Council Bill Number: 116749
Ordinance Number: 123209

AN ORDINANCE related to land use and zoning, amending Seattle Municipal Code (SMC) Title 23 Sections 23.02.020, 23.34.024, 23.34.028, 23.42.042, 23.42.124, 23.42.130, 23.44.006, 23.44.017, 23.44.022, 23.44.036, 23.44.041, 23.45.002, 23.45.004, 23.45.005, 23.45.006, 23.45.009, 23.45.014, 23.45.050, 23.45.052, 23.45.056, 23.45.059, 23.45.060, 23.45.068, 23.45.082, 23.45.090, 23.45.106, 23.45.108, 23.45.110, 23.45.116, 23.45.144, 23.45.148, 23.45.152, 23.47A.004, 23.47A.006, 23.54.015, 23.54.020, 23.54.030, 23.57.011, 23.58A.004, 23.58A.013, 23.58A.014, 23.69.022, 23.84A.006, 23.84A.025, 23.84A.032, 23.86.019, 23.90.018, 23.90.020, 23.91.002, and 25.05.675 in Title 25; consolidating the regulations for public facilities and public schools in new chapters of the Code, 23.51A and 23.51B; adding new sections 23.45.502, 23.45.504, 23.45.506, 23.45.508, 23.45.510, 23.45.516, 23.45.522, 23.45.524, 23.45.526, 23.58A.016 and 23.58A.018; and repealing Sections 23.45.007, 23.45.047, 23.45.048, 23.45.054, 23.45.057, 23.45.058, 23.45.064, 23.45.066, 23.45.068, 23.45.070, 23.45.072, 23.45.073, 23.45.074, 23.45.075, 23.45.076, 23.45.080, 23.45.088, 23.45.092, 23.45.094, 23.45.096, 23.45.098, 23.45.100, 23.45.102, 23.45.112, 23.45.122, 23.45.124, 23.45.126, 23.45.128, 23.45.140, 23.45.142, 23.45.146, 23.45.150, 23.45.154, 23.45.160, 23.45.162, 23.45.164, and 23.45.166, and all the exhibits in these sections; in order to support multifamily housing, implement Comprehensive Plan and Neighborhood Plan policies, to adopt an affordable housing incentive program, to add provisions for open space and landmarks incentives, and to promote the general health, safety and welfare.

Status: Passed as Amended
Note: Returned unsigned by Mayor 12/3/09
Vote: 9-0
Date filed with the City Clerk: 2009/12/22
Date of Mayor's signature: 2009/12/15 (about the signature date)

Date introduced/referred to committee: 2009/11/30
Committee: Planning, Land Use and Neighborhoods
Sponsor: CLARK
Committee Recommendation: Pass

Index Terms: MULTI-FAMILY-RESIDENTIAL-AREAS, ZONING, LAND-USE-CODE, NEIGHBORHOOD-PLANS

Fiscal Note: Fiscal Note to Council Bill No. 116749

Electronic Copy: PDF scan of Ordinance No. 123209

Reference: Related: Clerk File 310286

Text:

AN ORDINANCE related to land use and zoning, amending Seattle Municipal Code (SMC) Title 23 Sections 23.02.020, 23.34.024, 23.34.028, 23.42.042, 23.42.124, 23.42.130, 23.44.006, 23.44.017, 23.44.022, 23.44.036, 23.44.041, 23.45.002, 23.45.004, 23.45.005, 23.45.006, 23.45.009, 23.45.014, 23.45.050, 23.45.052, 23.45.056, 23.45.059, 23.45.060, 23.45.068, 23.45.082, 23.45.090, 23.45.106, 23.45.108, 23.45.110, 23.45.116, 23.45.144, 23.45.148, 23.45.152, 23.47A.004, 23.47A.006, 23.54.015, 23.54.020, 23.54.030, 23.57.011, 23.58A.004, 23.58A.013, 23.58A.014, 23.69.022, 23.84A.006, 23.84A.025, 23.84A.032, 23.86.019, 23.90.018, 23.90.020, 23.91.002, and 25.05.675 in Title 25; consolidating the regulations for public facilities and public schools in new chapters of the Code, 23.51A and 23.51B; adding new sections 23.45.502, 23.45.504, 23.45.506, 23.45.508, 23.45.510, 23.45.516, 23.45.522, 23.45.524, 23.45.526, 23.58A.016 and 23.58A.018; and repealing Sections 23.45.007, 23.45.047, 23.45.048, 23.45.054,

23.45.057, 23.45.058, 23.45.064, 23.45.066, 23.45.068, 23.45.070, 23.45.072, 23.45.073, 23.45.074, 23.45.075, 23.45.076, 23.45.080, 23.45.088, 23.45.092, 23.45.094, 23.45.096, 23.45.098, 23.45.100, 23.45.102, 23.45.112, 23.45.122, 23.45.124, 23.45.126, 23.45.128, 23.45.140, 23.45.142, 23.45.146, 23.45.150, 23.45.154, 23.45.160, 23.45.162, 23.45.164, and 23.45.166, and all the exhibits in these sections; in order to support multifamily housing, implement Comprehensive Plan and Neighborhood Plan policies, to adopt an affordable housing incentive program, to add provisions for open space and landmarks incentives, and to promote the general health, safety and welfare.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.02.020 of the Seattle Municipal Code, which section was last amended by Ordinance 117570, is amended as follows:

23.02.020 General purpose and general provisions

A. The purpose of this Land Use Code is to protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land which are consistent with and implement the City's Comprehensive Plan. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. The Land Use Code classifies land within the City into various land use zones and overlay districts ~~which~~ in order to regulate ~~the~~ uses and ~~bulk of buildings and~~ structures. The provisions are designed to provide adequate light, air, access, and open space; conserve the natural environment and historic resources; maintain a compatible scale within an area; minimize traffic congestion and enhance the streetscape and pedestrian environment. They seek to achieve an efficient use of the land without major disruption of the natural environment and to direct development to ~~sites~~ lots with adequate services and amenities.

B. Other regulations apply, such as but not limited to building and construction codes (SMC Title 22) and provisions for environmental review, critical areas, noise control, tree protection, and historic preservation (SMC Title 25).

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

D. A grant of a waiver, modification, departure, exception or variance from one specific development standard does not relieve the applicant from compliance with any other standard.

Section 2. Subsection B of Section 23.34.024 of the Seattle Municipal Code, which section was last amended by Ordinance 118794, is amended as follows:

23.34.024 Midrise (MR) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection ~~B2 of this section~~ 23.34.024.B.2, properties that may be considered for a Midrise designation are limited to the following:

a. Properties already zoned Midrise;

b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

c. Properties within an urban center~~, the village core of a hub urban village, or a residential~~ or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.

2. Environmentally Critical Areas. Except as stated in this subsection 23.34.024.B.2, p~~P~~roperties designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas

predominantly developed to the intensity of the Midrise zone. The preceding sentence does not apply if the environmentally critical area either 1) was created by human activity, or 2) is a designated peat settlement, liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.

3. Other Criteria. The Midrise zone designation is most appropriate in areas generally characterized by the following:

~~a. Either:~~

~~(1) Areas that are developed predominantly to the intensity permitted by the Midrise zone, or~~

~~(2) Areas that are within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation;~~

a.~~b~~. Properties that are adjacent to business and commercial areas with comparable height and bulk;

~~c~~b. Properties in areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

~~d~~c. Properties in areas that are in close proximity to major employment centers;

~~e~~d. Properties in areas that are in close proximity to open space and recreational facilities;

~~f~~e. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;

~~g~~f. Properties in flat areas where the prevailing structure height is greater than ~~thirty-seven (37)~~ 37 feet or where due to a mix of heights, there is no established height pattern;

~~h~~g. Properties in areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;

~~i~~h. Properties in areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the ~~sixty (60) foot height limit~~ Midrise zone;

~~j~~i. Properties in areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, ~~sixteen (16)~~ 16 percent or more, with views perpendicular to the slope.

Section 3. Subsection B of Section 23.34.028 of the Seattle Municipal Code, which section was last amended by Ordinance 118794, is amended as follows:

23.34.028 Highrise (HR) zone, function and locational criteria.

* * *

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection ~~B2 of this section~~ 23.34.028B.2, properties that may be considered for a Highrise designation are limited to the following:

a. Properties already zoned Highrise;

b. Properties in areas already developed predominantly to the intensity permitted by the Highrise zone; or

c. Properties within an urban center~~, the village core of a hub urban village, or a residential~~ or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation.

2. Environmentally Critical Areas. Except as stated in this subsection 23.34.028.B.2, ~~P~~properties designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone. The preceding sentence does not apply if the environmentally critical area either 1) was created by human activity, or 2) is a designated peat settlement, liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.

3. Other Criteria. The Highrise zone designation is most appropriate in areas generally characterized by the following:

~~a. Either:~~

~~(1) Areas that are developed predominantly to the intensity permitted by the Highrise zone, or~~

~~(2) Areas that are within an urban center or the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation;~~

~~b~~a. Properties in areas that are served by arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by highrise development;

~~c~~b. Properties in areas that are adjacent to a concentration of residential services or a major employment center;

~~d~~c. Properties in areas that have excellent pedestrian or transit access to downtown;

~~e~~d. Properties in areas that have close proximity to open space, parks and recreational facilities;

~~f~~e. Properties in areas where no uniform scale of structures establishes the character and where highrise development would create a point and help define the character;

~~g~~f. Properties in flat areas on the tops of hills or in lowland areas away from hills, where views would not be blocked by highrise structures;

~~h~~g. Properties in sloping areas with views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked views from within the multifamily area and upland areas where the hillform has already been obscured by development.

Section 4. Section 23.42.042 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.42.042 Conditional uses~~.~~

A. Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zone or vicinity.

C. The Director may deny or recommend denial of a conditional use if the Director determines that adverse impacts

cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

~~B~~D. A use that was legally established but that is now permitted only as a conditional use is not a nonconforming use and ~~shall~~ will be regulated as if a conditional use approval had earlier been granted.

E. Any authorized conditional use that has been discontinued may not be re-established or recommenced except pursuant to a new conditional use permit. The following will constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the lot has been issued and the new use has been established; or

2. The lot has not been used for the purpose authorized by the conditional use for more than 24 consecutive months. Lots that are vacant, or that are used only for storage of materials or equipment, will not be considered as being used for the purpose authorized by the conditional use. The expiration or revocation of business or other licenses necessary for the conditional use will suffice as evidence that the lot is not being used as authorized by the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure will not be considered discontinued unless all portions of the structure are either vacant or committed to another use.

Section 5. Section 23.42.124 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, 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~~s~~ ~~23.45.017 for lowrise zones; Section 23.45.059 for midrise zones; Section 23.45.075 for highrise zones;~~ 23.45.017 and 23.45.534 for multifamily zones; Section 23.46.020 for residential- commercial zones; Section 23.47A.022 for C zones or NC zones; Section 23.48.030 for Seattle Mixed zones; Section 23.49.025 for downtown zones; and Section 23.50.046 for industrial buffer and industrial commercial zones.

Section 6. Subsection B of Section 23.42.130 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.42.130 Nonconforming solar collectors.

The installation of solar collectors that do not conform to development standards or that increase an existing nonconformity may be permitted as follows:

* * *

B. In multifamily zones, pursuant to ~~subsection D of Section 23.45.146~~ Section 23.45.582;

* * *

Section 7. Subsection E of Section 23.44.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.44.006 Principal uses permitted outright

The following principal uses are permitted outright in single-family zones:

* * *

E. Public Schools Meeting Development Standards. In all single- family zones, new public schools or additions to existing public schools, and accessory uses including child care centers, subject to the special development standards and departures from standards contained in ~~Section 23.44.017~~ Chapter 23.51B, except that departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools;

* * *

Section 8. Section 23.44.017 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended and recodified in a new Chapter 23.51B as follows:

~~23.44.017 Development standards for public schools.~~ Chapter 23.51B Public schools in residential zones

23.51B.002 Public schools in residential zones

Public schools in all single family and multifamily zones are ~~shall be~~ subject to the following development standards unless otherwise indicated:

A. ~~Maximum Lot Coverage.~~ New public schools or additions to existing public schools and accessory uses including child care centers that meet the applicable development standards of this Chapter 23.51B are permitted outright.

B. Departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Establishment of Development Standard Departure for Public Schools.

C. Lot Coverage in Single Family Zones

1. For new public school construction on new public school sites the maximum lot coverage permitted for all structures is ~~shall not exceed forty-five (45)~~ 45 percent of the lot area for one ~~(1)~~ story structures or ~~thirty-five (35)~~ 35 percent of the lot area if any structure or portion of a structure has more than one ~~(1)~~ story.

2. For new public school construction and additions to existing public school structures on existing public school sites, the maximum lot coverage permitted ~~shall not exceed~~ is the greater of the following:

a. The lot coverage permitted in subsection ~~A1~~ 23.51B.002.C.1; or

b. The lot coverage of the former school structures on the site, provided that the height of the new structure or portion of structure is no greater than that of the former structures ~~as regulated in~~ when measured according to Section 23.86.006.F, and at least ~~fifty (50)~~ 50 percent of the footprint of the new principal structure is constructed on a portion of the lot formerly occupied by the footprint of the former principal structure ~~See Exhibit 23.44.017A~~.

Exhibit 23.44.017A

3. ~~Development standard d~~Departures from lot coverage limits may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. Up to ~~fifty-five (55)~~ 55 percent lot coverage may be allowed for single-story structures, and up to ~~forty-five (45)~~ 45 percent lot coverage for structures of more than one ~~(1)~~ story. Lot coverage restrictions may be waived by the Director as a Type I decision when waiver would contribute to reduced demolition of residential structures.

4. The exceptions to lot coverage set forth in subsection 23.44.010.D ~~of Section 23.44.010 shall~~ apply.

~~B.~~ D. Height

1. Single Family and Lowrise Zones

a. For new public school construction on new public school sites, the maximum permitted height ~~shall be~~ is ~~thirty (30)~~ 30 feet plus 5 feet for a pitched roof. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height ~~shall be~~ is ~~thirty-five (35)~~ 35 feet plus ~~ten (10)~~ 10 feet for a pitched roof if all portions of the structure above ~~thirty (30)~~ 30 feet are set back at least ~~twenty (20)~~ 20 feet from all ~~property~~ lot lines. All parts of a ~~gymnasium or auditorium~~ pitched roof above the height limit must be pitched at a rate of not less than ~~three to twelve (3:12)~~ 4:12. No portion of a shed roof on a gymnasium or auditorium ~~shall be~~ is permitted to extend above the ~~thirty-five (35)~~ 35 foot height limit under this provision.

~~2.~~ b. For new public school construction on existing public school sites, the maximum permitted height ~~shall be~~ is ~~thirty-five (35)~~ 35 feet plus ~~fifteen (15)~~ 15 feet for a pitched roof. All parts of the roof above the height limit must be pitched at a rate of not less than ~~three to twelve (3:12)~~ 4:12. No portion of a shed roof is permitted to extend beyond the ~~thirty-five (35)~~ 35 foot height limit under this provision.

~~3.~~ c. For additions to existing public schools on existing public school sites, the maximum height permitted ~~shall be~~ is the height of the existing school or ~~thirty-five (35)~~ 35 feet plus ~~fifteen (15)~~ 15 feet for a pitched roof, whichever is greater. When the height limit is ~~thirty-five (35)~~ 35 feet, the ridge of the pitched roof on a principal structure may extend up to ~~fifteen (15)~~ 15 feet above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than ~~three to twelve (3:12)~~ 4:12. No portion of a shed roof ~~shall be~~ is permitted to extend beyond the ~~thirty-five (35)~~ 35 foot limit under this provision.

2. Midrise and Highrise Zones. The maximum permitted height for any public school located in a MR or HR zone is the base height permitted in that zone for multifamily structures.

~~4.~~ 3. ~~Development standard~~ In Lowrise zones, departures from height limits may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, the maximum height that may be granted as a development standard departure ~~shall be~~ is ~~thirty-five (35)~~ 35 feet plus ~~fifteen (15)~~ 15 feet for a ~~pitched~~ roof pitched at a rate of not less than 4:12 for elementary schools and ~~sixty (60)~~ 60 feet plus ~~fifteen (15)~~ 15 feet for a ~~pitched~~ roof pitched at a rate of not less than 4:12 for secondary schools. ~~The standards for roof pitch at paragraph 3 shall apply.~~ No departures may be granted for a portion of a shed roof to extend beyond 35 feet in height under this provision.

~~4. All h~~Height maximums in all residential zones may be waived by the Director as a Type I decision when the waiver would contribute to reduced demolition of residential structures.

5. The provisions of subsection B of Section 23.44.012 ~~regarding pitched roofs and sloped lots~~ and the exemptions of subsection C of Section 23.44.012 ~~shall~~ apply.

6. Light Standards

a. Light standards for illumination of athletic fields on new and existing public school sites ~~will~~ may be allowed to exceed the maximum permitted height, up to a maximum height of ~~one hundred (100)~~ 100 feet, ~~where determined by~~ if the Director ~~to be~~ determines that the additional height is necessary to ensure adequate illumination and ~~where the Director determines~~ that impacts from light and glare are minimized to the greatest extent practicable. The applicant must submit an engineer's report demonstrating that impacts from light and glare are minimized to the greatest extent practicable. When proposed light standards are reviewed as part of a project being reviewed pursuant to Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the applicant must demonstrate that the additional height contributes to a reduction in impacts from light and glare.

b. When proposed light standards are not included in a proposal being reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

~~(~~1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal

will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts, including but not limited to, increased duration of noise, traffic, and parking demand. The applicant also ~~must demonstrate it has conducted~~ shall conduct a public workshop for residents within ~~one-eighth (1/8)~~ 1/8 of a mile of the affected school in order to solicit comments and suggestions on design as well as potential impacts.

~~(~~2) The Director may condition a special exception to address negative impacts from light and glare on surrounding areas, and conditions may also be imposed to address other impacts associated with increased field use due to the addition of lights, including, but not limited to, increased noise, traffic, and parking demand.

~~C.~~ E. Setbacks

1. General Requirements

a. No setbacks are required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley or abutting a lot in a nonresidential zone. If any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting residential zones, as provided in subsections ~~23.44.017.C.2 through 23.44.017.C.5 below~~ E.2 through E.5 of this Section 23.51B.002. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones ~~shall be~~ are based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections ~~23.44.017.C.2.b, C.3.b and C.4.b~~ E.2.b, E.3.b and E.4.b of this Section 23.51B.002.

c. Trash disposals, operable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least 30 feet from any single-family zoned lot and 20 feet from any multi-family zoned lot.

d. The exceptions of subsections 23.44.014.D.5, D.6, D.7, D.8, D.9, D.10, D.11 and D. 12 apply.

2. New Public School Construction on New Public School Sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the I height of the school and the designation of the facing residential zone, as ~~follows~~ shown in Table A for 23.51B.002:

Table A for 23.51B.002: Minimum Setbacks for a New Public School Site Located ~~When~~ Across a Street or Alley from a residential zone

	Minimum Setbacks ((~~Zone from which~~)) Across a Street or Alley from the Following Zones:			
I Height((~~1~~))	**SF/LDT/L1**	**L2/L3/L4**	**MR**	**HR**
	Average			
((~~Up to~~)) 20' or less	15'	10'	5'	0'
((~~21"~~))Greater than 20' up to 35'	15'	10'	5'	0
((~~36"~~)) Greater than 35' up to 50"	20'	15'	5'	0'
((~~51"~~)) Greater than 50' ((~~or more~~))	35'	20'	10'	0'
((~~1. Height of façade or portion of façade and height of pitched roof to ridge from existing~~				

~~grade.~~))

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the I height of the school and the designation of the abutting residential zone, as ~~follows~~ shown in Table B for 23.51B.002:

Table B for 23.51B.002: Minimum Setbacks for a New Public School Site ~~by~~ Abutting a residential Zone

	Minimum Setbacks Abutting the Following Zones:			
I Height((~~1~~))	**SF/ LDT/L1**	**L2/L3/L4**	**MR**	**HR**
	Average (minimum)			
((~~Up to~~)) 20' or less	((~~21'~~)) 20' (10")	15'(10')	10'(5')	0"
((~~21'~~))Greater than 20' up to 35'	((~~20"~~)) 25' (10")	15'(10')	10'(5')	0
((~~36"~~)) Greater than 35' up to 50'	25'(10')	20'(10')	10'(5')	0'
((~~51'~~)) Greater than 50' ((~~or more~~))	30'(15')	25'(10')	15'(5')	0'
((~~1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.~~))				

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the I height of the school and the designation of the facing residential zone as ~~follows~~ as shown in Table C for 23.51B.002, whichever is less:

Table C for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Located ~~When~~ Across a Street or Alley from a residential zone

	Minimum Setbacks ((~~Zone from which~~)) When Across a Street or Alleyfrom the Following Zones:			
Façade Height((~~1~~))	**SF/ LDT/L1**	**L2/L3/L4**	**MR**	**HR**
	Average			
((~~Up to~~))20' or less	10'	5'	5'	0'
((~~21'~~))Greater than 20' up to 35'	10'	5'	5'	0'
((~~36'~~))Greater than 35' up to 50'	15'	10'	5'	0'
((~~51"~~))Greater than 50' ((~~or more~~))	20'	15'	10'	0'

((~~1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.~~))

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the I height of the school and the designation of the abutting residential zone, as ~~follows~~ shown in Table D for 23.51B.002, whichever is less:

Table D for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Abutting a residential Zone

	Minimum Setbacks Abutting the Following Zones:			
Façade Height((~~1~~))	**SF/ LDT/L1**	**L2/L3/L4**	**MR**	**HR**
	Average (minimum)			
((~~Up to~~)) 20' or less	15'(10')	10'(5')	10'(5')	0'(0')
((~~21'~~))Greater than 20' up to 35'	20'(10')	15'(10')	10'(5')	0'(0')
((~~36'~~))Greater than 35' up to 50'	25'(10')	20'(10')	10'(5')	0'(0')
((~~51'~~))Greater than 50' ((~~or more~~))	30'(15')	25'(10')	15'(5')	0'(0')
((~~1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.~~))				

4. Additions to Existing Public School Structures on Existing Public School Sites.

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the I height of the school and the designation of the facing residential zone as ~~follows~~ shown in Table E for 23.51B.002, whichever is less:

Table E for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Located~~When~~ Across a Street or Alley

;	**Minimum 'Setbacks ((~~Zone from which~~)) When Located Across a Street or Alley from:**			
Façade Height((~~1~~))	**SF/ LDT/L1**	**L2/L3/L4**	**MR**	**HR**
;	**Average**			
((~~Up to~~))20' or less ;	5'	5'	5'	0'
((~~21'~~))Greater than 20' up to 35'	10'	5'	5'	0'
((~~36'~~))Greater than 35' up to 50'	15'	10'	5'	0'

((~~51'~~))Greater than 50' ((~~or more~~))	20'	15'	10'	0'
((~~1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.~~))				

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone as ~~follows~~ shown in Table F for 23.51B.002, whichever is less:

Table F for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site ~~by~~ Abutting a residential Zone

;	**Minimum Setbacks by Abutting Zone:**			
Façade Height((~~1~~))	**SF/ LDT/L1**	**L2/L3/L4**	**MR**	**HR**
;	**Average (minimum)**			
((~~Up to~~)) 20' or less ;	10'(5')	10'(5')	10'(5')	0'(0')
((~~21'~~))Greater than 20' up to 35"	15'(5')	10'(5')	10'(5')	0'(0')
((~~36'~~))Greater than 35' up to 50'	20'(10')	20'(10')	10'(5')	0'(0')
((~~51'~~)) Greater than 50' ((~~or more~~))	25'(10')	25'(10')	15'(5')	0'(0')
((~~1. Height of façade or portion of façade and height of pitched roof to ridge from existing grade.~~))				

5. ~~Development standard d~~Departures from setback requirements may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to ~~ten (10)~~ 10 feet and the minimum setback to ~~five (5)~~ 5 feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to ~~fifteen (15)~~ 15 feet and the minimum setback to ~~five (5)~~ 5 feet for structures or portions of structures abutting lots in residential zones.

c. The limits in subsections ~~C~~E.5.a and ~~C~~E.5.b of this Section 23.51B.002 may be waived by the Director as a Type I decision when a waiver would contribute to reduced demolition of residential structures.

~~D.~~ F. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure ~~shall be~~ is ~~sixty-six (66)~~ 66 feet unless either the modulation option in subsection ~~D1a~~ F.1.a below or the landscape option in subsection ~~D1b~~ 23.51B.002.F.1.b below is met.

a. Modulation Option. Facades shall be modulated according to the following provisions:

(1) The minimum depth of modulation ~~shall be~~ is ~~four (4)~~ 4 feet.

(2) The minimum width of modulation ~~shall be~~ is ~~twenty (20)~~ 20 percent of the total structure width or ~~ten (10)~~ 10 feet, whichever is greater.

b. Landscape Option. The yards provided by the required setbacks shall be landscaped as follows:

(1) One ~~(1)~~ tree and three ~~(3)~~ shrubs are required for each ~~three hundred (300)~~ 300 square feet of required yard. ~~When new trees are planted, at least half must be deciduous.~~

(2) Trees and shrubs ~~which~~ that already exist in the required planting area or have their trunk or center within ~~ten (10)~~ 10 feet of the area may be substituted for required plantings on a ~~one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards of the Director's Rule for Landscaping, are met, except that shrub height need not exceed two (2) feet at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.~~ one-tree-to-one-tree or one-shrub- to-one-shrub basis. In order to qualify, a tree must be 6 inches or greater in diameter, measured 4.5 feet above the ground.

(3) The planting of street trees may be substituted for required trees on a one-to-one ~~(1:1)~~ basis. All street trees shall be planted according to City of Seattle tree planting standards.

(4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

(5) Landscape features such as decorative paving are permitted to a maximum of ~~twenty-five (25)~~ 25 percent of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. ~~Development standard d~~Departures from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director as a Type I decision when the waiver would contribute to reduced demolition of residential structures.

~~E.~~ G. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

~~F.~~ H. Parking Location. Parking may be located:

1. Within the principal structure; or

2. On any portion of the lot except the front setback, provided that ~~when~~ the parking is separated from streets and from abutting lots in residential zones by ~~a five (5) foot deep area which~~ an area with a minimum depth of 5 feet that is landscaped with trees and ground cover determined by the Director, as a Type I decision, as adequate to soften the view of the parking from adjacent properties. In the case of a through lot, parking may also be located in one ~~(1)~~ front setback when landscaped as described in this subsection;

3. ~~Development standard d~~Departures may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the lot and to reduce required landscaping. Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for example, when a steep slope shields parking from the view of abutting properties. This test may be waived by

the Director, as a Type I decision, when waiver would contribute to reduced demolition of residential structures.

~~G.~~ I. Bus and Truck Loading and Unloading.

1. Unless subsection ~~G 4~~ I.4 of this section 23.51B.002 applies, an off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required yard. The bus loading and unloading area may be permitted in landscaped areas provided under subsection ~~D1b~~ 23.51B.002.F.1.b if the Director determines that landscaping around the loading and unloading area softens the impacts of its appearance on abutting properties.

2. One ~~(1)~~ off-street truck loading berth that is 13 feet wide and 40 feet long ~~meeting the requirements of subsection H of Section 23.54.030 shall be~~ is required for new public school construction.

3. ~~Development standard d~~Departures from the requirements and standards for bus and truck loading and unloading areas and berths may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

4. When a public school is remodeled or rebuilt at the same site, an existing on-street bus loading area is allowed if the following conditions are met:

a. The school site is not proposed to be expanded;

b. The student capacity of the school is not being expanded by more than ~~twenty-five (25)~~ 25 percent; and

c. The location of the current on-street bus loading remains the same.

~~H.~~ J. Noise, Odor, Light and Glare. The development standards for small institutions set forth in ~~subsections A1, B and C of Section 23.45.100 shall~~ Section 23.45.570 apply. ~~Development standard d~~Departures from these standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

Section 9. Section 23.44.022 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.44.022 Institutions

* * *

C. Public schools shall be permitted as regulated in Section ~~23.44.017~~ 23.51B.002.

* **

Section 10. Section 23.44.036 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended and recodified as a new Chapter 23.51A as follows:

~~23.44.036 Public facilities.~~ Chapter 23.51A Public facilities in residential zones

23.51A.002 Public facilities in single family zones

A. Except as provided in subsections B, D and E ~~below~~ of this Section 23.51A.002, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under ~~this chapter shall also be~~ Chapter 23.44 are also permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The City Council may waive or modify applicable development standards or administrative 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.

B. Permitted Uses in Public Facilities Requiring City Council Approval. The following uses in public facilities in single-family zones may be permitted by the City Council, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions:

1. Police precinct station;

2. Fire station;

3. Public boat moorage;

4. Utility services use; and

5. Other similar use.

The proponent of any such use shall demonstrate the existence of a public necessity for the public facility use in a single-family zone. The public facility use shall be developed according to the development standards for institutions (Section 23.44.022), unless the City Council makes a determination to waive or modify applicable development standards 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~~ Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections 23.51A.002.A and B 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 proposed expansion ~~that is proposed~~ would not meet development standards or would exceed either ~~seven hundred fifty (750)~~ 750 square feet or ~~ten (10)~~ 10 percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. 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 23.51A.002.A and B 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.

D. Sewage Treatment Plants. The expansion or reconfiguration (which term shall include reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of existing sewage treatment plants in single-family zones may be permitted if there is no feasible alternative location in a zone where the use is permitted and the conditions imposed under subsections 23.51A.002.D.3 and D4 are met.

1. Applicable Procedures. The decision on an application for the expansion or reconfiguration of a sewage treatment plant ~~shall be~~ is a Type IV Council land use decision. If an application for an early determination of feasibility is required to be filed pursuant to subsection D2 of this section 23.51A.002, the early determination of feasibility will also be a Council land use decision subject to Sections 23.76.038 through 23.76.056.

2. Need for Feasible Alternative Determination. The proponent shall demonstrate that there is no feasible alternative location in a zone where establishment of the use is permitted.

a. The Council's decision as to the feasibility of alternative location(s) shall be based upon a full consideration of the environmental, social and economic impacts on the community, and the intent to preserve and to protect the physical character of single-family areas, and to protect single-family areas from intrusions of non-single- family uses.

b. The determination of feasibility may be the subject of a separate application for a Council land use decision prior to submission of an application for a project-specific approval if the Director determines that the expansion or reconfiguration proposal is complex, involves the phasing of programmatic and project-specific decisions or affects more than one site in a single-family zone.

c. Application for an early determination of feasibility shall include:

~~(~~1) The scope and intent of the proposed project in the single-family zone and appropriate alternative(s) in zones where establishment of the use is permitted, identified by the applicant or the Director;

~~(~~2) The necessary environmental documentation as determined by the Director, including an assessment of the impacts of the proposed project and of the permitted-zone alternative(s), according to the state and local SEPA guidelines;

~~(~~3) Information on the overall sewage treatment system ~~which~~ that outlines the interrelationship of facilities in single-family zones and in zones where establishment of the use is permitted;

~~(~~4) Schematic plans outlining dimensions, elevations, locations on site and similar specifications for the proposed project and for the alternative(s).

d. If a proposal or any portion of a proposal is also subject to a feasible or reasonable alternative location determination under Section 23.60.066 ~~of Title 23~~, the Plan Shoreline Permit application and the early determination application will be considered in one determination process.

3. Conditions for Approval of Proposal.

a. The project ~~shall be~~ is located so that adverse impacts on residential areas ~~shall be~~ are minimized;

b. The expansion of a facility ~~shall~~ does not result in a concentration of institutions or facilities that would create or appreciably aggravate impacts that are incompatible with single- family residences.

c. A facility management and transportation plan ~~shall be~~ is required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control, and hours of operation. Increased traffic and parking expected to occur with use of the facility shall not create a serious safety problem or a blighting influence on the neighborhood;

d. Measures to minimize potential odor emission and airborne pollutants including methane shall meet standards of and be consistent with best available technology as determined in consultation with the Puget Sound Clean Air Agency (PSCAA), and shall be incorporated into the design and operation of the facility;

e. Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility;

f. Vehicular access suitable for trucks is available or provided from the plant to a designated arterial improved to City standards;

g. The bulk of facilities shall be compatible with the surrounding community. Public facilities that do not meet bulk requirements may be located in single-family residential areas if there is a public necessity for their location there;

h. Landscaping and screening, separation from less intensive zones, noise, light and glare controls and other measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

i. No rResidential structures, including those modified for nonresidential use, ~~shall not be~~ are demolished for facility expansion unless a need has been demonstrated for the services of the institution or facility in the surrounding community.

4. Substantial Conformance. If the application for a project- specific proposal is submitted after an early determination that location of the sewage treatment plant is not feasible in a zone where establishment of the use is permitted, the proposed project must be in substantial conformance with the feasibility determination.

Substantial conformance shall include, but not be limited to, a determination that:

a. There is no net substantial increase in the environmental impacts of the project-specific proposal as compared to the impacts of the proposal as approved in the feasibility determination.

b. Conditions included in the feasibility determination are met.

E. Prohibited Uses. The following public facilities are prohibited in single-family zones:

1. Jails;

2. Metro operating bases;

3. Park and ride lots;

4. Establishment of new sewage treatment plants;

5. Solid waste transfer stations;

6. Animal control shelters;

7. Post Office distribution centers; and

8. Work-release centers.

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

Section 11. Subsection A of Section 23.44.041 of the Seattle Municipal Code, which section was last amended by Ordinance 123141, is amended as follows:

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

1. A lot with or proposed for a single-family dwelling may have no more than one accessory dwelling unit.

2. The owner(s) of the lot shall comply with the owner occupancy requirements of subsection C of Section 23.44.041.

3. Any number of related persons may occupy each unit in a single-family dwelling unit with an accessory dwelling unit; provided that, if unrelated persons occupy either unit, the total number of persons occupying both units may not altogether exceed eight.

4. All accessory dwelling units are required to meet the development standards in Table A, unless modified in subsection B of Section 23.44.041:

Table A for 23.44.041

Development Standards for All Accessory Dwelling Units	
a. Maximum Gross Floor Area	Attached accessory dwelling units are limited to 1,000 sq. ft., including garage and storage area. 1 Detached accessory dwelling units are limited to 800 sq. ft., including garage and storage area but excluding areas below grade, measured as set forth in Section 23.86.007.
b. Entrances	Only one entrance to the structure may be located on each street- facing facade of the dwelling unit.2
Footnotes: 1. The gross floor area of an attached accessory dwelling unit may exceed 1,000 sq. ft. only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one level. 2. More than one entrance may be allowed if: a) two entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening or another design solution is effective in de-emphasizing the presence of a second entrance.	

5. Except on lots located within areas that are defined as either an urban center or urban village in the City's Comprehensive Plan, one off-street parking space is required for the accessory dwelling unit and may be provided as tandem parking with the parking space provided for the principal dwelling unit. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot. Except for lots located in either the University District Parking Overlay Area ~~Exhibit for Chart A, Section 23.54.015,~~ Map A for 23.54.015 or the Alki Area Parking Overlay ~~Exhibit for Chart A, Section 23.54.015,~~ Map B for 23.54.015, the Director may waive the off-street parking space requirement for an accessory dwelling unit if:

a. The topography or location of existing principal or accessory structures on the lot makes provision of an off-street parking space physically infeasible; or

b. The lot is located in a restricted parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all property lines of the site.

