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**Council Bill Number:** 117117

**Ordinance Number:** 123564

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AN ORDINANCE related to land use and zoning, amending Sections 11.16.240, 15.16.040, 22.206.160, 23.41.018, 23.44.012, 23.45.510, 23.47A.012, 23.47A.013, 23.57.012, 23.84A.024, 23.84A.032, 23.86.006, and 23.86.007 of the Seattle Municipal Code to make clarifications, and correct cross-references, formatting, errors, and omissions from Ordinance 123495.

**Status:** Passed

**Note:** Originally referred to Seattle Public Utilities and Neighborhoods Committee on 1/18/11.

**Vote:** 9-0

**Date filed with the City Clerk:** 2011/03/31

**Date of Mayor's signature:** 2011/03/22 ([about the signature date](#))

**Date introduced/referred to committee:** 2011/02/28

**Committee:** Built Environment

**Sponsor:** CLARK

**Committee Recommendation:** Pass

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

**Fiscal Note:** [Fiscal Note to Council Bill No. 117117](#)

**Electronic Copy:** [PDF scan of Ordinance No. 123564](#)

**Reference:** Amending: [Ordinance 123495](#), Related: [Clerk File 311318](#)

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**Text:**

AN ORDINANCE related to land use and zoning, amending Sections 11.16.240, 15.16.040, 22.206.160, 23.41.018, 23.44.012, 23.45.510, 23.47A.012, 23.47A.013, 23.57.012, 23.84A.024, 23.84A.032, 23.86.006, and 23.86.007 of the Seattle Municipal Code to make clarifications, and correct cross- references, formatting, errors, and omissions from Ordinance 123495.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection G of Section 11.16.240 of the Seattle Municipal Code, which section was last amended by Ordinance 118409, is amended as follows:

11.16.240 Traffic Engineer---Authority---Review and recommend((--))

It shall be the function of the Traffic Engineer under the supervision of the Director of Transportation to:

\* \* \*

G. Review and make recommendations concerning all applications for all building permits except in single-family (SF) and ((~~multi-family~~)) Lowrise 1 (LR1) zones regarding facilitation of traffic with respect to new or existing driveways;

\* \* \*

Section 2. Subsection A of Section 15.16.040, which section was last amended by Ordinance 122824, is amended as follows:

15.16.040 Terms and conditions~~((--))~~

A. The Director of Transportation may issue a street use permit for use of a portion of the right-of-way for a sidewalk cafe if the Director determines that:

1. The applicant is the owner or occupant of the adjacent property and operates a food-service establishment thereon that is permitted under Title 10 or by the Seattle- King County Director of Public Health or ~~((the))~~ its Director's representative;

2. The proposed use for a sidewalk cafe would not unduly and unreasonably impair pedestrian passage in or on the right-of-way and would allow :

a. if located in the Downtown Urban Center as established in the Comprehensive Plan, at least ~~((six))~~6~~((+))~~ feet of clear path of travel for pedestrian passage if the permit application is submitted after the effective date of the ordinance codified in this section 15.16.040 (see Exhibit A for 15.16.040 ~~((A, Location of Sidewalk Cafe))~~) and at least ~~((five))~~5~~((+))~~ feet of clear path of travel for pedestrian passage for sidewalk cafes established before that date;

b. if located outside of the Downtown Urban Center as established in the Comprehensive Plan, at least ~~((five))~~5~~((+))~~ feet of clear path of travel for pedestrian passage (see Exhibit A for 15.16.040 ~~((A, Location of Sidewalk Cafe))~~);

c. a wider clear path of travel for pedestrian passage than is required in subsections 15.16.040.A.2.a and 2.b when required by the Director of Transportation to facilitate the use of the sidewalk by pedestrians.

3. The proposed sidewalk cafe would be located ;

a. at least ~~((five))~~5~~((+))~~ feet from alleys, bus zones, parking zones for handicapped persons, and commercial loading zones (see Exhibit A for 15.16.040 ~~((A, Location of Sidewalk Cafe))~~);

b. at least ~~((five))~~5~~((+))~~ feet from curb ramps or from the beginning of the corner curb radius where curb ramps do not exist, parking meters or pay stations, traffic signs, utility poles, fire hydrants, bike racks, and other street fixtures (see Exhibit A for 15.16.040 ~~((A, Location of Sidewalk Cafe))~~);

c. at least ~~((three))~~3~~((+))~~ feet from the curb in order to provide access to on-street parking when pedestrian passage is located between the sidewalk cafe and the food-service establishment (see Exhibit A for 15.16.040 ~~((A, Location of Sidewalk Cafe))~~);

d. at least ~~((fifty))~~50~~((+))~~ feet from a lot zoned RSL, SF, ~~((L1, L2, L3 or L4))~~ LR1, LR2, or LR3, and that does not have an RC designation, as shown on the Official Land Use Map, as these zoning designations are defined under Section 23.30.010~~((--))~~.A of Title 23; and

e. at a distance farther than that required in Section 15.16.050.A.3.a, 3.b or 3.c, based upon the Director of Transportation's determination that such additional distance is needed to facilitate the use of the sidewalk by pedestrians;

Exhibit A for 15.16.040: Location of Sidewalk Cafe



4. The applicant has obtained a certificate of approval for the sidewalk cafe from the appropriate Board or Commission when located in a Landmark District or Historic District subject to the provisions of Title 25;

5. The proposed sidewalk cafe is consistent with any applicable standards established by the federal Americans with Disabilities Act; and

6. The applicant has posted a notice of the application for the street use permit for the sidewalk cafe. The notice shall be clearly visible from the adjacent sidewalk and shall state that comments on the application may be sent to the Director of Transportation and will be considered in reviewing the application.

