

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending sections 23.40.080, 23.49.008, 23.49.011, 23.49 Downtown Overlay Maps, 23.49.036, 23.49.058, 23.49.158, adding new section 23.40.090, and amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in the University District, the Madison/Miller neighborhood and the Rainier Beach neighborhood.

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WHEREAS, Seattle continues to face a housing affordability challenge and an increase to housing supply is one of many strategies that can combat the high cost of housing in our region; and

WHEREAS, The City is currently in the process of engaging community and reviewing for adoption, the One Seattle Comprehensive Plan update and subarea plans for the Regional Centers designated within it; and

WHEREAS, The One Seattle Plan and the Regional Centers subarea plans will inform a series of broad citywide zoning changes that will support increased housing supply including allowing middle housing in Neighborhood Residential zones and establishing mixed use and multifamily zoning to support new Neighborhood Centers and transit corridors; and

WHEREAS, robust processes to update the Comprehensive Plan and Regional Centers plans are ongoing, and concurrently it is also important to expand housing supply in opportunity areas to support abundant housing construction in the short term; and

WHEREAS, Mayor Harrell's Downtown Activation Plan includes a strong focus on facilitating an increased amount of housing in downtown; and

WHEREAS, effective strategies to increase housing supply include removing code barriers to sustainable mass timber, modular and passive house design, and conversion of existing underused commercial structures to housing; and

WHEREAS, a promising strategy to increase housing supply is promoting upper-level housing above non-profit owned community facilities when it is time for them to undergo major renovation or reconstruction; and

WHEREAS, the proposed legislation includes zoning code amendments and rezones of land to support increased housing production in downtown neighborhoods as well as the Stone Way corridor of Fremont near major employers; and

WHEREAS, the proposed legislation includes zoning amendments to facilitate new affordable housing construction in upper stories above community-oriented facilities; and

WHEREAS, the proposed legislation removes code barriers to mass timber, passive house, and modular construction methods; and

WHEREAS, the proposed legislation is focused on opportunity areas for infill development and is tailored to avoid development pressure on historic landmarks, sites with character structures and displacement risk areas; and

WHEREAS, all of the proposed rezones include application of the City's Mandatory Housing Affordability (MHA) requiring residential development in new structures to provide or make an in-lieu payment for affordable housing. NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.080 of the Seattle Municipal Code, which section was last amended by ordinance 127054, is amended as follows:

23.40.080 – Conversion to residential use in an existing structure

1 A. For the purposes of this Section 23.40.080, "conversion to residential use in an
2 existing structure" means a development that meets all the following criteria:

3 1. It does not expand a structure horizontally beyond the boundaries of the
4 existing or approved exterior walls except for addition of incidental features that are necessary to
5 accommodate residential use such as: ramps for ADA access, replacement windows or sheathing,
6 addition of material enabling increased insulation, structural features to increase safety, additions
7 for the purpose of complying with construction and energy codes and building performance
8 standards for the conversion to residential use, circulation features for fire and life safety,
9 mechanical equipment, plumbing and duct work, or awnings and bays. The horizontal expansion
10 for incidental features shall not increase the floor area of the structure by more than 5 percent.

11 2. It does not expand the structure vertically beyond the existing or approved roof
12 elevation, except by up to 15 feet to accommodate configuration or expansion of top floor
13 residential use or rooftop features in residential use. Stair and elevator penthouses, mechanical
14 equipment, and rooftop features allowances otherwise provided by the underlying zone may be
15 placed on top of the 15-foot accommodation for configuration of top floor residential use without
16 disqualifying the development from meeting this criterion.

17 3. The building in which the conversion would occur received either a temporary
18 or permanent certificate of occupancy prior to March 1, 2024, or if no temporary or permanent
19 certificate of occupancy is available is determined by the Director to have been legally occupied
20 or is in a building approved for future development for which an unexpired Master Use Permit
21 was issued, prior to March 1, 2024.

22 4. It is a conversion of floor area from nonresidential uses to residential uses that
23 increases the number of dwelling units or congregate residence sleeping rooms in the structure.

5. It does not increase the square footage of nonresidential uses in the structure.

6. It is located in a commercial zone, a Downtown zone, a Seattle Mixed (SM) zone, the Highrise (HR) zone, ~~((or the))~~ Midrise (MR) zones, Lowrise (LR) zones, the Residential Small Lot zone, or any Neighborhood Residential (NR) zone.

B. The determination of whether a proposed development qualifies as a conversion to residential use in an existing structure pursuant to subsection 23.40.080.A, and any related land use approvals concerning how the standards of this Section 23.40.080 apply shall be Type I decisions.

C. A conversion to residential use in an existing structure meeting the criteria of subsection 23.40.080.A shall be exempt from all development standards and land use regulations of Chapter 23.44 (Neighborhood Residential), Chapter 23.45 (Multifamily), Chapter 23.47A (Commercial), Chapter 23.48 (Seattle Mixed), Chapter 23.49 (Downtown Zoning), Chapter 23.52 (Transportation Concurrency, and Transportation Impact Mitigation), Chapter 23.53 (Requirements for Streets, Alleys, and Easements), Chapter 23.54 (Quantity and Design Standards for Access, Off-Street Parking, and Solid Waste Storage), and Chapter 23.58A (Incentive Provisions), except that the following categories of development standards and regulations within any of those chapters shall continue to apply:

1. Permitted and prohibited use regulations pertaining to nonresidential uses;
2. Administrative conditional use regulations;
3. Light and glare standards;
4. Noise standards;
5. Institutions;
6. Home occupations;

7. Transitional encampment accessory uses;

8. Landmark Districts and designated landmark structures; and

9. Subsections 23.54.040.F, 23.54.040.G, 23.54.040.H, 23.54.040.I, and
23.54.040.J, solid waste and recyclable material storage and access.

D. A development proposal for conversion to residential use in an existing structure meeting the criteria of subsection 23.40.080.A in a building with features that are legally nonconforming to applicable development regulations for nonresidential use shall retain a comparable legal nonconforming status upon conversion to residential use. The Director may approve as a Type I decision any additional features of an existing building nonconforming to applicable development regulations which in the judgment of the Director cannot reasonably be rendered conforming in connection with conversion to residential use.

E. A conversion to residential use in an existing structure meeting the criteria of subsection 23.40.080.A shall be exempt from design review if the structure is already constructed or construction has commenced on the structural frame for the structure.

F. A conversion to residential use in an existing structure meeting the criteria of subsection 23.40.080.A.1-5 and located in a commercial zone, Downtown zone, ~~((Ø))~~ a Seattle (SM) Mixed zone, a Midrise (MR) multifamily zone, a Lowrise (LR) multifamily zone, or a Neighborhood Residential (NR) zone including the Residential Small Lot (RSL) zone, shall be exempt from requirements under Chapter 23.58C (Mandatory Housing Affordability for Residential Development) for any portion of the development proposal that converts floor area from a nonresidential use to a residential use.

* * *

Section 2. A new section 23.40.090 is added as follows:

23.40.090 – Exception from façade modulation and upper-level setback requirements for certain types of residential projects.

A. For the purposes of this Section 23.40.090, the following terms are defined as follows:

1. “Affordable housing” means low-income housing as defined in Section 23.84A.016.

2. “Passive house requirements” means the criteria for certification as a passive house by Phius or the international passive house institute.

3. “Modular construction” means a multistory residential building constructed of standardized components produced off-site, which are transported and assembled at a final location.

4. “Mass timber construction” means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.

B. Development of a residential or mixed-use project including at least 50% of its floor area in residential use that is either affordable housing, or new construction or a retrofit meeting passive house requirements, or modular construction, or mass timber construction, shall be exempt from any façade modulation or upper-level setback requirement in this Title 23 including upper-level structure width limits and separation requirements, and tower spacing requirements.

Section 3. Subsection 23.49.008 of the Seattle Municipal Code, which section was last amended by ordinance 126600, 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 zone. Structure height for PSM, IDM, and IDR zones is regulated by this Section 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

A. Base and maximum height limits

1. Except as otherwise provided in this Section 23.49.008, maximum structure heights for Downtown zones are as designated on the Official Land Use Map. In certain zones, as specified in this Section 23.49.008, the maximum structure height may be allowed only for particular uses or only on specified conditions, or both. If height limits are specified for portions of a structure that contain specified types of uses, the applicable height limit for the structure is the highest applicable height limit for the types of uses in the structure, unless otherwise specified.

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 this Title 23 based upon the uses in the structure, before giving effect to any bonus for which the structure qualifies under this Chapter 23.49 and to any special exceptions or departures authorized under this Chapter 23.49. 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 23.49.008.A.3, the applicable height limit for portions of a structure that contain non-residential and live-work uses is shown as the first figure after the zone designation (except that there is no such limit in DOC1), and the base height limit for portions of a structure in residential use is shown as the first figure following the "/". The third figure shown is the maximum residential height limit. Except as stated in subsection 23.49.008.D, the base residential height limit is the applicable height limit for

portions of a structure in residential use if the structure does not use the bonus available under Section 23.49.015, and the maximum residential height limit is the height limit for portions of a structure in residential use if the structure uses the bonus available under Section 23.49.015:

DOC1 Unlimited/450-unlimited

DOC2 500/300-550

DMC 340/290-440

DMC 240/290-440.

