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**Council Bill Number:** 117430

**Ordinance Number:** 123939

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AN ORDINANCE related to land use, zoning and environmental review, amending Sections 23.40.006, 23.42.040, 23.42.050, 23.44.014, 23.44.041, 23.45.504, 23.45.510, 23.45.512, 23.45.514, 23.45.518, 23.45.526, 23.45.527, 23.45.529, 23.45.532, 23.45.545, 23.47A.005, 23.47A.008, 23.54.015, 23.54.016, 23.54.020, 23.55.022, 23.76.004, 23.76.006, 23.84A.032, 23.91.002, 25.05.800 and Chapter 23.52 of the Seattle Municipal Code, and adding new Sections 23.40.035 and 23.52.008 to carry out proposals for regulatory reform.

**Status:** Passed as Amended

**Note:** Originally referred to the Committee on the Built Environment on August 15, 2011.

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

**Date filed with the City Clerk:** 2012/08/01

**Date of Mayor's signature:** 2012/07/24 ([about the signature date](#))

**Date introduced/referred to committee:** 2012/03/26

**Committee:** Planning, Land Use, and Sustainability

**Sponsor:** CONLIN

**Committee Recommendation:** Pass as Amended

**Date of Committee Recommendation:** 2012/06/13

**Committee Vote:** 3 (Conlin, Bagshaw, Burgess) - 0 - 2 (Abstain: Clark, Licata)

**Index Terms:** LAND-USE-PERMITS, LAND-USE-REGULATIONS, ACCESSORY-HOUSING, SINGLE-FAMILY-RESIDENTIAL-AREAS, MULTI-FAMILY-RESIDENTIAL-AREAS, ZONING, LAND-USE-REGULATIONS, SCHOOLS, HOSPITALS, PARKING

**Fiscal Note:** [Fiscal Note to Council Bill No. 117430](#)

**Electronic Copy:** [PDF scan of Ordinance No. 123939](#)

**Reference:** Related:~~[Cler File 312240](#)

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**Text:**

AN ORDINANCE related to land use, zoning and environmental review, amending Sections 23.40.006, 23.42.040, 23.42.050, 23.44.014, 23.44.041, 23.45.504, 23.45.510, 23.45.512, 23.45.514, 23.45.518, 23.45.526, 23.45.527, 23.45.529, 23.45.532, 23.45.545, 23.47A.005, 23.47A.008, 23.54.015, 23.54.016, 23.54.020, 23.55.022, 23.76.004, 23.76.006, 23.84A.032, 23.91.002, 25.05.800 and Chapter 23.52 of the Seattle Municipal Code, and adding new Sections 23.40.035 and 23.52.008 to carry out proposals for regulatory reform.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.40.006 Demolition of housing

No demolition permit for a structure containing a dwelling unit shall be issued unless one of the following conditions is satisfied, and provided that no permit for demolition of a structure containing a dwelling unit may be issued if the new use is for non-required parking:

A. The structure is a residential use in a single family zone (~~((that was last occupied as rental housing and has been unoccupied))~~) and was not occupied as rental housing (~~((for at least))~~) during the prior 12 (~~((consecutive))~~) months, unless such demolition aids expansion of (~~((a))~~) an adjacent non-residential use; or

B. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to change the use of the structure or the premises; or

C. A permit or approval has been issued by the Director to relocate the structure containing a dwelling unit to another lot, whether within the City limits or outside the City limits, to be used, on the new lot, as a dwelling unit; or

\* \* \*

Section 2. A new Section 23.40.035 of the Seattle Municipal Code is adopted to read as follows:

23.40.035 Location of accessory dwelling units on through lots

On a through lot, when yards cannot be determined pursuant to Section 23.40.030, the Director shall designate a rear yard for the purpose of allowing a detached accessory dwelling. In designating a rear yard, the Director shall consider factors including but not limited to the location of existing structures, vehicular and pedestrian access, platting patterns in the vicinity and topography.

Section 3. Section 23.42.040 of the Seattle Municipal Code, which section was last amended by Ordinance 123565, is amended as follows:

23.42.040 Intermittent, temporary and interim uses

The Director may grant, deny or condition applications for the following intermittent, temporary or interim uses not otherwise permitted or not meeting development standards in the zone.

A. Intermittent Uses.

1. A Master Use Permit for a time period of up to one year may be authorized for any use that occurs no more than two days per week and does not involve the erection of a permanent structure, provided that:

- a. The use (~~((shall))~~) is not (~~((be))~~) materially detrimental to the public welfare; and
- b. The use (~~((shall))~~) does not result in substantial injury to the property in the vicinity; and
- c. The use (~~((shall be))~~) is consistent with the spirit and purpose of the Land Use Code.

B. Temporary Four Week Use. A Master Use Permit for a time period of up to four weeks may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of subsections 23.42.040.A.1.a -- 23.42.040.A.1.c.

C. Temporary Uses for Up to Six Months. A Master Use Permit for a time period of up to six months may be authorized for any use that does not involve the erection of any permanent structure and that meets the requirements of subsections 23.42.040.A.1.a -- 23.42.040.A.1.c.

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Section 4. Section 23.42.050 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

## 23.42.050 Home occupations

A home occupation of a person residing in a dwelling unit is permitted outright (~~((in that dwelling unit))~~) in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, (~~((in each case))~~) subject to the following requirements: ~~((standards of this section.))~~

A. The occupation (~~((shall be))~~) is clearly incidental to the use of the dwelling unit as a dwelling.

B. Commercial deliveries and pickups to the dwelling unit (~~((shall be))~~) are limited to one per day Monday through Friday. No commercial deliveries or pickups (~~((shall be))~~) are permitted on Saturday, Sunday or federal holidays.

~~((C. To discourage drop-in traffic, the address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, signs, flyers, radio, television or other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.))~~

C. Customer visits are by appointment only.

D. The occupation (~~((shall))~~) may be conducted (~~((only))~~) within (~~((the principal))~~) any legal principal or accessory dwelling unit or structure, (~~((or in an accessory dwelling unit))~~) provided that licensed child care may be conducted only in the principal structure or in an accessory dwelling unit. Home occupations may be conducted by residents of a principal dwelling unit and/or an accessory dwelling unit. The presence of one home occupation does not preclude a resident of another legally established dwelling unit on the property from also conducting a home occupation.

E. Parking of vehicles associated with the home occupation (~~((shall be))~~) is permitted anywhere that parking is permitted on the lot.

~~((E.))~~ F. To preserve the residential appearance of the dwelling unit, there shall be no evidence of the home occupation visible from the exterior of the structure(~~((+))~~), provided that:

1. ~~((+))~~ Outdoor play areas for licensed child care programs and outdoor activities customarily incidental to the residential use (~~((shall be))~~) are permitted(~~((+))~~);

2. Interior and exterior alterations and additions that comply with the development standards of the zone are permitted;

3. Alterations and additions that are required by licensing or construction codes for licensed child care programs are permitted; and

4. Signs identifying the home occupation are permitted subject to compliance with Chapter 23.55, Signs.

G. No outdoor storage (~~((shall be))~~) is permitted in connection with a home occupation.

~~((F. To preserve the residential character and use of the dwelling unit, only internal alterations customary to residential use shall be permitted, and no external alterations shall be permitted to accommodate a home occupation, except as required by licensing or construction codes for child care programs.))~~

~~((G.))~~ H. Except for licensed child care programs, ~~((not))~~ no more than ~~((one))~~ two persons (~~((, whether full-time or part-time, who is not a resident))~~) who are not residents of ~~((the))~~ a dwelling unit on the lot may work in ~~((the dwelling unit of the))~~ a home occupation, regardless of whether the persons work full or part-time or are ~~((whether or not))~~ compensated. ~~((This includes persons working off-site who come to the site for business purposes at any time as well as persons working on site.))~~

~~((H.))~~ I. The home occupation shall not cause ~~((or add to))~~ a substantial increase in on-street parking congestion or (~~((~~

~~cause~~) a substantial increase in traffic (~~(through residential areas)~~) within the immediate vicinity.