\* \* \*

Section 3. Subsection C of Section 22.206.160 of the Seattle Municipal Code, which section was last amended by the Ordinance introduced as Council Bill No. 117048, is amended as follows:

22.206.160 Duties of owners(~~(-)~~)

\* \* \*

### C. Just Cause Eviction.

1. Pursuant to provisions of the state Residential Landlord-Tenant Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). In addition, owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the owner can prove in court that just cause exists. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this section 22.206.160:

- a. The tenant fails to comply with a three (~~(-3-)~~) day notice to pay rent or vacate pursuant to RCW 59.12.030(3); a ten (~~(-10-)~~) day notice to comply or vacate pursuant to RCW 59.12.030(4); or a three (~~(-3-)~~) day notice to vacate for waste, nuisance (including a drug-related activity nuisance pursuant to RCW Chapter 7.43) or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);
- b. The tenant habitually fails to pay rent when due which causes the owner to notify the tenant in writing of late rent four (~~(-4-)~~) or more times in a (~~(-twelve-)~~)12(~~(-)~~) month period;
- c. The tenant fails to comply with a ten (~~(-10-)~~) day notice to comply or vacate that requires compliance with a material term of the rental agreement or that requires compliance with a material obligation under RCW 59.18;
- d. The tenant habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten (~~(-10-)~~) day notice to comply or vacate three (~~(-3-)~~) or more times in a (~~(-twelve-)~~)12(~~(-)~~) month period;
- e. The owner seeks possession so that the owner or a member of his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available in the same building. "Immediate family" shall include the owner's domestic partner registered pursuant to Section 1 of Ordinance 1172442 or the owner's spouse, parents, grandparents, children, brothers and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There shall be a rebuttable presumption of a violation of this subsection 22.206.160C.1.a if the owner or a member of the owner's immediate family fails to occupy the unit as that person's principal residence for at least (~~(-sixty-)~~)60(~~(-)~~) consecutive days during the (~~(-ninety-)~~)90(~~(-)~~) days immediately after the tenant vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the cause for eviction;
- f. The owner elects to sell a single-family dwelling unit and gives the tenant at least (~~(-sixty-)~~)60(~~(-)~~) days written notice prior to the date set for vacating, which date shall coincide with the end of the term of a rental agreement, or if the agreement is month to month, with the last day of a monthly period. For the purposes of this section 22.206.160, an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within (~~(-thirty-)~~)30(~~(-)~~) days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or

advertising it for sale at a reasonable price in a newspaper of general circulation. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

~~((i-))~~ 1) Within ~~((thirty-))~~30~~((+))~~ days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price in a newspaper of general circulation, or

~~((ii-))~~ 2) Within ~~((ninety-))~~90~~((+))~~ days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, rents the unit to someone other than the former tenant, or otherwise indicates that the owner does not intend to sell the unit;

g. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated;

h. The owner seeks to do substantial rehabilitation in the building; provided that, the owner must obtain a tenant relocation license if required by ~~((SMC-))~~ Chapter 22.210 and at least one ~~((+))~~ permit necessary for the rehabilitation, other than a Master Use Permit, before terminating the tenancy;

i. The owner (i) elects to demolish the building, convert it to a cooperative, or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation license if required by ~~((SMC-))~~ Chapter 22.210 and a permit necessary to demolish or change the use before terminating any tenancy, or (ii) converts the building to a condominium provided the owner complies with the provisions of ~~((SMC-))~~ Sections 22.903.030 and 22.903.035;

j. The owner seeks to discontinue use of a housing unit unauthorized by Title 23 ~~((of the Seattle Municipal Code-))~~ after receipt of a notice of violation thereof. The owner is required to pay relocation assistance to the tenant(s) of each such unit at least two ~~((+))~~ weeks prior to the date set for termination of the tenancy, at the rate of:

~~((i-))~~ 1) ~~((Two Thousand Dollars-))~~\$2,000~~((+))~~ for a tenant household with an income during the past ~~((twelve-))~~12~~((+))~~ months at or below ~~((fifty-))~~50~~((+))~~ percent of the County median income, or

~~((ii-))~~ 2) Two ~~((+))~~ months' rent for a tenant household with an income during the past ~~((twelve-))~~12~~((+))~~ months above ~~((fifty-))~~50~~((+))~~ percent of the County median income;

k. The owner seeks to reduce the number of individuals residing in a dwelling unit to comply with the maximum limit of individuals allowed to occupy one ~~((+))~~ dwelling unit, as required by ~~((SMC-))~~ Title 23, and:

~~((i-))~~ 1)

~~((A-))~~ a) The number of such individuals was more than is lawful under the current version of ~~((SMC-))~~ Title 23 or Title 24 but was lawful under ~~((SMC-))~~ Title 23 or 24 on August 10, 1994~~((+))~~;

~~((B-))~~ b) That number has not increased with the knowledge or consent of the owner at any time after August 10, 1994~~((+))~~; and

~~((C-))~~ c) The owner is either unwilling or unable to obtain a permit to allow the unit with that number of residents~~((+))~~;

~~((ii-))~~ 2) The owner has served the tenants with a ~~((thirty-))~~30~~((+))~~ day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit,

~~((iii-))~~ 3) After expiration of the ~~((thirty-))~~30~~((+))~~ day notice, the owner has served the tenants with and the tenants have failed to comply with a ten ~~((+))~~ day notice to comply with the limit on the number of occupants or vacate, and

~~((iv-))~~ 4) If there is more than one ~~((+))~~ rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the owner's option, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit;

1.