4. A structure in a DMC 340/290-440 zone on a lot comprising a full block that abuts a DOC1 zone along at least one street frontage may gain additional structure height of 30 percent above the maximum residential height limit if the structure uses the bonus available under Section 23.49.015, or 35 percent above 340 feet if that bonus is not used, in either case under the following conditions:

a. Only one tower is permitted on the lot;

b. Any additional floor area above the maximum height limit for non-residential or live-work use, as increased under this subsection 23.49.008.A.4, is occupied by residential use;

c. The average residential gross floor area and maximum residential floor area of any story in the portion of the tower permitted above the base residential height limit do not exceed the limits prescribed in subsection 23.49.058.C.1;

d. Any residential floor area allowed above the base residential height limit under this provision is gained through voluntary agreements to provide low-income or moderate-income housing according to Section 23.49.015;

e. At least 35 percent of the lot area, or a minimum of 25,000 square feet, whichever is greater, is in open space use substantially at street level meeting the following standards, and subject to the following allowances for coverage:

1) The location and configuration of the space shall enhance solar exposure, allow easy access to entrances to the tower serving all tenants and occupants from streets abutting the open space, and allow convenient pedestrian circulation through all portions of the open space. The open space shall be entirely contiguous and physically accessible. To offset the impact of the taller structure allowed, the open space shall have frontage at grade abutting sidewalks, and be visible from sidewalks, on at least two streets. The elevation of the space may vary, especially on sloping lots where terracing the space facilitates connections to abutting streets, provided that grade changes are gradual and do not significantly disrupt the continuity of the space, and no part of the open space is significantly above the grade of the nearest abutting street. The Director may allow greater grade changes, as necessary, to facilitate access to transit tunnel stations.

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

1 provide access to public areas and are available for public use, and any similar features approved
2 by the Director.

3 f. Open space used to satisfy the condition to allowing additional height in
4 this Section 23.49.008 is not eligible for a bonus under Section 23.49.013.

5 g. Open space used to satisfy the condition to allowing additional height in
6 this Section 23.49.008 may qualify as common recreation area to the extent permitted by
7 subsection 23.49.011.B and may be used to satisfy open space requirements in
8 subsection 23.49.016.C.1 if it satisfies the standards of subsection 23.49.016.C.1.

9 h. No increase in height shall be granted to any proposed development that
10 would result in significant alteration to any designated feature of a Landmark structure, unless a
11 certificate of approval for the alteration is granted by the Landmarks Preservation Board.

12 5. In a DRC zone, the base height limit is 85 feet, except that, subject to the
13 conditions in subsection 23.49.008.A.6:

14 a. The base height limit is 170 feet if any of the following conditions is
15 satisfied:

16 1) All portions of a structure above 85 feet contain only residential
17 use; or

18 2) At least 25 percent of the gross floor area of all structures on a
19 lot is in residential use; or

20 3) A minimum of 1.5 FAR of eating and drinking establishments,
21 retail sales, and service or entertainment uses, or any combination thereof, is provided on the lot.

22 b. For residential floor area created by infill of a light well on a Landmark
23 structure, the base height limit is the lesser of 170 feet or the highest level at which the light well

1 is enclosed by the full length of walls of the structure on at least three sides. For the purpose of
2 this subsection 23.49.008.A.5.b, a light well is defined as an inward modulation on a non-street-
3 facing facade that is enclosed on at least three sides by walls of the same structure, and infill is
4 defined as an addition to that structure within the light well.

5 6. Restrictions on demolition and alteration of existing structures

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

13 b. The Director shall evaluate whether the manner in which the facade is
14 proposed to be preserved meets the intent to preserve the architecture, character, and history of
15 the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks
16 Preservation Board for any proposed modifications to controlled features is required prior to a
17 decision by the Director to allow or condition additional height for the project. The Landmarks
18 Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a
19 structure on the list below is solely for the purpose of conditioning additional height under this
20 subsection 23.49.008.A.6.b, and shall not be interpreted in any way to prejudge the structure's
21 merit as a Landmark:
22

Shafer Building / Sixth and Pine Building	515 Pine Street
Decatur Building	1521 6 th Avenue
Coliseum Theater Building	5th Avenue and Pike Street (northeast corner)
Northern Bank and Trust / Seaboard Building	1506 Westlake Avenue
Liggett/Fourth and Pike Building	1424 4th Avenue
Great Northern Building	1404 4th Avenue
Joshua Green Building	1425 4th Avenue
Holland Building/MiKen Building	1417 4th Avenue
Bon Marche (Macy's)	300 Pine Street

((;adv=6;c)). The restrictions in this subsection 23.49.008.A.6 are in addition to, and not in substitution for, the requirements of Chapter 25.12.

7. The applicable height limit for a structure is the base height limit plus any height allowed as a bonus under this Chapter 23.49 according to Chapter 23.58A, and any additional height allowed by special exception or departure, or by subsection 23.49.008.A.4. The height of a structure shall not exceed the applicable height limit, except as provided in subsections 23.49.008.B, 23.49.008.C, and 23.49.008.D.

8. The height of rooftop features, as provided in subsection 23.49.008.D, is allowed to exceed the applicable height limit.

9. On lots in the DMC 85/75-170 zone:

a. A height limit of 85 feet applies to the portions of a structure that contain non-residential or live-work uses.

b. A base height limit of 75 feet applies to the portions of a structure that contain residential uses.

c. The applicable height limit for portions of a structure that contain residential uses is 85 feet if extra floor area is achieved according to Section 23.49.023 and Chapter 23.58A, and the structure has no non-residential or live-work use above 85 feet, and the structure does not qualify for a higher limit for residential uses under subsection 23.49.008.A.9.d.

d. The applicable height limit is 170 feet if extra floor area is achieved according to Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or live-work use above 85 feet, the lot is at least 40,000 square feet in size and includes all or part of a mid-block corridor that satisfies the conditions of Section 23.58A.040, except to the extent the Director grants a waiver of such conditions, and the standards of Section 23.49.060 are satisfied.

B. Structures located in DMC 240/290-440, DMC 340/290-440, or DOC2 500/300-550 zones may exceed the maximum height limit for residential use, or if applicable the maximum height limit for residential use as increased under subsection 23.49.008.A.4 as follows:

1. The limit may be exceeded by ten percent as increased under subsection 23.49.008.A.4 if:

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

b. The enclosed space is occupied only by those uses or features otherwise permitted in this Section 23.49.008 as an exception above the height limit.

2. The limit may be exceeded by ten percent as increased under subsection 23.49.008.A.4 if applicable if an elementary or secondary school is contained anywhere within the same structure.

The exceptions in this subsection 23.49.008.B shall not be combined with any other height exception for screening or rooftop features to gain additional height. The exception under subsection 23.49.008.B.2 is allowed in addition to the exception under subsection 23.49.008.B.1.

C. Height in Downtown Mixed Residential (DMR) zones is regulated as follows:

1. A structure that contains only non-residential or live-work uses may not exceed the lowest height limit established on the Official Land Use Map, except for rooftop features permitted by subsection 23.49.008.D.

2. In DMR zones for which only two height limits are established, only those portions of structures that contain only residential uses may exceed the lower height limit, and they may extend to the higher height limit established on the Official Land Use Map, except that:

a. In eligible DMR zones as indicated on Map 1L for which the higher height limit established on the Official Land Use Map is 95 feet, the higher height limit is increased to 145 feet, and within the infill housing focus areas the higher height limit is further increased to 245 feet, for development applications submitted before January 1, 2029 provided only those portions of structures that contain only residential uses may exceed the lower height limit; and

b. In eligible DMR zones as indicated on Map 1L for which the higher height limit established on the Official Land Use Map is 145 feet, the higher height limit is increased to 245 feet for development applications submitted before January 1, 2029 provided

1 only those portions of structures that contain only residential uses may exceed the lower height
2 limit.

3 3. On lots in the DMR/C 75/75-170 zone, the base height limit is 75 feet, and it is
4 the applicable height limit for all structures, except that:

5 a. The applicable height limit is 85 feet if the applicant qualifies for extra
6 floor area under Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or
7 live-work use above 75 feet, and the structure does not qualify for a higher height limit under this
8 subsection 23.49.008.C.3.

9 b. The applicable height limit is 170 feet if the applicant qualifies for extra
10 floor area under Section 23.49.023 and Chapter 23.58A; the structure has no non-residential or
11 live-work use above 75 feet; the lot includes all or part of a mid-block corridor that satisfies the
12 conditions of Section 23.58A.040, except to the extent any waiver of such conditions is granted
13 by the Director; and the standards of subsection 23.49.156.B and Section 23.49.163 are satisfied.

14 4. On lots in the DMR/C 75/75-95 zone, the base height limit is 75 feet, and it is
15 the applicable height limit for all structures, except that the applicable height limit is 95 feet if
16 the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A and the
17 structure has no non-residential or live-work use above 75 feet.

18 5. On lots in the DMR/R 95/65 zone:

19 a. A height limit of 95 feet applies to the portions of a structure that
20 contain residential or lodging uses.

21 b. A height limit of 65 feet applies to the portions of a structure that
22 contain non-residential uses (excluding lodging uses).
23

Section 4. Section 23.49 Downtown Overlay Maps is amended to add Map 1L Eligible Areas For Residential Height Limit Increase, as shown on Attachment 1 attached to this ordinance.

Section 5. Section 23.49.036 of the Seattle Municipal Code, which section was last amended by ordinance 126188, is amended as follows:

23.49.036 - Planned community developments (PCDs)

A. Planned community developments (PCDs) 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 23.49.036.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 23.49.036.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 23.49.036.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 23.49.036. 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. No public benefit priorities shall be required if the applicant is a nonprofit 501 (c)(3) organization engaged in providing services to those in need, including human services, housing including affordable housing, education, job training and/or medical assistance, and the development proposed under the Planned Community Development will provide direct or indirect support for this mission.