~~(H)~~ J. A maximum of two passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of 10,000 pounds (~~(shall be)~~) are permitted to operate in connection with the home occupation, independent of commercial deliveries and pickups as provided for in subsection 23.42.050.B.

~~(J)~~ K. The home occupation shall be conducted so that noise, odor, smoke, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

~~(K. Signs are regulated by Chapter 23.55.)~~

L. Licensed ~~(C)~~ child care programs in the home of the operator are limited to 12 children per day including the children of the operator.

Section 5. Section 23.44.014 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

#### 23.44.014 Yards

Yards are required for every lot in a single-family zone. A yard that is larger than the minimum size may be provided.

##### A. Front Yards.

1. The front yard depth shall be either the average of the front yards of the single-family structures on either side or (~~(twenty (20))~~) 20 feet, whichever is less.

2. On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of (~~(sixty (60))~~) 60 feet or the full depth of the lot, whichever is less, is in excess of (~~(thirty-five (35))~~) 35 percent, the required front yard depth shall be either (~~(twenty (20))~~) 20 feet less one (~~(+1))~~) 1 foot for each one (~~(+1))~~) 1 percent of gradient or slope in excess of (~~(thirty-five (35))~~) 35 percent, or the average of the front yards on either side, whichever is less.

3. In the case of a through lot, each yard abutting a street, except a side yard, shall be a front yard. Rear yard (~~(requirements)~~) provisions shall not apply to the lot, except pursuant to Section 23.40.030 or 23.40.035.

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

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Section 6. Section 23.44.041 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

#### 23.44.041 Accessory Dwelling Units

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B. Accessory dwelling units, detached, additional provisions. (~~(A detached accessory dwelling unit is also known as a backyard cottage.)~~) The Director may authorize a detached accessory dwelling unit, also known as a backyard cottage, (~~(and that unit may be used as a residence, only under)~~) if the unit meets the (~~(conditions set forth in)~~) requirements of subsection 23.44.041.A and the following additional (~~(conditions)~~) requirements:

1. Detached accessory dwelling units are not permitted on a lot if any portion of the lot is within the Shoreline District established pursuant to Section 23.60.010.

2. (~~Detached accessory dwelling units are required to meet the additional~~) The development standards set forth in Table B for 23.44.041:

<b>Table B for 23.44.041</b>	
<b>Development Standards for Detached Accessory Dwelling Units<sup>1</sup></b>	
a. Minimum Lot Size	4,000 sq. ft.
b. Minimum Lot Width	25 feet
c. Minimum Lot Depth	70 feet <sup>2</sup>
d. Maximum Lot Coverage	The provisions of Section 23.44.010 apply.
e. Maximum Rear Yard Coverage	A detached accessory dwelling unit, together with any other accessory structures and other portions of the principal structure, is limited to a maximum combined coverage of 40% of the rear yard.

f. Maximum Gross Floor Area	800 sq. ft. including garage and storage area but excluding areas below grade, measured as set forth in Section 23.86.007.				
g. Front Yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.A, <u>except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i of this Table B for 23.44.041.</u>				
h. Minimum Side Yard	The provisions of subsection 23.44.014.C apply. <sup>7</sup>				
i. Minimum Rear Yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. <sup>3,4</sup>				
j. Location of Entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.				
((k. Maximum Height Limits <sup>5</sup> ))	((The roof peak of the detached accessory dwelling unit may not extend more than 15 feet above the roof peak of the principal dwelling unit and must comply with the height limits set forth in the table below.))				
<u>k. Maximum Height Limits<sup>5</sup></u>	Lot Width (feet)				
	Less than 30	30 or greater up to 35	Above 35 up to 40	Above 40 up to 50 <sup>6</sup>	Greater than 50 ((or greater) <sup>6</sup> )
(1) Maximum <u>Base</u> Structure Height (feet)	12	14	15	16	16
(2) Maximum Structure Height with Pitched Roof (feet) <sup>8</sup>	15	21	22	22	23
(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit A for 23.44.041.	15	18	19	20	20
l. Minimum Separation from Principal Structure	5 feet				
Footnotes:					
1. The Director may allow an exception to standards ((1)) a-f, h, i and j pursuant to subsection 23.44.041.B.3, for converting existing accessory structures.					
2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 sq. ft., a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.					
3. If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.					
4. On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.					
5. Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height. ((The additional height for sloped lots permitted by subsection					

23.44.012.B does not apply.))

6. Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may ((also)) be built to the maximum height limit((s)) applicable in the column for lots greater than 50 feet.((listed in this column if both of)) when ((the following conditions are met: a))) the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley.((; and b) the width of the lot is 40 feet or greater.))

7. The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply.

8. All parts of the roof above the applicable base height shall be pitched at a rate of not less than 3:12.

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3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. The Director may allow an exception to one or more of the development standards for accessory dwelling units contained in subsections 23.44.041.A.4 and standards a-f, h, i and j listed in Table B for ((~~23.44.041~~)) 23.44.041, provided the conversion does not increase the structure's nonconformity with the standard and the applicant can demonstrate that the accessory structure was constructed prior to June 1, 1999, as an accessory structure.

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Section 7. Section 23.45.504 of the Seattle Municipal Code, which section was last amended by Ordinance 123547, is amended 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 for 23.45.504 are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A, 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.45 and additional regulations in Chapter 23.57. Public facilities are subject to the regulations in Section 23.51A.004.

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#### E. Ground floor commercial use.

1. Drive-in businesses are prohibited, as either a principal or accessory use.

2. 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.))~~

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Section 8. Section 23.45.526 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended 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, or seeking to qualify for the higher FAR limit in Table A for 23.45.510~~((, 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))~~

1. This commitment is not required for building additions and alterations; and

2. ~~((a))~~ 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).

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Section 9. Section 23.45.532 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

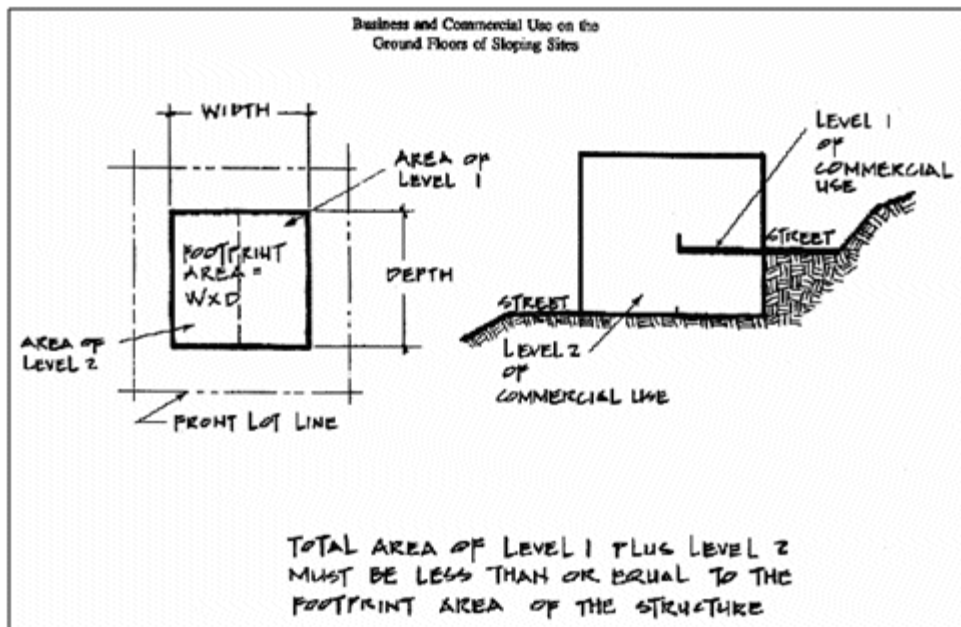
#### 23.45.532 Standards for ground floor commercial uses in MR and HR zones

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))~~ maximum size of use of any one business establishment ~~((can be no greater than))~~ is 4,000 square feet, except that the ~~((gross floor area))~~ maximum size of use of a multi-purpose retail sales establishment ~~((may be up to))~~ is 10,000 square feet.