* * *

Section 12. Section 23.45.106 of the Seattle Municipal Code, which section was last amended by Ordinance 118672, is amended and recodified as follows:

~~23.45.106 Public facilities.~~ 23.51A.004 Public facilities in multifamily zones

~~A. Except as provided in subsections B, E, F and G below, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under this Chapter shall also be permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The City Council may waiver or modify applicable development standards or administrative 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.~~

~~B. Other Permitted Uses in Public Facilities Requiring City Council Approval. The following uses in public facilities shall be permitted outright in all multifamily zones, when the development standards for institutions (Sections 23.45.092 through 23.45.102) are met:~~

1. Police precinct stations;

2. Fire stations;

3. Public boat moorages;

4. Utility services uses; and

5. Other similar uses.

If the proposed public facility use does not meet the development standards for institutions, the City Council may waive or modify applicable development standards 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.

C. In all multifamily zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

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

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

3. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

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

D. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B 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.

2. 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 A and B 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.

E. The following public facilities shall be prohibited in all multifamily zones:

1. Jails;

2. Work-release centers;

3. METRO operating bases;

4. Park and Ride lots;

5. Sewage treatment plants;

6. Solid waste transfer stations;

7. Animal control shelters; and

8. Post office distribution centers.

F. Specific Development Standards for Public Facilities.

1. Sale and consumption of beer during daylight hours on public park premises shall be permitted in a building or within fifty (50) feet of the building on an adjoining terrace; provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet (100') of any lot in a residential zone.

2. Sale and consumption of alcoholic beverages under a Class H liquor license on municipal golf course premises during the established hours of operation of the golf course shall be permitted in a building or within fifty feet (50') of the building on an adjoining terrace, provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred feet (100') of any lot in a residential zone.

G. Convention Center. The location or expansion of a public convention center may be permitted in the Highrise Zone through a Type IV Council land use decision. The following shall be considered in evaluating and approving, conditioning or denying public convention center proposals:

1. In making its decision, the Council shall determine whether the facility serves the public interest. This determination shall be based on an evaluation of the public benefits and the adverse impacts of the facility. The Council shall approve the facility only if it finds that public benefits outweigh the adverse impacts of the facility which cannot otherwise be mitigated.

2. In evaluating the public benefits and adverse impacts of a proposed convention center, the Council shall consider, but is not limited to, the following factors:

a. Economic impacts including, but not limited to, the net fiscal impacts on The State of Washington and City of Seattle, increased employment opportunities, demand for new development and increased tourism in the City and state;

b. Public amenities incorporated in the project including, but not limited to, open spaces accessible to the public and improved pedestrian circulation systems;

c. The relationship of the project to its surroundings with respect to height, bulk, scale, massing, landscaping, aesthetics, view enhancement or blockage, shadows and glare;

d. Impacts of the facility on traffic, parking, street systems, transit and pedestrian circulation;

e. Impacts of the facility on existing residential development in the vicinity of the project, including but not limited to direct and indirect housing loss;

f. Impacts of the facility on local governmental services and operations, including, but not limited to police and fire protection, and water, sewer and electric utilities;

g. Impacts of the facility relative to noise and air quality;

h. Cumulative impacts of the project on governmental services and facilities, natural systems, or the surrounding area, considering the project's impacts in aggregate with the impacts of prior development and the impacts of future development which may be induced by the project;

i. Additional information as the Council deems necessary to fully evaluate the proposal.

~~3. If the Council approves a convention center, it may attach conditions to its approval as necessary to protect the public interest or to mitigate adverse impacts. Conditions required by the Council may include, but are not limited to, landscaping, screening or other design amenities; parking facilities adequate to accommodate potential parking demands; a traffic management plan; measures to mitigate housing loss; and measures to reduce energy consumption.~~

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

A. Public facilities in multifamily zones are regulated by Section 23.45.504 in addition to the provisions in this Section 23.51A.004.

B. Unless specifically prohibited in Section 23.45.504, new public facilities not specifically listed in Table A for 23.45.504, or that are listed in Table A for 23.45.504 but do not meet the development standards for institutions in Section 23.45.570, may be permitted by the City Council according to the provisions of Chapter 23.76, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions. In making the decision, the Council may waive or grant departures from development standards for public facilities, if the following criteria are satisfied:

1. The location of the public facility addresses specific and unique public service needs, and any waiver or departure from development standards is necessitated by those public service delivery needs; and

2. The impact of the public facility on surrounding properties has been addressed in the design, siting, landscaping and screening of the facility.

C. Expansion of Uses in Public Facilities

1. Major Expansion. Major expansion of public facilities allowed pursuant to Section 23.45.504 may be approved by the City Council, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as a Type V land use decisions, subject to the criteria of subsections B.1 and B.2 of this Section 23.51A.004. A major expansion of a public facility occurs when an expansion would not meet development standards or, except for expansion of the Washington State Convention and Trade Center, the area of the expansion would exceed either 750 square feet or 10 percent of the existing area of the use, whichever is greater. A major expansion of the Washington State Convention and Trade Center is one that is 12,000 square feet or more in size. For the purposes of this subsection 23.51A.004.C.1, "area of the use" includes gross floor area and outdoor area devoted actively to that use, excluding parking.

2. Minor Expansion. An expansion of a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to Section 23.45.504 are permitted according to the provisions of Chapter 23.76 for a Type I Master Use Permit.

E. Essential public facilities will be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

F. Uses in existing or former public schools:

1. Child care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly and similar uses are permitted in existing or former public schools.

2. Other non-school uses are permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.

Section 13. The Chapter name and subchapter headings and parts for Chapter 23.45 of the Seattle Municipal Code, which were established by Ordinance 110381, are amended as follows:

Chapter 23.45 ~~RESIDENTIAL, MULT-FAMILY~~ Multifamily

~~Subchapter I Principal Uses Permitted Outright~~

Part 1 ~~Generally~~ General Standards

Part 2 Standards for Residential Uses in Lowrise Zones

Part 3 ~~(Reserved)~~ Use Provisions and General Provisions

~~Part 4 (Reserved)~~

Part ~~5~~4 Standards for Residential Uses in Midrise and Highrise Zones

~~Part 6 Highrise~~

Part ~~7~~5 Standards for Other Principal Uses Permitted Outright and Accessory Uses in all multifamily zones

~~Subchapter II~~

~~Administrative Conditional Uses~~

~~Subchapter III~~

~~Accessory Uses~~

Section 14. Section 23.45.002 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

23.45.002 Scope of provisions

~~A. This chapter details those authorized uses and their development standards which are or may be permitted in the seven (7) multifamily residential zones:~~

~~Lowrise Duplex/Triplex (LDT),~~

~~Lowrise 1 (L1),~~

~~Lowrise 2 (L2),~~

~~Lowrise 3 (L3),~~

~~Lowrise 4 (L4),~~

~~Midrise (MR), Midrise/85 (MR/85), and~~

~~Highrise (HR).~~

~~B. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.~~

~~C. In addition to the provisions of this chapter, certain multifamily areas may be regulated by Overlay Districts, Chapter 23.59.~~

The zones regulated by this Chapter 23.45 are found in Section 23.45.502.

Section 15. A new Section 23.45.502 of the Seattle Municipal Code is added as follows:

23.45.502 Scope of provisions

This Chapter 23.45 describes the authorized uses and development standards for the following zones:

Lowrise Duplex/Triplex (LDT);

Lowrise 1 (L1);

Lowrise 2 (L2);

Lowrise 3 (L3);

Lowrise 4 (L4)

Midrise (MR) (references to Midrise zones include the Midrise/85 (MR/85) zone unless otherwise noted); and

Highrise (HR).

Section 16. Section 23.45.004 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.45.004 Principal uses permitted outright.

~~A. The following principal uses are permitted outright in all~~

~~multifamily zones:~~

~~1. Single-family dwelling units;~~

~~2. Multifamily structures;~~

~~3. Congregate residences;~~

~~4. Adult family homes;~~

~~5. Nursing homes;~~

~~6. Assisted living facilities;~~

~~7. Institutions meeting all development standards;~~

~~8. Major Institution and Major Institution uses within Major Institution Overlay Districts subject to Chapter 23.69;~~

~~9. Public facilities meeting all development standards; and~~

~~10. Parks and open space including customary buildings and activities.~~

~~B. In Midrise and Highrise zones certain ground-floor business and commercial uses are permitted outright according to the provisions of Section 23.45.110.~~

~~C. Uses in existing or former public schools:~~

~~1. Child care centers, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly and similar uses are permitted in existing or former public schools.~~

~~2. Other non-school uses may be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.~~

~~D. Medical service uses, meeting the development standards for institutions, are permitted outright on property conveyed by a deed from the City that, at the time of conveyance, restricted the property's use to a health care or health-related facility.~~

All uses are permitted outright, prohibited or permitted as a conditional use according Section 23.45.504.

Section 17. A new Section 23.45.504 of the Seattle Municipal Code is added as follows:

23.45.504 Permitted and Prohibited Uses

A. All uses are permitted outright, prohibited or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A are prohibited, unless otherwise indicated in this ~~c~~Chapter 23.45 or Chapters 23.51A or 23.51B.

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

Table A for Section 23.45.504: Permitted and Prohibited Uses

	Permitted and Prohibited Uses by Zone	
Uses	**LDT, L1, L2, L3 and L4**	**MR and HR**
A. Residential use	P	P
B. Institutions	P/CU1	P/CU1
C. Public Facilities		
C.1. Uses in public facilities that are similar to uses permitted outright in this Section 23.45.504	P2	P2
C.2. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities that meet the development standards for institutions in 23.45.570	P	P
C.3. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities not meeting the development standards for institutions in 23.45.570	Type IV or Type V decision3	Type IV or Type V decision3
C.4. New public facilities not listed in subsections C.1 and C.2 of this Table A for Section 23.45.504, and major expansions of such public facilities	Type IV or Type V decision3	Type IV or Type V decision3
D. Park and pool and park and ride lots	X/CU4	X/CU4
E. Parks and playgrounds including customary uses	P	P
F. Ground floor commercial uses5	RC	P
G. Medical Service Uses other than permitted ground	P/X6	P/CU/X6

floor commercial uses		
H. Uses not otherwise permitted in landmark structures	CU	CU
I. Cemeteries	P/X7	P/X7
J. All other uses	X	X

1. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter shall apply to Major Institution uses as provided in Chapter 23.69.
2. These public facilities are subject to the same use regulations and development standards that govern the similar use.
3. These public facilities may be permitted pursuant to Section 23.51A.004.
4. Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.
5. Subject to subsection 23.45.504.E.
6. Subject to subsection 23.45.504.G and 23.45.506.F.
7. Subject to subsection 23.45.504.F.

P = Permitted outright
CU = Permitted as an Administrative Conditional Use
RC = Permitted in areas zoned Residential Commercial (RC) zones, and subject to the provisions of the RC zone, Chapter 23.46.

C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to the standards in Section 23.45.545:

1. Private garages and carports;

2. Private, permanent swimming pools, hot tubs and other similar uses;

3. Solar collectors, including solar greenhouses;

4. Open wet moorage accessory to residential structures;

5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;

6. Bed and breakfasts in a dwelling unit that is at least 5 years old; and

7. Recycling collection stations.

D. Heat recovery incinerators may be permitted as accessory administrative conditional uses, pursuant to Section 23.45.506.

E. Ground floor commercial use.

1. The following uses are permitted as ground-floor commercial uses in Midrise and Highrise zones pursuant to Section 23.45.532:

a. Business support services;

b. Food processing and craft work;

c. General sales and services;

d. Medical services;

e. Offices;

f. Restaurants; and

g. Live work with one of the uses permitted in this subsection 23.45.504.E as the permitted commercial use.

2. In MR zones, ground-floor commercial uses are permitted only on a lot that is within 800 feet of a neighborhood commercial zone.

F. Existing cemeteries are permitted to continue in use. New cemeteries are prohibited and existing cemeteries are prohibited from expanding. For purposes of this section, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that:

1. the change does not increase the net land area occupied by the cemetery;

2. the land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved; and

3. the use of the land being added to the cemetery will not result in the loss of housing.

G. Except as provided in subsections 23.45.504.G.1 and G.2 below, medical service uses other than permitted ground floor commercial uses are prohibited.

1. Medical service uses in HR zones may be permitted as administrative conditional uses pursuant to subsection 23.45.506.F.

2. Medical service uses meeting the development standards for institutions are permitted outright on property conveyed by a deed from the City that, at the time of conveyance, restricted the property's use to a health care or health-related facility.

Section 18. Section 23.45.005 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended to read as follows:

23.45.005 Development standards for single-family structures.

A. In Lowrise zones, Eexcept for cottage housing developments permitted in Lowrise Duplex/Triplex and Lowrise 1 zones according to subsection 23.45.005.D, single-family structures shall be are subject to the development standards for ground-related housing dwelling units, except as provided in subsections 23.45.005.C and D below, and except that open space shall be provided according to the provisions for single-family structures in each zone, in Section 23.45.016of this chapter.

B. In MR and HR zones, single-family structures shall meet the development standards of the zone.

BC. In all multifamily zones, Cc ertain additions may extend into a required setback when an existing single-family structure is already nonconforming with respect to that setback, where if the presently nonconforming section is at least sixty (60) 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up to the height limit and may include basement additions (Exhibit 23.45.005 A) (Exhibit A for 23.45.005). New additions to a nonconforming wall or walls shall comply with the following requirements:

1. When it is a side wall, it is at least ~~three (3)~~ 3 feet from the side ~~property~~ lot line;

2. When it is a rear wall, it is at least ~~ten (10)~~ 10 feet from the rear ~~property~~ lot line or centerline of an alley abutting the rear ~~property~~ lot line;

3. When it is a front wall, it is at least ~~ten (10)~~ 10 feet from the front ~~property~~ lot line.

Exhibit A for 23.45.005

~~C~~D. Cottage housing developments ~~shall be~~ are permitted outright in Lowrise Duplex/Triplex and Lowrise 1 zones when conforming to the requirements contained in Sections 23.45.006 through 23.45.018 and the following:

1. Cottage housing developments shall contain a minimum of ~~four (4)~~ 4 cottages arranged on at least ~~two (2)~~ 2 sides of a common open space, with a maximum of ~~twelve (12)~~ 12 cottages per development; and

2. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or ~~nine hundred seventy-five (975)~~ 975 square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than ~~twelve (12)~~ 12 feet above finished grade, or below the main level, shall be limited to no more than ~~fifty (50)~~ 50 percent of the enclosed space of the main level, or ~~three hundred seventy-five (375)~~ 375 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

~~D~~E. An accessory dwelling unit in or on the lot of an established single-family dwelling shall be considered an accessory use to the single-family dwelling, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for any development standard purposes in multifamily zones.

Section 19. Section 23.45.006 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

23.45.006 General development standards for structures in multifamily zones.

~~A. Included within Sections 23.45.006 through 23.45.166 are the development standards for structures in each multifamily zone. These standards shall also apply to uses accessory to multifamily structures unless specifically modified by development standards for those accessory uses.~~

~~B. All structures or uses shall be built or established on a lot or lots. More than one (1) principal structure or use on a lot shall be permitted.~~

~~C. The development standards of each zone shall be applied in that zone, and may not be used in any other zone, unless otherwise specified.~~

~~D. An exception from one (1) specific standard does not relieve the applicant from compliance with any other standard.~~

~~E. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking access and design are provided in Chapter 23.54. Standards for permitted signs are provided in Chapter 23.55.~~

~~F. In Lowrise 1 zones all multifamily structures shall be ground- related units, except that apartments are permitted on a lot whose platted width as of the effective date of the ordinance codified in this section1 is less than forty (40) feet, or~~

in a structure existing as of January 26, 1990 where density limits of the zone would not be exceeded and new floor area would not be added. The requirements of this subsection shall not be eligible for a variance according to the provisions of Section 23.40.020.

G. A structure occupied by a permitted use other than single- family or multifamily residential use may be partially or wholly converted to single-family or multifamily residential use even if the structure does not conform to the development standards for residential uses in the multifamily zones. One (1) unit may be added without a parking space according to provisions of Section 23.54.020. If the only use of the structure will be residential and if two (2) or more units are being created and there is no feasible way to provide the required parking, then the Director may authorize reduction or waiver of parking as a special exception according to the standards of Section 23.54.020 E. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses shall be regulated by Sections 23.42.108 and 23.42.110.

H. When a subdivision is proposed for townhouses, cottage housing, clustered housing, or single-family residences in Lowrise zones, the subdivision shall be subject to the provisions of Section 23.24.045, Unit lot subdivisions.

I. When construction of townhouses, cottage housing, clustered housing, or single-family residences in Lowrise zones is proposed on a series of adjoining legally platted lots where each dwelling unit is contained within the existing boundaries of each existing lot, these lots may be sold as separate legal sites without unit subdivision approval but subject to the provisions of Section 23.24.045, Unit lot subdivisions.

J. Except as provided in subsections H and I above, multifamily zoned lots that have no street frontage shall be subject to the following for purposes of structure width, depth, modulation and setbacks:

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

2. For lots that have more than one (1) alley lot line, only one (1) alley lot line shall be treated as a front lot line.

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

K. Solid Waste and Recyclable Materials Storage Space.

1. Storage space for solid waste and recyclable materials containers shall be provided for all new and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten (10) or more existing units by two (2) or more units.

Multifamily Structure Size	**Minimum Area for Storage Space**	**Container Type**
7-15 units	75 square feet	Rear-loading containers
16-25 units	100 square feet	Rear-loading containers
26-50 units	150 square feet	Front-loading containers
51-100 units	200 square feet	Front-loading containers
More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading containers

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

~~a. The storage space shall have no minimum 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 any 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 (usually two (2) cubic yards or smaller):~~

~~(1) Any proposed ramps to the storage space shall be of six (6) percent slope or less, and~~

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

~~b. For front-loading containers (usually larger than two (2) cubic yards):~~

~~(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 K1, 2, 3, and 4 of this section, 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 modify the requirements of subsections K1, 2, 3, and 4 of this section under the following circumstances:~~

~~a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections K1, 2, 3, and 4; or~~

~~b. When the applicant proposes to expand a multifamily building, and the requirements of subsections K1, 2, 3, and 4 conflict with opportunities to increase residential densities; and~~

~~c. When the applicant proposes alternative, workable measures that meet the intent of this section.~~

General provisions for structures in multifamily zones are found in Section 23.45.508.

Section 20. A new Section 23.45.508 of the Seattle Municipal Code is added as follows:

23.45.508 General provisions

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

B. Off street parking shall be provided ~~as~~ if required in Section 23.54.015, except that one residential unit may be added to a residential structure without a parking space pursuant to subsection 23.54.020.A.

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

D. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking and access and design are provided in Chapter 23.54. Standards for signs are provided in Chapter 23.55.

E. Development standards

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

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

b. For lots that have more than one alley lot line, only one alley lot line may be treated as a front lot line.

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

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

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

F. Solid Waste and Recyclable Materials Storage Space.

1. Storage space for solid waste and recyclable materials containers shall be provided for all new and expanded multifamily structures as indicated in Table A for 23.45.508. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten or more existing units by two or more units.

Table A for 23.45.508: Storage space for Solid Waste and Recyclable Materials Containers

Multifamily Structure Size	**Minimum Area for Storage Space**	**Container Type**
7-15 units	75 square feet	Rear-loading containers
16-25 units	100 square feet	Rear-loading containers
26-50 units	150 square feet	Front-loading containers
51-100 units	200 square feet	Front-loading containers
More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading containers

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

a. The storage space shall have no minimum dimension (width and depth) less than 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 any 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~~ on the lot of the structure it serves and, if located outdoors, it shall not be located between a street facing I 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 (usually 2 cubic yards or smaller):

1) Any proposed ramps to the storage space shall be of 6 percent slope or less, and

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

b. For front-loading containers (usually larger than 2 cubic yards):

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 10 feet wide, and

3) When accessed directly by a collection vehicle into a structure, a 21 foot overhead clearance shall be provided.

5. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections 23.45.508.F.1 through F.4 under the following circumstances:

a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections 23.45.508.F.1 through F.4; or

b. When the applicant proposes to expand a multifamily building, and the requirements of subsections 23.45.508.F.1 through F.4 conflict with opportunities to increase residential densities; and

c. When the applicant proposes alternative, workable measures that meet the intent of this Section 23.45.508.

6. The solid waste and recyclable materials storage space specifications required in subsections 23.45.508.F.1 through F.4, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

Section 21. Section 23.45.007 of the Seattle Municipal Code, relating to transportation concurrency, which section was enacted by Ordinance 117383, and as shown in Attachment A, is repealed.

Section 22. Subsection D of Section 23.45.009 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

* * *

D. Rooftop Features.

1. Flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer than ~~fifty (50)~~ 50 percent of their height above existing grade or, if attached only to the roof, no closer than ~~fifty (50)~~ 50 percent of their height above the roof portion where attached, to any adjoining lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend no higher than the ridge of a pitched roof permitted under subsection C above or ~~four (4)~~ 4 feet above the maximum height limit set in subsection 23.45.009.A ~~of this section~~. For cottage housing developments, these rooftop features may extend ~~four (4)~~ 4 feet above the ~~eighteen (18)~~ 18 foot height limit.

3. For cottage housing developments, chimneys may exceed the height limit by ~~four (4)~~ 4 feet or may extend ~~four (4)~~ 4 feet above the ridge of a pitched roof.

4. Except in cottage housing developments, the following rooftop features may extend ~~ten (10)~~ 10 feet above the maximum height limit established in subsection 23.45.009.A so long as the combined total coverage of all features does not exceed ~~fifteen (15)~~ 15 percent of the roof area or ~~twenty (20)~~ 20 percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least ~~five (5)~~ 5 feet from the roof edge;

d. Chimneys;

e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

5. For height exceptions for solar collectors, see Section 23.45.~~146~~545.D, Solar collectors on roofs.

6. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.45.009.D.6 at least ~~ten (10)~~ 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Chapter 23.57.011;

f. Nonfirewall parapets;

g. Play equipment.

7. For height limits and exceptions for communication utilities and devices, Section 23.57.011.

* * *

Section 23. Subsection G of Section 23.45.014 of the Seattle Municipal Code, which section was last amended by Ordinance 122050, is amended to read as follows:

* * *

G. Structures in Required Setbacks.

1. Detached garages, carports, or other accessory structures are permitted in the required rear setback, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure. (See Exhibit 23.45.014 A) All such accessory structures, including garages, shall be no greater than ~~twelve (12)~~ 12 feet in height. The height of garages shall be measured on the facade containing the entrance for the vehicles, with open rails permitted above ~~twelve (12)~~ 12 feet.

2. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11, are permitted in required front, side or rear setbacks.

3. Uncovered, unenclosed pedestrian bridges, necessary for access and less than ~~five (5)~~ 5 feet in width, are permitted in required front, side and rear setbacks.

4. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

a. Fences, freestanding walls, signs and other similar structures ~~six (6)~~ 6 feet or less in height above existing or finished grade whichever is lower, are permitted in required front, side, or rear setbacks. The ~~six (6)~~ 6 foot height may be averaged above sloping grade for each ~~six (6)~~ 6 foot long segment of the fence, but in no case may any portion of the fence exceed ~~eight (8)~~ 8 feet. Architectural features may be added to the top of the fence or freestanding wall above the ~~six (6)~~ 6 foot height when the following provisions are met: horizontal architectural feature(s), no more than ~~ten (10)~~ 10 inches high and separated by a minimum of ~~six (6)~~ 6 inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than ~~eight (8)~~ 8 feet high; averaging the ~~eight (8)~~ 8 foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than ~~three (3)~~ 3 feet on center.

b. The Director may allow variation from the development standards listed in subsection G4a above, according to the following:

i. No part of the structure may exceed ~~eight (8)~~ 8 feet;

ii. Any portion of the structure above ~~six (6)~~ 6 feet shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to ~~six (6)~~ 6 feet in height, measured above existing grade. A guardrail no higher than ~~forty-two (42)~~ 42 inches may be placed on top of a

bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to ~~nine and one-half (91/2)~~ 9.5 feet.

d. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or ~~six (6)~~ 6 feet, whichever is greater. When the bulkhead is measured from the low side and it exceeds ~~six (6)~~ 6 feet, an open guardrail of no more than ~~forty-two (42)~~ 42 inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of ~~three (3)~~ 3 feet from such a bulkhead or retaining wall.

5. Decks no more than ~~eighteen (18)~~ 18 inches above existing or finished grade, whichever is lower, may project into required setbacks.

6. Underground structures are permitted in all setbacks.

7. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.~~146~~545.C~~, Solar collectors~~ .

8. Arbors. Arbors may be permitted in required setbacks under the following conditions:

a. In each required setback, an arbor may be erected with no more than a ~~forty (40)~~ 40 square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of ~~eight (8)~~ 8 feet. Both the sides and the roof of the arbor must be at least ~~fifty (50)~~ 50 percent open, or, if latticework is used, there must be a minimum opening of ~~two (2)~~ 2 inches between crosspieces.

b. In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a ~~thirty (30)~~ 30 square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of ~~eight (8)~~ 8 feet. The sides of the arbor shall be at least ~~fifty (50)~~ 50 percent open, or, if latticework is used, there must be a minimum opening of ~~two (2)~~ 2 inches between crosspieces.

* * *

Section 24. Section 23.45.116 of the Seattle Municipal Code, which section was last amended by Ordinance 113262, is amended and recodified as follows:

~~23.45.116 Administrative conditional uses - General provisions.~~ 23.45.506 Administrative conditional uses

~~A. Only those uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The master use permit process shall be used to authorize these uses.~~

~~B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.~~

~~C. The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.~~

~~D. In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.~~

~~E. The Director shall issue written findings of fact and conclusions to support the Director's decision.~~

~~F. Any authorized conditional use which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use~~

~~has been discontinued:~~

~~1. A permit to change the use of the property has been issued and the new use has been established; or~~

~~2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.~~

~~Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.~~

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

B. Unless otherwise specified in this Chapter 23.45, conditional uses shall meet the development standards for uses permitted outright.

C. Institutions other than public schools not meeting the development standards of 23.45.570, Institutions, and Major Institution uses as provided in Chapter 23.69, may be permitted subject to the following:

1. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.

2. Dispersion Criteria. An institution that does not meet the dispersion criteria of Section 23.45.570 may be permitted by the Director upon determination that it would not substantially worsen parking shortages, traffic safety hazards, and noise in the surrounding residential area.

3. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures the Director may require for this purpose include, but are not limited to the following: landscaping, sound barriers, fences, berms, adjustments to yards or the location of refuse storage areas, location of parking areas and access, structural design modifications, and regulating hours of use.

4. Transportation Plan. A transportation plan is required for proposed new institutions and for those institutions proposing to expand larger than 4,000 square feet of floor area and/or required to provide 20 or more new parking spaces. The Director may condition a permit to mitigate potential traffic and parking impacts pursuant to a Transportation Management Plan or Program as described in directors rules governing such plans or programs. The Director will determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution.

D. A use not otherwise permitted in the zone within a structure designated as a Seattle landmark that is subject to controls and incentives imposed by a designating ordinance, when the owner of the landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board providing for the restoration and maintenance of the historically significant features of the structure, may be permitted subject to the following:

1. The use is compatible with the existing design and/or construction of the structure without significant alteration; and

2. Uses permitted by the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in reasonably good physical condition.

E. Park and ride or park and pool lots may be permitted subject to the following:

1. A park and ride or park and pool lot may be permitted only on parking lots existing at least 5 years prior to the establishment of the park and ride or park and pool lot that have direct vehicular access to an arterial street improved to City standards.

2. If the proposed park and ride or park and pool lot is located on a lot containing accessory parking for other uses, there must be no substantial conflict in the principal operating hours of the park and ride or park and pool lot and other uses on the lot.

3. The Director may require landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access control, signage restrictions, and other measures to provide comfort and safety for pedestrians and bicyclists and to help ensure the compatibility of the park and ride or park and pool lot with the surrounding area.

F . In addition to medical service uses permitted as ground floor commercial uses pursuant to subsection 23.45.504.E, medical service uses occupying over 4,000 square feet may be permitted in Highrise zones as administrative conditional uses on lots that are at least 25,000 square feet in size, have not been in residential use since January 1, 1989, and are located on a block that abuts a Neighborhood Commercial zone on at least two entire sides of the block (defined for the purpose of this subsection 23.45.506.F as areas bounded by street lot lines).

1. In order to approve a medical service use, the Director must determine that the medical service use is an expansion of an existing medical service business establishment in the immediate vicinity that is not a major institution.

2. Design review is required.

3. The development standards in Sections 23.45.510, 23.45.514, 23.45.516, 23.45.518, 23.45.520, and 23.45.536 do not apply to the portion of the structure occupied by medical service uses, except as specified in this subsection 23.45.506.F. Portions of the structure occupied by medical service uses shall meet the following development standards:

a. The maximum height for the portions of structures containing medical office uses is 108 feet, except that the provisions for green roofs in subsection 23.45.514.E and rooftop features in subsection 23.45.514.F apply.

b. The average of the gross floor area of stories in medical service use above 45 feet in height shall not exceed 60 percent of the area of the lot.

4. Setbacks

a. Setbacks shall be required as shown on Table A for 23.45.506.

Table A for 23.45.506: Setback Requirements for Medical Office Uses

Elevation of Facade or Portion of Facade from Existing Grade	**Setback on Street Frontages**	**Setback on Alley Frontages**	**Setback on shared lot lines**
45' or less	7' average, 5' minimum	0"	7' average, 5' minimum
More than 45' up to 108'	10' average, 7' minimum	10'	15' average, 10' minimum

b. If the ground floor of a street facade is in use as a child care center, community center, or commercial use permitted on the ground floor by Section 23.45.504, no setback is required for the portion of the street facade that is 45' in height or less.

c. If a lot abutting the lot is developed to the side lot line, portions of the proposed development that are 45 feet in height or less may be joined to the abutting structure.

d. Projections into required setbacks are permitted as provided for in subsection 23.45.518.F, and structures in required setbacks are permitted as provided for in subsections 23.45.518.G.

5. A minimum of 25 percent of the lot area shall be provided as landscaped open space at ground level. Except as provided in this subsection 23.45.506.F.5, no horizontal dimension for required open space shall be less than 10 feet, nor shall any required open space area be less than 225 square feet. The following additional areas may be included in the calculation of required ground level open space:

a. Area in the public right-of-way of a neighborhood green street designated in Section 23.45.516 abutting the lot that is improved according to a plan approved by the Director, in consultation with the Director of the Department of Transportation; except that the Director may waive the requirement that the neighborhood green street abut the lot and allow the improvements to be made to a neighborhood green street located in the general vicinity of the project, if such an improvement is determined to be beneficial to the occupants of the project; and

b. Landscaped area in the public right-of-way that abuts the required open space on the lot, when the landscaping contributes to achievement of the Green Factor score required in subsection 23.45.506.F.6. below.

6. The landscaping and screening requirements of Section 23.45.524 apply, except that the required Green Factor score is 0.3 or greater, pursuant to Section 23.86.019.

7. Parking shall be required as provided in Chapter 23.54.

8. The Director shall determine the location of access to parking. In order to promote pedestrian safety and comfort, the access via an alley is preferred. Where street access is deemed appropriate, due to safety hazards, topography, or other special conditions of the lot, the number of curb cuts and the width of curb cuts, driveways, and garage openings shall be minimized.

9. No surface area parking shall be provided, and no parking shall be located at or above grade, unless it is separated from all street lot lines by another use.

10. The preferred access to loading berths shall be from an alley if the lot abuts an alley. Loading berths shall be located so that access to any residential parking is not blocked.

11. The Director shall determine the location of passenger load zones, based on safety considerations, minimizing conflicts with automobile and pedestrian traffic, reducing impacts on any nearby residential uses, and the efficient operation of the medical service use.

12. Identifying signs shall be permitted according to Chapter 23.55, Signs.

13. For mixed use structures containing both medical service uses and residential uses, the portion of the structure in residential use shall meet the requirements of the HR zone, except as modified by the following:

a. The maximum width and floor size limits in Section 23.45.520 apply to any portion of the structure in residential use above 45 feet in height.

b. Residential amenity areas shall be provided according to the provisions of Section 23.45.522. Open space required at ground level pursuant to subsection 23.45.506.F.5 may be included as residential amenity area if it meets the applicable

development standards of subsection 23.45.522.B.

c. No landscaped open space is required in addition to the open space required in subsection 23.45.506.F.5.

G. Heat recovery incinerators located on the same lot as the principal use may be permitted by the Director as accessory conditional uses, subject to the following conditions:

1. The incinerator may be located no closer than 100 feet to any lot line unless completely enclosed within a building.

2. If not within a building, the incinerator shall be enclosed by a view-obscuring fence of sufficient strength and design to resist entrance by children.

3. Adequate control measures for insects, rodents and odors shall be continuously maintained.

Section 25. Section 23.45.047 of the Seattle Municipal Code, which section was enacted by Ordinance 116795, and Section 23.45.048 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, , relating to height limits in Midrise/85 and structures in Midrise zones up to 37 feet in height, and as shown in Attachment A, are repealed.

Section 26. A new Section 23.45.510 of the Seattle Municipal Code is added as follows:

23.45.510 Floor area ratio (FAR) in Midrise and Highrise Zones

A. Floor area ratio (FAR) limits apply to all structures and lots in Midrise and Highrise zones as shown in Table A for 23.45.510.

1. All gross floor area not exempt under subsection 23.45.510.B counts toward the maximum gross floor area allowed under the FAR limits.

2. The applicable FAR limit applies to all structures on the lot, subject to subsection 23.45.510.A.3.

3. When a lot is in more than one zone, the FAR limit for the entire lot is the sum of the limits that would apply to the portion of the lot located in each zone, but the floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot.

Table A for 23.45.510: Floor Area Ratios

	MR	**HR**
Base FAR	3.2	8.0 on lots 15,000 square feet or less in size; 7.0 on lots larger than 15,000 square feet
Maximum FAR, allowed pursuant to Chapter 23.58A and Section 23.45.516	4.25	13 for structures 240' or less in height; 14 for structures over 240'

B. The following floor area is exempt from FAR limits:

1. All stories or portions of a story that extend no more than 4 feet above existing or finished grade whichever is lower. See Exhibit A for 23.45.510.

Exhibit A for 23.45.510: Area Exempt from FAR

2. The floor area contained in a designated Seattle landmark subject to controls and incentives imposed by a designating ordinance, when the owner of the landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer of development potential has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

3. Enclosed common residential amenity space in Highrise zones.

4. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not exempt under subsections B.1 through B.3 of this Section 23.45.510.

5. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the exempt space has a minimum floor to floor height of 13 feet and a minimum depth of 15 feet.

C. If TDP is transferred from a lot pursuant to Section 23.58A.018, the amount of non-exempt floor area that may be permitted is the applicable base FAR, plus any net amount of TDP previously transferred to the lot, minus the sum of the existing non-exempt floor area on the lot and the amount of TDP transferred.

