Hours of Operation
  
- \* Maintenance
  
- \* Combination of Features
  
- \* Art in Bonused Public Spaces
  
- \* Landscaping and Furnishings

\* Safety

\* Identification

\* Information in Permit Application; Recording Conditions

A. Installation Timeframes

Amenity features shall be installed within the timeframe shown on Chart A. If not installed when required, further occupancy of the building will not be allowed until the feature is provided. The Director may extend the time allowed when installation is not feasible due to construction scheduling or other good cause, but in no case shall the Final Certificate of Occupancy be issued until all features have been provided.

Chart A: Timing of Installation for Required Components of Amenity Features

	Prior to Issuance	6 months from	2
			years from
	of any C of O*	issuance	issuance
O*	for chargeable	of first C of O*	of first C of
chargeable	space	for chargeable	for
		space	space

Art Installation\*\* X

Seating and X  
Furnishings

Identification X  
Signs

Performing Arts  
X

Theatre Signs

Required Active  
X

Uses Are In  
Operation\*\*\*

Green Streets  
X

Improvements

Mechanical X

Conveyance for  
Hillclimb Assist

Lease or Plan for  
X

a Museum Eligible

for a Floor Area

Exemption

Note: Timing of Human Services, Child Care, and Housing are included in Director's Rule X and Y.

\* C of O stands for Certificate of Occupancy

\*\*A Preliminary Plan for the art installation is required at the time of MUP Application; the Final Plan is required prior to MUP issuance.

\*\*\*Applies for the following features: Shopping Corridor, Hillside Terrace, Urban Plaza, Commercial Parcel Park, and Residential and Green Street Parcel Parks with frontage on a street that requires street level uses.

#### B. Public Access and Hours of Operation

Bonused public spaces are provided for public use and enjoyment.

They should be easily recognized as available for use by the general public, and they generally should be as accessible to the public as publicly provided open space.

Standards for hours of operation are as follows:

1. Interior Amenities: Amenity features integrated with interior spaces of private development are required to be open and accessible to the public without charge during normal operating hours of the building. These features include:

- a. Hillclimb Assist
- b. Museum
- c. Public Atrium
- d. Public Restrooms

2. Open Space Amenities: Amenity features functioning primarily as public parks must be open and accessible to the general public, without charge, for reasonable and predictable hours, such as those for other City parks, for a minimum of 10 hours each day of the year. These features include:

- a. Commercial Parcel Park
- b. Green Street Parcel Park
- c. Residential Parcel Park

Within these spaces, property owners, tenants and their agents shall allow individuals to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature

gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others.

3. Retail-related Amenities: Amenity features supporting retail activity Downtown shall be accessible to the general public during normal shopping hours, which at a minimum shall be five days a week for at least eight hours a day. These features include:

- a. Major Retail Store
- b. Shopping Atrium
- c. Shopping Corridor

4. Streetscape and Circulation-related Amenities: The following amenity features integrated with the public street environment and intended to function as part of the outdoor pedestrian circulation network are required to be open and accessible to the general public without charge 24 hours a day, every day throughout the year. These features include:

- a. Green Street Improvement
- b. Green Street Setback

c. Hillside Terrace

d. Urban Plaza

Within these spaces, property owners, tenants and their agents shall allow individuals to engage in activities allowed in the public sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others.

5. Transit-related Amenities: Amenity features integrated with public transportation facilities shall provide free public access at all times the transportation facility is in operation. These features include:

- a. Transit Station Access Easement
- b. Transit Station Access: Grade Level
- c. Transit Station Access: Mechanical

Chart B: Summary of Public Access and Hours of Operation Conditions

Normal	Same	24 hrs	Min. 10	Min 8hrs
bldg	hours as	per	hrs per	per
operating	transit	day/365	day/365	day/5
hrs	facility	days per	days a	days a
		year	year	week
Interior	Hillclimb Assist			X
Amenities				
	Museum			X
	Public Atrium			X
	Public Restrooms			X
Open	Commercial parcel		X	
Space-relat	park			
ed				
Amenities				
	Residential parcel		X	
	park			

Green street parcel park	X	
Retail-related Amenities		X
Major retail store		X
Shopping atrium		X
Shopping corridor		X
Streetscape and Circulation -related Amenities	X	
Green Street Setback	X	
Hillside Terrace	X	
Urban Plaza	X	
Transit-related X		
Transit Station		

ated Access Easement

Amenities

X Transit Station

Access: Grade Level

X Transit Station

Access: Mechanical

C. Maintenance

Unless otherwise stated in the specific conditions for a public amenity feature, the property owner shall maintain all elements of bonused features, including but not limited to landscaping, seating and lighting, in a safe, clean, and well-maintained condition.

D. Combination of Features

Projects using the floor area bonus system may incorporate several public amenity features, within the limits established by the Land Use Code. The intent is to encourage the integration of various features within a project design. Should conflicts among requirements arise when combining public amenity features in one project, the Director may resolve the conflict by granting departures from eligibility conditions, provided the intent of each feature is

fulfilled.

#### E. Art In Bonused Public Spaces

1. Definition: For the purposes of this ordinance, art shall be broadly defined to encourage high-quality, imaginative interpretations of the various media, and shall include works that are merely decorative, or are both decorative and functional. Over time, new materials and art forms may be developed. Therefore, such innovations in form and media are included in this definition of art.

2. Amenities Requiring Art: To make a positive contribution to the identity of the public space, artwork is required in the following amenity features:

- a. Commercial, Residential, and Green Street Parcel Parks
- b. Green Street Improvement
- c. Hillclimb Assist
- d. Hillside Terrace
- e. Public Atrium
- f. Shopping Corridor
- g. Transit Station Access
- h. Urban Plaza

#### 3. General Requirements

a. When more than one of the listed bonused public spaces is incorporated in a project, the requirement for artwork may be filled in a variety of ways, such as providing one major work as a focal point, or several smaller works, as appropriate to the design of the public spaces, and commensurate with the amount of bonused public space.

b. Artwork may include but need not be limited to two or three dimensional works in all media, such as oil or acrylic on canvas, textiles, photography, ceramics, wood, paper, metal, stone, etc. Artwork may also include fountains, mobiles, special wall or paving surfaces, bas-reliefs, mosaics, murals, landscaping elements, and other decorative features. Interdisciplinary projects and collaborations are encouraged, as are works that are not only visual, but engage other senses, such as sound and touch.

c. The artwork shall be clearly visible to people using the public space, and, wherever possible, should be visible from the street. If it is not visible from the street, it shall be visible from primary circulation paths adjacent to or through the public space. However, it shall not impede circulation in the open space.

d. The setting for the artwork shall be designed to provide comfort and amenity and accommodate people viewing the art by incorporating such features as steps, ledges, benches, and other seating or by providing rails or other architectural features to lean against.

e. The property owner is responsible for the maintenance of all art features for the life of the building.

f. The selection of artists to work as members of design teams along with building architects, landscape architects and/or engineers is encouraged. The intent is to promote art that is an integral part of the design of the public space and compatible in bulk, scale, design, texture, color, and shape with the space in which it is located.

#### 4. Artwork Plan Process

a. To encourage integration of the artwork into the overall design of the project, the Master Use Permit application shall include a Preliminary Artwork Plan which shall be submitted to the Seattle Arts Commission who will review it, advise the applicant and the DPD Director, and make recommendations on the proposal. The Preliminary Artwork Plan shall include the following elements:

- \* Concept Statement - Outline of the art proposal in terms of proposed location(s) and type(s) of art, e.g., sculpture, two-dimensional work, interdisciplinary process, etc.

- \* Proposed budget

- \* Proposed process for selection of artist(s)

\* Schedule for implementation

b. Before a building permit for the project is issued, a final Artwork Plan shall be submitted by the applicant to the Seattle Arts

Commission, who will review it and make recommendations to the DPD Director. The Final Artwork Plan shall be a refinement of the Preliminary Artwork Plan, and include the following elements:

\* Selected Artist(s)

\* Drawings indicating location, size, placement of artwork

\* Technical documents outlining in detail the materials and method of attachment of the proposed art

\* Maintenance, safety and security considerations

\* Final budget

\* Final schedule for installations

c. The final Certificate of Occupancy shall not be issued until the artwork is complete and installed.

## 5. Removal or Modification of Art in Bonused Spaces

a. Proposed alterations to or removal of artwork in bonused public spaces may be subject to the Visual Artists Rights Act. Therefore, such alteration or removal shall require review by the Seattle Arts Commission. The Commission will advise the DPD Director if, in its opinion, the proposed alterations would constitute destruction of the artwork, and would thus require replacement artwork to satisfy the bonus requirements. The Director may require replacement artwork.

b. Proposals for replacement artwork in bonused public spaces shall be reviewed by the Seattle Arts Commission, who will make a recommendation to the DPD Director. The recommendations will be based on the applicability of the new artwork, taking into account the original Final Artwork Plan and any changed conditions since the original installation of the artwork. The Director may approve, condition or deny the placement of the replacement artwork.

## F. Landscaping and Furnishing

1. Amenities Requiring Landscaping: To be eligible for a bonus or floor area exemption, landscaping is required for the following amenity features, consistent with the applicable guidelines specified for each feature in Part II:

a. Green Street Improvement

- b. Green Street Setback
- c. Hillclimb Assist
- d. Hillside Terrace
- e. Parcel Park, including Commercial, Residential and Green Street Parcel Parks
- f. Public Atrium
- g. Shopping Atrium
- h. Shopping Corridors with bonus for natural light
- i. Urban Plaza

2. Types of Landscaping and Furnishings: Required landscaping is subject to the review and approval of the Director, and shall be provided consistent with the Landscape Standards Director's Rule (DR 13-92). It may include a wide variety of living trees, shrubs, and ground covers, as well as fountains and planters, and should include seasonal plantings. Art required in Section E may be located in a landscaped area. All required landscaping shall be located in permanently installed beds or planters, or in large containers that, while movable, cannot be readily removed.

a. Seating and tables. All bonused public spaces that require landscaping shall also provide seating for use by the general public at all times the space is open. Tables may also be provided for use by the general public. The type and amount of seating should reflect the intended function of the space and anticipated volume of users, with a desired minimum amount indicated in the guidelines for each

amenity feature. The seating may be either permanent or movable. Additional seating, and/or tables, may be reserved for customers of restaurants or other uses. To avoid dominating the space and conflicting with its intended public use, the area reserved for such seating should not exceed 15 percent of the bonused area, or 500 square feet, whichever is less. The location, size and delineation of the area used for reserved seating is subject to the review and approval of the Director.

b. Perimeter walls. Non-transparent perimeter walls, excluding windows, should be decoratively finished or lined with continuous planting to a minimum height of about one story, or to the top of the wall(s), whichever is less. Exterior perimeter walls should be light in color to reflect light into outdoor open spaces.

c. Temporary features. Temporary kiosks, displays, art exhibits and retail stalls may be permitted, provided they are portable and do not restrict public access and use of the park or restrict pedestrian circulation.

#### G. Safety

1. To increase public safety and security, public open spaces shall be designed to avoid creation of isolated areas, and to maintain lines of sight into the space from streets and major pedestrian walkways whenever possible.

a. Landscaping: Trees and shrubs shall be planted and maintained so as to avoid public safety problems that could arise when vegetation interferes with normal lines of sight or negates the effects of nighttime security lighting.

b. Lighting: Lighting shall be provided in bonused public open spaces that are required to be accessible at night and adequate lighting shall be provided along street edges of bonused features.