3. Vents for venting of odors, vapors, smoke, gas and fumes, and exterior heat exchangers and other similar devices (e.g., related to ventilation, air-conditioning, refrigeration) shall be at least 10 feet above finished sidewalk grade, and directed away to the extent possible from residential uses within 50 feet of the vent.

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 10. Section 23.45.545 of the Seattle Municipal Code, which section was enacted by Ordinance 123495, is amended as follows:

23.45.545 Standards for certain accessory uses

\* \* \*

I. In Lowrise zones, ~~((lots that include rowhouse and townhouse units may include))~~ accessory dwelling units are allowed, in rowhouse and townhouse units, as follows:

1. ~~((No more than one accessory dwelling unit shall be located on a lot.))~~ One accessory dwelling unit is allowed for each rowhouse or townhouse unit that is a "principal unit." A "principal unit" is a dwelling unit that is not an accessory dwelling unit.

~~((2. The principal structure on the lot shall include one and only one dwelling unit other than the accessory dwelling unit, which other dwelling unit is referred to in this subsection 23.45.545.I as the "principal unit".))~~

~~((3.))~~ 2. The owner of ((the lot)) a principal unit shall comply with the owner occupancy requirements of subsection 23.44.041.C.

~~((4.))~~ 3. ((Maximum gross floor area: a.)) The maximum gross floor area of an accessory dwelling unit is 650 square feet, ((+)) provided that ((b. T)) the total gross floor area of the accessory dwelling unit ~~((may))~~ does not exceed 40

percent of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of garages, storage sheds, and other non-habitable spaces.

~~((5-))~~ 4. An accessory dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the rowhouse or townhouse unit and the rear lot line.

~~((6-))~~ 5. The entrance to an accessory dwelling unit provided within the same structure as the principal unit shall be provided through one of the following configurations:

a. Through the primary entry to the principal unit; or

b. Through a secondary entry on a different facade than the primary entry to the principal unit; or

c. Through a secondary entry on the same facade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.

~~((7-))~~ 6. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory dwelling unit located above a garage.

~~((8-))~~ 7. Parking. Parking is not required for an accessory dwelling unit.

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Section 11. Section 23.47A.005 of the Seattle Municipal Code, which section was last amended by Ordinance 123816, is amended as follows:

#### 23.47A.005 Street-level uses

A. The requirements of this Section 23.47A.005 apply in addition to the other applicable requirements of this Title 23.

B. Mini-warehouses, warehouses, or utility uses may not abut a street-level street-facing facade in a structure that contains more than one residential dwelling unit.

C. Residential uses at street level.

1. ~~((Residential uses are generally permitted anywhere in a structure in NC1, NC2, NC3 and C1 zones, except as provided in subsections 23.47A.005.C.2 and 23.47A.005.C.3.))~~

~~((2-))~~ In all neighborhood commercial and C1 zones, ~~((R-))~~ residential uses may ~~((not))~~ occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or

b. Within the Bitter Lake Village Hub Urban Village; or

c. Within the Lake City Hub Urban Village, except as provided in subsection 23.47A.005.C.~~((4))~~ 2; or

d. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or

e. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2; or

f. Within the Northgate Overlay District, except as provided in 23.71.044; or

g. In areas shown on Maps 1 through 60 in Map Book A at the end of this Chapter.

~~2. ((3. Residential uses may not exceed, in the aggregate, 20 percent of the street-level street-facing facade if facing an arterial or within a zone that has a height limit of 85 feet or higher, except that there is no limit on residential uses in the following circumstances or locations:))~~ Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of residential uses in the following circumstances:~

- a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006 on the same site; or ~~((--))~~
- b. The residential use is an assisted living facility or nursing home and private living units are not located at street level; or ~~((--))~~
- c. ~~((Within the Station Area Overlay District, in which case Chapter 23.61 applies.))~~

~~((4. Residential uses may occupy 100 percent of the street-level street-facing facade in a structure if the--))~~ Within a structure that :

~~((a--))~~ 1) ~~((+))~~ is developed and owned by the Seattle Housing Authority; and

~~((b--))~~ 2) ~~((+))~~ is located on a lot zoned NC1 or NC3 that was owned by the Seattle Housing Authority as of January 1, 2009~~((+))~~.

~~((c. Is not located in a pedestrian-designated zone or a zone that has a height limit of 85 feet or higher; and))~~

~~((d. Does not face a designated principal pedestrian street.))~~

~~((5--))~~ 3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

~~((6--))~~ 4. Where residential uses at street level are limited to 20 percent of the street-level street-facing facade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this ~~((8--))~~ Section 23.47A.005 and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

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Section 12. Section 23.47A.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

23.47A.008 Street-level development standards

A. Basic street-level requirements.

1. The provisions of this subsection apply to:

- a. Structures in NC zones;
- b. Structures that contain a residential use in C zones; and
- c. Structures in C zones across the street from residential zones.

2. Blank facades.

a. For purposes of this section, facade segments are considered blank if they do not include at least one of the following:

- 1) Windows;
  - 2) Entryways or doorways;
  - 3) Stairs, stoops, or porticos;
  - 4) Decks or balconies; or
  - 5) Screening and landscaping on the facade itself.
- b. Blank segments of the street-facing facade between 2 feet and 8 feet

above the sidewalk may not exceed 20 feet in width.

c. The total of all blank facade segments may not exceed 40 percent of the width of the facade of the structure along the street.

3. Street-level street-facing facades shall be located within 10 feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

#### B. Nonresidential street-level requirements.

1. The provisions of this subsection 23.47A.008.B and subsection 23.47A.008.A apply to:

- a. Structures with street-level nonresidential uses in NC zones;
- b. Structures with street-level nonresidential uses that also contain residential uses in C zones; and
- c. Structures with street-level nonresidential uses in C zones across the street from residential zones.

#### 2. Transparency.

- a. Sixty percent of the street-facing facade between 2 feet and 8 feet above the sidewalk shall be transparent.
- b. Transparent areas of facades shall be designed and maintained to allow unobstructed views from the outside into the structure or, in the case of live-work units, into display windows that have a minimum 30-inch depth.

3. ~~The following h~~) Height and depth provisions ~~(apply to)~~ for new structures or new additions to existing structures ~~(a)~~ Nonresidential uses shall extend an average depth of at least 30 feet and a minimum depth of 15 feet ~~(in depth)~~ from the street-level street-facing facade. If the combination of the ~~(street-facing facade)~~ requirements of ~~(subsection)~~ Sections 23.47A.005 or 23.47A.008 ~~(D1)~~ and this depth requirement would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to nonresidential use, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be nonresidential.