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. PCDs may be permitted in all downtown zones except the PMM zone and the DH1 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) must not exceed 20 percent of the total area of the PCD.

E. Minimum size. A PCD shall include a minimum site size of 100,000 square feet within one or more of the Downtown zones where PCDs are permitted according to subsection 23.49.036.D.1. 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-of-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 if required, possible impacts of the project, and consistency with the standards contained in this subsection 23.49.036.F.

1. Public benefits. A proposed PCD shall address the priorities for public benefits identified through the process outlined in subsection 23.49.036.B, unless otherwise exempted.

The PCD shall include at least three 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,
- i. green stormwater infrastructure beyond the requirements of the Stormwater Code (Chapters 22.800 through 22.808), or
- j. 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-

1 income housing, transportation systems, parking, energy, and public services, as well as
2 environmental factors such as noise, air, light, glare, public views, and water quality.

3 3. The Director may place conditions on the proposed PCD in order to make it
4 compatible with areas adjacent to Downtown that could be affected by the PCD.

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

10 G. Bonus Development in PCDs. All increases in floor area above the base FAR shall be
11 consistent with provisions in Section 23.49.011, Floor area ratio, and the PCD process shall not
12 result in any increase in the amount of chargeable floor area allowed without use of bonuses or
13 TDR, considering all of the lots within the PCD boundaries as a single lot.

14 H. Exceptions to Standards.

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

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

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

23 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.

I. Term. Expiration or renewal of a permit for the first phase of a Planned Community
Development is subject to the provisions of Chapter 23.76, Master Use Permits and Council
Land Use Decisions. The Director shall determine the expiration date of a permit for subsequent
phases of the Planned Community Development based on a phasing plan submitted by the
applicant; such expiration shall be no later than fifteen (15) years from the date of issuance.

J. Change to an approved Planned Community Development.

1 1. When an amendment to a Master Use Permit with a Planned Community
2 Development component is requested, the Director shall determine whether the amendment is
3 minor or not.

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

5 (1) Substantial compliance with the approved site plan and
6 conditions imposed in the existing Master Use Permit with the Planned Community
7 Development component with no substantial change in the mix of uses and no major increase in
8 the bulk and scale of structures originally proposed; and

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

11 (3) No significantly greater impact would occur.

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

15 3. If the Director determines that the amendment is not minor, the applicant may
16 either continue under the existing PCD approval or may submit a revised PCD application. The
17 revised application shall be the subject of a Type II decision. Only the portion of the site
18 affected by the revision shall be subject to regulations in effect on the date of the revised PCD
19 application, notwithstanding any provision of Chapter 23.76. The decision may retain or extend
20 the existing expiration date on the portion of the site affected by the revision.

21

22 Section 6. Section 23.49.011 of the Seattle Municipal Code, which section was last
23 amended by ordinance 127198, 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

Table A for 23.49.011.

Table A for 23.49.011 Base and maximum floor area ratios (FARs)		
Zone designation	Base FAR	Maximum FAR
Downtown Office Core 1 (DOC1)	6	21
Downtown Office Core 2 (DOC2)	5	15
Downtown Retail Core (DRC)	3	6
Downtown Mixed Commercial (DMC)	4 in DMC 75 4.5 in DMC 95 5 in DMC 145, DMC 170, DMC 240/290-440, and DMC 340/290-440 3 in DMC 85/75-170	5 in DMC 75 5.5 in DMC 95 6 in DMC 170, except 9 for hotels 8 in DMC 145 and DMC 240/290-440 11 in DMC 340/290-440 6 in DMC 85/75-170
Downtown Mixed Residential/Residential (DMR/R)	1 in DMR/R 95/65 1 in DMR/R 145/65 1 in DMR/R 280/65	1.5 in DMR/R 95/65 2.5 in DMR/R 145/65 2.5 in DMR/R 280/65
Downtown Mixed Residential/Commercial (DMR/C)	1 in DMR/C 95/75 1 in DMR/C 145/75 2 in DMR/C 280/125 2.5 in DMR/C 75/75-95 2.5 in DMR/C 75/75-170	4.5 in DMR/C 95/75 4.5 in DMR/C 145/75 5.5 in DMR/C 280/125 4.5 in DMR/C 75/75-95 4.5 in DMR/C 75/75-170
Pioneer Square Mixed (PSM)	NA ⁽¹⁾	NA ⁽¹⁾
International District Mixed (IDM)	3, except 6 for hotels ⁽²⁾ , in IDM 75-85 4, except 7 for hotels ⁽³⁾ , in IDM 85/85-170 3 in IDM 165/85-170	3, except 6 for hotels ⁽²⁾ , in IDM 75-85 4, except 7 for hotels ⁽³⁾ , in IDM 85/85-170 7 in IDM 165/85-170
International District Residential (IDR)	1.5	1.5, except 2 if 50 percent or more of the total gross floor area on the lot is in residential use
International District Residential/Commercial (IDR/C)	4, except 7 for hotels ⁽³⁾	4, except 7 for hotels ⁽³⁾
International District Residential/Commercial (IDR/C)	4, except 7 for hotels ⁽³⁾	4, except 7 for hotels ⁽³⁾
Downtown Harborfront 1 (DH1)	NA	NA
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR

Pike Market Mixed (PMM)	7	7
Footnotes to Table A for 23.49.011 ⁽¹⁾ NA = Not Applicable, except in subsection 23.49.180.E. ⁽²⁾ In the IDM 75-85 zone, hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total of 6 FAR. ⁽³⁾ In the IDM 85/85-170 and the IDR/C zones, hotel use may be combined with other chargeable floor area, provided that the total chargeable floor area of uses other than hotel use does not exceed 4 FAR, and the total chargeable floor area of all uses does not exceed 7 FAR.		

2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to this Chapter 23.49.

a. In DOC1, DOC2, and DMC zones that are located outside of South Downtown, if chargeable floor area above the base FAR is allowed on a lot for development that includes a new structure and the project is located within the Local Infrastructure Project Area for Downtown and South Lake Union as shown on Map A for 23.58A.044, the first increment of chargeable floor area above the base FAR, shown for each zone in Table B for 23.49.011, shall be gained by acquiring regional development credits pursuant to Section 23.58A.044.

Table B for 23.49.011 First increment of FAR above the base FAR achieved through acquisition of regional development credits	
Zone	FAR
All DOC1 zones	1.0
All DOC2 zones	0.75
DMC 340/290-440	0.50
DMC 145, DMC 170, and DMC 240/290-440	0.25

b. In DOC1, DOC2, DH2, and DMC zones outside of South Downtown, additional chargeable floor area above the first increment of FAR that exceeds the base FAR may be obtained only by qualifying for floor area bonuses pursuant to Section 23.49.012 or Section 23.49.013, or by the transfer of TDR pursuant to Section 23.49.014, or both, except as otherwise expressly provided in this subsection 23.49.011.A.2. If the requirements of subsection

23.49.011.A.2.a do not apply, the first increment of floor area that exceeds the base FAR shall be zero.

c. In no event shall the use of bonuses, TDR, or regional development credits, or any combination of them, be allowed to result in chargeable floor area in excess of the maximum as set forth in Table A for 23.49.011, 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 FAR 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.

d. Except as otherwise provided in this subsection 23.49.011.A.2.d or subsections 23.49.011.A.2.f or 23.49.011.A.2.h, and except in South Downtown, not less than five percent of all floor area above the base FAR to be gained on any lot, excluding any floor area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.j, 23.49.011.A.2.k, and 23.49.011.A.2.n, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR are 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 child care facilities. An applicant may satisfy the minimum Landmark TDR requirement in this Section 23.49.011 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 23.49.011.A.2.d does not apply to any lot in a DMR zone.

e. Except as otherwise permitted under subsections 23.49.011.A.2.g, 23.49.011.A.2.h, or 23.49.011.A.2.i, on any lot outside of South Downtown 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 75 percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of

1) The base FAR, as determined under this Section 23.49.011 and Section 23.49.032 if applicable, plus

2) Any chargeable floor area gained on the lot pursuant to subsections 23.49.011.A.2.a, 23.49.011.A.2.g, 23.49.011.A.2.h, 23.49.011.A.2.j, and 23.49.011.A.2.k, or obtained pursuant to subsection 23.49.011.A.2.n. Except in South Downtown, at least half of the remaining 25 percent shall be gained by using TDR from a sending lot with a major performing arts facility, to the extent available, and the balance of the 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 23.49. 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.

f. In order to gain chargeable floor area on any lot in a DMR zone outside of South Downtown, an applicant may:

1) Use any types of TDR eligible under this Chapter 23.49 in any proportions, or

2) 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

3) Combine such TDR and bonuses in any proportions.

g. On any lot in a DMC 145 or DMC 240/290-440 zone, in addition to the
provisions of subsection 23.49.011.A.2.e, 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 23.49.011.A.2.e.

h. If the amount of bonus development sought in any permit application
does not exceed 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.

i. 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.

j. On a lot entirely in a DOC1 zone, additional chargeable floor area equal
to 1.0 FAR may be permitted above the increment achieved through a commitment as prescribed
in subsection 23.49.011.A.2.a, or above the base FAR after expiration of that subsection
23.49.011.A.2.a, on a lot that includes one or more qualifying Landmarks, subject to the
following conditions:

1) The structure is rehabilitated to the extent necessary so that all
features and characteristics controlled or designated by ordinance pursuant to Chapter 25.12 or
Ordinance 102229 are in good condition and consistent with the applicable ordinances and with

any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of Neighborhoods; and

2) A notice shall be recorded with the King County Recorder's Office, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this Chapter 23.49. For purposes of this Section 23.49.011, a "qualifying Landmark" is a structure that

a) Has a gross floor area above grade of at least 5,000 square feet;

b) Is separate from the principal structure or structures existing or to be developed on the lot, except that it may abut and connect with one such structure along one exterior wall;

c) Is subject, in whole or in part, to a designating ordinance pursuant to Chapter 25.12, or was designated pursuant to Ordinance 102229; and

d) Is on a lot on which no improvement, object, feature, or characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any designating ordinance. A qualifying Landmark for which a bonus is allowed under this subsection 23.49.011.A.2.j shall be considered a public benefit feature, but shall not be considered an amenity for purposes of Section 23.49.013. For so long as any of the chargeable floor area allowed under this subsection 23.49.011.A.2.j remains on the lot, each qualifying Landmark for which such bonus was granted shall remain designated as a Landmark under Chapter 25.12 and the owner shall maintain the exterior and interior of each qualifying Landmark in good condition and repair and in a manner that preserves the features and characteristics that are subject to designation or controls by ordinance, and that maintains

1 compliance with all applicable requirements of federal, state and local laws, ordinances,
2 regulations, and restrictions.