#### H. Identification

Each bonused public space shall be identified clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the feature. The plaque shall indicate, in letters legible to passersby, the nature of the bonus feature, its availability for general public access, and additional directional information as needed.

#### I. Required Active Street Level Uses

1. Amenities Requiring Active Street Level Uses: To enliven the space and promote public use, active uses are required along frontages of public areas for the following features:

a. Commercial Parcel Park

b. Green Street Setback on street frontages where such uses are required, as indicated on Map 1G in the Downtown Section of the Land Use Code.

c. Hillside Terrace

d. Residential Parcel Park and Green Street Parcel Park with frontage on a street requiring street level uses, as identified on Map IG of the Land Use Code

e. Shopping Atrium

f. Shopping Corridor

g. Urban Plaza

2. Qualifying Uses: Uses that qualify as active street level uses and related standards are identified in 23.49.009 of the Land Use Code.

3. Frontage: The amount of frontage to be occupied by these uses is specified in Section II under the guidelines for each feature.

J. Information in Permit Application; Recording of Conditions

1. MUP Application Requirements: The application for a Master Use Permit for the project shall include schematic drawings and Floor Area Ratio (FAR) calculations showing how the public amenity feature will be incorporated into the building design or, if it is off-site, showing how it meets the criteria of the Land Use Code, the Downtown Amenity Standards, and applicable Directors Rules. The application to establish chargeable floor area based on a bonus for amenity features shall include diagrams that identify the location and dimensions of all amenity features being provided for a floor area bonus, and identify the use of any space for which a floor area exemption is claimed, and shall include a floor area calculation identifying the additional bonus floor area anticipated to be generated by each amenity feature, along with other bonuses and TDRs, if applicable, to be used for floor area increases.

2. Summary of Applicable Conditions: A document summarizing applicable conditions related to each amenity feature, including but not limited to time commitment, maintenance, public access, and hours of operation shall be signed by the applicant and recorded at the King County Department of Records and Elections by DPD.

3. Notification Requirement: If an amenity feature is operated by a lessee, the property owner shall notify the Director in writing if the lessee no longer occupies the leased space.

Chart C: Summary of General Eligibility Conditions for Amenity

Features

Safety Information Identification Art in Landscaping Maintenance Combination Required

features on in on and access and of active bonused and

permit time public hours of street furnishing

Amenity app; commitment operation level uses spaces

Feature recording

of

conditions

Interior		Hillclimb	Assist		X	X
X	X	X	X			

Amenities

X	X	Museum			X	X
		X	X			

X	X	Public Atrium			X	X
		X	X	X	X	

X	X	Public Restrooms			X	X
		X	X			

Public		Commercial			X	X
X	X	X	X	X	X	X

Park-related Parcel Park

Amenities

X	X	Green Street X	X	X	X	X	X	X
---	---	-------------------	---	---	---	---	---	---

Parcel Park

X	X	Residential X	X	X	X	X	X	X
---	---	------------------	---	---	---	---	---	---

Parcel Park

Retail-related	Major retail				X	X		
X	X	X	X					

Amenities store

X	X	Shopping atrium X	X		X	X	X	X
---	---	----------------------	---	--	---	---	---	---

X	X	Shopping X	X	X	X	X	X	X
---	---	---------------	---	---	---	---	---	---

corridor

Streetscape	Green Street				X	X	X	
X	X	X	X					

and Improvement

Circulation-re

lated

Amenities

X	X	Green Street			X		X	
		X	X			X		X

Setback

X	X	Hillside Terrace			X		X	
		X	X	X		X		X

X	X	Urban Plaza			X		X	
		X	X	X		X		X

Transportation	Transit Station				X		X	
X	X	X	X	X				

-related Access Easement

Amenities

X	X	Transit Station			X		X	
		X	X	X				

Access: Grade

Level

X	X	Transit Station			X		X	
		X	X	X				

Access:

Mechanical

Amenity Feature

Interior	Hillclimb Assist			X	X	X	X	X
X								

Amenities

X			Museum	X	X	X	X	X
X	X	X	Public Atrium	X	X	X	X	X
X			Public Restrooms	X	X	X	X	X
Public X	X	X	Commercial Parcel X	X	X	X	X	X
Park-related Amenities			Park					
X	X	X	Green Street X	X	X	X	X	X
			Parcel Park					
X	X	X	Residential X	X	X	X	X	X
			Parcel Park					
Retail-related X			Major retail	X	X	X	X	X
Amenities			store					
X		X	Shopping atrium X	X	X	X	X	X

X	X	X	Shopping corridor X	X	X	X	X	X
---	---	---	------------------------	---	---	---	---	---

Streetscape X		X	Green Street Improvement	X	X	X	X	X
and								
Circulation-re lated								
Amenities								

X		X	Green Street X	X	X	X	X	X
			Setback					

X	X	X	Hillside Terrace X	X	X	X	X	X
---	---	---	-----------------------	---	---	---	---	---

X	X	X	Urban Plaza X	X	X	X	X	X
---	---	---	------------------	---	---	---	---	---

Transportation X	X		Transit Station	X	X	X	X	X
---------------------	---	--	-----------------	---	---	---	---	---

-related Access Easement  
Amenities

X	X		Transit Station	X	X	X	X	X
			Access: Grade Level					

X X Transit Station X X X X X

Access:

Mechanical

II: SPECIFIC ELIGIBILITY CONDITIONS AND GUIDELINES FOR AMENITY

FEATURES

Amenity features eligible for a floor area bonus:

Interior Amenities

A. Hillclimb Assist (Map 1J)

B. Public Atrium

C. Public Restrooms

Open Space-Related Amenities

D. Commercial Parcel Park, Green Street Parcel Park, Residential Parcel Park

Retail-Related Amenities

E. Shopping Corridor (Map 1J)

Streetscape and Circulation-Related Amenities

F. Green Street Improvement

G. Green Street Setback (frontage on Green Street designated on Map 1F)

H. Hillside Terrace (Map 1J)

I. Urban Plaza

Transit-Related Amenities

J. Transit Station Access Easement

K. Transit Station Access: Grade Level

L. Transit Station Access: Mechanical

Other Amenities

M. Human Services

N. Preservation of Landmark Performing Arts Theatre

## A. Hillclimb Assist

Hillclimb assists facilitate pedestrian movement in steeply sloping areas with high concentrations of employment and heavy pedestrian traffic.

### Eligibility Conditions

1. Continuous and direct route: The hillclimb assist must provide a continuous direct route across the block connecting parallel Avenues.
2. Accessibility: The assist corridor must be accessible from the street or from a public open space that opens directly onto the sidewalk. Access to the corridor shall be at the same grade level as the sidewalk or a public open space that provides access to the sidewalk level without requiring the use of stairs. Any change in elevation shall be accommodated by ramps or gradual level changes in the floor of the open space.
3. Mechanical feature: The hillclimb assist shall incorporate a mechanical feature, such as an escalator, for conveying pedestrians up at least eighty percent of the vertical distance between the elevations of the two avenues it connects. The mechanical feature shall be in operation during the normal operating hours of the building.

4. Independent system: The mechanical conveyance of the assist shall be independent of the main internal circulation system of the project. Elevators do not qualify as the required conveyance, although a supplementary assist providing access for the physically disabled may be part of the internal circulation system of the building.

#### Guidelines

1. Area and dimensions: The hillclimb assist corridor should comfortably accommodate heavy volumes of pedestrians and be aligned and designed to visually communicate that a direct passageway is provided across the site for use by the general public.

a. Excluding mechanical conveyances, the minimum clear dimensions of the corridor connecting the Avenues should be approximately twelve feet wide and approximately ten feet high for any covered portion of the corridor.

b. Most of the travel path between Avenues should be covered to provide protection from inclement weather. Covering of the corridor outside the principal structure should be transparent.

2. Street orientation: Through the location of access points and orientation on the block, integrate the hillclimb assist with

pedestrian circulation patterns in the surrounding area. Promote maximum pedestrian use by providing a direct, visible path across the lot logically aligned to link with the local pedestrian network.

a. Align the assist with other through-block assists or existing pedestrian crosswalks, and, whenever possible, link with transit stations to develop an integrated network of pedestrian routes and assists.

b. Consider major pedestrian destinations in the surrounding area to orient hillclimb corridors with likely paths of pedestrian movement.

3. Access: Entrances to the assist should be clearly visible, inviting and directly accessible from the street.

a. Access points may be completely open or may be enclosed with clear, transparent doors and glazing. Identification of public access to the assist should be prominently displayed.

b. The minimum height of access points within a structure should be approximately twelve feet, and the minimum width approximately 15 feet.

4. Landscaping and furnishings: Required landscaping within the assist corridor, including artwork, should enhance the space without conflicting with pedestrian movement. The major feature of the

hillclimb assist is the mechanical conveyance, which should be visually prominent. Wherever possible, opportunities for views from the assist should be considered in the design and siting of the assist route.

a. At a minimum, approximately fifteen percent of the area of the hillclimb assist corridor should be landscaped, excluding the area occupied by the mechanical conveyance.

b. Provide seating along the hillclimb assist corridor, with approximately one lineal foot of seating for every 30 square feet of bonusable area..

5. Natural lighting: To enhance the quality of the space and avoid a tunnel effect, the corridor should have as much access to natural light as possible. At a minimum, approximately one quarter of the length of the corridor should have access to natural light, either through transparent covering, windows and/or skylights.

## B. Public Atrium

Public atriums provide weather protected spaces within concentrated employment areas for passive recreation, as well as events and public gatherings that are best accommodated indoors. Atriums are appropriate for Seattle's climate because they provide an alternative

to outdoor public spaces during inclement weather, and, when integrated with transit stations, provide protected public space for the comfort and convenience of transit riders.

#### Eligibility Conditions

1. Location: To ensure strategic locations in relation to the street environment and other public amenities, lots eligible for a public atrium bonus must be approved by the Director according to the following criteria:

a. Public atriums are limited to locations where they will reinforce the use of nearby open spaces and not detract from activity in streets and other outdoor public areas, or where they will enhance conditions for transit riders around high volume transit stations or stops.

b. Only one atrium per block is eligible for a bonus, unless the Director determines that, because the atrium serves a transit station or major transfer point or is integrated with another amenity feature that generates a high volume of pedestrian activity, such as a hillclimb assist, there will be sufficient activity to support the additional indoor space.

2. Minimum size: To provide sufficient space to accommodate intended functions, the minimum area of an atrium shall be 2,000 square feet.

3. Accessibility and visibility: The indoor space of the atrium shall be directly accessible and visible from the street or from a public bonus feature providing direct access to the street. The Director may waive these requirements for atriums integrated with transit stations, provided that, if the space is at a grade substantially above or below street level, it is connected to the street by a mechanical assist, the path to the atrium is direct and clearly marked, and the atrium is open to the public during hours of transit system operation.

4. Natural lighting: To improve the quality of the space, support interior landscaping, and increase the overall sense of spaciousness, access to natural light is required as a major feature of the atrium. The Director shall use the following guidelines for requiring skylights or clerestory windows, alone or in combination, to ensure sufficient access to natural light:

a. At least half of the roof of the space is open to the sky except for a covering of transparent or translucent material. Systems allowing the space to be open to the sky in good weather are

desirable; or

b. A minimum of half the perimeter of the atrium has clerestory windows at least eight feet in height; or

c. A combination of skylights and clerestory windows, or similar features, admits ample light.