Section 27. Section 23.45.050 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended and recodified as follows:

~~23.45.050 Midrise-Structure height.~~ 23.45.514 Structure height in Midrise and Highrise zones

A. ~~Generally. The maximum height shall be sixty (60) feet.~~ Base and maximum structure heights permitted in Midrise and Highrise zones are as shown in Table A for 23.45.514, subject to the additions and exemptions allowed as set forth in this Section 23.45.514. The maximum height for accessory structures is 12 feet.

Table A for 23.45.514: Structure Height

	MR	**MR/85**	**HR**
Base height limit	60'	85'	160'
Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516	75'	85'	240' or 300'

B. In MR zones, the base height limit may be increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met: 1. The FAR exemption provided in Section 23.45.510.B.1 is used; 2. The structure has floor to ceiling heights of more than nine feet; or 3. The site is split between a MR zone and an NC zone that allows a structure height of 65 feet or more.

~~B.~~ C. Sloped Lots. In zones with height limits that are less than 85 feet, additional height is permitted for ~~On~~ sloped lots, ~~additional height shall be permitted along the lower elevation of the structure footprint,~~ at the rate of ~~one (1)~~ 1 foot for each ~~six (6)~~ 6 percent of slope, to a maximum additional height of ~~five (5)~~ 5 feet. The additional height is permitted on

the down-slope side of the structure only, as described in Section 23.86.006.D. See ~~(Exhibit 23.45.050 A)~~ Exhibit A for 23.45.514.

Exhibit A for 23.45.514: Sloped Lot Height Allowance

D. In MR zones, the base height limit may be increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:

1. The FAR exemption provided in Section 23.45.510.B.1 is used;

2. The structure has floor to ceiling heights of more than nine feet; or

3. The site is split between a MR zone and an NC zone that allows a structure height of 65 feet or more.

E. Roofs enclosed by a parapet. To promote adequate drainage, portions of a roof that are completely surrounded by a parapet may exceed the height limit to allow for a slope, provided that the highest point of the slope does not exceed the height limit by more than 75 percent of the height of the parapet. See Exhibit B for 23.45.514. ~~Pitched Roofs. The ridge of pitched roofs on principal structures may extend up to sixty- five (65) feet. All parts of the roof above sixty (60) feet must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.45.050B). No portion of a shed roof shall be permitted to extend beyond the sixty (60) foot height limit under this provision.~~

Exhibit B for 23.45.514: Height Allowance for Sloped Roofs Concealed by a Parapet

A

B

F. Green roofs. For any structure with a green roof meeting the provisions of Section 23.45.524 and having a minimum rooftop coverage of 50 percent, up to 24 inches of additional height above the height limit is allowed to accommodate structural requirements, roofing membranes, and soil. See Exhibit C for 23.45.514.

Exhibit C for 23.45.514: Green Roof Height Allowance

~~D~~G. Rooftop Features.

1. Flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer than ~~fifty (50)~~ 50 percent of their height above existing grade or, if attached only to the roof, no closer than ~~fifty (50)~~ 50 percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend ~~four (4)~~ 4 feet above the maximum height limit set in subsections A and B of this Section 23.45.514.

3. The following rooftop features may extend ~~ten (10)~~ 15 feet above the ~~maximum~~ applicable height limit set in subsections 23.45.514.A, ~~and~~ B, and C ~~of this section~~, so long as the combined total coverage of all features does not exceed ~~fifteen (15)~~ 20 percent of the roof area or ~~twenty (20)~~ 25 percent of the roof area if the total includes screened mechanical equipment:

a. ~~Stair and elevator penthouses;~~

~~b.~~ Mechanical equipment;

~~c~~b. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least ~~five (5)~~ 5 feet from the roof edge;

~~d~~c. Chimneys;

~~e~~d. Sun and wind screens;

~~f~~e. Penthouse pavilions for the common use of residents;

~~g~~f. Greenhouses which meet minimum energy standards administered by the Director;

g. Wind-driven power generators; and

h. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

4. Stair and elevator penthouses may extend above the applicable height limit up to 16 feet. When additional height is needed to accommodate energy-efficient elevators in zones with height limits of 160 feet or greater, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-efficient elevators shall be defined by Director's Rule. When additional height is allowed for an energy- efficient elevator, stair penthouses may be granted the same additional height if they are co-located with the elevator penthouse.

~~4~~5. For height exceptions for solar collectors, see Section 23.45.~~146~~545.D~~, Solar collectors~~.

~~5~~6. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.45.514.F at least ~~ten (10)~~ 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

~~6~~7. For height limits and exceptions for communication utilities and devices, see Section 23.57.011.

8. Additional height in HR zones. A structure may exceed the applicable height limit in the HR zone as follows:

a. If the applicable height is 240 feet, the height of the structure may be increased by 30 feet if the area bounded by the facades of the portion of the structure above 240 feet is no greater than 6,500 square feet, or if the area bounded by the facades at an elevation that is halfway between 240 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 240 feet.

b. If the applicable height limit is 300 feet, the height of a structure may be increased (1) by 30 feet if the area bounded by the facades of the portion of the structure above 300 feet is no greater than 6,500 square feet, or (2) by 45 feet if the area bounded by the facades at an elevation that is halfway between 300 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 300 feet.

c. In all cases the area bounded by the facades extending above the height limit may be occupied only by those uses or features otherwise permitted in this Section 23.45.514 as an exception above the height limit, although any limits on the height or coverage of those uses or features totally screened by the facades extending above the applicable height limit shall not apply. Height exceptions permitted for screening and rooftop features under 23.45.514.F shall not be permitted above the height gained by a structure under this provision.

Section 28. Section 23.45.064 and Section 23.45.066 of the Seattle Municipal Code, relating to HR zone general provisions and HR zone height, which sections were last amended by Ordinances 110570 and 120928, respectively, and as shown in Attachment A, are repealed.

Section 29. Section 23.45.052, which section was last amended by Ordinance 113041, is amended and recodified.

~~23.45.052 Midrise Structure width and depth.~~ 23.45.528 Structure width and depth limits for lots in Midrise zones greater than 9,000 square feet in size

~~A. Maximum Width.~~

~~1. The maximum width of a structure on a lot when the front facade is not modulated according to the standards of Section 23.45.054 C shall be forty (40) feet.~~

~~2. When the front facade is modulated according to the standards of Section 23.45.054C, the maximum width of each structure on a lot shall be one hundred fifty (150) feet.~~

~~B. Maximum Depth.~~

~~1. The maximum depth of a structure shall be:~~

~~a. Ground-related housing: sixty-five (65) percent of the depth of the lot;~~

~~b. Terraced housing on slopes of twenty-five (25) percent or more: no maximum depth limit;~~

~~c. Apartments: sixty-five (65) percent of lot depth.~~

~~2. Exceptions to Maximum Depth Requirements. Structure depth is permitted to exceed sixty-five (65) percent of lot depth (Exhibit 23.45.052 A) , subject to the following conditions:~~

~~a. The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth and setbacks.~~

~~b. When the lot area is larger than seven thousand (7,000) square feet, the required amount of usable open space shall be increased to thirty (30) percent of lot area. Not more than one-third (1/3) of the required open space may be provided above ground in the form of decks and balconies.~~

~~c. Structure depth shall in no case exceed one hundred fifty (150) feet.~~

~~d. Structures with depth greater than sixty-five (65) percent of lot depth shall be modulated along the side setbacks, according to the standards of Section 23.45.054 C.~~

~~Exhibit 23.45.052A Midrise, Structure Depth Exception~~

The width and depth limits of this Section 23.45.528 apply to lots in MR zones that are greater than 9,000 square feet in lot area.

A. The width of structures may not exceed the applicable limits shown in Table A for 23.45.528.

Table A for 23.45.528: Width Limits

"	**MR**
Maximum width	150'

B. Structure Depth

1. The depth of structures may not exceed the limits shown in Table B for 23.45.528, except as provided in subsection 23.45.528.B.2.

Table B for 23.45.528: Depth Limits

	MR
Maximum depth	75 percent of the depth of the lot

2. Exceptions to structure depth limit. To allow for front setback averaging and courtyards as provided in subsection 23.45.518.A, structure depth may exceed the limit shown in Table B for 23.45.528 if the total lot coverage resulting from the increased structure depth does not exceed the lot coverage that would have otherwise been allowed without use of the courtyard or front setback averaging provisions.

C. Accessory structures are counted in structure width and depth if they are less than 3 feet from the principal structure at any point.

Section 30. Sections 23.45.054, 23.45.068, and 23.45.070 of the Seattle Municipal Code, relating to MR and HR zone modulation standards and HR width and depth standards, which sections were last amended by Ordinances 117263, 110570 and 111390, respectively, and as shown in Attachment A, are repealed.

Section 31. A new Section 23.45.516 of the Seattle Municipal Code is added as follows:

23.45.516 Additional height and extra residential floor area in Midrise and Highrise zones

A. General. Definitions in Section 23.58A.004 apply in this Section 23.45.516 unless otherwise specified. According to the provisions of this Section 23.45.516, Section 23.45.526, and Chapter 23.58A:

1. In MR, MR/85, and HR zones, extra residential floor area may be permitted up to the maximum limits allowed by Section 23.45.510; and

2. In MR and HR zones, additional height, above the base height limit, is permitted for structures that qualify for extra residential floor area, up to the maximum limits allowed by Sections 23.45.514.

B. Eligible lots. The following lots are eligible for extra residential floor area and, except in MR/85 zones, additional height:

1. Lots in MR or MR/85 zones in urban villages, urban centers and the Station Area Overlay District; and

2. Lots in HR zones.

C. Highrise Zones.

1. Extra Residential Floor Area. In HR zones extra residential floor area may be gained in accordance with Chapter 23.58A subject to the conditions and limits in this Section 23.45.516. Up to all extra residential floor area may be gained through the affordable housing incentive program provisions in Section 23.58A.014. Up to 40 percent of extra residential floor area may be gained by one or any combination of:

a. transfer of development potential;

b. providing neighborhood open space or a payment in lieu thereof; and/or

c. providing a neighborhood green street setback if allowed pursuant to subsection 23.45.516.F, all in accordance with this Section 23.45.516 and Chapter 23.58A.

2. Structure Height.

a. Structures 240 feet or less in height. The applicable height limit in an HR zone under subsection 23.45.514.A is 240 feet if the applicant satisfies the conditions for extra floor area but not all of the conditions in subsection C.2.b of this Section 23.45.516 are met.

b. Structures over 240 feet. The applicable height limit in an HR zone under subsection 23.45.514.A is 300 feet if the applicant satisfies the conditions for extra floor area and the following additional conditions are met:

1) For any structure above a height of 85 feet, the average residential gross floor area per story above a height of 45 feet does not exceed 9,500 square feet; and

2) No parking is located at or above grade, unless it is separated from all street lot lines by another use; and

3) At least 25 percent of the lot area at grade is one or more landscaped areas, each with a minimum horizontal dimension of 10 feet, or at least 20 percent of the lot area at grade is landscaped, common residential amenity area meeting the standards of 23.45.522.

D. Transfer of Development Potential (TDP) from Landmark Structures and Open Space.

1. Sending lots. TDP may be transferred under the provisions of Section 23.58A.018, as modified by this Section 23.45.516, only from landmark TDP sites and open space TDP sites. In order to be eligible as a landmark TDP site or open space TDP site, a lot must be located in the First Hill Urban Center Village and must be zoned MR or HR. Sending lots are subject to the limits and conditions in this Chapter 23.45 and Chapter 23.58A. The amount of TDP that may be transferred from a lot is limited to the amount by which the base FAR under Section 23.45.510 exceeds floor area on the lot that is not exempt under that Section.

2. Receiving lots. Any lot located in an HR zone within the First Hill Urban Center Village is eligible for extra residential floor area according to the provisions of this Section 23.45.516 to receive TDP from an eligible sending lot, subject to the limits and conditions in this Chapter 23.45 and Chapter 23.58A.

E. Combined lot development. When authorized by the Director pursuant to this Section 23.45.516, lots located on the same block in an HR zone 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 or more such lots under this chapter to be used on one or more other lots, according to the provisions of this subsection 23.45.516.E.

1. Up to all of the capacity on one lot, referred to in this subsection 23.45.516.E as the "base lot," for chargeable floor area in addition to the base FAR, pursuant to Section 23.45.510 (referred to in this subsection E as "bonus capacity"), may be used on one or more other lots, subject to compliance with all conditions to obtaining extra residential floor area, pursuant to Chapter 23.58A, as modified in this Section 23.45.516. For purposes of applying any conditions related to amenities or features provided on site under this Section 23.45.516, only the lot or lots on which such bonus capacity is used are considered to be the lot or site using a bonus. Criteria for use of extra residential floor area that apply to the structure or structures shall be applied only to the structure(s) on the lots using the transferred bonus capacity. For purposes of the condition to height above 240 feet in subsection C.2.b.3) of this Section 23.45.516, all lots in a combined lot development are considered as one lot.

2. Only if all of the bonus capacity on all lots in a combined lot development is used on fewer than all of those lots, there may be transferred from a base lot where no bonus capacity is used, to one or more other lots in the combined lot development, up to all of the unused base FAR on the base lot, without regard to limits on the transfer of TDP or on use of TDP in Chapter 23.58A or subsection 23.45.516.D. Such transfer shall be treated as a transfer of TDP for purposes of determining remaining development capacity on the base lot and TDP available to transfer under Chapter 23.58A, but shall be treated as additional base FAR on the other lots, and, to the extent that, together with other base floor area, it does not exceed the amount of chargeable floor area below the base height limit on the lot where it is used, it shall not be treated as extra residential floor area. If less than all of the bonus capacity of the base lot is used on such other lots, and if the base lot qualifies as a sending lot for TDP, the unused base FAR may be transferred as TDP to the extent permitted by Chapter 23.58A and this section, but in each case only to satisfy in part the conditions to extra floor area, not as additional base FAR.

3. 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 23.45.510 computed for all lots participating in the combined lot development, provided that the maximum chargeable floor area on one or more other lots in the combined lot development is correspondingly reduced. To the extent permitted by the Director, and subject to subsection 23.45.516.E.2 above, the base floor area for any one or more lots in the combined lot development may be increased up to the combined base chargeable floor area under Section 23.45.510 computed for all lots participating in the combined lot development, provided that the base floor area on one or more other lots in the combined lot development is correspondingly reduced.

4. The Director shall allow a 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 or lots and the corresponding reduction on another lot or lots will result in a significant public benefit through one of more of the following:

a. preservation of a landmark structure located on the block or on an adjacent block either through the inclusion of the lot with the landmark structure as a base lot in the combined lot development or through the transfer of TDP from the lot with the landmark structure to a lot in the combined lot development;

b. inclusion on the same block of a structure in which low-income housing is provided to satisfy all or part of the conditions to extra residential floor area; and/or

c. provision of open space on the same block to satisfy in part the conditions to extra residential floor area.

5. 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 base 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 agreement 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.

6. Nothing in this subsection 23.45.516.E shall allow the development on any lot in a combined lot development to exceed or deviate from height limits or other development standards.

F. Neighborhood Green Street Setback. Floor area may be gained for a neighborhood green street setback according to the provisions of Chapter 23.58A by development on lots abutting one of the streets or street segments within the First Hill Urban Village shown on Map A for 23.45.516.

Map A for 23.45.516

G. Neighborhood open space. In HR zones, subject to the limits in this Section 23.45.516 and Chapter 23.58A, extra residential floor area may be gained through a voluntary agreement to provide neighborhood open space or a payment in lieu of neighborhood open space, according to the provisions of Section 23.58A.016.

Section 32. Section 23.45.056, relating to setbacks in Midrise zones, which section was last amended by Ordinance 122050, is amended and recodified as follows:

~~23.45.056 Midrise-Setback requirements.~~ 23.45.518 Setbacks and Separations in Midrise and Highrise zones

~~Front, rear and side setbacks shall be provided for all lots, according to the following provisions:~~

~~A. Front Setback. The required front setback shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:~~

~~1. The front setback shall in no case be required to be more than five (5) feet greater than the setback of the first principal structure on either side which is closer to the front lot line.~~

~~2. The front setback shall in no case be required to exceed fifteen (15) feet.~~

~~3. Portions of the Structure in Front Setbacks.~~

~~a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.~~

~~b. No portions of a structure between finished grade and eight (8) feet above finished grade shall be closer to the front lot line than five (5) feet.~~

~~c. Portions of the facade which begin eight (8) feet or more above finished grade may project up to four (4) feet beyond the lower portion of the facade, without being counted in setback averaging (Exhibit 23.45.056 A).~~

~~Exhibit 23.45.056 A~~

~~d. Portions of the facade which begin eight (8) feet or more above finished grade shall be no closer than three (3) feet to the front lot line (Exhibit 23.45.056 A).~~

~~4. A greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.~~

~~5. Front Setback Exceptions.~~

~~a. Structures Along Heavily Traveled Arterials. In order to reduce noise and glare impacts, multi-family structures located on principal arterials designated on Exhibit 23.53.015 A shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty (50) percent of the front setback specified in the development standards, or the front setback of the principal structure on either side, whichever is less.~~

A. MR Zones. Minimum setbacks for the MR zone are shown in Table A for 23.45.518, except as provided in subsection Section 23.45.508.E for lots that have no street frontage.

Table A for 23.45.518: MR Setbacks

Setback Location	**Required Setback Amount**
Front and side setback from street lot lines	7' average setback; 5' minimum setback No setback is required when a courtyard is provided abutting the street (see Exhibit A for 23.45.518) that has: • a minimum width equal to 30 percent of the width of the abutting street frontage or 20', whichever is greater; and • a minimum depth of 20' measured from the abutting street lot line.
Rear setback	15' from a rear lot line that does not abut an alley; or 10' from a rear lot line abutting an alley.
Side setback from interior lot line	For portions of a structure: • 42' or less in height: 7' average setback; 5' minimum setback. • Above 42' in height: 10' average setback; 7' minimum setback.

Exhibit A for 23.45.518: MR Courtyard Example

B. HR Zones. Minimum setbacks for HR zones are shown in Table B for 23.45.518, except as provided in Section

23.45.508.E for lots that have no street frontage.

Table B for 23.45.518: HR Setbacks (see also Exhibit B for 23.45.518)

Setbacks for structures eighty-five feet in height or less	
Structures 85 feet in height or less are subject to the setback provisions of the MR zone in subsection 23.45.518.A.	
Setbacks for structures greater than eighty-five feet in height	
Lot line abutting a street	For portions of a structure: • 45'' or less in height: 7' average setback; 5' minimum setback, except that no setback is required for frontages occupied by street level uses or dwelling units with a direct entry from the street; • Greater than 45' in height: 10' minimum setback
Lot line abutting an alley	**Rear lot line abuts an alley:** For portions of a structure: • 45' or less in height: no setback required; • Greater than 45' in height: 10' minimum setback.
Lot line that abuts neither a street nor alley	For portions of a structure: • 45' or less in height: 7' average setback; 5' minimum setback, except that no setback is required for portions abutting an existing structure built to the abutting lot line; • Greater than 45' in height: 20' minimum setback.

Exhibit B for 23.45.518

~~b~~C. Through Lots. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

D. Other Requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements.

~~c. Parking in Rear. For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five (5) feet, so long as this does not reduce the required front setback to less than ten (10) feet.~~

~~d. Sloped Lots. On sloped lots with no alley access, the required front setback shall be fifteen (15) feet minus one (1) foot for each two (2) percent of slope. Slope shall be measured from the midpoint of the front lot line to the rear lot line, or for a depth of sixty (60) feet, whichever is less.~~

~~B. Rear Setback. The minimum rear setback shall be either:~~

~~1. Ten (10) feet, with modulation required along the rear I according to the standards of Section 23.45.054 C; or~~

~~2. An average of fifteen (15) feet; provided, that no part of the setback shall be less than ten (10) feet.~~

C. Side Setbacks.

1. The required side setback shall be determined by structure depth and height, according to Table 23.45.056 A. The side setback may be averaged, provided that the setback is not less than three (3) feet for decks, balconies, and architectural features such as chimneys and cornices, and the minimum setback set forth in the table is observed for all portions of the structure.

((TABLE 23.45.056 A

Total Structure Depth in Feet	Height of Facade at Highest Point in Feet					Minimum Side Setback in Feet
	0--20	21--30	31--40	41--50	51 or more	
	Average Side Setback in Feet					
65 or less	8	8	8	8	8	
66--75	8.5	8.5	8.5	9.0	10.0	
76--85	9.0	9.0	9.0	9.5	10.5	8
86--95	9.5	9.5	9.5	10.0	11.0	
96--105	10.5	11.5	12.5	13.5	14.5	
106--115	12.0	13.0	14.0	15.0	16.0	
116--125	13.5	14.5	15.5	16.5	17.5	9
126--135	15.0	15.0	17.0	18.0	19.0	
136--145	16.5	17.5	18.5	19.5	20.5	
146--155	18.0	19.0	20.0	21.0	22.0	10
156--165	19.5	20.5	21.5	22.5	23.5	
166--175	21.0	22.0	23.0	24.0	25.0	1'in addition
176--185	22.5	23.5	24.5	25.5	26.5	to 10' for
186--195	24.0	26.0	26.0	27.0	28.0	every 30' in
						depth

The pattern established in the table shall be continued for structures greater than one hundred ninety feet (190') in depth.))

2. Side Setback Exceptions. The side street setback of a reversed corner lot shall be as follows:

a. When the required front setback of the key lot is less than eight (8) feet, the side street setback shall be equal to the key lot's front setback.

b. When the required front setback of the key lot is at least eight (8) feet but not more than sixteen (16) feet, the side street setback shall be eight (8) feet.

c. When the required front setback of the key lot is greater than sixteen (16) feet, the side street setback shall be one-half (1/2) the depth of the key lot's front setback. The setback may be averaged along the entire structure depth, but shall at no point be less than five (5) feet.

~~d. When the actual setback of the structure on the key lot is less than eight (8) feet, the side street setback shall be equal to the distance between the front lot line of the key lot and structure regardless of the front setback requirement.~~

~~D. General Setback Exceptions.~~

~~1. Required Setbacks for Cluster Developments.~~

E. Separations between multiple structures.

1. MR zones.

a. Where two ~~(2)~~ or more principal structures are located on a lot, the ~~required setback between those portions of interior facades which face each other shall be~~ minimum separation between the structures at any two points on different interior facades is 10 feet, except as follows:

1) When the structures are separated by a driveway or parking aisle the minimum separation from finished grade to a height of 9 feet above finished grade is 2 feet greater than the required width of the driveway or parking aisle, provided that separation is not required to be any greater than 24 feet to accommodate a parking aisle.

2) Enclosed floor area of a structure may extend a maximum of 3 feet over driveways and parking aisles, subject to this subsection 23.45.518.E; and

b. Architectural or structural features and unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project up to 18 inches into the required separation between structures.

2. HR zones. Where two or more structures or portions of a structure above 85 feet in height are located on one lot, the minimum horizontal separation between interior facades in each height range is as provided in Table C for 23.45.518.

Table C for 23.45.518: HR Facade Separation for Structures on the Same Lot

Height Range	**Minimum separation required between interior facades**
0 to 45 feet	No minimum
Above 45 feet up to 160 feet	30 feet
Above 160 feet	40 feet

~~TABLE INSET:~~

~~Length of Facing Portions of Facades(in feet)~~	~~Average Setback (in feet)~~	~~Minimum Setback (in feet)~~
~~40 or less~~	~~15~~	~~15~~
~~41-60~~	~~20~~	~~15~~
~~61-80~~	~~25~~	~~15~~
~~81-10~~	~~30~~	~~15~~
~~101-150~~	~~40~~	~~15~~
~~151 or more~~	~~50~~	~~15~~

~~b. Structures in cluster developments may be connected by underground garages or elevated walkways; provided, that:~~

~~(1) One (1) elevated walkway shall be permitted to connect any two (2) structures in the development;~~

~~(2) Additional elevated walkways, in excess of one (1), between any two (2) structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained;~~

~~(3) All elevated walkways shall meet the following standards:~~

~~i. The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.~~

~~ii. Walkways shall be set back from street lot lines and the front facades of the structures they connect, and whenever possible shall be located or landscaped so that they are not visible from a street.~~

~~iii. The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.~~

~~iv. Elevated walkways shall add to the effect of modulation rather than detract from it.~~

F. Projections into required setbacks and separations.

1. Cornices, eaves, gutters, roofs and other forms of weather protection may project into required setbacks and separations a maximum of 2 feet if they are no closer than 3 feet to any lot line, except as provided in subsection 23.45.518.F.4.

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

a. a minimum of 30 inches above the finished floor;

b. no more than 6 feet in height and 8 feet wide; and

c. combined with bay windows and other features with floor area, make up no more than 30 percent of the area of the facade.

3. Bay windows and other features with floor area may project a maximum of 18 inches into required setbacks and separations if they are:

a. no closer than 5 feet to any lot line;

b. no more than 10 feet in width; and

c. combined with garden windows, make up no more than 30 percent of the area of the facade.

4. Unenclosed decks and balconies may project a maximum of 4 feet into required setbacks or separations if they are:

a. no closer than 5 feet to any lot line; and

b. no more than 20 feet wide and are separated from other balconies by a distance equal to at least half the width of the projection.

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

6. Unenclosed porches or steps.

a. When setbacks are required pursuant to subsection A.1 of this Section 23.45.518, unenclosed porches or steps no higher than 4 feet above existing grade may extend to within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than 30 inches in height from existing or finished grade whichever is lower, excluding guard rails or hand rails, may extend to a street lot line. See Exhibit C for 23.45.518.

Exhibit C for 23.45.518: Setbacks for Unenclosed Porches

b. Permitted porches may be covered, provided no portion of the cover-structure, including any supports, are closer than 3 feet to any lot line.

7. Fireplaces and chimneys may project 18 inches into required setbacks or separations.

~~2~~G. Structures in Required Setbacks or separations~~.~~

~~a~~1. Detached garages, carports or other accessory structures are permitted in ~~the~~ required separations and required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure ~~(Exhibit 23.45.056 D)~~ subject to the following requirements:

~~Exhibit 23.45.056 D~~

a. A minimum setback of 5 feet is maintained from all lot lines; and

b. The ~~All such~~ accessory structure~~s shall be no greater~~ is no taller than ~~twelve (~~12~~)~~ feet ~~in height~~, as measured from existing or finished grade, whichever is lower, except for garages and carports as specified below:

1) garages and carports are limited to 12 feet in height as measured from the facade containing the vehicle entrance; and

2) ~~with~~ open rails ~~permitted above twelve (12) feet~~ are allowed to extend an additional 3 feet above the roof of the accessory structure if any portion of the roof is within 4 feet of existing grade.

~~b~~2. Ramps or other devices necessary for access for the disabled and elderly, ~~which~~ that meet ~~Washington State~~ Seattle Building Code, Chapter 11-Accessibility, are permitted in ~~required front, side or rear~~ any required setback~~s~~ or separation.

~~c~~3. Uncovered, unenclosed pedestrian bridges, necessary for access~~,~~ and less than ~~five (~~5~~)~~ feet in width, are permitted in any required ~~front, side and rear~~ setback~~s~~ or separation.

~~d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six (6) feet in height, are permitted in required front, side or rear setbacks.~~

~~e. Decks which average no more than eighteen (18) inches above existing grade may project into required setbacks. Such decks shall not be permitted within five (5) feet of any lot line, unless they abut a permitted fence or freestanding wall, and are at least three (3) feet below the top of the fence or wall. The fence or wall shall be no higher than six (6)~~

~~feet.~~

~~f~~4. Underground structures are permitted in ~~all~~ any required setbacks ~~s~~ or separation. Enclosed structures entirely below the surface of the earth, at existing or finished grade, whichever is lower, are permitted in any required setback or separation.

~~g~~5. Solar collectors are permitted in any required setbacks ~~s~~ or separation, subject to the provisions of Section 23.45.~~146~~538, Solar collectors.

6. ~~Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.~~

~~(1) Fences, f~~Freestanding ~~walls~~ structures , signs and similar structures ~~six (6)~~ 6 feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback or separation.

7. Fences

a. Fences no greater than six feet in height are permitted in any required front, side or rear setback or separation, except that fences in required front or side street side setbacks may not exceed 4 feet in height. The ~~six (6 foot~~ permitted height may be averaged along sloping grade for each ~~six (6)~~ 6 foot long segment of the fence, but in no case may any portion of the fence exceed ~~eight (8)~~ 6 feet in height.

~~Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are not more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.~~

b. Up to two feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted, if the architectural features are predominately open. When such a fence is located on top of a bulkhead or retaining wall, the height of the fence is limited to 4 feet, and the 4 foot height may be averaged along sloping grade for each 6 foot long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.

~~(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:~~

~~i. No part of the structure may exceed eight (8) feet; and~~

~~ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.~~

c. If located in shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60, structures shall not obscure views protected by Chapter 23.60, and the Director shall determine the permitted height.

~~(3)~~ 8. Bulkheads and retaining walls

a. Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to ~~six (6)~~ 6 feet in height, measured above existing grade. A guardrail no higher than ~~forty-two (42)~~ 42 inches may be placed on top of a bulkhead or retaining wall existing as of ~~the effective date of the ordinance codified in this section.1~~ January 3, 1997. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to ~~nine and one-half (9 1/2)~~ 9.5 feet.

~~(4)~~b. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or ~~six (6)~~ 6 feet whichever is greater. When the bulkhead is measured from the low side

and it exceeds ~~six (6)~~ 6 feet, an open guardrail of no more than ~~forty-two (42)~~ 42 inches meeting Seattle Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of ~~three (3)~~ 3 feet from such a bulkhead or retaining wall.

~~i.~~ 9. Arbors. Arbors may be permitted in required setbacks or separation under the following conditions:

~~(1)~~a. In each required setback or separation, an arbor may be erected with no more than a ~~forty (40)~~ 40 square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of ~~eight (8)~~ 8 feet. Both the sides and the roof of the arbor must be at least ~~fifty (50)~~ 50 percent open, or, if latticework is used, there must be a minimum opening of ~~two (2)~~ 2 inches between crosspieces.

~~(2)~~b. In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a ~~thirty (30)~~ 30 square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of ~~eight (8)~~ 8 feet. The sides of the arbor shall be at least ~~fifty (50)~~ 50 percent open, or, if latticework is used, there must be a minimum opening of ~~two (2)~~ 2 inches between crosspieces.

10. Structures built as single family residences prior to 1982, that will remain in residential use, are permitted in required setbacks or separations provided that nonconformity to setback or separation requirements is not increased.

~~3~~11. Front and rear setbacks or separations on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.

Section 33. Section 23.45.072, relating to setbacks in Highrise zones, which section was last amended by Ordinance 122050, and as shown in Attachment A, is repealed.

Section 34. 23.45.068 of the Seattle Municipal Code, which section was last amended by Ordinance 110570, is amended and recodified as follows:

~~23.45.068 Highrise - Structure width and depth.~~ 23.45.520 Highrise zone width & floor size limits

~~A. Maximum Width.~~

~~1. For facades or portions of facades along the street which are thirty-seven (37) feet in height or less, and which are not modulated according to the standards of Section 23.45.070 B, maximum width shall be thirty (30) feet.~~

~~2. For facades or portions of facades along the street which are thirty-seven (37) feet in height or less, and which are modulated according to the standards of Section 23.45.070 B, there shall be no maximum width limit.~~

~~3. Facades or portions of facades which begin thirty-seven (37) feet or more above existing grade shall have a maximum width limit of one hundred (100) feet, whether they are modulated or not (Exhibit 23.45.068 A).~~

~~Exhibit 23.45.068 A~~

~~B. Maximum Depth.~~

~~1. For facades or portions of facades thirty-seven (37) feet or less in height, which are not along a street, there shall be no maximum depth limit.~~

~~Exhibit 23.45.068 B~~

~~2. Facades or portions of facades above thirty-seven (37) feet in height shall not exceed one hundred (100) feet in depth (Exhibit 23.45.068 B.~~

A. In HR zones, portions of structures above a height of 45 feet are limited to a maximum facade width of 110 feet. The width of the structure measured along the longest street lot line may be increased as follows, provided that if both street lot lines are of the same length, the increase in the width of the facade is only permitted along one street lot line:

1. A maximum facade width of 130 feet is permitted, provided that the average gross floor area of all stories above 45 feet in height does not exceed 10,000 square feet; or

2. If the applicant uses earns bonus residential floor area by providing all of the affordable housing within the project pursuant to Section 23.58A.014, the maximum facade width of the structure above 45 feet in height is 150 feet, provided that the average gross floor area of all stories above 45 feet in height does not exceed 12,000 square feet.

B. All portions of structures that reach the maximum facade width limit specified in subsection 23.45.520.A must be separated from any other portion of a structure on the lot above 45 feet at all points by the minimum horizontal distance shown on Table B for 23.45.518, except that projections permitted in required setbacks and separations pursuant to subsection 23.45.518.F are permitted.

Section 35. Sections 23.45.058 and 23.45.074 of the Seattle Municipal Code, relating to open space standards, which sections were last amended by Ordinances 120928, and as shown in Attachment A, are repealed.

Section 36. A new section 23.45.522 of the Seattle Municipal Code is added as follows:

23.45.522 Residential amenity areas in Midrise and Highrise zones

A. Residential amenity areas, including but not limited to decks, balconies, terraces, roof gardens, plazas, courtyards, play areas, or sport courts, are required in an amount equal to 5 percent of the total gross floor area of a structure in residential use, except as otherwise provided in this Chapter 23.45.

B. Required residential amenity areas shall meet the following conditions:

1. All residents shall have access to at least one common or private residential amenity area;

2. No more than 50 percent of the residential amenity area may be enclosed common space.

3. Parking areas, driveways, and pedestrian access to building entrances, except for pedestrian access meeting the Seattle Building Code, Chapter 11 -- Accessibility, do not qualify as residential amenity areas;

4. Swimming pools may be counted toward meeting the residential amenity requirement.

5. Common amenity areas shall have a minimum horizontal dimension of at least 10 feet, and no common amenity area may be less than 250 square feet;

6. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to subsection 23.57.011.C, do not qualify as residential amenity areas.

C. No residential amenity area is required for an additional dwelling unit added to an existing multifamily structure.

Section 37. Sections 23.45.057 and 23.45.073 of the Seattle Municipal Code, relating to MR and HR landscaping and screening standards, which sections were last amended by Ordinance 121477, and as shown in Attachment A, are repealed.

Section 38. A new Section 23.45.524 of the Seattle Municipal Code is added as follows:

23.45.524 Landscaping and screening standards in Midrise and Highrise zones

A. Landscaping requirements.

1. Standards. All landscaping provided to meet requirements under this Section 23.45.524 must meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. The Director may promulgate standards relating to landscaping matters that may include, but are not limited to, the type and size of plants, number of plants, concentration of plants, depths of soil, use of drought-tolerant plants, and access to light and air for plants.

2. Green Factor Requirement. Landscaping that achieves a Green Factor score of 0.5 or greater, determined as set forth in Section 23.86.019, is required for any new development in Midrise and Highrise zones.

B. Street tree requirements.

1. Street trees are required when any type of development is proposed, except as provided in subsection 23.45.524.B.2 below and Section 23.53.015. Existing street trees shall be retained unless the Director of the Seattle Department of Transportation approves their removal. The Director, in consultation with the Director of the Seattle Department of Transportation, will determine the number, type, and placement of additional street trees to be provided in order to:

a. improve public safety;

b. promote compatibility with existing street trees;

c. match trees to the available space in the planting strip;

d. maintain and expand the urban forest canopy;

e. encourage healthy growth through appropriate spacing;

f. protect utilities; and

g. allow access to the street, buildings and lot.