3 k. On a lot entirely in a DOC1 zone, as an incentive to maintain diversity
4 in the scale of downtown development, additional floor area equal to 0.5 FAR may be granted
5 above the increment achieved through a commitment as prescribed in subsection
6 23.49.011.A.2.a, or above the base FAR after expiration of subsection 23.49.011.A.2.a, on a lot
7 that includes one or more qualifying small structures, subject to the conditions in this subsection
8 23.49.011.A.2.k.

9 1) A "qualifying small structure" is one that satisfies all of the
10 following standards:

11 a) The gross floor area of the structure above grade is a
12 minimum of 5,000 square feet and does not exceed 50,000 square feet;

13 b) The height of the structure is 125 feet or less, not
14 including rooftop features as specified in subsection 23.49.008.D;

15 c) The structure was not constructed or substantially
16 structurally modified since July 13, 1982; and

17 d) The structure is not occupied by parking above the
18 ground floor.

19 2) If the structure is removed from the lot or ceases to be a
20 qualifying small structure, then any development on the portion of the lot previously occupied by
21 the structure, defined by a rectangle enclosing the exterior walls of the structure as they exist at
22 the time the bonus is granted and extended to the nearest street frontage, shall be limited to a

1 maximum floor area of 50,000 square feet for all uses and a maximum height of 125 feet,
2 excluding any rooftop features as specified in subsection 23.49.008.D.

3 3) A notice shall be recorded with the King County Recorder's
4 Office, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof
5 under the terms of this Chapter 23.49.

6 4) Bonus floor area under this subsection 23.49.011.A.2.k may not
7 be granted on the basis of a Landmark structure for which bonus floor area is allowed under
8 subsection 23.49.011.A.2.j, but may be allowed on the basis of a different structure or structures
9 that are on the same lot as a Landmark structure for which such bonus floor area is allowed.

10 1. Additional floor area in the PSM 85-120 zone is subject to subsection
11 23.49.180.E.

12 m. In IDM, DMR and DMC zones within South Downtown, chargeable
13 floor area in excess of the base FAR may be obtained only by qualifying for floor area bonuses
14 pursuant to Sections 23.58A.024 and 23.49.013, or by the transfer of TDR pursuant to
15 Section 23.49.014, or both, and except as permitted in subsection 23.49.011.A.2.h, only if the
16 conditions of this subsection 23.49.011.A.2.m also are satisfied:

17 1) For a new or existing structure, the applicant shall make a
18 commitment that the proposed development will meet the green building standard and shall
19 demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

20 2) Seventy-five percent of the chargeable floor area in excess of
21 base FAR shall be gained through bonuses under Section 23.58A.024.

22 3) Twenty-five percent of the chargeable floor area in excess of
23 base FAR shall be gained by one or any combination of TDR or public open space amenities,

subject to the conditions and limits of this Section 23.49.011, Section 23.49.013,
Section 23.49.014, and the following:

a) TDR that may be used on a lot in South Downtown are
limited to South Downtown Historic TDR, open space TDR from within South Downtown,
Housing TDR from within South Downtown, or any combination of these consistent with
this Chapter 23.49; and

b) Amenities eligible for a bonus on a lot in South
Downtown are limited to public open space amenities pursuant to Section 23.49.013.

n. In the DOC2 500/300-550 zone, as a Type I decision, the Director may
increase the maximum FAR by an additional .33 FAR provided that:

1) The structure is located on a block with an existing tower that
exceeds 160 feet in height and that has at least 50 percent of gross floor area in residential use;
and

2) The lot with the structure either:
a) Abuts the lot with the existing tower; or
b) Is across an alley from the lot with the existing tower
and has lot area, which could be developed with a tower meeting the requirements of
Section 23.49.058, located within 22 lineal feet of any portion of the lot with the existing tower;
and

3) All portions of the structure above a height of 85 feet are set
back from the lot line closest to the lot with the existing tower by:

a) At least 15 feet, if the lot on which the structure is
located is across an alley from the lot with the existing tower; or

b) At least 30 feet, if the lot on which the structure is located abuts the lot with the existing tower.

4) For the purposes of this subsection 23.49.011.A.2.n, any setback from the lot line closest to the lot with the existing tower is measured from the lot line after any dedication required by Section 23.53.030.

5) For the purposes of this subsection 23.49.011.A.2.n, a tower is "existing" if it meets the requirements of 23.49.058.D.7.

3. In a DOC1, DOC2, DRC, or DMC zone, for a lot that includes a qualifying Landmark structure with a performing arts theater, the base FAR specified in Table A for 23.49.011 is increased by 4 FAR, or by the amount of FAR between the base and maximum FAR of the zone, whichever is less, provided that the conditions of this subsection 23.49.011.A.3 are met.

a. For purposes of this subsection 23.49.011.A.3, a "qualifying Landmark structure with a performing arts theater" is a structure that is a designated Landmark pursuant to Chapter 25.12 and that meets the following:

1) The structure was built before 1930;

2) The structure contains performing arts theater space that has combined seating capacity in one or more venues for at least 800; and

3) The structure is subject to an ordinance granting incentives for and imposing controls on the Landmark structure.

b. At the time a qualifying Landmark structure with a performing arts theater uses the additional base FAR, either on the site or through transfer of TDR to another site, the following conditions shall be met:

1 1) The performing arts theater use established under approved
2 permits, including combined seating capacity in one or more venues for at least 800, shall be
3 ensured by binding covenants between the property owner and the City for at least 40 years from
4 the first use of any of the additional base FAR, either on the site or through the first transfer of
5 any TDR to another site; and

6 2) The Director, after consulting with the property owner,
7 determines, as a Type I decision, that the property owner has executed a contract(s) with one or
8 more theater groups or performing arts organizations for regularly scheduled use of the
9 Landmark structure for live performances and that the anticipated use of the Landmark theater
10 structure for live theater performances, combined with any other use of the structure, is adequate
11 to contribute sufficiently to the presence of live theater in the Downtown Historic Theatre
12 District established by Resolution 31341 and to support the desired level of activity in the area
13 near the Landmark structure. In making this determination, the Director shall consider the
14 following:

15 a) The extent and duration of the contract(s) between the
16 property owner and one or more theater groups or performing arts organizations for regularly
17 scheduled use of the Landmark structure for live performances;

18 b) The presence of uses in the structure that will contribute
19 to activity in the area beyond the typical workday hours; and

20 c) Programmed use of the Landmark structure by other
21 activities during periods when the structure is not in use for live performances; and

22 3) Any use of the additional base FAR on the site complies with all
23 provisions of the designating ordinance and Chapter 25.12.

c. If a Landmark structure is on a lot that is not entirely regulated by a designating ordinance, then the area used to calculate the additional base FAR is the area of the footprint of the Landmark structure.

d. A lot that uses the additional base FAR on the site as allowed by this subsection 23.49.011.A.3 is not allowed to gain chargeable floor area under subsection 23.49.011.A.2.j.

e. If a qualifying Landmark structure with a performing arts theater is on a lot that is not entirely regulated by a designating ordinance, then the additional base FAR may be transferred as TDR to another site, or may be used on the site on the portion of the lot that is within the footprint of the Landmark structure, but shall not be used elsewhere on the lot.