Where glass walls or skylights are exposed to direct sunlight, heat loss/gain may be controlled by overhangs, mechanical venting or mechanically operating shading devices, such as blinds. Such mechanical systems shall be specified in the application and a program for their operation included.

For atriums integrated with transit stations, since the space may be below grade, the Director may waive provisions for transparent perimeter walls.

5. Public restrooms: Public restroom facilities are required at a location easily accessible to the atrium, with directional signs placed in the atrium.

#### Guidelines

1. Area and dimensions: The atrium should be arranged as one large, contiguous space with horizontal and vertical dimensions sufficient to create a sense of openness while providing flexible space adaptable to a variety of activities.

a. The minimum horizontal dimension unobstructed by any permanent

feature over three feet in height should be approximately 30 feet.

b. The height of the atrium should be generous, with most of the bonusable area at least two stories in height.

c. The elevation of the atrium floor should generally be level, but may vary, provided that grade changes are gradual and do not significantly disrupt the continuity of the space.

2. Street orientation: While frontage on high volume pedestrian and transit corridors is desirable, the length of the atrium's street frontage should be minimized to avoid disruption of street level activity.

a. Maximize the transparency of atrium facades abutting a street or public open space.

b. The treatment of street frontages should be consistent with applicable street facade development standards.

c. Frontage on a Class I Pedestrian Street should generally not exceed 60 feet.

d. On street frontages where street level uses are required, the atrium space should be separated from the street with street level uses as much as possible while still maintaining clear, direct access

to the space from the street.

3. Access: The space should be designed as a functionally independent area within the building, separate from the building lobby. However, it should be visible and directly accessible from the lobby and major internal circulation routes.

a. If integrated with a hillclimb assist, access from the assist should be at the same level as a landing along the assist route.

b. The atrium space should be directly accessible, with minimal change of grade, from a prominent entrance on an abutting street or public open space.

4. Landscaping and furnishing: Incorporate landscaping and required art into the design of the space to enhance comfort and aesthetic quality, while also accommodating flexible use. The design of the atrium should be conducive to temporary arts events and gatherings and should include electrical outlets, open areas for performers or exhibits, and seating.

a. Design of the space should encourage a range of activities determined to be of a public benefit, such as designing the atrium floor to serve as amphitheater seating for public entertainment.

b. Approximately one lineal foot of seating should be provided for

every 30 square feet of bonusable area.

5. Limits on retail use: The amount of retail space accessible inside the atrium should be limited to prevent the space from assuming a retail character that detracts from outdoor street activity. However, the treatment of the atrium's street frontages should minimize interruptions in the continuity of street-oriented retail activity by including retail space, which may or may not have access to the atrium.

#### C. Public Restrooms

Public restrooms enhance the public environment Downtown by providing for the comfort and convenience of pedestrians.

#### Eligibility Conditions

1. Use and Access: Public restrooms eligible for a bonus are rooms, separated by gender, containing toilets and lavatories for the use of the general public. For purposes of personal safety, limited control of access shall be allowed, such as required use of a key, provided that an attendant is available to ensure access. If access to the public restroom is monitored by a person located at the restroom facility during the normal operating hours of the building in which the restroom is located, separation by gender is not required.

2. Location: To serve the general public, the location of bonused public restrooms must be easily recognizable and accessible from either the street or other public areas. Public restrooms must be directly accessible from either the street, from

a. an outdoor public area directly accessible from the street, from an outdoor public area easily accessible from the street, or from interior public spaces that qualify as bonusable public benefit features.

b. Public restrooms may be located above or below street level if they are directly accessible from:

i. public areas providing connections to transportation facilities located above or below grade, such as transit station mezzanines, or

ii. bonusable interior public spaces, such as public atriums, that may include public areas above or below street level. These areas must meet ADA accessibility standards.

c. The location of public restrooms shall be designated by signs sufficient to enable pedestrians on abutting streets or public open spaces to readily locate them.

d. Access to public restrooms may be monitored by a person located

at the restroom facility. Where such an attendant is available to provide access, restroom facilities may be locked when not in use.

e. The Director may determine that public restrooms directly accessible from building lobbies qualify for a bonus, provided that signage visible from the street indicates the presence of the restroom facility, and clear and direct access is provided.

f. The Director may allow restrooms serving the street level uses of a project to qualify for a bonus if signage clearly visible from the street is provided to indicate availability for general public use.

3. Hours of operation: Public restrooms shall be open to the general public during the hours that the structure is open to the general public. If access is provided from a public benefit feature that receives a floor area bonus, the restroom shall remain open during the time of required access to the bonused feature.

4. Special conditions: Public restrooms shall be maintained by the owner of the structure for the life of the structure that includes the bonused space.

#### D. Parcel Park

Parcel parks are small open spaces adaptable to a wide variety of site conditions and open space needs. Their design and character

vary in response to the different open space functions they serve in different Downtown environments. To provide amenities best suited to varying needs and locations, three types of parcel parks are eligible for floor area bonuses, including: 1) commercial parcel parks, 2) residential parcel parks, and 3) Green Street parcel parks.

\* Commercial parcel parks provide protected enclaves of open space designed as quiet retreats to provide enclosure and refuge from surrounding activity in high density employment and mixed use areas. While relatively small open spaces, through flexible design, passive recreational activities as well as temporary events and small public gatherings can be accommodated, with some retail activity to serve those using the space.

\* Residential parcel parks reinforce the residential character of Downtown neighborhoods and provide landscaped public space for residents to engage in passive and active recreational activities.

\* Green Street parcel parks expand the amount of public open space along an abutting designated Green Street, thereby increasing the open space value of these amenities. Because Green Streets are quieter streets with relatively low traffic volumes and a greater pedestrian orientation, abutting parcel parks need not provide the same level of enclosure and sense of refuge desired for Commercial Parcel Parks at other locations.

## Eligibility Conditions

1. Space Size, Configuration, and Features: For all types of parcel

parks, the area eligible for a bonus shall be one contiguous space, with elements such as landscaping, fountains, seating and public art counted as part of the contiguous space. In addition, the following conditions apply:

a. A parcel park must have a minimum area of 3,000 square feet.

b. Except on designated Green Streets, only one parcel park is eligible for a bonus on a block front, unless the Director determines an additional parcel park can be designed and integrated as an extension of an existing parcel park. A maximum of two parcel parks are eligible for a bonus on any individual lot. Green Street parcel parks are bonusable on any lot abutting a designated Green Street.

2. Allowable Departures: To accommodate transit station access and to account for the different relationship required between the street level and the level of a parcel park, the Director may allow departure from these standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

## Guidelines

1. Area and dimensions: Parcel parks should be large enough to accommodate a variety of activities and small gatherings of users while also providing more intimate spaces for retreat from activity.

a. accessible and best suited to accommodating the parks intended function.

b. The area of the principal space should be at least 2,000 square feet, or 60 percent of the total park area, whichever is greater.

c. No dimension of the principal space should be less than 30 feet.

d. In general, the principal space should be:

i. directly accessible from the sidewalk,

ii. within approximately three feet of average sidewalk grade at the primary entrance to the park, (exceptions may be appropriate for steeply sloping streets in the office core)

iii. no further from the sidewalk than the width of the access to the park, and

iv. a level surface, except with grade changes required for drainage.

e. The accessory spaces of the park accommodate complementary activities in a more flexible manner and may be at different levels from the principal space and from each other, as long as they are physically and visually connected.

2. Street orientation and relationship to adjacent development:

Parcel parks should be highly visible from adjacent sidewalks and public areas and directly and easily accessible to abutting streets.

a. Parcel parks should be sited or designed to prevent topography from presenting a significant barrier to public access.

b. Parcel park locations should maximize direct or reflected solar access and increase light and air to the public street environment. Preferable locations are south of tower development and where the siting of the park would improve solar access to the sidewalk.

c. To promote safety and security, residential parcel parks should be located where they can be seen and actively used by nearby residents. Because these spaces are intended for more localized public use, locations on neighborhood Green Streets or within residential "enclaves" are most desirable, while locations on principal transit streets identified on Map 1B of the Downtown Section of the Land Use Code are less desirable

d. The siting and design of parcel parks should minimize

interruptions to street level activity and the physical continuity of the street wall, especially along streets where heavy pedestrian traffic is anticipated and/or active street level uses are required. For the purposes of this guideline, street frontage shall be the maximum width of the parcel park measured parallel to the street, projected to the street property line, Figure A.

[Figure A](#)

i. On Class I Pedestrian Streets, parcel parks should be oriented to minimize interruptions to street level uses. The total opening to the street of any parcel park should generally be less than the depth of the park measured perpendicular to the street property line, Figure B.

Figure B

[Figure B](#)

ii. Where street level uses are required, the width of street openings should be further minimized to generally no more than forty feet by separating areas of the park from the sidewalk by a structure(s) containing required street level uses. However, for parcel parks with frontage on Green Streets, no separation is needed if the required uses are located within about 40 feet of the property line of the abutting designated Green Street and are easily accessible from the Green Street.

e. Corner locations are generally less desirable for commercial parcel parks because of the potential for eroding a well defined streetscape and interrupting the continuity of street level activity.

However, in some situations, a corner location may be optimal in terms of solar exposure or for other reasons. To protect the integrity of the streetscape, on corners where property line street walls are required on both streets, parcel parks should be enclosed by structural elements provided along the street edges, except at access points, consistent with the street wall requirements established in the Land Use Code. Access to commercial parcel parks at corner locations should generally be at least 30 feet from any intersecting street, with a structural element, such as a retail pavilion, placed at the corner.

f. To add interest and increase the security of the space, the design of the walls, uses, colonnade, or other elements separating a parcel park from the street to provide enclosure should ensure that the interior park space is highly visible from the street.

g. Transparent materials or openings to permit views and light should be used on walls enclosing any parcel park along street property lines. When a parcel park is separated from the street by a structure containing retail uses, the structure should meet the street facade requirements, except height, for the zone in which the

park is located.

3. Treatment of required active street-level use: Required active street level uses should be convenient to park users and add interest and activity to the space. Where active street level uses are required, at least twenty percent of the perimeter of the parcel park should be occupied by active street level uses having direct access to the park.

#### 4. Access

a. Parcel parks should be directly accessible from the sidewalk or another public open space, and should be highly visible from the street.

b. Parcel parks should not serve primarily as a forecourt to a project's principal entrance. When a parcel park is located between the street and the principal building entrance, pedestrian access to the development should not disrupt the passive nature of the park. The path from the street to the project entrance should be located to the edge of the park, and an area along this path approximately fifteen feet wide should not be bonused.

c. Where the street frontage exceeds forty feet on more than one street, access generally should be provided from both streets.

d. Through siting and design, residential parcel parks on lots with housing should complement and be well integrated with the residential use, taking advantage of the added security of having "eyes" on the space, while also promoting access and use by the general public.

