
Director’s Report and Recommendations

Amendments to Pioneer Square Mixed (PSM) 85-120 Zone Design and Development Provisions for Mixed-use, Mixed-income North Lot Redevelopment

March 23, 2009

INTRODUCTION

The Department of Planning and Development (DPD) is proposing to amend the City’s Land Use (SMC, Title 23) to allow increases in permitted height under specified conditions for 3.85 acres on the edge of Pioneer Square. The amendments are intended to facilitate redevelopment of the area into a high density, mixed use, and mixed income project that will make a critical contribution to the vitality of Pioneer Square and South Downtown neighborhoods. The area is currently used as a surface parking lot for the Washington State Public Stadium Authority. Shown on Map A below, the area is within the PSM 85-120 zone and bounded by S. King Street, Occidental Avenue S. a lot line parallel to and approximately 240 feet south of the S. King Street property line, and an eastern edge abutting County owned property next to the King Street Station.

The amendments are related to the larger, more comprehensive Livable South Downtown planning initiative, and are being brought forth as a first phase of this initiative, due to long-standing policy support for redevelopment of the area dating back to construction of the Kingdome. (See for example, SMC 23.66.100 C.4 noting “The north Kingdome parking lot may be redeveloped to accommodate a mix of uses, including a substantial amount of housing.”) There is also strong community support for expediting action to promote redevelopment at this location.

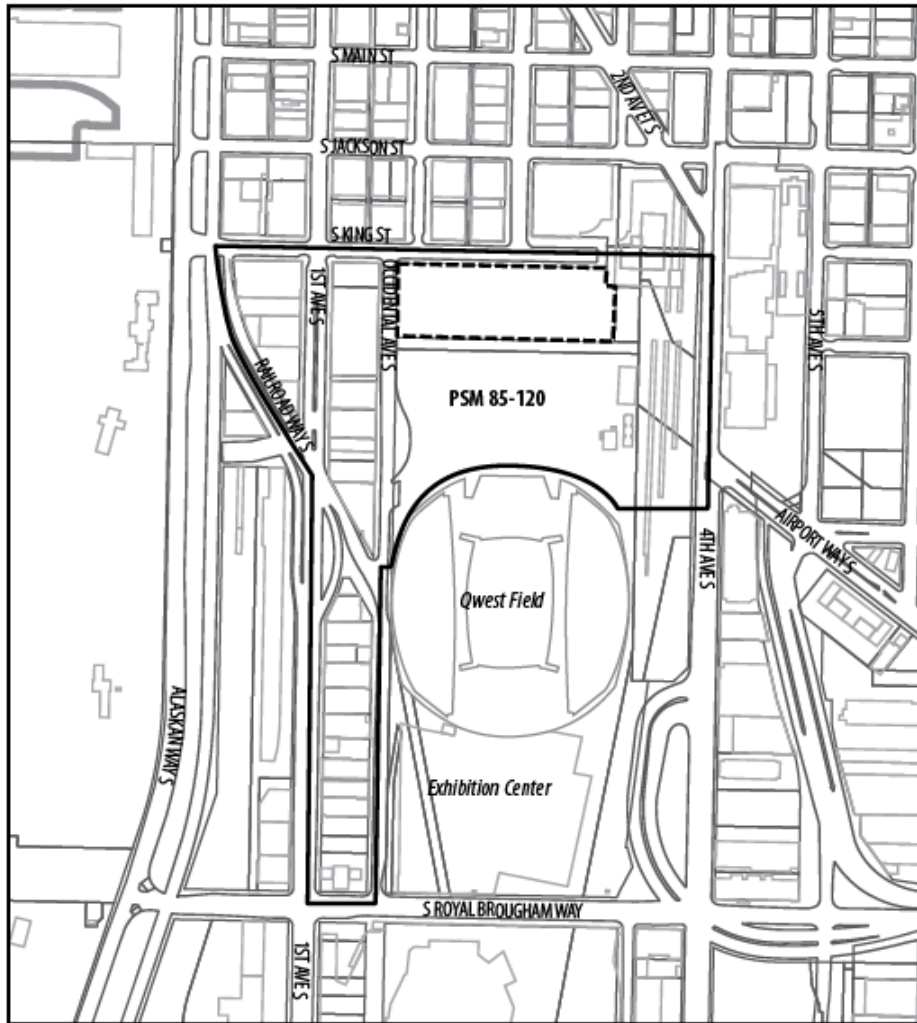
The amendments will allow projects up to 240 feet in height, with a development density of up to 8 FAR¹ of chargeable floor area, only in this specific area of Pioneer Square on a lot that provides for specified features and is developed according to the development standards and housing bonus program proposed in the amendments. Development in this area is also subject to review by the Pioneer Square Preservation Board. The Board has been actively involved in providing guidance and review of the proposed amendments. In addition, the Board:

- created *Design Guidelines for New Construction on the North Lot*, approved by the Director of the Department of Neighborhoods in May of 2007;

¹ FAR, or floor area ratio, is the ratio of gross floor area in a building to the total area of the land on which it is built. If a one story building takes up the entire lot, the floor area ratio is 1:1 or 1.0 FAR. A two story building that occupies half of the lot also has a floor area ratio of 1:1 or 1.0 FAR.

- provided extensive review of initial versions of the proposed Land Use Code amendments, voting to endorse an earlier version of the draft amendments on December 17, 2008.

Map for 23.49.180



 Area where additional height is permitted according to the provisions of Section 23.49.180 of the Seattle Municipal Code

The amendments to the PSM zone include standards that will encourage the following:

- Development in an area of limited growth to help achieve Comprehensive Plan growth targets by allowing increased height and additional development flexibility to enhance the economic feasibility of a complex, highrise mixed use development.
- Increased density within the Pioneer Square Preservation District by directing new, higher-density development designed to be compatible with historic structures to a location that does not require the demolition of existing structures or displacement of existing homes and businesses.
- Pedestrian-oriented development and enhanced pedestrian connections by providing street level uses and activity at a crossroads for three South Downtown neighborhoods: Pioneer Square; ID Chinatown District; and Stadium area/SODO.
- Substantial increase in residential units in Pioneer Square while providing housing opportunities for a mix of incomes, as recommended in the Pioneer Square Neighborhood Plan (PS-P11).
- Opportunity for street level neighborhood retail, including such uses as a grocery store, pharmacy, and other uses to serve the Pioneer Square population and promote economic vitality.
- Improved public safety by providing “eyes on the street” through street level uses with storefront transparency and a mix of commercial and residential uses that, in combination, promote an active environment 24/7.
- High-density, mixed-use, transit oriented development (TOD) at a location directly abutting a Seattle transit hub (King Street Station).
- Development that extends the spatial pattern established by Pioneer Square’s historic street grid, consistent with the area’s historic character.