4. The Master Use Permit application to establish any bonus development under this subsection 23.49.011.A.4 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 this Section 23.49.011 and 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 23.49.011:

a. Uses listed in subsection 23.49.009.A in a DRC zone and in the Major Retail Store and Shopping Atrium FAR Exemption Area identified on Map 1J of Chapter 23.49, up to a maximum FAR exemption of 2 for all such uses combined; and other uses provided according to Section 23.42.041 in the FAR Exemption Area identified on Map 1J for those uses (excluding the Pike Place Market Historical District), up to a maximum FAR exemption of 2; provided that for uses in the FAR Exemption Areas that are not in the DRC zone the uses are located no higher than the story above street level;

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 1G of Chapter 23.49, if the uses and structure also satisfy the following standards:

1) The street level of the structure containing the exempt space has a minimum floor-to-floor height of 13 feet, except that in the DMC 170 zone the street level of the structure containing the exempt space has a minimum floor-to-floor height of 18 feet;

2) The exempt space extends a minimum depth of 15 feet from the street-level, street-facing facade, except as allowed by interim street activation provisions in Section 23.42.041;

3) For the purposes of subsection 23.49.011.B.1, for floor area above street level, changes from residential use to commercial uses provided for interim street activation purposes are subject to mandatory housing affordability pursuant to subsection 23.58B.020.B;

4) Overhead weather protection is provided satisfying Section 23.49.018; and

5) A mezzanine within a street-level use is not included in chargeable floor area, if the mezzanine does not interrupt the floor-to-floor heights for the minimum depth stated in subsection 23.49.011.B.1.b.2, except as allowed by interim street activation provisions in Section 23.42.041. Stairs leading to the mezzanine are similarly not included in chargeable floor area;

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

1) The minimum area of the shopping atria is 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 is 20,000 square feet;

d. Child care centers;

e. Human service use;

f. Residential use, except in the PMM zone, and provided that allowable residential floor area is limited on lots from which TDP is transferred in accordance with Chapter 23.58A;

g. Live-work units, except in the PMM zone;

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, if such expansion space satisfies the following:

1 1) The floor area to contain the museum expansion space is owned
2 by the museum or a museum development authority; and

3 2) The museum expansion space will be occupied by a museum,
4 existing as of October 31, 2002, on a Downtown zoned lot; and

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

8 j. Performing arts theaters;

9 k. Floor area below grade;

10 l. Floor area that is used only for:

11 1) Short-term parking or parking accessory to residential uses, or
12 both, subject to a limit on floor area used wholly or in part as parking accessory to residential
13 uses of one parking space for each dwelling unit on the lot with the residential use served by the
14 parking; or

15 2) Parking accessory to hotel use in the DMC 170 zone, subject to
16 a limit of one parking space for every four hotel rooms on the lot, and provided that the exempt
17 parking floor area is on the same lot as the hotel use served by the parking;

18 m. Floor area of a public benefit feature that would be eligible for a bonus
19 on the lot where the feature is located, other than a Landmark structure eligible pursuant to
20 subsection 23.49.011.A.2.j or a small structure eligible pursuant to subsection 23.49.011.A.2.k.
21 The exemption applies regardless of whether a floor area bonus is obtained, and regardless of
22 limits on the maximum area eligible for a bonus;

23 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 is
20,000 square feet;

2) The minimum area of the major retail store is 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 is
200,000 square feet; and

5) The floor area exemption applies to storage areas, store offices,
and other support spaces necessary for the store's operation;

p. Shower facilities for bicycle commuters;

q. Floor area, excluding floor area otherwise exempt, up to a maximum of
25,000 square feet on any lot, within one or more Landmark structures for which a floor area
bonus has been granted pursuant to subsection 23.49.011.A.2.j, or within one or more small
structures for which a floor area bonus has been granted pursuant to subsection 23.49.011.A.2.k,
or within any combination of such Landmark structures and such small structures, in each case
only to the extent that the floor area satisfies the following criteria as determined by the Director:

1) The floor area is interior space of historic or architectural
interest designed to accommodate the original function of the structure, and maintaining the
integrity of this space prevents it from being fully utilized as commercial floor area;

2) The floor area is occupied by such uses as public assembly or performance space, human services, or indoor public amenities, including atrium or lobby area available for passive indoor recreation use or for the display of art or other objects of scientific, social, historic, cultural, educational, or aesthetic interest; and

3) The floor area is open and accessible to the public without charge, on reasonable terms and conditions consistent with the nature of the space, during normal operating hours of the building;

r. Up to 40,000 square feet of a streetcar maintenance base;

s. Up to 25,000 square feet of a community center in a DMR/C zone within South Downtown that is open to the general public for a minimum of six hours per day, five days per week, 42 weeks per year;

t. In the DMC 170 zone, hotel use that separates parking from the street lot line on stories above the first story of a structure, up to a maximum total floor area equivalent to 1 FAR, provided that the depth of the separation between the parking and the street-facing facade is a minimum of 15 feet;

u. In the DMC 170 zone, on lots abutting Alaskan Way, the floor area in a partially above-grade story, provided that:

1) The height of the above-grade portion of the partially above-grade story does not exceed 4 feet, measured from existing grade at the midpoint of the Alaskan Way street lot line;

2) All portions of the structure above the partially above-grade story are set back a minimum of 16 feet from the Alaskan Way lot line, except that horizontal

projections, including balconies with open railings, eaves, cornices, and gutters, may extend a maximum of 4 feet into the setback area;

3) The roof of the portion of the partially above-grade story in the setback area is accessible to abutting required street-level uses in the structure and provides open space or space for activities related to abutting required street-level uses, such as outdoor dining;

4) Pedestrian access is provided from an abutting street to the roof of the portion of the partially above-grade story in the setback area; and

5) Up to 50 percent of the roof of the portion of the partially above-grade story in the setback area may be enclosed to provide weather protection, provided that the height of any feature or structure enclosing the space shall not exceed 20 feet, measured from the roof of the partially above-grade story;

v. Up to a maximum of 50,000 square feet of the floor area occupied by a City facility, including but not limited to fire stations and police precincts, but not a City facility predominantly occupied by office use;

w. Parking uses if:

1) The parking use sought to be exempted was legally established as of February 8, 2015;

2) The parking is in a structure that existed on January 1, 1980;

3) The structure is located west of Third Avenue in a DMC zone;

4) A minimum of 50 percent of the parking spaces will be available to the general public as short-term parking;

5) The existing structure and any proposed additions meet or are modified to meet the street-level use requirements of Section 23.49.009;

6) The existing structure and any proposed additions are subject to administrative design review regardless of whether administrative design review is required pursuant to Chapter 23.41; and

7) Any addition of non-exempt floor area to the existing structure is developed to LEED Gold standards; and

x. Floor area for an elementary school or a secondary school, except on lots zoned DRC, which may include minimum space requirements for associated uses including but not limited to academic core functions, child care, administrative offices, a library, maintenance facilities, food service, interior recreation, and specialty instruction space, provided that:

1) Prior to issuance of a Master Use Permit, the applicant shall submit a letter to the Director from the operator of the school indicating that, based on the Master Use Permit plans, the operator has determined that the development could meet the operator's specifications; and

2) Prior to issuance of a building permit, the applicant shall submit a written certification by the operator to the Director that the operator's specifications have been met.

y. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.

z. In ~~((the))~~ DMR~~((R-95/65))~~ zones, lodging uses. This exemption from FAR limits does not apply to lodging uses created by converting residential uses to lodging uses in existing structures.

Section 7. Section 23.49.058 of the Seattle Municipal Code, which section was last amended by ordinance 127099, is amended as follows:

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

A. For purposes of this Section 23.49.058, except in zones with a mapped height limit of 170 feet or less, a "tower" is a portion of a structure, excluding rooftop features 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 85 feet in (a) a structure that has any non-residential use above a height of 65 feet or does not have residential use above a height of 160 feet or contains an elementary or secondary school; 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, 65 feet;

2. For a structure on a lot abutting 3rd Avenue between Union Street and Pike Street that contains only residential uses above a height of 65 feet, 85 feet; or

3. 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 85 feet or be required to be less than 65 feet.

B. Facade modulation and upper-level width limit

1. The requirements of subsections 23.49.058.B.2 and 23.49.058.B.3 apply to:

a. All structures 160 feet in height or less, and all structures in the DMC 170 zone, in which any story above an elevation of 85 feet above the adjacent sidewalk exceeds 15,000 square feet. For structures with separate towers, the 15,000 square foot threshold applies to each tower individually; and

b. Portions of structures in non-residential use above a height of 160 feet, excluding structures in the DMC 170 zone, in which any story above an elevation of 85 feet exceeds 15,000 square feet. For structures with separate towers, the 15,000 square foot threshold applies to each tower individually.

2. The following facade modulation requirements apply to structures meeting subsection 23.49.058.B.1:

a. In DOC1, DOC2, and DMC zones, except the DMC 170 zone, facade modulation is required above a height of 85 feet above the sidewalk for any portion of a structure located within 15 feet of a street lot line. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

b. In the DMC 170 zone, facade modulation is required above a height of 60 feet above the sidewalk for any portion of a structure located within 15 feet of a street lot line. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

c. The maximum length of a facade without modulation is prescribed in Table A for 23.49.058. This maximum length shall be measured parallel to each street lot line, and shall apply to any portion of a facade, including projections such as balconies, that is located within 15 feet of street lot lines.

Table A for 23.49.058	
Modulation requirements for DOC1, DOC2, and DMC zones, except DMC 170 zone	
Elevation (in feet)	Maximum length of unmodulated façade within 15 feet of street lot line (in feet)
0 to 85	No limit
Greater than 85, up to 160	155
Greater than 160, up to 240	125
Greater than 240, up to 500	100
Above 500	80
Modulation requirements for DMC 170 zone	
0 to 60	No limit
Above 60	125

d. Any portion of a facade exceeding the maximum length of facade prescribed on Table A for 23.49.058 shall be set back a minimum of 15 feet from the street lot line for a minimum distance of 60 feet before any other portion may be within 15 feet of the street lot line.

3. The following upper-level width limit requirements apply to structures meeting subsection 23.49.058.B.1:

a. On lots where the width and depth of the lot each exceed 200 feet, the maximum facade width for any portion of a structure above 280 feet shall be 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 280 feet by at least 80 feet at all points.

b. In the DMC 170 zone, the maximum facade width of any portion of a structure above 60 feet in height shall be 180 feet along lots fronting on Alaskan Way or Western Avenue between University and Union Streets. This portion of the structure shall be separated

horizontally from any other portion of a structure on the lot above 60 feet in height by at least 30 feet at all points. If the separation between portions of a structure above 60 feet in height is less than 30 feet, the widths of the separated portions of the structure shall be combined to determine the structure's width.