5. Landscaping and furnishings: To provide relief from the "hardscape" of the surrounding urban environment, parcel parks should provide sufficient greenery, including trees, to give the space a strong, landscaped character. In addition to reinforcing the desired function of different types of parcel parks, landscaping and furnishings, including required art, should lend identity and interest to the space and provide for the comfort of park users. Design elements such as walls, structures containing retail uses, low planters or benches, and seating should be used as appropriate to minimize interruptions in the street wall and breaks in retail activity.

a. Commercial Parcel Park. The landscaping and design of commercial parcel parks should enhance the feeling of intimacy and quiet. Along with other design elements of the space, landscaping should provide enclosure, and minimize disruption to the street wall and street level activity. Approximately one lineal foot of seating should be provided for every 30 square feet of bonusable area.

b. Residential Parcel Park. The design and landscaping of

residential parcel parks, should introduce greenery into the neighborhood, while allowing for flexible use of the space to accommodate recreational activities of the nearby residential population. Approximately one lineal foot of seating should be provided for every 60 square feet of bonusable area.

c. Green Street Parcel Park. The design and landscaping of Green Street parcel parks should reinforce the concept plan for the abutting Green Street, if one exists, or otherwise ensure integration of the space with the Green Street. The Director should evaluate the status of design for the abutting Green Street to determine the appropriate landscaping for the abutting park area. Where a design concept plan is not available to guide landscaping decisions, the Director should consider the intended use of the parcel park based on the intended function of the area where it is located and the surrounding development context.

6. Coverage: All parcel parks should be open to the sky, except that portions may be covered to accommodate activities that complement use of the space and make them more comfortable and usable. This coverage may include retail kiosks or overhead weather protection. While kiosks and temporary overhead weather protection may be located within the principal space, no portion of the principal space should be permanently covered

E. Shopping Corridor

Shopping corridors provide weather protected, through-block pedestrian connections with retail frontage to reinforce retail activity and enhance pedestrian circulation in areas of concentrated shopping activity and heavy pedestrian traffic. Shopping corridors expand the pedestrian network in these areas by creating additional "pedestrian streets" through private development that are well integrated with adjacent streets and complement street-oriented retail activity.

#### Eligibility Conditions

1. Location: Shopping corridors shall be located near the middle of the long, rectangular blocks (360 feet along the Avenue frontage) in the retail core area and shall provide a continuous connection between two Avenues.
2. Access: Entrances to the corridor must be at the same grade as the sidewalk.
3. Number of bonused corridors per block: The number of shopping corridors eligible for a bonus shall be limited to two on a block to avoid a significant diversion of pedestrian activity from the street.

#### Guidelines

1. Location: Site shopping corridors to improve pedestrian circulation and provide additional retail frontage without detracting from sidewalk activity.

a. The shopping corridor should generally not be closer than 120 feet to any parallel street property line, and the minimum distance between corridors should be 60 feet.

b. Where possible, align shopping corridors with mid-block pedestrian crosswalks or entries to other pedestrian corridors on adjacent blocks to better integrate them with pedestrian circulation patterns.

2. Area and dimensions: The shopping corridor should provide an apparent and convenient connection between Avenues, as well as a pleasant space for pedestrian movement and shopping. Limit the overall area of the block occupied by corridor space to maximize the amount of street level floor area available for retail use.

a. The minimum height of the corridor should generally be twelve feet, although additional height for at least portions of the corridor is desirable to prevent a tunnel-like space.

b. The unobstructed width of the corridor connecting the Avenues should generally be at least 20 feet.

c. To accommodate pedestrian movement through the block while

ensuring easy access to shops on both sides of the corridor, the width of the corridor should not exceed 30 feet.

3. Access: Shopping corridor entrances should be highly visible from the street, easily accessible, and inviting.

a. Permit changes in the level of the corridor route to accommodate changes in grade, although avoid level changes that require the use of stairs or mechanical assists.

b. The height and width of entrances should be prominent to signify the corridor's function as a public access route through the block.

4. Treatment of required active uses: To ensure the intended retail function, the frontages of the shopping corridor should be occupied by active street level uses similar to conditions established for streets where street level uses are required. These uses should have entrances directly onto the corridor, except that uses abutting a street should also have access to the street.

5. Facade treatment and furnishings: Design the facades and furnishings of shopping corridors to enhance the shopping environment and increase pedestrian comfort without detracting from the corridor's function as a through-block connection.

a. Temporary kiosks, displays, art exhibits, and retail use of the

corridor space may be permitted provided they don't obstruct the use, access, and circulation through the space by the general public is not obstructed. Temporary structures are those that are movable or designed to be easily dismantled. Any temporary use of the space should not reduce the circulation path to a width less than ten feet.

b. To promote visual interest and enhance retail activity, transparency and blank walls along shopping corridor walls should be treated similarly to facades along a Class 1 Pedestrian Street.

6. Natural light: Access to natural light is desirable and should be provided through skylights and/or clerestory windows to prevent a tunnel-like space and to increase the overall quality of the corridor.

#### F. Green Street Improvement

A Green Street improvement implements a portion of the concept plan for the street right-of-way design of a designated Green Street. Such improvements, which might include sidewalk widening, landscaping, traffic calming, street furniture, and pedestrian oriented lighting, enhance the public use of the Green Street right-of-way for pedestrian circulation and open space.

#### Eligibility Conditions

1. Eligible streets: Green Streets improvements shall be in accordance with the Green Street Director's Rule 11-93. The improvements must be to a designated Green Street abutting or in the vicinity of the lot seeking the bonus, and must be made within a reasonable amount of time, as determined by the Director.

2. Requirements: The following conditions must be met to ensure an integrated design for the length of the Green Street:

a. Paving and landscaping improvements and other amenities specified in the Green Street concept plan for the public right-of-way are required along the entire Green Street frontage of the lot, extending to the centerline of the street or other location approved in the Green Street concept plan.

b. Art shall be incorporated as set forth in Part I.E. The nature of the artwork and locations shall be determined as part of the Green Street review process specified in the Green Street Director's Rule 11-93.

c. The area of the public right-of-way developed as a Green Street shall remain in the public domain.

3. Maintenance

a. All areas separated from the vehicular right-of-way by a curb, and

all nonstandard features located between curbs, shall be maintained by the property owner for the life of the project or as specified in the Master Use Permit decision.

b. On Green Streets without a curb, a determination shall be made regarding the area for which the property owner will assume maintenance responsibility or the amount of reimbursement required to cover the cost to the City or other party for maintaining the area.

#### G. Green Street Setback

A Green Street setback extends the improvements of the public right-of-way area of a designated Green Street onto abutting lots to provide additional space for landscaping and amenities that will enhance the open space character of the Green Street.

#### Eligibility Conditions

1. Eligibility restriction: Green Street setbacks are not eligible for a bonus on street frontages requiring property line street walls.
2. Bonusable areas: On designated Green Streets requiring street level setbacks, the required setback area may be included as area eligible for a bonus if the improvement overall meets the required conditions of this Rule.

3. Size requirements: The intent of this section is that the setback area be of sufficient size to accommodate a variety of landscaping treatments and amenities, but limited in depth to better integrate activity in abutting development with the Green Street.

a. The minimum setback from the Green Street property line is five feet.

b. The maximum setback from the street property line of area eligible for a bonus is ten feet.

c. The Director may modify these standards to provide more usable space or special landscaping treatments within the setback area, especially if such treatments are consistent with a Green Street concept plan.

4. Configuration: The setback area shall be open to the sky; free and clear of overhead obstructions, except that the Director may allow some encroachments, such as bay windows, balconies, building cornices and other architectural features that add visual interest to the abutting building facades and/or increase the "eyes on the street" by making the Green Street more visible to building occupants.

Guidelines

1. Street orientation: Facades facing the setback area along the Green Street should provide visual interest for pedestrians and complement the landscaped treatment of the setback area. Facade design should encourage integration of activities at the ground floor of the abutting structure with the setback area and the Green Street.

2. Landscaping and furnishings: Provide sufficient landscaping within the setback area to enhance the open space character of the Green Street, and coordinate landscaping, paving and furnishings with improvements in the abutting Green Street right-of-way.

a. At least 50 percent of the setback area should be landscaped.

b. Temporary kiosks, displays, art exhibits and retail use of the setback area may be permitted, provided such features are compatible with the Green Street plan.

c. No more than ten percent of the setback area should be occupied by any temporary use for more than five days.

d. Permanent coverage of the setback area should not be permitted unless approved as part of the Green Street plan.

#### H. Hillside Terrace

Hillside terraces are open spaces adapted to conditions in steeply

sloping downtown areas. They enhance pedestrian movement on steep streets and better integrate development with the street environment on sloping lots. They contribute to a more spacious street environment, and, when located along east/west streets, afford opportunities to expand views to Elliott Bay.

#### Eligibility Conditions

1. Minimum standards: To provide usable open space, accommodate continuous pedestrian movement along the sloping street, and integrate sidewalk activity with abutting development, the following standards apply:

a. The minimum frontage of the terrace along the sloping street is one-half block, excluding the alley, if one exists.

b. The area eligible for a bonus must be one contiguous space, but may be on several different levels; landscaping, fountains, seating and art are considered part of the contiguous space.

c. Any driveway area crossing the terrace is not bonusable.

d. The minimum depth of the terrace measured at any point from the street property line is ten feet, Figure A.

[Figure A](#)

e. The maximum depth of any bonusable terrace area from the street property line is thirty feet.

2. Transit access: To accommodate transit station access and to account for the different relationship required between the street level and the level of the hillside terrace, the Director may allow departure from these standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

#### Guidelines

1. Access: Integrate the sidewalk with the project site by designing the hillside terrace to facilitate pedestrian movement up and down the hillside along the sidewalk.
  - a. Maximize direct connections across the space from the sidewalk to abutting development and minimize obstructions separating the sidewalk from the terrace.
  - b. Limit vehicular access across the hillside terrace to abutting development. Access to the lot from other street frontages is preferable, consistent with standards for access to parking in the

Land Use Code.

2. Treatment of required active street-level use: Locate active street level uses in structures abutting the hillside terrace to activate the space and provide visual interest. Frontage equivalent to about half of the length of the hillside terrace, measured along the street property line, should be occupied by qualifying uses that are directly accessible from the terrace.

3. Landscaping and furnishings: Use landscaping and furnishings, including required art, to integrate the terrace area with the sidewalk and abutting structures, as well as provide for the comfort and visual enjoyment of pedestrians.

a. The arrangement of seating and landscaping should enhance the quality of the space and allow a variety of passive recreational activities without obstructing pedestrian movement.

b. Approximately one lineal foot of seating should be provided for every 30 square feet of bonusable area.

4. Coverage: To remain open to the street environment and maximize opportunities for views, hillside terraces should be open to the sky. However, limited coverage may be permitted to increase comfort, encourage activity, and better integrate the space with abutting development, provided that the space maintains its overall character

as an extension of the sidewalk.

Permitted coverage may occur as permanent, free-standing elements, such as retail kiosks or pedestrian shelters, or as an overhead arcade or other form of permanent or temporary overhead weather protection associated with abutting development.

## I. Urban Plaza

Urban plazas are relatively large, strategically located open spaces that denote important downtown places, create a public focus for surrounding development, increase access to light and air at street level, and provide points of orientation within downtown. As key elements of the streetscape, urban plazas are especially beneficial when sited to complement the transit network by physically denoting major transit facilities, facilitating access to station entrances for large volumes of pedestrians, and providing amenities that contribute to the comfort and convenience of transit riders.

### Eligibility Conditions

1. Minimum size: To ensure that the urban plaza is large enough to function as intended, and that the overall streetscape remains well-defined, the minimum size of a plaza shall be 6,000 square feet.
2. Wind and solar access: If required by the Director, the design

shall include special measures to reduce downdraft wind impacts from abutting development and to increase solar access to the plaza.