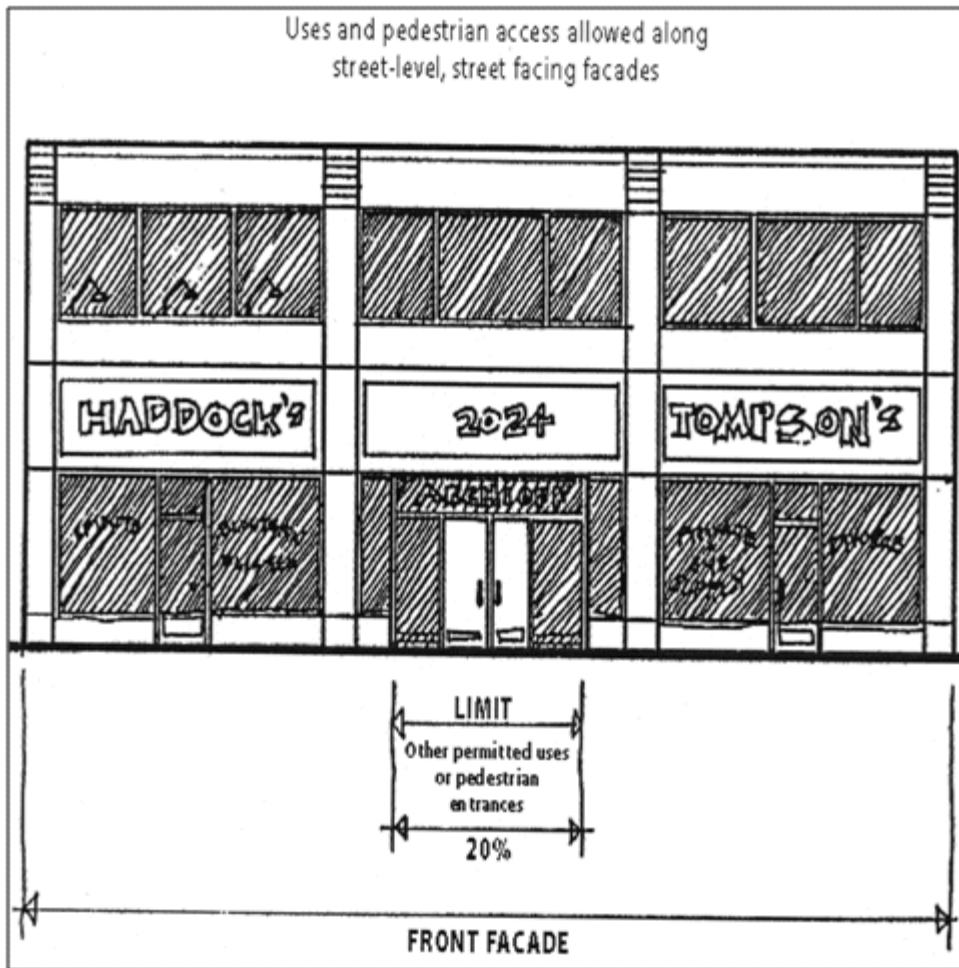
b. Nonresidential uses at street level shall have a floor-to-floor height of at least 13 feet.

C. In pedestrian-designated zones, the provisions of subsections 23.47A.008.A and 23.47A.008.B and the following apply:

1. A minimum of 80 percent of the width of a structure's street-level street-facing facade that faces a principal pedestrian

street shall be occupied by uses listed in subsection 23.47A.005.D.1. The remaining 20 percent of the street frontage may contain other permitted uses and/or pedestrian entrances (see Exhibit A for 23.47A.008).

Exhibit A for 23.47A.008



2. For purposes of calculating the 80 percent of a structure's street-level facade, the width of a driveway at street level, not to exceed 22 feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from an alley or from a street that is not a designated principal pedestrian street.

3. If the street-facing facade and depth requirements would result in a requirement that an area greater than 50 percent of the structure's footprint be dedicated to the uses in subsection 23.47A.005.D.1, the Director may modify the street-facing facade or depth requirements, or both, so that no more than 50 percent of the structure's footprint is required to be dedicated to the uses in subsection 23.47A.005.D.1.

D. ~~((The provisions of this subsection apply to structures with residential uses located along a street-level street-facing facade))~~ Where ~~((1. R))~~ residential uses are ~~((limited to 20% of the))~~ located along a street-level street-facing facade ~~((under section 23.47.005.D))~~ the following requirements apply unless exempted by subsection 23.47A.008.G:

- ~~1. ((2.))~~ At least one of the street-level street-facing facades containing a residential use shall have a visually prominent pedestrian entry; and
- ~~2. ((3.))~~ The floor of a dwelling unit located along the street-level street-facing facade shall be at least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk.

E. When a live-work unit is located on a street-level street-facing facade, the provisions of subsections 23.47A.008.A and 23.47A.008.B apply, and the portion of each such live-work unit in which business is conducted must be located

between the principal street and the residential portion of the live-work unit.

F. The Director may allow departures from street-level requirements of this section for projects that are not subject to the Design Review process, as a Type I decision, if the Director determines that the project will maintain the safety and aesthetics of the streetscape for pedestrians and will:

1. maintain pedestrian access to the structure;
2. maintain urban form consistent with adjacent structures;
3. maintain the visibility of nonresidential uses;
4. maintain the privacy of residential uses; or
5. allow the continued use of an existing structure without substantial renovation.

G. In a structure existing on January 1, 2012, an accessory dwelling unit may be established if it is accessory to an existing dwelling unit and if it meets minimum housing standards of Chapter 22.206, even if nonconforming to standards of subsection 23.47A.008.D.

Section 13. A new Subchapter II and a new Section 23.52.008 are added to Chapter 23.52 of the Seattle Municipal Code, the title of Chapter 23.52 is amended, and a new heading for subchapter I is added as follows:

23.52 Transportation Concurrency ~~and Project Review System~~ and Transportation Impact Mitigation

Subchapter I Transportation Concurrency Project Review System

\* \* \*

Subchapter II Transportation Impact Mitigation

23.52.008 Transportation Impact Mitigation

A. Applicability. The requirements of this Section 23.52.008 apply to proposed new development as described in Table A for 23.52.008. Proposed new development that is subject to SEPA environmental review per SMC Chapter 25.05 is exempt from this Subchapter II.

<b>Table A for 23.52.008</b>	
<b>Development Location and Size Ranges Where the Requirements of Section 23.52.008 Apply</b>	
<b>Applicable Zones, When Located</b>	<b>Applicable Size Ranges</b>

<b>Within an Urban Center or Urban Villages Containing a Station Area Overlay District</b>	<b>Number of Dwelling Units</b>	<b>Amount of Non-Residential Space (square feet), When Located in a Mixed-Use Development<sup>1</sup></b>
LR1	7 to 200	4,001 to 30,000
LR2, LR3, NC1, NC2, NC3, C1, C2, MR, HR, SM	31 to 200	12,001 to 30,000
Downtown Zones	81 to 250	12,001 to 30,000

Footnote to Table A for 23.52.008

<sup>1</sup> This size range applies to a development that contains at least one dwelling unit.

#### B. Impact Analysis Required .

Applicants for proposed development shall prepare and submit with the development permit application an analysis of potential transportation impacts that may result from the proposed development. For development containing more than 50 dwelling units or 12,000 square feet of non- residential floor area or both, the analysis must contain the following information and analysis:

1. Number of additional daily and peak hour vehicular trips;
2. Likely distribution of project traffic and effects on traffic operations;
3. Availability and expected usage of transit;
4. Existing vehicular, pedestrian, and bicycle conditions, including access and connections to transit and bicycle facilities;
5. Accident history.

For all other development the Director shall determine the scope and level of detail of analysis based on the probable impacts and/or scale of the proposed development. The analysis may include the elements identified above or other elements as determined by the Director.

#### C. Impact Mitigation.

Based upon the results of the transportation impact analysis the Director may condition permit approval, as a Type I decision, to mitigate or prevent transportation impacts. Required mitigation may include, but is not limited to:

1. changes in access;
2. changes in the location, number and size of curb cuts and driveways;
3. provision of transit incentives, including transit pass subsidies;
4. bicycle parking, and shower facilities for bicycle commuters;
5. signage, including wayfinding;

6. improvements to vehicular, pedestrian and bicycle traffic facilities or operations including signalization, turn channelization, right-of-way dedication, street widening, pedestrian and bicycle facilities improvements, and lighting;
7. transportation management plans;
8. Parking management strategies including, but not limited to, unbundling parking from building-space leases, reserved parking spaces for vanpools, and reduction in the amount of parking to be provided; and
9. Participation in a transportation mitigation payment program or transportation management association, where available.

Section 14. Section 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

#### 23.54.015 Required parking

A. Minimum parking requirements. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for 23.54.015 for nonresidential uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for institutional uses, except as otherwise provided in this Section 23.54.015 and Section 23.54.020. The minimum parking requirements are based upon gross floor area of a use within a structure and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Exceptions to the parking requirements set forth in this section are provided in subsection 23.54.015. B and in Section 23.54.020, Parking quantity exceptions, unless otherwise specified. This chapter does not apply to parking for construction activity, which is regulated by ~~((SMC))~~ Section 23.42.044.