~~((i-))~~ 1) The owner seeks to reduce the number of individuals who reside in one ~~((+))~~ dwelling unit to comply with the legal limit after receipt of a notice of violation of the ~~((SMC-))~~ Title 23 restriction on the number of individuals allowed to reside in a dwelling unit, and:

~~((A-))~~ a.) The owner has served the tenants with a ~~((thirty-))~~30~~((+))~~ day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit; provided that, no ~~((thirty-))~~30~~((+))~~ day notice is required if the number of tenants was increased above the legal limit without the knowledge or consent of the owner~~((+))~~;

~~((B-))~~ b.) After expiration of the ~~((thirty-))~~30~~((+))~~ day notice required by subsection 22.206.160.1.1.a ~~((CH(A-))~~ above, or at any time after receipt of the notice of violation if no ~~((thirty-))~~30~~((+))~~ day notice is required pursuant to subsection 22.206.160.1.1.a ~~((CH(A-))~~, the owner has served the tenants with and the tenants have failed to comply with a ~~((ten-))~~10~~((+))~~ day notice to comply with the maximum legal limit on the number of occupants or vacate~~((+))~~ ; and

~~((C-))~~ c.) If there is more than one ~~((+))~~ rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the option of the owner, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit.

~~((ii-))~~ 2) For any violation of the maximum legal limit on the number of individuals allowed to reside in a unit that occurred with the knowledge or consent of the owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at least two ~~((2-))~~ weeks prior to the date set for termination of the tenancy, at the rate of:

~~((A-))~~ a.) ~~((Two Thousand Dollars-))~~\$2,000~~((+))~~ for a tenant household with an income during the past ~~((twelve-))~~12~~((+))~~ months at or below ~~((fifty-))~~50~~((+))~~ percent of the county median income, or

~~((B-))~~ b.) Two ~~((2-))~~ months' rent for a tenant household with an income during the past ~~((twelve-))~~12~~((+))~~ months above ~~((fifty-))~~50~~((+))~~ percent of the county median income;

m. The owner seeks to discontinue use of an accessory dwelling unit for which a permit has been obtained pursuant to ~~((SMC-))~~ Section s 23.44.041 and 23.45.545 after receipt of a notice of violation of the development standards provided in ~~((that section-))~~ those sections. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two ~~((2-))~~ weeks prior to the date set for termination of the tenancy, at the rate of:

~~((i-))~~ 1) ~~((Two Thousand Dollars-))~~\$2,000~~((+))~~ for a tenant household with an income during the past ~~((twelve-))~~12~~((+))~~ months at or below ~~((fifty-))~~50~~((+))~~ percent of the county median income, or

~~((ii-))~~ 2) Two ~~((2-))~~ months' rent for a tenant household with an income during the past ~~((twelve-))~~12~~((+))~~ months above ~~((fifty-))~~50~~((+))~~ percent of the county median income;

n. An emergency order requiring that the housing unit be vacated and closed has been issued pursuant to ~~((SMC-))~~ Section 22.206.260 and the emergency conditions identified in the order have not been corrected;

o. The owner seeks to discontinue sharing with a tenant of the owner's own housing unit, i.e., the unit in which the owner resides, ~~((or-))~~ seeks to terminate the tenancy of a tenant of an accessory dwelling unit authorized pursuant to Section s 23.44.041 and 23.45.545 that is accessory to the housing unit in which the owner resides, or seeks to

terminate the tenancy of a tenant in a single-family dwelling unit and the owner resides in an accessory dwelling unit on the same lot. This subsection ~~22.206.160.C.1.o~~ does not apply if the owner has received a notice of violation of the development standards of Section 23.44.041. If the owner has received such a notice of violation, subsection ~~((C1m of Section))~~ 22.206.160.C.1.m applies;

p. A tenant, or with the consent of the tenant, his or her subtenant, sublessee, resident or guest, has engaged in criminal activity on the premises, or on the property or public right-of-way abutting the premises, and the owner has specified in the notice of termination the crime alleged to have been committed and the general facts supporting the allegation, and has assured that the Department of Planning and Development has recorded receipt of a copy of the notice of termination. For purposes of this subsection 22.206.160.C.1.p a person has "engaged in criminal activity" if he or she:

~~((i-))~~ 1) Engages in drug-related activity that would constitute a violation of RCW Chapters 69.41, 69.50 or 69.52, or

~~((ii-))~~ 2) Engages in activity that is a crime under the laws of this state, but only if the activity substantially affects the health or safety of other tenants or the owner.

2. Any rental agreement provision which waives or purports to waive any right, benefit or entitlement created by this subsection ~~((C-))~~ 22.206.160.C.1.p shall be deemed void and of no lawful force or effect.

3. With any termination notices required by law, owners terminating any tenancy protected by this section 22.206.160 shall advise the affected tenant or tenants in writing of the reasons for the termination and the facts in support of those reasons.

4. If a tenant who has received a notice of termination of tenancy claiming subsection 22.206.160.C.1.e, C.1.f, or C.1.m ~~((of this section))~~ as the ground for termination believes that the owner does not intend to carry out the stated reason for eviction and makes a complaint to the Director, then the owner must, within ten ~~((+10))~~ days of being notified by the Director of the complaint, complete and file with the Director a certification stating the owner's intent to carry out the stated reason for the eviction. The failure of the owner to complete and file such a certification after a complaint by the tenant shall be a defense for the tenant in an eviction action based on this ground.

5. In any action commenced to evict or to otherwise terminate the tenancy of any tenant, it shall be a defense to the action that there was no just cause for such eviction or termination as provided in this section 22.206.160.

6. It shall be a violation of this section 22.206.160 for any owner to evict or attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any tenant using a notice which references subsections 22.206.160.C.1.e ~~((subparagraphs 1e-)), 1.f, 1.h, 1.k, 1.l, or 1.m~~ ~~((of this subsection C-))~~ as grounds for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy.