3. Transit access: To accommodate transit station access and to account for the different relationship required between the street level and the level of the plaza, the Director may allow departure from these standards to ensure that access to the transit station is well integrated with the open space, and that the open space functions as intended.

4. Exceptions: An urban plaza is not eligible for a bonus on any block containing an existing plaza bonused under Title 24 that exceeds 6,000 square feet, or an existing urban plaza bonused under Title 23, unless the Director determines that:

a. the existing and proposed spaces can be integrated to create the appearance of a larger, unified space, provide a more prominent public focus, and increase public use by providing more activity, usable space and better pedestrian connections;

b. the intensity of surrounding activity and volume of pedestrian traffic will ensure active use of the space; and

c. the interruptions to the street edge created by relatively large open spaces will not detract from street activity or substantially erode the streetscape.

## Guidelines

### 1. Street orientation and relationship to surrounding development:

To denote their locations as transit access points and gateways, urban plazas should provide highly visible openings in the street facade, in contrast to the more enclosed character of adjacent streets with uninterrupted facades. However, the plaza space itself should be well defined by abutting structures, and interruptions to street level activity and the physical continuity of the streetscape should be minimized.

a. The opening of a plaza onto a Class 1 Pedestrian Street should not exceed 120 feet.

b. To minimize breaks in activity along streets requiring street level uses, the maximum plaza frontage open to the street should generally not exceed 80 feet, with structures containing street level uses separating other areas of the plaza from the sidewalk.

c. Plazas at corner locations should be open and accessible from both streets, with the corner area clear of permanent structures.

d. Siting and design of the plaza in relation to the rest of the project and surrounding development should maximize direct and/or reflected solar access. Preferable plaza locations are to the south

of tower development, or where the siting of the plaza would improve solar access to the sidewalk.

2. Area and dimensions: Urban plazas should be large enough to provide a prominent open space focus and accommodate a high level of pedestrian activity. Some areas within the plaza should be of sufficient size and designed to allow heavy volumes of pedestrian movement through the space, while other areas should accommodate more passive use.

a. Provide a principal space that is a relatively large and open area to serve as the focus of the plaza. The principal space should be open to the sky, with a minimum area of about 4,000 square feet or 60 percent of the total plaza area, whichever is greater, and a minimum horizontal dimension of approximately 40 feet.

b. The principal space should be directly accessible from the sidewalk and located no further from the sidewalk than the clear, unobstructed width of access along the street. This space should be generally at one level.

c. The elevation of the plaza floor should generally be level, but may vary, provided that grade changes are gradual and do not significantly disrupt the continuity of the space. Greater grade changes may be allowed, as necessary, to provide access to transit tunnel stations.

d. Variations to these conditions may be appropriate to improve access to transit stations or to respond to other special conditions of a particular lot.

3. Access: The urban plaza should function as an extension of the public sidewalk, with minimal obstruction between the plaza and the sidewalk. On steeply sloping lots, the plaza should be designed to assist pedestrian movement up and down the hillside.

4. Treatment of required active street-level uses: The urban plaza should promote a high level of activity complementing that of the abutting street. Frontage equivalent to at least fifty percent of the perimeter of the plaza should be occupied by uses qualifying as required active street level uses and having direct access onto the plaza.

5. Landscaping and furnishings: Incorporate landscaping and special elements, including required public art, into the design of the plaza to create an aesthetically pleasing space that is well integrated with the surrounding street environment.

a. Features of the plaza should establish an identity for the space and provide for the comfort of those using it, while also maintaining the desired sense of openness and easy street access. Features,

including trees and artwork, should be of a scale appropriate for the size and prominence of these spaces.

b. Landscaping and other furnishings should be arranged to enhance the quality of the space and allow a variety of passive recreational activities. A significant portion of the plaza area should be landscaped to soften the paved surfaces and other "hardscape" characteristics of these active, urban spaces.

c. To ensure year round vegetation and color, seasonal plantings should be included.

d. Approximately one lineal foot of seating should be provided for every 30 square feet of bonusable area.

6. Coverage: To maximize access to light and air and the sense of openness within the public street environment, plazas should be predominantly open to the sky. However, limited coverage may be appropriate to increase activity in the space and provide for the comfort of users, while maintaining the overall character of the space as an extension of the outdoor public street environment.

J. Transit Station Access: Mechanical Assists

Lots including features that improve public access to stations serving major transit facilities may be eligible for a floor area

bonus. To accommodate a variety of access conditions related to differences in the type, operation, and location of these facilities, the following station access improvements may be provided: 1) mechanical assists, 2) grade level access to transit stations, and 3) access easements.

Mechanical assists facilitate pedestrian access to transit stations located above or below grade by providing direct access from the street level.

#### Eligibility Conditions

1. Eligible locations: Mechanically assisted transit station access shall be eligible for a bonus at locations approved by the transit provider and the Director.

2. Size: The size of the access shall be determined by the transit provider. The access may be located partially in the street right-of-way.

3. Evaluation criteria: The Director shall use the following locational criteria to evaluate the eligibility of a lot for the station access bonus:

a. Lots from which the mechanical access to the transit station is provided shall abut a station mezzanine or be located within a 300-

foot radius of the station mezzanine.

b. The maximum distance from the public sidewalk adjacent to the transit station access to the station mezzanine is 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.

c. The minimum distance from a bonused access to the nearest existing or proposed station entrance on the same block, measured along the street property line, is 180 feet, unless the Director and transit provider determine that additional access is warranted.

d. The Director may approve a proposed access that uses a public right-of-way to reach a station mezzanine only when the Director determines that the connection will not adversely affect other uses of the right-of-way, including utilities.

[Figure A](#)

e. Queuing and circulation space off the existing sidewalk, in the form of a widened sidewalk, arcade, or public open space, shall be provided at both ends of the assist and shall have minimum dimensions as required by the Director after consultation with the transit provider.

f. To increase visibility and comfort and convenience for transit

riders, the mechanical assist may, upon approval by the Director, be incorporated as part of a bonused hillside terrace, urban plaza, public atrium, or shopping corridor.

4. Visibility and accessibility: Mechanical assists shall be visible and directly accessible from the street. The assist entrance shall be immediately adjacent and accessible to a public sidewalk or public open space without any obstruction.

5. Access times: The assist shall provide free access to the public at all times when the station is open.

6. Vertical circulation elements: The vertical circulation elements of the access shall include stairways, escalators, and/or elevators, as determined by the transit provider. These elements shall meet the transit provider's standards for the following: escalator widths, stair rise and tread relationships, handrails, passageways, ramps, lighting, finishes and materials, ventilation, and information signage.

7. Disabled access: Convenient access for the physically disabled shall be provided from the street level to the station, as determined by the transit provider.

8. Special conditions

a. The applicant shall submit a plan and commitment, acceptable to the Director after consultation with the transit provider, binding the applicant to construct the access in accordance with the plan, prior to issuance of any building permit that is required to build the access.

b. The property owner shall grant in favor of the transit provider, and the transit provider shall accept a permanent easement for public use of the assist in connection with transit operations. The easement shall be recorded with the King County Department of Records and Elections.

#### Guidelines

1. Area and dimensions: Access ways should provide sufficient space to comfortably move large volumes of pedestrians between the transit station and the street without conflicting with sidewalk activity.

a. Where access is not directly from the public sidewalk, the transit provider should determine the minimum width of the circulation path from the sidewalk to stairs and escalators to ensure adequate space to accommodate anticipated pedestrian volumes.

b. All below-grade passages of the assist and all covered areas at or above grade should have a minimum height from finished floor to

finished ceiling, including all lighting fixtures and signs, as required by the transit operator.

## 2. Access

a. The assist should connect, either directly or via an underground or above grade passageway, the sidewalk level with the transit station. When directly connected to the station mezzanine, portions of the station access above or below grade may be constructed within the street right-of-way.

b. The assist entrance may be within a building, provided that hours of access are the same as the operating hours of the transit system.

3. Landscaping and furnishing: Design of the station access should incorporate features that establish an identity for the facility and help orient transit riders. Features that add interest to the space without conflicting with pedestrian movement are encouraged, as well as measures to increase access to natural light and reduce noise.

a. Non-transparent walls should be architecturally finished in an interesting way. Advertising shall be permitted in conformance with the transit provider's standards for size, area and location.

b. Temporary kiosks, retail uses such as bookstalls, flower stands and newsstands, displays and exhibits are permitted provided they do

not obstruct pedestrian movement and width of the main circulation path is no less than required by the transit provider.

4. Lighting: Increasing access to natural light should be encouraged as much as possible through the siting of openings at street level and the use of transparent coverings.

#### K. Transit Tunnel Station Access: Grade Level

Lots including features that improve public access to stations serving major transit facilities may be eligible for a floor area bonus. To accommodate a variety of access conditions related to differences in the type, operation, and location of these facilities, the following station access improvements may be provided: 1) mechanical assists, 2) grade level access to transit stations, and 3) access easements.

Topographic conditions along the transit tunnel alignment present opportunities for admitting natural light and providing pedestrian access to transit stations at approximately the same level as station mezzanines. The intent of grade level transit station access is to improve the accessibility and the quality of station environments by increasing daylight access into stations and integrating station connections with public open spaces.

#### Eligibility Conditions

1. Integration with open space: Grade Level Transit Tunnel Station Access must be integrated with public open space. The location of the access is subject to the approval of the transit provider and the Director.

2. Size: The size of the access must be approved by the transit provider. The access shall be on multiple levels, and may be located partially in the street right-of-way.

3. Locational criteria: The Director shall use the following locational criteria to evaluate the eligibility of a lot for the station access bonus:

a. Lots from which grade level access to transit stations is provided shall abut a station mezzanine or be located within a 300-foot radius of the station mezzanine.

b. The maximum distance from the public sidewalk adjacent to the transit station access to the station mezzanine shall be 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.

[Figure A"](#)

c. The minimum distance from a bonused access to the nearest existing

or proposed station entrance on the same block, measured along the street property line, shall be 180 feet.

d. The Director may approve a proposed access using a public right-of-way to reach a station mezzanine only when the Director determines that the connection will not adversely affect other uses of the right-of-way including utilities.

4. Access: A physically and visually direct path through the required open space integrated with the Transit Tunnel Station Access shall connect the street with the station access and shall meet the following conditions established by the transit provider and the Director:

a. A clear path with a minimum width established by the Director after consultation with the transit provider shall be required between the transit station frontage and a public sidewalk. Stairs may be a part of the path, but the difference in grade between the station access frontage and the elevation of the street providing access to the station shall be accommodated by ramps or gradual level changes in the floor of the open space.

b. Signage indicating the location of the transit station shall be provided at the entrance to the open space on the street front.

c. The public shall have unobstructed, well lighted access through

the open space at all hours that the station mezzanine is open.

5. Special conditions

a. Approval of any building permit required to build the access shall depend upon approval of a plan submitted by the developer to the Director and the transit provider binding the developer to construct the access in accordance with the plan.

b. An agreement shall be required between the property owner and the transit provider granting a permanent easement for public use of the access in connection with transit operations. The easement shall be recorded with the deed to the property at the King County Department of Records and Elections.

