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### The Focus of this Phase 2 Report:

**BUSINESS RETENTION AND ASSESSMENT**

### Analysis and Recommendations

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Preface

THE REGIONAL VISION

VISION 2040 is the central Puget Sound region’s long-range vision for maintaining a healthy region and is a guiding premise for all regional planning and implementation. VISION 2040’s cornerstone is its emphasis on development of vibrant, mixed-use centers where people can live, work, and play. Integrating affordable housing in mixed-use centers throughout the region contributes to achieving a jobs-housing balance that increases access to opportunity, lowers households’ combined cost of housing and transportation, and helps ensure that infrastructure investments enhance equity across the region.

SUMMARY OF THE GROWING TRANSIT COMMUNITIES PARTNERSHIP

In keeping with the regional vision described above, the central Puget Sound region is investing more than $25 billion dollars in high-capacity transit over the next twenty years, providing a once-in-a lifetime opportunity to capitalize on these investments by growing and strengthening communities around stations. The Growing Transit Communities Partnership (Partnership), funded by a grant from the US Department of Housing and Urban Development’s Sustainable Communities Regional Planning Grant Program and administered by Puget Sound Regional Council (PSRC), has been designed to help make the most of this investment by locating housing, jobs, and services close enough to transit so that it is a viable option for many people. If done right, more people will have a faster and more convenient way to travel.

The Partnership was formed through a coalition of city and county governments, housing authorities and affordable housing interests, transit agencies, public health agencies and departments, real estate and development interests, social justice and community development groups, economic development and business interests, community based organizations, educational interests, environmental advocacy groups, and the public. This coalition of the Partnership has been supporting neighborhood planning for more connected, livable, and sustainable communities around more than 74 high capacity transit centers in the region—covering three counties in sixteen cities—including existing, new, and future station areas.

Through these efforts, the Partnership has been working to shape the region and station areas in ways that benefit current and future residents, local businesses, and the wider region. Working within the framework of existing plans, policies, and goals of local governments and guided by VISION 2040, the Partnership has been helping local communities bring their visions to reality and to make the most of new light rail service, bus rapid transit, and other transit investments, including identifying unique roles and opportunities for community development associated with high-capacity transit investments. For more information about the Growing Transit Communities Partnership and PSRC, visit: http://www.psrc.org.
THREE CORRIDORS/THREE TASK FORCES

Planning activities of the Partnership have focused along the three light rail corridors from Seattle north to the city of Everett, south to Tacoma, and east to the city of Redmond. Based on the premise that change can happen at the local level through tools and solutions that address similar challenges shared by communities in the region, the Partnership has provided a big-picture perspective so that people can see both local and regional benefits, and local entities can apply lessons learned in other places in the region. Corridor task forces for the North, East, and South corridors were charged with analyzing and reviewing existing conditions and identifying unique opportunities and challenges for development of existing and future transit station areas.

In development of its work plan and specific assignments for each task force, the Partnership felt that it was important to focus implementation activities in specific station areas of the region’s transit corridors to serve as models for other parts of the region. In the case of the East Corridor, the intention was to work with the East Corridor Task Force to identify what catalyst project, or projects, were most appropriate. This evolved into the defined scope of work for the East Corridor Implementation Support Project.

EAST CORRIDOR CONTEXT

In 2011, the Sound Transit Board of Directors made its final decision about the East Link light rail transit (LRT) corridor alignment and station locations. Also in 2011, King County Metro began operation of its Bus Rapid Transit service (BRT) RapidRide line B. In order to help areas around LRT and BRT stations transform into more transit-oriented communities, the four cities participating in the East Corridor Task Force (Seattle, Mercer Island, Bellevue, and Redmond) and other Task Force members were interested in developing focused implementation strategies and tools for specific East Corridor station areas. Seattle and Mercer Island had already completed extensive planning for the station areas in their jurisdictions, so the Task Force decided to focus on stations in Bellevue and Redmond.

Staff from the cities of Bellevue and Redmond indicated that the station areas in the Bel-Red Corridor and Overlake were in most need of implementation support. Given these considerations, the Task Force determined that the East Corridor Implementation Support Project should focus on the following subset of East Corridor station areas in the cities of Bellevue and Redmond, along East Link and King County Metro’s RapidRide Route B stations:

**East Link Light Rail Station Areas (Future) Selected for the East Corridor Implementation Support Project:**
- Hospital Station Area in Bellevue
- 120th Avenue NE/Spring Creek Station Area in Bellevue
- 130th Avenue NE Station Area in Bellevue
- Overlake Village Station Area in Redmond
- Overlake Transit Center Station Area in Redmond

**King County METRO RapidRide B Line Station areas (Existing) Selected for the East Corridor Implementation Support Project:**

*Located in Bellevue’s Crossroads Neighborhood:*
- NE 10th Street Station Area
- NE 15th Street Station Area

The Partnership funded and guided the East Corridor Implementation Support Project to examine opportunities for TOD along Sound Transit’s East Link Light Rail and King County Metro RapidRide Line B alignments through the Eastside cities of Bellevue and Redmond in these station areas initially as part of Phase 1 of the project, and then to provide more focused analysis and strategies for selected station areas as part of Phase 2. Portions of the project area are located within the areas known as the Bel-Red Corridor and Overlake.
FOUR FOCUS AREAS FOR EAST CORRIDOR IMPLEMENTATION ACTIVITIES

Through a series of meetings, the East Corridor Task Force examined key issues and identified barriers to transit-oriented development in the East Corridor, along with particular challenges to implementing equitable TOD in station areas. In its discussion of how to incent and accommodate equitable transit-oriented development in station areas, the Task Force determined four areas of focus for the East Corridor Implementation Support project. The Task Force identified the need for detailed strategies and action steps to implement existing local plans, particularly in the areas of:
- Affordable Housing
- Business Retention and Attraction
- Public and Private Partnerships
- Transportation Access and Connectivity

EAST CORRIDOR PROJECT PURPOSE AND OVERVIEW

The East Corridor Implementation Support project has identified pivotal opportunities to transform Eastside station areas into more vibrant, economically healthy neighborhoods that offer equitable housing choices, more convenient access to jobs and jobs-to-housing balance within the high-capacity transit corridors and region, and better connectivity to goods and services.

The project is supporting immediate advancement of the implementation of visions and plans that have already been developed by participating jurisdictions on the Eastside, and the project team has leveraged other products developed by PSRC and the Growing Transit Communities Partnership, including affordable housing and opportunity mapping, existing conditions reports, market analyses, station area typologies, Center for Transit-Oriented Development (CTOD) market strength index, and other information as a base of reference for the project.

IMPLEMENTATION SUPPORT PROJECT GUIDANCE AND TIMELINE

All phases of the East Corridor Implementation Support Project have been informed by representatives of the East Corridor Task Force. The Task Force identified a subset of members, called the Project Management Team (PMT), to advance the project and bring back matters to the Task Force for direction and decisions. PMT members were selected from the general membership of the Task Force (including representatives from the cities of Bellevue and Redmond) and confirmed by the Task Force co-chairs. See the Acknowledgements page for PMT members.

Growing Transit Communities staff and the PMT members of the Task Force retained a consultant team with expertise in affordable housing, urban design, transportation planning and policy, real estate and economic development, and other areas to assist in identifying actions and strategies to address these issues and help to catalyze TOD.

OVERVIEW OF PHASES 1 AND 2

The scope of work for the East Corridor Implementation Support Project was completed in two phases. Phase 1 included best practices research, a high level assessment of seven East Corridor station areas, screening and selection of station areas for further analysis in Phase 2, and development of the scope of work for Phase 2. See the Phase 1 Best Practices Research Report for a detailed description of initial tasks (http://www.psrc.org/about/pubs).

Phase 2 involved more intensive analysis and development of specific recommendations for TOD implementation for two station areas: 130th Avenue NE in Bellevue and Overlake Village in Redmond. Phase 2 explored innovative approaches to leverage opportunities and incent TOD implementation in the short- and long-term in these station areas. Phase 2 developed recommended actions, strategies, and products to address specific issues in each station area per the scope of work that was developed by the Task Force and overseen by the PMT.
**PHASE 2 PRODUCTS**

Products developed in Phase 2 supporting these four focus areas are listed in the chart below.

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<th>Affordable Housing</th>
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These products have been completed as stand-alone, complementary documents and reports. All reports are available for download at [http://www.psrc.org/about/pubs](http://www.psrc.org/about/pubs) (look for Growing Transit Communities Partnership, East Corridor information).
PARTNERSHIP FOR SUSTAINABLE COMMUNITIES LIVABILITY PRINCIPLES

The Growing Transit Communities Partnership supports the livability principles of the Partnership for Sustainable Communities. The US Department of Housing and Urban Development (HUD), US Department of Transportation (DOT), and the US Environmental Protection Agency (EPA) have joined together to help communities nationwide improve access to affordable housing, increase transportation options, and lower transportation costs while protecting the environment through the Partnership for Sustainable Communities. The Partnership for Sustainable Communities works to coordinate federal housing, transportation, water, and other infrastructure investments to make neighborhoods more prosperous, allow people to live closer to jobs, save households time and money, and reduce pollution. The Partnership agencies incorporate the following six principles of livability into federal funding programs, policies, and future legislative proposals.

Provide more transportation choices—Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation’s dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.

Promote equitable, affordable housing—Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.

Enhance economic competitiveness—Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services, and other basic needs by workers, as well as expanded business access to markets.

Support existing communities—Target federal funding toward existing communities—through strategies like transit-oriented, mixed use development and land recycling—to increase community revitalization and the efficiency of public works investments and to safeguard rural landscapes.

Coordinate and leverage federal policies and investment—Align federal policies and funding to remove barriers to collaboration, leverage funding, and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.

Value communities and neighborhoods—Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods—rural, urban, or suburban.
The Focus of this Phase 2 Report:

Business Retention and Assessment Analysis and Recommendations

BACKGROUND AND INTRODUCTION

The East Corridor Light Rail extension will bring economic opportunities to business and property owners throughout the East Corridor and within the two station areas that are the focus of this Implementation Support Project: Overlake Village and 130 Avenue NE. This report provides a toolbox of implementation strategies intended to assist new and existing property owners and businesses to benefit from the new investment opportunities that will be provided by the creation of new light rail transit connecting the employment-rich East Corridor with the rest of King County.

Building on the Best Practices Research Report prepared for this effort, this report provides business retention and attraction strategies tailored to the economic and development contexts of the two selected station areas. Although the work focuses on these station areas, it is anticipated that the recommendations developed, in support of the Growing Transit Communities Partnership, can serve as a general model for other station areas throughout the region.

Following this introductory section and a brief overview and description of the two station areas, the report is divided into two major sections describing the major types of business retention and attraction strategies proposed for the area: Land Use and Regulatory Strategies, and Business and Property Owner and Economic Development Strategies. These strategies are then summarized in a phased action plan matrix with clear steps and time-lines for implementation.

ECONOMIC DEVELOPMENT CONTEXT

According to the recent People + Place Typology assessment prepared for PSRC by the Center for Transit-Oriented Development (CTOD), both the 130th Avenue NE and Overlake Village Stations are characterized by relatively strong economic and market conditions, but poor physical infrastructure and low density development patterns. Within the typology created by CTOD for the Growing Transit Communities initiative, both areas are described as Transform and Diversify neighborhoods that are “poised for transformation due to recent planning efforts that capitalize on their good access to opportunity and strong real estate markets.” Also according to CTOD, the most important types of implementation strategies for these types of stations are as follows:

1) Intensify activity with transformative plans for mixed-use infill and redevelopment;
2) Invest in basic infrastructure and public realm to support phased growth;
3) Full range of tools for new affordable housing production;
4) Targeted small business support.

1 More information on this assessment and background methodology can be found at: www.psrc.org/growth/growing-transit-communities/people-place-typology/.
Despite these similarities as documented by CTOD, the two stations are very distinct both in terms of their current economic makeup and their future economic development potential.

**130th Avenue NE Station Area**

In its current physical form, the 130th Street Station is characterized overwhelmingly by a mix of light industrial, distribution and mixed commercial uses. Within this land use mix, there are a number of arts and recreation institutions such as the Pacific Northwest Ballet School and the AV Performance Tennis Club. Although many of the existing commercial businesses may need to relocate with the development of a new mixed-use district around the light rail station, the 130th Avenue area also has the potential to build on this unique mix of existing arts uses to become a new arts/cultural district serving as a major arts and entertainment node for not just Bellevue but the entire East Corridor.

**Overlake Village Station Area**

Located in close proximity to the main Microsoft campus, the Overlake Village Station Area consists primarily of office, retail and food service uses, including a number of older commercial centers and a vibrant collection of ethnic food service and retail businesses. This unique blend of businesses lends the area an international character in keeping with the diverse employment base of the Microsoft campus. As the area redevelops and new TOD opportunities emerge, the challenge and opportunity will be how to retain the current unique retail and food service uses while improving the quality of new commercial and mixed-use development to support and complement the light rail service.

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**LAND USE AND REGULATORY STRATEGIES**

This section focuses on planning and regulatory approaches for incentivizing affordable and accessible commercial space (retail, food service, office, community facilities, arts and other) in new mixed-use projects to offset the potential economic displacement of small merchants and arts institutions in the 130th Avenue and Overlake Village areas. Although incentive-based and other regulatory approaches to supporting affordable housing production have been widely and successfully utilized in jurisdictions across the United States, similar approaches to supporting commercial development are much less common. In the main, small merchants and others seeking affordable commercial space in rapidly redeveloping areas must compete in the private market or partner with non-profit development or community development corporations to find affordable space. In addition, although formal commercial rental control and commercial inclusionary policies have also been considered in some areas of the country, it is likely that such policies would violate Washington State law banning local governments from imposing rent control.