#### B. Parking requirements for specific zones.

1. Parking in downtown zones is regulated by Section 23.49.019 and not by this Section 23.54.015.
2. Parking for major institution uses in the Major Institution Overlay District is regulated by Section s 23.54.015 and 23.54.016 ~~((and not by this Section 23.54.015))~~.
3. Parking in the Northgate Overlay District is regulated by Chapter 23.54 except as modified by Section 23.71.016.
4. No parking is required for single-family residential uses in single-family zones on lots less than 3,000 square feet in size or 30 feet in width where access to parking is permitted through a required yard abutting a street according to the standards of subsection 23.44.016.B.2.
5. No parking is required for urban farms or community gardens in residential zones.

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**Table A for ((Section)) 23.54.015  
PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS**

Use		Minimum parking required		
<b>I. General Nonresidential Uses (other than institutions)</b>				
A.	AGRICULTURAL USES	1 space for each 2,000 square feet		
B.	COMMERCIAL USES			
	B.1.	Animal shelters and kennels	1 space for each 2,000 square feet	
	B.2.	Eating and drinking establishments	1 space for each 250 square feet	
	B.3.	Entertainment Uses, general, except as noted below (1)	For public assembly areas: 1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats	
		B.3.a	Adult cabarets	1 space for each 250 square feet
		B.3.b	Sports and recreation uses	1 space for each 500 square feet
	B.4.	Food processing and craft work	1 space for each 2,000 square feet	
	B.5.	Laboratories, research and development	1 space for each 1,500 square feet	
	B.6.	Lodging uses	1 space for each 4 rooms; For bed and breakfast facilities in single family and multifamily zones, 1 space for each dwelling unit, plus 1 space for each 2 guest rooms	
	B.7.	Medical services	1 space for each 500 square feet	
	B.8.	Offices	1 space for each 1,000 square feet	
	B.9.	Sales and services, automotive	1 space for each 2,000 square feet	
	B.10.	Sales and services, general, except as noted below	1 space for each 500 square feet	
		B.10.a.	Pet Daycare Centers (2)	1 space for each 10 animals or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 animals.
	B.11.	Sales and services, heavy	1 space for each 2,000 square feet	
	B.12.	Sales and services, marine	1 space for each 2,000 square feet	

C.	HIGH IMPACT USES		1 space for each 2,000 square feet
D.	LIVE-WORK UNITS		0 spaces for units with 1,500 square feet or less; 1 space for each unit greater than 1,500 square feet; 1 space for each unit greater than 2,500 square feet, plus the parking that would be required for any nonresidential activity classified as a principal use
E.	MANUFACTURING USES		1 space for each 2,000 square feet
F.	STORAGE USES		1 space for each 2,000 square feet
G.	TRANSPORTATION FACILITIES		
	G.1.	Cargo terminals	1 space for each 2,000 square feet
	G.2.	Parking and moorage	
		G.2.a.	Principal use parking
			None
		G.2.b.	Towing services
			None
		G.2.c.	Boat moorage
			1 space for each 2 berths
		G.2.d.	Dry storage of boats
			1 space for each 2,000 square feet
	G.3.	Passenger terminals	1 space for each 100 square feet of waiting area
	G.4.	Rail transit facilities	None
	G.5.	Transportation facilities, air	1 space for each 100 square feet of waiting area
	G.6.	Vehicle storage and maintenance uses	1 space for each 2,000 square feet
H.	UTILITIES		1 space for each 2,000 square feet
<b>II. Nonresidential Use Requirements ((with Locational Criteria)) For Specific Areas</b>			
I.	Nonresidential uses, <u>except hospitals</u> , (((other than institutions))) in urban centers or the Station Area Overlay District (3)		No minimum requirement
J.	<u>Nonresidential uses in urban villages that are not within an urban center or the Station Area Overlay District, if the nonresidential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the nonresidential use. (3)</u>		<u>No minimum requirement</u>
((J.))K.	Nonresidential uses (other than institutions) permitted ((in on the ground floor)) in MR and HR zones pursuant to Section 23.45.504.		No minimum requirement

Footnotes for Table A for ((Section)) 23.54.015

(1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the

Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.

(2) The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.

(3) The general requirements of lines A through H of Table A for ((Section)) 23.54.015 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 provision. To the extent that a nonresidential use fits within more than one line in Table A for ((Section)) 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of nonresidential 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.

**Table B for 23.54.015:~~  
PARKING FOR RESIDENTIAL USES**

Use	Minimum parking required
<b>I. General Residential Uses</b>	
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. Cottage housing developments	1 space for each dwelling unit
G. Floating homes	1 space for each dwelling unit
H. Mobile home parks	1 space for each mobile home lot as defined in Chapter 22.904
I. Multifamily residential uses, except as provided in Sections ((B or C)) <u>II</u> or <u>III</u> of this Table B for 23.54.015. (1)	1 space per dwelling unit.
J. 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
K. Single-family dwelling units	1 space for each dwelling unit
<b>II. Residential Use Requirements ((with Location Criteria)) For Specific Areas</b>	
L. <u>All</u> ((R))residential uses ((in commercial and multifamily zones)) within urban centers or within the Station Area Overlay District (1)	No minimum requirement
M. <u>All</u> ((R))residential uses in commercial and multifamily zones within urban villages that are not within <u>an</u> urban center or the Station Area Overlay District, if the residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the residential use. (1)	No minimum requirement
N. Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015 (1)	1 space per dwelling unit for dwelling units with fewer than two bedrooms; plus

	1.5 spaces per dwelling units with 2 or more bedrooms; plus .25 spaces per bedroom for dwelling units with 3 or more bedrooms
O. Multifamily dwelling units within the Alki area shown on Map B for ((Section)) 23.54.015 (1)	1.5 spaces for each dwelling unit

**III. Multifamily Residential Use Requirements with Income Criteria**

P. Multifamily residential uses: 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
Q. Multifamily residential uses: 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)	0.75 spaces for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms
R. Low-income disabled multifamily residential uses (1) (3)	1 space for each 4 dwelling units
S. Low-income elderly/low-income disabled multifamily residential uses (1) (4)	1 space for each 5 dwelling units
T. Low-income elderly multifamily residential uses (1) (3) not located in urban centers or within the Station Area Overlay District	1 space for each 6 dwelling units

Footnotes for Table B for ((Section)) 23.54.015:

(1) The general requirement of line I of Table B for ((Section)) 23.54.015 for multifamily residential uses 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 provision. To the extent that a multifamily residential use fits within more than one line in Table B for ((Section)) 23.54.015, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section ((B))II of Table B for ((Section)) 23.54.015 requires more parking than line I, the parking requirement in line I does not apply. The different parking requirements listed for certain categories of multifamily 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 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, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Recorder 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.

**Table C for ((Section)) 23.54.015  
PARKING FOR PUBLIC USES AND INSTITUTIONS**

	Use	Minimum parking required
<b>I. General Public Uses and Institutions</b>		
A.	Adult care centers (1), (2)	1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)
B.	Child care centers (1), (2), (3)	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children
C.	Colleges	A number of spaces equal to 15 percent of the maximum number of students that the facility is designed to accommodate; plus 30 percent of the number of employees the facility is designed to accommodate; plus 1 space for each 100 square feet of spectator

		assembly area in outdoor spectator sports facilities
D.	Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR) (1), (4)	1 space for each 555 square feet; or for family support centers, 1 space for each 100 square feet
E.	Community clubs, and community centers not owned and operated by DOPAR (1), (5)	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; plus 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
F.	Hospitals	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees other than staff doctors; plus 1 space for each 6 beds
G.	Institutes for advanced study, except <u>in single family zones</u> ((as provided in line H below))	1 space for each 1,000 square feet of offices and similar spaces; plus 1 space for each 10 fixed seats in all auditoria and public assembly rooms; or 1 space for each 100 square feet of public assembly area not containing fixed seats
H.	Institutes for advanced study in single family zones (existing) (1)	3.5 spaces for each 1,000 square feet of office space; plus 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of conference room space, whichever is greater
I.	Libraries (1) (6)	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus 1 space for each 500 square feet of floor area, excluding auditoria and public meeting rooms
J.	Museums	1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; plus 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public
K.	Private clubs	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
L.	Religious facilities (1)	1 space for each 80 square feet of all auditoria and public assembly rooms
M.	Schools, private elementary and secondary (1)	1 space for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly room, 1 space for each staff member