7. An owner who evicts or attempts to evict a tenant or who terminates or attempts to terminate the tenancy of a tenant using a notice which references ~~((subparagraphs))~~ subsections 22.206.160.C.1.e, 1.f or 1.h ~~((of this subsection C-))~~ as the ground for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy shall be liable to such tenant in a private right for action for damages up to ~~((Two Thousand Dollars (-)))~~ \$2,000~~((+))~~, costs of suit or arbitration and reasonable attorney's fees.

Section 4. Subsection D of Section 23.41.018, which section was enacted by Ordinance 123495, is amended as follows:

23.41.018 Streamlined administrative design review (SDR) process

\* \* \*

D. SDR decision.

1. The Director shall consider public comments on the proposed project, and the Director's decision shall be based on

the extent to which the application meets applicable design guidelines and responds to the SDR guidance report.

2. The Director's decision pursuant to the SDR process shall not reduce the number of units allowed per square foot of lot area when such a density limit is set in Table A for Section 23.45.512.
3. The Director may allow the adjustments listed in subsection 23.41.018.D.4, if the adjustments are consistent with the SDR design guidance report and the adjustments would result in a development that:
  - a. better meets the intent of the adopted design guidelines and/or
  - b. provides a better response to environmental and/or site conditions, including but not limited to topography, the location of trees, or adjacent uses and structures.
4. If the criteria listed in subsection 23.41.018.D.3 are met, the Director may allow adjustments to the following development standards to the extent listed for each standard:
  - a. Setbacks and separation requirements may be reduced by a maximum of 50 percent;
  - b. Amenity areas may be reduced by a maximum of 10 percent;
  - c. Landscaping and screening may be reduced by a maximum of 25 percent;
  - d. Structure width, structure depth, and facade length (~~((limits))~~) may be (~~((reduced))~~) increased by a maximum of 10 percent; and
  - e. Screening of parking may be reduced by a maximum of 25 percent.
5. Limitations on adjustments through the SDR process established in this subsection 23.41.018.D do not limit adjustments expressly permitted by other provisions of this Title 23 or other titles of the Seattle Municipal Code.

Section 5. Subsection B of Section 23.44.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

#### 23.44.012 Height limits

\* \* \*

#### B. (~~Special Features.~~)

~~((+))~~ Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five (5) feet above the maximum height limit, as determined under subsection 23.44.012.A above. All parts of the roof above the height limit must be pitched at a rate of not less than (~~((four to twelve (-)))~~)4:12((+)) (Exhibit A for 23.44.012 (~~((A))~~)). No portion of a shed roof, except on a dormer, shall be permitted to extend beyond the maximum height limit, as determined under subsection 23.44.012.A above. Roof forms including but not limited to barreled and domed roofs may be allowed under this subsection 23.44.012.B (~~((where))~~) if the Director determines that the roof form remains within the massing of a pitched roof form such as a gable or gambrel roof that would otherwise be allowed by this subsection 23.44.012.B (Exhibit B for 23.44.012(~~((B))~~)).

Exhibit A for 23.44.012: Height Exception for Pitched Roofs



Exhibit B for 23.44.012: Height Exceptions for Barrel or Domed Roofs



~~((2. Sloped Lots. Except for structures containing a detached accessory dwelling unit, additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope, to a maximum of five (5) feet. The additional height shall be permitted on the downhill side of the structure only, as described in the measurements portion of this Land Use Code (Exhibit 23.44.012 C. When the downhill portion of a sloped lot fronts on the street where the required front yard exemption in Section 23.44.014 A is claimed, the permitted height of the wall along the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed. In no case shall the height of the wall be required to be less than the maximum height limit, as determined under subsection A above.))~~

~~((Exhibit 23.44.012.C Height Limits on Sloped Sites))~~



Section 6. Subsections C and E of Section 12.45.510 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, are amended as follows:

#### 23.45.510 Floor area ratio (FAR) limits

\* \* \*

C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for 23.45.510, the following standards shall be met:

1. Applicants 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, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS). The standards referred to in this subsection 23.45.510.C.1 are those identified in Section 23.45.526, and that section shall apply as if the application were for new development gaining extra residential floor area.
2. For all categories of residential use, if the lot abuts an alley and the alley is used for access, improvements to the alley shall be required as provided in subsections 23.53.030.E and F, except that the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten dwelling units.
  - a. For rowhouse and townhouse developments, parking shall be ~~((located in an enclosed area that is below grade or that projects a maximum of 4 feet above finished grade,))~~ totally enclosed within the same structure as the residential use, located in a structure or portion of a structure that meets the requirements of subsection 23.45.510.E.5, or located in a parking area or structure at the rear of the lot.
  - b. For apartments, parking may either:
    - 1) be ~~((located in an enclosed area that is below grade or that projects a maximum of 4 feet above finished grade,))~~ totally enclosed within the same structure as the residential use; or
    - 2) on lots located outside of Urban Centers, Urban Villages, and the Station Area Overlay District, be located off an alley at the rear of the lot, provided that all surface parking is limited to a single row of spaces along the alley and access to each surface parking space is taken directly from the alley.
  4. Access to parking if parking is provided.
    - a. Access to required barrier-free parking spaces may be from either a street or an alley. Subsections 23.45.510.C.4.b, c,

and d do not apply to required barrier-free parking spaces.

b. If the lot abuts an alley, access to parking shall be from the alley, unless one or more of the conditions in subsection 23.45.536.C.2 are met.

c. If access cannot be provided from an alley, access shall be from a street if the following conditions are met:

1) on corner lots, the driveway shall abut and run parallel to the rear lot line of the lot or a side lot line that is not a street lot line.

2) on a non-corner lot, there is no more than one driveway per 160 feet of street frontage.

d. if access to parking does not meet one of the standards in this subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for 23.45.510 applies.