BACKGROUND

In 1997, voters approved financing for the construction and operation of a new stadium and an exhibition center located on the site of the former Kingdome. At that time, both the City of Seattle and King County expressed a strong public policy interest in having certain Kingdome-related properties redeveloped with a housing/mixed-use development.

In 2006, DPD initiated the Livable South Downtown Planning Study. With a level of growth lagging behind other Downtown neighborhoods, concerns were raised about South Downtown’s ability to meet Comprehensive Plan growth targets for employment

and housing. The Study was initiated to examine land use conditions in South Downtown and to propose amendments to encourage future investment in development sufficient to meet growth targets and consistent with neighborhood plan goals. The Pioneer Square Preservation District, which is zoned PSM, was included in the study.

As part of the Livable South Downtown Planning Study, conditions and potential development in the Pioneer Square Preservation District were examined and a number of options were discussed with the community. Different development scenarios representing a range in permitted heights and densities, including heights up to 240 feet, were studied as part of the Environmental Impact Statement (EIS).

The proposed Land Use Code text amendments will allow increased height and will introduce new development standards to enhance urban form by addressing bulk and scale impacts associated with high-rise development on “super-block” sites, with an emphasis on compatibility with historic neighborhood character. Additional provisions will allow a development permitted under the proposed amendments to retain its vesting for an extended period of time. This action will provide greater predictability for complex, large scale development in areas where the economic feasibility of such projects is relatively untested. The amendments also include provisions for sustainable development built to LEED Silver and Seattle Green Factor standards and to encourage the development of affordable housing. An affordable housing incentive program is proposed consistent with the Washington State law (RCW Chapter 36.70A.540).

Finally, the provisions will coordinate the design and placement of multiple structures and improvements on a large site to provide an opportunity to create a more livable, high density mixed use neighborhood integrated with Pioneer Square’s historic development. Under the proposal, the extra height is only allowed on lots that have characteristics related to accommodating residential use, such as pedestrian circulation and open area. A process is also proposed to allow the Director to grant limited departures from the applicable new standards.

ANALYSIS

Relationship to the Comprehensive Plan and Neighborhood Plans

The area affected by the proposed Code amendments is located within the Pioneer Square Urban Center Village, one of five Urban Center Villages established by the Comprehensive Plan for the Downtown Urban Center. The current zoning is Pioneer Square Mixed (PSM) 85-120, one of three Downtown zones established in the Land Use Code for the Pioneer Square Preservation District.

Both the PSM 85-120 zone and the larger Pioneer Square Urban Center Village are the subject of the broader Livable South Downtown Planning Study, a major DPD planning

initiative underway since 2006. The goals of the South Downtown study include the following:

- Stimulate housing and jobs through zoning and land use decisions
- Respect neighborhood character and neighborhood plans
- Promote an integrated mix of uses
- Support quality connections between neighborhoods and downtown as a whole
- Encourage economic vitality and environmental sustainability
- Accommodate regional services and ensure they align with the goals of the local community

The South Downtown study included extensive public process with a diversity of opinions expressed, culminating in public support for high-density mixed-use development at strategic locations, provided that such development is compatible with the Pioneer Square historic neighborhood.

Key to the Comprehensive Plan Urban Village Strategy, the proposed amendments provide capacity for economically viable development to accommodate housing and employment growth targets established for Pioneer Square, in a manner that recognizes and balances other Comprehensive Plan policies, including policies for protecting historic and cultural resources and land use and transportation policies that promote concentrated development in areas with superior transit access.

Much of the impetus behind the Livable South Downtown planning initiative has been on addressing conditions in South Downtown neighborhoods to improve performance in meeting Comprehensive Plan growth targets and achieving other goals related to creating a high-quality urban environment as growth occurs. Since the Comprehensive Plan was adopted in 1994, the South Downtown area in general, and Pioneer Square in particular, have lagged behind most other areas of the city in meeting growth targets. The proposed amendments are intended to improve Pioneer Square's performance in meeting its targets for employment and household growth.

When the Comprehensive Plan was adopted in 1994, the growth targets for Pioneer Square called for an additional 2,100 households (2,205 units, assuming a 5% vacancy rate) and 4,800 jobs in Pioneer Square by 2014. Over the period between 1995 and 2004, Pioneer Square added only 144 units, less than seven percent of the original target, and employment actually decreased by 480 jobs. In the 2004 amendments to the Comprehensive Plan, Pioneer Square's 20 year growth targets for 2004 to 2024 were adjusted downward to 1,000 households (1,050 units) and 3,500 jobs. Between 2005 and 2009, 243 units were added in Pioneer Square, or about 23 percent of this reduced target. However, 221 of these units were in two publicly subsidized projects, somewhat skewing the more characteristic growth trend in the area. If all development for the 14 years between 1995 and early 2009 is considered, the average growth in new units is 28 per year. At this rate, Pioneer Square would be expected to add only 560 units over the 20 years from 2004 to 2024, or about half the target. Pioneer Square's employment has

continued to decline, with an overall loss of 1,262 jobs between 2000 and 2007. Even over the last decade of robust economic activity, development in Pioneer Square has not kept pace with other downtown neighborhoods, and, if trends continue, will likely be insufficient to reach Comprehensive Plan growth targets.

The residential capacity under current zoning in Pioneer Square is estimated to allow for 1,000 additional units, which is not sufficient to accommodate the 2024 residential growth target. Capacity for employment is estimated to be sufficient for about 4,000 jobs. This capacity estimate assumes that some additional units and jobs will be accommodated in existing vacant space in renovated structures and redevelopment on public properties, like the area affected by this proposal, which are not normally included in the calculation of zoning capacity. Even with these additional considerations, capacity is limited and barely sufficient to accommodate targeted growth over the next 20 years. Current zoning, with an emphasis on preservation and limited infill development compatible with the area's historic context, does not allow for the type of highrise development that has accounted for a large share of the growth in other downtown neighborhoods, including Belltown, the Denny Triangle and the Commercial Core. On the other hand, the development regulations for other downtown zones, if directly applied to this area, would not adequately balance preservation and redevelopment objectives in Pioneer Square.

The proposed amendments will help alter the growth climate in Pioneer Square by allowing different types of development that will enable available land to be used more efficiently to help meet Comprehensive Plan growth targets. While the current zoning theoretically provides capacity to accommodate a significant amount of growth, the building types required would not likely be economically viable. Allowing taller structures will make it more feasible to accommodate a development with a significant mix of both residential and commercial uses. The increased height will allow for a substantial amount of residential growth at the mapped location, without resulting in a substantial reduction in the capacity for employment.