Guidelines

1. Access: Bonused public open space adapted to accommodate station access should provide a relatively level route between the street and the mezzanine or concourse of the transit station.

a. Providing open space at the same elevation as a transit station mezzanine may require portions of the open space to be substantially below some street elevations. Departure from provisions regarding the elevation of a particular open space feature may be permitted. However, changes in grade between the sidewalk and abutting depressed

portions of open space should not create the effect of a precipice along the sidewalk edge.

b. The level of the open space should generally not be more than five feet below the street elevation along the sidewalk edge. Where the open space is more than five feet below the street elevation, it should be separated from the sidewalk by another use or a landscaped area directly accessible from the sidewalk and extending a minimum of ten feet from the sidewalk onto the lot.

2. Landscaping and furnishing: Public amenity features providing access to transit stations should be designed to reinforce clear and direct connections from the street through the space to the station, while also serving their intended function as public open space. In both overall design and details, the treatment of station areas and public open space areas should be coordinated to produce a cohesive whole.

a. Any bonused public open space area used to provide access to the transit station should conform to the applicable landscaping standards and guidelines for that particular amenity. However, at the discretion of the Director, modifications may be allowed to better adapt the space to specific conditions associated with its relationship to the transit station.

b. Non-transparent walls should be architecturally finished in an

interesting way. Advertising shall be permitted in conformance with standards of the transit provider for size, area, and location.

c. Temporary kiosks, retail uses such as bookstalls, flower stands and newsstands, displays, and exhibits may be permitted provided they do not obstruct pedestrian movement and the width of the main circulation path is no less than required by the transit provider.

3. Natural Lighting: To enhance conditions in the transit station, the open space feature should be sited and designed to increase as much as possible the amount of natural light reaching access areas and the mezzanine level.

#### L. Transit Station Access: Access Easement

Lots including features that improve public access to stations serving major transit facilities may be eligible for a floor area bonus. To accommodate a variety of access conditions related to differences in the type, operation, and location of these facilities, the following station access improvements may be provided: 1) mechanical assists, 2) grade level access to transit stations, and 3) access easements.

Access easements increase opportunities for direct access to transit stations from the street level. The easement defines a volume of space adjacent to a transit station on a lot, either inside or

outside of a structure, or both, in which the transit provider would construct a station entrance. An easement may be combined with bonused hillside terraces, urban plazas, shopping atriums, and shopping corridors to integrate public open space amenities with access to transit stations.

#### Eligibility Conditions

1. Location and size approval: The size of the access, and location, and suitability of the easement shall be subject to approval by transit provider.
2. Incorporation with other amenities: To increase visibility and comfort and convenience for transit riders, the access easement may, upon approval by the Director, be incorporated as part of bonused hillside terraces, urban plazas, public atriums and shopping corridors.
3. Area and dimensions: The configuration and all vertical and horizontal dimensions of the easement shall allow for construction and maintenance of the station access and include sufficient space to accommodate both mechanical and a non-mechanical means of travel to the station.
4. Locational criteria: The Director shall use the following

criteria to evaluate the eligibility of a lot for the station

access bonus:

a. Lots on which the easement for access to the transit station is provided shall abut a station mezzanine or be located within a 300 foot radius of the station mezzanine.

b. The maximum distance from the public sidewalk adjacent to the transit station access easement to the station mezzanine shall be 400 feet. This shall be measured along the shortest path of travel from the sidewalk to the mezzanine, Figure A.

[Figure A"](#)

c. The minimum distance from the proposed access point in the easement area to the nearest existing or proposed station entrance on the same block, measured along the street property line, shall be 180 feet.

d. The Director may approve a proposed access easement which uses a public right-of-way to reach a station mezzanine only when it has been determined that the connection will not adversely affect other uses of the right-of-way including utilities.

e. The location of the easement shall be approved by the transit provider before a bonus may be granted.

5. Construction of station access: The design and construction of the station access within the easement area shall be the responsibility of the transit provider. The property owner shall deliver to the Director, prior to a signed commitment from the transit provider, acceptable to the Director, for the construction of the station access. The property owner shall cooperate as necessary during construction to facilitate installation of the station access, including but not limited to the potential temporary closure of some areas of the site or structure adjacent to the defined easement.

6. Access and hours of operation

a. The area and location of the easement shall be configured to allow direct access from the sidewalk or public open space to the station.

b. All portions of the easement area that are part of the path of travel for access to the transit station shall be open to the public for the purpose of access to and from the transit station at all times when the station is open.

7. Maintenance of landscaping and furnishings

a. When landscaping, furnishings or other amenities are provided within an easement area, the owner is responsible for maintenance except when the area is under the exclusive regulation of the transit

provider.

b. The owner shall maintain all landscaping, furnishings or other elements in the easement area that are also a part of another bonused feature, in accordance with the requirements of the particular public benefit feature.

8. Special Conditions: The property owner and the transit provider shall execute an agreement specifying the area and all dimensions of the easement. The property owner shall grant in favor of the transit provider, and the transit provider shall accept, a permanent easement for public use of the station access in connection with transit operations. The easement shall be recorded with the King County Department of Records and Elections.

#### M. Human Services

The human services bonus is intended to provide space for human service uses at locations easily accessible to target populations.

#### Eligibility Conditions

1. Location. Space for human service uses shall be bonused in all downtown areas where public benefit features are permitted.

Alternatively, at the discretion of the Director, a bonus may be granted for a voluntary agreement to contribute funds to the City for

a downtown health and human services endowment fund, which shall support such facilities at appropriate locations throughout downtown.

2. Street orientation. The location of a human service must be evident from the street, either as a result of frontage at street level or through exterior and interior signage clearly visible from the street.

3. Area and dimensions. The minimum area shall be 1,000 square feet or interior space.

4. Special conditions: The applicant shall secure at least a five year lease with a qualified human service agency.

a. Any additional improvements beyond the minimum requirements needed for specific service activities may be provided either by the applicant or the agency. The specifics shall be included in the lease agreement. Depending on the terms of the agreement, the tenant may be required to pay for utilities, insurance, taxes, and maintenance expenses. In addition, the tenant may be required to pay for development costs specifically required to meet the needs of the lessee.

b. Rent shall not be charged for use of the space.

c. On an interim basis (not to exceed six months from any time the

space is vacated by a qualifying human service use), if the space remains unoccupied, it may be used for non-profit purposes as a community/public area, under the following conditions:

i. The space shall be made available to community and charitable organizations (not to be used for profit-making activities ).

ii. The space shall be made available for both day and evening use.

iii. The space shall be made available on a first come, first serve basis to community/charitable organizations.

iv. There shall be no charge for use of the space, except for any costs that may be necessary by the interim use.

v. The space shall be accessible to the elderly and disabled.

vi. Availability of the space and the contact persons shall be made known to community/charitable groups through means such as newspaper articles, radio announcements, flyers to organizations, and contacts with umbrella organizations such as the Downtown Human Services Council and the Central Seattle Community Council Federation.

5. Access: The human services space must either have direct access to the street or be accessible along a well marked route that leads from a building entrance located on a street and does not

require the use of steps.

6. Finishings: The applicant shall finish the space with ceilings, walls, floors, and utility connections.

#### N. Restoration and Preservation of Landmark Performing Arts Theatre

The landmark performing arts theater (LPAT) bonus is intended to contribute to the city's architectural, historic and cultural heritage by encouraging the preservation, rehabilitation and use of landmark performing arts theaters as defined by the City in SMC Chapter 23.84.

#### Eligibility Conditions

1. Application Process: Proposals that include a LPAT bonus require a Certificate of Approval from the Seattle Landmarks Preservation Board for any modifications to the LPAT in accordance with the requirements of Part 6 of the Seattle Landmarks Preservation Ordinance (Seattle Municipal Code, Sections 25.12.670-.790), unless the plan of rehabilitation is incorporated in the controls and incentives approved by City Council pursuant to SMC 25.12.510. If the owner of a LPAT is also applying to transfer development rights, or for public subsidies, subsidy review will be performed by the Office of Housing (OH). Use of this bonus is subject to completion of subsidy review by OH. Application for the LPAT bonus is made at

the Department of Planning and Development (DPD) using application forms provided by DPD in conjunction with OH. The forms will describe the financial and other documentation required for the OH subsidy review.

2. Security: If a LPAT bonus is sought, the applicant for a permit for the project proposing to use the bonus will be required to provide security for the completion of the rehabilitation of the landmark theater. Security may be provided in the form of cash in a restricted escrow account, letter of credit or other form acceptable to the City. Security shall be posted when the final building permit is issued for the project using the bonus FAR. A waiver from the security requirement may be permitted for an on-site LPAT at time of issuance of building permit. The Landmarks Preservation Board may modify this requirement to allow for a phased rehabilitation program and/or a phased occupancy for the landmark theater. Funds may be drawn from the security by the owner of the theater during the course of the rehabilitation work with prior approval of the OH Director.

3. Duration: The theater is required to be available for the duration of any commitment made to qualify for a Floor Area Ratio (FAR) bonus for at least 180 days a year for live theater performances. An annual report by the theater owner to DPD shall specify the number of days when live performances took place, number of days not open, and number of days when other types of

entertainment were provided.

The use of the theater primarily as a performing arts theater for at least 40 years\* shall be ensured by binding covenants between the theater owner and the City. The recipient of the bonus (unless also the theater owner) shall have no obligation for the operation of the theater.

\*and for so long thereafter as any of the interior features of the theater portion of the structure remains subject to controls under the Landmarks Ordinance or successor provisions, unless after the minimum 40 year period the owner demonstrates to the satisfaction of the Landmarks Board that a change in use is required to allow the owner a sufficient economic return under the standards then applicable to proceedings for removal or modification of such controls.

4. Restrictive Covenant: A restrictive covenant approved by DPD in consultation with OH and DON shall be recorded by DPD with the King County Department of Records and Elections on the property on which the LPAT is located. If other bonuses or TDRs are used, the restrictive covenant may be combined with a Performance Agreement, as approved by OH. The covenant will include the terms, duration, priority of commitment, commitment to repair and maintain the structure and right to access by City staff.

If the requirements of the covenant are not met, then in addition to other remedies, the City may apply to a court for appointment of a receiver to manage the theater.

5. Variable Bonus Ratio: The Land Use Code permits a variable bonus ratio (maximum of 12). It is intended to be set at a ratio which makes the LPAT bonus competitive with other bonuses available for use by the project. Determination of the exact bonus ratio will depend upon the cost of rehabilitation, the cost per square foot of bonusable theater space of obtaining a linkage (market conditions), other subsidies available for the theater rehabilitation and a comparative analysis of costs per square foot of using other bonuses. DPD shall request documentation of sources and uses of funds for theater rehabilitation. DPD will review information, and consult with other departments and determine what bonus ratio is appropriate.

### III. Public Benefit Features Eligible for Floor Area Exemption Only

#### O. Major Retail Store

Major retail stores, including full service department stores, provide retail anchors that reinforce shopping activity in the Downtown retail core and increase the area's regional draw for customers. These facilities expand the range of goods and services available to Downtown shoppers and, as retail "magnets," support other uses necessary to the health and vitality of the area. One way

to help offset the cost of accommodating the large amount of floor area a major retail store requires is to include them as part of the mix in a larger development with more revenue generating uses. Allowing a floor area exemption will enable major retail stores to be accommodated in mixed use developments, without reducing the amount of chargeable floor area allowed for other commercial uses.

#### Eligibility Conditions for Floor Area Exemption

1. Access: Direct access to the street is required, although exempt retail space may be provided above and below the street level as long as all areas are connected and function as a single retail establishment.
2. Management structure: The store must function as a single retail establishment, under the management of a single retail operation.