\* \* \*

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

1. All underground stories.

2. The floor area contained in a landmark structure subject to controls and incentives imposed by a designating ordinance, if 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. ~~((Structures))~~ The floor area contained in structures built prior to January 1, 1982 as single-family dwelling units that will remain in residential use, provided that:

a. ~~no ((new)) principal structure is located between ((that structure)) the existing single-family dwelling unit and ((a -)) the street lot line along at least one street frontage ((-, and)). If the single-family dwelling unit is moved on the lot, the floor area of the dwelling remains exempt if it continues to meet this provision; and~~

b. the exemption is limited to the gross square footage in the ~~((structure))~~ single-family dwelling unit as of January 1, 1982.

4. ~~((For apartments in LR zones that qualify for the higher FAR limit shown in Table A for 23.45.510, and for all multifamily structures in MR and HR zones, 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.))~~ Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following circumstances:

a. apartments in LR zones that qualify for the higher FAR limit shown in Table A for 23.45.510;

b. rowhouse developments in LR zones located on lots that have a lot depth of 100 feet or less, do not have alley access, and that qualify for the higher FAR limit shown in Table A for 23.45.510, provided that parking access is located at the rear of the rowhouse development; and

c. all multifamily structures in MR and HR zones.

Exhibit A for 23.45.510: Area Exempt from FAR



5. For rowhouse and townhouse developments and apartments that qualify for the higher FAR limit shown in Table A for 23.45.510, floor area within a structure or portion of a structure that is partially above grade and has no additional stories above, if the following conditions are met:
  - a. The average height of the exterior walls enclosing the floor area does not exceed 4 feet, measured from existing or finished grade, whichever is lower;
  - b. The roof area above the exempt floor area is predominantly flat, is used as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522;
  - c. At least 25 percent of the perimeter of the amenity area on the roof above the floor area is not enclosed by the walls of the structure; and
  - d. The amenity area is no more than 4 feet above the grade at a point where pedestrian access is provided to the lot.
6. Enclosed common amenity area in Highrise zones.
7. 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 this subsection 23.45.510.E.
8. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the commercial uses has a minimum floor to floor height of 13 feet and a minimum depth of 15 feet.

\* \* \*

Section 7. Section 23.47A.012 of the Seattle Municipal Code, which section was last amended by Ordinance 122738, is amended as follows:

#### 23.47A.012 Structure height

A. The height limit for structures in NC zones or C zones is 30 feet, 40 feet, 65 feet, 85 feet, 125 feet, or 160 feet, as designated on the Official Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit, except as otherwise provided in this (~~section~~) Section 23.47A.012. Within the South Lake Union Urban Center, any modifications or exceptions to maximum structure height are allowed solely according to the provisions of the Seattle Mixed Zone, subsections 23.48.010.B.1, 23.48.010.B.2, (~~and~~) 23.48.010.B.3, 23.48.010.D and 23.48.010.E, and not according to the provisions of this (~~section~~) Section 23.47A.012.

1. In zones with a 30 foot or 40 foot mapped height limit:
  - a. the height of a structure may exceed the otherwise applicable limit by up to 4 feet, subject to subsection 23.47A.012.A.1.c, provided the following conditions are met:
    - 1) Either
      - i. A floor-to-floor height of 13 feet or more is provided for nonresidential uses at street level; or
      - ii. A residential use is located on a street-level, street-facing facade, and the first floor of the structure at or above grade is at least 4 feet above sidewalk grade; and
    - 2) The additional height allowed for the structure will not allow an additional story beyond the number that could be

built under the otherwise applicable height limit.

b. The height of a structure may exceed the otherwise applicable limit by up to 7 feet, subject to subsection 23.47A.012.A.1.c, provided all of the following conditions are met:

- 1) Residential and multipurpose retail sales uses are located in the same structure;
- 2) The total gross floor area of at least one multi-purpose retail sales use exceeds 12,000 square feet;
- 3) A floor-to-floor height of 16 feet or more is provided for the multi-purpose retail sales use at street level;
- 4) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit if a 16 foot floor-to-floor height were not provided at street level; and
- 5) The structure is not allowed additional height under subsection 23.47A.012.A.1.a.

c. The Director shall reduce or deny the additional structure height permitted by this subsection 23.47A.012.A.1 if the additional height otherwise would significantly block views from neighboring residential structures of any of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake Washington, Lake Union, and the Ship Canal.

2. For any lot within the designated areas shown on Map A (~~(of)~~) for 23.47A.012, the height limit in NC zones or C zones designated with a 40-foot height limit on the Official Land Use Map may be increased to 65 feet and may contain floor area as permitted for a 65 foot zone, pursuant to Section 23.47A.013, provided that all portions of the structure above 40 feet contain only residential uses, and provided that no additional height is allowed under subsection 23.47A.012.A.1.

Map A (~~(of)~~) for 23.47A.012



3. Monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020.

4. Within the South Lake Union Urban Center, maximum structure height shall be determined according to the provisions of the Seattle Mixed Zone, Section 23.48.010.

5. Within the Station Area Overlay District within the University District Northwest Urban Center Village, maximum structure height may be increased to 125 feet when all of the following are met:

- a. The lot is within two blocks of a planned or existing light rail station;
- b. The proposed use of the lot is functionally related to other office development, permitted prior to 1971, to have over 500,000 square feet of gross floor area to be occupied by a single entity;
- c. A transportation management plan for the life of the use includes incentives for light rail and other transit use by the employees of the office use;
- d. The development shall provide street level amenities for pedestrians and shall be designed to promote pedestrian interest, safety, and comfort through features such as landscaping, lighting and transparent facades, as determined by the Director; and
- e. This subsection 23.47A.012.A.5 can be used only once per functionally related development.