Not only will the increased height make highrise development more economically viable, but permitting taller buildings enables the area to attract a different market. Structures exceeding six or seven stories require a substantially more expensive type of construction. While commercial structures typically employ the more expensive construction type, even at lower heights, residential development is more sensitive to the cost differences. The current height limit of 120 feet for residential development is regarded as insufficient to justify more costly construction for residential use, so development is typically limited to more standard construction of concrete and woodframe midrise structures that seldom exceed 75 feet in height. Taller structures also allow additional design flexibility that can make new buildings more marketable than the lower, bulkier structures currently allowed, and, with adequate regulatory guidance, they can promote development that is more aesthetically compatible with the surrounding historic context.

Another factor is parking. Current conditions in the area, including a high water table and contaminated soils, make below grade parking prohibitive. Consequently, under current height limits, providing parking above grade reduces the amount of floor area within the permitted building envelope that otherwise could be occupied by housing or commercial space.

The proposed amendments will also allow greater flexibility for mixed use development. To build a mixed use project to the current maximum height limit of 120 feet, uses must be mixed in the same structure; but in mixed use structures, the amount of commercial use permitted is severely constrained—to the point that it would likely only be provided to a limited degree at street level. Furthermore, mixing different uses in the same structure requires special design and construction considerations that can add significantly to project costs. The alternative of providing more commercial use in separate structures at the permitted height of 85 feet reduces the amount of lot area available for residential development. If demand for commercial development is strong, the entire site could be developed for that use only. The increased heights will help to accommodate a more even mix of residential and non-residential uses, without requiring uses to be combined in the same structures. Consequently, different uses can be accommodated in separate structures according to market demand. However, unlike current requirements which do not require housing, a specified amount of residential use would have to be provided on a lot to be eligible for the height increase, ensuring that development above the current height limit would always include residential use.

By allowing the type of construction that will enhance the feasibility of development, the proposed amendments will promote housing and employment growth at a location where no demolition of historic structures, displacement of existing uses, or other significant unavoidable impacts on historic resources would occur. Consequently, the area would be better able to meet the City’s growth targets and related policies, and comply with Comprehensive Plan goals and policies for protecting historic resources.

The proposed amendments support Comprehensive Plan goals and policies specific to the Pioneer Square neighborhood that are shown on the chart below:

Relevant Comprehensive Plan policies in the Pioneer Square Neighborhood Plan Element	
Housing Policies	
PS-G3	A diverse community with a significant residential population
PS-P8	Encourage housing development through both new construction and renovation of existing structures.
PS-P3	Recognize the importance of Occidental Corridor as the “center” of the neighborhood.
PS-P10	Encourage the development of incentive packages for housing construction and rehabilitation.

PS-P11	Encourage the development of housing opportunities for a mix of incomes.
PS-P12	Encourage concurrent development of businesses necessary to support residents in new housing developments.
Economic Development Policies	
PS-P13	Recognize the Kingdome North Lot development as a business anchor in the neighborhood.

The proposed amendments implement these policies. To develop to the maximum limits allowed, a mix of uses, including housing must be provided, in conformance with a bonus program to include affordable housing. Provisions also address commercial development that will provide both employment opportunities and support services for the neighborhood population

Environmental Analysis

As part of the South Downtown environmental review process, five alternative land use scenarios were investigated for the South Downtown study area, including Pioneer Square. The scenarios reflected a range in the mix of uses and permitted heights of structures, which, for portions of the PSM zone included 120, 150, 180 and 240 feet. In developing the preferred alternative for South Downtown, provisions relating to the massing of structures were considered. In areas proposed for increased height, aspects of views, building setbacks, and other conditions were considered and adjusted to mitigate the impacts of greater height, as appropriate for conditions in specific locations, such as Pioneer Square. The environmental review for the proposed amendments is provided in Livable South Downtown Planning Study’s environmental review documents.

Existing Provisions and Site Restrictions²

Existing Zoning. The area is currently zoned PSM 85-120, and will remain PSM 85-120 with the adoption of the proposed Land Use Code amendments. This zoning allows a maximum height of 85 feet for non-residential development. The height limit increases to 120 feet for residential development or mixed-use development in which a minimum of 75 percent of the total floor area in a building is in residential use. The Pioneer Square Preservation District regulations establish use and development standards for this zone. However, the Pioneer Square Preservation District provisions do not prescribe limits on the density or scale of development beyond the height limit and minimal bulk controls. The development standards of the Preservation District primarily address conditions in

² A Purchase and Sale Agreement (PSA) establishes conditions for development of the area. A version of these conditions is summarized in Attachment A.

the developed area of the District. Consequently, they are related more to the renovation of existing structures and new development of infill lots on standard-size blocks, and do not work well for very large, vacant “super block” parcels on the edges of the district.

The proposed amendments will not change the allowed uses, which include commercial office, residential, and retail. Principal use parking garages, which currently require special review by the Preservation Board, would be permitted outright, but only to provide spaces to replace existing surface parking. Although the permitted height and density will vary from what is permitted on adjacent properties in the PSM zone, the permitted uses will remain essentially the same.

Design Guidelines. The Pioneer Square Preservation Board adopted “Design Guidelines for New Construction of the North Lot in Pioneer Square” to supplement the provisions of the special review district and more directly address the unique challenges of accommodating new, large scale redevelopment on the historic district’s edge. The Guidelines recognize that the area is a transition area in the Pioneer Square Preservation District and allow for “creative interpretation of materials and architectural elements ...for new construction on the site when it is visually compatible with, and does not detract from or overwhelm, the character of the District.” The Guideline Goals are:

- 1) To articulate how new development on the site can be compatible with the Pioneer Square Historic District.
- 2) To encourage the design of new development that adds vitality to Pioneer Square, fits in the context of its site, contributes to the quality building stock of Pioneer Square, provides comfort and safety and is welcoming to pedestrians in this high pedestrian traffic area, reinforces Pioneer Square’s unique character, provides design variety within the Site, provides connectivity to its surroundings, and incorporates Crime Prevention Through Environmental Design (CPTED).

The guidelines address the context of the site, new construction design, architectural details, building signs, canopies and lighting, rooftop and mechanical elements, parking area, streets and sidewalks, and public art.

PROPOSED LAND USE CODE AMENDMENTS

The area presents many regulatory challenges because of its location and size, and the need to respond to a variety of community and civic development objectives and economic realities. The Pioneer Square Preservation Board's concerns about compatibility with the character and vitality of the historic district, the specific constraints related to the contaminated soils and high water table of the area, the ability to accommodate affordable housing, and the opportunity to replace existing surface parking with more desirable development, all affect how different uses are accommodated and the size and siting of structures.