Nonetheless, the model of enacting land use and zoning regulations to encourage developers to provide...
commercial space for small business and arts tenants is one that is gaining currency in large urban jurisdictions across the US. Washington DC is perhaps the city that has made the most use of its planning and zoning power to encourage a diverse mix of commercial, arts, and community uses in its various neighborhood business districts. The City’s Office of Zoning is responsible for implementing zoning controls in partnership with the Office of the Deputy Mayor for Planning and Economic Development. In central city neighborhoods like Columbia Heights and the U District, overlay zoning has been one of several tools used to promote overall economic development, while still retaining the residential and commercial diversity that makes this area unique.

One such example is the Uptown Arts and Mixed-use Overlay District (see Appendix). According to the DC Office of Zoning, this Overlay Zone:

"was established to encourage retail, entertainment and residential uses that require pedestrian activity; an increased presence and integration of the arts and related cultural and arts-related support uses; a design character and identity of the area by establishing physical design standards and adaptive reuse of older buildings in combination with new buildings; and increased public safety. The ARTS Overlay provides for flexibility in use, height, bulk, bonus density, and combined lot development...no portion of an eating/drinking establishment located on the ground floor of squares fronting 14th Street or U Street, N.W. is permitted to occupy more than fifty percent (50%) of the linear frontage of that square."  

While this regulatory approach appears to be effective in encouraging a mix of arts and local small business uses in mixed-use buildings, the long-term affordability of this commercial space varies according to the type of building, ownership structure and availability of financial support for the commercial tenants.

In the Puget Sound Region, the City of Seattle is currently undertaking revisions to the Pike-Pine Overlay District in part to encourage the inclusion of small increments of commercial space in new commercial and mixed-use properties. Specifically, this zoning overlay requires the following:

All new structures that include more than 5,000 square feet of commercial uses at street level, excluding the floor area of performing arts theaters, arts facilities, and parking and access, shall include commercial space(s) at street level for small, individual business establishments that average 2,000 square feet or less in size (see Appendix).

The Pike-Pine overlay zone was originally created in the 1990s to avoid the development of single-purpose commercial structures and encourage a fine-grained and diverse neighborhood commercial stock that responds to the needs of local businesses. Since the overlay zone was only recently revised in June, 2013 and these revisions are still in the process of formal adoption, it is too early to judge the long-term effectiveness of this ordinance in providing affordable commercial space for small businesses. According to City staff, however, key challenges to implementation include: 1) how to apply the requirements in the case of the adaptive reuse of historic single-use commercial structures (e.g., older automobile dealerships); and 2) how to encourage affordability in the absence of formal deed restrictions or covenants.

Neither the DC nor the Pike-Pine ordinances include concrete requirements or tools (affordability covenants, deed restrictions, etc.,) for guaranteeing that these smaller increments of commercial space will necessarily be affordable. Rather, overlay zoning can be seen as a tool which can be used in combination with tenant-based financing incentives and other policies to provide a diverse supply of commercial space at affordable rates in a given market area. The following strategies are based, in part, on these examples from Washington DC and Seattle as well as from recent policy and planning.
work in Seattle around the concept of creating and supporting cultural overlay districts.³

**130TH AVE NE STRATEGIES**

**Adopt an Arts and Mixed-use Overlay District**

The *Bel-Red Corridor Subarea Plan and Rezone* was adopted in 2009 and establishes a detailed vision and related land use and zoning regulations for the future development of the 130th Avenue Station Area. A new arts and mixed-use inventive overlay zone would complement the existing plan and provide additional incentives for developers to build affordable and accessible space for existing or new arts and cultural institutions. Whether structured as a combination of density bonuses, streamlined processing procedures, reduced fees, or other types of incentives, this Overlay Zone would need to be carefully studied and crafted, ideally in partnership with local developers of commercial and mixed-use projects. As described above, this type of overlay district has been utilized extensively in Washington DC in a variety of neighborhood and development contexts.⁴

The key partners for this implementation strategy would include the City of Bellevue, the Bellevue Chamber of Commerce and local small businesses, property owners, and arts and cultural institutions. An immediate first step towards implementing this Overlay District concept would be to conduct a feasibility analysis to assess the potential for zoning and land use regulations to work as practical incentives for developers to include arts and recreation space in adaptively reused or new buildings within the mixed-use TOD zone.

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³ For additional information and links to related reports, see: [www.seattle.gov/council/licata/codac/](http://www.seattle.gov/council/licata/codac/).

⁴ For additional information on these districts in Washington DC, see: [http://dcoz.dc.gov/info/overlay.shtm](http://dcoz.dc.gov/info/overlay.shtm).

**OVERLAKE VILLAGE STRATEGIES**

**Adopt a Small Business Incentive Overlay Zone**

Like the 130th Avenue NE station, extensive planning work has also been completed for Overlake Village in anticipation of the extension of the East Link light rail line. A new Small Business Incentive Overlay Zone would work on the model of the Pike-Pine Overlay Zone and would require the inclusion of smaller increments of commercial space in mixed-use and commercial properties, potentially in combination with incentives like density bonuses, streamlined permit processing, fee reductions. Over the long term, this inventory of affordable commercial space would provide a tool for ensuring a certain level of business diversity in the Station Area.

Apart from two examples in Seattle⁵, the concept of an overlay zone structured to promote small retention and attraction has not been implemented extensively in the Puget Sound Region and would put the City of Redmond at the leading edge of innovative efforts to encourage business diversity in rapidly changing and developing suburban TOD areas. As mentioned above, overlay zoning for the purpose of encouraging a diverse supply of affordable commercial space will likely only prove successful over the long-run in

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⁵ The Pike-Pine Overlay Zone mentioned above and a similar overlay zone in the International District.
combination with the strong engagement of local community development partners, non-profits and neighborhood organizations.

As with the Arts and Mixed-Use Overlay Zone in Bellevue, the Small Business Incentive Overlay Zone would need to be carefully studied and crafted in partnership with the City of Redmond, local developers, property owners and local businesses.

**Encourage New and Alternative Commercial Development Types**

Beyond offering incentives to developers of commercial and mixed-use projects, the City of Redmond should also encourage the development of new and alternative commercial development types that may offer **affordability by design**. These types of projects would include co-working facilities, smaller increment of live-work space on the ground floor of mixed-use projects and more informal development types like rehabilitated shipping containers that can be adapted by retail and food service businesses for short-term occupancy (5-10 years) as an interim development strategy during redevelopment. This approach has been adopted successfully in a number or rapidly redeveloping urban neighborhoods in the US, including in San Francisco’s Hayes Valley the interim “Proxy” strategy has led to the development of various small commercial spaces for retail and food service businesses[^6].

This tool would be implemented primarily by the Redmond Planning Department, once again in partnership with local property owners, small businesses and developers. The initial step would be to conduct outreach and feasibility analysis to define what specific zoning and regulatory changes would be needed to facilitate these creative commercial development types.

Encouraging new development types and designs does not, however, necessarily guarantee affordability for existing retail and food service tenants in the absence of a master developer with a social purpose such as a non-profit or Community Development Corporation. Without a formal deed restriction, covenant, or commercial rent control, there is no guarantee that even small or unique spaces will remain affordable to small businesses and entrepreneurs over the long run in a strong market. In the absence of proven regulatory and/or design strategies, the City of Redmond and its partners can learn from other regions of the US by implementing merchant-centered strategies focused on assisting local small businesses with their long-term space needs. These are explored further below.

[^6]: More information on this innovative approach is available at [http://proxysf.net/](http://proxysf.net/).

**BUSINESS AND PROPERTY OWNER ORGANIZATION AND ECONOMIC DEVELOPMENT STRATEGIES**

This section offers a range of approaches to assist businesses and property owners to organize and “get ahead” of light rail construction to reap the benefits of transit for economic development. It draws heavily on the *Best Practices Report*[^7] prepared for the East Corridor Implementation project which found that the following key elements characterized successful business retention and attraction efforts in other comparable TOD areas:

1) A coordinated framework for communication – early and frequent communication between all

[^7]: For the full study, see: [www.psrc.org/assets/9341/EastCorridorBestPracticesPhase1.pdf](http://www.psrc.org/assets/9341/EastCorridorBestPracticesPhase1.pdf).
stakeholders is essential to preparing for the transit construction process and preparing businesses and property owners to survive and thrive during and after the development of new transit infrastructure.

2) Early planning – connected with the first major element, early planning and the creation of support structures for existing small businesses is also a best practice from other comparable urban and suburban areas.

3) Advertising and attraction efforts – careful branding and marketing of station areas can help to attract new commercial uses which complement the existing business mix and help to create a distinct identity and focus for future development.

4) Create sustainable revenue sources for ongoing and future support to businesses – a dedicated and sustainable source of revenue for small business support programs is critical for creating the conditions for local small businesses to remain successful in redeveloping areas.

Building on these essential principles, the following strategies are divided between implementation actions that apply jointly to station areas, those that apply to the 130th Area and those that apply just to Overlake Village.

CORRIDOR-WIDE STRATEGIES

Designate Bel-Red/Overlake Corridor Entity to Coordinate and Promote Business Attraction and Retention Activities

As an immediate action, a working group should be convened to formalize steps towards designating or creating an entity or partnership of existing organizations to promote business retention and attraction efforts for both Station Areas, and perhaps the entire East Corridor. Similar to sub-regional efforts in the Twin Cities around the Central Corridor light rail project, this entity would provide the organizational structure and capacity for carrying out many of the strategies listed below. Specific roles that this entity could fill would include: 1) coordinating business technical and financial assistance; 2) providing a clearinghouse of information to help businesses prepare for construction and connect with new commercial leasing opportunity; 3) providing a vehicle for attracting competitive economic development grant funding to the East Corridor; 4) building a common economic development purpose and shared identity for marketing and branding along the East Corridor.

Key partners in this effort would include cities, as well as One Redmond, the Bellevue Chamber, and potentially local advocacy and capacity building groups such as Leadership Eastside. This step is the most critical early action item for business retention and attraction efforts for the entire Corridor and in each individual area.

Create Bel-Red/Overlake Corridor Urban Land Trust

At a regional level, PSRC is currently considering the formation of the TOD Loan Fund along the lines of the Transit Oriented Affordable Housing Fund (TOAH) in the San Francisco Bay Area. This regional fund would support efforts to create sustainable and equitable transit communities, including along the East Corridor. A new urban land trust focused just on the Bel-Red/Overlake area would provide an additional and complimentary financing tool to this regional TOD loan fund focused specifically on acquiring properties in the two Station Areas for the purpose of supporting affordable housing, community facilities and community-oriented commercial development. In Denver, for example, an urban land trust was created with seed capital from the City of Denver along with local philanthropic organizations and financial institutions. This fund has been used to acquire and redevelop sites near transit, including new affordable housing projects and mixed-use properties with affordable retail and office space, and community facilities space.

In that every community land trust is distinct in terms of its goals and funding structure, the Bel-Red/Overlake Urban Land Trust would need to be carefully designed and implemented in coordination with other local and regional community and economic development

8 For additional information on the fund, see: http://bayareatod.com/.
institutions. The early organizing work for the urban land trust could be completed by a new corridor-wide entity and would include the same stakeholders in addition to PSRC, community development financial institutions, commercial banks, A Regional Coalition for Housing (ARCH) and other non-profit institutions with an interest in the redevelopment of the East Corridor.

Evans Station Lofts
Source: Paul Peninger

Financing Tools to Create New, Affordable Commercial and Mixed-Use Space

In many urban areas, non-profit community development corporations have led the way in developing commercial and mixed-use space for a defined set of community benefits. Tools such as new markets credits⁹ are often best utilized by a community developer with both the specific mission and organizational capacity to redevelop an existing property or a new project. In Oakland, CA, the Easy Bay Asian Local Development Corporation was able to leverage New Markets Tax Credits to acquire an existing office park made up of historic structures to preserve a large inventory of affordable office space for non-profit organizations¹⁰. Although there are no census tracts along the East Corridor that are currently designated as eligible for New Markets Tax Credits Investments, it may be possible in the future to use these credits to support “targeted populations” as defined by the Federal Government¹¹. As with other types of community development finance tools, it would require a development entity with expertise in community development finance to successfully utilize this type of approach.

At present, there is no one entity that has the capacity to undertake such a project in either Station Area. This report recommends a dedicated effort to build such capacity in existing organizations, or to build this capacity within a new Bel-Red/Overlake entity as described above. Stakeholders for this effort include both Cities, local community development finance institutions, ARCH and Leadership Eastside.

130TH AVENUE NE STRATEGIES

Adopt CFRA or other Tax-Increment Financing District

As described in Value Capture Financing in Washington released earlier this year by PSRC, local jurisdictions in King County are severely constrained in terms of the tools at their disposal for implementing value capture policies around planned transit stations. Nonetheless, as also documented by the report, there have been a number of proposals to make tax increment financing more feasible to assist local communities to address infrastructure and community development needs. As documented by a case study analysis in the report, in the 130th Ave. NE station area, the type of TIF financing with the strongest potential for creating a substantial revenue stream to support infrastructure development would be through a vehicle authorized under the Community Development Financing Act of 2011 (CFRA). Although this legislation was ultimately not successful, it offers a tool similar to an LID but easier for local

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⁹ For additional background information on New Markets Tax Credits, see: http://cdfifund.gov/what_we_do/programs_id.asp?programID=5.
¹⁰ Preservation Park is profiled further at: http://www.ebaldc.org/property/preservation-park.
¹¹ As part of the American Jobs Creation Act of 2004, IRC §45D(e)(2) was amended to provide that targeted populations may be treated as low-income communities. A “targeted population” means individuals, or an identifiable group of individuals, including an Indian tribe, who are low-income persons or otherwise lack adequate access to loans or equity investments.
governments to use and potentially yielding a larger stream of dedicated funding. Protests by property owners representing at least half of the assessed value in a proposed CRFA district would halt its formation, and it is likely that a CFRA district would need to be more targeted and strategically sized than an LID district.