6. On a lot containing a peat settlement-prone environmentally critical area, the height of a structure may exceed the otherwise applicable height limit and the other height allowances provided by this section 23.47A.012 by up to 3 feet. In addition, 3 more feet of height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill side(s) of the structure, the maximum elevation of the structure height shall be no greater than the height allowed by the first sentence of this subsection 23.47A.012.A.6 (~~(Exhibit 23.47A.012A)~~). The Director may apply the allowances in this subsection 23.47A.012.A.6 only if the following conditions are met:

- a. The Director finds that locating a story of parking underground is infeasible due to physical site conditions such as a high water table;
- b. The Director finds that the additional height allowed for the structure is necessary to accommodate parking located partially below grade that extends no more (~~(that)~~) than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level above; and
- c. Other than the additional story of parking allowed pursuant to this subsection 23.47A.012.A.6, the additional height allowed for the structure by subsection 23.47A.012.A.6 will not allow an additional story beyond the number of stories that could be built under the otherwise applicable height limit.

~~((Exhibit 23.47A.012A Height Allowance on Lots Containing Peat Settlement-Prone Areas))~~



7. In zones with a 65 foot mapped height limit or with a 40 foot mapped height limit with provisions allowing for additional height up to 65 feet pursuant to subsection 23.47A.012.A.2 that are located within the Pike/Pine Conservation Overlay District, the provisions of Section 23.73.010 apply.

~~((B. On sloped lots, except in the South Lake Union Urban Center, additional height is permitted along the lower elevation of the structure footprint, at the rate of 1 foot for each 6 percent of slope, to a maximum additional height of 5 feet (see Exhibit B for 23.47A.012) above the otherwise applicable height limit.))~~

~~((Exhibit B for 23.47A.012))~~



~~((C))~~ B. The ridge of a pitched roof, other than a shed roof or butterfly roof, may extend up to 5 feet above the otherwise applicable height limit in zones with height limits of 30 or 40 feet, if all parts of the roof above the otherwise applicable height limit are pitched at a rate of not less than 4:12 (Exhibit ~~((C))~~ A for 23.47A.012).

Exhibit A for 23.47A.012: Pitched Roof Height Exception



~~((D))~~ C. Rooftop Features.

1. Smokestacks, chimneys, 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 a minimum of 10 feet from any side or rear lot line.
2. Open railings, planters, skylights, clerestories, greenhouses, solariums, parapets and firewalls may extend as high as the highest ridge of a pitched roof permitted by subsection 23.47A.012.~~((C))~~ B or up to 4 feet above the otherwise applicable height limit, whichever is higher.

### 3. Solar Collectors.

- a. In zones with mapped height limits of 30 or 40 feet, solar collectors may extend up to 4 feet above the otherwise applicable height limit, with unlimited rooftop coverage.
- b. In zones with height limits of 65 feet or more, solar collectors may extend up to 7 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

4. Except as provided below, the following rooftop features may extend up to 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.47A.012.~~((D))~~C.4 does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

- a. Solar collectors;
- b. Mechanical equipment;
- c. Play equipment and open-mesh fencing that encloses it, as long as the fencing is at least 15 feet from the roof edge;
- d. Wind-driven power generators;
- e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012; and
- f. 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 125 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.

5. Within the South Lake Union Urban Center, the combined total coverage of all features listed in subsection 23.47A.012.~~((D))~~C.4 may be increased to 65 percent of the roof area, provided that the following are satisfied:

- a. The additional rooftop coverage allowed by this subsection 23.47A.012.~~((D))~~C.5 is used to accommodate mechanical equipment that is accessory to a research and development laboratory; and
- b. All mechanical equipment is screened; and
- c. No rooftop features other than wind-driven power generators are located closer than 10 feet from the roof edge.

6. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit if the combined total coverage of all features gaining additional height listed in this subsection 23.47A.012.~~((D))~~C does not exceed 50 percent of the roof area, and the greenhouse adheres to the setback requirements in subsection 23.47A.012.~~((D))~~C.7.

7. The rooftop features listed in this subsection 23.47.A.012.~~((D))~~C.7 shall be located at least 10 feet from the north edge of the roof unless a shadow diagram is provided that demonstrates that locating such features within 10 feet of the north edge of the roof would not shade property to the north on January 21st at noon more than would a structure built to maximum permitted height and FAR:

- a. Solar collectors;
- b. Planters;

- c. Clerestories;
  - d. Greenhouses and solariums;
  - e. Minor communication utilities and accessory communication devices, permitted pursuant to the provisions of Section 23.57.012;
  - f. Non-firewall parapets;
  - g. Play equipment.
8. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to 15 feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47A.018.
9. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

~~(E)~~ D. Solar Retrofits. The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on June 9, 1986 as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such a retrofit may be permitted to exceed established height limits, if the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof;
2. The positioning of such collector(s) minimizes view blockage 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.

~~(F)~~ E. Height Exceptions for Public Schools.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone.
2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone or ~~((thirty-five(-)))35((+))~~ feet plus ~~((fifteen(-)))15((+))~~ feet for a pitched roof complying with subsection ~~((F5-))~~ 23.47A.012.E.5, whichever is greater.
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, the height of the existing school, or ~~((thirty-five(-)))35((+))~~ feet plus ~~((fifteen(-)))15((+))~~ feet for a pitched roof complying with subsection ~~((F5-))~~ 23.47A.012.E.5, whichever is greater.
4. Development standard departure for structure height may be granted 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 in zones with height limits of ~~((thirty(-)))30((+))~~ or ~~((forty(-)))40((+))~~ feet shall be ~~((thirty-five(-)))35((+))~~ feet plus ~~((fifteen(-)))15((+))~~ feet for a pitched roof complying with subsection ~~((F5-))~~ 23.47A.012.E.5 for elementary schools and ~~((sixty(-)))60((+))~~ feet plus ~~((fifteen(-)))15((+))~~ feet for a pitched roof complying with subsection ~~((F5-))~~ 23.47A.012.E.5 for secondary schools. All height maximums may be waived by the Director when waiver would contribute to the demolition of fewer residential structures.
5. To qualify for additional height for a pitched roof under this subsection ~~((F-))~~ 23.47A.012.E, all parts of the roof above the height otherwise allowed must be pitched at a rate of not less than ~~((three to twelve(-)))3:12((+))~~ and the

roof must not be a shed roof or butterfly roof.