N.	Schools, public elementary and secondary (7) (8)	1 space for each 80 square feet of all auditoria or public assembly rooms, or 1 space for every 8 fixed seats in auditoria or public assembly rooms containing fixed seats, for new public schools on a new or existing public school site
O.	Vocational or fine arts schools	1 space for each 2 faculty that the facility is designed to accommodate; plus 1 space for each 2 full-time employees other than faculty that the facility is designed to accommodate; plus 1 space for each 5 students, based on the maximum number of students that the school is designed to accommodate

**II. General Public Uses and Institutions ((with Locational Criteria)) For Specific Areas**

P.	General public uses, ((and)) institutions <u>and Major Institution uses, except hospitals,</u> in urban centers or the Station Area Overlay District (9)	No minimum requirement
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Footnotes for Table 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 23.45.570. The Director, in consultation with the Director 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.
- (2) The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.
- (3) A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces.
- (4) When family support centers are located within community centers owned and operated by the Department of Parks and Recreation, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to ((Section)) subsection 23.54.020.I.
- (5) Indoor gymnasiums are not considered ball courts, nor are they considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the gymnasium is one parking space for every eight fixed seats. Each 20 inches of width of bleachers is counted as one fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement is one space for each 350 square feet.
- (6) When a library 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 a library is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122; and when a library is permitted in a commercial zone, the Director may modify the parking requirements according to ((Section)) subsection 23.44.022.L.
- (7) For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements are determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Table C for 23.54.015 for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is 10 percent or less than that for the existing auditorium or other place of assembly, then no additional parking is required.
- (8) Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.
- (9) The general requirement of lines A through O of Table C for ((Section)) 23.54.015 for general public uses, ((and)) institutions, and requirements of subsection 23.54.016.B for Major Institution uses ((is)) are 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 provision. To the extent that a general public use, institution or Major ((i))Institution use

fits within more than one line in Table C for ((Section)) 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of general public uses or institutions shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

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Section 15. Section 23.54.016 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.54.016 Major Institutions---Parking and transportation(~~(-)~~)

Major Institution uses are subject to the following transportation and parking requirements:

A. General Provisions.

1. Minimum requirements for parking quantity are established in subsection 23.54.016. B (~~(of this section)~~).
2. The maximum number of spaces provided for the Major Institution use shall not exceed (~~(one hundred thirty-five (-))~~)135(~~(+)~~) percent of the minimum requirement, (~~(except)~~) unless additional spaces are approved through administrative or Council review as provided in subsection 23.54.016. C (~~(of this section)~~). For a Major Institution use in an urban center or the Station Area Overlay District, the maximum limit shall not exceed 135 percent of the minimum parking requirements calculated pursuant to subsection 23.54.016.B.2.
3. Parking requirements for Major Institutions with more than one (~~(+)~~) type of institutional use (for example, a hospital and a university), if applicable, shall be calculated for each use separately, and then added together to derive the total number of required spaces.
4. When a permit application is made for new development at an existing Major Institution and the new development is a hospital or located outside an urban center or the Station Area Overlay District, parking requirements shall be calculated both for the entire Major Institution and for the proposed new development. If there is a parking deficit for the entire institution, the institution shall make up a portion of the deficit in addition to the quantity required for the new development, according to the provisions of subsection 23.54.016. B.3 (~~(5 of this section)~~). If there is a parking surplus(~~(-)~~) above the maximum allowed number of spaces(~~(-)~~) for the institution as a whole, (~~(requirements)~~) required amounts of parking for new development will first be applied to the surplus in the required ratio of long-term and short-term spaces. Additional parking shall be permitted only when no surplus remains.
5. When determining parking requirements, individuals fitting into more than one (~~(+)~~) category (for example, a student who is also an employee or a faculty member who is also a doctor) shall not be counted twice. The category requiring the greater number of parking spaces shall be used.

B. Parking Quantity Required.~~(The minimum number of parking spaces required for a Major Institution shall be as follows:-)~~

1. In urban centers and the Station Area Overlay District, no parking is required for Major Institution uses, except for hospitals.

2. For all other Major Institutions the minimum number of parking spaces required is as follows:

~~(+)~~ a. Long-term Parking.

~~((a.)) 1) Medical Institutions. A number of spaces equal to ~~((eighty-))80((+))~~ percent of hospital-based doctors; plus ~~((twenty-five-))25((+))~~ percent of staff doctors; plus ~~((thirty-))30((+))~~ percent of all other employees present at peak hour;~~

~~((b.)) 2) Educational Institutions. A number of spaces equal to ~~((fifteen-))15((+))~~ percent of the maximum students present at peak hour, excluding resident students; plus ~~((thirty-))30((+))~~ percent of employees present at peak hour; plus ~~((twenty-five-))25((+))~~ percent of the resident unmarried students; plus one ~~((1-))~~ space for each married student apartment unit.~~

~~((2.)) b. Short-term Parking.~~

~~((a.)) 1) Medical Institutions. A number of spaces equal to one ~~((1-))~~ space per six ~~((6-))~~ beds; plus one ~~((1-))~~ space per five ~~((5-))~~ average daily outpatients;~~

~~((b.)) 2) Educational Institutions. A number of spaces equal to five ~~((5-))~~ percent of the maximum students present at peak hour excluding resident students.~~

~~((3.)) c. Additional Short-term Parking Requirements. When one ~~((1-))~~ of the following uses is a Major Institution use, the following additional short-term parking requirements shall be met. Such requirements may be met by joint use of parking areas and facilities if the Director determines that the uses have different hours of operation according to ~~((Section))~~ subsection 23.54.020\_G:~~

~~((a.)) 1) Museum. One ~~((1-))~~ space for each ~~((two hundred fifty-))250((+))~~ square feet of public floor area;~~

~~((b.)) 2) Theater, Auditorium, or Assembly Hall. One ~~((1-))~~ space for each ~~((two hundred-))200((+))~~ square feet of audience assembly area not containing fixed seats, and one ~~((1-))~~ space for every ~~((ten-))10((+))~~ seats for floor area containing fixed seats;~~

~~((c.)) 3) Spectator Sports Facility Containing Fewer than ~~((Twenty Thousand-))20,000((+))~~ Seats. One ~~((1-))~~ space for each ~~((ten-))10((+))~~ permanent seats and one ~~((1-))~~ space for each ~~((one hundred-))100((+))~~ square feet of spectator assembly area not containing fixed seats;~~

~~((d.)) 4) Spectator Sports Facility Containing ~~((Twenty Thousand-))20,000((+))~~ or More Seats. One ~~((1-))~~ space for each ~~((ten-))10((+))~~ permanent seats and one ~~((1-))~~ bus space for each ~~((three hundred-))300((+))~~ permanent seats.~~

~~((4.)) d. Bicycle Parking. Bicycle parking meeting the development standards of subsections 23.54.015\_K\_2 through 23.54.015.K\_((--))6 and subsection 23.54.016.D\_2 ~~((of this section))~~ shall be provided in the following quantities:~~

~~((a.)) 1) Medical Institutions. A number of spaces equal to two ~~((2-))~~ percent of employees, including doctors, present at peak hour;~~

~~((b.)) 2) Educational Institutions. A number of spaces equal to ~~((ten-))10((+))~~ percent of the maximum students present at peak hour plus five ~~((5-))~~ percent of employees.~~

If at the time of application for a master use permit, the applicant can demonstrate that the bicycle parking requirement is inappropriate for a particular institution because of topography, location, nature of the users of the institution or other reasons, the Director may modify the bicycle parking requirement.