This report recommends that Bellevue in partnership with other King County jurisdictions, considers lobbying for the reintroduction of the CFRA in order to allow the implementation of this promising financing tool to support infrastructure development in a targeted zone around the 130th Ave. NE station. Key partners in this effort would include PSRC, both cities, the local chambers and local advocacy organizations.

**Develop 130th Avenue NE Branding and Marketing Campaign**

As described above, the 130th Avenue NE Station area comprises a unique mix of light industrial, mixed-commercial, arts and recreation uses. As the area establishes a new identity as a vibrant mixed-use district over the coming years, this report recommends that the City of Bellevue in partnership with other local organizations invest in the creation of a branding and marketing campaign for the Station Area. This could be done in conjunction with a sub-regional Bel-Red/Overlake economic development entity, or as a separate initiative of the City, the Bellevue Chamber and local business and property owners.

**OVERLAKE VILLAGE STRATEGIES**

**Adopt LCLIP, LIFT, CFRA or other Financing District to Support Infrastructure Development**

Like the 130th Avenue area, Overlake Village would benefit from additional value capture financing tools as described in *Value Capture Financing in Washington*. Unlike 130th Avenue, no detailed analysis or financial modeling has been completed to determine which type of value capture mechanisms would yield the most revenues for Overlake. Although it is likely the CFRA would still prove to be the most viable option for Overlake if the legislation were passed, the City of Redmond may also wish to study the potential for creating a Landscape Conservation and Local Infrastructure Program (LCLIP) or Local Infrastructure Financing Tool (LIFT). These tools would be in addition to a sub-regional LID district and/or a local BID district to support merchant organizing and economic development programs.

**Organize Overlake Village Merchant Association**

Given Overlake’s substantial base of small retailers, food service providers and restaurants, the area would clearly benefit from the creation of a Merchant Association to represent small business interests. This organization could perhaps be formed in conjunction with a Main Street Program and/or a Parking and Business Improvement Area (PBIA) to fund marketing and small business development efforts in the area.

Main Street Programs - The National Trust for Historic Preservation acts as an information clearinghouse and technical assistance provider for Main Street programs which offer a four point approach


[extensive information](www.preservationnation.org/main-street/).
(organization, promotion, design and economic restructuring) to the revitalization of neighborhood business districts. In Washington, these types of programs have typically been formed in areas of significant architectural and/or historic character, but the overall Main Street approach has also been used in urban neighborhoods in other areas of the US such as in the Fruitvale District of Oakland as documented in the East Corridor Implementation Support Project Best Practice Report.

PBIA Programs - Funding for a new merchant association could come in part from an improvement district that would be formed by assessing annual fees to local property or business owners. In Washington, this type of entity can take the form of a parking and business improvement area (PBIA) designed to aid general economic development and to facilitate merchant and business cooperation. According to the Municipal Research and Services Center of Washington, PBIA are a self-help funding mechanism that allows businesses and property owners within a defined area to establish a special assessment district. PBIA are authorized by statute and may be formed in one of two ways:

1) The owners of property located within the boundaries of the proposed district sponsor a petition to the local government having jurisdiction over the area.
2) The local government passes an initiation resolution to create the PBIA.

Because of these specific formation requirements, PBIA are typically formed in smaller and more targeted areas than LID and are not suitable to support sub-regional or cross-jurisdictional programs.

In Overlake, the City in partnership with One Redmond, local businesses and local property owners would be the key partners in forming a Merchant Association and in adopting a Main Street organizing approach and/or a PBIA.

**Develop Overlake Village Branding and Marketing Campaign**

One of the key initiatives of the Overlake Village Merchant Association would be to create and launch a branding and marketing campaign to support local businesses. This campaign would likely be built around the area’s high-tech nature and connection to diverse Pacific Rim markets and communities. Key stakeholders would include the City, One Redmond, and local community and business organizations.

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14 A list of existing main street programs in Washington is provided here:

15 This tool is profiled in depth by MSRC:
**PHASED ACTION PLAN FOR IMPLEMENTATION**

The strategies presented above are summarized in the following matrix which provides near-term and longer term implementation actions, along with lead and support stakeholders, and general cost estimates and funding sources.

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<thead>
<tr>
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<tbody>
<tr>
<td><strong>Corridor-Wide Strategies</strong></td>
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</tr>
<tr>
<td>Designate Bel-Red/Overlake Corridor Entity or Partnership to Coordinate and Promote Business Attraction and Retention Activities</td>
<td>Convene organizing working group and develop mission statement and organizational structure.</td>
<td>Launch &quot;Ready for Rail&quot; campaign or develop a similar tool to assist existing and new businesses to prepare for and benefit from the transit construction process.</td>
<td>Continue assisting new and existing businesses to thrive and take advantage of new transit opportunities and related development along the corridor.</td>
<td>Cities of Bellevue and Redmond, PSRC, One Redmond, Bellevue Chamber of Commerce, property and business owners, Leadership Eastside, others.</td>
<td>Minimal initial organization costs (&lt;$50K); ongoing costs will depend on size and scope of organization.</td>
<td>City Economic Development funding, philanthropic support, fundraising from local businesses.</td>
</tr>
<tr>
<td>Create Bel-Red/Overlake Corridor Urban Land Trust</td>
<td>Convene organizing working group and draft business plan.</td>
<td>Complete initial fundraising leveraging local and regional resources and identify initial acquisition strategy.</td>
<td>Develop inventory of commercial properties and prioritize redevelopment of key properties to maximize small business retention along corridor. This would build on and not duplicate existing resources in Bellevue and Redmond.</td>
<td>Cities of Bellevue and Redmond, PSRC, One Redmond, Bellevue Chamber of Commerce, property and business owners.</td>
<td>$100,000 for initial start-up and organization costs. An initial fund would need to be capitalized at the level of at least $2M to $5M to have a substantial impact.</td>
<td>PSRC, Local and Regional Foundations, CDFIs, Cities of Redmond, Bellevue, Commercial Banks and Financial Institutions.</td>
</tr>
</tbody>
</table>
## Leverage Community Development Financing Tools to Create New, Affordable Commercial and Mixed-Use Space

| Build capacity within local organizations to develop projects or partner with developers. | Identify one or more pilot projects, perhaps in conjunction with a new Urban Land Trust, and leverage tools like New Markets Credits to finance new development. | Continue building capacity and supporting the rehabilitation or development of mixed-use and commercial properties with a defined community benefit. | Cities of Bellevue and Redmond, Impact Capital, Enterprise, Leadership Eastside, Futurewise, ARCH, local business and property owners. | $50K for capacity building and organizational efforts. | Various State and Federal sources, PSRC, Local and Regional Foundations, City Economic Development funding, CDFIs, Commercial Banks and Financial Institutions. |

## Overlake Village

### Land Use Regulatory Strategies

| Adopt Small Business Incentive Overlay Zone | Complete feasibility analysis to structure incentives (density bonuses, streamlined processing, etc.) tied to the provision of affordable retail and food service space in new commercial and mixed-use buildings. | Draft and adopt overlay zone legislation for Overlake Transit District. | Implement policy in conjunction with related programs, partners and incentives. | City of Redmond, One Redmond, Developers, Businesses and Property Owners. | $50K for feasibility study and related administrative costs. | City of Redmond |

<p>| Encourage New and Alternative Commercial Development Types | Study feasibility of new flexible zoning standards to encourage new types of retail, office and mixed-use space such as co-working and other shared commercial facilities. | Draft and adopt new commercial zoning regulations, perhaps in conjunction with a new small business incentive overlay zone. | Implement policy in conjunction with related programs, partners and incentives. | City of Redmond, One Redmond, Developers, Businesses and Property Owners. | $25K for initial feasibility study and draft and final regulations. | City of Redmond |</p>
<table>
<thead>
<tr>
<th>Business/Property Owner Organization and Economic Development Strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adopt LIFT, CFRA or other TIF Financing District</strong></td>
</tr>
<tr>
<td>Conduct advocacy at the State level to strengthen local TIF financing capacity.</td>
</tr>
<tr>
<td>Adopt and structure LIFT, CFRA or other TIF Financing District to support infrastructure development in the Overlake TOD District.</td>
</tr>
<tr>
<td>Identify a core set of projects and initiate funding as economically feasible.</td>
</tr>
<tr>
<td>City of Redmond, Local Business and Property Owners</td>
</tr>
<tr>
<td>Will vary according to the type of TIF model and size of district.</td>
</tr>
<tr>
<td>City of Redmond, State of Washington, Local Business and Property Owners.</td>
</tr>
<tr>
<td><strong>Organize Overlake Village Merchant Association</strong></td>
</tr>
<tr>
<td>Convene working group to study feasibility of establishing an Overlake Village Merchant Association.</td>
</tr>
<tr>
<td>If feasible, organize Merchant Association to administer local business support activities, including marketing, small business relocation assistance and other activities.</td>
</tr>
<tr>
<td>Continue to provide support to merchants during and after the development of the light rail station in conjunction with other tools and strategies.</td>
</tr>
<tr>
<td>City of Redmond, One Redmond, Local Business and Property Owners, Leadership Eastside, Impact Capital.</td>
</tr>
<tr>
<td>Up to $100,000 for initial funding and creation of merchant association.</td>
</tr>
<tr>
<td>Funding could come primarily from a Parking and Business Improvement Area (PBIA) or other Local Improvement District with assistance from the City of Redmond.</td>
</tr>
<tr>
<td><strong>Develop Overlake Village Branding and Marketing Campaign</strong></td>
</tr>
<tr>
<td>Building on the area’s high tech character and diverse small business cluster, study alternatives for developing a distinct branding and marketing campaign.</td>
</tr>
<tr>
<td>Define final brand and marketing strategy and implement roll out of signs, banners and other tailored marketing materials.</td>
</tr>
<tr>
<td>Continue to implement an refine branding and marketing strategy.</td>
</tr>
<tr>
<td>City of Redmond, One Redmond, Local property owners and businesses, and merchant association if it exists.</td>
</tr>
<tr>
<td>Up to $2-50$5K for initial branding and marketing campaign.</td>
</tr>
<tr>
<td>City Economic Development funds, Federal and State grant funding, PBIA or other Local Improvement or Special Assessment District.</td>
</tr>
</tbody>
</table>
### 130th Avenue NE Strategies

#### Land Use Regulatory Strategies

**Adopt Arts and Mixed-use Incentive Overlay Zone**
- **Complete feasibility analysis to structure incentives (density bonuses, streamlined processing, etc.)** tied to the provision of affordable arts space, including crafts, visual arts and the full range of performing arts practice and performance space.
- **Draft and adopt overlay zone legislation for new arts and mixed-use district.**
- **Implement policy in conjunction with related programs, partners and incentives.**
- **City of Bellevue, Bellevue Chamber, Local Developers, Businesses and Property Owners**
- **City of Bellevue**
- **$50K for feasibility study and related administrative costs.**

#### Business/Property Owner Organization and Economic Development Strategies

**Adopt CFRA or other TIF Financing District**
- **Conduct advocacy at the State level to strengthen local TIF financing capacity.**
- **Adopt and structure LIFT, CFRA or other TIF Financing District to support infrastructure development in the 130th Ave NE TOD District.**
- **Identify a core set of projects and initiate funding as economically feasible.**
- **City of Bellevue, Local Business and Property Owners**
- **City of Bellevue, State of Washington, Local Business and Property Owners.**
- **Will vary according to the type of TIF model and size of district.**

**Develop 130th Avenue Branding and Marketing Campaign**
- **Building on the existing arts cluster, develop alternative branding and marketing concepts for this new urban, mixed-use TOD district.**
- **Define final brand and marketing strategy and implement roll out of signs, banners and other tailored marketing materials.**
- **Continue to implement and refine branding and marketing strategy.**
- **City of Bellevue, Bellevue Chamber, Local property owners and businesses, and other economic development partners.**
- **City of Bellevue, Bellevue Chamber, Local property owners and businesses, and other economic development partners.**
- **Up to $50K for initial branding and marketing campaign.**
- **City Economic Development funds, Federal and State grant funding, or other Local Improvement or Special Assessment District.**

*Source: Paul Peninger/BAE Urban Economics*
CHAPTER 19 UPTOWN ARTS-MIXED USE (ARTS) OVERLAY DISTRICT

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<th>Street Frontage Design Requirements</th>
<th>Bonus Density</th>
<th>Combined Lot Development</th>
<th>Special Exceptions</th>
<th>Retail and Service Uses</th>
<th>Arts Uses and Arts-Related Uses</th>
<th>Definitions</th>
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<tr>
<td>1900</td>
<td>GENERAL PROVISIONS</td>
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1900.1 The Uptown Arts-Mixed Use (ARTS) Overlay District is applied to the Commercial and Mixed Use Districts in the following squares and portions of squares in the 14th and U Streets, N.W., area: 202 through 211, 234 through 242, N242, 272, 273, 274, 303, 304, 305, 30, 331, 332, 333, 358 through 361, 393, 416, 440, 441, and the portions of squares 2875 and 2877 that are south of V Street.

1900.2 The purposes of the ARTS Overlay District are to:

(a) Encourage a scale of development, a mixture of building uses, and other attributes such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan;

(b) Require uses that encourage pedestrian activity, especially retail, entertainment, and residential uses;

(c) Provide for an increased presence and integration of the arts and related cultural and arts-related support uses;

(d) Expand the area's housing supply in a variety of rent and price ranges;

(e) Expand business and job opportunities, and encourage development of residential and commercial buildings;

(f) Strengthen the design character and identity of the area by means of physical design standards;
(g) Encourage adaptive reuse of older buildings in the area and an attractive combination of new and old buildings; and

(h) Foster eighteen (18) hour activity and increased public safety.

1900.3 The ARTS Overlay District and the underlying zoning shall constitute the Zoning Regulations for the geographic area identified in § 1900.1. Where there are conflicts between this chapter and the underlying zoning, the more restrictive regulations shall govern.