Section 8. Subsection D of Section 23.47A.013 of the Seattle Municipal Code, which section was last amended by Ordinance 122738, is amended as follows:

23.47A.013 Floor area ratio

\* \* \*

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

1. Gross floor area below grade;
2. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;
3. Within the South Lake Union Urban Center, gross floor area occupied by mechanical equipment located on the roof of a structure;
4. Within the South Lake Union Urban Center, mechanical equipment that is accessory to a research and development laboratory, up to 15 percent of the gross floor area of a structure. The allowance is calculated on the gross floor area of the structure after all space exempt under this subsection is deducted; and
5. Within the First Hill Urban Center Village, on lots zoned NC3, with a 160 foot height limit, all gross floor area occupied by a residential use.
6. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure where the Director finds that locating a story of parking below grade is infeasible due to physical site conditions such as a high water table, if either:
  - a. the above-grade parking extends no more than ~~((six (6)))~~ 6 feet above existing or finished grade and no more than ~~((three (3)))~~ 3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level or roof above, ~~((as depicted in Exhibit))~~ pursuant to subsection 23.47A.012 . A . 6 ; or
  - b. all of the following conditions are met:
    - ~~((+))~~1) no above-grade parking is exempted by subsection 23.47A.013 . D . 6 . a
    - ~~((+))~~2) the parking is accessory to a residential use on the lot;
    - ~~((+))~~3) total parking on the lot does not exceed 1 space for each residential dwelling unit plus the number of spaces required by this Code for non-residential uses; and
    - ~~((+))~~4) the amount of gross floor area exempted by this subsection 23.47A.013 . D . 6 . b does not exceed ~~((twenty-five (25)))~~ 25 percent of the area of the lot in zones with a height limit less than ~~((sixty-five (65)))~~ 65 feet, or ~~((fifty (50) -))~~ 50 percent of the area of the lot in zones with a height limit ~~((sixty-five (65)))~~ 65 feet or greater.

\* \* \*

Section 9. Subsection C of Section 23.57.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

## 23.57.012 Commercial zones(~~(-)~~)

\* \* \*

### C. Development Standards.

1. Location and Height. Facilities in special review, historic, and landmark districts are subject to the standards of Section 23.57.014. On sites that are not in special review, historic, or landmark districts, antennas may be located on the rooftops of buildings, including sides of parapets and equipment penthouses above the roofline, subject to the height limits in (~~(Paragraphs 1.a and 1.b)~~) subsections 23.57.012.C.1.a and C.1.b, as limited by (~~(Paragraph 1.c)~~) subsection 23.57.012.C.1.c below:

a. Utilities and devices located on a rooftop of a building nonconforming as to height may extend up to (~~(fifteen(-))15(+)~~)15(~~(-)~~) feet above the height of the building legally existing as of the effective date of Ordinance 120928.

b. Utilities and devices located on a rooftop of a building that conforms to the height limit may extend up to (~~(fifteen(-))15(+)~~)15(~~(-)~~) feet above the zone height limit or above the highest portion of a building, whichever is less.

c. Any height above the underlying zone height limit permitted under subsections 23.57.012.C.1.a and C.1.b, shall be allowed only if the combined total coverage by communication utilities and accessory communication devices, in addition to the roof area occupied by rooftop features listed in Section (~~(23.47A.012D4)~~) 23.47A.012.C.4, does not exceed (~~(twenty percent(-))20(+)~~) percent of the total rooftop area, or (~~(twenty-five percent(-))25(+)~~) percent of the rooftop area when mechanical equipment is screened.

d. The following rooftop areas shall not be counted towards residential amenity area requirements:

(~~(i)~~)1) The area (~~(eight(-))8(+)~~)8(~~(-)~~) feet from and in front of a directional antenna and the area (~~(two(-))2(+)~~)2(~~(-)~~) feet from and in back of a directional antenna.

(~~(ii)~~)2) The area within (~~(eight(-))8(+)~~)8(~~(-)~~) feet in any direction from an omnidirectional antenna.

(~~(iii)~~)3) Such other areas in the vicinity of paging facilities as determined by the Seattle-King County Health Department after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

2. Access and Signage. Access to minor communication utilities and transmitting 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 radiofrequency radiation.

3. Height of Amateur Radio Tower. The maximum height of an amateur radio tower shall be no more than (~~(fifty(-))50(+)~~)50(~~(-)~~) feet above grade in zones where the maximum height limit is (~~(fifty(-))50(+)~~)50(~~(-)~~) feet or less. Cages and antennas may extend to a maximum additional (~~(fifteen(-))15(+)~~)15(~~(-)~~) feet. In zones with a maximum permitted height over (~~(fifty(-))50(+)~~)50(~~(-)~~) feet, the height above grade of the amateur radio tower shall not exceed the maximum height limit of the zone.

4. 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.

5. Reception Window Obstruction. When, in the case of an accessory communications device or minor communications utility that would otherwise comply with this section 23.57.012, 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 development standards of this section 23.57.012 and Section 23.57.016, subject to the following criteria:

a. The applicant shall demonstrate that (~~(obstruction)~~) obstruction of the reception window is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to reception window obstruction.

b. The applicant shall use material, shape and color to minimize visual impact.