2. Exceptions to street tree requirements.

a. If a lot borders an unopened right-of-way, the Director may reduce or waive the street tree requirement along that right- of-way as a Type I decision if, after consultation with the Director of the Seattle Department of Transportation, the Director determines that the right-of-way is unlikely to be opened or improved.

b. Street trees are not required for any of the following:

1) establishing, constructing, or modifying single-family dwelling units;

2) changing a use or establishing a temporary use or intermittent use;

3) expanding a structure by 1,000 square feet or less; or

4) expanding surface area parking by less than 10 percent in area and less than 10 percent in number of spaces.

c. When an existing structure is proposed to be expanded by more than 1,000 square feet, one street tree is required for each 500 square feet over the first 1,000 square feet of additional structure, up to the maximum number of trees that would be required for new construction.

3. If it is not feasible to plant street trees in a right-of- way planting strip, a 5 foot setback shall be planted with street

trees along the street lot line or landscaping other than trees shall be provided in the planting strip, subject to approval by the Director of the Seattle Department of Transportation. If, according to the Director of the Department of Transportation, a 5 foot setback or landscaped planting strip is not feasible, the Director may reduce or waive this requirement as a Type I decision.

C. Screening of parking.

1. Parking must be screened from direct street view by the front facade of a structure, by garage doors, or by a fence or wall between 4 feet and 6 feet in height. When the fence or wall parallels a street, a minimum 3 foot deep landscaped area is required on the street side of the fence or wall. The screening may not be located within any required sight triangle.

2. The height of the visual barrier created by the screen required in subsection 23.45.524.C.1 shall be measured from the elevation of the curb or street if no curb is present. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of 3 feet in height.

Section 39. A new Section 23.45.526 of the Seattle Municipal Code is added as follows:

23.45.526 LEED, Built Green, and Evergreen Sustainable Development Standards

A. Applicants for all new development gaining extra residential floor area, pursuant to this Chapter 23.45, except additions and alterations, shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, as defined in subsection 23.45.526.D, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS).

B. 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 a Built Green 4-star rating, or met the ESDS, provided that no rule may 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. The applicant shall demonstrate to the Director the extent to which the applicant has complied with the commitment to meet the green building performance standards no later than 90 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. Performance is demonstrated through an independent report from a third party, pursuant to Section 23.90.018.D.

D. For purposes of this Section 23.45.526:

1. LEED Silver, Built Green 4-star or Evergreen Sustainable Development Standard rating means a level of performance for a structure that earns at least the minimum number of credits specified to achieve one of the following: a. A silver certificate either for LEED for New Construction Version 2009 or for LEED for Homes Version 2008 with 2009 errata, at the election of the applicant, according to the criteria in the U.S. Green Building Council's LEED Green Building Rating System; b. A 4-Star rating either for Built Green Multi-Family Version 2008 or Built Green Single-Family/Townhome New Construction Version 2007, at the election of the applicant, according to the criteria in the Master Builders Association of King and Snohomish Counties Rating System; c. Evergreen Sustainable Development Standard Version 1.2 according to the State of Washington Department of Commerce Rating System; 2. Copies of the rating systems listed in subsection 23.45.526.D.1 are filed with the City Clerk in C.F. 310286, and incorporated by reference.

Section 40. Section 23.45.110 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended and recodified as follows:

~~23.45.110 Ground-floor business and commercial use in Midrise and Highrise zones.~~ 23.45.532 Standards for ground floor commercial uses in MR and HR zones

~~Certain commercial uses shall be permitted outright on the ground floor of multifamily structures in Midrise and Highrise zones under the following conditions. These provisions shall not apply to Midrise and Highrise zones which have been designated Residential-Commercial on the Official Land Use Map.~~

~~A. Location.~~

~~1. In Midrise Zones, the use may be located only within a one (1) block radius of a commercial zone.~~

~~2. In Highrise Zones, the use may be located anywhere in the zone.~~

~~3. The commercial use may be located only on the ground floor of a multifamily structure. On sloping sites, the commercial use may be located at more than one (1) level within the structure as long as the commercial area does not exceed the area of the structure's footprint (Exhibit 23.45.110 A.)~~

~~B. Permitted Commercial Uses. The following uses are permitted as ground-floor commercial uses in Midrise and Highrise zones:~~

~~1. Sales and services, general;~~

~~2. Medical services;~~

~~3. Restaurants;~~

~~4. Business support services;~~

~~5. Offices;~~

~~6. Food processing and craft work; and~~

~~7. Retail sales, major durables.~~

~~C. Ground-floor commercial uses shall meet the following standards:~~

~~1. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed structure, except for off-street vehicle parking and off-street loading. All goods produced shall be sold at retail on the premises where produced.~~

~~2. The maximum gross floor area of any one (1) business enterprise shall be no greater than four thousand (4,000) square feet, except that the maximum gross floor area of a multi-purpose convenience store shall be ten thousand (10,000) square feet.~~

~~3. Processes and equipment employed and goods processed or sold shall be limited to those which do not produce noticeable odors, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste.~~

~~4. Parking shall be required as provided in Chapter 23.54.~~

~~5. No loading berths shall be required for ground-floor commercial uses. If provided, loading berths shall be located so that access to residential parking is not blocked.~~

~~6. Identifying signs shall be permitted according to Chapter 23.55, Signs.~~

A. All ground-floor commercial uses permitted pursuant to Section 23.45.504, except medical service uses permitted pursuant to Section 23.45.506, shall meet the following conditions:

1. The commercial use is permitted only on the ground floor of a structure. On sloping lots, the commercial use may be located at more than one level within the structure as long as the floor area in commercial use does not exceed the area of the structure's footprint. See Exhibit A for 23.45.532.

Exhibit A for 23.45.532

2. The gross floor area of any one business establishment can be no greater than 4,000 square feet, except that the gross floor area of a multi-purpose retail sales establishment may be up to 10,000 square feet.

B. No loading berths are required for ground-floor commercial uses. If provided, loading berths shall be located so that access to residential parking is not blocked.

C. Identifying business signs are permitted pursuant to Chapter 23.55, Signs.

Section 41. Sections 23.45.059 of the Seattle Municipal Code, which Section was enacted by Ordinance 114046, is amended and recodified as follows:

~~23.45.059 Midrise--Light and -are standards.~~ 23.45.534 Light and glare standards in Midrise and Highrise zones

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two ~~(2)~~vehicles shall be screened from adjacent properties by a fence or wall between ~~five (5)~~ 5 feet and ~~six (6)~~ 6 feet in height, or a solid evergreen hedge or landscaped berm at least ~~five (5)~~ 5 feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of ~~three (3)~~ 3 feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

Section 42. Section 23.45.075 of the Seattle Municipal Code, relating to HR light and glare standards, which section was last amended by Ordinance 114046, and as shown in Attachment A, is repealed.

Section 43. Section 23.45.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 118794 is amended and recodified as follows:

~~23.45.060 Midrise--Parking an-access.~~ 23.45.536 Parking and access in MR and HR zones

A. ~~Parking Quantity. Parking shall be required as provided in Chapter 23.54.~~ Off-street parking spaces are required pursuant to Chapter 23.54.

B. Location of parking.

1. Parking shall be located between a structure and a lot line that is not a street lot line, in a structure or under a structure, or in any combination of these locations, unless otherwise provided in subsections B.2 or B.3 of this Section 23.45.536.

2. On a through lot, parking may be located between the structure and one front lot line; except that on lots 125 feet or greater in depth, parking shall not be located in either front setback. The frontage in which the parking may be located

will be determined by the Director as a Type I decision based on the prevailing character and setback patterns of the block.

3. On waterfront lots in the Shoreline District, parking shall be located between the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep parking away from the edge of the water pursuant to Chapter 23.60, Shoreline District.

~~B~~C. Access to Parking

1. ~~Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030 C. Street access shall not be permitted.~~ Access to parking shall be from an improved alley, but not from the street, or from both the alley and the street, unless the Director permits access from the street according to subsection 23.45.536.D below.

2. If the lot does not abut an improved alley or street, access may be permitted from an easement meeting the provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements.

3. When access is provided to individual garages from the street pursuant to subsection 23.45.536.D, all garage doors facing the street shall be set back 15 feet from the street lot line.

D. Exceptions for parking location and access. The Director may permit an alternate location of parking on the lot or access to off-street parking as a Type I decision based on consideration of the following:

1. whether access would negatively impact public safety by requiring backing onto an arterial street;

2. whether on-street parking capacity is maintained or loss of on-street parking is minimized by measures such as serving two garages with one curb cut;

3. whether, as a result, the project is better integrated with the topography of the lot, such as by providing structured parking below grade or shared parking that reduces the overall impact of parking on the design of the project;

4. whether the siting of development on the lot is improved, allowing for more landscaping or increased Green Factor score and/or amenity areas, and reduced surface parking area; and

5. whether the flow of vehicular or pedestrian traffic is not significantly impacted.

~~2. Street Access Required. Access to parking shall be from the street when:~~

~~a. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;~~

~~b. The lot does not abut a platted alley;~~

~~c. Apartments or terraced housing are proposed across an alley from a Single-family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone.~~

~~3. Street or Alley Access Permitted. Access to parking may be from either the alley or the street when the conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:~~

~~a. Ground-related housing is proposed across the alley from a Single-family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;~~

~~b. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;~~

c. The alley is not improved to the standards of Section 23.53.030 C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter 11 may be from either the street or alley, or both.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use.

2. Parking may be located in or under the structure provided that:

a. For ground-related housing, the parking is screened from direct street view by the street-facing facades of the structure (Exhibit 23.45.060 B), by garage doors, or by a fence and landscaping as provided in Section 23.45.060 D (Exhibit 23.45.060 A);

Exhibit 23.45.060 A

b. For apartments and terrace housing the parking is screened from direct street view by the street-facing facades of the structure. For each permitted curb cut, the facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts (Exhibit 23.45.060 B).

Exhibit 23.45.060 B

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.060 D.

a. Parking may be located between any structures on the same lot.

b. Rear Lot Lines. Parking may be located between any structure and the rear lot line of the lot (Exhibit 23.45.060 C).

Exhibit 23.45.060 C

c. Side Lot Lines. Parking may be located between any structure and a side lot line which is not a street side lot line (Exhibit 23.45.060 C). Where the location between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply (Exhibit 23.45.060 D).

Exhibit 23.45.060 D

d. Front and Street Side Lot Lines. Parking may be located between any structure and the front and street side lot lines provided that:

(1) On a through lot, parking may be located between the structure and one (1) of the front lot lines provided that on lots one hundred twenty-five (125) feet or more in depth, parking shall not be located in either front setback. The frontage in which the parking may be located shall be determined by the Director based on the prevailing character and setback patterns of the block.

(2) For ground-related housing on corner lots, parking may be located between the structure and a street lot line along one (1) street frontage only.

(3) Parking may be located between the front lot line and a portion of a structure provided that:

-- The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty (30) percent of the total width of the structure (Exhibit 23.45.060 D);

-- The parking is not located in the front setback and in no case is closer than fifteen (15) feet to the front lot line.

4. Location of Parking in Special Circumstances.

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street (Exhibit 23.45.060 E).

Exhibit 23.45.060E Parking in a Cluster Development (parking permitted in shaded areas)

Exhibit 23.45.060 E

b. The Director may permit variations from the development standards for parking location and design, and curb cut quantity and width, for lots meeting the following conditions:

(1) Lots proposed for ground-related housing with no feasible alley access and with:

(A) Less than eighty (80) feet of street frontage, or

(B) Lot depth of less than one hundred (100) feet, or

I A rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line; and

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line;

(3) Lots proposed for either ground-related, apartment or terraced housing which are waterfront lots and are developed in accordance with Section 24.60.395, Shoreline Master Program;

(4) On lots meeting the standards listed in subsections C4b(i) through (3), the following variations may be permitted:

(A) Ground-related housing: parking may be located between the structure and the front lot line,

(B) Apartments or terraced housing: parking may be located in or under the structure if screened from direct street view by garage doors or by fencing and landscaping;

(5) In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped street setbacks, unobstructed traffic flow and, where applicable, the objectives of the Shoreline Master Program. In no case shall a curb cut be authorized to exceed thirty (30) feet in width.

DE. Parking shall be screened from all streets and adjacent uses pursuant to Section 23.45.524. Screening of Parking

1. Parking shall be screened from direct street view by the front I of a structure, by garage doors, or by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped area a minimum of three (3) feet deep on the street side of the fence or wall. The screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required in subdivision 1 of this subsection shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a

~~minimum of three (3) feet in height (Exhibit 23.45.060 F).~~

~~Exhibit 23.45.060 F~~

~~3. Screening may also be required to reduce glare from vehicle lights, according to Section 23.45.059, light and glare standards.~~

Section 44. Section 23.45.076 of the Seattle Municipal Code, relating to parking and access standards in HR zones, which section was last amended by Ordinance 118794, and as shown in Attachment A, is repealed.

Section 45. Section 23.45.144 of the Seattle Municipal Code, which section was last amended by Ordinance 110570, is amended and recodified as follows:

~~23.45.144 Swimming pools.~~ 23.45.545 Standards for certain accessory uses

~~Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses subject to the following standards:~~

~~A. Swimming pools may be located in any required setbacks, provided that:~~

~~1. No part of any swimming pool shall project more than eighteen (18) inches above existing grade in a required front setback; and~~

~~2. No swimming pool shall be placed closer than five (5) feet to any front or side lot line.~~

~~B. All pools shall be enclosed with a fence, or located within a yard enclosed by a fence, not less than four (4) feet in height and designed to resist the entrance of children.~~

~~C. Swimming pools may be included in the measurement of required open space.~~

A. Private, permanent swimming pools, hot tubs and other similar uses are permitted in any required setback, provided that:

1. No part of any swimming pools, hot tubs and other similar uses shall project more than 18 inches above existing grade in a required front setback; and

2. No swimming pool shall be placed closer than 5 feet to any front or side lot line.

3. Swimming pools shall be enclosed with a fence, or located within an area enclosed by a fence, not less than 4 feet in height and designed to resist the entrance of children.

B. Solar greenhouses

1. Solar greenhouses attached to and integrated with the principal structure and no more than 12 feet in height are permitted in a required rear setback and may extend a maximum of 6 feet into required front and side setbacks.

2. Such attached solar greenhouses in required setbacks shall be no closer than 3 feet from side lot lines and 8 feet from front lot lines.

3. Such solar greenhouses may be built to a rear lot line that abuts an alley, provided that the greenhouse is no taller than ten feet along the rear lot line, and of no greater average height than 12 feet for a depth of 15 feet from the rear lot line, and the greenhouse is no wider that 50 percent of lot width for a depth of 15 feet from the rear lot line. Otherwise solar greenhouses may be no closer than 5 feet from the rear lot line.

C. Solar collectors that meet minimum written energy conservation standards administered by the Director are permitted in required setbacks, subject to the following:

1. Detached solar collectors are permitted in required rear setbacks, no closer than 5 feet to any other principal or accessory structure.

2. Detached solar collectors are permitted in required side setbacks, no closer than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the side lot line.

3. The area covered or enclosed by solar collectors may be counted toward any open space requirement pursuant to Section 23.45.016 and residential amenity requirement pursuant to Section 23.45.522.

4. Sunshades that provide shade for solar collectors that meet minimum written energy conservation standards administered by the Director may project into southern front or rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer than 3 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade may be no closer than 5 feet to the lot line.

D. Solar Collectors on Roofs. Solar collectors that are located on a roof and meet minimum energy conservation standards administered by the Director are permitted as follows:

1. In Lowrise zones, up to 4 feet above the maximum height limit or 4 feet above the height of elevator penthouse(s), whichever is higher; and

2. In MR and HR zones, up to 10 feet above the applicable height limit or 10 feet above the height of elevator penthouse(s), whichever is higher.

E. Nonconforming Solar Collectors. The Director may permit the installation of solar collectors that meet minimum energy standards and that increase an existing nonconformity as a special exception pursuant to Chapter 23.76. Such an installation may be permitted even if it exceeds the height limits established in Sections 23.45.009 and 23.45.514 when the following conditions are met:

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

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

F. Open wet moorage facilities for residential uses are permitted as an accessory use pursuant to Chapter 23.60, Shoreline District, if only one slip per residential unit is provided.

G. Bed and Breakfast Uses. A bed and breakfast use may be operated under the following conditions:

1. The bed and breakfast use has a business license issued by the Department of Finance;

2. The operation of a bed and breakfast use is conducted within a single dwelling unit;

3. The bed and breakfast use is operated within the principal structure and not in an accessory structure;

4. There shall be no evidence of a bed and breakfast use from the exterior of the structure other than a sign permitted by Section 23.55.022.D.1, so as to preserve the residential appearance of the structure;

5. No more than two people who are not residents of the dwelling may be employed in the operation of a bed and breakfast, whether or not compensated; and

6. Parking is required pursuant to Chapter 23.54.

Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.

H. Heat recovery incinerators, located on the same lot as the principal use, may be permitted by the Director as accessory administrative conditional uses, pursuant to Section 23.45.506.

Section 46. Section 23.45.148 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is recodified as follows:

~~23.45.148~~ 23.45.586 Keeping of animals~~.~~

The keeping of animals is regulated by Section 23.42.052, Keeping of Animals.

Section 47. Section 23.45.152 of the Seattle Municipal Code, which section was last amended by Ordinance 110570, is recodified as follows:

~~23.45.152~~ 23.45.590 Home occupations~~.~~

Home occupations are regulated by Section 23.42.050, Home Occupations.

Section 48. Section 23.45.090 of the Seattle Municipal Code, which section was last amended by Ordinance 115043, is hereby amended and recodified as follows:

~~23.45.090 Institutions - General provisions.~~ 23.45.570 Institutions

~~A. The establishment of new institutions, such as religious facilities, community centers, private schools and child care centers, which meet the development standards of Sections 23.45.092 through 23.45.102, shall be permitted outright in all multifamily zones. Institutions not meeting all the development standards of these sections may be permitted as administrative conditional uses subject to the requirements of Section 23.45.122.~~

A. General Provisions.

1. The establishment of new institutions, such as religious facilities, community centers, private schools, and child care centers in multifamily zones is permitted pursuant to Section 23.45.504.

~~B.~~ 2. Public schools are permitted as regulated in ~~Section 23.45.122~~ Chapter 23.51B.

~~C.~~ 3. If the expansion of an existing institution meets all development standards of ~~Sections 23.45.092 through 23.45.102 it shall be~~ this Chapter 23.45, it is permitted outright. Expansions not meeting development standards may be permitted as administrative conditional uses subject to the requirements of Section 23.45.506. Structural work that does not increase usable floor area or seating capacity and does not exceed the height limit is not considered expansion. Such work includes but is not limited to roof repair or replacement, and construction of uncovered decks and porches, bay windows, dormers, and eaves. The establishment of a child care center in a legally established institution devoted to the care or instruction of children that does not require expansion of the existing structure or violate any condition of approval of the existing institutional use is not considered an expansion of the use. ~~Institutions in the Lowrise Duplex/Triplex zones shall meet the development standards for institutions in Lowrise 1 zones.~~

~~D.~~ 4. The provisions of this Chapter 23.45 ~~chapter shall~~ apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District. ~~All major institutions shall be so designated and their boundaries approved by the Council.~~

B. Institutions located in MR and HR zones shall meet the development standards of the zone, and shall also meet the standards for dispersion and odors in subsections J and H of this Section 23.45.570.

C. Height Limits in Lowrise zones

1. Maximum height limits for institutions are as provided for multifamily residential uses in the applicable zone.

2. In the Lowrise Duplex/Triplex, Lowrise 1, Lowrise 2 and Lowrise 3 zones, for gymnasiums, auditoriums, and wood shops that are accessory to an institution, the maximum permitted height is 35 feet if all portions of the structure above the height limit of the zone are set back at least 20 feet from all property lines. Pitched roofs on the auditorium, gymnasium or wood shop with a slope of not less than 4:12 may extend 10 feet above the 35-foor height limit. No portion of a shed roof on a gymnasium, auditorium or wood shop is permitted to extend beyond 35 feet.

3. In the Lowrise 4 zone, pitched roofs on an auditorium, gymnasium, or wood shop with a slope of not less than 4:12 may extend 10 feet above the 37-foot height limit. No portion of a shed roof is permitted to extend beyond 37 feet.

D. Structure Width in Lowrise zones

1. The maximum permitted width for institutions in Lowrise zones is as shown in Table A for 23.45.570.

Table A for 23.45.570: Width Limits for Institutions in Lowrise zones

Zone	**Maximum Width Without Modulation or Landscaping Option (feet)**	**Maximum Width With Modulation or Landscaping Option (feet)**
Lowrise Duplex/Triplex and Lowrise 1	45 feet	75 feet
Lowrise 2	45 feet	90 feet
Lowrise 3 and Lowrise 4	60 feet	150 feet

2. In order to achieve the maximum width permitted in each zone, institutional structures are required to reduce the appearance of bulk through one of the following options:

a. Modulation Option. Front facades, and side and rear facades facing street lot lines, shall be modulated as shown in Table B for 23.45.570. Any un-modulated portion of the facade may not comprise more than 50 percent of the total facade area; or

Table B for 23.45.570: Width, Height, and Depth of Modulation for Institutions in Lowrise zones

	Minimum depth of modulation in feet	**Minimum height of modulation in feet**	**Minimum width of modulation (feet)**
Lowrise zones	4 feet	5 feet	10 feet or 20% of the total structure width, whichever is greater

b. Green Factor Option. Landscaping that achieves a Green Factor score of .5 or greater, pursuant to the procedures set forth in Section 23.86.019, shall be provided.

E. Structure Depth in Lowrise zones. The maximum permitted depth of institutional structures is 65 percent of lot depth.

F. Setback Requirements in Lowrise zones.

1. Front Setback. The minimum depth of the required front setback is determined by the average of the setbacks of structures on adjoining lots, but is not required to exceed 20 feet. The setback shall not be reduced below an average of 10 feet, and no portion of the structure may be closer than 5 feet to a front lot line.

2. Rear Setback. The minimum rear setback is 10 feet.

3. Side Setback.

a. The minimum side setback is 10 feet from a side lot line that abuts any other residentially zoned lot. A 5 foot setback shall be required in all other cases, except that the minimum side street side setback shall be 10 feet.

b. When the depth of a structure exceeds 65 feet, an additional setback is required for that portion of the structure in excess of 65 feet. This additional setback may be averaged along the entire length of the wall. The side setback requirement for portions of walls subject to this provision shall be provided as shown in Table C for 23.45.570.

Table C for 23.45.570: Side Setback Requirements for Institutional Structures Greater than 65 Feet in Depth in Lowrise zones

Structure Depth in feet	**Setback**				
	up to 20'in height	**Greater than 20' up to 40' in height**	**Greater than 40' up to 60' in height**	**Greater than 60' up to 80' in height**	**Greater than 80' in height**
Up to 70"	12'	14'	16'	18'	--
Greater than 70', up to 80'	13'	15'	17'	19'	21'
Greater than 80", up to 90"	14"	16"	18"	20"	22"
Greater than 90', up to 100'	15'	17'	19'	21'	23'
Greater than 100'	16'	18'	20'	22'	24'

4. Setbacks for Specific Items. The following shall be located at least 20 feet from any abutting residentially zoned lot:

a. Emergency entrances;

b. Main entrance door of the institutional structure;

c. Outdoor play equipment and game courts;

d. Operable window of gymnasium, assembly hall or sanctuary;

e. Garbage and trash disposal mechanism;

f. Kitchen ventilation;

g. Air-conditioning or heating mechanism;

h. Similar mechanisms and features causing noise and/or odors as determined by the Director.

G. Parking.

1. Parking Quantity. Parking and loading is required pursuant to Section 23.54.015.

2. Location of Parking. Parking areas and facilities may be located anywhere on the lot except in the required front setback or side street side setback.

3. Screening of Surface Parking Areas. Surface parking areas for more than five vehicles shall be screened in accordance with the following requirements and the provisions of Section 23.45.524.

a. Screening shall be provided on each side of the parking area which abuts, or faces across a street, alley or access easement, a lot in a residential zone.

b. Screening shall consist of a fence, solid evergreen hedge or wall between 4 and 6 feet in height. Sight triangles must be provided. Fences surrounding sports fields/recreation areas may be 8 feet high. The Director may permit higher fencing when necessary for sports fields.

c. The height of the visual barrier created by the screen required in subsection 23.45.570.G.3 shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of 3 feet in height.

5. Landscaping of Parking. Accessory parking areas for more than 20 vehicles shall be landscaped according to the following requirements:

a. One tree per every five parking spaces is required.

b. Each required tree shall be planted in a landscaped area and shall be 3 feet away from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall protect landscaping, but may include openings to allow movement of stormwater.

c. Hardy evergreen ground cover shall be planted to cover each landscaped area.

d. The trees and landscaped areas shall be located within the parking area to break up large expanses of pavement and cars.

H. Odors. The venting of odors, vapors, smoke, cinders, dust, gas and fumes shall be at least ten feet above finished sidewalk grade, and directed away to the extent possible from residential uses within 50 feet of the vent.

I. Light and Glare.

1. Exterior lighting for institutions shall be shielded or directed away from principal structures on adjacent residential lots.

2. Poles for freestanding exterior lighting are permitted up to a maximum height of 30 feet. Light poles for illumination

of athletic fields on new and existing public school sites will be allowed to exceed 30 feet pursuant to Chapter 23.51B, Public schools.

J. Dispersion. The lot line of any new or expanding institution locating within a legally established institution shall be located 600 feet or more from any lot line of any other institution in a residential zone with the following exceptions:

1. An institution may expand even though it is within 600 feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.

2. A proposed institution may be located less than 600 feet from a lot line of another institution if the Director determines that the intent of dispersion is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, that provide substantial separation from other institutions.

Section 49. Section 23.45.082 of the Seattle Municipal Code, which section was last amended by Ordinance 119238, is amended and recodified as follows:

~~23.45.082 Assisted living facilities use and development standards.~~ 23.45.574 Assisted Living Facilities

A. Assisted living facilities shall be subject to the development standards of the zone in which they are located except ~~as provided below:~~ that density limits and open space and residential amenity requirements do not apply to assisted living facilities.

~~1. Density. Density limits do not apply to assisted living facilities; and~~

~~2. Open Space. Open space requirements do not apply to assisted living facilities.~~

B. Other Requirements.

1. Minimum Unit Size. Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.

2. Facility Kitchen. ~~There shall be provided a~~ An on-site kitchen ~~on-site which services~~ that serves the entire assisted living facility is required.

3. Communal Area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient accommodations for socialization and meeting with friends and family shall be provided:

a. The total amount of communal area shall, at a minimum, equal ~~twenty percent (20%)~~ 20 percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each of the individual units shall be counted, including counters, closets and built-ins, but excluding the bathroom;

b. No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall be counted toward the communal area requirement; and

c. A minimum of ~~four hundred (400)~~ 400 square feet of the required communal area shall be provided outdoors, with no dimension less than ~~ten (10)~~ 10 feet. A departure from the required amount and/or dimension of outdoor communal space may be permitted as part of the design review process, pursuant to Section 23.41.012-.A.

Section 50. Section 23.45.108 of the Seattle Municipal Code, which section was last amended by Ordinance 110793, is amended and recodified as follows:

~~23.45.108~~ 23.45.578 Public or private parks and playgrounds~~.~~

A. The establishment of new or expansion of existing public or private parks and playgrounds, including customary structures and activities, shall be permitted out-right in all multifamily zones. ~~Garages and service or storage areas accessory to parks shall be located one hundred (100) feet or more from any other lot in a residential zone and shall be screened from view from such lot.~~

B. The following accessory uses shall be permitted in any park or playground if located within a structure or on a terrace abutting the structure. If located within 100 feet from any lot in a residential zone the use shall be completely enclosed.

1. The sale and consumption of beer during daylight hours;

2. The sale and consumption of alcoholic beverages under a Class H liquor license at municipal golf courses during established hours of operation.

C. Storage structures and areas and other structures and activities customarily associated with parks and playgrounds are subject to the following development standards in addition to the general development standards for accessory uses:

1. Any active play area shall be located 30 feet or more from any lot in a single-family zone.

2. Garages and service or storage areas shall be screened from view from abutting lots in residential zones.

Section 51. Sections 23.45.080 and 23.45.088, which relate to certain permitted principal uses in multifamily zones and which Sections were last amended by Ordinances 117202; Sections 23.45.092, 23.45.094, 23.45.096, 23.45.098, 23.45.100 and 23.45.102, which relate to institutions in multifamily zones, and which sections were last amended by Ordinances 115043, 120794 and 114875, respectively; Section 23.45.112, relating to public schools in multifamily zones, which section was last amended by Ordinance 121477; Sections 23.45.122, 23.45.124, 23.45.126 and 23.45.128, which relate to certain administrative conditional uses in multifamily zones, and which sections were last amended by Ordinances 115002, 122311, 115070 and 123025 respectively; and Sections 23.45.140, 23.45.142, 23.45.146, 23.45.150, 23.45.154, 23.45.160, 23.45.162, 23.45.164, and 23.45.166, which related to accessory uses in multifamily zones, which sections were last amended by Ordinances 113978, 110570, 115043, 118794, 123046 and 120117, respectively; which are all sections of the Seattle Municipal Code and are shown in Attachment A, are repealed.

Section 52. Footnote 10 to Table A for Section 23.47A.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:~~~~NOTES

* * *

(10) Residential uses are conditional uses in C2 zones under Section 23.47A.006 ~~B3~~.A.3, except as otherwise provided above in Table A or in that section.

* * *

Section 53. Section 23.47A.006 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.47A.006 Conditional uses.

~~A. All conditional uses are subject to the procedures described in Chapter 23.76, Master Use Permits and Council Land Use Decisions, and must not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. In authorizing a conditional use, the Director or City Council may require that adverse impacts be mitigated by imposing any conditions to protect other properties in the zone or vicinity, to compensate for impacts, and to protect the public interest. The Director shall deny or recommend denial of a~~

~~conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily.~~

~~B~~ A. The following uses, where identified as administrative conditional uses on Table A for Section 23.47A.004, or other ~~features of development~~ uses identified in this Section 23.47A.004, may be permitted by the Director when the provisions of both ~~subsection 23.47A.006.A~~ Section 23.42.042 and this subsection 23.47A.004.B are met ~~subject to the further provisions of this subsection~~:

1. Drinking establishments. Drinking establishments in NC1 and NC2 zones may be permitted as a conditional use subject to the following ~~conditions or criteria~~:

a. The size of the drinking establishment, design of the structure, signing and illumination must be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking must be compatible with adjacent residential zones.

c. Special consideration will be given to the location and design of the doors and windows of drinking establishments to help ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings where the drinking establishment is located on a lot that abuts or is across from a residential zone.

d. Drinking establishments must not generate traffic that creates traffic congestion or further worsens spillover parking on residential streets.

2. Park-and-ride lots. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses subject to the following ~~conditions or criteria~~:

a. The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

b. If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there must be no substantial conflict in the principal operating hours of the park-and-ride lot and other uses on the lot.

c. The Director may require landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access control, signage restrictions, and other measures to provide comfort and safety for pedestrians and bicyclists and to ensure the compatibility of the park-and-ride lot with the surrounding area.

3. Residential Uses in C2 zones.

a. Residential uses may be permitted in C2 zones as a conditional use subject to the following criteria:

~~(~~1) The residential use generally should not be located in an area with direct access to major transportation systems such as freeways, state routes and freight rail lines.

~~(~~2) The residential use generally should not be located in close proximity to industrial areas and/or nonresidential uses or devices that have the potential to create a nuisance or adversely affect the desirability of the area for living purposes as indicated by one of the following:

~~(a)~~i. The nonresidential use is prohibited in the NC3 zone;

~~(b)~~ii. The nonresidential use or device is classified as a major noise generator; or

~~(c)~~iii. The nonresidential use is classified as a major odor source.

~~(~~3) In making a determination to permit or prohibit residential uses in C2 zones, the Director shall take the following factors into account:

~~(a)~~i. The distance between the lot in question and major transportation systems and potential nuisances;

~~(b)~~ii. The presence of physical buffers between the lot in question and major transportation systems and potential nuisance uses;

~~(c)~~iii. The potential cumulative impacts of residential uses on the availability for nonresidential uses of land near major transportation systems; and

~~(d)~~iv. The number, size and cumulative impacts of potential nuisances on the proposed residential uses.

b. Residential uses required to obtain a shoreline conditional use permit are not required to obtain an administrative conditional use permit.

c. Additions to, ~~or on-site~~ and accessory structures on the same lot as ~~for~~, existing residential structures are permitted outright.

4. Medical service uses. Medical service uses over ~~ten thousand (~~10,000~~)~~ square feet, outside but within ~~two thousand five hundred (~~2,500~~)~~ feet of a medical Major Institution overlay district boundary, may be approved as administrative conditional uses, except that they are permitted outright if included in an adopted master plan or dedicated to veterinary services. In order to approve a medical service use under this subsection, the Director must determine that an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. The following factors will be used in making this determination:

a. Whether the amount of medical service uses existing and proposed in the vicinity would result in an area containing a concentration of medical services with few other uses; and

b. Whether medical service uses would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of general sales and services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

5. Change of One Nonconforming Use to Another. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

a. New uses are limited to those permitted in the next more intensive zone;

b. The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two ~~(2)~~ uses, and how these impacts could be mitigated~~.~~; and

c. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

6. Lodging uses in NC2 zones. Lodging uses in NC2 zones are permitted up to 25,000 ~~sq. ft.~~ square feet, when all of the following conditions are met, except that bed and breakfasts in existing structures are permitted outright with no maximum size limit:

a. The lodging use contains no more than 50 units;

b. The proposed development is subjected to City design review, whether required by ~~SMC~~ Chapter 23.41 or not;

c. The design of the development, including but not limited to signing and illumination, is compatible with surrounding commercial areas; and

d. Auto access is via an arterial street that does not draw traffic through primarily residentially zoned areas.

~~C.~~ B. The following uses, identified as Council Conditional Uses on Table A of Section 23.47A.004, may be permitted by the Council when the ~~conditions of subsection A of this section~~ provisions of Section 23.42.042 are met, subject to the following additional provisions:

1. In C1 and C2 zones, new bus bases for ~~one hundred fifty (~~150~~)~~ or fewer buses, and existing bus bases that are proposed to be expanded to accommodate additional buses, according to the following standards and criteria.

a. The bus base has vehicular access, suitable for use by buses, to a designated arterial improved to City standards; and

b. The lot includes adequate buffering from the surrounding area and the impacts created by the bus base have been effectively mitigated.

c. The Council may require mitigating measures, which may include, but are not limited to:

~~(~~1) Noise mitigation,

~~(~~2) An employee ridesharing program,

~~(~~3) Landscaping and screening,

~~(~~4) Odor mitigation,

~~(~~5) Vehicular access controls, and

~~(~~6) Other measures to ensure the compatibility of the bus base with the surrounding area.