#### Guidelines

1. Access: The store should be oriented to activity on the street and, wherever possible, provide opportunities for through block circulation. At least one major entrance should be provided directly from the sidewalk of each street frontage, with at least one principal entrance at the same elevation as the sidewalk. Multiple access points are desirable, as well as protected areas set back from the sidewalk at entrances to accommodate pedestrian flow and provide

shelter.

P. Museum

Museums add to the mix of Downtown activity and provide educational, cultural and/or recreational opportunities by establishing permanent interior areas for viewing objects, programs or presentations of natural, scientific, historical, cultural or literary interest.

Eligibility Conditions for Floor Area Exemption

1. Eligibility criteria: Museum space eligible for a floor area exemption must meet the following criteria:

a. The museum does not have a commercial character or is not used for commercial purposes, although associated uses, such as a museum shop

or snack bar, may be permitted.

b. The use of the space has significant, long term educational, cultural and/or recreational value and interest to the public.

c. Information is available to enhance public enjoyment and knowledge of items on display. Presentations that encourage public participation or direct interaction with the display are desirable.

d. Ample space is provided to ensure that displayed items can be viewed to best advantage. Renderings illustrating typical features of the display area shall be available for review by the Director.

2. Use proposal: The developer must present a proposal for the use of the museum identifying the nature of items to be displayed or programs to be presented as well as examples of typical design and layout of exhibits in the space.

3. Lease requirements: If the operator of the museum is not the same as the developer, a ten year lease from the operator of the museum identifying the use of the space shall be secured by the developer for review by the Director. The lease shall be secured within two years of the date that the first Certificate of Occupancy is issued for the project with the museum, or when the final Certificate of Occupancy is issued, whichever is first.

#### Guidelines

1. Area and Dimensions: Adequate space should be provided for exhibits and public viewing, as well as necessary storage and support facilities. All such support spaces may be exempted from calculations of chargeable floor area.

2. Street orientation: The street level treatment of museums should provide pedestrian interest and attraction.

a. To minimize disruption of street level activity, the museum's street frontage should be limited. Separating museum space from the street by other more active street level uses may be appropriate.

b. Either transparent frontage sufficient to allow views into the exhibition area, or exterior signage and display cases visible from the street or a public open space shall be provided.

### 3. Access

a. Access to the museum should be apparent to pedestrians through signs or direct visibility from the street or public open space.

b. The museum should be functionally separate from other areas of the project. While access to the major circulation areas of a building, such as elevator lobbies, is desirable, and may be provided, the display space should be independent of these circulation areas. If needed, walls or other enclosure should be provided.

### Q. Shopping Atrium

Shopping atriums provide enclosed, weather protected public spaces in concentrated shopping areas to enhance shopping activity while maintaining active and visually interesting retail streets. The

enclosed space of the atrium may be on multiple levels and must be of sufficient size to accommodate public gatherings and events where shoppers can rest, relax and enjoy surrounding activity.

#### Eligibility Conditions for Floor Area Exemption

1. Pedestrian access: A pedestrian entrance with direct access from the sidewalk shall be provided on each street frontage of the atrium.
2. Uses: Active uses are required on the perimeter of atrium space, consistent with the applicable guidelines below.
3. Required features: Landscaping and furnishings, including art, are required, consistent with the applicable guidelines below.
4. Natural Lighting: To improve the quality of the space, support interior landscaping and increase the overall sense of openness, the principal space of the shopping atrium must have access to natural light, consistent with the applicable guidelines below.

#### Guidelines

1. Area and dimensions: Shopping atriums should be spacious to accommodate a high level of activity and multiple uses, including public gatherings. Interior spaces should be arranged to integrate the shopping atrium with both the exterior street environment and the

internal circulation of the project.

a. The shopping atrium should include a principal space of at least 2,400 square feet that provides the public focus and is proportionally the largest and most prominent feature of the atrium. Other areas may accommodate functions and activities that support the principal space and further integrate the atrium with the rest of the project and the street environment.

b. The entire floor area of the principal space should generally be level with the average sidewalk grade at the main entrance to the shopping atrium. The principal space should be at one level, with minor adjustments of levels permitted, provided that the difference in elevation between the highest and lowest points is generally within four feet.

c. The exempt floor area may be on multiple levels. All exempt floor area should be directly accessible by escalator, walkway, or stairs to the principal space. All exempt floor area should have visual access to the principal space.

d. Exempt floor area should generally be clear and unobstructed by walls or other elements exceeding approximately three feet in height, except that escalators; artwork; and free standing retail kiosks may be permitted. The height and the total area covered by these elements should be limited to ensure the desired sense of spaciousness and

unobstructed pedestrian circulation.

2. Access and street orientation: The location of a shopping atrium should be highly apparent from the street and easily accessible and inviting to pedestrians. Wherever possible, the atrium and its connections to the street should be designed to improve overall pedestrian circulation on the block.

a. The main entrance to the atrium should be at sidewalk grade.

b. For lots with frontage on two Avenues, the atrium should provide a clear direct connection between the Avenues.

c. Because shopping atriums are located in active shopping areas, the street frontage of the atrium space should be limited to avoid disrupting the continuity of retail activity along the street. The maximum street frontage of the shopping atrium space, including entrances, but not including retail uses with access to the street, should be approximately sixty feet on any one street.

d. The principal space of the atrium should be visible from adjacent sidewalks. Visual and physical access to the space should be provided along as much of the atrium's street frontage as possible.

3. Required active uses: Shopping atriums should intensify retail activity within shopping areas by increasing available retail

frontage on streets and public areas.

a. Frontage generally equivalent to at least seventy-five percent of the perimeter of each level of the entire exempt area of the atrium space should be occupied by uses meeting the definition of active street level uses. All of these uses should have direct access to the atrium.

b. Any street level uses on the perimeter of the shopping atrium with frontage on a street should also be accessible from the street.

4. Landscaping and furnishings: Landscaping and furnishings of the shopping atrium, including required art, should create an attractive and comfortable atmosphere for shoppers. Features should add interest and activity while allowing flexible use of the space, especially for public gatherings and events. Landscaping and other design treatments should reinforce the prominence of the principal space, while ensuring a cohesive relationship between the principal space and abutting accessory space.

5. Natural lighting: The Director shall use the following guidelines for required skylights and/or clerestory windows to ensure sufficient natural light:

a. Skylights that, at a minimum, provide access to natural light for approximately twenty-five percent of the roof area above the

principal space; or

b. Windows or clerestory windows at a height of approximately eight feet or more that, at a minimum, allow access to natural light through approximately twenty-five percent of the perimeter of the principal space; or

c. Some combination of a. and b. above, or similar features admitting ample light.

NOTE TO FILE

FOR

SEPA ANALYSIS OF DOWNTOWN HEIGHT & DENSITY CHANGES

March 2006

The SEPA environmental review process for proposals to change height and density in specific Downtown zones began in May 2001 with a Determination of Significance, proceeding to a Draft EIS published in November 2003 and a Final EIS published in January 2005. After an appeal of the EIS was heard by the City's Hearing Examiner and her findings recorded (dismissing the appeal), staff from the City's Department of Planning and Development completed work on a draft

ordinance for zoning and Land Use Code changes, and submitted it to City Council.

In the course of its review, the Chair of the City Council's Urban Development and Planning Committee proposed several alternative changes to zoning and Land Use Code details. These are collectively referred to in this document as "CM Steinbrueck Recommendations" to distinguish them from the Mayor's Preferred Alternative, which was described in the Final EIS.

This "note to file" discusses the potential for environmental impacts related to CM Steinbrueck's Recommendations, as well as a few detailed aspects of the Mayor's Preferred Alternative that either were not known at the time of Final EIS publication, or were not discussed in detail in the programmatic-level EIS. These comments are not meant to suggest that the aforementioned environmental review was incomplete, but to provide more perspective on the relationship of the CM Steinbrueck Recommendations to the prior environmental review.

The elements of the environment included in the Downtown Height and Density EIS include:

--Population and Employment  
Wind

--Climate: Shadows and

--Housing

--Transportation

--Land Use

--Parking

--Relationship to Plans and Policies

--Energy

--Urban Design: Height, Bulk and Scale

--Water Utility

--Urban Design: Pedestrian Amenities & Open Utilities

--Sewer and Stormwater

Space

--Views and Aesthetics

..TX:

This "note-to-file" comments upon the extent to which the CM Steinbrueck Recommendations and various details addressed by Land Use Code changes might generate differences in already-published environmental review findings.

Description of CM Steinbrueck's Recommendations

These recommendations consist of alternative zoning proposals that would:

\* alter the office core zones by increasing the density and eliminating the height limit in the Downtown Office Core 1 zone, and lowering the height limit in the Downtown Office Core 2 zone by 100'

compared to the Executive Proposal;

\* provide for lesser heights in one portion of DMC on the western edge of 1st Avenue; and

\* provide additional tower spacing requirements in DMC zones between the DRC and the Pike Market Mixed zones.

The table below and attached graphics describe the councilmember's recommendations in more detail, compared to existing zoning and the Executive Proposal.

Comparison of Current Downtown Zoning to Executive Proposal and

CM Steinbrueck Recommendations (3-20-2006)

	Downtown			Downtown			Downtown Mixed	
Downtown Mixed								
Office Core 1 Commercial			Office Core 2			Commercial		
								340' / 400'
240' / 400'								
Height	Base	Max.	Height	Base	Max.	Height	Base	Max.
Limit3	FAR1	FAR1	Limit	FAR1	FAR1	Limit	FAR1	FAR1



spacing for towers within block in an area zoned DMC 240'/240'-400' between the retail core and Pike Place Market, and excluding DOC2 from spacing requirements for residential towers;

- \* maximum tower width;

- \* upper level facade length limits ("modulation");

- \* upper level setbacks;

- \* transparency requirements;

- \* coverage allowance for rooftop features;

- \* permissible locations for accessory parking; and

- \* amount of new fee charged to residential development to offset related impacts.

#### Other Topics of Comment

Parking: The Chapter 4 Summary of Impacts in the Final EIS included mention of the concept of no minimum parking requirement for commercial use, in relation to the Preferred Alternative (a.k.a. Executive Proposal). However, this aspect of proposed changes was not discussed in detail. This "note-to-file" describes general

impact implications of this proposed regulatory change.

#### COMMENTARY ON ENVIRONMENTAL IMPACT IMPLICATIONS

Several of the CM Steinbrueck Recommendations would result in lower heights, reduced appearance of bulk, and a variety of differences that could be interpreted as having fewer adverse impacts compared to the Executive Proposal. This analysis identifies some but not all of the positive impact implications, but is oriented toward identifying adverse impacts.

For some of the elements of the environment, the changes under review would have little or no substantive impact implications, including: Population and Employment, Shadows and Wind, Transportation, Parking, Energy, Water Utility, Sewer and Stormwater Utilities. These topics are not further addressed unless relevant.

#### ZONE CHANGES

The CM Steinbrueck Recommendations would reduce the height (by 100 feet) allowed within the DOC 2 zoned portion of the Denny Triangle and Commercial Core near the existing retail core, compared to the Executive Proposal. However, the height and density permitted in the DOC 1 zone (the heart of the office core) would increase by 3 FAR compared to the Executive Proposal, and the height limit in the DOC 1

zone would be eliminated.

In addition, the CM Steinbrueck Recommendations would propose a downzone of three half blocks along the west side of 1st Avenue between Columbia and Spring Streets. This strip would change from an existing zone of DMC with a 240-foot height limit to DMC with a 160-foot height limit. It was defined as a DMC 240'/400' zone in the Executive Proposal.