1900.4 The requirements of this chapter shall apply to all new construction and to any addition, alteration, or repair that within any twenty-four (24) month period exceeds seventy-five percent (75%) of the assessed value of the building; provided:

(a) The cost basis for alterations or additions to an existing building shall be the amount indicated by the applicant on the application for a building permit; and

(b) The assessed value of the building shall be the value in the records of the Office of Tax and Revenue as of the date of the building permit application.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 641.15 (2001) (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.))).

**SOURCE:** Final Rulemaking published at 37 DCR 1392, 1395 (February 23, 1990); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8490-91 (October 20, 2000).

1901 USE PROVISIONS

1901.1 Retail and service uses listed in § 1907 and arts and arts-related uses listed in § 1908 shall occupy no less than fifty percent (50%) of the ground level of each building on a lot that fronts on 14th Street, U Street, or 7th Street; or on Florida Avenue between 7th and 9th Streets; provided, this requirement shall not apply to a building located on a lot less than fifty feet (50 ft.) in width, measured along the property line that abuts the public street, if the building is used as an apartment house, multiple dwelling, or hotel.

1901.2 A hotel shall be a permitted use; provided, no other hotel is located within five hundred feet (500 ft.).

1901.3 No drive-through accessory to any use shall be permitted.

19-2
1901.4 A use that exists on the February 23, 1990, having a certificate of occupancy for a use first permitted in a C-M District, shall be permitted to expand if approved by the Board of Zoning Adjustment as a special exception, subject to the requirements of § 3104 and the following conditions:

(a) There shall be no outdoor storage of materials, nor any outdoor processing, fabricating, or repairs;

(b) There shall be adequate off-street parking for trucks and other service vehicles;

(c) The use shall not create objectionable effects on the character of the neighborhood because of its operations, traffic, or other conditions; and

(d) The Board may impose requirements that apply to the design, appearance, or screening of the site or any other requirement that it deems necessary to protect neighboring or adjacent property.

1901.5 Required parking spaces may be shared by time of day with other uses specified in this subsection to meet all or a portion of the parking requirement for the uses on a lot; provided:

(a) The eligible evening uses shall be restaurant, legitimate theater, movie theater, dinner theater, or cabaret;

(b) The eligible daytime uses shall be office use and the arts uses and arts-related uses listed in § 1908, with the exception of the evening uses listed in paragraph (a) of this subsection; and

(c) The respective property owners shall execute an agreement that identifies the designated parking spaces and provides that use of the spaces for permitted daytime uses shall cease at no later than 6:00 p.m., Monday through Saturday, and shall be available for parking by the specified evening uses as agreed to by the parties involved. This agreement shall be filed with the Zoning Administrator to be maintained as part of the certificate of occupancy file on each affected property.

1901.6 Eating and drinking establishments shall occupy no more than twenty-five percent (25%) of the linear foot frontage within the ARTS Overlay District, as measured along the lots fronting on 14th Street and U Street, N.W.

SOURCE: Final Rulemaking published at 37 DCR 1392, 1396 (February 23, 1990); as amended by Final Rulemaking published at 39 DCR 8323, 8324 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8492 (October 20, 2000).
1902 HEIGHT AND BULK

1902.1 In the underlying C-3-A District, a building may be constructed in excess of the height limit of sixty-five feet (65 ft.), up to a maximum height of seventy-five feet (75 ft.); provided:

(a) No roof structure permitted by this title shall exceed a height of eighty-three and one-half feet (83½ ft.) above the measuring point used for the building; and

(b) If the lot abuts either a Residence District or an alley that serves as the zone district boundary line of an adjacent Residence District, no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located fifty feet (50 ft.) directly above the property line that abuts the Residence District or the alley.

1902.2 In the underlying CR District, if a building is located on a lot that abuts a street, an alley, or a zone district boundary with a Residence District, no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located sixty-five feet (65 ft.) directly above the property line on each such street, alley, or zone district boundary line.

1902.3 In the underlying CR District, development of a lot or lots in a combined lot development pursuant to § 1905 shall provide not less than 2.5 floor area ratio (FAR) of residential or hotel development subject to the spacing requirement of § 1901.2, concurrent with any commercial development on the lot or combined lots; provided:

(a) This requirement shall not apply to a lot or combined lots having less than seven thousand five hundred square feet (7,500 ft.²) of land area or to conversion of a building constructed before 1958 to nonresidential uses; and

(b) In developments in which residential development is required by this subsection, a certificate of occupancy for commercial or nonresidential uses shall not be issued prior to the issuance of a certificate of occupancy for a residential or hotel component.

1902.4 In the ARTS Overlay District, the bonus density and height permitted with bonus uses shall also serve as the guidelines for planned unit developments.

SOURCE: Final Rulemaking published at 37 DCR 1392, 1397 (February 23, 1990); as amended by Final Rulemaking published at 39 DCR 8323, 8324 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8492 (October 20, 2000).
1903 STREET FRONTAGE DESIGN REQUIREMENTS

1903.1 The design requirements of §§ 1903.2 through 1903.4 shall apply to any lot that fronts on one or more of the following streets, hereafter referred to in this section as “pedestrian streets”:

(a) Fourteenth Street;
(b) U Street;
(c) Seventh Street; and
(d) Florida Avenue between 7th and 9th Streets.

1903.2 Notwithstanding the provisions of § 2117.8(c)(1), no driveway that provides access from a pedestrian street to required parking spaces or loading berths shall be permitted.

1903.3 Each new building on a lot that fronts on a pedestrian street shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than fifteen feet (15 ft.) shall be constructed to the property line between the subject lot and the abutting street right-of-way.

1903.4 Not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building on a lot that fronts on a pedestrian street shall be devoted to display windows and to entrances to commercial uses or to the building; provided:

(a) The windows shall use clear or low-emissivity glass, except for decorative or architectural accent; and
(b) Entrances to the building, including entrances to shops and the main lobby, shall be separated by not more than forty feet (40 ft.) on average for the linear frontage of the building.

SOURCE: Final Rulemaking published at 37 DCR 1392, 1397 (February 23, 1990); as amended by Final Rulemaking published at 39 DCR 8323, 8325 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8492 (October 20, 2000).

1904 BONUS DENSITY

1904.1 A project shall be eligible for bonus gross floor area for space devoted to one of the preferred uses listed in § 1904.2; provided:
(a) Bonus density may be used either to increase the gross floor area of the building for any permitted use up to the maximum floor area ratio (FAR) specified in paragraph (b) of this subsection, or to provide nonresidential uses or development in excess of the otherwise applicable limitation on the gross floor area of nonresidential uses in the underlying zone district; and

(b) No building that uses bonus density shall achieve a maximum FAR in excess of 6.0 in the underlying CR District, 4.5 in the underlying C-3-A and C-2-B Districts, or 3.0 in the underlying C-2-A District.

1904.2 The following preferred uses shall be eligible for bonus floor area at the ratio indicated:

<table>
<thead>
<tr>
<th>Gross floor area devoted to the bonus use</th>
<th>Proportionate number of square feet of additional gross floor area earned for on-site or off-site development</th>
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</thead>
<tbody>
<tr>
<td>(a) Below market housing;</td>
<td>1 to 3</td>
</tr>
<tr>
<td>(b) Legitimate theater;</td>
<td>1 to 3</td>
</tr>
<tr>
<td>(c) Department store, drugstore, dry cleaner, laundry, grocery store, hardware store, variety store, and any use listed in § 1908 other than legitimate theater or drinking places;</td>
<td>1 to 2</td>
</tr>
<tr>
<td>(d) Any use listed in §§ 1907 and 1908, in excess of the required 0.5 FAR at ground level; not to be counted in addition to bonus floor area from paragraph (b) or (c) of this subsection; and</td>
<td>1 to 1.5</td>
</tr>
<tr>
<td>(e) Space in a building constructed before 1958 and occupied by one of the uses listed in paragraphs (a) through (d); provided, that this bonus shall count in addition to any applicable use bonus.</td>
<td>1 to 1</td>
</tr>
</tbody>
</table>

1904.3 A building that includes 3.0 or more FAR devoted to residential use is entitled to a bonus of 0.5 FAR.

1904.4 A preferred use, in existence and with a valid certificate of occupancy as of February 23, 1990, shall be eligible to earn a bonus as indicated in § 1904.2.
An existing legitimate theater shall be eligible for the bonus indicated; provided, if the theater company goes out of business or leaves the area governed by this chapter, the owner-developer shall make every good faith effort to transfer the agreement to another theater company to occupy the same or different premises of similar size; failing which, the owner-developer shall apply to the Board of Zoning Adjustment for a special exception pursuant to §§ 1906 and 3104, at which proceeding the Board and the applicant shall give first preference to substituting another bonus use from § 1904 in place of the prior theater use.

If a surface parking lot devoted to transient parking is the basis for developing bonus floor area on another lot, the covenant required by § 1905.1(f) shall require the transient parking lot to continue in existence for at least ten (10) years from the date of issuance of the building permit for the lot where the bonus floor area will be built; provided, that operation of the parking lot may be suspended for not more than twenty-four (24) months to permit the construction of a parking structure that will replace the surface lot and be subject to the same covenant.

SOURCE: Final Rulemaking published at 37 DCR 1392, 1398 (February 23, 1990); as amended by Final Rulemaking published at 39 DCR 8323, 8325 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8493 (October 20, 2000)

Two (2) or more lots may be combined for the purposes of transferring bonus density and allocating the permitted mixture of uses among development sites; provided:

(a) The lots may be located in the same square or in different squares within the ARTS Overlay District;

(b) The maximum permitted floor area for all uses and the maximum floor area for nonresidential uses shall be calculated as if the lots were one lot, and the total project shall conform with both limitations;

(c) Bonus floor area earned by the provisions of § 1904 may be developed on any lot or combination of lots governed by the covenant required by paragraph (f) of this subsection; provided, no development on any lot shall exceed the maximum height and bulk standards in §§ 1902 and 1904.1(b); and provided further, the ground level uses required by § 1901.1 shall not be transferred, but shall be provided on each lot;

(d) In the underlying CR District, the provisions of this section shall apply in lieu of §§ 631.3 and 631.4;
(e) If a combined lot development involves the transfer of bonus density or allocates residential development rights from one lot to another, the Certificate of Occupancy for the bonus floor area for the nonresidential building shall not be issued until a building permit has been issued for the building that will provide the residential or other preferred uses;

(f) No transfer of floor area for preferred uses or of bonus floor area shall be effective under this section unless an instrument, legally sufficient in both form and content to effect such a transfer, in a form approved by the Corporation Counsel, has been entered into among all of the parties concerned, including the District of Columbia;

(g) A certified copy of the instrument of transfer shall be filed with the Zoning Administrator before approval by the Department of Consumer and Regulatory Affairs of any building permit application affected by such transfer;

(h) The document shall be recorded in the Office of the Recorder of Deeds, serving as a notice both to the receiving lot and sending lot of the transfer of floor area for preferred uses or of bonus floor areas; and

(i) The notice of restrictions and transfer shall run with the title and deed to each affected lot.

SOURCE: Final Rulemaking published at 37 DCR 1392, 1400 (February 23, 1990); as amended by Final Rulemaking published at 39 DCR 8323, 8326 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8493-94 (October 20, 2000).

1906 SPECIAL EXCEPTIONS

1906.1 Exceptions from the requirements of the ARTS District shall only be permitted if granted by the Board of Zoning Adjustment in accordance with § 3104 after public hearing, based on the following criteria:

(a) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of the ARTS Overlay District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;
(b) Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features that are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan;

(c) The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report;

(d) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and

(e) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the ARTS Overlay District.

1906.2 If a telephone exchange that existed on February 23, 1990 is thereafter destroyed, it may be rebuilt without compliance with the provisions of this chapter or chapter 20 of this title.

SOURCE: Final Rulemaking published at 37 DCR 1392, 1401 (February 23, 1990); Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8494 (October 20, 2000).

1907 RETAIL AND SERVICE USES

1907.1 For the purpose of this chapter, the following uses shall be preferred retail and service uses:

(a) Antique Store;

(b) Apparel and Accessories Store;

(c) Appliance Store;

(d) Auction House;

(e) Auto and Home Supply Store, excluding installations;

(f) Bank, Loan Office, or Financial Institution;
(g) Bakery, limited to baking of food sold on premises;

(h) Bicycle Shop;

(i) Barber or Beauty Shop;

(j) Candy Store;

(k) Clinic;

(l) Computer Store;

(m) Cosmetic Store;

(n) Camera Store;

(o) Delicatessen;

(p) Department Store;

(q) Dressmaking or Tailor Shop;

(r) Drug Store;

(s) Dry Cleaner;

(t) Fabric Store;

(u) Florist and Plant Store;

(v) Furniture Store;

(w) Gift, Novelty, and Souvenir Shop;

(x) Grocery Store;

(y) Hardware Store;

(z) Health or Exercise Studio;

(aa) Paint Store;

(bb) Pet Store;
Title 11 District of Columbia Municipal Regulations

(cc) Printing, Fast Copy Service;
(dd) Public Agency Office;
(ee) Public Library;
(ff) Radio, Television, and Consumer Electronic Store;
(gg) Secondhand Store;
(hh) Shoe Repair and Shoeshine Parlor;
(ii) Shoe Store;
(jj) Social Service Agency Office;
(kk) Specialty Food Store;
(ll) Sporting Goods Store;
(nn) Telegraph Office;
(oo) Tobacco Store;
(pp) Variety Store;
(qq) Video Tape Rental; and
(rr) Other similar personal/consumer service establishment or retail use, including assemblage and repair clearly incidental to the principal use.

SOURCE: Final Rulemaking published at 37 DCR 1392, 1402-03 (February 23, 1990).