2. Helistops in NC3, C1 and C2 zones as accessory uses, according to the following ~~standards and criteria~~:

a. The helistop is used solely for the takeoff and landing of helicopters serving public safety, news gathering or emergency medical care functions; is a public facility that is part of a City and regional transportation plan approved by the City Council; 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.

b. The helistop is located so as to minimize impacts on surrounding areas.

c. The lot includes sufficient buffering of the operations of the helistop from the surrounding area.

d. Open areas and landing pads are hard-surfaced.

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

3. Work-release centers in all NC zones and C zones, according to the following standards and criteria:

a. Maximum Number of Residents. No work-release center may house more than ~~fifty~~ ~~(~~50~~)~~ persons, excluding resident staff.

b. Dispersion Criteria.

~~(~~1) Each lot line of any new or expanding work-release center must be located ~~six hundred)~~600~~)~~ feet or more from any residential zone, any lot line of any assisted living facility, congregate residence, domestic violence shelter or nursing home, and any lot line of any school.

~~(~~2) Each lot line of any new or expanding work-release center must be located one ~~(1)~~ mile or more from any lot line of

any other work-release center.

c. The Council's decision shall be based on the following criteria, after review by the Director and the Seattle Police Department:

(1) The applicant must demonstrate the need for the new or expanding facility in the City;

(2) The applicant must demonstrate that the facility can be made secure through a security plan to appropriately monitor and control residents, through a staffing plan for the facility, and through compliance with the security standards of the American Corrections Association;

(3) Proposed lighting must be located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure that security is maintained;

(4) The facility's landscape plan must meet the requirements of the zone while allowing visual supervision of the residents of the facility;

(5) Appropriate measures must be taken to minimize noise impacts on surrounding properties;

(6) The impacts of traffic and parking must be mitigated;

(7) The facility must be well-served by public transportation or the facility must demonstrate a commitment to a program of encouraging the use of public or private mass transportation;

(8) Verification from the Department of Corrections (DOC) must be provided that the proposed work-release center meets DOC standards for such facilities and that the facility will meet state laws and requirements.

~~D. Any authorized conditional use that has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:~~

~~1. A permit to change the use of the property has been issued and the new use has been established; or~~

~~2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months. Property that is vacant, or that is used only for dead storage of materials or equipment, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure shall not be considered discontinued unless all portions of the structure are either vacant or devoted to another use.~~

Section 54. Subsection B, Table B, and footnote 1 to Table C of Section 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.54.015 Parking~~.~~

* * *

B. ~~Exceptions to Required~~ Parking <u>requirements for specific zones</u>

1. Parking in downtown zones is regulated by Section 23.49.019 and not by this ~~s~~<u>S</u>ection <u>23.54.015</u>;

2. ~~No parking for motor vehicles is required for uses in commercial zones in urban centers or in commercial zones in the Station Area Overlay District, except that parking for fleet vehicles is required;~~

~~3.~~ Parking for major institution uses in major institution overlay zones is regulated by Section 23.54.016 and not by this Section 23.54015; and

~~4~~3. Parking for motor vehicles for uses located in the Northgate Overlay District is regulated by Section 23.71.016 and not by this Section 23.54015.~~; and~~

~~5. No parking is required for business establishments permitted in multifamily zones.~~

* * *

Table B for Section23.54.015 PARKING FOR RESIDENTIAL USES	
Use	**Minimum parking required**
A. General Residential Uses	
A. Adult family homes	1 space for each dwelling unit
B. Artist"s studio/dwellings	1 space for each dwelling unit
C. Assisted living facilities	1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space
D. Caretaker"s Quarters	1 space for each dwelling unit
E. Congregate residences	1 space for each 4 residents
F. Floating homes	1 space for each dwelling unit
G. Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
H. Multifamily ((~~structures~~)) residential uses, except as provided in Sections B or C of this ((~~table~~)) Table B for Section 23.54.015. (1)	((~~Lots containing:~~ ~~2—10 dwelling units: 1.1 spaces for each dwelling unit~~ ~~11—30 dwelling units: 1.15 spaces for each dwelling unit~~ ~~31—60 dwelling units: 1.2 spaces for each dwelling unit~~ ~~More than 60 dwelling units: 1.25 spaces for each dwelling unit~~ ~~In addition, for all multifamily structures whose average gross floor area per dwelling unit, excluding decks and all portions of a structure shared by multiple dwelling units, exceeds 500 square feet, an additional .0002 spaces per square foot in excess of 500 shall be required up to a maximum additional .15 spaces per dwelling unit; and~~ ~~When at least 50 percent of the dwelling units in a multifamily structure have 3 bedrooms an additional.25 spaces per bedroom for each unit with 3 bedrooms; and~~ ~~When a multifamily structure contains a dwelling unit with 4 or more bedrooms, an additional .25 spaces per bedroom for each unit with 4 or more bedrooms~~)) 1 space per dwelling unit.

I. Nursing homes (2)	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
J. Single-family ((~~dwelling unit~~)) residences	1 space for each dwelling unit
B. Residential ((~~or Multifamily~~)) Use Requirements with Location Criteria	
K. Residential uses in commercial and multifamily zones within urban centers ((~~and~~)) or within the Station Area Overlay District (1)	No minimum requirement
((~~L.Residential uses in commercial zones. (1)~~))	((~~1 space for each dwelling unit~~))
((~~M.~~)) L. Multifamily ((~~structures~~)) residential uses within the University of Washington parking impact area shown on Map A for 23.54.015 (1)	1 space per dwelling unit ((F))for dwelling units with ((less)) fewer than two bedrooms; plus((~~, as required in row H.~~)) 1.5 spaces per dwelling units with 2 or more bedrooms; plus .25 spaces per bedroom for dwelling units with 3 or more bedrooms
((~~N.Multifamily structures within multifamily zones in the University District Northwest Urban Center Village (1)~~))	((1 space for each dwelling unit with 2 or fewer bedrooms; 1.5 spaces for each dwelling unit with 3 or more bedrooms, plus .25 spaces for each bedroom in dwelling units with more than 3 bedrooms))
((~~O.~~)) M. Multifamily ((~~structures,~~)) dwelling units within the Alki area shown on Map B for Section 23.54.015 ((~~following this section~~)) (1)	1.5 spaces for each dwelling unit
((~~P. Multifamily structures, on lots that contain a total of 10 or fewer dwelling units, all in ground- related structures, except within the University District Northwest Urban Center Village(1)~~))	((~~1 space for each dwelling unit~~))
((~~Q. Multifamily structures, within multifamily zones in the Capitol Hill Urban Center Village(1)~~))	((~~1 space for each dwelling unit~~))
((~~R. Multifamily structures, within multifamily zones in the First Hill or Pike/Pine Urban Center Villages(1)~~))	((~~0.5 spaces for each dwelling unit~~))
C. Multifamily Requirements with Income Criteria or Location Criteria and Income Criteria	
((~~S. Multifamily structures located in multifamily zones in the Capitol Hill, First Hill, Pike/Pine, South Lake Union, 12th Avenue and Uptown Urban Center Villages: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income(3), for the life of the building(1)~~))	((~~0.33 space for each dwelling unit with 2 or fewer bedrooms, and 0.5 space for each dwelling unit with 3 or more bedrooms~~))
((~~T. Multifamily structures located in~~	((~~0.5 space for each dwelling unit with 2 or fewer~~

~~multifamily zones in the Capitol Hill, South Lake Union, 12th Avenue and Uptown Urban Center Villages: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income(3), for the life of the building(1)~~))	~~bedrooms, and~~ ~~1 space for each dwelling unit with 3 or more bedrooms~~))
((~~U. Multifamily structures located outside of commercial zones in urban centers: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income(3), for the life of the building(1)~~))	((~~0.33 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms~~))
((~~V. Multifamily structures located outside of commercial zones in urban centers: for each dwelling unit with 2 or fewer bedrooms rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income(3), for the life of the building(1)~~))	((~~0.75 spaces for each dwelling unit~~))
((~~W.~~)) N. Low-income elderly multifamily ((~~structures~~)) residential uses (1) (3) not located in urban centers or within the Station Area Overlay District	1 space for each 6 dwelling units
((~~X.~~)) O. Low-income disabled multifamily ((~~structures~~)) residential uses (1) (3) not located in urban centers or within the Station Area Overlay District	1 space for each 4 dwelling units
((~~Y~~)) P. Low-income elderly/low-income disabled multifamily ((~~structures~~)) residential uses (1) (4) not located in urban centers or within in the Station Area Overlay District	1 space for each 5 dwelling units
(1) The general requirement((~~s~~)) of line H of Table B for multifamily ((~~structures~~)) residential uses ((~~are~~)) is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other ((~~multifamily~~)) provision. To the extent that a multifamily ((~~structure~~)) residential use fits within more than one line in Table B, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section B of Table B requires more parking than line H, the parking requirement in line H does not apply. The different parking requirements listed for certain categories of multifamily ((~~structures~~)) residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23. (2) For development within single family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may, as a Type I decision, reduce the requirement. The Director shall specify the parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements	

shall be met.

(3) Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily residential use ((~~or structure~~)), if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Office of Records and Elections a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.

~~Exhibit for Chart A, Section~~ Map A for 23.54.015:

~~Map A -~~ University District Parking Impact Area

Map A

~~Exhibit for Chart B, Section~~ Map B for 23.54.015:

~~Map B -~~ Alki Area Parking Overlay

Map B

* * *

[Footnote (1) to Chart C for Section 23.54.015]

(1) When this use is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.~~122~~570. The Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.

* * *

Section 55. Subsections A, C, and F of Section 23.54.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows, and new subsections M and N are added to read as follows:

23.54.020 Parking quantity exceptions.

The parking quantity exceptions set forth in this section 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.

A. Adding Units to Existing Structures in Multifamily and Commercial Zones.

1. For the purposes of this ~~s~~Section 23.54.020 , "existing structures" means those structures that were established under permit, or for which a permit has been granted and has not expired as of the applicable date, as follows:

a. In multifamily zones, August 10, 1982;

b. In commercial zones, June 9, 1986.

2. ~~If an existing residential structure in a multifamily or commercial zone has parking that meets the development standards, and the lot area is not increased, one (1) unit may be added without additional parking. If two (2) units are added, one (1) space will be required; three (3) units will require two (2) spaces, etc. Additional parking must meet all development standards for the particular zone.~~ In locations where there is a minimum parking requirement, one dwelling unit may be added to an existing structure in a multifamily or commercial zone without additional parking if both of the following requirements are met:

a. Either the existing parking provided on the lot meets development standards, or the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical; and

b. Any additional parking shall meet all development standards for the zone.

~~3. In a Lowrise Duplex/Triplex zone:~~

~~a. When an existing residential structure provides less than one (1) parking space per unit, one (1) parking space is required for each additional dwelling unit when dwelling units are added to the structure or the structure is altered to create additional dwelling units;~~

~~b. When an existing nonresidential structure is partially or completely converted to residential use, then no parking space shall be required for the first new dwelling unit, provided that the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical.~~

~~Additional parking provided shall meet all development standards for the Lowrise Duplex/Triplex zone.~~

3. In locations where there is a minimum parking requirement, the Director may authorize a reduction or waiver of the parking requirement as a Type I decision when dwelling units are proposed to be added to an existing structure in a multifamily or commercial zone, in addition to the exception permitted in subsection 23.54.020.A.2, if the conditions in subsections 23.54.020.A.3.a and b below are met, and either of the conditions in subsections 23.54.020.A.3.c or d below are met:

a. The only use of the structure will be residential; and

b. The lot is not located in either the University District Parking Overlay Area (Map A for 23.54.015) or the Alki Area Parking Overlay (Map B for 23.54.015); and

c. The topography of the lot or location of existing structures makes provision of an off-street parking space physically infeasible in a conforming location; or

d. The lot is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all lot lines.

~~4. If an existing structure does not conform to the development standards for parking, or is occupied by a nonconforming use, no parking space is required for the first new or added dwelling unit, provided:~~

~~a. The lot area is not increased and existing parking is screened and landscaped to the greatest extent practical.~~

~~b. Additional parking provided shall meet all development standards for the particular zone.~~

~~c. This exception shall~~ does ~~not apply in Lowrise Duplex/Triplex zones.~~

* * *

C. Parking Exception for Landmark Structures. The Director may reduce or waive the minimum accessory off-street parking requirements for a use permitted in a Landmark structure, or when a Landmark structure is completely

converted to residential use according to Sections 23.42.108 or 23.45.~~006~~506, or for a use in a Landmark district that is located in a commercial zone, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

1. In making any such reduction or waiver, the Director will assess area parking needs. The Director may require a survey of on- and off-street parking availability. The Director may take into account the level of transit service in the immediate area; the probable relative importance of walk-in traffic; proposals by the applicant to encourage carpooling or transit use by employees; hours of operation; and any other factor or factors considered relevant in determining parking impact.

2. The Director may also consider the types and scale of uses proposed or practical in the Landmark structure, and the controls imposed by the Landmark designation.

3. Such a reduction or waiver may be allowed, for conversion of structures to residential use, only if the Director also determines that there is no feasible way to meet parking requirements on the lot.

* * *

F. Reductions to Minimum Parking Requirements.

1. Reductions to minimum parking requirements permitted by this subsection 23.54.020.F will be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to required parking as provided in this subsection may not exceed 40 percent.

2. Transit Reduction.

a. In multifamily and commercial ~~NC~~ zones ~~and C zones, except pedestrian-designated zones, and in the Seattle Mixed (SM) zone, except on Class 1 Pedestrian Streets~~, the minimum parking requirement for ~~a nonresidential use, except institutions,~~ all uses may be reduced by 20 percent when the use is located within 800 feet of a street with midday transit service headways of 15 minutes or less in each direction. This distance will be the walking distance measured from the nearest bus stop to the ~~property~~ lot line of the lot containing the use.

~~b. In NC, C and SM zones, any minimum parking requirement for a residential use may be reduced by 20 percent when the use is located within 800 feet of a street with midday transit service headways of 15 minutes or less in each direction. This distance will be the walking distance measured from the nearest bus stop to the property line of the lot containing the use.~~

~~c.~~b. In industrial zones, the minimum parking requirement for a nonresidential use may be reduced by 15 percent when the use is located within 800 feet of a street with peak transit service headways of 15 minutes or less in each direction. This distance will be the walking distance measured from the nearest bus stop to the ~~property~~ lot line of the lot containing the use.

3. For new or expanding offices or manufacturing uses that require 40 or more parking spaces, the minimum parking requirement may be reduced by up to a maximum of 40 percent by the substitution of alternative transportation programs, according to the following provisions:

a. For every certified carpool space accompanied by a cash fee, performance bond or alternative guarantee acceptable to the Director, the total parking requirement will be reduced by 1.9 spaces, up to a maximum of 40 percent of the parking requirement. The Director will consult with the Director of the Seattle ~~Rideshare Office~~ Department of Transportation in certifying carpool spaces and the location of carpool parking.

b. For every certified vanpool purchased or leased by the applicant for employee use, or equivalent cash fee for purchase of a van by the public ridesharing agency, the total parking requirement will be reduced by six spaces, up to a maximum of 20 percent of the parking requirement. Before a certificate of occupancy may be issued, details of the

vanpool program shall be specified in a Memorandum of Agreement executed between the proponent, the Director, and the Director of the Seattle ~~Rideshare Office~~ Department of Transportation.

c. If transit or transportation passes are provided with a 50 percent or greater cost reduction to all employees in a proposed structure for the duration of the business establishment(s) within it, or 5 years, whichever is less, and if transit service is located within 800 feet, the parking requirement shall be reduced by 10 percent. With a 25 percent to 49 percent cost reduction, and if transit service is located within 800 feet, the parking requirement shall be reduced by 5 percent.

d. For every four covered bicycle parking spaces provided, the total parking requirement shall be reduced by one space, up to a maximum of 5 percent of the parking requirement, provided that there is access to an arterial over improved streets.

* * *

M. In urban centers or the Station Area Overlay District, no parking for motor vehicles is required for uses in commercial and multifamily zones, except that parking for fleet vehicles is required pursuant to Section 23.54.035.

N. No parking is required for business establishments permitted in multifamily zones.

Section 56. Section 23.54.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123047, is amended as follows:

23.54.030 Parking standards.

~~On lots subject to this Code, all p~~Parking spaces required by Section 23.54.015, and required barrier-free parking, shall ~~provided must~~ meet the ~~following~~ standards of this Section 23.54.030. ~~whether or not the spaces are required by this Code~~ Parking for residential uses provided in excess of the quantity required by Section 23.54.015 is exempt from the requirements of subsections A and B of this Section 23.54.030.

A. Parking Space Dimensions.

1. "Large vehicle" means the minimum size of a large vehicle parking space shall be ~~eight and one-half (8 1/2)~~ 8.5 feet in width and ~~nineteen (19)~~ 19 feet in length.

2. "Medium vehicle" means the minimum size of a medium vehicle parking space shall be ~~eight (8~~ 8 feet in width and ~~sixteen (16)~~ 16 feet in length.

3. "Small vehicle" means the minimum size of a small vehicle parking space shall be ~~seven and one-half (7 1/2)~~ 7.5 feet in width and ~~fifteen (15)~~ 15 feet in length.

4. "Barrier-free parking" means a parking space meeting the following standards:

a. Parking spaces shall not be less than ~~eight (8~~ 8 feet in width and shall have an adjacent access aisle not less than ~~five (5)~~ 5 feet in width. Van-accessible parking spaces shall have an adjacent access aisle not less than ~~eight (8~~ 8 feet in width. Where ~~two (2)~~ 2 adjacent spaces are provided, the access aisle may be shared between the ~~two (2)~~ 2 spaces. Boundaries of access aisles shall be marked so that aisles will not be used as parking space.

b. A minimum length of ~~nineteen (19)~~ 19 feet or when more than one ~~(1)~~ barrier-free parking space is provided, at least one ~~(1)~~ shall have a minimum length of ~~nineteen (19)~~ 19 feet, and other spaces may be the lengths of small, medium or large spaces in approximate proportion to the number of each size space provided on the lot.

5. "Tandem parking" means a parking space equal to the width and ~~two (2)~~ 2 times the length of the vehicle size standards in subsections 23.54.030.A.1, A2, and A3 for the size of the vehicle to be accommodated.

6. Columns or other structural elements may encroach into the parking space a maximum of ~~six (6)~~ 6 inches on a side, except in the area for car door opening, ~~five (5)~~ 5 feet from the longitudinal centerline or ~~four (4)~~ 4 feet from the transverse centerline of a parking space see Exhibit A for 23.54.030 ~~A)~~.

Exhibit A for 23.54.030:~~Encroachments into Required Parking Space

No wall, post, guardrail, or other obstruction, or ~~property~~ lot line, shall be permitted within the area for car door opening.

7. If the parking space is next to a ~~property~~ lot line, the minimum width of the space shall be ~~nine (9)~~ 9 feet.

B. Parking Space Requirements. The required size of parking spaces shall be determined by whether the parking is for a residential, nonresidential or live-work use. In structures containing both residential and either nonresidential uses or live-work units, parking that is clearly set aside and reserved for residential use shall meet the standards of subsection 23.54.030.B.1; otherwise, all parking for the structure shall meet the standards of subsection 23.54.030.B. 2.

1. Residential Uses.

a. When five ~~(5)~~ or fewer parking spaces are provided, the minimum required size of a parking space shall be for a medium car, as described in subsection A2 of this ~~s~~Section 23.54.030, except as provided in subsection 23.54.030.B.1.d.

b. When more than five ~~(5)~~ parking spaces are provided, a minimum of ~~sixty (60)~~ 60 percent of the parking spaces shall be striped for medium vehicles. The minimum size for a medium parking space shall also be the maximum size. Forty ~~(40)~~ percent of the parking spaces may be striped for any size, provided that when parking spaces are striped for large vehicles, the minimum required aisle width shall be as shown for medium vehicles.

c. Assisted Living Facilities. Parking spaces shall be provided as in subsections 23.54.030.B.1.a and B1b above, except that a minimum of two ~~(2)~~ spaces shall be striped for a large vehicle.

d. Townhouses. For an individual garage serving a townhouse unit, the minimum required size of a parking space shall be for a large car, as described in subsection 23.54.030.A.

2. Nonresidential Uses and Live-work Units.

a. When ten ~~(10)~~ or fewer parking spaces are provided, a maximum of ~~twenty-five (25)~~ 25 percent of the parking spaces may be striped for small vehicles. A minimum of ~~seventy- five (75)~~ 75 percent of the spaces shall be striped for large vehicles.

b. When between ~~eleven (11)~~ 11 and ~~nineteen (19)~~ 19 parking spaces are provided, a minimum of ~~twenty-five (25)~~ 25 percent of the parking spaces shall be striped for small vehicles. The minimum required size for these small parking spaces shall also be the maximum size. A maximum of ~~sixty-five (65)~~ 65 percent of the parking spaces may be striped for small vehicles. A minimum of ~~thirty-five (35)~~ 35 percent of the spaces shall be striped for large vehicles.

c. When ~~twenty (20)~~ 20 or more parking spaces are provided, a minimum of ~~thirty-five (35)~~ 35 percent of the parking spaces shall be striped for small vehicles. The minimum required size for small parking spaces shall also be the maximum size. A maximum of ~~sixty-five (65)~~ 65 percent of the parking spaces may be striped for small vehicles. A minimum of ~~thirty-five (35)~~ 35 percent of the spaces shall be striped for large vehicles.

d. The minimum vehicle clearance shall be at least ~~six (6) feet nine (9)~~ 6 feet 9 inches on at least one ~~(1)~~ floor, and there shall be at least one ~~(1)~~ direct entrance from the street that is at least ~~six (6) feet nine (9)~~ 6 feet 9 inches in height for all parking garages accessory to nonresidential uses and live-work units and for all principal use parking garages.

C. Backing Distances and Moving Other Vehicles.

1. Adequate ingress to and egress from all parking spaces shall be provided without having to move another vehicle, except in the case of multiple spaces provided for a single-family dwelling or an accessory dwelling unit associated with a single-family dwelling, or in the case of tandem parking authorized under Section 23.54.020.B.

2. Except for lots with fewer than three ~~(3)~~ parking spaces, ingress to and egress from all parking spaces shall be provided without requiring backing more than ~~fifty (50)~~ 50 feet.

D. Driveways. Driveway requirements for residential and nonresidential uses are described below. When a driveway is used for both residential and nonresidential parking, it shall meet the standards for nonresidential uses described in subsection 23.54.030D.2.

1. Residential Uses.

a. Driveways shall be at least ~~ten (10)~~ 10 feet wide. Driveways with a turning radius of more than ~~thirty-five (35)~~ 35 degrees shall conform to the minimum turning path radius shown in ~~Exhibit 23.54.030 B~~ Exhibit B for 23.54.030.

Exhibit B for 23.54.030: Turning Path Radius

b. Vehicles may back onto a street from a parking area serving five ~~(5)~~ or fewer vehicles, provided that:

~~(~~1) The street is not an arterial as defined in Section 11.18.010 of the Seattle Municipal Code;

~~(~~2) ~~The slope of the driveway does not exceed ten (10) percent in the first twenty (20) feet from the property line; and~~ The slope of a driveway shall be 15 percent on average, measured from high to low points. The ends of a driveway shall be adjusted to accommodate an appropriate crest and sag.

~~(~~3) For one ~~(1)~~ single-family structure, the Director may waive the requirements of subsections 23.54.030.D.1.b.(1) and (2) above, and may modify the parking access standards based upon a safety analysis, addressing visibility, traffic volume and other relevant issues.

c. Driveways less than ~~one hundred (100)~~ 100 feet in length ~~, which~~ that serve ~~thirty (30)~~ 30 or fewer parking spaces, shall be a minimum of ~~ten (10)~~ 10 feet in width for one ~~(1)~~ way or two ~~(2)~~ way traffic.

d. Except for driveways serving one ~~(1)~~ single- family dwelling, driveways more than ~~one hundred (100)~~ 100 feet in length ~~which~~ that serve ~~thirty (30)~~ 30 or fewer parking spaces shall either:

~~(~~1) Be a minimum of ~~sixteen (16)~~ 16 feet wide, tapered over a ~~twenty (20)~~ 20 foot distance to a ~~ten (10)~~ 10 foot opening at the ~~property~~ lot line; or

~~(~~2) Provide a passing area at least ~~twenty (20)~~ 20 feet wide and ~~twenty (20)~~ 20 feet long. The passing area shall begin ~~twenty (20)~~ 20 feet from the ~~property~~ lot line, with an appropriate taper to meet the ~~ten (10)~~ 10 foot opening at the ~~property~~ lot line. If a taper is provided at the other end of the passing area, it shall have a minimum length of ~~twenty (20)~~ 20 feet.

e. Driveways serving more than ~~thirty (30)~~ 30 parking spaces shall provide a minimum ~~ten (10)~~ 10 foot wide driveway for one ~~(1)~~ way traffic or a minimum ~~twenty (20)~~ 20 foot wide driveway for two ~~(2)~~ way traffic.

f. Nonconforming Driveways. The number of parking spaces served by an existing driveway that does not meet the standards of this subsection 23.54.030.D.1 shall not be increased. This prohibition may be waived by the Director after consulting with Seattle Department of Transportation based on a safety analysis.

2. Nonresidential Uses.

a. Driveway Widths.

~~(~~1) The minimum width of driveways for one ~~(1)~~ way traffic shall be ~~twelve (12)~~ 12 feet and the maximum width shall be ~~fifteen (15)~~ 15 feet.

~~(~~2) The minimum width of driveways for two ~~(2)~~ way traffic shall be ~~twenty-two (22)~~ 22 feet and the maximum width shall be ~~twenty-five (25)~~ 25 feet.

b. Driveways shall conform to the minimum turning path radius shown in ~~Exhibit 23.54.030 B~~ Exhibit B for 23.54.030.

~~3. Maximum grade curvature for all driveways shall not exceed the curvature shown in Exhibit 23.54.030 C.~~

~~Exhibit 23.54.030 C~~

~~4.~~ 3. Driveway Slope. No portion of a driveway, whether located on ~~private property~~ a lot or on a right-of- way, shall exceed a slope of ~~twenty (20)~~ 20 percent, except as provided in this subsection 23.54.030D.3. The maximum ~~twenty (20)~~ 20 percent slope shall apply in relation to both the current grade of the right-of-way to which the driveway connects, and to the proposed finished grade of the right-of-way if it is different from the current grade.

The ends of a driveway shall be adjusted to accommodate an appropriate crest and sag. The Director, as a Type I decision, may permit a driveway slope of more than ~~twenty (20)~~ 20 percent if it is found that:

a. The topography or other special characteristic of the lot makes a ~~twenty (20)~~ 20 percent maximum driveway slope infeasible;

b. The additional amount of slope permitted is the least amount necessary to accommodate the conditions of the lot; and

c. The driveway is still useable as access to the lot.

E. Parking Aisles.

1. Parking aisles shall be provided according to the requirements of ~~Exhibit 23.54.030 D~~ Exhibit C for 23.54.030.

Exhibit C for 23.54.030: Parking Aisle Dimensions

2. Minimum aisle widths shall be provided for the largest vehicles served by the aisle.

3. Turning and maneuvering areas shall be located on private property, except that alleys may be credited as aisle space.

4. Aisle slope shall not exceed ~~seventeen (17)~~ 17 percent provided that the Director may permit a greater slope if the criteria in subsections D.4.a, D.4.b, and D.4.c of this ~~s~~Section 23.54.030 are met.

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

1. Residential uses.

a. For lots not located on a principal arterial designated on the Arterial street map, Section 11.18.010, curb cuts are permitted according to Table A for 23.54.030:

Table A for 23.54.030: Curb Cuts for Non-Arterial Street or Easement Frontage

~~Street or Easement Frontage of the Lot~~	~~Number of Curb Cuts Permitted~~
~~0 - 80 feet~~	~~1~~
~~81 – 160 feet~~	~~2~~
~~161 – 240 feet~~	~~3~~
~~241 – 320 feet~~	~~4~~

Street or Easement Frontage of the Lot	Number of Curb Cuts Permitted
80' or less	1
Greater than 80' up to 160"	2
Greater than 160' up to 240'	3
Greater than 240' up to 320'	4

For lots with frontage in excess of 320 feet, the pattern established in Table A for 23.54.030 continues.

b. Curb cuts shall not exceed a maximum width of 10 feet except that:

1) One curb cut greater than 10 feet but in no case greater than 20 feet in width may be substituted for each two curb cuts permitted by subsection 23.54.030F.1.a; and

2) A greater width may be specifically permitted by the development standards in a zone; and

3) If subsection D of this Section 23.54.030 requires a driveway greater than 10 feet in width, the curb cut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on the Arterial street map, Section 11.18.010, curb cuts of a maximum width of 23 feet are permitted on the principal arterial according to Table B for 23.54.030:

Table B for 23.54.030: Curb Cuts for Principal Arterial Street Frontage

~~Street frontage of the lot~~	~~Number of curbcuts permitted~~
~~0 – 160 feet~~	~~1~~
~~161 - 320 feet~~	~~2~~
~~321 – 480 feet~~	~~3~~

Street or Easement Frontage of the Lot	Number of Curb Cuts Permitted
160' or less	1
Greater than 160' up to 320'	2
Greater than 320' up to 480'	3

1) For lots with street frontage in excess of 480 feet, the pattern established in Table B for 23.54.030 continues.

2) On a lot that has both principal arterial and non-principal arterial street frontage, the total number of curb cuts on the principal arterial is calculated using only the length of the street ~~property~~ lot line on the principal arterial.

d. There must be at least 30 feet between any two curb cuts located on a lot.

e. A curb cut 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. If two adjoining lots share a common driveway according to the provisions of Section 23.54.030.D.1, the combined frontage of the two lots ~~shall~~ will be considered as one in determining the maximum number of permitted curb cuts.

2. Nonresidential uses in all zones except industrial zones.

a. Number of Curb cuts.

1) In RC zones and within Major Institution Overlay Districts, two-way curb cuts are permitted according to Table C for 23.54.030:

Table C for 23.54.030: Number of Curb Cuts in RC Zones and Major Institution Overlay Districts

~~Street Frontage of the Lot~~	~~Number of Curb Cuts permitted~~
~~0 – 80 feet~~	~~1~~
~~81 – 240 feet~~	~~2~~
~~241 – 360 feet~~	~~3~~
~~361 – 480 feet~~	~~4~~

Street Frontage of the Lot	Number of Curb cuts Permitted
80 feet or less	1
Greater than 80 feet up to 240 feet	2
Greater than 240 feet up to 360 feet	3
Greater than 360 feet up to 480 feet	4

For lots with frontage in excess of 480 feet, one curb cut is permitted for every 120 feet of street frontage. The Director may allow two one-way curb cuts to be substituted for one two-way curb cut, after determining, as a Type I decision, that there would not be a significant conflict with pedestrian traffic.

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

3) In downtown zones, a maximum of two curb cuts for one way traffic at least 40 feet apart, or one curb cut for two way traffic, shall be permitted on each street front where access is permitted by Section 23.49.019.H. No curb cut shall be located within 40 feet of an intersection. These standards may be modified by the Director as a Type I ~~Master Use Permit~~ 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 Director shall permit, as a Type I decision, the minimum number of curb cuts that the Director determines ~~to be~~ is necessary.

5) In NC zones, curb cuts shall be provided according to subsection 23.47.032.A, or, when 23.47A.032. A does not specify the maximum number of curb cuts, according to subsection 23.54.030F.2.a.1).

6) For police and fire stations the Director shall permit the minimum number of curb cuts that the Director determines ~~to be~~ is necessary to provide adequate maneuverability for emergency vehicles and access to the ~~site~~ lot for passenger vehicles.

b. Curb cut widths.

1) For one way traffic, the minimum width of curb cuts is 12 feet, and the maximum width is 15 feet.

2) For two way traffic, the minimum width of curb cuts is 22 feet, and the maximum width is 25 feet, except that the maximum width may be increased to 30 feet if truck and auto access are combined.

3) For public schools, the maximum width of a curb cut is 25 feet. Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

4) For fire and police stations, the Director may allow curb cuts up to, and no wider than, the minimum width necessary to provide access for official emergency vehicles that have limited maneuverability and that must rapidly respond to emergencies. Curb cuts for fire and police stations are considered curb cuts for two-way traffic

5) If one of the following conditions applies, the Director may require a curb cut of up to 30 feet in width, if it is found that a wider curb cut 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 11 feet wide; or

iii. The proposed development is located on an arterial with an average daily traffic volume of over 7,000 vehicles; or

iv. Off-street loading berths are required according to subsection G of Section 23.54.035.

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 6 feet 9 inches high.

3. All uses in industrial zones.

a. Number and location of curb cuts. The number and location of curb cuts will be determined by the Director.

b. Curb cut width. Curb cut width in Industrial zones shall be as follows:

1) If the curb cut provides access to a parking area or structure, it must be a minimum of 15 feet wide and a maximum of 30 feet wide.

2) If the curb cut provides access to a loading berth, the maximum width may be increased to 50 feet.

3) Within the minimum and maximum widths established by this subsection 23.54.030.F.3, the Director shall determine the size of the curb cuts.

4. Curb cuts for access easements.

a. If a lot is crossed by an access easement serving other lots, the curb cut serving the easement may be as wide as the easement roadway.

b. The curb cut serving an access easement shall not be counted against the number or amount of curb cuts permitted to a lot if the lot is not itself served by the easement.

5. Curb cut flare. A flare with a maximum width of ~~2 1/2)~~ 2.5 feet is permitted on either side of curb cuts in any zone.

6. Replacement of unused curb cuts. When a curb cut is no longer needed to provide access to a lot, the curb and any planting strip must be replaced.

G. Sight Triangle.

1. For exit-only driveways and easements, and two ~~(2)~~ way driveways and easements less than ~~twenty-two (22)~~ 22 feet wide, a sight triangle on both sides of the driveway or easement shall be provided, and shall be kept clear of any obstruction for a distance of ~~ten (10)~~ 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk or curb intersection if there is no sidewalk, as depicted in Exhibit D for 23.54.030 ~~E~~.

Exhibit D for 23.54.030: Sight Triangle

2. For two ~~(2)~~ way driveways or easements ~~at least twenty-two (22)~~ 22 feet wide or more, a sight triangle on the side of the driveway used as an exit shall be provided, and shall be kept clear of any obstruction for a distance of ~~ten (10)~~ 10 feet from the intersection of the driveway or easement with a driveway, easement, sidewalk, or curb intersection if there is no sidewalk. The entrance and exit lanes shall be clearly identified.

3. The sight triangle shall also be kept clear of obstructions in the vertical spaces between ~~thirty-two (32)~~ 32 inches and ~~eighty-two (82)~~ 82 inches from the ground.

4. When the driveway or easement is less than ~~ten (10)~~ 10 feet from the ~~property~~ lot line, the sight triangle may be provided as follows:

a. An easement may be provided sufficient to maintain the sight triangle. The easement shall be recorded with the King County Department of Records and Elections; or

b. The driveway may be shared with a driveway on the neighboring ~~property~~ lot; or

c. The driveway or easement may begin ~~five (5)~~ 5 feet from the ~~property~~ lot line, as depicted in Exhibit E for 23.54.030 ~~F~~.

Exhibit E for 23.54.030: Sight Triangle Exception

5. An exception to the sight triangle requirement may be made for driveways serving lots containing only residential ~~structures~~ uses and fewer than three ~~(3)~~ parking spaces, when providing the sight triangle would be impractical.