Located within the Pioneer Square Preservation District, the area is between the historic development of Pioneer Square and the stadium complex, with Qwest Field dominating to the south. The current PSM zoning includes development standards appropriate for the existing historic context, with standards for new development primarily addressing additions to existing structures or infill projects on lots that are seldom as large as a half-block. Standards for new development covering a single area equal to three standard blocks and standards for highrise residential and commercial structures are not included.

In general, the proposed amendments are a synthesis of the Preservation Board's "Design Guidelines for New Construction of the North Lot in Pioneer Square," relevant provisions of the Preservation District, and standards drawn from Downtown zones that address high density high-rise development. Proposed standards for street facing facades are similar to the provisions of the Preservation District. These standards are critical for relating any new project developed under the proposed amendments to the existing historic structures on opposing block fronts. The Preservation District guidelines also inform the proposed standards that address the massing of taller structures, the treatment of street level conditions, and building coverage. Development standards similar in scope to those found in most Downtown zones are also employed in the proposed amendments to address development that, with the added height, is similar in scale and function to what is generally permitted in other Downtown zones. The standards address sustainable development practices, affordable housing, street level uses, street facades, setbacks, blank walls, façade transparency, and screening of parking, as well as floor area measurement and height exceptions in a manner that is more suited to highrise structures than the current standards of the PSM zone.

The following sections of the Land Use Code are proposed to be added or amended:

Summary of Proposed Amendments	
Land Use Code Section Added or Amended	Notes or Explanation
23.41.004 Applicability 23.41.012 Development standard departure	<p>These sections are related to design review and are amended to:</p> <ul style="list-style-type: none"> • limit the granting of departures for development using additional height to the process proposed in section 23.49.180, and • include the development standards for which departures under this process will be allowed for a project wanting to build to the higher height, since departures from the provisions for height are generally not allowed through design review.
23.49.178 Pioneer Square Mixed, structure height.	Amended language provides for a maximum height limit of 240 feet for a certain area of the PSM 85-120 zone that can be achieved under conditions specified in a new section, 23.49.180.
23.49.180 Additional height in the Pioneer Square Mixed 85-120 zone (New Section)	<p>This is a new section that permits specified structure height on property in a portion of the PSM 85-120 zone to a maximum of 240 feet. To qualify, a lot must:</p> <ul style="list-style-type: none"> • meet certain conditions, including residential floor area, pedestrian access and open area that mimics the building/street grid pattern characteristic of the preservation district, with a covenant with the City on the residential floor area to be provided; and • complies with specific standards established in a this new section that are similar to standards that apply in other Downtown zones permitting similar heights and development densities, including the following: <ul style="list-style-type: none"> - General location of different uses; - Floor area ratio (FAR) limits, with a maximum limit of 8 FAR for all uses and 4 FAR for commercial uses and; permitted exemptions from FAR calculations are also specified; - Affordable housing; - Street level use provisions; - Street level setbacks; - Street façade requirements; - Upper level standards, including setback requirements, upper level coverage limits, and façade modulation; - Open area requirements; - Façade transparency requirements and blank façade limits; - Screening and location of parking - LEED Silver requirement; - Green Factor; and <p>This section also provides a process for permitting departures from development standards that are generally eligible for departures under the design review process.</p>
23.49.181 Bonus floor area for affordable housing in the PSM 85-120 zone	New section that establishes bonus provisions for affordable housing for development electing to exceed the existing applicable height limits and to gain non-exempt floor area above the base 4 FAR.

Summary of Proposed Amendments	
Land Use Code Section Added or Amended	Notes or Explanation
(New Section)	Bonus housing is required to be located on the same lot as the development and must satisfy income limits and affordability criteria consistent with RCW 36.70A.540 (3), based on a proposed finding by Council, after a public hearing, as to the need for higher income limits based on local housing conditions.
23.66.120 Permitted uses.	This section is reformatted and amended to prohibit principal use garages for long term parking, except as permitted pursuant to 23.49.180. Principal use parking garages for short-term parking would continue to be permitted pursuant to review and approval by the Preservation Board and DON Director, except for short-term parking permitted pursuant to 23.49.180.
23.66.122 Prohibited uses.	Amended to prohibit principal use garages for long-term parking and pet day care centers, except as provided for in 23.49.180 and to allow animal health services and pet grooming.
23.66.124 Uses subject to special review.	Amended to limit principal use parking garages requiring approval of the Preservation Board to short-term parking garages, other than short-term parking garages permitted pursuant to 23.49.180, which would not require Board review.
23.66.130 Street-level uses.	Amended to provide that for development electing to use the 240 foot height limit permitted under 23.49.180, street level uses must provide street level use pursuant to 23.49.180, subject to review and approval by the Preservation Board.
23.66.140 Height.	Amended to recognize provisions in 23.49.180 allowing a maximum height limit of 240 feet and allowing larger rooftop features pursuant to 23.49.008 for development subject to 23.49.180.
23.66.150 Maximum setbacks. (Changes to Structure setbacks)	Amended to make an exception to the maximum setback limits for development pursuant to 23.49.180.
23.66.170 Parking and access.	Amended to delete DON Director’s authority to waive parking requirements in recognition of the fact that there is no longer a minimum parking requirement.
23.76.032 Expiration and renewal of Type I and II Master Use Permits	Amended to provide a longer MUP expiration date for development pursuant to 23.49.180 and 23.49.181 181.

General Approach

The proposed text amendments affect one mapped portion of the Pioneer Square Mixed (PSM) 85-120 zone, where additional height is allowed to facilitate development of the large site and successfully meet a number of important community objectives. However, accommodating the increased height also requires that development be guided by standards that consider the site in a comprehensive way, so that as development occurs the final product will be an integrated whole. New development electing to use additional height would also comply with provisions for affordable housing and achieving a LEED™ (Leadership in Energy and Environmental Design) Silver rating to promote

sustainable development. The current zoning provisions are retained for the surrounding PSM 85-120 area and as “underlying zoning” for the site, so the additional height is only allowed if development complies with the proposed amendments.

The proposed amendments include new provisions to address the increased height and scale of development possible on a large “super block” site that is significantly dissimilar to the surrounding context. Development would be arranged so that the site would appear to be divided into two areas similar in orientation and size to typical Pioneer Square blocks. An FAR limit is established for all uses to allow an amount of residential and commercial floor similar to what is possible with the lower, bulkier structures permitted under the current zoning, while also accommodating permitted parking and allowing for a more even split in the mix of residential and commercial uses to provide additional flexibility for adapting to changing market demands. An estimate of the equivalent FAR that can be achieved under the current zoning for different types of development is provided in Attachment B of this document.