1908 ARTS USES AND ARTS-RELATED USES

1908.1 For the purposes of this chapter, the following uses shall be preferred arts uses and arts-related uses:

(a) Art Center;
(b) Art Gallery;
(c) Art School, including school of dance, photography, filmmaking, music, writing, painting, sculpturing, or printmaking;

(d) Artist Housing;

(e) Artist Studio;

(f) Artists’ Supply Store;

(g) Arts Services, including set design and restoration of artworks;

(h) Concert hall or other performing arts space;

(i) Book Store;

(j) Cabaret;

(k) Craftsman or artisan;

(l) Dinner Theater;

(m) Drinking Places, including bar, nightclub, or cocktail lounge;

(n) Legitimate Theater;

(o) Movie Theater;

(p) Museum;

(q) Performing Arts Ticket Office or Booking Agency;

(r) Photographic Studio;

(s) Picture Framing Shop;

(t) Record Store, Musical Instruments Store;

(u) Restaurant; and

(v) Television and Radio Broadcast Studio;

1999 DEFINITIONS

1999.1 The provisions of § 199 of chapter 1 of this title, and the definitions set forth in that section shall be incorporated by reference in this chapter.

1999.2 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

**Below-market housing** - a housing unit or units offered for sale or rent according to the following criteria:

(a) The qualifying housing unit is offered for rent at a rent level, including utilities, that does not exceed twenty-five percent (25%) of the maximum allowable monthly gross income of a lower income household whose composition is consistent with the size and type of housing in question, and the availability of the unit at such a rent is covenanted for a period of twenty (20) years by the housing provider; or

(b) The qualifying housing unit is offered for sale at a price such that the monthly payment of principal, interest, taxes, and insurance (PITI) on the property shall not exceed twenty-eight percent (28%) of the maximum allowable monthly gross income of a lower income household whose composition is consistent with the size and type of housing unit in question, assuming that the household obtains a ninety-five percent (95%) loan-to-loan, thirty (30) year fully amortized mortgage at an interest rate equal to the conventional mortgage interest rate as reported for the then current month in Federal Reserve Statistical Release H.15 (519) or its successor;

(c) Lower Income Household, including individuals, shall be defined as households whose income does not exceed eighty percent (80%) of the median household income for households of the same size in the Washington, D.C., metropolitan area as established periodically by the U.S. Department of Housing and Urban Development or its successor; and

(d) The Zoning Administrator shall send a copy of the application to the D.C. Department of Housing and Community Development and the Office of Planning for review and report within fifteen (15) days of the referral.

**Department store** - a single retail store, in excess of fifty thousand square feet (50,000 ft.²) of gross leasable area, that is:

(a) Involved in the sale of, among other things, apparel and furnishing;
(b) Organized into departments or sections that are integrated under single management; and

(c) Operated under a single certificate of occupancy.

**Gross leasable area** - the sum of the floor area occupied by the business or use, as measured from the exterior faces of the walls encompassing the space, and including any stairways, elevator shafts, escalators, or mechanical areas inside the perimeter walls occupied by multiple tenants or multiple uses; the central elevator core or cores, associated lobbies, stairways, and mechanical areas shall be excluded from gross leasable area if they serve the building as a whole.

**Transient parking** - parking spaces provided for short-term parking in a parking garage or parking lot. The applicant shall submit to the Zoning Administrator a plan for ensuring that the spaces will be used for transient parking consistent with the purposes of this chapter. The Zoning Administrator shall send a copy of the application to the D.C. Department of Transportation and to the Office of Planning for review and report within fifteen (15) days of the referral.

**SOURCE:** Final Rulemaking published at 37 DCR 1392, 1403 (February 23, 1990); as amended by Final Rulemaking published at 39 DCR 8323, 8326 (November 13, 1992).
CITY OF SEATTLE

ORDINANCE ________________

COUNCIL BILL ________________

AN ORDINANCE relating to land use and zoning; amending Sections 23.41.012, 23.47A.005, 23.73.002, 23.73.005, 23.73.006, 23.73.008, 23.73.009, 23.73.010, 23.73.012, 23.73.014, 23.73.024, and 23.84A.008, and adding a new Section 23.73.015 to the Seattle Municipal Code to strengthen measures for maintaining and enhancing the character of the Pike/Pine neighborhood by addressing the bulk and scale of new development and the use of incentives for retaining character structures, clarifying and strengthening provisions for retaining character structures, removing restrictions on nonresidential uses under certain conditions, and making corrections.

WHEREAS, in July 2009, the City Council adopted Ordinance 123020, renaming the overlay district the Pike/Pine Conservation Overlay District, expanding its boundaries, and adding provisions that limit the scale of new projects, encourage new projects to retain existing structures as part of a development site, provide spaces for small businesses at street level, accommodate facilities serving the arts, and further the preservation and enhancement of the unique character of the Pike/Pine neighborhood; and

WHEREAS, in September, 2010, the City Council adopted Ordinance 123392, which revised the Neighborhood Design Guidelines for the Pike/Pine Urban Center Village to better reflect conservation goals and update the text and illustrations to clarify community priorities; and

WHEREAS, in December, 2011, the City Council adopted Ordinance 123776, which designated a Conservation Core area within the Pike/Pine Conservation Overlay District and established a transfer of development potential (TDP) program to further the conservation goals of the Pike/Pine neighborhood; and

WHEREAS, a significant amount of development has occurred following the adoption of the new regulations for the Pike/Pine Conservation Overlay District, providing the opportunity to assess how well the new standards are achieving the intended results and enabling the City to make appropriate adjustments;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.41.012 of the Seattle Municipal Code, which section was last amended by Ordinance 124172, is amended as follows:

23.41.012 Development standard departures

***
((E. Departures for retaining character structures on lots in the Pike/Pine Conservation Overlay District. Departures from the conditions in subsections 23.73.010.B.2.b and 23.73.014.B.2 when retaining a character structure as part of a new project may be granted if the following conditions are met:

1. The retained portion of the character structure is sufficient to give the appearance of a free-standing structure; or

2. The newly-constructed portion of the project, through vertical or horizontal modulation or other design treatments, generally provides for better integration of the physical appearance and arrangement of interior spaces between the character structure and the new project than would occur through the strict application of subsection 23.73.010.B.2.c or 23.73.014.B.2; or

3. Additional flexibility is necessary to maintain a character structure on a small development lot that is 8,000 square feet or less in size; and

4. The ground story of the character structure can accommodate the elements of the proposed new structure, such as a mezzanine or additional story, while maintaining the original character of the character structure by: retaining sufficient portions of the ground floor that are visible from the street at the original floor to ceiling height, through appropriate placement and design of the new structure, or through other design means that are consistent with the Pike/Pine Urban Center Design Guidelines.)

Section 2. Section 23.47A.005 of the Seattle Municipal Code, last amended by Ordinance 123939, 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. In all neighborhood commercial and C1 zones, residential uses may 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.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 Section 23.71.044; or
   g. In areas shown on Maps 1 through 60 in Map Book A at the end of this Chapter 23.47A.

2. 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 a structure that:
      1) is developed and owned by the Seattle Housing Authority; and
      2) is located on a lot zoned NC1 or NC3 that was owned by the Seattle Housing Authority as of January 1, 2009.
3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

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 Section 23.47A.005 and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

***

D. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, one or more of the following uses are required along 80 percent of the street-level street-facing facade in accordance with the standards provided in subsection 23.47A.008.C.

   a. General sales and services;
   b. Major durables retail sales;
   c. Eating and drinking establishments;
   d. Lodging uses;
   e. Theaters and spectator sports facilities;
   f. Indoor sports and recreation;
   g. Medical services;
   h. Rail transit facilities;
   i. Museum;
   j. Community clubs or centers;
   k. Religious facility;
   l. Library;
   m. Elementary or secondary school;
   n. Parks and open space.
   o. Arts facility in the Pike/Pine Conservation Overlay District;
p. Automotive retail sales and service uses in the Pike/Pine Conservation Overlay District, if located within an existing structure or within a structure that retains a character structure as provided for in Section 23.73.015.

The establishment of any such use is subject to the applicable use provisions of this title.

2. The following streets are principal pedestrian streets when located within a pedestrian-designated zone:

   10th Avenue;
   11th Avenue;
   12th Avenue;
   13th Avenue (between East Madison Street and East Pine Street);
   15th Avenue East;
   15th Avenue Northwest;
   22nd Avenue Northwest;
   23rd Avenue;
   24th Avenue Northwest;
   25th Avenue Northeast;
   Beacon Avenue South;
   Boren Avenue;
   Boylston Avenue (except within the Pike/Pine Conservation Overlay District);
   Broadway;
   Broadway East;
   California Avenue Southwest;
   East Green Lake Drive North;
   East Madison Street;
   East Olive Way;
   East Pike Street;
East Pine Street:

East Union Street (except that within the Pike/Pine Conservation Overlay District only lots abutting East Union Street between Broadway and East Madison Street);

Eastlake Avenue East;
First Avenue North;
Fremont Avenue North;
Fremont Place North;
Greenwood Avenue North;
Lake City Way Northeast;
Madison Street;
Martin Luther King Jr. Way South;
Mercer Street;
North 45th Street;
North 85th Street;
Northeast 43rd Street;
Northeast 45th Street;
Northeast 65th Street;
Northeast 125th Street;
Northwest 85th Street;
Northwest Market Street;
Pike Street;
Pine Street;
Queen Anne Avenue North;
Rainier Avenue South;
Roosevelt Way Northeast;
Roy Street;
South Alaska Street;
Section 3. Section 23.73.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123020, is amended as follows:

23.73.002 (c) Purpose and intent

The purpose of this (Chapter) Chapter 23.73 is to implement Resolution 28657, calling for development of the Pike/Pine Overlay District in order to preserve and enhance the balance of residential and commercial uses, by encouraging residential development and discouraging large, single-purpose commercial development. In addition, a purpose of this (Chapter) Chapter 23.73 is to promote the conservation of Pike/Pine's existing historic character by limiting new development to a scale that is compatible with the established development pattern, accommodating arts facilities and small businesses at street level, and encouraging the retention of the existing structures and their architectural features that establish the District's architectural character; generally, those structures that have been in existence (for 75 years or more) prior to 1940, ("character structures") and are related to the area's early history as Seattle's original "auto row".

Section 4. Section 23.73.005 of the Seattle Municipal Code, which section was enacted by Ordinance 123776, is amended as follows:
23.73.005 Adoption of rules to implement Pike/Pine Conservation Overlay District Regulations

A. The Director shall promulgate a rule, which shall be periodically updated to reflect changed conditions, listing the character structures that meet the following criteria:

1. The structure retains a high degree of architectural integrity;
2. The structure represents the Pike/Pine neighborhood's building typology, which is characterized by use of exterior materials and design elements such as masonry (especially brick) and timber structures; multi-use loft spaces; very high, fully glazed storefront windows; and decorative details such as cornices, emblems and embossed building names;
3. The structure is compatible with the architectural scale, rhythm, and patterns of nearby structures in the Pike/Pine neighborhood.

B. A character structure may be added to or removed from the list described in subsection 23.73.005.A by the Director in consultation with the Director of the Department of Neighborhoods.

Section 5. Section 23.73.006, which section was last amended by Ordinance 123020, is amended as follows:

23.73.006 Application of regulations

Land that is located within the Pike/Pine Overlay District, as shown on Map A for 23.73.004, is subject to the regulations of the underlying zones unless specifically modified by the provisions of this Chapter 23.73. In the event of a conflict between the provisions of this Chapter 23.73 and the underlying zone, the provisions of this Chapter 23.73 apply. In the event of a conflict between the provisions of this Chapter 23.73 and Chapter 23.69, Major Institution Overlay District, the provisions of Chapter 23.69 apply.

Section 6. Section 23.73.008, which section was last amended by Ordinance 123020, is amended as follows:

23.73.008 Street-level uses
A. Street-level uses on principal pedestrian streets. Along designated principal pedestrian streets shown on Map A for 23.73.008, provisions for street-level uses are established in Chapter 23.47A, except as modified by this Section 23.73.008.

B. Space for small commercial uses at street level.

1. Except as provided in subsection 23.73.008.B.3., all new structures that include more than 5,000 square feet of commercial uses at street level, excluding the floor area of performing arts theaters, arts facilities, and parking and access, shall include commercial space(s) at street level for small, individual business establishments that average 2,000 square feet or less in size, according to Table A for 23.73.008.

Table A for 23.73.008
Commercial space for small business establishments

<table>
<thead>
<tr>
<th>Total amount of square feet in commercial use at street level as calculated in subsection 23.73.008.B</th>
<th>Number of required commercial spaces for individual business establishments averaging 2,000 square feet or less in size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 5,000 square feet</td>
<td>0</td>
</tr>
<tr>
<td>More than 5,000 square feet, up to 8,000 square feet</td>
<td>1</td>
</tr>
<tr>
<td>More than 8,000 square feet, up to 12,000 square feet</td>
<td>2</td>
</tr>
<tr>
<td>More than 12,000 square feet, up to 16,000 square feet</td>
<td>3</td>
</tr>
<tr>
<td>More than 16,000 square feet</td>
<td>4, plus one additional space for each additional 4,000 square feet above 16,000 square feet, up to a maximum of 8</td>
</tr>
</tbody>
</table>

2. The commercial space requirement of subsection 23.73.008.B.1 applies to the total size of a business establishment, except that if a business establishment includes more than one principal use, each principal use within the business establishment may qualify as a small business establishment.
3. For projects that retain a character structure as provided in Section 23.73.015, in addition to any excluded floor area specified in subsection 23.73.008.B.1, floor area meeting the following conditions is not required to comply with subsection 23.73.008.B:

   a. The floor area is occupied by street-level commercial uses or other uses excluded by subsection 23.73.008.B.1 and is within the original ground-floor footprint of the retained character structure; and

   b. The original ground-floor space of the character structure was generally designed as a large space for such uses as automobile retail sales and service, warehouse, manufacturing, or large retail or commercial space.