C. Tower floor area limits and tower width limits for portions of structures in residential use. The requirements of this subsection 23.49.058.C apply only to structures that include portions in residential use above a height of 160 feet, and do not apply in the DMC 170 zone.

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

Table B for 23.49.058

Average residential gross floor area per story and maximum residential gross floor area per story of a tower ¹

(1) Zone	(2) Average residential gross floor area limit per story of a tower if height does not exceed the base height limit for residential use	(3) Average residential gross floor area limit per story of a tower if height exceeds the base height limit for residential use	(4) Maximum residential floor area of any story in a tower
DMC 240/290-440 and DMC 340/290-440	((10,000)) <u>11,000</u> square feet	((10,700)) <u>11,800</u> square feet	((11,500)) <u>12,700</u> square feet
DOC2	15,000 square feet	12,700 square feet	16,500 square feet
DOC1	15,000 square feet	14,800 square feet	16,500 square feet

Footnote to Table B for 23.49.058

¹ For the height at which a "tower" begins, see the definition in subsection 23.49.058.A.

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 Table B for 23.49.058.

b. For structures that exceed the base height limit for residential use according to Chapter 23.58A, the average residential gross floor area per story of each tower is subject to the applicable maximum limit specified in column (3) on Table B for 23.49.058.

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 Table B for 23.49.058.

d. Unoccupied space provided for architectural interest pursuant to subsection 23.49.008.B 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 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 120 feet or 80 percent of the width of the lot measured on the Avenue, whichever is less, except that:

1) On a lot where the limiting factor is the 80 percent width limit, the maximum facade width is 120 feet, if at all elevations above a height of 85 feet, no more than 50 percent of the area of the lot located within 15 feet of the street lot line(s) is occupied by the structure; and

2) On lots smaller than 10,700 square feet that are bounded on all sides by street right-of-way, the maximum facade width shall be 120 feet.

b. In DOC2 zones, the maximum facade width for portions of a building above 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 145 feet.

c. In DOC1, the maximum facade width for portions of a building above 85 feet along the general north/south axis of a site (parallel to the Avenues) shall be 160 feet.

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.

D. Tower spacing in DMC zones

1. The requirements of this subsection 23.49.058.D apply to all structures over 160 feet in height in DMC zones, excluding DMC 170 zones, except that 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 May 12, 2006; or

d. From a structure on the same block that is 160 feet in height or less, excluding rooftop features permitted above the applicable height limit for the zone pursuant to Section 23.49.008; or

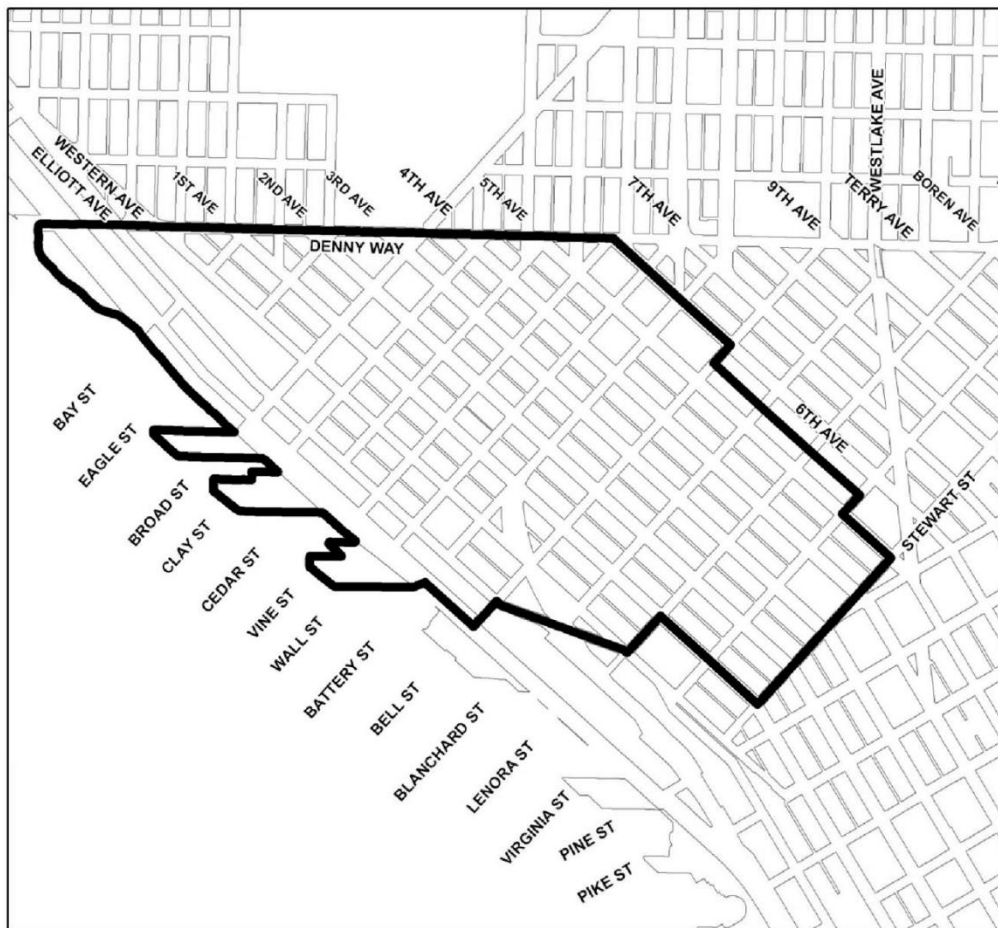
e. From a structure in a DMC 170.

2. Except as otherwise provided in this subsection 23.49.058.D, in the DMC 240/290-440 zone located between Stewart Street, Union Street, Third Avenue, and First Avenue, if any part of a tower exceeds 160 feet in height, then all portions of the tower that are above 125 feet in height shall be separated from any other existing tower that is above 160 feet in

height, and the minimum separation required between towers from all points above the height of 125 feet in each tower is 60 feet.

3. Except as otherwise provided in this subsection 23.49.058.D, in a DMC zone with a mapped height limit of more than 170 feet located either in Belltown, as shown on Map A for 23.49.058, or south of Union Street, if any part of a tower exceeds 160 feet in height, then all portions of the tower that are above 125 feet in height must be separated from any other existing

Map A for 23.49.058 Belltown



— Belltown Boundary

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1 tower that is above 160 feet in height, and the minimum separation required between towers
2 from all points above the height of 125 feet in each tower is ~~((80))~~ 60 feet.

3 4. Except as otherwise provided in this subsection 23.49.058.D, in a DMC zone
4 with a mapped height limit of more than 170 feet located in the Denny Triangle, as shown on
5 Map A for 23.49.056, if any part of a tower exceeds 160 feet in height, then all portions of the
6 tower that are above 125 feet in height must be separated from any other existing tower that is
7 above 160 feet in height, and the minimum separation required between towers from all points
8 above the height of 125 feet in each tower is 60 feet.

9 5. The projection of unenclosed decks and balconies, and architectural features
10 such as cornices, shall be disregarded in calculating tower separation.

11 6. If the presence of an existing tower would preclude the addition of another
12 tower proposed on the same block, as a special exception, the Director may waive or modify the
13 tower spacing requirements of this Section 23.49.058 to allow a maximum of two towers to be
14 located on the same block that are not separated by at least the minimum spacing required in
15 subsections 23.49.058.D.2, 23.49.058.D.3, and 23.49.058.D.4, other than towers described in
16 subsection 23.49.058.D.1. The Director shall determine that issues raised in the design review
17 process related to the presence of the additional tower have been adequately addressed before
18 granting any exceptions to tower spacing standards. The Director shall consider the following
19 factors in determining whether such an exception shall be granted:

20 a. Potential impact of the additional tower on adjacent residential
21 structures, located within the same block and on adjacent blocks, in terms of views, privacy, and
22 shadows;

b. Aspects of the proposal 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, and preservation of Landmark structures;

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 23.49.058 a tower is considered to be "existing" and must be taken into consideration when other towers are proposed, under any of the following circumstances:

a. The tower is physically present, except that a tower that is physically present is not considered "existing" if the owner of the lot where the tower is located has applied to the Director for a permit to demolish the tower and provided that the no building permit for the proposed tower is issued until the demolition of the tower that is physically present has been completed;

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

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

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

c. The tower is a proposed tower for which a complete application for early design guidance has been filed and a complete application for a Master Use Permit or building permit has not been submitted, provided that the early design guidance application will not qualify a proposed tower as an existing tower if a complete Master Use Permit application is not submitted within 90 days of the date of the early design guidance public meeting if one is required, or within 90 days of the date the Director provides guidance if no early design meeting is required, or within 150 days of the first early design guidance public meeting if more than one early design guidance public meeting is held. Failure to file a complete Master Use Permit application within 12 months of filing a complete application for early design guidance or from the effective date of this ordinance shall disqualify a proposed tower from being considered an existing tower.