~~((5.)) 3. Parking Deficits. In addition to providing the minimum required parking for a new structure, five ~~((5-))~~ percent of any vehicular or bicycle parking deficit as determined by the minimum requirements of this subsection 23.54.016.B., existing on the effective date of the ordinance codified in this section, shall be supplied before issuance of a certificate of occupancy.~~

### C. Requirement for a Transportation Management Program.

1. When a Major Institution proposes parking in excess of ~~((one hundred thirty-five (-)))~~135~~((+))~~ percent of the applicable minimum requirement for short-term parking spaces calculated pursuant to subsections 23.54.016.A and 23.54.016.B, or when a Major Institution prepares a master plan or applies for a master use permit for development that would provide ~~((require twenty (-)))~~20~~((+))~~ or more parking spaces or increase the Major Institution's number of parking spaces by ~~((twenty (-)))~~20~~((+))~~ or more above the level existing on May 2, 1990, a transportation management program shall be required or an existing transportation management program shall be reviewed and updated. The Director shall assess the traffic and parking impacts of the proposed development against the general goal of reducing the percentage of the Major Institution's employees, staff and/or students who commute in single- occupancy vehicles (SOV) during the peak period to ~~((fifty (-)))~~50~~((+))~~ percent or less, excluding those employees or staff whose work regularly requires the use of a private vehicle during working hours.

2. Transportation management programs ~~((shall be-))~~ are prepared and implemented in accordance with the Director's Rule governing Transportation Management Programs. The Transportation Management Program shall be in effect upon Council adoption of the Major Institution master plan.

\*\*\*

4. Through the process of reviewing a new or updated transportation management program in conjunction with reviewing a master plan, the Council may approve in excess of ~~((one hundred thirty-five (-)))~~135~~((+))~~ percent of the minimum requirements for long-term parking spaces, or may increase or decrease the required ~~((fifty (-)))~~50~~((+))~~ percent SOV goal, based upon the Major Institution's impacts on traffic and opportunities for alternative means of transportation. Factors to be considered shall include, but not be limited to:

- a. Proximity to a street with ~~((fifteen (-)))~~15~~((+))~~ minute transit service headway in each direction;
- b. Air quality conditions in the vicinity of the Major Institution;
- c. The absence of other nearby traffic generators and the level of existing and future traffic volumes in and through the surrounding area;
- d. The patterns and peaks of traffic generated by Major Institution uses and the availability or lack of on- street parking opportunities in the surrounding area;
- e. The impact of additional parking on the Major Institution site;
- f. The extent to which the scheduling of classes or work shifts reduces the transportation alternatives available to employees and/or students or the presence of limited carpool opportunities due to the small number of employees; and
- g. The extent to which the Major Institution has demonstrated a commitment to SOV alternatives.

5. The provision of short-term parking spaces in excess of ~~((one hundred thirty-five (-)))~~135~~((+))~~ percent of the minimum requirements established in subsection 23.54.016.B.2 ~~((of this section-))~~ may be permitted by the Director through preparation or update of a Transportation Management Program. In evaluating whether to allow more than ~~((one hundred thirty-five (-)))~~135~~((+))~~ percent of the minimum, the Director, in consultation with the Director of ~~((Seattle Department of-))~~ Transportation ~~((and Metropolitan King County-))~~, shall consider evidence of parking demand and opportunities for alternative means of transportation. Factors to be considered shall include but are not necessarily limited to the criteria contained in subsection 23.54.015.D.1.b ~~((of this section-))~~ and the following:

- a. The nature of services provided by Major Institution uses which generate short-term parking demand; and
- b. The extent to which the Major Institution manages short-term parking to ensure its availability to meet short-term parking needs.

Based on this review, the Director shall determine the amount of additional short-term parking to be permitted, if any.

\*\*\*

Section 16. Subsection F of Section 23.54.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.54.020 Parking quantity exceptions

\*\*\*

F. Reductions to minimum parking requirements.

1. When parking is required. ~~((R))~~ 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 23.54.020.F may not exceed ~~((40))~~ 50 percent.

2. Transit reduction.

a. In multifamily and commercial zones, the minimum parking requirement for all uses is reduced by ~~((20))~~ 50 percent if the use is located within 1,320 feet of a street with frequent transit service. This distance will be the walking distance measured from the nearest transit stop to the lot line of the lot containing the use.

b. In industrial zones, the minimum parking requirement for a nonresidential use is reduced by 15 percent if the use is located within 1,320 feet of a street with peak transit service headways of 15 minutes or less. This distance will be the walking distance measured from the nearest transit stop to the 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 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 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 five 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.

\*\*\*

Section 17. Section 23.76.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123913, is amended as follows:

23.76.004 Land use decision framework

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Table A for 23.76.004 LAND USE DECISION FRAMEWORK1

**DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS**



<b>TYPE I</b>
<b>Director's Decision</b>
<b>(Administrative review through land use interpretation as allowed by Section 23.88.0202)</b>
* Compliance with development standards
* Uses permitted outright
* Temporary uses, four weeks or less
* <u>Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments</u>
* Intermittent uses
* Interim use parking authorized under subsection 23.42.040.G
* Uses on vacant or underused lots pursuant to Section 23.42.038
* Certain street uses
* Lot boundary adjustments
* Modifications of features bonused under Title 24
* Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
* Temporary uses for relocation of police and fire stations
* Exemptions from right-of-way improvement requirements
* Special accommodation
* Reasonable accommodation
* Minor amendment to a Major Phased Development Permit
* Determination of public benefit for combined lot FAR
* Determination of whether an amendment to a property use and development agreement is major or minor
* Streamlined design review, pursuant to Section 23.41.018, if no development standard departures are requested
* Shoreline special use approvals that are not part of a shoreline substantial development permit
* Adjustments to major institution boundaries pursuant to subsection 23.69.023.B



* Other Type I decisions that are identified as such in the Land Use Code
<b>TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board3)</b>
* Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
* Variances
* Administrative conditional uses
* Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit3
* Short subdivisions
* Special Exceptions
* Design review decisions, except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested
* Light rail transit facilities
* The following environmental determinations:
1. Determination of non-significance (EIS not required)
2. Determination of final EIS adequacy
3. Determinations of significance based solely on historic and cultural preservation
4. A decision to approve, condition or deny a project based on SEPA Policies
5. A decision that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)
* Major Phased Developments
* Downtown Planned Community Developments
<b>TYPE III Hearing Examiner's Decision (No Administrative Appeal)</b>
* Subdivisions (preliminary plats)
<b>COUNCIL LAND USE DECISIONS</b>
<b>TYPE IV (Quasi-Judicial) Council Land Use Decisions</b>
* Amendments to the Official Land Use Map (rezones), except area-wide amendments and correction of errors
* Public projects that require Council approval
* Major Institution master plans, including major amendments, renewal of a master plan's development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions.
* Major amendments to property use and development agreements
* Council conditional uses
<b>TYPE V (Legislative) Council Land Use Decisions</b>
* Land Use Code text amendments
* Area-wide amendments to the Official Land Use Map
* Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes
* Concept approvals for the location or expansion of City facilities requiring Council land use approval
* Major Institution designations and revocations of Major Institution designations
* Waivers or modifications of development standards for City facilities
* Planned Action Ordinances
Footnotes for Table A for 23.76.004:
(1) Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This table is intended to provide only a general description of land use decision types.
(2) Type I decisions are subject to administrative review through a land use interpretation

pursuant to Section 23.88.020 if the decision is one that is subject to interpretation.