#### Housing

The CM Steinbrueck Recommendations proposes a three block increase in the amount of DMC 240'/400' zoned land in the Denny Triangle neighborhood that could result in a greater number and concentration of future mixed-use developments dominated by residential uses. This could help reinforce a residential character in these areas rather than an office-dominated character. This might aid in establishing a more activated, round-the-clock and safer environment that is better for residential living than an office-dominated area that could be mostly deserted during non-work hours. In the DOC 1 zone, the changes could result in increased assurance that property would continue to be dominated by commercial uses. Alternatively, however, the ability to insert housing into commercial buildings without affecting maximum FAR calculations and without a particular confining height limit might lead to an infusion of new housing that presumably would serve higher-income households. The potential for significant

adverse housing impacts from these changes would be minimal.

#### Land Use/Plans and Policies

The proposed additional tower spacing in the Pike Place Market vicinity would aid in controlling the bulk and scale of future development, and might further tip the scale toward residential-oriented development rather than commercial development. This could assist in the revitalization and overall improvement of this vicinity over time. No adverse impacts are identified for the CM Steinbrueck Recommendations with respect to plans and policies.

#### Height/Bulk/Scale

In addition to the positive and negative implications mentioned above, the CM Steinbrueck Recommendations would reduce the maximum height of development in the DOC2 area by 100' in the Denny Triangle, providing a more gradual transition from higher- to lower-height areas. These are interpreted as mostly positive outcomes, although the Final EIS aesthetic analyses suggested a more diverse and interesting skyline would result with taller buildings in the Denny Triangle under the Executive Proposal. In addition, the CM Steinbrueck Recommendations for lower zoning along a part of Western Avenue would somewhat reduce the potential for height, bulk and scale impacts on nearby properties in this area near the Waterfront and

Pioneer Square (even when comparing to the existing condition).

#### Pedestrian Amenities and Open Space

A brief review suggests that the slightly increased residential potential in Denny Triangle, as well as additional measures addressing overhead weather protection, safety lighting, and bulk and scale, might assist in creating a more pleasant pedestrian environment at street level (a positive impact). Maintaining some form of the City/County transfer of development program in DOC1, proposed to be eliminated by the Executive Proposal in the Denny Triangle, could help contribute to the preservation of rural County land.

#### Views and Aesthetics

The CM Steinbrueck Recommendations for 3 more blocks of DMC 240'/400' zoning instead of taller DMC 340'/400' zoning, and the proposed reduction of DOC 2 height limits from 600 feet to 500 feet, would tend to reduce the overall potential for view/aesthetic impacts. For example, views of the Denny Triangle from the north and from the east would include newly-developed buildings somewhat smaller scaled, and/or further from most viewers such that there would be less potential for perceived view impacts. However, even with the alternative proposal, there would still remain some potential for perception of view and aesthetic impacts with future development, in

ways similar to the Executive Proposal.

## BULK AND USE CHANGES

### Housing

The CM Steinbrueck Recommendations' differences from the Executive Proposal are comparatively minor with minimal potential for additional adverse impacts on housing.

In the DOC 1 zone, the ability to construct housing without affecting maximum density calculations and the proposed abolition of a maximum height limit could result in novel designs in future development that would pair office and residential uses, potentially reaching high heights that are not currently possible or anticipated. This would provide an additional option for achieving residential uses in Downtown, which is interpreted as a positive housing impact.

However, through use of mechanisms like the Planned Community Development (PCD) process, commercial densities calculated on several

blocks could be transferred to a single lot and, without the constriction of a height limit, result in taller commercial structures than otherwise anticipated.

### Land Use/Plans and Policies

Nearly all of the recommended changes in bulk and land use would have no significant impact implications on Downtown land use because the amount of difference from the Executive Proposal is relatively minor (see the Height, Bulk and Scale discussion below).

The recommended changes in DOC 1 to abolish the height limit and increase density limits by 3 FAR compared to the Executive Proposal would represent a bit of a departure from zoning practices in the more recent past. The absence of a height limit is not anticipated by plans, policies or current zoning. Therefore, while various policies promote flexibility in future development, appropriate scales of development, and compatible uses, they do not suppose an "unlimited" condition can exist. If not properly regulated, such a condition would probably be inconsistent with the policy guidance expressed in plans and zoning codes to date (even though it would be consistent with the preferred pattern of the densest, tallest uses in the DOC 1 zoned area).

If it is assumed that the recommended changes will have safeguards that prevent unlimited stacking of uses with no height limit, and that typical design practices and economic demand would place practical limits on the maximum height that can be achieved, the recommended changes would not in reality constitute an "unlimited" condition. However, this does not appear to be the case with the CM Steinbrueck Recommendations.

If there are no safeguards against unlimited stacking, accumulation of permissible density from many properties into one property, or arrangement of uses within an unlimited vertical building envelope, the result conceivably could be the construction of buildings in novel arrangements and/or significantly taller than previously anticipated. For example, a "needle-like" tower as seen in Toronto and other cities might possibly extend beyond what is anticipated in typical highrise buildings, because middle portions of the building would have little or no floor area. Additional inclusion of residential uses on top of existing buildings, increased potential for demolition of highrises to be replaced by larger towers, and addition of narrow but tall towers to existing built blocks all would appear to be possible outcomes. In a broader sense, this sort of flexibility may be interpreted as a positive outcome that could bring additional energy and diversity to Seattle's Downtown. It also could be interpreted as creating more pressure for redevelopment on some properties that previously were considered fully built out, perhaps an outcome with adverse impact implications for overall land use character.

One probable safeguard is that the Director of DPD will continue to hold authority to approve development proposals, and could exercise power if justified to deny an application. Another probable safeguard against inordinate height is the limit placed on the skyline by Federal Aviation Administration (FAA) airspace requirements for aircraft approaching Boeing Field. The axis of the

airspace measurement "surface" extends north-northwest over Elliott Bay relatively near to the Waterfront, with other "surfaces" that rise gradually in the perpendicular direction. Given the topography of Downtown, it is somewhat complex to interpret the exact height implications, but buildings extending above the height of the Columbia Center (or even somewhat lower heights in some locations) would potentially violate the FAA airspace requirements.

#### Height/Bulk/Scale

The CM Steinbrueck Recommendations include several modest changes in the building bulk and scale standards, compared to the Executive Proposal. The recommendations would alter various regulatory details that affect bulk and scale by 5, 10, 15, or 20 feet, generally in ways that would tend to reduce the overall bulk or appearance of bulk. Changes of this type and magnitude would have minimal differences in overall impacts compared to the Executive Proposal and may be indistinguishable by Downtown users. Most of the differences in potential impacts would be positive, with only a couple of changes resulting in any potential for additional adverse impacts on height, bulk and scale.

The most important of these changes with adverse impact potential would increase the density limit of the DOC 1 zone from 17 (Executive Proposal) to 20 FAR, with no maximum height limit established in that zone (compared to a 700-foot height limit in DOC 1 under the

Executive Proposal). The height/bulk/scale implications are covered by the discussion above for Land Use.

A related implication of the Councilmember Recommendations is that more future buildings will be built in a taller and slimmer profile within the DOC 1 zone, if a developer wishes to build taller buildings for prestige, view amenity, or architectural prominence. This could add diversity to the Seattle skyline.

#### Views and Aesthetics

The CM Steinbrueck Recommendations include several modest changes in the building bulk standards, compared to the Executive Proposal. The net effect on overall aesthetics of Downtown development (except in the DOC 1 zone) would be slightly different shaping of future buildings with slightly less bulk potential at lower levels, and potentially less parking provided above street level in residential structures. This should have a slight positive impact on overall aesthetics of future development and street-level environment. In zones other than DOC 1, the net effect on potential view impacts would be virtually indistinguishable by viewers of the skyline from any direction. No additional adverse view or aesthetic impacts are identified. However, in the DOC 1 zone, the lack of height limit and other factors might combine to result in strikingly different and/or taller buildings that would add to the diversity of the skyline. This could be interpreted as positive by some viewers and negative by

other viewers.

#### Shadows

None of the proposed changes addresses reducing the shadow impacts on the specific public spaces that are covered by SEPA review. Given the complexities in modeling shadow impacts, it cannot be reasonably determined whether the CM Steinbrueck Recommendations would result in fewer shadow impacts on public spaces than the Executive Proposal. However, most of the Councilmember Recommendations would slightly reduce the potential for building bulk and scale, such that possible shadowing of Downtown streets would be slightly less than under the Executive Proposal. The additional spacing of towers in the DMC area between the Pike Place Market and retail core should help reduce the potential for shadows in the public areas of these high volume pedestrian environments.

#### Parking Impacts

The recommended changes associated with location of parking above and/or below grade would influence design possibilities, but would not be likely to generate significant adverse parking impacts. Inclusion of parking would still be possible in future development.

## FEE CHANGES

### Housing

Fee-related changes would appear to require a higher financial contribution by residential developers to meet regulatory requirements. This would to some degree influence overall development feasibility, and some could cite this type of change as discouraging future housing development. This might be construed as an impact, but this sort of financial feasibility impact lies outside the scope of SEPA review. The proposed fees are within the bounds of possible fees supported by nexus analyses that identify actual levels of impacts in terms of financial costs. Also, it appears doubtful that the higher proposed fees would single-handedly prevent development feasibility. Therefore, even if this topic is within the purview of SEPA, no significant adverse impact is identified.

The CM Steinbrueck Recommendations would provide a bonus for buildings that meet the LEED Silver standards, as opposed to the Executive proposal, which used the lower LEED certification standard.

LEED Silver should provide increased energy efficiency and more sustainable development over time.

### Land Use/Plans and Policies

If there is any detectible land use impact from the proposed fee-related changes, it conceivably could result in higher development costs that would cause a greater proportion of future housing in the area to be "higher-end" or "above-median" housing. This may be balanced by the affordable housing expected to be produced through use of the bonus fees. However, as noted above, matters of financial feasibility lie outside the scope of SEPA review, so it is questionable whether such an impact should be identified in this SEPA review.

#### PARKING

As noted earlier in this document, the Final EIS disclosed the possibility of no minimum parking requirement for commercial use, in relation to the Executive Proposal. However, the Draft EIS analysis of parking impacts did not explicitly mention this possibility. Additional discussion is provided in this document to characterize the general implications of this elimination of parking requirement.

#### Parking and Land Use/Plans and Policies

The proposed elimination of parking requirements could have additional implications with regard to parking supplies Downtown. This could result in additional reductions in the projected amounts of parking supply provided with future development than previously reported in the Draft EIS parking analysis. Another previously

undisclosed possibility is that existing buildings could submit applications for approval to remove existing parking that was a condition of their original Master Use Permit. Presumably, the space in parking would be put to other uses. This could also result in further reductions of Downtown parking supply than previously reported.

This additional information does not create any further significant adverse impact implications because City plans and policies advocate for limiting parking in Downtown, to help promote greater use of transit and other transportation modes. Therefore, the proposal could be interpreted as having positive impact implications. Depending upon how the market would respond in providing parking where none is required, additional growth in Downtown with less proportional provision of new parking would tend to increase the cost for daily parking. There would likely also be further increases in competition for various types of on-street and off-street parking in affected Downtown areas and the surrounding vicinity.

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Page 8

[Fiscal Note](#)

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