* * *

Section 8. Section 23.49.158 of the Seattle Municipal Code, which section was last amended by ordinance 127099, is amended as follows:

23.49.158 - Downtown Mixed Residential, coverage and floor size limits

A. Coverage

1. Except on lots located in DMR/R 95/65 zones, and except as provided in subsection 23.49.158.C, portions of structures above 65 feet shall not exceed the coverage limits in Table A for 23.49.158:

Table A for 23.49.158
Percent coverage permitted by lot size

Elevation of portion of structure (in feet)	0—19,000 square feet	19,001—25,000 square feet	25,001—38,000 square feet	Greater than 38,000 square feet
65 or less	100%	100%	100%	100%
Greater than 65 up to 85 ⁽¹⁾	75%	65%	55%	45%
Greater than 85 up to 145 ⁽¹⁾	65%	55%	50%	40%
Greater than 145 up to 280 ⁽¹⁾	Not applicable	45%	40%	35%

Footnotes:

(1) The coverage limit is increased to 5% more than the indicated percentage coverage limit for developments applications north of Lenora St. and west of 4th Ave. that are submitted before January 1, 2029.

2. In order to meet the coverage limits, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that:

- a. The coverage of all structures on the lots does not exceed any of the applicable limits set in this subsection 23.49.158.A; and
- b. The fee owners of the abutting lot(s) execute a deed or other agreement, recorded with the King County Recorder's Office as an encumbrance on the lots, that restricts future development so that in combination with the other lots, the coverage limits will not be exceeded.

B. Story size. Each story in portions of structures above 145 feet in height shall have a maximum gross floor area of 8,800 square feet.

C. In South Downtown, the following coverage limits apply:

1. For structures up to 95 feet in height, coverage limits are shown in Table B for 23.49.158:

Table A for 23.49.158 Percent coverage permitted by lot size				
Elevation of portion of structure (in feet)	0—19,000 square feet	19,001—25,000 square feet	25,001—38,000 square feet	Greater than 38,000 square feet

65 or less	100%	100%	100%	100%
Greater than 65 up to 85	75%	65%	55%	45%
Greater than 85 up to 145	65%	55%	50%	40%
Greater than 145 up to 280	Not applicable	45%	40%	35%

2. In order to meet the coverage limits, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots does not exceed any of the applicable limits set in this subsection 23.49.158.A; and

b. The fee owners of the abutting lot(s) execute a deed or other agreement, recorded with the King County Recorder's Office as an encumbrance on the lots, that restricts future development so that in combination with the other lots, the coverage limits will not be exceeded.

B. Story size. Each story in portions of structures above 145 feet in height shall have a maximum gross floor area of 8,800 square feet except that for development applications north of Lenora St. and west of 4th Ave. that are submitted before January 1, 2029 the maximum gross floor area is increased to 10,700 square feet.

* * *

Section 9. Section 23.49.058 of the Seattle Municipal Code, which section was last amended by ordinance 027099, is amended as follows:

Section 10. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone properties identified on pages 62, 76, and 109 of the Official Land Use Map as shown on Attachments 1, 2, 3, 4 and 5 attached to this ordinance.

Section 11. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2025,
and signed by me in open session in authentication of its passage this _____ day of _____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

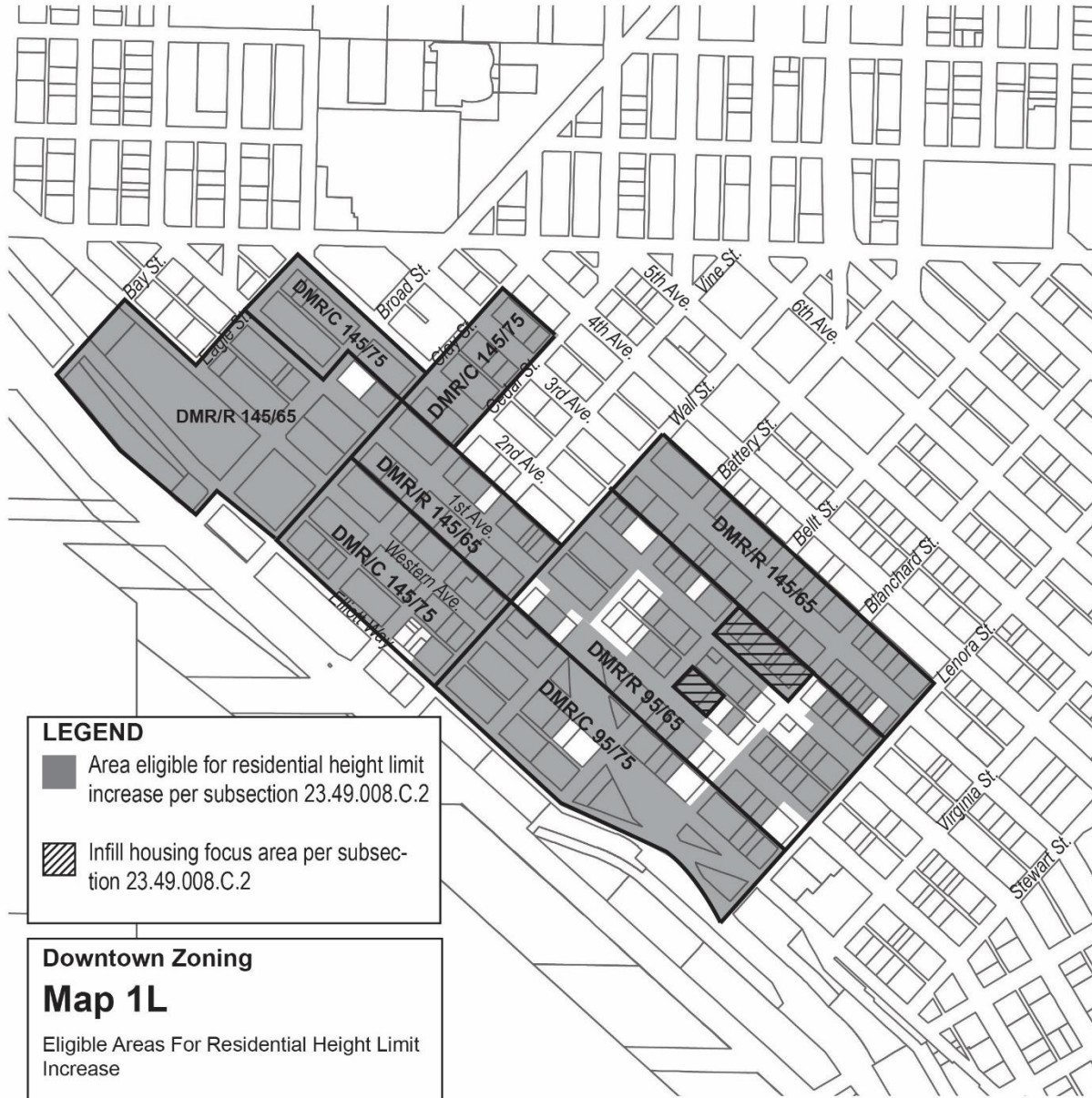
Filed by me this _____ day of _____, 2025.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

- 1 Attachments (if any):
- 2
- 3 Attachment 1: Eligible Areas For Residential Height Limit Increase
- 4 Attachment 2: Fremont / Stone Way Rezone Map
- 5 Attachment 2: Downtown Retail Core Rezone Map
- 6 Attachment 3: University District Rezone Map
- 7 Attachment 4: Rainier Beach Rezone Map
- 8 Attachment 5: Madison/Miller Rezone Map

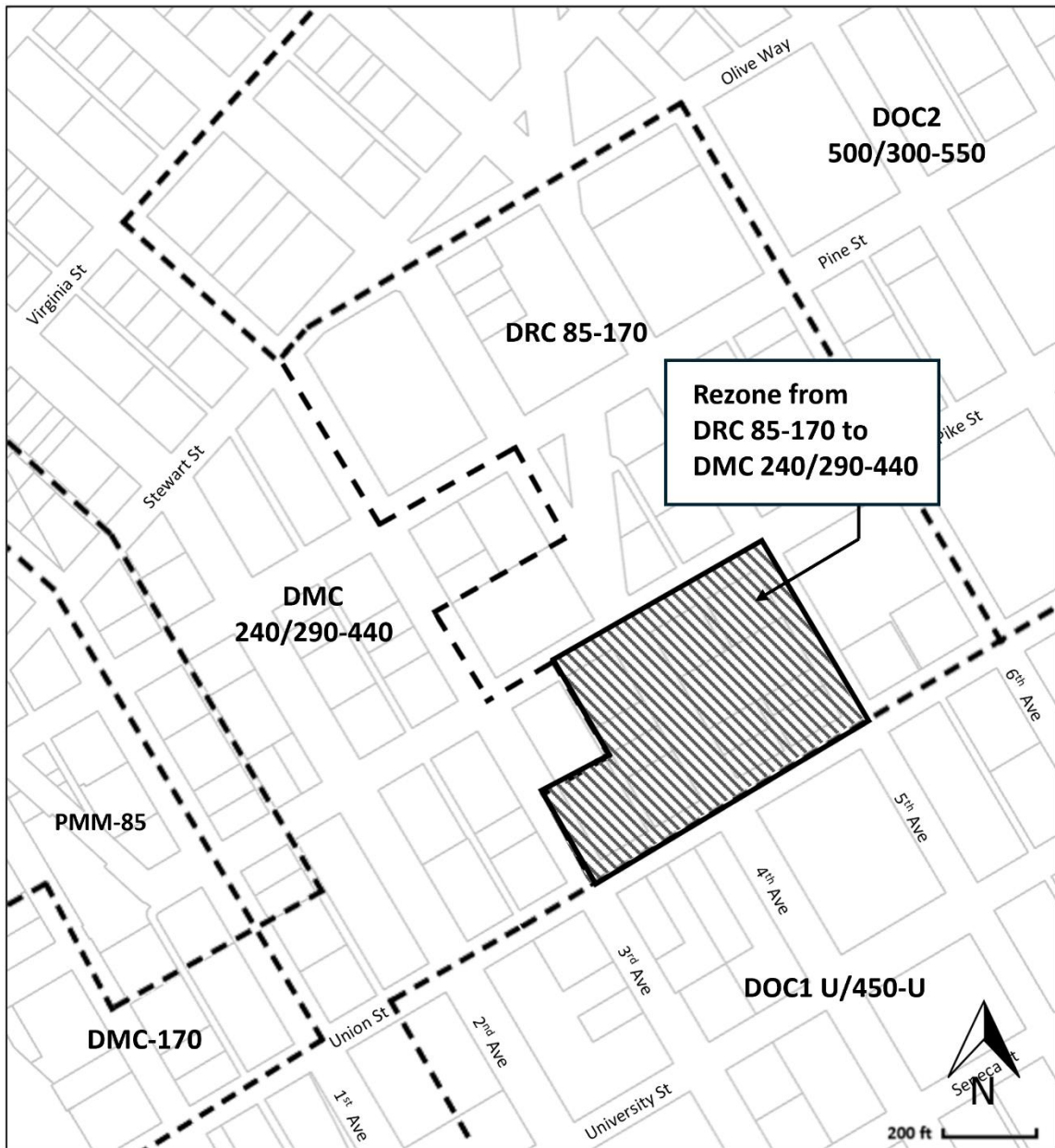
Attachment 1 – Eligible Areas For Residential Height Limit Increase