C. Within new structures that face Pike, East Pike, Pine, and East Pine Streets, the length of street frontage permitted at street level for an individual business, excluding institutional uses, is limited to 50 feet. Portions of a business that are separated from the street by another business or a different use that provides separate pedestrian access to the street are not limited in width. The limit on street frontage of an individual business does not apply to uses in a character structure or portions of a character structure retained in a project according to Section 23.73.015, provided that the original ground-floor space of the character structure was generally designed for use as a large space for such uses as automobile retail sales and service, warehouse, manufacturing, or large retail or commercial space.
Map A for 23.73.008
Uses at Street Level

- Pike/Pine Conservation Overlay District
- Pike/Pine Urban Village
- Principal Pedestrian Street

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Section 7. Section 23.73.009, which section was last amended by Ordinance 123776, is amended as follows:

23.73.009 (**) Floor area ratio

A. For lots with residential uses only, or lots that include residential and nonresidential uses, the FAR limits of the underlying zone apply, except as provided in this Section 23.73.009 and in Section 23.73.024 for projects using transfer of development potential, and provided the gross floor area of nonresidential uses does not exceed 2 FAR, except as allowed in subsection 23.73.009.B.

B. Nonresidential uses are limited to a maximum of 2 FAR, except that for development on a lot that meets all of the following conditions, the FAR limit established by the underlying zone for non-residential uses applies:

1. The lot is 18,000 square feet or less in area, excluding any lot area that is occupied by a character structure that is retained on the lot as an entire structure as provided in Section 23.73.015.A;

2. Structures on the lot shall not be internally connected above or below grade to any structure(s) on an adjacent lot, except that connections are allowed to a character structure on an adjacent lot that is retained as an entire structure according to subsection 23.73.015.A; and

3. For lots on which character structures existed on the effective date of the ordinance introduced as Council Bill XXXXX [this legislation], the character structures shall be retained as follows:

   a. If only one character structure exists on the lot, that character structure is retained either as an entire structure according to subsection 23.73.015.A, or as a portion of a structure according to subsection 23.49.015.B, unless the Design Review Board has determined as provided in subsection 23.73.015.F that the character structure may be demolished; or
b. If more than one character structure exists on the lot, at least one character structure is retained as an entire structure according to subsection 23.73.015.A, and all other character structures are retained as either an entire structure or a portion of a structure according to subsection 23.49.015.B, unless the Design Review Board has determined as provided in subsection 23.73.015.F that a character structure may be demolished. If there are character structures on the lot that are listed in a rule promulgated by the Director according to subsection 23.73.005.A, then the structure required to be retained as an entire structure shall be one of the structures listed in the rule.

((1. For all structures greater than 30 feet in height, the gross floor area in non-residential use is limited to the lesser of 50 percent of the total gross floor area of all structures on a lot, or 2 FAR.

2. For development on a lot that meets all of the following conditions, the only limit on the gross floor area in non-residential uses shall be the FAR limit established by the underlying zoning for non-residential uses:
   a. The lot is 18,000 square feet in area or less;
   b. The lot abuts a street that is a boundary of the Pike/Pine Conservation Overlay-District; and
   c. The lot is across a street from a lot that is:
      1) zoned NC3 65 or NC3P 65;
      2) located outside the Pike/Pine Conservation Overlay District; and
      3) is not located within a Major Institution Overlay Zone.))

C. In addition to the floor area exempt under the provisions of the underlying zone, the following floor area is exempt from the calculation of gross floor area subject to an FAR limit ((and from the limit on nonresidential use in 23.73.009.B)):

((1. Nonresidential use located in a character structure provided that the non-residential use does not displace an existing residential use.
2. New nonresidential floor area added to a character structure, provided that the added floor area does not exceed the equivalent of 0.5 FAR, as calculated on the lot occupied by the character structure at the time it was built.

((3))1. The following street-level uses complying with the standards of subsections 23.47A.008 and 23.73.008.B:

a. general sales and services;

b. major durables retail sales;

c. eating and drinking establishments;

d. museums;

e. religious facility;

f. library; and

g. automotive retail sales and service uses located within an existing structure or within a structure that retains a character structure as provided for in Section 23.73.015.

((4))2. Floor area used for the creation, display, performance, or screening of art for members of the general public, including theaters, and floor area used by an arts facility.

((5))3. All floor area in residential use in a development that retains all character structures on the lot, either as an entire character structure, as provided for in subsection 23.73.015.A, or a portion of a character structure, as provided for in subsection 23.73.015.B, provided that development of the lot does not require the removal of a character structure listed in a rule promulgated by the Director according to Section 23.73.005), unless, on a lot with more than one character structure, the Design Review Board has determined as provided in subsection 23.73.015.F that a character structure may be demolished.

((6))4. In areas where the underlying zoning is NC3P 65, all floor area on a lot that is 8,000 square feet or less in area and has been either vacant or in parking use as of February 27, 1995.
Section 8. Section 23.73.010, which section was last amended by Ordinance 123776, is amended as follows:

23.73.010 (-(a)) Floor size limits outside the Conservation Core

A. Floor size limit. The following provisions apply to lots located outside the boundaries of the Conservation Core identified on Map A for 23.73.010.

1. (On lots greater than 15,000 square feet in size,) The maximum gross floor area of any single story above 35 feet in height is limited to 15,000 square feet, except as provided in subsection 23.7.3010.B. (The floor size limit does not apply to non-residential uses in a structure developed on a lot according to subsection 23.73.009.B.2.)

2. On a lot with more than one structure or portions of the same structure that exceeds 35 feet in height, the floor size limit applies to the combined portions of each story above 35 feet in height.

3. On a lot where more than one portion of the same structure exceeds 35 feet in height, the floor size limit applies to each portion of the structure above 35 feet in height. If the separation between portions of a structure above 35 feet in height is less than 40 feet, the floor area of each story in the separated portions of the structure shall be combined to determine the floor area subject to the floor size limit.

4. If new structures on the same or abutting lots have internal connections above or below grade (the first story), the connected stories are considered to be a single story for the purpose of calculating the floor area subject to the floor size limit, unless the structure to which the connection is made is a character structure that is retained as an entire structure according to subsection 23.73.015.A.

5. For a project that retains an entire character structure on the lot according to the provisions of subsection 23.73.015.A, any floor area above 35 feet in height within the character structure, whether connected to a new structure or not, is not included in the calculation of the floor area subject to the limit on floor size.
B. Exceptions to floor size limit.
1. ((For a structure with a minimum of 50 percent of the total gross floor area in residential use, the Director may permit, as a Type I decision, an)) A 15% increase in the floor size limit ((of up to 15 percent)) is permitted on lots with an area of 30,000 square feet or less, not counting any area occupied by a character structure, for projects that meet the following conditions, provided that ((to allow additional development flexibility to promote neighborhood conservation objectives and design that minimizes the overall appearance of the project’s bulk. No)) no increase in floor size is permitted under this subsection 23.73.010.B.1 for a project that will result in the demolition of a character structure, unless the Design Review Board has determined as provided in subsection 23.73.015.F that the character structure may be demolished. ((In order for a structure to qualify for an increase in floor size area, one or more of the following conditions must exist:))

   ((a. Conditions in the vicinity of the lot minimize the impact of additional development bulk on the existing character of the area. Such conditions include locations on the edges of the Pike/Pine Conservation Overlay District where development on large lots already exists, or where irregularities in the street grid have created small blocks (or) of a single lot surrounded on all sides by streets; or

   b. The proposed new project includes features that offset the perceived scale of development, such as a landscaped courtyard that is visible from the sidewalk and located primarily at street level on a street that is not a principal pedestrian street; or ))

   ((e))a. The ((increase in floor size is for a mixed-use)) project ((that)) includes uses ((contributing)) that contribute to the area’s recognized character as an arts district, including performing arts space and ((artist)) artist-studio dwellings ((live/work space)) that typically have design requirements such as nonstandard floor-to-ceiling heights that reduce the total amount of usable floor area in a structure; or

   ((d))b. ((The additional floor area will facilitate development of )) A minimum of 50 percent of the total gross floor area of the project is housing that is affordable to and occupied by "income-eligible households," as defined in Section 23.58A.004. ((for a

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minimum of 50 percent of the total gross floor area of the project) and is subject to covenants ensuring that the housing remains available to these households for a minimum of 50 years.

2. Retaining character structures on a lot. A 25 percent increase in the floor size limit established in subsection 23.73.010.A is permitted for projects that retain all the character structures on the same lot, either as an entire structure or as a portion of a structure, as provided in Section 23.73.015, unless the Design Review Board has determined as provided in subsection 23.73.015.F that a character structure may be demolished, and except as follows:

   ((a. No increase in floor size is permitted under the provisions of this subsection 23.73.010.B.2 for a project that will result in the demolition of a designated Seattle landmark, or of a character structure listed in a rule promulgated by the Director according to Section 23.73.005.))

   a. No increase in floor size is permitted for a project that is allowed an increase in FAR for nonresidential uses above 2 FAR under the provisions of subsection 23.73.009.B.

   ((b. One character structure must be retained for each new structure or portion of a structure that is subject to the floor size limit in order for the new structure or portion of a structure to qualify for the 25 percent increase in floor size.

   c. For a project that incorporates portions of a character structure, the following conditions shall be met:

      1) All street-facing facades of the character structure are retained;

      2) All portions of the new structure above the height of the street-facing facades of the character structure are set back a minimum of 15 feet from all street property lines that abut the character structure; and

      3) The original floor-to-ceiling height of the ground story is maintained.}
d. Any floor area in a new portion of the structure above 35 feet in height that is within the area of the original footprint of the character structure and is separated from the street along all street frontages by the original facades of the character structure is not included in the calculation of the floor area subject to the floor size limit.)

((e))b. (A project that is granted an increase in floor size under the provisions of this subsection 23.73.010.B.2 shall maintain the character structure, or portions of the character structure, both interior and exterior, in good condition and repair and in a manner that preserves unique features and characteristics for the life of the project.) Any increase in floor size permitted according to this subsection 23.73.010.B.2 shall not be combined with any increase in floor size permitted according to ((Section)) subsections 23.73.010.B.1 or 23.73.010.B.3.

3. A 25 percent increase in the floor size limit is permitted on the receiving site of a project that adds floor area through the use of TDP as permitted by Section 23.73.024, provided that the amount of floor area added through the use of TDP is equivalent to at least 0.25 FAR, as calculated for the receiving site. Any increase in floor size permitted according to this subsection 23.73.010.B.3 shall not be combined with any other increase in floor size permitted according to subsections 23.73.010.B.1 or 23.73.010.B.2.

Section 9. Section 23.73.012, which section was last amended by Ordinance 123776, is amended as follows:

**23.73.012 ((A)) Structure width and depth limits**

((A) The structure width and depth limits in this Section 23.73.012 apply to lots that contained a character structure on the effective date of the ordinance introduced as Council Bill 117235.)

((B)) A. Structure width limit outside the Conservation Core. Outside the Conservation Core identified on Map A for 23.73.010, for all portions of a structure that abut Pike, East Pike, Pine, or East Pine Streets, structure width shall be limited to 50 percent of the total width of all
lots on the block face, measured along the street lot line on block faces that exceed 170 feet in width, except that the structure width limit calculation does not include the following:

1. Portions of a character structure, whether connected to a new structure or not;
2. Portions of a new structure that are separated from the street (property)lot line by another lot;
3. Portions of a new structure that are separated from the street (property)lot line by an adjacent structure located on the same lot that is not a character structure, provided that the adjacent structures are not internally connected above or below grade;
4. Portions of a new structure that are separated from the street (property)lot line by a character structure or by the remaining portions of a character structure included in a project (as allowed by subsection 23.73.010.B.2)) that meet the conditions of Section 23.73.015.

B. Structure width and depth limits inside the Conservation Core. The structure width and depth limits in this Section 23.73.012.B apply to lots that are located inside the Conservation Core identified on Map A for 23.73.010.

1. Both the width and the depth limit for structures on lots that contained a character structure on January 18, 2012 is 128 feet. The width limit is measured as the combined width of all structures located on the lot and the depth limit is measured as the combined depth of all structures located on the lot, except as provided in subsection 23.73.012.B.2 and 23.73.012.B.4.

((C. Structure width limit inside the Conservation Core. Inside the Conservation Core identified on Map A for 23.73.010, the structure width limit on block faces that exceed 170 feet in width is 128 feet, measured along the street lot line, except that the structure width limit calculation does not include the following:

1. Portions of a character structure, whether connected to a new structure or not;
and

2. Portions of a new structure that are separated from the street property line by a character structure or by the remaining portions of a character structure included in a project as

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allowed by subsection 23.73.010.B.2, provided that the new structure does not result in the total
demolition of any character structure on the lot.

D. Structure depth limit inside the Conservation Core. Inside the Conservation Core
identified on Map A for 23.73.010, structure depth shall be limited to 128 feet, measured as the
combined depth of all structures located on the lot, except that portions of a character structure,
whether connected to a new structure or not, are not included in calculating structure depth).

2. The following are excluded from structure width and depth measurements,
provided that the new structure does not result in the total demolition of any character structure
on the lot, unless the Design Review Board has determined as provided in subsection
23.73.015.F that the character structure may be demolished:

   a. A character structure, whether connected to a new structure or not, that
is retained as an entire structure according to the provisions of Section 23.73.015.A.

   b. Portions of a new structure that are separated from the street lot line by
a character structure that is retained as an entire structure according to the provisions of Section
23.73.015.A.

   c. Portions of a new structure that extend over and are separated from the
street lot line by the remaining portions of one character structure retained on the lot according to
the provisions of Section 23.73.015.B. This exclusion from width and depth measurement is
only allowed for one retained character structure on the lot.

3. For lots that did not contain a character structure on January 18, 2012, there
are no limits on width and depth for portions of a structure that do not exceed 35 feet in height.
For portions of a structure that exceed 35 feet in height, both the width limit and the depth limit
is 128 feet, measured as the combined depth of all structures located on the lot, except as
provided in 23.73.012.B.4.