Extended MUP Expiration Date

The amendments recognize the added complexity of financing and developing a mixed use project with multiple structures on a large site, especially in areas that have experienced slow growth and limited demand. To help such areas meet Comprehensive Plan growth targets, a proposed provision would allow a project to vest to development standards for up to 15 years by allowing up to 15 years before a MUP expires. This will provide greater flexibility and predictability for a development that, because of its scale and mix of uses, might need to adapt to different economic cycles affecting the market demands for those uses. Because the proposed amendments encourage a significant mix of both commercial and residential uses, including about two block frontages of street level retail uses, market demand for any particular use is likely to follow different economic cycles spanning several years.

Height

Under the proposal, the existing height limits of 85 feet for non-residential uses and 120 feet for residential and mixed use would be increased to 240 feet. This height increase is allowed only on a lot that meets certain criteria, including pedestrian access and open area that allows for the massing of development that mimics the surrounding building and street grid patterns, and on which a minimum amount of residential floor area is provided. The project must also meet the specific development standards of the new Code section for the PSM 85-120 zone (SMC 23.49.180). These development standards are intended to make the density and scale of proposed development compatible with the historic character of development in Pioneer Square, while also addressing the various mixed use components of the project to promote development of the lot as an integrated whole.

Rooftop Features

The provisions for the height and coverage of rooftop features for Downtown zones (23.49.008) are proposed to be used to address rooftop features. These provisions are more appropriate for addressing the functional needs of taller structures at heights similar to those allowed in other Downtown zones. The Downtown provisions generally allow greater height for these features than the provisions of the special review district (23.66.140), which generally address conditions related to additions to existing structures or new structures with heights ranging between 85 feet to 120 feet.

The Downtown Code allows rooftop elevator penthouses to exceed the height limit by between 23 and 25 feet, and an increase to as high as 35 feet is permitted if the elevator provides access to a rooftop common recreation area. The provisions of 23.66.140 currently allow an elevator penthouse to exceed height limits by 8 to 12 feet, depending on the setback from street lot lines, or 20 feet if the elevator provides access to an enclosed rooftop common recreation area. Enclosed rooftop common recreation area can exceed the height limit by 15 feet.

Under the existing Code, rooftop features are permitted more coverage in downtown zones, with coverage permitted up to 35 percent of roof area, except for structures subject to floor size limits which are permitted coverage up to 55 percent of roof area. In the PSM zones, rooftop features are typically permitted 15 percent coverage of the roof area, with an increase of up to 25 percent with Board review and approval. When combined with enclosed common recreation area, roof area coverage up to 35 percent is permitted, and up to 50 percent coverage is permitted for residential and office penthouses.

Unlike the Pioneer Square provisions in Section 23.66.140, Downtown development standards do not allow additional height for residential or office penthouses. The proposed amendments allow features necessary to serve structures with the greater height and scale of development allowed within the mapped area. Unlike the adjacent areas of Pioneer Square, where new development generally occurs within the same block and adjacent to existing historic structures, the added height that would be allowed for these features will be limited to an area that will be fully redeveloped with new structures of varied heights. Given the permitted height of these features relative to the maximum height allowed, and the fact that the lot provides for a transition between the historic development of Pioneer Square and the dramatically different scale of stadium development, the higher rooftop features are not anticipated to significantly affect the relationship between new development on the lot and adjacent historic development.

Open Area and Pedestrian Routes

To qualify for the increased height limit, the lot must contain pedestrian routes providing connections between the Weller Street pedestrian bridge and Occidental Avenue S. and S. King Street. There must be an open area aligned with the 2nd Avenue S. right-of-way that

extends through the lot to provide openness at the street level and promote good urban form that visually integrates the project with adjacent historic development. The open area at ground level divides the lot, arranging the lower floors or “base” of new development in a pattern reflecting development on typical Pioneer Square blocks.

This open area corridor establishes a development framework for arranging new structures according to the typical block and massing pattern characteristic of the area, while providing separation between the highrise residential and commercial structures permitted on the lot. The open area can also accommodate landscaping and Green Factor features that enhance site drainage, facilitate pedestrian circulation, and provide outdoor amenities for the project. An open area must also be located at the corner of S. King Street and Occidental Avenue S. to better integrate the project with the regional sports facilities to the south.

Lot Area

For development electing to use the increased height, the entire 3.85 acre mapped area is used to determine the amount of floor area permitted under the proposed FAR limits and the measurements for applicable development standards, such as lot coverage, required frontages for the street-facing façades of structures and the amount of frontage required for street level uses.

Floor Area Ratio Limits

The proposed amendments would establish floor area ratio (FAR) limits that apply to most uses if development elects to exceed current applicable height limits. Currently, the PSM 85-120 zone does not provide an FAR limit for any uses; development density is limited by the building envelope established by the height limit and limited bulk provisions. Different uses are subject to different height limits; non-residential uses are limited to a height of 85 feet, while residential projects and mixed use projects with at least 75 percent of the total floor area in residential use are permitted a height of 120 feet. Given the relatively low height limits and the fact that structures covering most of a lot up to the height limit in areas with standard lot sizes are consistent with the established development character of the area, there has been little need for an FAR limit to provide additional control on bulk or density. On a lot as large as the super block in the mapped area, the proposed increase in permitted height could also allow for a substantial increase in development density if not accompanied by an FAR limit.

With the increase in height permitted under the proposed amendments, a FAR limit provides greater predictability regarding the overall density of development achievable in the mapped area. The combination of the proposed height increase and FAR limit will allow an amount of commercial and residential floor area and parking similar or greater than that allowed under current zoning, depending on the mix of uses. Because water table and contaminated soil conditions make it prohibitive to provide parking below

grade, under current zoning and height limits, providing multiple levels of parking above grade significantly reduces the amount of floor area available for other uses. However, under the proposed amendments, the floor area occupied by parking and street level uses is exempt from the FAR calculations and, because of the additional height allowed, could be provided without reducing the amount of commercial or residential floor area in the project. A comparison of how the amount of floor area permitted under the proposed FAR limits compares with an estimate of what can be achieved under current conditions is provided in Attachment B.

Combined with the proposed development standards, the permitted floor area can be accommodated in structures that can be sited and designed to appear less bulky and more compatible with adjacent existing development. Under the proposed amendments, a maximum limit of 8 FAR is proposed for all non-exempt uses, which includes residential use. However, the amount of non-exempt non-residential uses would be limited to 4 FAR. In all cases, for the purposes of calculating FAR, the entire mapped area is considered a single lot.

As in other Downtown zones, certain uses are exempt from calculations of chargeable FAR, including street level uses meeting certain standards, above-grade parking accessory to residential use (up to one space per unit), and short-term parking. However, unlike other Downtown areas, accessory parking for non-residential uses and specified principal use parking is also proposed to be exempt, recognizing two factors: 1) the need to replace surface parking currently existing on the lot in the new project, and 2) the presence of a high water table and contaminated soils in the area that make underground parking prohibitive. Other floor area exempt from FAR calculations includes a percentage of floor area devoted to mechanical.