6. In all downtown zones, the sight triangle at a garage exit may be provided by mirrors and/or other approved safety measures.

7. Sight triangles shall not be required for one-way entrances into a parking garage or surface parking area.

H. Attendant Parking. In downtown zones, any off-street parking area or structure providing more than ~~five (5)~~ 5 parking spaces where automobiles are parked solely by attendants employed for that purpose shall have parking spaces at least ~~eight (8)~~ 8 feet in width, and ~~fifteen (15)~~ 15 feet in length. Subsections A, B, C, D and E of this sSection 23.54.030 shall not apply, except that the grade curvature of any area used for automobile travel or storage shall not exceed that specified in subsection 23.54.030.D .3 ~~of this section~~. Should attendant operation be discontinued, the provisions of subsections 23.54.030 A, B, C, D and E ~~of this section~~ shall apply to the parking.

I. Off-street Bus Parking. Bus parking spaces, when required, shall be ~~thirteen (13)~~ 13 feet in width and ~~forty (40)~~ 40 feet in length. Buses parked en masse shall not be required to have adequate ingress and egress from each parking space.

J. The Director may, as a Type I decision, reduce any required dimension for nonresidential uses and live-work units up to ~~three (3)~~ 3 percent to allow more efficient use of a surface parking area or parking garage, except for the dimensions of parking spaces and aisles for small vehicles.

Section 57. Subsection C of Section 23.57.011 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended to read as follows:

23.57.011 Lowrise, Midrise, and Highrise zones

* * *

C. Development Standards.

1. Location. Minor communication utilities and accessory communication devices regulated pursuant to Section 23.57.002 and amateur radio towers:

a. are prohibited in a required front or side setback.

b. may be located in a required rear setback, except for transmission towers.

c. In all Lowrise, Midrise, and Highrise zones, minor communication utilities and accessory communication devices may be located on rooftops of buildings, including sides of parapets and penthouses above the roofline. Rooftop space within the following parameters shall not count toward meeting open space or residential amenity requirements: the area ~~eight (8)~~ 8 feet from and in front of a directional antenna and at least ~~two (2)~~ 2 feet from the back of a directional antenna, or, for an omnidirectional antenna, ~~eight (8)~~ 8 feet away from the antenna in all directions. The Seattle-King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

2. Height and Size.

a. The height limit of the zone shall apply to minor communication utilities and accessory communication devices, except as may be permitted in this subsection 23.57.011.C ~~of this section~~ .

b. The maximum diameter of dish antennas shall be ~~six (6)~~ 6 feet, except for major institutions within the Major Institution Overlay District, regulated through an administrative conditional use in subsection 23.57.011.~~C~~B above.

c. The maximum height of an amateur radio tower shall be no more than ~~fifty (50)~~ 50 feet above existing grade. Cages and antennas may extend to a maximum additional ~~fifteen (15)~~ 15 feet. The base of the tower shall be setback from any lot line a distance at least equivalent to one-half ~~(1/2)~~ the height of the total structure, including tower or other support, cage and antennas.

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. Access and Signage. Access to transmitting minor communication utilities and to accessory communication devices shall be restricted to authorized personnel by fencing or other means of security. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radio frequency radiation.

5. Reception Window Obstruction. When, in the case of an accessory communications device or minor communications utility that would otherwise comply with this section, the strict adherence to all development standards would result in reception window obstruction in all permissible locations on the subject lot, the Director may grant a waiver from the screening requirements of Section 23.57.016. Approval of a waiver shall be subject to the following criteria:

a. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception-window obstruction.

b. The applicant shall use material, shape and color to minimize visual impact.

Section 58. Subsection B of Section 23.58A.004, which section was enacted by Ordinance 122882, is amended as follows:

23.58A.004 Definitions

***

B. Defined Terms - General.

"Affordable housing" means a-unit or units of low-income housing provided as a condition to bonus floor area.

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

"Base residential floor area" means the amount of residential floor area allowable on a lot under the provisions of the zone that expressly limit floor area, excluding any floor area exempted from ~~such~~ the limits, without use of any bonuses, transfer of development capacity, other incentive provisions, or any departures, waivers, variances or special exceptions, and before giving effect to any transfer of residential development potential to another lot.

"Base height limit" means the height limit that would apply under the provisions of the zone based upon the proposed uses in a structure, if the applicant did not qualify for any additional height dependent on the provisions of this chapter, after giving effect to any additional height that is actually allowed for the pitched roof of a structure and any additional height that is or would be allowed under the provisions of the zone because of the slope of the lot, but before giving effect to any allowance for rooftop features or any departure, waiver, variance or special exception.

"Bonus floor area" means bonus residential floor area or bonus nonresidential floor area.

"Bonus nonresidential floor area" means extra nonresidential floor area allowed pursuant to any bonus provisions in this chapter.

"Bonus residential floor area" means extra residential floor area allowed pursuant to the bonus provisions in subchapter II of this chapter. It includes, without limitation, housing bonus residential floor area. It does not include extra floor area gained through TDP.

"Certificate of occupancy" means the first certificate of occupancy issued by the City for a project, whether temporary or permanent, unless otherwise specified.

"Extra floor area" means extra residential floor area or extra nonresidential floor area.

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

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

"Housing bonus residential floor area" means extra residential floor area allowed on condition that low-income housing be provided, or that a in lieu thereof be made, under subchapter II of this chapter.

"Income-eligible households" means:

1. " In the case of rental housing units, households with incomes no higher than the lower of (a) ~~eighty~~ 80 percent of ~~annual~~ median ~~family income for the statistical area or division thereof including Seattle for which median family income is published from time to time by the U.S. Department of Housing and Urban Development, with adjustments according to household size in a manner determined by the Director of the Office of Housing~~ income as defined in Section 23.84A.025; or (b) the maximum level permitted for rental housing by RCW 36.70A.540 as in effect when the agreement for the ~~units~~housing to serve as affordable housing ~~units~~ is executed.

2. In the case of owner occupancy housing units, ~~housing affordable to and occupied by~~ households with incomes no higher than the lesser of (a) ~~annual~~ median ~~family~~ income ~~for the statistical area or division thereof including Seattle for which median family income is published from time to time by the U.S. Department of Housing and Urban Development, with adjustments according to household size in a manner determined by the Director of the Office of Housing~~, as defined in Section 23.84A.025, or (b) the maximum level permitted for owner-occupied housing by RCW 36.70A.540 as in effect when the agreement for the ~~units~~ housing to serve as affordable ~~units~~ housing is executed.

"Landmark TDP" means TDP transferred from, or transferable from, a Landmark TDP site.

"Landmark TDP site" means a lot, in an area where the applicable provisions of the zone permit Landmark TDP to be transferred from a lot, that includes one or more structures designated wholly or in part as a landmark under Chapter 25.12 or its predecessor ordinance, when the owner of the landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, and which lot includes no other structure that is not accessory to one or more of such structures.

"Low-income housing" means housing affordable to and occupied by "income-eligible households."

"Net bonus residential floor area" means gross square footage of "housing bonus residential floor area,"; multiplied by an efficiency factor of 80 percent.

"Open space TDP" means TDP transferred from, or transferable from, an open space TDP site.

"Open space TDP site" means a lot, in an area where the provisions of the zone permit open space TDP to be transferred from a lot, that satisfies the applicable standards for an open space TDP site in this chapter and the provisions of the zone to the extent that an exception from those standards has not been granted.

"Payment option" means making a payment to the City in lieu of providing low-income housing, child care, or any amenity or feature, in order to qualify for bonus floor area.

"Performance option" means providing or committing to provide a physical facility, or a portion or feature of a project, such as low- income housing, in order to qualify for bonus floor area.

"Provision of the zone" means a provision of another chapter of this title relating to allowable floor area or height, or to the allowance of extra floor area or additional height, or both, for the area in which the lot on which extra floor area is used or proposed is located.

"TDP" or "transferable development potential" means base residential floor area that may be transferred from one lot to another pursuant to provisions of the zone that refer to this chapter, measured in square feet.

Section 59. Section 23.58A.013 of the Seattle Municipal Code, which Section was enacted by Ordinance 122882, is hereby reenacted and amended as follows:

23.58A.013 Affordable housing incentive programs: purpose and findings

A. Purpose; Scope of provisions; State Law Controlling. The provisions of this subchapter 23.58A related to housing bonus residential floor area are intended to implement affordable housing incentive programs authorized by RCW 36.70A.540, as it may be amended. ~~The purpose of affordable housing incentive programs is to encourage higher density residential development in appropriate areas while ensuring that a portion of the additional development will be affordable housing, pursuant to authority granted in RCW 36.70A.540.~~ In case of any irreconcilable conflict between the terms of this ~~section~~ subchapter 23.58A related to housing bonus residential floor area and the authority granted in RCW 36.70A.540, as it may be amended, the provisions of RCW 36.70A.540, as it may be amended, shall supersede and control. Unless the context otherwise clearly requires, references to RCW 36.70A.540 in this subchapter 23.58A mean that section as in effect on the date as of which the provisions of this title apply to the application for a use permit for the project using the bonus floor area.

B. Findings. Pursuant to the authority of RCW 36.70A.540, the City finds that the higher income levels specified in the definition of "income-eligible households" in Section"23.58A.004, rather than these stated in the definition of "low-income households" in RCW 36.70A.5"0, are needed to address local housing market conditions throughout the City.

Section 60. Subsections B and C of Section 23.58A.014 of the Seattle Municipal Code, which Section was enacted by Ordinance 122882, are amended as follows:

23.58A.014 Bonus residential floor area for affordable housing

* * *

B. Performance option.

1. An applicant using the performance option shall provide low-income housing with a gross floor area at least equal to the greatest of (a) 17.5 percent of the net bonus residential floor area obtained through the performance option, except

that an applicant may elect to provide low-income housing equal to 10 percent of the net bonus residential floor area obtained through the performance option if the housing is affordable to, and restricted to occupancy by, households with incomes no higher than 50% of median income as defined by Section 23.84A.025; or (b) 300 net residential square feet; or (c) any minimum floor area specified in the provisions of the zone. The percentage of net bonus residential floor area obtained through the performance option to be provided as low-income housing may be reduced by the Council below 17.5 percent of the net bonus residential floor area to no less than 15 percent of the net bonus residential floor area as a Type V decision on an official land use map amendment or text amendment when the Council determines that the reduction is needed to accomplish Comprehensive Plan goals and policies or to reflect economic conditions of the area. Applicants may provide low- income housing as part of the project using extra floor area, or by providing or contributing to a low-income housing project at another location, subject to requirements in subsection 23.58A.014.B.5 of this section and approvaled in writing by the ~~Housing Director~~Director of Housing prior to issuance of the first building permit for the development using the bonus floor area.

2. Affordable housing shall serve only income-eligible households for a minimum period of 50 years from the later of the date when the agreement between the housing owner and the City, as referenced in subsection 23.58A.014.B.5, is recorded, or the date when the affordable housing becomes available for occupancy as determined by the City. For rental housing, rent shall be limited so that housing costs, including rent and basic utilities, shall not exceed 30 percent of the ~~applicable income limit~~income limit for the unit under this section, all as determined by the ~~Housing Director~~Director of Housing, for a minimum period of 50 years. For owner-occupied housing, the initial sale price shall not exceed an amount determined by the ~~Housing Director~~Director of Housing to be consistent with affordable housing for an income-eligible 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~~Director of Housing providing for sales prices on any resale consistent with affordability on the same basis for at least 50 years.

3. Affordable housing shall be provided in a range of sizes consistent with RCW 36.70A.540. The affordable housing shall comply with all requirements of RCW 36.70A.540.

4. If the affordable housing is developed within the project using the bonus floor area:

~~(a)~~a. The affordable housing must serve income-eligible households for the minimum time period referred to in this section.

~~(b)~~b. The affordable housing shall be completed and ready for occupancy at or before the time when a certificate of occupancy is issued for any other units in the project using the bonus residential floor area, and as a condition to any right of the applicant to such a certificate of occupancy.

5. If the affordable housing is not being developed within the project using the bonus residential floor area:

~~(a)~~a. Proposals for affordable housing at a location other than within the project using the bonus floor area are subject to approval by the ~~Housing Director~~Director of Housing . Approval requires a determination by the ~~Housing Director~~ Director of Housing that the affordable housing will (1) be located within the same neighborhood where the development using the bonus residential floor area is located, except as otherwise provided in subsection 23.58A.014.B.5.b~~B5(b) of this section~~; (2) provide a public benefit~~, the value of which, as demonstrated by the applicant, exceeds the amount of the payment-in-lieu that would otherwise be paid~~; and (3) be more affordable than market rents or sale prices, as applicable, for housing in the neighborhood in which the affordable housing is located.

~~(b)~~b. If the applicant demonstrates to the satisfaction of the ~~Housing Director~~Director of Housing that it is infeasible for the off-site affordable housing to be located within the same neighborhood where the development using the bonus residential floor area is located, then (1) ~~(i)~~the ~~Housing Director~~ Director of Housing may allow the affordable housing to be provided elsewhere ~~in the City~~ within the Seattle city limits, which is deemed within the general area of the development using the bonus residential floor area in accordance with RCW 36.70A.540, provided that the affordable housing is within 0.5 mile of a light rail or bus rapid transit station, or ~~(ii)~~ (2) if the applicant demonstrates that providing the affordable housing in such a location is also infeasible, then the ~~Housing Director~~Director of Housing may allow the ~~off-site~~ affordable housing to be provided within .25 mile of a bus or streetcar stop~~elsewhere within the~~

~~same City sector, as delineated by Interstate-5, the Ship Canal and Interstate- 90 (as projected to Elliott Bay), where the development using the bonus residential floor area is located~~.

~~(c)~~c. The affordable housing must serve income-eligible households for the minimum time period referred to in this section pursuant to an agreement between the housing owner and the City.

~~(d)~~d. The agreement required by subsection 23.58A.014.B.5.c~~(c)~~ must be executed and recorded prior to issuance, and as a condition to issuance, of the first building permit for the project using the bonus residential floor area, and in any event before any permit for any construction activity other than excavation and shoring is issued.

~~(e)~~e. The applicant shall provide to the City an irrevocable letter of credit, or other sufficient security approved by the ~~Housing Director~~Director of Housing, prior to and as a condition of issuance of the first building permit, other than for grading and shoring, for the project using the bonus residential floor area, unless completion of the affordable housing has already been documented to the satisfaction of the ~~Housing Director~~Director of Housing and the affordable housing is subject to recorded restrictions satisfactory to the ~~Housing Director~~Director of Housing. The letter of credit or other security shall be in an amount equal to the Payment Option amount calculated according to provisions in subsection 23.58A.014.C ~~of this section~~, plus an amount equal to interest on such payment, at the rate equal to the prime rate quoted by Bank of America or its successor at the time the letter of credit or other security is provided, plus 3 percent per annum, from the date of issuance of the first building permit, other than for excavation and shoring, for the project using the bonus residential floor area. The letter of credit or other security shall be on terms such that when a certificate of occupancy is issued for the project using the bonus residential floor area, or on any earlier date 30 days before the letter of credit or other security will expire, if the required quantity of affordable housing is not completed and ready for occupancy or the affordable housing is not all subject to a recorded agreement sufficient to satisfy the terms of this ~~s~~Section 23.58A.014, the City shall have a right to draw on the letter of credit or other security. If and when the City becomes entitled to realize on any such security, the ~~Housing Director~~ Director of Housing shall take appropriate steps to collect the amount calculated pursuant to the ~~p~~Payment ~~o~~Option provisions in subsection 23.58A.014.C ~~of this section~~ (after allowing credit for any affordable housing then provided and accepted by the ~~Housing Director~~Director of Housing, with interest for the period and at the rate determined pursuant to this subsection, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash payments for housing made under this section. To the extent the City receives payment through a letter of credit or other security, the obligation of the applicant to provide affordable housing will be deemed satisfied and the applicant shall be deemed to have elected the payment option. The applicant shall not be entitled to any refund based on later completion of affordable housing.

~~(f)~~f. If the ~~Housing Director~~ Director of Housing certifies to the Director that either ~~(i)~~ (1) the applicant has provided the City with a letter of credit or other sufficient security pursuant to subsection 23.58A.014.B.5.e ~~B5(e) of this section~~; or ~~(ii)~~

(2) there have been recorded one or more agreements or instruments satisfactory to the ~~Housing Director~~Director of Housing providing for occupancy and affordability restrictions on affordable housing with the minimum floor area determined under this ~~s~~S ection 23.58A.014, all affordable housing have been completed, and the affordable housing is on a different lot from the bonus residential floor area or are in one or more condominium units separate from the bonus residential floor area under condominium documents acceptable to the ~~Housing Director~~Director of Housing, then any failure of the affordable housing to satisfy the requirements of ~~this subsection B~~ subsection 23.58A.014.B shall not affect the right to maintain or occupy the bonus residential floor area.

~~(g)~~g. Unless and until the ~~Housing Director~~Director of Housing shall certify as set forth in clause ~~(i)~~ (1) or ~~(ii)~~ (2) of subsection 23.58A.014.B.5.f~~B5(f) of this section~~, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus residential floor area based on the provision of housing to which this section applies, that the affordable housing shall be maintained in compliance with the terms of this ~~s~~Section 23.58A.014 and any applicable provisions of the zone, as documented to the satisfaction of the ~~Housing Director~~Director of Housing.

6. No subsidies for bonused housing; Exception.

~~(a)~~a. The ~~Housing Director~~Director of Housing may require, as a condition of any bonus residential floor area under the

performance option, that the owner of the lot upon which the affordable housing is located agree not to seek or accept any subsidies, including without limitation those items referred to subsection 23.58A.014.B.6.b.1~~B6(b)(i) of this section~~, related to housing, except for any subsidies that may be allowed by the ~~Housing Director~~Director of Housing under ~~that~~ subsection 23.58A.014.B.6.d. The Director may require that such agreement provide for the payment to the City, for deposit in an appropriate subfund or account, of the value of any subsidies received in excess of any amounts allowed by such agreement.

~~(b)~~b. In general, and except as may be otherwise required by applicable federal or state law, no bonus residential floor area may be earned by providing housing if:

~~(i)~~1) 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, and State of Washington housing funds; or

~~(ii)~~2) The housing is or would be, independent of the requirements for the bonus residential floor area, subject to any restrictions on the income of occupants, rents or sale prices.

~~(c)~~c. For the purpose of this subsection 23.58A.014.B.6, the qualification for and use of property tax exemptions pursuant to Chapter 5.73 SMC, or any other program implemented pursuant to Chapter 84.14 RCW, does not constitute a subsidy, and any related conditions regarding incomes, rent or sale prices do not constitute restrictions.

~~(d)~~d. As an exception to the restriction on subsidies, the ~~Housing Director~~Director of Housing may allow the building or buildings in which the affordable housing is located to be financed in part with subsidies based on the determination that (1) the total amount of affordable housing is at least 300 net residential square feet greater than the amount otherwise required through the performance option under this section; (2) the public benefit of the affordable housing net of any subsidies, as measured through an economic analysis, exceeds the amount of the payment-in-lieu that would otherwise be paid; and (3) the subsidies being allowed would not be sufficient to leverage private funds for production of the affordable housing, under restrictions as required for the performance option, without additional City subsidy in an amount greater than the payment-in-lieu amount that would otherwise be paid.

7. The ~~Housing Director~~Director of Housing is authorized to accept and execute agreements and instruments to implement this ~~s~~Section 23.58A.014. Issuance of the certificate of occupancy for the project using the bonus residential floor area may be conditioned on such agreements and instruments.

8. The housing owner, in the case of rental housing, shall provide annual reports and pay an annual monitoring fee to the Office of Housing for each affordable housing unit, as specified under Chapter 22.900G. In the case of affordable housing for owner-occupancy, the applicant shall pay an initial monitoring fee to the Office of Housing as specified under Chapter 22.900G, and the recorded resale restrictions shall include a provision requiring payment to the City, on any sale or other transfer of a unit after the initial sale, of a fee in the amount of $500, to be adjusted in proportion to changes in the consumer price index from 2008 to the year in which the sale or transfer is made, for the review and processing of documents to determine compliance with income and affordability restrictions.

C. Payment option. The payment option is available only where the maximum height for residential use under the provisions of the zone is more than 85 feet and only if the Director determines that the payment achieves a result equal to or better than providing the affordable housing on-site and the payment does not exceed the approximate cost of developing the same number and quality of housing units that would otherwise be developed.

1. Amount of payments. In lieu of all or part of the performance option, an applicant may pay to the City $18.94 per square foot of net bonus residential floor area.

2. Timing of payments. Cash payments 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 ~~s~~Section 23.58A.014, 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, 1982-84=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 23.58A.014.C.2 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.

3. Deposit and use of payments. Payments in lieu of affordable housing shall be deposited in a special account established solely to support the development of low-income housing as defined in this chapter. Earnings on balances in the special account shall accrue to that account. The ~~Housing Director~~Director of Housing shall use cash payments and any earnings thereon to support the development ~~or preservation~~ of low-income housing in any manner now or hereafter permitted by RCW 36.70A.540, including renter or owner housing for income- eligible households. Uses of funds may include ~~land purchase for the purpose of providing low-income housing;~~ the City's costs to administer projects, not to exceed 10 percent of the payments into the special account ~~loans or grants to public or private owners or developers of housing; and loans or grants to affordable households for home purchases. The location of a~~. Affordable housing funded wholly or in part with cash payments shall be located within eligible areas within the Seattle city limits, which is deemed the general area of the development using the bonus residential floor area in accordance with RCW 36.70A.540. Eligible areas shall be prioritized in the following order: (1) within the same neighborhoods where the developments using the bonus residential floor area are located; (2) ~~in the City~~ within 0.5 mile of light rail or bus rapid transit stations; and (3) within 0.25 mile of a bus or streetcar stop~~the same City sectors delineated by Interstate-5, the Ship Canal and Interstate-90 (as projected to Elliott Bay) where the developments using the bonus residential floor area are located~~.

* * *

Section 61. A new Section 23.58A.016 is added to Subchapter II of Chapter 23.58A of the Seattle Municipal Code, as follows:

23.58A.016 Bonus residential floor area for amenities

A. Findings. The City Council finds that:

1. Amenities, including public open space, are an important aspect of livability in areas targeted in the Comprehensive Plan for concentrated housing and employment growth. To address this need, the Comprehensive Plan establishes goals for the amount and distribution of open space. These goals are consistent with national standards developed to assist communities with planning to provide adequate open space serving specified population needs.

2. Projects that add density will increase demand for public open space. If additional public open space is voluntarily provided to offset additional demand, the impacts on available open space resources will be mitigated.

3. The average amount of public open space, including breathing room open space, needed to accommodate residential development is at least 0.14 square feet of open space per gross square foot of residential floor area in a project.

B. Voluntary agreements for amenities. Where expressly permitted by the provisions of the zone, an applicant may achieve bonus residential floor area in part through a voluntary agreement for provision of amenities to mitigate impacts of the project, subject to the limits in this chapter.

1. Amenities that may be provided for bonus residential floor area include:

a. neighborhood open space, and

b. green street setbacks on lots abutting designated green streets.

2. The amenities listed in subsection 23.58A.016.B.1 are referred to as "open space amenities" in this Section 23.58A.016. Mitigation of impacts identified in subsection 23.58A.016.A above may be achieved by the performance option, by the payment option, or by a combination of the performance and payment options.

C. Performance option.

1. General. An applicant electing to use the performance option shall provide the amenity on the same lot as the development using the bonus floor area, except to the extent a combined lot development is expressly permitted by the provisions of the zone. The maximum area of any amenity or combination of amenities provided on a lot eligible for a bonus is established in this subsection 23.58A.016.C and may be further limited by Section 23.58A.012 or the provisions of the zone. Open space amenities must meet the standards of this subsection 23.58A.016.C in order to qualify for bonus residential floor area, except as may be authorized by the Director under ~~that~~ subsection 23.58A.016.C.4. An open space amenity may also qualify as a required residential amenity to the extent permitted by the provisions of the zone.

2. Maximum open space amenity for bonus. Unless otherwise specified in the provisions of the zone, the amount of open space amenity for which bonus residential floor area may be allowed shall not exceed the lesser of the amount required to mitigate the impact created by the total bonus residential floor area in the project, or 15,000 square feet. For purposes of this Section 23.58A.016, the amount of open space required to mitigate that impact is 0.14 square feet of open space amenity per square foot of bonus residential floor area, unless the Director determines, as a Type I decision, that a different ratio applies based on consideration of one or both of the following:

a. the overall number or density of people anticipated to use or occupy the structure(s) in which bonus residential floor area will be located, in relation to the total floor area of the structure(s), is different from the density level of approximately 1.32 persons per 1,000 gross square feet, which was used to establish the ratio in subsection 23.58A.016.C, such that a different amount of open space is needed to mitigate the project impacts;

b. characteristics or features of the project mitigate the impacts that the anticipated population using or occupying the structure(s) in which bonus residential floor area will be located would otherwise have on open space needs.

3. Bonus Ratio. Neighborhood amenities may be used to gain bonus residential floor area according to the following ratios and subject to the limits of this Section 23.58A.016:

a. For a neighborhood open space, 7 square feet of bonus residential floor area per 1 square foot of qualifying neighborhood open space area (7:1).

b. For a green street setback, 5 square feet of bonus residential floor area per 1 square foot of qualifying green street setback area (5:1).

4. Standards for open space amenities. The following standards apply to all open space amenities identified in this subsection 23.58A.016.C.4 except as otherwise specifically stated in this subsection 23.58A.016.C.4 or in the provisions of the zone.

a. Public Access. The open space must be open during daylight hours and accessible to the general public, without charge, for reasonable and predictable hours, for a minimum of 10 hours each day of the year, except that access may be limited temporarily as required for public safety and maintenance reasons. Within the open space, property owners, tenants and their agents shall allow members of the public 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, any 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 unless the space is being closed to the general public consistent with this subsection 23.58A.016.C. No parking, storage or other use may be established on or above the surface of the open space except as provided in subsection

23.58A.016.C.4.b.6. Use by motor vehicles of open space for which bonus residential floor area is granted is not permitted. The open 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.

b. Standards for Neighborhood Open Space. Neighborhood open space used to qualify for bonus floor area must satisfy the conditions in this subsection 23.58A.016.C.4.b, unless an exception is granted by the Director as a Type I decision, based on the Director's determination that, relative to the strict application of the standards, the exception will result in improved public access and use of the space or a better integration of the space with surrounding development:

1) The open space must be improved in compliance with the applicable provisions of this Section 23.58A.016. The open space must consist of one continuous area with a minimum of 3,000 square feet and a minimum horizontal dimension of 10 feet.

2) A minimum of 35 percent of the open space must be landscaped with grass, ground cover, bushes and/or trees.

3) Either permanent or movable seating in an amount equivalent to 1 lineal foot for every 200 square feet of open space shall be available for public use during hours of public access.

4) The open space shall be located and configured to maximize solar exposure to the space, allow easy access from streets or other abutting public spaces, including access for persons with disabilities, and allow convenient pedestrian circulation through all portions of the open space. The open space must have a minimum frontage of 30 feet at grade abutting a sidewalk, and be visible from sidewalks on at least one street.

5) The open space shall be provided 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.

6) Up to 20 percent of the open space may be covered by features accessory to public use of the open space, including:~~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 provide access to public areas and are available for public use, and any similar features approved by the Director. Seating or tables, or both, may be provided and reserved for customers of restaurants or other uses abutting the open space, but the area reserved for customer seating shall not exceed 15 percent of the open space area or 500 square feet, whichever is less.

c. Standards for green street setbacks.

1) Where permitted by the provisions of the zone, bonus residential floor area may be gained for green street setbacks by development on lots abutting those street segments that are listed or shown as green streets in the provisions of the zone.

2) A green street setback must be provided as a setback from a lot line abutting a designated green street. The setback must be continuous for the length of the frontage of the lot abutting the green street, and a minimum of 50 percent of the setback area eligible for a bonus shall be landscaped. The area of any driveways in the setback area is not included in the bonusable area. For area eligible for a bonus, the average setback from the abutting green street lot line shall not exceed 10 feet, with a maximum setback of 15 feet. The design of the setback area shall allow for public access, such as access to street level uses in abutting structures or access to areas for seating. The Director may grant an exception to the standards in this subsection 23.58A.016.C.4.c as a Type I decision, based on the Director's determination that the exception is consistent with a green street concept plan, if one exists, established in accordance with DR 11-2007, or a successor rule.

d. Declaration. When open space is to be provided for purposes of obtaining bonus residential floor area, the owner(s) of the lot using the bonus residential floor area, and of the lot where the open space is provided, if different, shall execute and record a declaration and voluntary agreement in a form acceptable to the Director identifying the features; acknowledging that the right to develop and occupy a portion of the gross floor area on the lot is based upon the long-term provision and maintenance of the open space and that development is restricted in the open space; and committing to provide and maintain the open space.

e. Identification. The open 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.

f. Duration; Alteration. Except as provided for in this subsection 23.58A.016.C.4.f, the owners of the lot using the bonus residential floor area and of the lot where the open space amenity is located, if different, including all successors, shall provide and maintain the open space amenities for which bonus residential floor area is granted, in accordance with the applicable provisions of this Section 23.58A.016, for as long as the bonus residential floor area gained by the open space amenities exists. An open space amenity for which bonus residential floor area has been granted may be altered or removed only to the extent that either or both of the following occur, and alteration or removal may be further restricted by the provisions of the zone and by conditions of any applicable permit:

1) The bonus residential floor area permitted in return for the specific open space amenity is removed or converted to a use for which bonus residential floor area is not required under the provisions of the zone; or

2) An amount of bonus residential floor area equal to that allowed for the open space amenity that is to be diminished or discontinued is provided through alternative means consistent with the provisions of the zone and provisions for allowing bonus residential floor area in this chapter.

D. Payment option.

1. There is no payment in lieu option for open space amenities other than neighborhood open space.

2. Payment in lieu of providing neighborhood open space.

a. In lieu of all or part of the performance option for neighborhood open space, an applicant may pay to the City an amount determined pursuant to this subsection if the Director determines, as a Type 1 decision, that the payment will contribute to public open space improvements abutting the lot or in the vicinity; that the improvements will meet the additional need for open space caused by the project and are feasible within a reasonable time; and that the applicant agrees to the specific improvements or to the general nature and location of the improvements.

b. The amount of the payment is determined by multiplying the number of square feet of land that would be provided as neighborhood open space, by the sum of an estimated land value per square foot based on recent transactions in the area and an average square foot cost for open space improvements. The dollar amount per square foot shall be determined by the Director based on any relevant information submitted by the applicant, and any other data related to land values and costs that the Director considers reliable.

c. Cash payments shall be made prior to issuance, and as a condition to issuance, of 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.

d. Any payment in lieu of providing neighborhood open space shall be deposited in a dedicated fund or account solely to support acquisition or development of public open space within 0.25 mile of the lot using the bonus floor area, or within another area prescribed by the provisions of the zone, or at another location where the applicant and the Director agree that it will mitigate the direct impacts of the project, and the payment shall be expended within five years of receipt for such purposes.

Section 62. A new Section 23.58A.018 is added to Subchapter II of Chapter 23.58A of the Seattle Municipal Code, as follows:

23.58A.018 Transfer of residential development potential

A. Scope and Applicability.

1. This Section 23.58A.018 contains rules for transfer of residential development potential to lots in areas for which other provisions of this title specifically refer to provisions of this Section 23.58A.018. The provisions of this Section 23.58A.018 are subject to the applicable provisions of the zone.

2. Whether a lot may be eligible as a TDP sending site is determined by the provisions of the zone in which the lot is located. To be eligible as a sending lot for a specific category of TDP defined in this Chapter 23.58A, the lot must satisfy the applicable conditions of this Section 23.58A.018 except to the extent otherwise expressly stated in the provisions of the zone. Whether a lot is eligible as a TDP receiving lot, and whether the lot may receive TDP from another lot, and what categories of TDP the lot may receive, are determined by the provisions of the zone. The transfer of TDP and use of TDP on any receiving lot is subject to the limits and conditions in this chapter, the provisions of the zone, and all other applicable provisions of this title.

B. TDP Required Before Construction. No permit after the first building permit, and in any event, no permit for any construction activity other than excavation and shoring, and no permit for occupancy of existing floor area by any use based upon TDP, will be issued for development that includes TDP until the applicant's possession of TDP is demonstrated to the satisfaction of the Director.

C. General Standards for Sending Lots.

1. TDP Calculation. The maximum amount of floor area that may be transferred is the amount by which the base residential floor area of the sending lot exceeds the sum of:

a. any nonexempt residential floor area existing on the sending lot; plus

b. any existing floor area of uses accessory to nonexempt residential uses, except to the extent that floor area is exempt from floor area limits under the provisions of the zone; plus

c. any TDP previously transferred from the sending lot.

2. Floor Area Limit After Transfer. After TDP is transferred from a sending lot the amount of residential floor area that may then be established on the sending lot, other than floor area exempt from limits on residential floor area under the provisions of the zone, shall be equal to the base residential floor area, plus any net amount of TDP previously transferred to that lot, minus the total of (a) the existing residential floor area on the lot, plus (b) the amount of TDP transferred from the lot.

D. Standards for Landmark TDP sending lots. Landmark structures on sending lots from which Landmark TDP is transferred shall be rehabilitated and maintained as required by the Landmarks Preservation Board.

E. Standards for open space TDP sending lots. The following standards apply unless provisions of the zone state otherwise:

1. General conditions. Open space TDP sites must satisfy the conditions of this subsection 23.58A.018. E.1, unless an exception is granted by the Director:

a. Each portion of the open space shall be accessible from each other portion of the open space without leaving the open space.

b. The open space shall have a minimum area of 5,000 square feet.

c. The open space shall be directly accessible from the sidewalk or another public open space, including access for persons with disabilities.

d. The open space shall 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.

e. No more than 20 percent of the lot may be occupied by any above grade structures.

f. The lot shall be located a minimum of 0.25 mile from the closest lot approved by the Director as a separate open space TDP site, unless the lot is abutting another TDP site and is designed to integrate with the other TDP site.

g. The open space shall be open during daylight hours and accessible to the general public, without charge, for reasonable and predictable hours, for a minimum of 10 hours each day of the year, except that access may be limited temporarily as required for public safety and maintenance reasons. Within the open space, property owners, tenants and their agents shall allow members of the public 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, any 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 unless the space is being closed to the general public consistent with this subsection 23.58A.018.E.1.g.

h. The open 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. Unless the open space will be in public ownership, the applicant shall make adequate provision to ensure the permanent maintenance of the open space.

2. Special exception for open space TDP sites. The Director may grant, or grant with conditions, an exception to the standards for open space TDP sites in this subsection 23.58A.018.E and any applicable Director's Rule(s), as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions. In determining whether to grant, grant with conditions, or deny a request for special exception under this subsection, the Director shall consider:

a. the extent to which the exception would result in an open space TDP site that better meets the intent of the provisions of this subsection 23.58A.018.E; and

b. the extent to which the exception would allow 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.

3. After any TDP is transferred from an open space TDP site, lot coverage by structures shall be permanently limited to 20 percent, or any greater amount that was allowed as a special exception prior to the transfer, and no development shall be permitted that would be inconsistent with the standards under which it was approved as an open space TDP sending site.