(3) Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

\*\*\*

Section 18. Section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123913, is amended as follows:

#### 23.76.006 Master Use Permits required

A. Type I, II and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

2. Establishment or change of use for uses permitted outright, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, and temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction and transitional encampments; ~~((, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, and temporary relocation of police and fire stations for 24 months or less;))~~

\*\*\*

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures):

a. Determination of Non\_significance (DNS), including mitigated DNS;

b. Determination that a final environmental impact statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations that are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting temporary relocation of police and fire stations for 24 months or less;

b. Short subdivisions;

- c. Variances; provided that the decision on variances sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;
- d. Special exceptions; provided that the decision on special exceptions sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;
- e. Design review, including streamlined design review pursuant to Section 23.41.018 if departures are requested pursuant to Section 23.41.012;
- f. Administrative conditional uses, provided that the decision on administrative conditional uses sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;
- g. The following shoreline decisions; provided that these decisions shall be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council land use decision (supplemental procedures for shoreline decisions are established in Chapter 23.60):
  - 1) Shoreline substantial development permits;
  - 2) Shoreline variances; and
  - 3) Shoreline conditional uses;
- h. Major Phased Developments;
- i. Determination of project consistency with a planned action ordinance and EIS;
- j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;
- k. Downtown planned community developments; (~~and~~)
- l. Establishment of temporary uses for transitional encampments; and
- m. Decisions to approve, condition, or deny based on SEPA policies if such decisions are integrated with the decisions listed in subsections 23.76.006.C.2.a through k; provided that, for decisions listed in subsections 23.76.006.C.2.c, d, f, and g that are made by the Council, integrated decisions to approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section 23.76.036.

\*\*\*

Section 19. Section 23.84A.032 of the Seattle Municipal Code, which section was last amended by Ordinance 123913, is amended as follows:

23.84A.032 "R(~~-~~)"

\*\*\*

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

- 1. "Accessory dwelling unit" means one or more rooms that (a) are located within an owner-occupied dwelling unit, or within an accessory structure on the same lot or unit lot as an owner-occupied dwelling unit; (b) meet the standards of Section 23.44.041, (~~or~~) 23.45.545, or Chapter 23.47A, as applicable; (c) are designed, arranged, and intended to be occupied by not more than one household as living accommodations independent from any other household; and (d) are so occupied or vacant.

\*\*\*

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~~) except for an accessory dwelling unit or shared parking garage, occupies space above or below another dwelling unit; (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) no portion of any other dwelling unit, except for an attached accessory dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

\*\*\*

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 an attached accessory dwelling unit and 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 20. Section 23.91.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123546, 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, and Chapter 23.45), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;
2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014 and 23.44.040, and Chapter 23.45);
3. Parking of vehicles in a single-family zone (Section 23.44.016) unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A; and
4. Keeping of animals (Section 23.42.050) ~~and~~

~~(5. Home occupations (Section 23.42.052).)~~

B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect, limit or preclude any previous, pending or subsequent enforcement action or proceeding taken pursuant to Chapter 23.90.

Section 21. Section 25.05.800 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

#### Subchapter IX Categorical Exemptions

##### 25.05.800 Categorical exemptions

The proposed actions contained in this subchapter are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor new construction--- flexible thresholds.

1. The exemptions in this subsection 25.05.800.A apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this Section 25.05.800, the project shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection (~~(A.2 of this Section)~~) 25.05.800 .A.2 shall control. If the proposal is located in more than one city or county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally critical areas (Section 25.05.908):

a. The construction or location of residential (~~(structures)~~) or mixed-use development containing no more than the number of dwelling units identified in Table A for 25.05.800(~~(, except for lots located in an Urban Center or a SAOD, if the proposed construction or location is on a lot in an LR1 or LR2 zone, and if the lot abuts any portion of another lot that is zoned SF or RSL, or is across an alley of any width from a lot that is zoned SF or RSL, or is across a street from a lot zoned SF or RSL if that street does not meet minimum width requirements in Section 23.53.015.A, then the level of exempt construction is 4 dwelling units for lots in an LR1 zone, and 6 dwelling units for lots in an LR2 zone)~~);

**Table A for 25.05.800: Exemptions for Residential Uses**

Zone	Residential Uses
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	Number of Exempt Dwelling Units		
	<u>Outside of Urban Centers and Urban Villages Containing SAODs</u>	<u>Within Urban Centers or Urban Villages Containing SAODs</u>	<u>Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded</u>
SF, RSL	4	4	4
LR1	4	<del>((6))</del> 200(1)	20
LR2	6	<del>((30))</del> 200(1)	20
LR3	8	<del>((30))</del> 200(1)	20
NC1, NC2, NC3, C1, C2	4	<del>((30))</del> 200(1)	20
MR, HR, SM	20	<del>((30))</del> 200(1)	20
Downtown zones	NA	<del>((80))</del> 250(1)	20
Industrial zones	4	4	4

Notes for Table A for 25.05.800

SAOD = Station Area Overlay District((s)).

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

(1) Pursuant to RCW 43.21C.229, new residential development or the residential portion of new mixed-use development located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that residential growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800A.1.i.

- b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption does not apply to feed lots;
- c. The construction of office, school, commercial, recreational, service or storage buildings, containing no more than the gross floor area listed in ~~((the))~~ Table B for 25.05.800 below:

**Table B for 25.05.800: Exemptions for Non-Residential Uses**

Zone	Non-Residential Uses		
	Exempt Area of Use (square feet of gross floor area)		
	<u>Outside of Urban Centers and Urban Villages Containing SAODs</u>	<u>Within Urban Centers or Urban Villages Containing SAODs</u>	<u>Within Urban Centers or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded</u>
SF, RSL, LR1 ((LR2, LR3))	4,000	4,000	4,000
<u>LR2, LR3</u>	4,000	12,000(1) or 30,000	12,000
MR, HR, NC1, NC2, NC3	4,000	12,000(1) or 30,000	12,000
C1, C2, SM((, Industrial)) zones	12,000	12,000(1) or 30,000	12,000
<u>Industrial zones</u>	12,000	12,000	12,000
Downtown zones	Not Applicable	12,000(1) or 30,000	12,000

Notes for Table B for 25.05.800. SAOD = Station Area Overlay District((s)).  
 Urban centers and urban villages are identified in the Seattle Comprehensive Plan.  
(1) New nonresidential development that is not part of a mixed-use development and that does not exceed 12,000 square feet is categorically exempt from SEPA. Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or urban village has exceeded exemption limits for the center or village that the Department has established pursuant to subsection 25.05.800A.1.i.

- d. The construction of a parking lot designed for 40 or fewer automobiles, as well as the addition of spaces to existing lots up to a total of 40 spaces;
- e. Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder;
- f. Mixed-use construction, including but not limited to projects combining residential and commercial uses, is exempt if each use, if considered separately, is exempt under the criteria of subsections 25.05.800.A.2.a through A.2.d (~~above~~), unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see (~~Section~~) subsection 25.05.305.A.2.b);
- g. In zones not specifically identified in this subsection 25.05.800.A, the standards for the most similar zone addressed by this subsection 25.05.800.A apply.
- h. For the purposes of this subsection 25.05.800.A, "mixed use development" means development having two or more principal uses, one of which is a residential use comprising 50% or more of the gross floor area.
- i. To implement the requirements of Tables A and B of this section, the Director shall establish exemption limits by rule for each urban center and each urban village containing a SAOD to assure that proposed development that could cause growth targets in Appendix A of the Comprehensive Plan's Urban Village Element to be exceeded is subject to SEPA review. The exemption limits must contain a "cushion" to assure that development does not exceed growth targets

without SEPA review, provided that the cushion shall be at least 10% of the residential or employment growth targets established in the Comprehensive Plan.

j. The Director shall monitor residential and employment growth and publish quarterly a determination of growth for each urban center and urban village containing a SAOD. Residential growth shall include, but need not be limited to, net new units that have been built and net new units in projects that have received a building permit but have not received a certificate of occupancy. If the Director determines that exemption limits have been reached for an urban center or urban village containing a SAOD, subsequent development is not categorically exempt from SEPA review pursuant to RCW 43.21C.229.

\* \* \*

Section 22. Map Book A attached as Exhibit 1 to this ordinance shall be codified at the end of SMC Chapter 23.47A.

Section 23. Severability. 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.

Section 24. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and signed by me in open session in authentication of its passage this

\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

Monica Martinez Simmons, City Clerk

(Seal)

Gordon Clowers / Sara Belz / Ketil Freeman DPD Reg Reform ORD July 19, 2012 Version #26

[Exhibit 1: Map Book A for Chapter 23.47A](#)