Unlike most other downtown zones, to control the overall building bulk and density of the project, residential uses would not be exempt from the FAR limit. On a lot as large as that in the mapped area, relying on bulk controls alone would likely result in standards that were too prescriptive to allow for a variety creative design solutions that could achieve project objectives.

A comparison of the proposed FAR limits and the estimated amount of floor area that can be achieved under current zoning, expressed as FAR, is provided below:

Proposed Standards for the lot when any building exceeds current height limit	Existing PSM 85-120 Zoning³
<ul style="list-style-type: none"> • Base FAR is 4. • Maximum FAR for all non-exempt uses is 8. • Maximum FAR for non-exempt non-residential uses is 4. 	<ul style="list-style-type: none"> • Estimates for maximum residential floor area (excluding parking) range from 6.6 to 8 FAR for development built to applicable 120’ height limit, depending on the amount of parking provided. More refined designs that address the configuration of units in structures would likely result in lower FARs. • Estimate for maximum non-residential floor area (excluding parking) is about 4 FAR for non-residential development built to applicable 85’ height limit. • Mixed use development is allowed 120’ in height if uses are combined in the same structure and at least 75% of the total floor area is residential and no more than 25% non-residential. With uses combined in the same structure, an estimate of total floor area is likely to be less than 6.6 FAR. A mixed use development would most likely include a mix of single-use structures built to applicable height limits on the same lot, with the total FAR depending on the number of structures provided for each use.

Street-Level Use Requirements

Current provisions of the Pioneer Square Special Review District identify preferences for the types and sizes of street-level uses (23.66.130). These provisions primarily address uses in existing structures and new development on the lots and blocks typical of the central historic area. These provisions would be modified to address the unique conditions of the mapped area, which is characterized by exceptionally long street

³ *With no FAR limit, an estimate of project floor area is based on development prototypes reflecting an extreme build-out scenario under the permitted building envelope. Prototypes reflect standard development practices regarding floor sizes and floor to ceiling heights, but do not factor in market considerations that would likely result in more on-site amenities and greater spacing between structures than what is represented in the prototypes, nor do they represent actions that may be taken through review by the Preservation Board that could affect achievable bulk. A discussion of these estimates and prototype assumptions is provided in Attachment B.*

frontages (up to almost 700 feet in length), and the “non-street” frontages that would be created on the interior of the lot.

The primary distinctions between the proposed standards and the current provisions of the special review district are summarized on the chart below:

Standard	Existing Provisions	Proposed Amendments
Street-level uses	Uses identified as “preferred,” “discouraged,” or “prohibited” at street level	More selective list taken from list of required street level uses in other Downtown zones. The list is generally consistent with uses preferred by special review district provisions, but does not distinguish between “preferred” or “discouraged.” Uses prohibited by special district provisions continue to be prohibited under proposed amendments, except that pet grooming and animal health services are proposed to be allowed throughout the district, while pet day care would continue to be prohibited except as allowed in the mapped area pursuant to 23.49.180.
Required uses at street level	Current provisions regulate all uses at street level, but don’t establish a requirement for the amount of particular types of uses that must be provided at street level.	The Code identifies a list of uses that may be provided as required street level uses. 75% of street frontages must be occupied by required street level uses, which is same standard for other Downtown zones requiring street level uses. For mid-block “open area” aligned with 2 nd Ave. S., street level uses required for 50% of combined frontages, with a minimum of 25% for either frontage.
Limits on street frontage for street-level uses	Existing provisions limit the amount of block frontage that can be occupied by different uses: <ul style="list-style-type: none"> • Certain uses are limited to 	Standards limiting frontage apply to individual businesses, and not a specific category of use. Average street frontage for businesses is 60 feet, provided that an individual

Standard	Existing Provisions	Proposed Amendments
	<p>either 20% or 25% of the street level frontage of the block front.</p> <ul style="list-style-type: none"> • Any use occupying more than 50% of the street level of the block front is discouraged. <p>No use may occupy more than 50% of the street level frontage of a block that is 20,000 square feet or more in area.</p>	<p>business is limited to a maximum frontage of 100 feet.</p> <p>No limit on frontage of businesses not abutting a street.</p>
Limit on size of use	<p>Specified uses up to 3,000 sq. ft. in size encouraged.</p> <p>Specified uses more than 3,000 sq. ft. in size discouraged, and other uses over 10,000 sq. ft. in size discouraged.</p>	<p>The maximum gross floor area of any street level business is 10,000 square feet, except that a grocery store is permitted up to 25,000 square feet.</p>

Development Standards Related to Bulk and Design

The proposed amendments include a variety of standards that address the overall bulk of new development to promote a compatible relationship with existing structures in adjacent areas. These standards include:

- Street level setbacks
- Street facades
- Upper level development standards
- Open area
- Façade transparency and blank walls
- Screening of parking

The proposed development standards reflect special review district regulations for the treatment of street edges. The standards that emphasize conditions along the street edges are most critical to integrating the new project with the existing historic context, while other provisions address issues related to the massing of multiple, modern highrise structures on a large “super-block.” This type of development was not anticipated by the

current regulations for the Preservation District, which primarily address the renovation of existing historic structures and limited new infill development compatible with historic development on abutting lots. The proposed amendments seek to balance the need for compatibility with the need for flexibility so that large scale development can be best adapted to the special conditions of the larger undeveloped area.

Street-level setbacks

Street-level setbacks from lot lines that do not abut a street and from Occidental Avenue S. must exist on the lot to gain additional height. These setbacks help to address the bulk of the project, facilitate pedestrian circulation on the site, and accommodate landscaping provided to meet Green Factor requirements.

Street Façade

A predominant characteristic of Pioneer Square's historic development pattern is the continuous street walls created by structures built directly along the street property line. The provisions of the special review district and the Preservation Board's guidelines acknowledge this condition. Under the proposed standards, the lower floors of a structure are subject to street façade requirements. These requirements maintain the principle of a continuous street wall while accommodating special site conditions, including the uncharacteristically long, uninterrupted block fronts of the superblock, that are as much as 675 feet in length. In addition, access to utility easements is accommodated, as well as the desire for design variation. The less rigid treatment of the street wall will avoid the potential monotony of superblock frontages that are not otherwise interrupted by the mix of different structures typically found on a block in the historic area, or the pattern of breaks in block frontages provided at regular intervals by alleys and streets.