4. For the narrow block bounded by Broadway, East Union Street, Broadway
Court, and East Madison Street, the depth limit does not apply to structures on through lots
extending from Broadway to Broadway Court, and the width limit only applies to frontages on Broadway and Broadway Court.

Section 10. Section 23.73.014, which section was last amended by Ordinance 123776, is amended as follows:

**23.73.014 ((-)) Height exceptions**

A. Height Exception for ((Mixed Use Structures)) street level uses. In zones with a mapped height limit of 65 feet, up to four feet of additional height is allowed above ((the Director may permit the height of a mixed use structure to exceed)) the height limit of the zone ((by up to 4 feet, only)) if the structure includes ((residential use and either the )) nonresidential use or ((the-)) live-work units at street level ((are located in the same structure )) and ((comply)) complies with the following:

1. The floor-to-ceiling height of the nonresidential use or live-work unit located at street level ((requires a floor-to-ceiling height that )) exceeds 13 feet ((to support business operations)); and

2. The additional height will not permit an additional story to be built beyond the number that ((what)) could be built under a 65-foot height limit ((if a floor-to-ceiling height of more than 13 feet is not needed to support street-level nonresidential uses )); and

3. The transparency requirements for street-facing façades in subsection 23.47A.008.A.2 ((shall apply to)) are met for the portion of the street-facing façade between 2 feet and 12 feet above the sidewalk. Only clear or lightly-tinted glass shall be considered transparent. For portions of a character structure that are included in a new project according to the provisions of subsection 23.73.015.B, the street-facing facades of the character structure shall be considered to be an existing structure, and additional transparency under this subsection 23.73.014.A.3 shall not be required.

B. Height exception for lots that include a character structure. In zones with a 65-foot mapped height limit, or with a 40-foot mapped height limit with provisions allowing for additional height up to 65 feet according to subsection 23.47A.012.A, ten feet of additional
height is allowed above \((the \ Director \ may \ permit \ the \ height \ of \ a \ structure \ to \ exceed)\) the 65 foot height limit \((of \ the \ zone \ by \ 10 \ feet, \ subject \ to)\) if the following requirements are met:

1. The lot includes a character structure or a portion of a character that is retained according to the provisions of Section 23.73.015.

2. If a project incorporates a character structure on the lot, the project meets the following conditions:
   a. All street-facing facades of the character structure shall be retained;
   b. All portions of the new structure above the height of the street-facing facades of the character structure shall be set back a minimum of 15 feet from all street property lines that abut the character structure; and
   e. The original floor-to-ceiling height of the ground story shall be maintained.)

3. The additional floor area above the 65-foot height limit is occupied solely by residential use;

4. The project will not result in the demolition of a designated landmark or a character structure, unless the Design Review Board has determined as provided in subsection 23.73.015.F that the character structure may be demolished. ((listed in a rule promulgated by the Director according to Section 23.73.005 or of a designated landmark, except to the extent allowed in subsection 23.73.014.B.2; and ))

5. One character structure must be retained for each new structure or portion of a structure that is subject to the floor size limit in subsection 23.73.010. A in order for the new structure or portion of a structure to qualify for the 10 foot increase in height.)

C. Height exception for character structure TDP receiving sites. A height exception for character structure TDP receiving sites is allowed according to subsection 23.73.024.B.

D. If a project uses more than one of the height exceptions permitted by this Section 23.73.014, the maximum height shall be the height permitted by the exception allowing the greatest height increase.
E. Additional height for rooftop features. For structures using the height exceptions specified in this Section 23.73.014, additional height is permitted above the maximum height allowed by the exception to accommodate rooftop features as permitted under subsection 23.47A.012.((D))C.

Section 11. A new Section 23.73.015 is added to the Seattle Municipal code as follows:

23.73.015 Retention and demolition of character structures

A. For provisions in this Chapter 23.73 that require an entire character structure to be retained on a lot, in addition to the conditions of the applicable section, the following conditions apply:

1. All exterior facades are retained, except that portions of a new structure may abut facades that are not street-facing facades, and connections between the new structure and the character structure are allowed;

2. The following structural alterations and additions are permitted:

   a. Improvements necessary to correct structural deficiencies and to comply with applicable codes, including required seismic upgrades;

   b. Improvements that return the structure more to its original built condition;

   c. Additions or alterations that extend the useful physical life or economic viability of the structure, provided the additions do not significantly damage or destroy the structural system of the character structure or fundamentally alter its exterior appearance, and subject to the following:

      1) Additions, such as penthouses, enclosed rooftop amenity area, and building systems equipment are located to allow the architectural and historic qualities of the structure to be dominant when viewed from the street.

      2) Interior alterations that allow for better use of interior space, such as the addition of mezzanines and the creation of light wells or atriums, are sufficiently set
back from street frontages to maintain the character of the original floor-to-ceiling height and interior spatial relationships as viewed from the street.

d. Additions that allow the original height or floor area of the character structure to be regained.
e. Improvements to the roof to accommodate space accessory to uses within the project, such as outdoor dining or amenity area.

4. Portions of the new structure shall not extend over the character structure, except that projections such as unenclosed balconies, bay windows, cornices, belt courses, gutters, eaves and other similar architectural features attached to abutting facades of a new structure on the lot may extend a maximum of four feet over the character structure. Access to the roof of the character structure may be provided from abutting portions of the new structure on the lot.

B. For provisions in this Chapter 23.73 that require a portion of a character structure to be retained on a lot, in addition to the conditions of the applicable section, the minimum requirements for retaining a character structure are as follows:

1. All street-facing facades of the character structure are maintained;

2. All portions of the new structure above the height of the street-facing facades of the character structure are set back a minimum of 15 feet from the street-facing façades of the character structure, except:

   a. Projections such as unenclosed balconies, bay windows, cornices, belt courses, and eaves, gutters, and other forms of weather protection may project a maximum of 18 inches into the required setback; and

   b) On through lots bounded on three or more sides by a street and less than 170 feet wide measured between streets, a setback is not required from the narrowest abutting street that is not shown as a Principal Pedestrian Street on Map A for 23.73.008.

3. The original floor-to-ceiling height of the ground story of the character structure is maintained, allowing for adjustments to provide access to persons with disabilities.
C. Entire character structures or portions of character structures that are retained pursuant to this Section 23.73.015 shall be maintained as approved by the Master Use Permit for the project for the life of the project in a manner that complies with applicable codes.

D. For the purposes of applying any applicable street-level developments standards of Section 23.47A.008, the portion of a character structure that is retained to meet the standards of subsection 23.73.015.B shall be regarded as an existing structure.

E. Departure from standards for retaining a character structure.

1. Departures from standards for retaining an entire character structure. When retaining an entire character structure as part of a new project, departures from the standards in subsections 23.73.015.A.4, including allowing portions of a new structure to extend over a character structure, may be granted if the Design Review Board determines that:
   a. The departure will allow for design treatments that reduce the appearance of the bulk of the new structure and enhance the relationship between the retained character structure and the new structure;
   b. The projections of the new structure over the character structure are not significantly visible from the street and will not obscure key elements of the structure’s architectural character; or
   c. The projections will facilitate the retention of other character structure(s) on the lot; and
   d. The departure show not permit projections, in total, to cover more than 20 percent of the area of the character structure footprint.

2. Departures from standards for retaining portions of a character structure. Departures from the conditions in subsections 23.73.015.B when retaining a portion of a character structure as part of a new project may be granted if the following conditions are met:
   a. The retained portion of the character structure is sufficient to give the appearance of a free-standing structure; or
   b. The newly-constructed portion of the project, through vertical or
horizontal modulation or other design treatments, generally provides for better integration of the
physical appearance and arrangement of interior spaces between the character structure and the
new project than would occur through the strict application of subsection 23.73.015.B; or

c. Additional flexibility is necessary to maintain a character structure on a
small development lot that is 8,000 square feet or less in size; and

d. The ground story of the character structure can accommodate the
elements of the proposed new structure, such as a mezzanine or additional story, while
maintaining the original character of the character structure by: retaining sufficient portions of
the ground floor that are visible from the street at the original floor to ceiling height, through
appropriate placement and design of the new structure, or through other design means that are
consistent with the Pike/Pine Urban Center Design Guidelines.

F. Demolition of character structures. The Design Review Board may approve a
departure from the requirement that all character structures on a lot be retained in order to use the
exception to the upper level floor size limits in subsection 23.73.010.A.2, the ten-foot height
exception in subsection 23.73.014.B, the provision allowing additional FAR for nonresidential
uses in subsection 23.73.009.B, and the FAR exemption for residential uses in 23.73.009.C.3,
according to the following standards:

1. A departure shall not be granted if the character structure is a designated
Seattle landmark, the character structure is listed in a rule promulgated by the Director according
to subsection 23.73.005, or no character structures are retained on the lot;

2. A departure may be granted to allow demolition of a wood frame character
structure originally built as a single-family residence or as an accessory structure such as a
garage; and

3. A departure may be granted to allow demolition of character structures not
addressed in subsections 23.73.015.F.1 and F.2 according to the following criteria:

   a. The structure lacks a high degree of architectural integrity, as evidenced
by extensive, irreversible exterior remodeling;
b. The structure does not represent the Pike/Pine neighborhood’s building typology, which is characterized by one or more of the following: use of exterior materials and design elements such as masonry, especially brick, and timber structures; multi-use loft spaces; very high, fully glazed ground-floor storefront windows; and decorative details such as cornices, emblems, and embossed building names;

c. The structure is not compatible with the architectural scale, rhythm, and patterns of nearby structures in the Pike/Pine neighborhood;

d. Demolition of the character structure would allow for more substantial retention of other, more significant character structures on the lot, such as those listed in a rule promulgated by the Director according to subsection 23.73.005, or will contribute to achieving other key neighborhood development objectives, such as improving pedestrian circulation by providing through-block connections, the development of arts and cultural facilities, or siting of open space at key neighborhood locations.

Section 12. Section 23.73.024, which section was last amended by Ordinance 123776, is amended as follows:

23.73.024 (⇐) Transfer of development potential

A. General (⇐) for the transfer of development potential (TDP) within the Pike/Pine Conservation Overlay District.

1. For a lot located in an NC3P 65 zone within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, excluding the area within the Conservation Core shown on Map A for 23.73.010, an applicant may use transferable development potential to obtain (⇐) any of the following:

   a. Additional residential and live-work unit floor area above the maximum FAR limit for a mixed use structure in subsection 23.47A.013; or

   b. A height exception to allow an additional 10 feet above the 65-foot height limit(⇐); and
c. A 25 percent increase in the floor size limit as provided for in subsection 23.73.010.B.3.

2. Development potential may not be transferred from one lot to another except as allowed by this Chapter 23.73.

3. Development potential may be transferred from eligible sending (lots/sites) meeting the conditions of subsection 23.73.024.C to locations outside the Pike/Pine Conservation Overlay District if TDP transfer to specifically-identified areas or lots is authorized by City ordinance.

B. Standards for character structure TDP receiving sites. A lot must meet the following conditions in order to be eligible to achieve extra residential floor area through TDP:

1. Character structure TDP receiving sites shall be located outside the Conservation Core identified on Map A for Section 23.73.010.

2. Development of the receiving site shall not result in the demolition or significant alteration of a (character structure or a designated landmark), and any character structure located on the receiving site that is not a designated landmark shall be retained as an entire structure according to the provisions of subsection 23.73.015.A, unless the Design Review Board has determined as provided in subsection 23.73.015.F that the character structure may be demolished. For designated landmarks, if the Landmarks Preservation Board grants a Certificate of Approval for an alteration, the alteration is not considered significant.

(For purposes of this Section 23.73.024, significant alteration of a character structure means:

a. For character structures that are not designated landmarks:

1) Alteration of the exterior façades of the character structure, except alterations that restore the façades to their original condition;

2) Alteration of the floor-to-ceiling height of the street level story, except alterations that restore the floor-to-ceiling height to its original condition; or
3) The addition of stories to the character structure, unless the proposed addition is no taller than the maximum height to which the character structure was originally built.

b. For character structures that are designated landmarks, if the Landmarks Preservation Board grants a Certificate of Approval for an alteration, the alteration is not considered significant.

3. An additional 10 feet in height above the height limit of the zone is permitted on TDP receiving sites.

4. Any floor area that exceeds the FAR limit or the maximum floor size limit, or that is located above 65 feet in height shall be achieved through the use of TDP.

5. Floor area gained through the use of TDP shall be for residential and live-work unit use only.

6. For a structure that achieves an increase in height through the use of TDP, the minimum street level floor-to-ceiling height shall be 13 feet.

7. TDP required before construction. No permit after the first building permit, and in any event no permit for construction activity other than excavating or shoring, and no permit for occupying existing floor area by any use based on TDP; will be issued for development that includes TDP until the applicant has demonstrated possession of TDP to the Director's satisfaction.

C. Standards for sending sites

1. TDP sending sites shall be located in an NC3P zone within the Pike/Pine Conservation Overlay District, excluding NC3P zones with an MIO-105 overlay, and shall contain one of the following structures; provided that character structures on the proposed TDP sending site have not been demolished, or significantly altered as defined in subsection 23.73.015.A, since January 18, 2012 (the effective date of this ordinance):
a. One or more structures designated wholly or in part as a landmark under Chapter 25.12 or its predecessor ordinance; or

b. Any character structure.

2. Maximum transferable floor area.

a. The maximum amount of floor area that may be transferred from an eligible sending site with a character structure that is not a designated landmark is the product of the eligible lot area of the sending site, times the maximum FAR for structures containing both residential and nonresidential uses as prescribed in Section 23.47A.013, minus the sum of any chargeable gross floor area on the sending site under the zoning in effect at the time a complete application transferring TDP is accepted and any TDP previously transferred from the sending site.

b. The maximum amount of floor area that may be transferred from an eligible sending site with a designated landmark is the amount calculated in subsection 23.73.024.C.2.a multiplied by two.

c. For purposes of this subsection 23.73.024.C.2, the eligible lot area of the sending site is the total area of the lot on which the character structure was originally built.