F. Time of Determination of TDP Eligible for Transfer. The eligibility of a sending lot to transfer TDP, 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 the TDP.

G. Reservation in Deed. Any TDP eligible for transfer may instead be reserved in the conveyance of title to an eligible sending lot, by the express terms of the deed or other instrument of conveyance reserving a specified amount of TDP, provided that an instrument acceptable to the Director is recorded binding the lot to the terms and conditions for eligibility to send TDP under this section 23.58A.018. Any TDP so reserved shall be considered transferred from that lot and later may be conveyed by deed without participation of the owner of the lot.

H. TDP Deeds and Agreements.

1. The fee owners of the sending lot shall execute a deed, and shall obtain the release of the TDP from all liens of record and the written consent of all holders of encumbrances on the sending lot other than easements and restrictions, unless the requirement for a release or consent is waived by the Director for good cause. The deed shall be recorded in the King County real property records. When TDP is 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 the lot or the TDP, the TDP shall pass with the receiving lot whether or not a structure using the TDP shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDP 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 TDP is transferred other than directly from the sending lot to the receiving lot using the TDP, 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 TDP that is eligible for transfer by complying with the applicable provisions of this Section 23.58A.018, whether or not the purchaser is then an applicant for a permit to develop real property or is the owner of any potential receiving lot. Any purchaser of the TDP (including any successor or assignee) may use the TDP to obtain floor area above the applicable base height limit or base floor area limit on a receiving lot to the extent that use of TDP is permitted under the Land Use Code provisions applicable with respect to the issuance of permits for development of the project intended to use the TDP. The Director may require, as a condition of processing any permit application using TDP or for the release of any security posted in lieu of a deed for TDP to the receiving lot, that the owner of the receiving lot demonstrate that the TDP has been validly transferred of record to the receiving lot, and that the owner has recorded in the real estate records a notice of the filing of such permit application, stating that the TDP is not available for retransfer.

3. As a condition to the effective transfer of Landmark TDP, except from a City-owned sending lot, the fee owner of the sending lot shall execute and record an agreement running with the land, in form and content acceptable to, and accepted in writing by, the Director of the Department of Neighborhoods, providing for the rehabilitation and maintenance of the historically significant or other relevant features of the structure or structures on the lot and acknowledging the restrictions on future development resulting from the transfer. The Director may require evidence that each holder of a lien has effectively subordinated the lien to the terms of the agreement, and that any holders of interests in the property have agreed to its terms. To the extent that a Landmark structure on the sending lot, or an historically significant structure on a sending lot in a special review district, the presence of which is a condition to eligibility to transfer TDP under the provisions of the zone, requires restoration or rehabilitation for the long-term preservation of the structure or its historically or architecturally significant features, the Director of the Department of Neighborhoods may require, as a condition to acceptance of the necessary agreement, that the owner of the sending site apply for and obtain a certificate of approval from the Landmarks Preservation Board, or from the Department of Neighborhoods Director after review by the Pioneer Square Preservation Board or International Special Review District Board, as applicable, for the necessary work, or post security satisfactory to the Director of the Department of Neighborhoods for the completion of the restoration or rehabilitation, or both.

Section 63. Subsection B of Section 23.69.022 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

* * *

B. A medical service use that is over ~~ten thousand (10,000)~~ 10,000 square feet shall be permitted to locate within ~~two thousand five hundred (2,500)~~ 2,500 feet of a medical MIO District only as an administrative conditional use subject to

the conditional use requirements of Section 23.47A.006 ~~B4~~.A.4 or Section 23.50.014.B.12.

* * *

Section 64. A new Subsection "Clerestory" of Section 23.84A.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is added as follows:

23.84A.006 "C"

* * *

"Clerestory" means an outside wall of a building that rises above an adjacent roof of that building and contains vertical windows. Clerestories function so that light is able to penetrate below the roof of the structure.

* * *

Section 65. Section 23.84A.025 of the Seattle Municipal Code, which section was last amended by Ordinance 122829, is amended as follows:

23.84A.025 "M"

* * *

"Multifamily structure, low-income disabled," ~~means a multifamily structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act and who constitute a low-income household.~~ See "Multifamily residential use, low-income disabled".

"Multifamily structure, low-income elderly," ~~means a structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons sixty-two (62) or more years of age who constitute a low-income household~~ See "Multifamily residential use, low-income elderly".

"Multifamily structure, low-income elderly/low-income disabled," ~~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~~ See "Multifamily residential use, low-income elderly/low- income disabled".

"Multifamily structure, very low-income disabled," ~~means a multifamily structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendment Act and who constitute a very low-income household~~ See "Multifamily residential use, very low-income disabled".

"Multifamily structure, very low-income elderly," ~~means a structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons sixty-two (62) or more years of age who constitute a very low-income household.~~ See "Multifamily residential use, very low-income elderly".

"Multifamily structure, very low-income elderly/very low-income disabled," ~~means a multifamily structure in which at least ninety (90) percent of the dwelling units (not including vacant units) are occupied by a very low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendments 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.~~ See "Multifamily residential use, very low- income elderly/very low-income disabled".

* * *

Section 66. Subsection "Residential use" of Section 23.84A.032 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

23.84A.032 Definitions - "R."

* * *

"Residential use" means any one ~~(1)~~ or more of the following:

1. "Accessory dwelling unit" means a residential use in an additional room or set of rooms located within an owner-occupied single family ~~structure~~ residence or within an accessory structure on the same lot as an owner-occupied single-family residence ~~dwelling unit~~, meeting the standards of Section 23.44.041 and designed, arranged, occupied or intended to be occupied by not more than one ~~(1)~~ household as living accommodations independent from any other household.

2. "Adult family home" means a residential use as defined and licensed as such by The State of Washington in a dwelling unit.

3. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

4. "Assisted living facility" means a use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. An "assisted living facility" contains multiple assisted living units. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

5. "Caretaker's quarters" means a use accessory to a nonresidential use consisting of a dwelling unit not exceeding ~~eight hundred (800)~~ 800 square feet of living area and occupied by a caretaker or watchperson.

6. "Carriage House" means a residential use in a carriage house structure.

7. "Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for nine ~~(9)~~ or more non-transient persons not constituting a single household, excluding single-family residences~~dwelling units~~ for which special or reasonable accommodation has been granted.

~~7.~~ 8. "Detached accessory dwelling unit" means a residential use in an additional room or set of rooms located within an accessory structure on the same lot as an owner-occupied single-family residence~~dwelling unit~~, meeting the standards of Section 23.44.041 and designed, arranged, occupied or intended to be occupied by not more than one ~~(1)~~ household as living accommodations independent from any other household.

~~8.~~ 9. "Domestic violence shelter" means a dwelling unit managed by a nonprofit organization, which unit provides housing at a confidential location and support services for victims of family violence.

~~9.~~ 10. "Floating home" means a dwelling unit constructed on a float~~,~~ that is moored, anchored or otherwise secured in the water.

~~10.~~ 11. "Mobile home park" means a use in which a tract of land is rented for the use of more than one ~~(1)~~ mobile home occupied as a dwelling unit.

~~11.~~ 12. "Multifamily ~~structure~~ residential use" means ~~a structure or~~ that portion of a structure containing two ~~(2)~~ or more

dwelling units, ~~but does not include a single-family dwelling unit~~ excluding single family residences and accessory dwelling units.

13. "Multifamily residential use, low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act and who constitute a low-income household.

14. "Multifamily residential use, low-income elderly" means a residential use in which at least 90 percent of the dwelling units are occupied by one or more persons sixty-two or more years of age who constitute a low-income household.

15. "Multifamily residential use, low-income elderly/low- income disabled" means a multifamily residential use in which at least 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 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.

16. "Multifamily residential use, very low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendment Act and who constitute a very low-income household."

17. "Multifamily residential use, very low-income elderly" means a residential use in which at least 90 percent of the dwelling units are occupied by one or more persons sixty-two or more years of age who constitute a very low-income household.

18. "Multifamily residential use, very low-income elderly/very low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units (not including vacant units) are occupied by a very low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendments Act or a person sixty-two 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.

~~12.~~ 19. "Nursing home" means a residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or sanitariums.

~~13.~~ 20. "Single-family residence ~~dwelling unit~~" means a residential use in a detached structure having a permanent foundation~~, containing one (1) dwelling unit, except that the~~ The structure may also contain an accessory dwelling unit where expressly authorized pursuant to this title. A detached accessory dwelling unit is not considered a single-family residence~~dwelling unit~~ for purposes of this chapter.

* * *

Section 67. Subsection A of Section 23.86.019 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

A. Development standards for certain areas require landscaping that meets a minimum Green Factor score. The Green Factor score shall be calculated as follows:

1. Identify all proposed landscape elements, sorted into the categories presented in Table A for Section 23.86.019.

2. Multiply the square feet, or equivalent square footage where applicable, of each landscape element by the multiplier provided for that element in Table A for Section 23.86.019, according to the following provisions:

a. If multiple elements listed on Table A for Section 23.86.019 occupy the same area (for example, groundcover under a tree), count the full square footage or equivalent square footage of each element.

b. Landscaping elements in the right-of-way between the lot line and the roadway may be counted, provided that they are approved by the Director of the Department of Transportation.

c. Elements listed in Table A for Section 23.86.019 that are provided to satisfy any other requirements of this Code may be counted.

d. For trees, large shrubs, and large perennials, use the equivalent square footage of each tree or shrub according to Table B for Section 23.86.019.

e. For vegetated walls, use the square footage of the portion of the wall covered by vegetation. All vegetated wall structures, including fences counted as vegetated walls, shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage.

f. For all elements other than trees, large shrubs, large perennials, and vegetated walls, square footage is determined by the area of the portion of a horizontal plane that lies over or under the element.

g. All permeable paving and structural soil credits together may not count for more than one third of the Green Factor score for a lot.

3. Add together all the products calculated under subsection 23.86.019.A.2 to determine the Green Factor numerator.

4. Divide the Green Factor numerator by the lot area to determine the Green Factor score.

Table A for Section 23.86.019

Green Factor Landscape Elements	**Multiplier**
A. Planted Areas (choose one of the following for each planting area)	
1. Planted areas with a soil depth of less than 24 inches	0.1
2. Planted areas with a soil depth of 24 inches or more:~~	0.6
3. Bioretention facilities meeting standards of the Stormwater Code, Title 22 Subtitle VIII of the Seattle Municipal Code	1.0
B. Plants	
1. Mulch, ground covers or other plants normally expected to be less than 2 feet tall at maturity.	0.1
2. Large shrubs or other perennials at least 2 feet tall at maturity	0.3
3. Small trees	0.3
4. Small/medium trees	0.3
5. Medium/large trees	0.4
6. Large trees	0.4
7. Preservation of existing large trees at least 6 inches in diameter at breast height	0.8
C. Green roofs	
1. Planted over at least 2 inches but less than 4 inches of growth medium	0.4
2. Planted over at least 4 inches of growth medium	0.7
D. Vegetated walls	0.7
E. Water features using harvested rainwater and under water at least six months per year	0.7
F. Permeable paving	
1. Installed over at least 6 inches and less than 24 inches of soil and/or gravel	0.2

2. Installed over at least 24 inches of soil and/or gravel	0.5
G. Structural soil	0.2
H. Bonuses applied to Green Factor landscape elements:~~	
1. Landscaping that consists entirely of drought- tolerant or native plant species	0.1
2. Landscaping that receives at least 50 percent of its irrigation through the use of harvested rainwater	0.2
3. Landscaping visible from adjacent rights-of-way or public open space	0.1
4. Landscaping in food cultivation	0.1

Table B for Section 23.86.019

Equivalent square footage of trees and large shrubs

Landscape Elements	Equivalent Square Feet
Large shrubs or large perennials	16 square feet per plant
Small trees	50 square feet per tree
Small/medium trees	100 square feet per tree
Medium/large trees	150 square feet per tree
Large trees	200 square feet per tree
Existing large trees	15 square feet per inch of trunk diameter 4.5 feet above grade

* * *

Section 68. Subsections B and D of Section 23.90.018 of the Seattle Municipal Code, which section was last amended by Ordinance 122901, are amended as follows, and a new subsection E is added:

23.90.018 Civil penalty.

* * *

B. Specific Violations.

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

2. Violations of the requirements of ~~S~~subsection 23.44.041.C are subject to a civil penalty of $5,000, which shall be in addition to any penalty imposed under subsection 23.90.018.A ~~of this section~~.

3. Violations of Section 23.49.011, 23.49.015 or 23.50.051 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings ~~or satisfy alternative standards under any such Section~~ under applicable sections are subject to penalty in amounts determined under Section 23.49.020, and not to any other penalty , but final determination and enforcement of penalties under that Section are subject to subsection 23.90.018.C.

4. Violations of Section 23.45.526 with respect to failure to demonstrate compliance with commitments to earn a LEED Silver rating or a 4-Star rating awarded by the Master Builders Association of King and Snohomish Counties or other eligible green building ratings systems under applicable sections are subject to penalty in amounts determined under this subsection 23.90.018.E, and not to any other penalty.

~~4~~5. Violation of Section 23.40.007.B with respect to failure to demonstrate compliance with a waste diversion plan for a structure permitted to be demolished under subsection 23.40.006.C is subject to a penalty in an amount determined as follows:

P = SF x .02 x RDR,

where:

P is the penalty;

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

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

* * *

D. Except in cases of violations of Section 23.45.526, 23.49.011, 23.49.015, or 23.50.051 with respect to failure to demonstrate compliance with commitments to earn LEED Silver, Built Green 4-Star, or ESDS ratings or satisfy alternative standards, the violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful 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.

E. Demonstration of green building certification pursuant to LEED Silver or Built Green 4-Star or ESDS ratings for certain development in multifamily zones.

1. Applicability. This section applies whenever a commitment to earn a LEED Silver rating, or a Built Green 4-Star or ESDS rating, or a substantially equivalent standard, as approved by the Director, is a condition of a permit in a multifamily zone.

2. Demonstration of Compliance; Penalties.

a. The applicant shall demonstrate to the Director the extent to which the applicant has complied with the commitment to meet the green building performance requirements no later than 90 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. Performance is demonstrated through an independent report from a third party.

1) For projects committed to achieve a LEED Silver rating, the report will be produced by the U.S. Green Building Council or another independent entity approved by the Director and submitted by the applicant to the Director.

2) For projects using the Built Green Multi- family Program the report will be produced by the Master Builders Association of King and Snohomish Counties or another independent entity approved by the Director and submitted by the applicant to the Director.

3) For projects using the ESDS, the report will be produced according to the process managed by the Housing Trust Fund Contract Manager for the State of Washington.

4) For purposes of this subsection 23.90.018.E, if the Director approves a commitment to achieve a substantially equivalent standard, the terms "LEED Silver rating", "Built Green 4-Star" or "ESDS" shall mean such other standard.

b. Failure to submit a timely report regarding the green building performance 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.

c. Failure to demonstrate, through an independent report as provided in this subsection, full compliance with the applicant's commitment to meet a green building performance requirement, is a violation of the Land Use Code. Each day of noncompliance is a separate violation. The penalty for each violation is determined as follows:

P = CV x 0.01,

where:

P is the penalty;

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

d. Failure to comply with the applicant's commitment to meet green building performance requirements 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 23.90.018.E.2, no additional penalty shall be imposed for the failure to comply with the commitment.

e. 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 meet green building performance requirements in accordance with this Section 23.90.018, the Director may give notice of such determination, and of the calculation of the penalty due, to the applicant.

f. 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 the required green building performance rating, then the penalty owing shall be eliminated. If the applicant does not submit a supplemental report in accordance with this subsection by the date required under this subsection, or if the Director determines that the supplemental report does not demonstrate compliance, then the amount of the penalty as set forth in the Director's original notice shall be final, subject to subsection 23.90.018.C.

g. Any owner, other than the applicant, of any lot on which the bonus development or extra floor area was obtained or any part thereof, shall be jointly and severally responsible for compliance and liable for any penalty due under this subsection 23.90.018.E.

~~E~~F. Use of Penalties. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsections 23.90.018.B.3, 23.90.018.B.5, and 23.90.018.E ~~of this section~~. Revenue from penalties under ~~that~~ these subsections 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 69. Subsection B of Section 23.90.020 of the Seattle Municipal Code, which section was last amended by Ordinance 122611, is amended as follows:

23.90.020 Alternative criminal penalty~~:~~

* * *

B. A criminal penalty, not to exceed ~~Five Thousand Dollars ($5,000)~~ $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, Built Green 4-Star ratings, or ESDS ratings or satisfy alternative standards under ~~SMC~~ Sections 23.45.526, 23.49.011, 23.49.015, or 23.50.051; and

3. For any willful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this Code.

Section 70. Subsection A of Section 23.91.002 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.91.002 Scope of Chapter 23.91~~.~~

A. Violations of the following provisions of Seattle Municipal Code Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (Sections 23.44.006~~,~~ and 23.44.040, ~~23.45.004,~~ and ~~23.45.140~~ Chapter 23.45;

2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014~~,~~ and 23.44.040, ~~23.45.005, 23.45.014, 23.45.056, and 23.45.072~~ and Chapter 23.45;

3. Parking of vehicles in a single-family zone (Section 23.44.016);

4. Keeping of animals (Section 23.42.050; and

5. Home occupations (Section 23.42.052.

* * *

Section 71. Subsection M of Section 25.05.675 of the Seattle Municipal Code, which section was last amended by Ordinance 123071, is amended as follows:

25.05.675 Specific environmental policies.

* * *

M. Parking.

1. Policy Background.

a. Increased parking demand associated with development projects may adversely affect the availability of parking in an area.

b. Parking regulations to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of providing additional parking may have an adverse effect on the affordability of housing.

2. Policies.

a. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.

b. Subject to the overview and cumulative effects policies set forth in ~~SMC~~ Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project to mitigate the effects of development in an area on parking; provided that:

~~i.~~1) No SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones;

~~ii.~~2) In ~~the~~ Seattle Mixed (SM) zones, and for residential uses located within ~~the Pike/Pine Urban Center Village,~~ the Capitol Hill/First Hill Urban Center ~~Village~~, the University District Northwest Urban Center Village, ~~and the First Hill Urban Center Village,~~ and the Station Area Overlay District, no SEPA authority is provided for the decisionmaker to require more parking than the minimum required by the Land Use Code;

~~iii.~~3) Parking impact mitigation for multifamily development, except in the Alki area, as described in subsection 25.05.675.M.2.c below, may be required only where on-street parking is at capacity, as defined by the Seattle Department of Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

c. For the Alki area, as identified on ~~Exhibit 2~~ Map B for 23.45.015, a higher number of spaces per unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse parking impacts of specific multifamily projects. Projects that generate a greater need for parking and that are located in places where the street cannot absorb that need -- for example, because of proximity to the Alki Beach Park -- may be required to provide additional parking spaces to meet the building's actual need. In determining that need, the size of the development project, the size of the units and the number of bedrooms in the units shall be considered.

d. Parking impact mitigation for projects outside of downtown zones may include but is not limited to:

~~i.~~1) Transportation management programs;

~~ii.~~2) Parking management and allocation plans;

~~iii.~~3) Incentives for the use of alternatives to single-occupancy vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;

~~iv.~~4) Increased parking ratios, except for projects located within ~~the~~ Seattle Mixed (SM) zones , and residential uses located in ~~the Pike/Pine Urban Center Village,~~ the Capitol Hill/First Hill Urban Center ~~Village~~, the University District Northwest Urban Center Village, ~~or the First Hill Urban Center Village,~~ and the Station Area Overlay District; and

~~v.~~5) Reduced development densities to the extent that it can be shown that reduced parking spillover is likely to result; provided, that parking impact mitigation for multifamily development may not include reduction in development density.

* * *

Section 72. 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 are incorporated 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 73. This ordinance is intended to adopt an affordable housing incentive program for certain multifamily zones in accordance with RCW 36.70A.540. To the extent any performance or payment under Section 23.58A.014 as amended by this ordinance may constitute a tax under applicable law, this ordinance enacts that tax pursuant to the authority in RCW 36.70A.540.

Section 74. Sections 1 through 73 of this ordinance shall take effect 60 days after the effective date of this ordinance.

Section 75. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within 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 _____, 2009, and signed by me in open session in authentication of its passage this

_____ day of _____, 2009.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2009.

_____

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2009.

_____

City Clerk

(Seal)

Attachment A: Repealed Code Sections

Herzfeld/Jenkins

Multifamily Code Amendments ORD v8.docx

December 14, 2009

Version 9

Lh

Attachment A to Multifamily Code Amendment Ordinance: Repealed Code Sections

The repealed sections of the Land Use Code are shown below in numerical order. When the repealed section references an exhibit, that exhibit is also repealed. The title of the repealed section is followed by a reference to the number of the repealing section of the ordinance.

23.45.007 Transportation concurrency level-of-service standards. (Ordinance Section 19)

Proposed uses in lowrise, midrise, and highrise multifamily zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

23.45.047 Midrise/85 zones. (Ordinance Section 22)

All use and development standards applicable in Midrise zones shall be applicable in Midrise/85 zones, except that the permitted height limit shall be eighty-five (85) feet. Subsections 23.45.050B and C allowing additional height on sloping sites and for pitched roofs shall not apply.

23.45.048 Midrise -- Structures thirty-seven feet or less in height. (Ordinance Section 22)

A. Any structure thirty-seven (37) feet or less in height may be developed, at the applicant's option, according to the standards for multifamily structures in Lowrise 4 zones.

23.45.054 Midrise -- Modulation requirements. (Ordinance Section 27)

Modulation of structure facades shall be required subject to the following criteria:

A. Front Facades.

1. Modulation shall be required if the front facade width exceeds forty (40) feet. Ground-related structures may follow either the modulation standards for Lowrise 3 Zones (Section 23.45.012 D2) or the standards in this section.

2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated (Exhibit 23.45.054 A).

B. Side Facades.

1. On corner lots, side facades which face the street shall be modulated if greater than forty (40) feet in width. Modulation shall not be required for the side facades of terraced housing.

2. Apartments with a structure depth greater than sixty-five (65) percent of lot depth shall be modulated along all side facades, according to the standards of subsection D of this section.

C. Within a cluster development, all interior facades wider than fifty (50) feet shall be modulated according to the standards of Section 23.45.054 D, provided that maximum modulation width shall be fifty (50) feet. Perimeter facades shall follow standard development requirements.

D. Modulation Standards.

1. Minimum Depth of Modulation.

a. The minimum depth of modulation shall be eight (8) feet (Exhibit 23.45.054 B).

b. When balconies are part of the modulation and have a minimum depth of six (6) feet and a minimum area of at least (6) sixty square feet, the minimum depth of modulation shall be six (6) feet (Exhibit 23.45.054 C).

2. The minimum width of modulation shall be ten (10) feet (Exhibit

23.45.054 B).

3. Maximum Width of Modulation.

a. The maximum width of modulation shall be forty (40) feet.

b. Exceptions to Maximum Width of Modulation.

(1) When facades provide greater depth of modulation than required by subsection D1, then for every additional full

foot of modulation depth, the width of modulation may be increased by two and one-half (2 1/2) feet to a maximum of fifty (50) feet and Section 23.86.002 B, Measurements, shall not apply.

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: The width of modulation of such a facade shall be permitted to exceed forty (40) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of D3b(1), nor shall it permit facades to exceed fifty (50) feet in width without modulation.

4. Required modulation may start a maximum of ten (10) feet above existing grade, and shall be continued up to the roof.

23.45.057 Midrise -- Screening and landscaping standards. (Ordinance Section 35)

A. Quantity.

1. A minimum landscaped area that is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.

2. If screening and landscaping of parking from direct street view is provided according to subsection 23.45.060 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.

3. Landscaped usable open space that is provided for apartments or terraced housing according to Section 23.45.058 and located at ground level, may be counted towards fulfilling the total amount of landscaped area required by this section.

4. Street trees shall be provided in the planting strip according to Seattle Department of Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require landscaping which cannot be provided on the lot be provided in the planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by subsection 23.45.060 D or open space required by Section 23.45.058.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided according to subsection 23.45.060 D, landscaping may be provided on all sides of the lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three (3) feet deep shall be provided at the following locations, except as provided in subsection B2:

a. Along street property lines;

b. Along property lines which abut single-family zoned lots;

c. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director.

23.45.058 Midrise -- Open space requirements. (Ordinance Section 32)

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity.

1. Ground-related Housing.

a. A minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required. Decks may project into setbacks in accordance with 23.45.056 D.

b. On lots with slopes of twenty (20) percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

2. Apartments.

a. A minimum of twenty-five (25) percent of the lot area shall be provided as usable open space at ground level, except as provided in subsection A2b.

b. A maximum of one-third (1/3) of the required open space may be provided above ground in the form of balconies or decks if the total amount of required open space is increased to thirty (30) percent of lot area.

3. Terraced Housing on Slopes of Twenty-five (25) Percent or More.

a. A minimum of forty (40) percent of the lot area shall be provided as usable open space.

b. Ground-level open space may be reduced from forty (40) percent to ten (10) percent of lot area when an equivalent amount of open space is provided above ground in the form of balconies, decks and/or rooftop areas.

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten (10) feet.

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten (10) feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B2g.

d. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open

space from the unit occurs.

e. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms, alone or in combination.

f. At least fifty (50) percent of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two (2) feet.

g. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten (10) feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten (10) feet, the open space may be located a maximum of ten (10) feet plus the height between floors in excess of ten (10) feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two (2) feet above grade, the open space may be located a maximum of ten (10) feet plus the additional height of the first floor in excess of two (2) feet above grade, above or below the unit it serves.

h. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six (6) feet in height in accordance with Section 23.45.014 G.

i. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11 -- Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11-Accessibility, shall not be counted as open space.

d. In order to qualify as aboveground open space, balconies and decks shall have a minimum horizontal dimension of at least six (6) feet, and the minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty (20) percent of the required open space shall be provided in one (1) contiguous area.

f. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.011.

4. Terraced Housing on a Slope of Twenty-five (25) Percent or More.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11-Accessibility, shall not be counted as open space.

d. In order to qualify as aboveground open space, rooftop areas, balconies and decks shall have a minimum horizontal dimension of at least ten (10) feet, and a total area of at least one hundred twenty (120) square feet.

C. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five (5) percent of the total lot area.

23.45.064 Highrise -- General provisions. (Ordinance Section 25)

In Highrise Zones, structures may be built either to the development standards described below, or to the development standards of the Midrise Zone. Structures built to Midrise standards shall have no limit to width or depth when modulated according to the standards of Section 23.45.054C, midrise modulation requirements.

23.45.066 Highrise -- Structure height. (Ordinance Section 25)

A. Maximum Height.

1. The maximum height shall be one hundred sixty (160) feet.

B. Additional Height Permitted. The Director may authorize additional height up to a maximum height of two hundred forty (240) feet, as a special exception pursuant to Chapter 23.76, Master Use Permit. In order to qualify, the applicant shall comply with the following provisions:

1. The applicant shall provide for adequate spacing between existing and proposed towers in order to minimize blockage of views from public places, and to minimize casting of shadows on public places. The applicant shall provide shadow diagrams for December 21st, March 21st and June 21st, as well as elevations showing the degree, if any, of view blockage that would occur. The Director may limit or condition the amount of extra height and bulk granted in order to minimize blocking of views from public places and to casting of shadows on public places.

2. If the provisions of subsection B1 of this section have been met, additional height above one hundred sixty (160) feet may be allowed in return for the provision of one (1) of the public benefits listed below, or any combination of these benefits. The amount of additional height shall be determined based on the following criteria, and on the design of the proposed project and the public benefits that are provided.

a. When a proposed highrise development provides new low- and/or moderate-income housing, or preserves existing low- and/or moderate-income housing, additional height may be allowed according to the following provisions:

(1) The housing provided in order to qualify for additional height shall be in addition to any housing provided to replace demolished units.

(2) Housing provided to replace demolished units must be provided on the same site as the proposed highrise. Additional housing preserved or provided to qualify for additional height may be either within the proposed project, or within its immediate vicinity.

(3) For every one (1) percent of the total gross floor area in the proposed structure that is reserved as low-income housing, an additional eight (8) feet in height may be allowed; and for every one (1) percent of the total gross floor area in the proposed structure that is reserved as moderate income housing, an additional five (5) feet in height may be allowed.

(4) The units provided to gain additional height shall be reserved as low- or moderate-income housing by ownership and

restrictive covenants for a minimum of twenty (20) years from the date a certificate of occupancy is issued.

(5) Two (2) years after the adoption of this provision, or at a time when an adequate number of projects are available for analysis, the Director shall review this provision and recommend any revisions that are necessary consistent with the City's land use and housing objectives.

b. Landscaped Public Open Space. When proposed highrise developments provide landscaped, usable public open space in addition to the open space required for the exclusive use of residents of the development, additional height up to a maximum of forty (40) feet may be allowed according to the following provisions:

(1) Open space for public use shall either be dedicated, or upon written agreement with The City of Seattle be available to the public during reasonable and predictable hours each day of the week.

(2) The open space may be provided on-site or in the immediate vicinity of the project.

(3) The location of the open space shall enhance street-level activity by providing:

(A) A focal point in a highly dense or active area; and/or

(B) A unique amenity suited to the area and of public benefit; and

(C) Better pedestrian access and siting of an existing public facility or historic landmark.

(4) The space shall be of a sufficient size to be functional, and shall be contiguous to pedestrian pathways that make it readily accessible to users.

(5) The design of the open space shall enhance unique site characteristics such as views, topography, trail systems and significant trees or landscaping.

(6) Public open space and equipment located there shall be designed to provide safety and security for user groups.

(7) The open space shall be designed so that its solar exposure encourages its use.

(8) Outdoor common areas and pedestrian access shall be separated from the paths of moving vehicles.

(9) The outdoor common areas shall function as more than pedestrian walkways or passageways between areas. Active areas and/or passive areas shall be provided depending on the needs of the adjacent neighborhood.

c. Structures of Architectural and Historical Significance. Additional heights may be allowed when new multifamily developments preserve structures of architectural or historical significance, according to the following provisions:

(1) Preservation of designated City landmarks, with proceedings and controls adopted pursuant to Seattle Municipal Code, Chapter 25.12, Landmarks Preservation Ordinance, may qualify for eighty (80) feet of additional height.

(2) The significant structure to be preserved may be located either on the project site or within the immediate vicinity.

C. Height Exceptions.

1. Flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer than fifty (50) percent of their height above existing grade or, if attached only to the roof, no closer than fifty (50) percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend four (4) feet above the

maximum height limit set in subsections A and B of this Section.

3. The following rooftop features may extend up to ten (10) feet above the maximum height limit, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area, or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge;

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

g. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

6. For height limits and exceptions for communication utilities and devices, see Section 23.57.011.

23.45.068 Highrise structure width and depth. (Ordinance Section 27)

A. Maximum Width.

1. For facades or portions of facades along the street which are thirty-seven (37) feet in height or less, and which are not modulated according to the standards of Section 23.45.070 B, maximum width shall be thirty (30) feet.

2. For facades or portions of facades along the street which are thirty-seven (37) feet in height or less, and which are modulated according to the standards of Section 23.45.070 B, there shall be no maximum width limit.

3. Facades or portions of facades which begin thirty-seven (37) feet or more above existing grade shall have a maximum width limit of one hundred (100) feet, whether they are modulated or not (Exhibit 23.45.068 A).

B. Maximum Depth.

1. For facades or portions of facades thirty-seven (37) feet or less in height, which are not along a street, there shall be no maximum depth limit.

2. Facades or portions of facades above thirty-seven (37) feet in height shall not exceed one hundred (100) feet in depth (Exhibit 23.45.068 B).

23.45.070 Highrise -- Modulation requirements. (Ordinance Section 27)

A. Modulation shall be required along street fronts for facades thirty-seven (37) feet or less in height, when the width of the facade exceeds thirty (30) feet.

B. Modulation Standards.

1. The minimum depth of modulation shall be four (4) feet

(Exhibit 23.45.070 A).

2. When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of sixty (60) square feet, the minimum depth of modulation shall be reduced by two (2) feet (Exhibit 23.45.070 B).

3. The minimum width of modulation shall be five (5) feet (Exhibit 23.45.070A).

4. Maximum Width of Modulation.

a. The maximum width of modulation shall be thirty (30) feet.

b. Exceptions to Maximum Width of Modulation.

(1) When facades provide greater depth of modulation than required by subsections B1 and B2, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half (2 1/2) feet, to a maximum width of fifty (50) feet, and Section 23.86.002 B, Measurements, shall not apply.

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guide: The width of modulation of such a facade shall be permitted to exceed thirty (30) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection B4b1 above nor shall it permit facades to exceed fifty (50) feet in width without modulation.

5. Required modulation may start a maximum of ten (10) feet above existing grade, and shall be continued up to a height of at least thirty-seven (37) feet.

23.45.072 Highrise -- Setback requirements. (Ordinance Section 30)

Front, rear and side setbacks shall be provided for all lots according to the following provisions:

A. Front Setbacks.

1. Facades or Portions of Facades Thirty-seven (37) Feet in Height or Less. The minimum front setback for facades or portions of facades thirty-seven (37) feet in height or less shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

a. The front setback shall in no case be required to be more than five (5) feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

b. The front setback shall in no case be required to exceed ten (10) feet except that a greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

c. Portions of the Structure in Front Setbacks.

(1) Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirements.

(2) Any projection of the facade which begins at finished lot grade shall be no closer to the front lot line than the finished grade facade projection nearest the front lot line of a structure on either side, or five (5) feet, whichever is less.

2. Facades or Portions of Facades Above Thirty-seven (37) Feet. Facades or portions of facades which begin thirty-seven (37) feet or more above finished grade shall have a front setback of twenty (20) feet. This setback may be averaged.

3. Front Setback Exceptions.

a. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

b. If the street facade is in retail use, no front setback is required.

c. Sloped Lots. On sloped lots with no alley access, the required front setback shall be fifteen (15) feet minus one (1) foot for each two (2) percent of slope. Slope shall be measured from the midpoint of the front lot line, to the rear lot line or for a depth of sixty (60) feet, whichever is less.

B. Rear Setback.

1. The minimum rear setback for structures or portions of structures sixty (60) feet or less in height shall be ten (10) feet.

2. The minimum rear setback for portions of structures greater than sixty (60) feet in height shall be twenty (20) feet.

C. Side Setback.

1. The minimum side setback (Exhibit 23.45.072 A) shall be as follows:

Elevation of Façade or Portion of Façade from Existing Grade (in feet)	**Combined Total of Both Side Setbacks Must Be At Least (in feet)**	**Neither Side Setback May Be Less Than (in feet)**
37 or less	10	5

38--60	16	8
61--90	25	10
91--120	30	14
121 or higher	40	16

2. When properties abutting the site are developed to the side property line, the base structure of a proposed development may be joined to the abutting structure.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments. Where two (2) or more principal structures are located on one (1) lot, or where two (2) or more portions of the same structure exceed sixty (60) feet in height above existing grade, setbacks between structures or portions of structures shall be provided as follows:

a. Interior facades shall be separated as follows:

Elevation of Facade or Portion of Facade From Existing Grade (in feet)	Minimum Separation (in feet)
60 or less	16
61-90	20
91-120	28
121 or higher	32

b. Within a cluster development, interior facades need not be modulated. Perimeter facades shall follow standard development requirements.

c. Structures or portions of structures over sixty (60) feet in height may be connected by underground garages or portions of structures thirty-seven (37) feet or less in height.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.072 B . All such accessory structures shall be no greater than twelve (12) feet in height above existing grade, with open rails permitted above twelve (12) feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11-Accessibility, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six (6) feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen (18) inches above existing or finished grade, whichever is lower, may project into required setbacks. Such decks shall not be permitted within five (5) feet of any lot line, unless they abut a

permitted fence or freestanding wall, and are at least three (3) feet below the top of the fence or wall. The fence or wall shall be no higher than six (6) feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

i. No part of the structure may exceed eight (8) feet; and

ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the effective date of the ordinance codified in this section.1 If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9 1/2) feet.