The proposed standards require a street façade with a minimum height of 50 feet to be built to the street property line along 75 percent of street frontages in the area. The 50 foot height limit reflects the special review district requirement for a minimum structure height of 50 feet for all buildings. To accommodate variation in the street wall, the minimum height for the remaining 25 percent of the street frontage is 35 feet. To encourage variety and interest in the treatment of the street wall, the proposed standards allow the street façade to set back from the street lot line in limited circumstances to accommodate utility easements, a required setback on Occidental Avenue S., and special architectural and structural features, such as setbacks for primary building entrances, architectural detailing, structural elements, and façade modulation to reflect development conditions on adjacent blocks.

Upper Level Development Standards

*(including upper level setbacks, upper level coverage limits,
and façade modulation)*

Under the proposed amendments, impacts of taller structures are addressed through upper-level setbacks required at specific locations, coverage limits that apply to portions of structures exceeding specified heights, and modulation required along the street-facing facades of towers. Ground-level setbacks and the open area aligned with 2nd Avenue S. provide for additional spacing between highrise structures. Using ground-level open area with the proposed upper-level development standards to coordinate the development of taller structures on a single large lot allows for design flexibility in arranging structures on the block to accomplish the various design and development objectives for the project.

- Upper-level setbacks

As structures exceed heights typical for Pioneer Square, upper-level setbacks are required to accommodate new towers while maintaining a street front presence that is compatible with historic development on opposing block fronts. The location, elevation and depth of these proposed upper-level setbacks reflect the heights of adjacent structures and reinforce the prominence of certain landmarks, such as the King Street Station tower. Most proposed upper-level setbacks are required at a height of 85 feet, with a minimum depth of 15 feet. This standard is consistent with the Preservation Board guidelines that call for setbacks above the 5th, 6th or 7th floors, with depths ranging from 15 to 30 feet. For new construction, with the height of the ground floor ranging between 15 to 20 feet, a height of 85 feet translates to 5 to 6 floors for a commercial structure or 7 to 8 floors for a residential structure. The standards allow some portions of the street façade to not set back, providing flexibility so that limited portions of a structure could rise vertically from the street without interruption by a setback.

- Upper-level coverage limits

In the PSM 85-120 zone, there currently is no limit on coverage. The proposed amendments include lot coverage limits that apply to the upper levels of structures. These limits work in conjunction with provisions for open area at ground level and the FAR limit, which determines the maximum amount of floor area permitted on the lot, to regulate the overall bulk of structures and encourage a reduction in project bulk with increased height.

The greater coverage allowed for floors below 85 feet reflects the massing of adjacent historic development, with structures generally ranging between five to seven stories and occupying most of the lot area. Between 85 and 120 feet, the current height limit for residential and mixed use development, the total coverage permitted is 65 percent of the lot area. For portions exceeding 120 feet, the proposed coverage is 50 percent of the lot area, and above 200 feet in height, proposed coverage is limited to 30 percent of the lot area. With the FAR limit on total floor area, to maximize coverage in the upper floors would result in less coverage at the lower elevations. Other standards, including minimum street façade heights, are in place to ensure that the

street-facing edges maintain compatibility with adjacent development while allowing flexibility for the overall massing of the structure on the lot.

- **Façade Modulation**

To avoid large expanses of uninterrupted street-facing facades, a modulation requirement is proposed for upper floors. Above a height of 85 feet, a street-facing façade within 30 feet of a street property line would only be allowed to extend a maximum of 120 feet without modulation. To extend beyond 120 feet, the façade would have to “break,” either by projecting forward or setting back a minimum of 10 feet for a minimum distance of 20 feet, provided that the modulated façade does not encroach into the area of a required upper level setback. The 120 foot length approximates the typical width of an existing Pioneer Square structure occupying a quarter of a block site. Consistent with the Preservation Board’s guidelines, balconies are permitted in the setbacks provided for modulation, so that they can help contribute to the vertical and/or horizontal expression of the building.

Open Area

Standards are specified for areas provided on the lot as open area to qualify for added height. These include minimum size and dimensions, treatment of abutting facades, street level uses, upper level setbacks, and openness to the sky.

Façade Transparency Requirements and Blank Façade Limits

Standards for façade transparency and blank façades that apply in Downtown zones are incorporated in the proposed amendments to provide visual interest for pedestrians and to integrate the street level portions of a development with the public street environment. Under these provisions, a percentage of the street level portion of the street façade must be transparent. Unlike elsewhere downtown, however, the proposed standards incorporate the Preservation District requirement that transparent sections of a façade be clear and non-reflective glass; tinted and reflective glass would not qualify.

Street frontages and specified open area frontages that are most important to the pedestrian circulation network are required to provide the greatest amount of transparency (60% of the street level facade), with the greatest limit on blank facades (generally not to exceed a limit of 15 feet but may increase to 30% if approved by Director). For other frontages, where more limited pedestrian activity is anticipated, transparency is required for 20% of the street level façade, and blank facades generally are not to exceed 30 feet but may be increased to 60 feet if approved by Director. However, under the proposed amendments, enclosed parking at street level on these frontages is not subject to a transparency requirement, but must comply with special screening requirements.

Screening of Parking

Because of a high water table in this former tidelands area and contaminated soils from previous industrial uses, parking is allowed as structured parking above-grade. The following measures address the potential visual impacts of above-grade parking:

- Along street frontages and frontages abutting the open area aligned with 2nd Avenue S., parking at street level in a structure would be required to be separated from the street by another use.
- Parking located on floors above-grade in the residential portion of the project would also be required to be separated from the street and the open area by another use.
- On other non-street lot lines, separation of parking by another use, both at and above street level, is not required, but parking must be screened from view in a manner that is visually interesting and integrates the parking levels as part of the overall design of the structure.

Affordable Housing Bonus

The amendments include an affordable housing incentive program allowing residential or mixed-use development to gain bonus floor area by providing affordable housing.

Washington State law (RCW 36.70A.540) allows incentive programs, both to stimulate additional housing and mixed-use development and to encourage provision of housing that is affordable. In addition, the Comprehensive Plan, as amended in 2007, includes Policy LU 5.2, which states:

Seek opportunities in rezones or changes in development regulations to incorporate incentive programs for development of housing that is affordable for the longest period practicable.

Incentive zoning programs for affordable housing generally operate by allowing a density bonus or other modification to regular zoning requirements that creates increased development potential conditioned upon production of or payment for a certain number of housing units affordable to, and reserved for, households with incomes at or below levels determined for each program. The affordable housing incentive program would apply only if a developer elected to seek height greater than the normal limits in the PSM 85-120 zone, and proposed to develop more than 4 FAR in chargeable floor area.