3. Rehabilitation and maintenance of character structures. Character structures located on a TDP sending site shall be rehabilitated and maintained to comply with applicable codes and shall have a minimum useful life of at least 50 years from the time the TDP transfer is approved by the Director. If the TDP is proposed to be transferred prior to completing rehabilitation work necessary to satisfy this subsection 23.73.024.C, the Director may require as a condition of the transfer that a security be deposited with the City in an amount determined by the Director to ensure that the work is completed.

4. Significant alteration, as defined in subsection 23.73.024.B.2, of the character structures on a TDP sending site is not permitted for at least 50 years from the time of the TDP transfer.
D. TDP ((Deeds)) deeds and ((Agreements)) agreements

1. The fee owners of the TDP sending site shall execute a deed, and shall obtain
the release of the TDP from all liens of record and the written consent of all holders of
encumbrances on the sending lot other than easements and restrictions, unless the requirement
for a release or consent is waived by the Director for good cause. The deed shall be recorded in
the King County real property records. If TDP is conveyed to the owner of a TDP receiving site
described in the deed, then unless otherwise expressly stated in the deed or any subsequent
instrument conveying the lot or the TDP, the TDP shall pass with the receiving site whether or
not a structure using the TDP shall have been permitted or built prior to any conveyance of the
receiving site. Any subsequent conveyance of TDP previously conveyed to a receiving site shall
require the written consent of all parties holding any interest in or lien on the receiving site from
which the conveyance is made. If the TDP is transferred other than directly from the sending site
to the receiving site using the TDP; then after the initial transfer all subsequent transfers shall
also be by deed, duly executed, acknowledged, and recorded, each deed referring by King
County recording number to the prior deed.

2. Any person may purchase TDP that is eligible for transfer by complying with
this Section 23.73.024, whether or not the purchaser is a permit applicant to develop real
property or the owner of potential receiving site. Any TDP purchaser, including any successor or
assignee, may use TDP on a receiving site to the extent that using TDP is permitted under the
Land Use Code provisions applicable at the time the project intended to use the TDP vests,
according to Section 23.76.026. The Director may require, as a condition of processing any
permit application using TDP, that the owner of the receiving site demonstrate that the TDP has
been validly transferred of record to the receiving site, and that the receiving site owner has
recorded in the real estate records a notice stating that a permit application using TDP has been
filed and the TDP to be used on the receiving site is not available for retransfer.

3. As a condition to the effective transfer of TDP from a designated landmark,
except from a City-owned sending site, the fee owner of the sending site shall execute and record
an agreement running with the land, in form and content acceptable to, and accepted in writing
by, the Director of Neighborhoods; providing for the rehabilitation and maintenance of the
historically-significant or other relevant features of the structure or structures on the lot and
acknowledging the restrictions on future development resulting from the transfer. The Director
may require evidence that each lien holder has effectively subordinated the lien to the terms of
the agreement, and that any holders of interests in the property have agreed to its terms. To the
extent that a landmark structure on the sending site, the presence of which is a condition to
eligibility to transfer TDP under the provisions of the zone, requires restoration or rehabilitation
for the long-term preservation of the structure or its historically or architecturally-significant
features, the Director of Neighborhoods may require as a condition to acceptance of the
necessary agreement that the owner of the sending site apply for and obtain a certificate of
approval from the Landmarks Preservation Board for the necessary work, or post security
satisfactory to the Director of Neighborhoods for the completing the restoration or rehabilitation.

E. Reservation in ((Deed)). Any TDP eligible for transfer may instead be reserved in
the conveyance of title to an eligible sending site by the express terms of the deed or other
instrument of conveyance reserving a specified amount of TDP, provided that an instrument
acceptable to the Director is recorded binding the sending site to the terms and conditions for
eligibility to send TDP under this Section 23.73.024. Any TDP so reserved shall be considered
transferred from that site and later may be conveyed by deed without participation of the owner
of the site.

F. Any agreement governing the use or development of the sending site shall provide that
its covenants or conditions run with the land and shall be specifically enforceable by the City.

G. The eligibility of a sending site to transfer TDP and the amount transferable from a
sending site, shall be determined as of the date of transfer from the sending site and shall not be
affected by the date of any application, permit decision, or other action for any project seeking to
use TDP.
Section 13. Section 23.84A.006 of the Seattle Municipal Code, which section was last
amended by Ordinance 123589, is amended as follows:

**Section 23.84A.008 “C”**

* * *

"Character structure" means a structure on a lot within the boundaries of the Pike/Pine
Conservation Overlay District that has been in existence ((for at least 75 years)) prior to 1940,
thereby contributing to the established scale, development pattern, and architectural character of
the area.

* * *
Section 13. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of __________, 2013, and signed by me in open session in authentication of its passage this _____ day of __________, 2013.

_________________________________
President __________ of the City Council

Approved by me this ____ day of __________, 2013.

_________________________________
Michael McGinn, Mayor

Filed by me this ____ day of __________, 2013.

_________________________________
Monica Martinez Simmons, City Clerk

(Seal)
## Pike/Pine Development Activity (1/7/2014)

<table>
<thead>
<tr>
<th>Project name and address</th>
<th>Units</th>
<th>Retail</th>
<th>Parking</th>
<th>Lot Size</th>
<th>Character structures retained</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Under construction or recently completed (2011 - March, 2013)</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1623 Bellevue Ave*</td>
<td>23</td>
<td>1,268</td>
<td>12</td>
<td>5,250 SF</td>
<td>Pre-ampendments</td>
</tr>
<tr>
<td>Complete</td>
<td></td>
<td></td>
<td>(0.52 parking spaces per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1222 E Madison*</td>
<td>104</td>
<td>6,113</td>
<td>51</td>
<td>18,017 SF</td>
<td>Pre-ampendments</td>
</tr>
<tr>
<td>Complete</td>
<td></td>
<td></td>
<td>(0.49 parking spaces per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1527 15th Ave (Cameo)*</td>
<td>56 units; 2 live-work units</td>
<td>2,400</td>
<td>61</td>
<td>14,204 SF</td>
<td>Pre-ampendments</td>
</tr>
<tr>
<td>Complete</td>
<td></td>
<td></td>
<td>(1.05 parking space per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1519 Minor Ave</td>
<td>111 units; 9 live-work units</td>
<td>3,200</td>
<td>30 spaces</td>
<td>14,100 SF</td>
<td>New code 0</td>
</tr>
<tr>
<td>Complete (7/2013)</td>
<td></td>
<td></td>
<td>(0.27 parking spaces per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>514 E Pine Street*</td>
<td>108</td>
<td>12,602 SF</td>
<td>108</td>
<td>18,350 SF</td>
<td>Pre-ampendments</td>
</tr>
<tr>
<td>Complete</td>
<td></td>
<td></td>
<td>(1 parking space per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northwest School Gymnasium</td>
<td>0</td>
<td>0</td>
<td>9,652 SF</td>
<td></td>
<td>New code 0</td>
</tr>
<tr>
<td>Complete</td>
<td></td>
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</tr>
<tr>
<td>954 E Union* Seawest Investment</td>
<td>79</td>
<td>6,300</td>
<td>73</td>
<td>18,785 SF</td>
<td>Pre-ampendments</td>
</tr>
<tr>
<td>Under construction</td>
<td></td>
<td></td>
<td>(0.92 parking spaces per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>320 E Pine (1605 Bellevue Ave)*</td>
<td>132</td>
<td></td>
<td></td>
<td>20,130 SF</td>
<td>Pre-ampendments</td>
</tr>
<tr>
<td>Under construction</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1210 11th Ave (Undreams)*</td>
<td>105</td>
<td>7,500</td>
<td>77</td>
<td>17,234 SF</td>
<td>Pre-ampendments</td>
</tr>
<tr>
<td>#3007732 Under construction</td>
<td></td>
<td></td>
<td>(0.73 parking spaces per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1222 E Pine Street</td>
<td>75</td>
<td>6,798</td>
<td>70</td>
<td>15,400 SF</td>
<td>Pre-ampendments</td>
</tr>
<tr>
<td>Under construction</td>
<td></td>
<td></td>
<td>(0.93 parking spaces per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1515 14th Ave (LaBella)</td>
<td>100 units</td>
<td>6,400 SF</td>
<td>111 spaces</td>
<td>20,475 SF</td>
<td>1 (2 demo'd)</td>
</tr>
<tr>
<td>#3012652 Under construction</td>
<td></td>
<td></td>
<td>(1.11 parking spaces per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1530 11th Ave (Sunset Electric)</td>
<td>92</td>
<td>6,276</td>
<td>36</td>
<td>14,404 SF</td>
<td>1</td>
</tr>
<tr>
<td>#3010451 Under construction</td>
<td></td>
<td></td>
<td>(0.39 parking spaces per unit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1620 12th Ave (12th Avenue Arts)</td>
<td>88</td>
<td>17,000 office; 6,000 retail</td>
<td>111</td>
<td>29,000 SF</td>
<td>0</td>
</tr>
<tr>
<td>#3012437 Under construction</td>
<td></td>
<td></td>
<td>(not available-office parking)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td>1,084 units</td>
<td>64,857 SF</td>
<td></td>
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<tr>
<td>Permit Application in Process</td>
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</tr>
<tr>
<td>1414 10th Ave (Broadstone)</td>
<td>244</td>
<td>14,000 retail</td>
<td>180 (0.83 parking spaces per unit)</td>
<td>44,029 SF</td>
<td>3 (1 demo’d)</td>
</tr>
<tr>
<td>#3013040</td>
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</tr>
<tr>
<td>714 E Pike Street (BMW site)</td>
<td>270</td>
<td>19,090 retail</td>
<td>225 (0.70 parking spaces per unit)</td>
<td>54,000 SF</td>
<td>1 (0 demo’d)</td>
</tr>
<tr>
<td>#3013283</td>
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<tr>
<td>301 E Pine Street (BauHaus site)</td>
<td>205 units</td>
<td>16,468 SF retail</td>
<td>170 (0.83 spaces per unit)</td>
<td>29,872 SF</td>
<td>3 (1 demo’d)</td>
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<tr>
<td>#3013342</td>
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<tr>
<td>721 Pine Street (Bill’s)</td>
<td>91</td>
<td>8,208</td>
<td>29 (0.32 parking spaces per unit)</td>
<td>13,020 SF</td>
<td>1 (0 demo’d)</td>
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<tr>
<td>#3013765</td>
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<tr>
<td>1420 E Madison Street</td>
<td>70</td>
<td>3,480</td>
<td>95 (1.36 parking spaces per unit)</td>
<td>12,266</td>
<td>0</td>
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<tr>
<td>#3013776</td>
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<tr>
<td>600 E. Pike Street (Phil Smart)</td>
<td>249</td>
<td>15,975</td>
<td>229 (0.92 parking space per unit)</td>
<td>47,990 SF</td>
<td>4 (0 demo’d)</td>
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<tr>
<td>#3014172</td>
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</tr>
<tr>
<td>1424 11th Avenue</td>
<td>3</td>
<td>26,970</td>
<td>13 vehicle; 14 bicycle</td>
<td>20,362 SF</td>
<td>2 (0 demo’d)</td>
</tr>
<tr>
<td>#3014235</td>
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</tr>
<tr>
<td>501 E. Pike Street</td>
<td>118</td>
<td>7,555 SF retail; 5,700 SF office</td>
<td>50 vehicle; 31 bicycle 0.48 spaces/unit</td>
<td>18,000 SF</td>
<td>1 (0 demo’d)</td>
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<tr>
<td>#3014780</td>
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<tr>
<td>1200 Pike Street</td>
<td>88</td>
<td>3,900 SF</td>
<td>38 (0.42 spaces per unit)</td>
<td>14,520 SF</td>
<td>0 (2 existing wood frame character structures to be demo’d)</td>
</tr>
<tr>
<td>#3014650</td>
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<tr>
<td>952 E. Seneca Street</td>
<td>0</td>
<td>change 19,572 sq. ft. in 3-story existing building from mini warehouse to eating/drinking establishment</td>
<td></td>
<td>7,790 SF</td>
<td>1</td>
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<tr>
<td>#3015007</td>
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<tr>
<td>601-609 E Pike Street?</td>
<td>7-story structure with 60 (or 35?) units.</td>
<td>3,000 SF retail</td>
<td>parking for 30 vehicles in two levels of parking garage.</td>
<td>9,000 SF</td>
<td>0?</td>
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<tr>
<td>#3015370</td>
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<tr>
<td>1021 E Pine St</td>
<td>5-story structure 20 units; office</td>
<td>14,000 sq. ft. of retail and 53,000 sq. ft. of office space.</td>
<td>Parking for 136 vehicles below grade.</td>
<td></td>
<td>All existing facades of 2 structures to remain.</td>
</tr>
<tr>
<td>#3016229</td>
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<tr>
<td>1427 11th Ave</td>
<td>6-story structure with 149 units</td>
<td>11,443 SF retail</td>
<td>115 spaces in below grade parking</td>
<td></td>
<td>0</td>
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<tr>
<td>#3015966</td>
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<td></td>
<td>Sub-total</td>
<td></td>
<td>Pending</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,577 units</td>
<td>151,335 SF</td>
<td></td>
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<tr>
<td>Complete Auto?</td>
<td>1</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1124 Pike Street Volvo Dealership/Utrecht art supply retail space #6384762</td>
<td>0</td>
<td>Change of use to light manufacturing and retail: approx. 32,000 SF</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-total</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,651 units</td>
<td>230,635 SF</td>
<td>21</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*vested prior to adoption of Pike/Pine conservation overlay district provisions