(4) Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

(1) In each required setback, an arbor may be erected with no more

than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

(2) In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The sides of the arbor shall be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

3. Front and rear setbacks on lots containing certain environmentally critical areas or buffers may be reduced pursuant to the provisions of Sections 25.09.280 and 25.09.300.

23.45.073 Highrise -- Screening and landscaping standards. (Ordinance Section 34)

A. Quantity.

1. A minimum landscaped area that is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.

2. If screening and landscaping of parking from direct street view is provided according to subsection 23.45.076 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.

3. Landscaped usable open space that is provided for apartments or terraced housing according to Section 23.45.074 and located at ground level may be counted towards fulfilling the total amount of landscaped area required by this section.

4. Street trees shall be provided in the planting strip according to Seattle Department of Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require that landscaping which cannot be provided on the lot shall be provided in the planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by Section 23.45.076 D or open space required by Section 23.45.072.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided according to Section 23.45.076 D, landscaping may be provided on all sides of the lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three (3) feet deep shall be provided at the following locations, except as provided in subsection B2:

a. Along property lines which abut single-family zoned lots;

b. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director.

23.45.074 Highrise -- Open space requirements. (Ordinance Section 32)

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity.

1. A minimum of fifty (50) percent of the lot area shall be provided as landscaped open space at ground level.

2. Quantity Exception for Apartments. Ground-level open space may be reduced from fifty (50) percent to a minimum of twenty-five (25) percent of lot area according to the following scale: for every square foot of difference between fifty (50) percent of lot area and the actual ground- level open space provided, one and two-tenths (1 2/10) square feet shall be provided above ground in the form of decks and balconies or on the roof of the base structure.

B. Development Standards.

1. No horizontal dimension for required open space at ground level or on the roof of the base structure shall be less than fifteen (15) feet, nor shall any open space area be less than two hundred twenty-five (225) square feet.

2. In order to qualify as above-ground-level open space, balconies, decks, or open space on the roof of a base structure shall be thirty-seven (37) feet or less above existing grade.

3. Required open space is permitted in the front, side or rear of the structure.

4. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11, shall not be counted as open space.

5. In order to qualify as above-ground open space, no horizontal dimension for balconies and decks shall be less than six (6) feet, and the minimum area for balconies and decks shall be sixty (60) feet.

6. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.011.

23.45.075 Highrise -- Light and glare standards. (Ordinance Section 39)

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or a solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

23.45.076 Highrise -- Parking and access. (Ordinance Section 41)

A. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions of subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030 C. Access from the street shall not be permitted.

2. Street Access Required. Access to parking shall be from the street when:

a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

b. The lot does not abut an alley;

c. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.

3. Street or Alley Access Permitted. Access to parking may be from either the alley or the street when the conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:

a. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;

b. The alley is not improved to the standards of Section 23.53.030C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

c. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter 11 may be from either the street or alley, or both.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use, except accessory off-site parking permitted according to Section 23.45.166.

2. Parking may be located in or under the structure, provided that the parking is screened from street view by the front facade of the structure (Exhibit 23.45.076 A). Parking is permitted on all levels of a base structure, with the limitation that a maximum of fifty (50) percent of the area of the floor closest to the grade of the street may be used for parking. If the street-level facade is in retail use, sixty (60) percent of the street-level floor area may be used for parking. For each permitted curb cut, the facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts.

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.076 D:

a. Parking may be located between any structures on the same lot.

b. Parking may be located between any structure and the rear lot line of the lot (Exhibit 23.45.076B.

c. Parking may be located between any structure and the side lot lines of the lot (Exhibit 23.45.076B).

d. Parking shall not be located between any structure and the front lot line of a lot.

4. Location of Parking in Special Circumstances. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street (Exhibit 23.45.076C).

D. Screening of Parking.

1. Parking shall be screened from direct street view by the facade of a structure, by garage doors, or by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped area a minimum of three (3) feet deep on the street side of the fence or wall. Such screening

shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required in subdivision 1 of this subsection shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the

difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (Exhibit 23.45.076 D).

3. Screening may also be required to reduce glare from vehicle lights, according to Section 23.45.075, light and glare standards.

23.45.080 Congregate residences. (Ordinance Section 48)

A. Bulk and Siting. Congregate residences shall be subject to the development standards of the multifamily zone in which they are located.

B. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

23.45.088 Nursing homes meeting development standards. (Ordinance Section 48)

A. General Provisions. The establishment of new nursing homes which meet the development standards of this section shall be permitted outright in all multifamily zones. If the expansion of an existing nursing home meets all development standards, it shall be permitted outright.

B. Development Standards. Nursing homes shall be subject to the following standards:

1. A nursing home is subject to the development standards of the multifamily zone in which it is located.

2. Parking Quantity. Parking shall be provided as required in Chapter 23.54, unless the applicant can demonstrate that less parking is needed due to unique features of the program. In such a case, the applicant shall enter into an agreement with the Director, specifying the parking required and linking the parking reduction to the features of the program which allow such reduction. Such parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements must be met.

23.45.092 Institutions -- Structure height. (Ordinance Section 48)

A. Maximum height limits for institutions shall be as provided for multifamily structures in the same multifamily zone.

B. In the Lowrise zones, for gymnasiums and auditoriums that are necessary to an institution the maximum permitted height shall be thirty- five (35) feet if all portions of the structure above the height limit of the zone are set back at least twenty (20) feet from all property lines. Pitched roofs on the auditorium or gymnasium with a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend beyond thirty-five (35) feet.

23.45.094 Institutions -- Structure width and depth. (Ordinance Section 48)

A. Maximum Width.

1. The maximum width for institutions shall be as follows:

Zone	Maximum Width Without Modulation or Landscaping Option (feet)	Maximum Width With Modulation or Landscaping Option (feet)
Lowrise 1	45	75
Lowrise 2	45	90
Lowrise 3	60	150
Midrise	60	150
Highrise		

- Facades or portions of facades below 37" in height	90	No maximum width
-Facades or portions of facades above 37" in height	100	100

2. In order to reach the maximum width permitted in each zone, institutional structures shall be required to reduce the appearance of bulk through one (1) of the following options:

a. Modulation Option. Front facades, and side and rear facades facing street lot lines, shall be modulated (Exhibit 23.45.094A) according to the following provisions:

(1) The minimum depth of modulation shall be four (4) feet in Lowrise 1, Lowrise 2 and Lowrise 3 Zones, and six (6) feet in Midrise and Highrise Zones.

(2) The minimum height of modulation shall be five (5) feet.

(3) The minimum width of modulation shall be twenty (20) percent of the total structure width or ten (10) feet, whichever is greater.

(4) Any unmodulated portion of the facade shall not comprise more than fifty (50) percent of the total facade area.

(5) In Highrise Zones, modulation shall only be required for the first sixty (60) feet in height of an institution's facade; or if the facade above thirty-seven (37) feet is set back twenty (20) feet or more from the lot lines, modulation shall only be required for the first thirty-seven (37) feet in height of the structure. The maximum width of any unmodulated portion of the facade in Highrise Zones shall be ninety (90) feet.

b. Landscape Option. Front setbacks and landscaping shall be provided as follows:

(1) The required front setback shall be five (5) feet more than the required minimum setback for the lot.

(2) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required front setback and street-facing side and rear setbacks. When new trees are planted, at least half must be deciduous.

(3) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten (10) feet of the area may be substituted for required plantings on a one-tree-to-one-tree or one-shrub- to-one-shrub basis if the minimum standards in Section 23.86.022 (Measurements) are met. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) feet of its canopy spread.

(4) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City standards.

(5) Each setback required to be landscaped shall be planted with shrubs, grass and/or evergreen ground cover.

(6) Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area.

(7) A plan shall be filed showing the layout of the required landscaping.

(8) The property owner shall maintain all landscape material and replace any dead or dying plants.

(9) Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City Director of Executive Administration in the amount equal to sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City Director of Executive Administration five (5) years from the date of issuance of the covering use permit at the request of the permittee upon presentation of a certificate of compliance from the Director of Design, Construction and land use. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements.

B. Maximum Depth. The maximum depth of institutional structures shall be sixty-five (65) percent of lot depth.

23.45.096 Institutions -- Setback requirements. (Ordinance Section 48)

A. Front Setback. The minimum depth of the required front setback shall be determined by the average of the setbacks of structures on adjoining lots, but is not required to exceed twenty (20) feet. In Lowrise 1, Lowrise 2 and Lowrise 3 Zones, the setback shall not be reduced below an average of ten (10) feet, and no portion of the structure shall be closer than five (5) feet to the front lot line.

In Highrise Zones, where the street front is devoted to retail and service use, no front yard setback shall be required.

B. Rear Setback. The minimum rear setback shall be ten (10) feet in Lowrise 1, 2 and 3 and Midrise Zones. The minimum rear setback in Highrise Zones shall be twenty (20) feet.

C. Side Setback.

1. The minimum side setback shall be ten (10) feet from a side lot line which abuts any other residentially zoned lot. A five (5) foot setback shall be required in all other cases, except that the minimum side street side setback shall be ten (10) feet.

In Highrise Zones, structures which are between ninety-one (91) and one hundred twenty (120) feet in height shall have a minimum side setback of fourteen (14) feet; structures which are taller than one hundred twenty (120) feet shall have a minimum side setback of sixteen (16) feet (Exhibit 23.45.096 A .

2. When the depth of a structure exceeds sixty-five (65) feet, an additional setback shall be required for that portion in excess of sixty- five (65) feet. This additional setback may be averaged along the entire length of the wall. The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart.

Side Setback Requirements for Structures Greater than Sixty-Five Feet in Depth										
H	**0-10**	**11-21**	**21-30**	**31-40**	**41-50**	**51-60**	**61-70**	**71-80**	**81-90**	**91-160**
D										
66-70	11	12	13	14	15	16	17			
71-80	12	13	14	15	16	17	18	19	20	21
81-90	13	14	15	16	17	18	19	20	21	22
91-100	14	15	16	17	18	19	20	21	22	23
101-110	15	16	17	18	19	20	21	22	23	24

D. Setbacks for Specific Items. In Lowrise 1, Lowrise 2 and Lowrise 3 zones, the following items shall be located at least twenty (20) feet from any abutting residentially zoned lot:

1. Emergency entrances;

2. Main entrance door of the institutional structure;

3. Outdoor play equipment and game courts;

4. Openable window of gymnasium, assembly hall or sanctuary;

5. Garbage and trash disposal mechanism;

6. Kitchen ventilation;

7. Air-conditioning or heating mechanism;

8. Similar items causing noise and/or odors as determined by the Director.

E. Landscaping and Screening of Required Setbacks.

1. Institutions shall provide landscaping for setbacks which abut a street. Such setbacks shall be planted with trees, shrubs, grass and/or evergreen ground cover. The planting of street trees shall also be considered as part of the landscaping. Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area. If the landscaping option of Section 23.45.094 A2b is used, that shall fulfill all the requirements of this section.

a. A plan shall be filed showing the layout of the required landscaping. This landscaping plan shall meet the standards established by the Director.

b. The property owner shall maintain all landscape material and replace any dead or dying plants.

c. Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City Director of Executive Administration in the amount of sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City Director of Executive Administration five (5) years from the date of issuance of the covering master use permit at the request of the permittee upon presentation of a certificate of compliance from the Director. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements. This requirement shall not apply to child care facilities locating in existing structures.

23.45.098 Institutions -- Parking, access and transportation plan requirements. (Ordinance Section 48)

A. Parking Quantity. Parking and loading shall be required as provided in Section 23.54.015.

B. Location of Parking. Parking areas and facilities may not be located in the required front setback or side street side setback. Otherwise, parking may be located in or under the structure, or in the front, side or rear of the structure.

C. Screening of Parking. Access or parking areas and facilities for more than five (5) vehicles shall be screened in accordance with the following requirements.

1. Screening shall be provided on each side of the parking area which abuts on or faces across a street, alley or access easement any lot in a residential zone.

2. Screening shall consist of a fence, solid evergreen hedge or wall between four (4) and six (6) feet in height. Sight

triangles shall be provided.

3. The height of the visual barrier created by the screen required in paragraph 2 shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (Exhibit 23.45.098 A).

D. Landscaping of Parking. Accessory parking areas for more than twenty (20) vehicles shall be landscaped according to the following requirements:

1. One (1) tree per every five (5) parking spaces shall be required.

2. Each required tree shall be planted in a landscaped area and shall be three (3) feet away from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose each landscaped area.

3. Hardy evergreen ground cover shall be planted to cover each landscaped area.

4. The trees and landscaped areas shall be located within the parking area in such a manner that large expanses of pavement and cars are visually broken and softened.

23.45.100 Institutions -- Noise, odors, light and glare, and signs. (Ordinance Section 48)

A. Noise.

1. Institutions shall be designed to meet the terms of Chapter 25.08 of the Seattle Municipal Code (Noise Control).

2. Institutions which are the origin or destination of emergency vehicles which emit noise specifically exempted by Chapter 25.08 shall be located only on an arterial street as designated in Chapter 11.18 of the Seattle Municipal Code (Traffic Code). Access to emergency entrances for such institutions shall also be located on the arterial.

B. Odors. Ventilation devices and other sources of odors shall be directed away from residential property.

C. Light and Glare.

1. Exterior lighting for institutions shall be shielded or directed away from principal structures on adjacent residential lots.

2. Poles for freestanding exterior lighting shall be permitted up to a maximum height of thirty (30) feet. Light poles for illumination of athletic fields on new and existing public school sites will be allowed to exceed thirty (30) feet subject to the requirements of Section 23.45.112, Public schools.

23.45.102 Institutions -- Dispersion criterion. (Ordinance Section 48)

A. The lot line of any new or expanding institution other than child care centers locating in legally established institutions shall be located six hundred (600) feet or more from any lot line of any other institution in a residential zone with the following exceptions:

1. An institution may expand even though it is within six hundred (600) feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.

2. A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.

23.45.112 Public schools. (Ordinance Section 48)

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers that meet the following development standards are permitted in all multifamily zones. Public schools in the Lowrise Duplex/Triplex (LDT) zones shall meet the development standards for public schools in Lowrise 1 (L1) zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Establishment of Development Standard Departure for Public Schools.

A. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multifamily structures. For gymnasiums and auditoriums in Lowrise zones that are accessory to the public school, the maximum permitted height is thirty-five (35) feet plus ten (10) feet for a pitched roof if all portions of the structure above the height limit of the zone are set back at least twenty (20) feet from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium is permitted to extend above the thirty- five (35) foot height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multifamily structures or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. If the thirty-five (35) foot height limit applies, all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone for multifamily structures, the height of the existing school, or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. When the height limit is thirty-five (35), feet all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height that may be granted as a development standard departure shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof for elementary schools and sixty (60) feet plus fifteen feet (15') for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when a waiver would reduce or eliminate the demolition of residential structures.

5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for the zone in which the public school is located shall apply.

6. Light Standards.

a. Light standards for illumination of athletic fields on new and existing public school sites may exceed the maximum permitted height, up to a maximum height of one hundred (100) feet, where determined by the Director to be necessary to ensure adequate illumination and where the Director determines that impacts from light and glare are minimized to the greatest extent practicable. The applicant must submit an engineer's report demonstrating that impacts from light and glare are minimized to the greatest extent practicable. When proposed light standards are reviewed as part of a project being reviewed pursuant to Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the applicant must demonstrate that the additional height contributes to a reduction in impacts from light and glare.

b. When proposed light standards are not included in a proposal being reviewed pursuant to Chapter 25.05, the Director

may permit the additional height as a special exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

(1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts, including but not limited to, increased duration of noise, traffic, and parking demand. The applicant also must demonstrate he or she has conducted a public workshop for residents within one-eighth (1/8) of a mile of the affected school in order to solicit comments and suggestions on design, as well as potential impacts.

(2) The Director may condition a special exception to address negative impacts from light and glare on surrounding areas, and conditions may also be imposed to address other impacts associated with increased field use due to the addition of lights, including but not limited to, increased noise, traffic, and parking demand.

B. Setbacks.

1. General Requirements.

a. No setbacks shall be required for new public school construction or for additions to existing public school structures for that portion of a site across a street or an alley or abutting a lot in a nonresidential zone. When any portion of a site is across a street or an alley from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting residential zones as provided in subsections B2 through B5 below. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the entire structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections B2b, B3b and B4b.

c. Trash disposals, openable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least thirty (30) feet from any single family zoned lot and twenty feet (20') from any multifamily zoned lot.

d. The general setback regulations and exceptions of the zone in which the public school is located apply.

2. New Public School Construction on New Public School Sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows:

Minimum Setbacks Zone from which Across				
Facade Height1	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average			
Up to 20'	15'	10'	5'	0'
21' to 35'	15'	10'	5'	0'
36' to 50'	20'	15'	5'	0'
51' or more	25'	20'	10'	0'

1Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

Minimum Setbacks Abutting Zone				
Facade Height1	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average (minimum)			
Up to 20'	20' (10')	15' (10')	10' (5')	0' (0')
21' to 35'	25' (10')	20' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

1 Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows, whichever is less:

Minimum Setbacks Zone from which Across				
Facade Height1	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average			
Up to 20'	10"	5"	5"	0"
21' to 35'	10"	5"	5"	0"
36' to 50'	15"	10"	5"	0"
51' or more	20"	15"	10"	0"

1 Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

Minimum Setbacks Abutting Zone				
Facade Height1	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average (minimum)			
Up to 20'	15' (10')	10' (5')	10' (5')	0' (0')
21' to 35'	15' (10')	15' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

1 Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

4. Additions to Existing Public School Structures on Existing Public School Sites (See Exhibit 23.44.017 A).

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows, whichever is less:

Minimum Setbacks Zone from which Across				
Facade Height1	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average (minimum)			
Up to 20'	5"	5"	5"	0"
21' to 35'	10"	5"	5"	0"
36' to 50'	15"	10"	5"	0"
51' or more	20"	15"	10"	0"

1 Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

Minimum Setbacks Abutting Zone				
Facade Height1	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average (minimum)			
Up to 20'	10' (5')	10' (5')	10' (5')	0' (0')
21' to 35'	15' (5')	10' (5')	10' (5')	0' (0')
36' to 50'	20' (10')	20' (10')	10' (5')	0' (0')
51' or more	25' (10')	25' (10')	15' (5')	0' (0')

Elevation of Facade or Portion of Facade from Existing Grade	Setback on Street Frontages	Setback on Alley Frontages	Setback on shared lot lines
45' or less	7' average, 5' minimum	0	7' average, 5' minimum
More than 45' up to 108'	10' average, 7' minimum	10'	15' average, 10' minimum

1 Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to ten (10) feet and the minimum setback to five (5) feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to fifteen (15) feet and the minimum setback to five (5) feet for structures or portions of structures abutting lots in residential zones.

c. The limits in this subsection may be waived by the Director when waiver would reduce or eliminate demolition of residential structures.

C. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-five (65) feet unless either the following modulation option or landscape option is met:

a. Modulation Option. Front facades and side and rear facades facing street lot lines shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four (4) feet.

(2) The minimum width of modulation shall be twenty (20) percent of the total structure width or ten feet (10'), whichever is greater.

b. Landscape Option. Setbacks and landscaping are required as follows:

(1) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required setback. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten (10) feet of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards in Chapter 23.86, Measurements, are met, except that shrub height need not exceed two (2) feet at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle Department of Transportation Tree Planting Standards.

(4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

(5) Landscape features such as decorative paving are permitted to a maximum of twenty-five (25) percent of each required landscaped area.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Modulation and landscaping standards may be waived by the Director when waiver would reduce or eliminate demolition of residential structures.

D. Parking Quantity. Parking is required pursuant to Chapter 23.54.

E. Parking Location. Parking may be located:

1. Within the principal structure; or

2. On any portion of the site except the front setback when separated from streets and from abutting lots in residential zones by a five (5) foot deep area which is landscaped with trees and ground cover determined by the Director as adequate to improve the appearance of the parking from adjacent properties. In the case of a through lot, parking may also be located in one (1) front setback when landscaped as described in this subsection.

3. Development standard departure may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the site and to reduce required landscaping. Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for example, when a steep slope shields parking from the view of abutting properties. This test may be waived by the Director when waiver would reduce or eliminate demolition of residential structures.

F. Bus and Truck Loading and Unloading.

1. An off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required setback. The bus loading and unloading area may be permitted in a landscaped area provided under subsection C1b if the Director determines that landscaping around the loading and unloading mitigates the impacts of its appearance on abutting properties.

2. One (1) off-street loading berth is required for new public school construction.

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 from the requirements and standards for bus and truck loading and unloading areas and berths only when departure would reduce or eliminate demolition of residential structures.

G. Noise, Odor, Light and Glare. The development standards for institutions set forth in Section 23.45A.046 apply. Development standard departure from these standards may be granted or required pursuant to the procedures set forth in Chapter 23.79 only when departure would reduce or eliminate demolition of residential structures.

23.45.122 Institutions other than public schools not meeting development standards. (Ordinance Section 48)

Institutions other than public schools which do not meet development standards established in Section 23.45.090 may be permitted in multifamily zones as administrative conditional uses. The provisions of this section shall apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District.

The following criteria shall be used to evaluate and/or condition the proposals:

A. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.

B. Dispersion Criteria. An institution which does not meet the dispersion criteria of Section 23.45.102 may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.

C. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or berming, adjustments to yards or the location of refuse storage areas, or parking development standards, design modification and fixing of hours for use of areas.

D. Transportation Plan.

1. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or required to provide twenty (20) or more parking spaces.

2. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable

impacts and/or scale of the proposed institution. Consideration of the following elements and other similar factors may be required:

a. Traffic. Number of staff during normal working hours; users, guests and others regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the use; and mitigating measures to be taken by the applicant;

b. Parking Area. Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting; sources of possible vibration; prevailing direction of exhaust fumes; location of driveway and curb cuts; accessibility and convenience of the parking area; and mitigating measures to be taken by the applicant, such as parking space preferences for carpool or vanpool vehicles and provisions for bicycle racks;

c. Parking Overflow. Number of vehicles expected to park in the street; percentage of on-street parking supply to be used by the proposed use; opportunities available to share existing parking areas; trends in local area development and mitigating measures to be taken by the applicant;

d. Safety. Number of driveways which cross pedestrian walkways; location of passenger loading areas;

e. Availability of Mass Transportation. Bus route location and frequency of service; private transportation programs, including carpools and vanpools, to be provided by the applicant.

3. The Director may condition a permit to mitigate potential traffic and parking problems. Measures which may be used by the Director for this purpose include, but are not limited to, the following:

a. Implementing the institution's transportation plan to encourage use of public or private mass transit;

b. Increasing on-site parking or loading space requirements to reduce overflow of vehicles into the on-street parking supply;

c. Changing access and location of parking;

d. Decreasing on-site parking or loading space requirements, if the applicant can demonstrate that less than the required amount of parking is necessary due to the specific features of the institution or the activities and programs it offers. In such cases, the applicant shall enter into an agreement with the Director, specifying the amount of parking required and linking the parking reduction to the features of the institution which justify the reduction. Such parking reductions shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.

23.45.124 Landmark structures. (Ordinance Section 48)

A. The Director may authorize a use not otherwise permitted in a multifamily zone within a structure designated as a landmark pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance, subject to the following development standards:

1. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and

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

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

B. The parking requirements for a use allowed in a landmark are those listed in Section 23.54.015. These requirements

may be waived pursuant to Section 23.54.020 C.

23.45.126 Park and pool lot. (Ordinance Section 48)

The Director may authorize a park and pool lot under the management of a public agency responsible for commuter pooling efforts if the Director shall determine that:

A. It is to be located on an existing parking lot;

B. The parking proposed for the park and pool lot is not needed by the principal use or its accessory uses during the hours proposed for park and pool use; and

C. The park and pool use shall not interfere or conflict with the peak hour activities associated with the principal use and its accessory uses. The Director may control the number and location of parking spaces to be used.

23.45.128 Medical Service Uses (Ordinance Section 48)

A. Medical service uses occupying over 4,000 square feet may be permitted in Highrise zones as administrative conditional uses on lots that are at least 25,000 square feet in size, have not been in residential use since January 1, 1989, and are located on a block that abuts a Neighborhood Commercial zone on at least two entire sides of the block (defined for the purpose of this subsection 23.45.128.A as areas bounded by street lot lines).

B. In order to approve a medical service use, the Director must determine that the medical service use is an expansion of an existing medical service business establishment in the immediate vicinity that is not a major institution.

C. Design review is required.

D. The development standards in Sections 23.45.068 through 23.45.076 do not apply to the portion of the structure occupied by medical service uses, which shall meet the following development standards:

1. The maximum height for the portions of structures containing medical office uses is 108 feet.

2. No width or depth limits apply to facades or portions of facades that are 45 feet or less in height.

3. The average of the gross floor area of stories in medical service use above 45 feet in height shall not exceed 60 percent of the area of the lot.

4. Setbacks

a. Setbacks shall be required as shown on Table A for 23.45.128:

Table A for 23.45.128: Setback Requirements for Medical Office Uses

TABLE INSET:

Elevation of Facade or Portion of Facade from Existing Grade Setback on Street Frontages Setback on Alley Frontages Setback on shared lot lines 45' or less 7' average, 5' minimum 0 7' average, 5' minimum More than 45' up to 108' 10' average, 7' minimum 10' 15' average, 10' minimum

b. If the ground floor of a street facade is in use as a child care center, community center, or commercial use permitted on the ground floor by Section 23.45.110, no setback is required for the portion of the street facade that is 45' in height or less.

c. When properties abutting the site are developed to the side property line, portions of the proposed development that

are 45 feet in height or less may be joined to the abutting structure.

5. A minimum of 25 percent of the lot area shall be provided as landscaped open space at ground level meeting the development standards of subsection 23.45.074.B. In addition to lot area meeting the development standards of 23.45.074.B, the following areas may be included in the calculation of required ground level open space:

a. Area in the public right-of-way of a designated green street abutting the lot that is improved according to a plan approved by the Director, in consultation with the Director of the Department of Transportation, except that the Director may waive the requirement that the green street abut the lot and allow the improvements 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 occupants of the project; and

b. Landscaped area in the public right-of-way that abuts the required open space on the lot, when the landscaping contributes to achievement of the Green Factor score required pursuant to subsection 23.45.128.D.6.

6. Landscaping that achieves a Green Factor score of .30 or greater, pursuant to the procedures set forth in Section 23.86.019, is required.

7. Parking shall be required as provided in Chapter 23.54. Parking shall be located on the same site as the principal use, except for accessory off-site parking permitted according to Section 23.45.166.

8. The Director shall determine the location of access to parking. In order to promote pedestrian safety and comfort, the access via an alley is preferred. Where street access is deemed appropriate, due to safety hazards, topography, or other special site conditions, the number of curb cuts and the width of curb cuts, driveways, and garage openings shall be minimized.

9. No surface area parking shall be provided, and no parking shall be located at or above grade, unless it is separated from all street lot lines by another use.

10. The preferred access to loading berths shall be from an alley if the lot abuts an alley. Loading berths shall be located so that access to any residential parking is not blocked.

11. The Director shall determine the location of passenger load zones, based on safety considerations, minimizing conflicts with automobile and pedestrian traffic, reducing impacts on any nearby residential uses, and the efficient operation of the medical service use.

12. Exterior lighting shall be shielded and directed away from adjacent properties.

13. Identifying signs shall be permitted according to Chapter 23.55, Signs.

E. For mixed use structures containing both medical service uses and residential uses, the following development standards also apply:

1. The maximum width and depth limits in subsections 23.45.068.A and 23.45.068.B apply to any portion of the structure in residential use above 45 feet in height.

2. Residential amenity areas shall be provided according to the provisions of Section 23.47A.024. Open space required at ground level pursuant to subsection 23.45.128.D.5 may be included as residential amenity area if it meets the applicable development standards of subsection 23.47A.024.B.

3. No landscaped open space is required in addition to the open space required in subsection 23.45.128.D.5.

23.45.140 General provisions. (Ordinance Section 48)

A. The accessory uses listed in this subchapter are permitted in all multifamily zones unless otherwise specified. In addition, other accessory uses customarily incidental to principal uses may be permitted, subject to the provisions of Chapter 23.42, General Use Provisions.

B. Accessory structures shall be counted in structure width and depth if less than three (3) feet from the principal structure at any point. Such detached accessory structures shall have a height limit of twelve (12) feet.

23.45.142 Private garages and private carports. (Ordinance Section 48)

Private garages and private carports shall be permitted as accessory uses in multifamily zones and shall be subject to the standards of the zone in which they are located.

23.45.146 Solar collectors. (Ordinance Section 48)

A. Solar Greenhouses in Required Setbacks. Solar greenhouses attached and integrated with the principal structure and no more than twelve (12) feet in height are permitted as accessory uses. Such solar greenhouses may extend a maximum of six (6) feet into required front and side setbacks. Attached solar greenhouses in required setbacks shall be no closer than:

1. Three (3) feet from side lot lines; and

2. Eight (8) feet from front lot lines.

3. Solar greenhouses may be built to a rear lot line which abuts an alley, provided that the greenhouse is no taller than ten (10) feet along the rear property line, and of no greater average height than twelve (12) feet for a depth of fifteen (15) feet from the rear property line, and the greenhouse is no wider that fifty (50) percent of lot width for a depth of fifteen (15) feet from the rear property line. Otherwise solar greenhouses shall be no closer than five (5) feet from the rear lot line.

B. Solar Collectors in Required Setbacks. Solar collectors which meet minimum written energy conservation standards administered by the Director are permitted in required setbacks according to the following provisions:

1. Detached solar collectors shall be permitted in required rear setbacks. Such collectors shall be no closer than five (5) feet to any other principal or accessory structure.

2. Detached solar collectors shall be permitted in required side setbacks. Such collectors shall be no closer than five (5) feet to any other principal or accessory structure, and no closer than three (3) feet to the side lot line.

3. The area covered or enclosed by solar collectors may be counted as required open space.

4. Sunshades which provide shade for solar collectors which meet minimum written energy conservation standards administered by the Director may project into southern front or rear setbacks. Those which begin at eight (8) feet or more above finished grade may be no closer than three (3) feet from the property line. Sunshades which are between finished grade and eight (8) feet above finished grade shall be no closer than five (5) feet to the property line.

C. Solar Collectors on Rooftops.

1. Lowrise Zones. Solar collectors which are located on rooftops and which meet minimum written energy conservation standards administered by the Director shall be permitted to project up to four (4) feet above the maximum height limit. The four (4) feet permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

2. Midrise and Highrise Zones.

a. Solar greenhouses which meet minimum energy conservation standards administered by the Director shall be

permitted to project up to ten (10) feet above the maximum height limit, including the additional height allowed for sloped lots. The combined total coverage of all rooftop features shall not exceed fifteen (15) percent if the total includes screened mechanical equipment.

b. Rooftop solar collectors other than solar greenhouses shall be permitted to project up to seven (7) feet above the maximum height limit, including the additional height allowed for sloped lots.

c. Extra height permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

D. Nonconforming Solar Collectors. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76, Master Use Permit. Such an installation may be permitted even if it exceeds the height limits established in Section 23.45.146 C if the following conditions are met:

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

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

3. Such collector(s) meet minimum energy standards administered by the Director.

23.45.150 Beekeeping. (Ordinance Section 48)

Beekeeping is permitted as an accessory use, when registered with the State Department of Agriculture, and provided that:

A. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

B. Hives shall not be located within twenty-five (25) feet of any property line except when located eight (8) feet or more above the grade immediately adjacent to the subject lot or when situated less than eight (8) feet above the adjacent existing grade and behind a solid fence or hedge six (6) feet high, parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty-five (25) feet beyond the hive in both directions.

23.45.154 Open wet moorage for private pleasure craft. (Ordinance Section 48)

Open wet moorage facilities for residential structures are permitted as an accessory use as regulated in Chapter 23.60, Shoreline District, provided that only one (1) slip per residential unit is provided.

23.45.160 Bed and breakfasts. (Ordinance Section 48)

A bed and breakfast use may be operated in a dwelling unit that is at least five (5) years old by a resident of the dwelling unit under the following conditions:

A. The bed and breakfast use must have a business license issued by the Department of Finance.

B. The operation of a bed and breakfast use may be conducted only within a single dwelling unit.

C. The bed and breakfast shall be operated within the principal structure and not in an accessory structure.

D. Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.

E. There shall be no evidence of such use from the exterior of the structure other than a sign permitted by Section 23.55.022D1, so as to preserve the residential appearance of the structure.

F. No more than two (2) people who are not residents of the dwelling may be employed in the operation of a bed and breakfast, whether or not compensated.

G. Parking shall be required as provided in Chapter 23.54.

23.45.162 Recycling collection station. (Ordinance Section 48)

Recycling collection stations maintained in good condition shall be permitted in all multifamily zones.

23.45.164 Heat recovery incinerators. (Ordinance Section 48)

Heat recovery incinerators, located on the same lot as the principal use, shall be permitted as accessory conditional uses, subject to the following conditions:

A. The incinerator shall be located no closer than one hundred (100) feet to any property line unless completely enclosed within a building.

B. If not within a building, the incinerator shall be enclosed by a view-obscuring fence of sufficient strength and design to resist entrance by children.

C. Adequate control measures for insects, rodents and odors shall be maintained continuously.

23.45.166 Off-site parking facilities in Highrise Zones.

Off-site parking facilities accessory to existing residential structures may be permitted in Highrise Zones as a conditional use, under the following conditions:

A. The off-site parking facilities must be accessory to a multifamily structure existing before the effective date of this Land Use Code, which provides less than one (1) parking space per unit, although it may include parking for a new residential development when developed jointly.

B. One (1) off-site parking facility per multifamily structure shall be permitted.

C. Joint use parking by two (2) or more structures is encouraged.

D. The off-site parking facility shall be located in the Highrise Zone.

E. All parking areas shall be covered, except when located on the roof of a garage which is at least ten (10) feet above existing grade. Where parking is visible from the street, it shall have screening between five (5) and six (6) feet in height. Such screening must be set back a minimum of three (3) feet from the street, with landscaping in the setback area. When parking is in an enclosed building, there shall be landscaping in the setback area between the structure and the street.

F. The garage shall have a maximum height of thirty-seven (37) feet. Setbacks shall equal the average of setbacks of abutting structures, but shall not be required to exceed ten (10) feet. Where the street front is used for retail, no setback shall be required.

G. Any lighting used to illuminate a parking area shall be arranged so as to reflect the light away from residences or adjoining premises in any residential zone.

November 9, 2009

Version 1