Because the proposed amendment is intended to promote mixed use development that includes a mix of housing affordable to a range of household incomes, the proposed amendments require the bonus housing to be built on the site. Pursuant to the authority of RCW 36.70A.540, DPD is proposing that Council make a finding that higher income specified in the proposed amendments, rather than those stated in the definition of “low-income households” in RCW 36.70A.540, are needed to address local housing market

conditions in the area to which this section applies. Under the proposed program, households would be considered “low-income” if their income does not exceed 100 percent of median income for ownership units and up to 80 percent of median income for rental units, and affordable housing provided under the program must be restricted to serving income-eligible households for 50 years, consistent with State law.

The maximum amount of affordable housing for which bonus floor area could be obtained may be computed based on the maximum amount of bonus floor area attainable between the base FAR of 4 and the maximum FAR of 8, or 4 FAR. Under the proposed program, the net bonus floor area is calculated to be 80 percent of the gross floor area added above the base 4 FAR. The net rentable floor area is calculated to be 17.5 percent of the net bonus floor area. Given a lot size of 167,513 square feet, the maximum amount of bonus floor area (4 FAR) is equivalent to 670,052 gross square feet. To determine the net square foot amount, the Code establishes an 80% multiplier factor, so the amount is 536,042 net square feet. The affordable housing would be 17.5 percent of this amount, or 93,808 net rentable square feet. At an average unit size of 850 square feet⁴, the result would be about 110 units.

LEED Required

To develop under proposed standards that allow increases in height, a project must satisfy a LEEDTM Silver standard. LEEDTM (Leadership in Energy and Environmental Design) is a program of the US Green Building Council. This program is required for all downtown development projects that use bonus floor area. LEEDTM encourages an integrated design process and establishes performance goals in the form of credits for sustainable site development, water savings, energy efficiency, materials selected, indoor environmental quality, and process and innovation. Points are awarded for credits achieved, with a total of 69 points possible. Thirty-three of these points must be achieved to qualify as certified LEEDTM Silver.

Green Factor Required

Under the proposal, new development will have to meet the Green Factor, a menu of landscaping strategies and a corresponding scoring system that is already established for the city’s neighborhood commercial areas outside of Downtown. The Green Factor is designed to increase the amount, quality, and ecological function of urban landscaping, while allowing increased flexibility for property owners to develop their property. Green Factor landscaping can add value and interest to new development while maximizing the functional benefits of landscaping on the environment, such as natural cooling and insulation, air quality, reduced runoff, and habitat. It is applied to this lot to mitigate

⁴ Most often projects provide a mix of unit configurations, predominantly studio, one and two bedroom units, and occasionally three bedroom units. Many projects have a unit mix that produces an average unit size in the range of the 850 square feet average used in this analysis.

potential stormwater runoff impacts associated with the substantial amount of impervious surfaces associated with development on a lot of 3.85 acres.

Under the Green Factor requirement, development will be required to provide a landscaped area that has the equivalent positive effect on water quality as landscaping on 30% of a lot (minimum Green Factor score = 0.3). Under the Green Factor scoring system, landscaping may be provided through a variety of options, including trees and shrubs, pervious paving, green roofs, vegetated walls and approved water features. Each of these options is weighed differently, with high values or bonuses assigned to the following:

- Vegetation that is visible to pedestrians and passers-by;
- Preservation of existing trees;
- Trees that have larger canopies;
- Landscaping that combines layers of plantings, increasing the environmental benefits of the landscaped area;
- Use of native or drought-tolerant plants; and
- Rainwater harvesting.

As is the case in neighborhood commercial zones, the proposed amendments would allow landscaping provided in public rights-of-way to count towards the Green Factor requirement.

Departures from Development Standards

In downtown zones, the design review process allows the Downtown Design Review Board to grant departures from certain development standards in the Code to promote better design. However, the portion of Pioneer Square affected by the proposed amendments is not located within the District covered by the Downtown Design Review Board, but rather in District 4 (Southeast Seattle). The Code also identifies which standards can be modified through the design review process. In special review districts like Pioneer Square, design review is not required, but is optional. In the Pioneer Square Preservation District, the Preservation Board is charged with the review of new projects and is responsible for making recommendations to the Department of Neighborhoods Director that involve Preservation District standards and guidelines.

Under the proposed amendments, development standards similar to those found in other downtown zones will allow a scale of development that the Preservation Board is not accustomed to reviewing. To avoid the need to subject development seeking departures to review by both a Design Review board and the Preservation District Board, it is proposed that the Director of DPD, in consultation with the Director of the Department of Neighborhoods, be allowed to consider departures from standards that would typically be addressed by a Design Review board. The DPD Director would have access to both DPD staff expertise in the review of large scale downtown developments and the Pioneer Square Preservation Board and their adopted “Design Guidelines for New Construction

on the North Lot in Pioneer Square” to guide the review of any potential design departures for the project.

The proposal would allow the Director to grant departures only from those development standards from which departures are permitted under SMC 23.41.012, Development standard departures. Consequently, certain provisions, like height and FAR limits, would not be eligible for departures. However, SMC 23.41.012 is also proposed to be amended to clarify that the standards that apply to development using the increased height, such as setbacks, street level use standards, and transparency and blank wall requirements, are standards that may be eligible for departures, even though they are technically standards related to a height limit. Furthermore, 23.41.004 is amended to not allow design review under the process established in 23.41 to be used for development electing to use the added height through the provisions of 23.49.180.

Revisions to Special Review District Provisions

Revisions to regulations for the Pioneer Square Preservation District are proposed for seven sections of Chapter 23.66. Much of the amended language does not change the substance of the provisions, but provides clarity and improves organization. The amendments also cross-reference the proposed new amendments to clarify which standards related to height, street level uses, and structure setbacks apply to development in the area proposed to allow for increased height. Other changes impose additional restrictions on principal-use garages for long-term parking generally in Pioneer Square, while allowing for the replacement of existing surface parking as part of development in the area permitting increased height under the proposed amendments. Also, to reflect changes to the Downtown Code adopted in 2006, provisions related to the amount of required parking are amended to recognize that development in downtown zones is no longer subject to a minimum parking requirement.

RECOMMENDATION

DPD, in making the proposed recommendations to amend the provisions of the City’s Land Use Code, has considered the comments of local communities, citizens, affected departments, and other agencies and interests. Their comments, as well as all environmental documentation that was prepared relevant to the proposed amendments, are available upon request. In order to implement key elements of the Comprehensive Plan related to Pioneer Square and to support development within the Pioneer Square neighborhood that will contribute to the vitality of Seattle’s first neighborhood while protecting its historic context, the Director recommends allowing additional height on the portion of the North Lot in the Pioneer Square Mixed (PSM) 85-120 zone shown on the map on page 2 of this report, under the specified conditions discussed in this report.

DPD recommends approval of the proposed amendments.