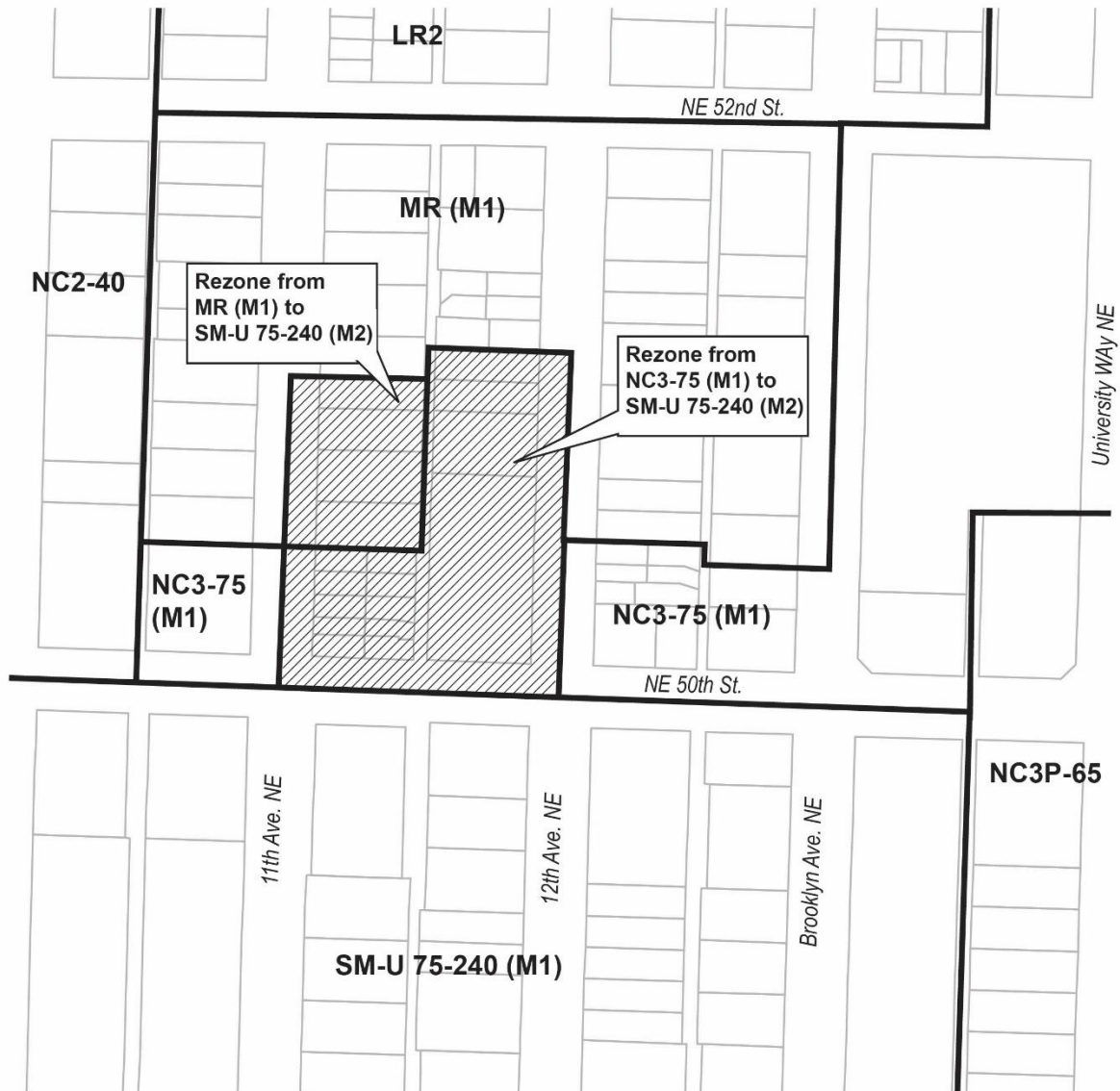
Attachment 2 – Fremont / Stone Way Rezone Map



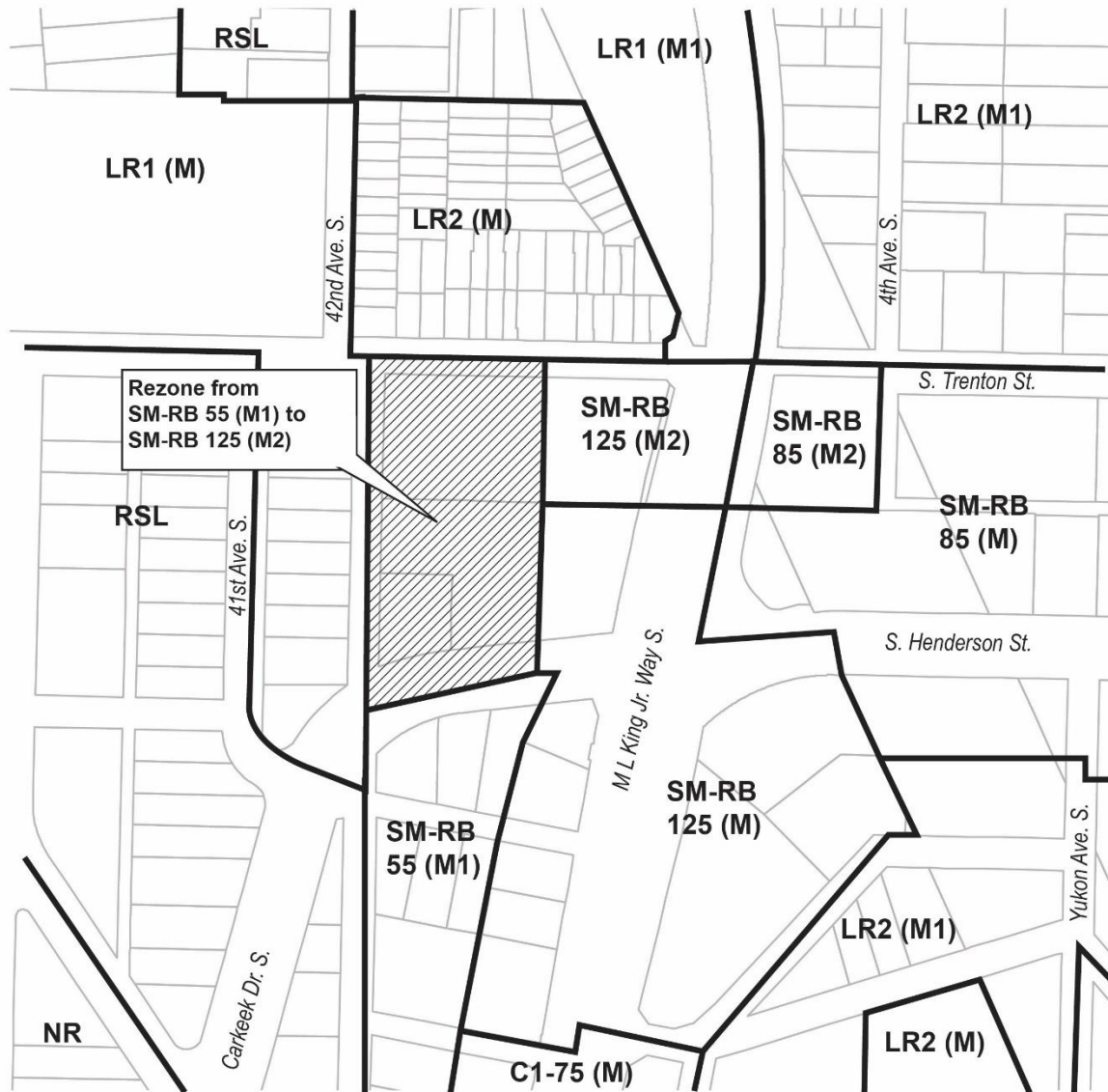
Attachment 3 – Downtown Retail Core Rezone Map



Attachment 4 – University District Rezone Map



Attachment 5 – Rainier Beach Rezone Map



Attachment 6 – Madison/Miller Rezone Map