Section 10. Section 23.84A.024 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.84A.024 "L"

\* \* \*

"Lot grade, existing" means the natural surface contour of a lot, as modified by minor adjustments to the surface of the lot in preparation for construction. For purposes of this definition, on a lot where excavation has occurred for previous development, the interpolated grade based on existing grade elevations at the lot lines may be considered the natural surface contour of the lot provided that when the lot is developed, that grade is restored from the lot lines up to the exterior walls of any new structure(s). Where an area in excess of two acres has been legally regraded, the resulting grade shall be considered the existing lot grade.

\* \* \*

Section 11. Subsection "Residential use" of Section 23.84A.032 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.84A.032 "R"

\* \* \*

~~((19-))~~ 18. "Rowhouse Development" means a multifamily residential use in which all principal dwelling units on the lot meet the following conditions: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit, including an accessory dwelling unit, but excluding garages, occupies space above or below another dwelling unit (~~((except for dwelling units constructed over a shared parking garage-))~~); (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line; (d) the front of each dwelling unit faces a street lot line; (e) each dwelling unit provides pedestrian access directly to the street that it faces; and (f) ~~((there is no intervening principal structure between any dwelling unit and the street, or between any dwelling unit and a lot line-))~~ no portion of any other dwelling unit is located between any dwelling unit and the street faced by the front of that unit.

~~((20-))~~ 19. "Single-family dwelling unit" means a detached structure having a permanent foundation, containing one dwelling unit, except that the structure may also contain an accessory dwelling unit where expressly authorized pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit for purposes of this Chapter 23.84A.

~~((21-))~~ 20. "Townhouse Development" means a multifamily residential use that is not a rowhouse development, and in which: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit occupies space above or below another dwelling unit, except for dwelling units constructed over a shared parking garage; and (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line.

\* \* \*

Section 12. Subsection A of Section 23.86.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

## 23.86.006 Structure height measurement

A. In all zones except downtown zones and zones within the South Lake Union Urban Center, and except for the Living Building Pilot Program authorized by Section 23.40.060, unless otherwise specified, the height of structures shall be measured according to this subsection 23.86.006.A.

1. General rule. Except as otherwise specified, the height of a structure is the difference between the elevation of the highest point of the structure not excepted from applicable height limits and the average grade level. In this subsection 23.86.006.A, "average grade level" means the average of the elevation of existing lot grades. Except as provided in subsection 23.86.006.A.2, average grade level is calculated, at the discretion of the applicant, as follows:~~

a. at the midpoint(~~(s)~~), measured horizontally, of each exterior wall(~~(s)~~) of the structure, ~~or~~

b. at the midpoint of each side of the smallest rectangle that can be drawn to enclose the structure. (~~except as provided in subsection 23.86.006.A.2.~~)

2. (~~Height measurement on sloping lots. a.~~) Option for calculating average grade level to measure height. The calculation of structure height in subsection 23.86.006.A.1 may be modified, at the discretion of the applicant, (~~on sloping lots for which the elevation at the higher corner of at least one exterior wall is at least 20 feet higher than the elevation at the lower corner of that wall.~~

~~b. If the condition of subsection 23.86.006.A.2.a is satisfied, then the height measurement method may be modified~~) as follows to permit the structure to respond to the topography of the lot:

~~(1)~~) a. Draw the smallest rectangle that encloses the principal structure.

~~(2)~~) b. Divide one side of the rectangle, chosen by the applicant, into (~~equal segments~~) sections at least 15 feet in length using lines that are perpendicular to the chosen side of the rectangle.

~~(3)~~) c. The (~~lines used to divide the length of the structure into individual segments shall be perpendicular to the side of the rectangle used to determine the difference in elevation~~) sections delineated in subsection 23.86.006.A.2. (~~a~~) b. (~~and~~) are considered to extend (~~as a~~) vertical ly (~~plane~~) from the ground to the sky.

~~(4)~~) d. The maximum height for each (~~segmented portion~~) section of the structure (~~shall be~~) is measured from the average grade level for (~~each segmented portion~~) that section of the structure, which (~~shall be~~) is calculated as the average elevation of existing lot grades at the midpoints of the two opposing exterior (~~walls of~~) sides of the rectangle for each (~~segmented portion~~) section of the structure.

\* \* \*

Section 13. Subsection B of Section 23.86.007 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

## 23.86.007 Gross floor area and floor area ratio measurement

\* \* \*

B. Pursuant to subsection 23.45.510.E, for certain structures in multifamily zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt gross floor area of such partially below- grade stories is measured as follows:

1. determine the elevation 4 feet (~~above~~) below the finished floor of the story next above the partially below-grade story, or 4 foot (~~above~~) below the roof surface if there is no next floor above the partially below-grade story;

2. determine the points along the exterior wall of the story where the elevation determined in step 23.86.007.B.1 above intersects the abutting corresponding existing or finished grade elevation, whichever is lower;
3. draw a straight line across the story connecting the two points on the exterior walls;
4. the gross floor area of the partially below- grade story or portion of a partially below-grade story is the area of the story that is at or below the straight line drawn in step 23.86.007.B.3 above, excluding openings required by the Building Code for egress. (See Exhibit B for 23.86.007).

Exhibit B for 23.86.007: Floor Area for Partially Below Grade Stories for Certain Structures in Multifamily Zones



Section 14. This ordinance shall take effect and be in force on April 19, 2011.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and signed by me in open session in authentication of its passage this

\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

City Clerk

(Seal)

Rebecca Herzfeld; Mike Podowski Lowrise clean-up ORD #1 v7a.docx March 3, 2011 Version #7a