

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.

..body

WHEREAS, Seattle has been in a state of civil emergency on homelessness since 2015; and

WHEREAS, the 2020 Point in Time Count found there are 11,751 homeless people in King

County 53 percent of whom are sheltered and 47 percent of whom are unsheltered; and

WHEREAS, this is a five percent increase in people experiencing homelessness from the 2019

Point in Time Count; and

WHEREAS, the National Alliance to End Homelessness identifies Permanent Supportive

Housing as a proven solution to housing persons who are chronically homeless; and

WHEREAS, in August the City announced that it will invest \$60 million in 2021 in Permanent

Supportive Housing; and

WHEREAS, The City of Seattle exists on the colonized land of the Muckleshoot, Duwamish,

and Suquamish indigenous peoples; and

WHEREAS, in 1865 the Seattle Board of Trustees passed an exclusion ordinance banning Native

people from living in Seattle; and

WHEREAS, the City Council recognizes the trauma caused by this colonization reverberates

among Native people today; and

WHEREAS, the City Council recognizes that trauma forms a barrier to accessing government

services such as public housing stock; and

1 WHEREAS, Permanent Supportive Housing is designed to respond to trauma and by doing so  
2 strengthen the connections and bonds that fortify our community; and

3 WHEREAS, prior to colonization there were vibrant housing systems that cared for the entire  
4 community; and

5 WHEREAS, The City of Seattle has perpetuated systemic racism through its land use codes; and

6 WHEREAS, this has contributed to the fact that Black, Indigenous, and people of color  
7 communities disproportionately experience homelessness; and

8 WHEREAS, the City Council acknowledges its obligation to reverse these historic inequities by  
9 helping those affected access safe, culturally appropriate supportive housing; and

10 WHEREAS, Land Use Code regulations can add time and cost to the development of Permanent  
11 Supportive Housing; and

12 WHEREAS, modifications to those regulations can facilitate development of Permanent  
13 Supportive Housing while protecting the public health, safety, and welfare; and

14 WHEREAS, the Americans with Disabilities Act's 2010 standards Section 809 provides  
15 standards for residential dwelling units; and

16 WHEREAS, it is the intent of the Council that Construction Code revisions considered in 2021  
17 conform to these standards and that buildings created under this legislation include  
18 accessible units as defined by the Americans with Disabilities Act Section 809; NOW,  
19 THEREFORE,

20 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

21 Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance  
22 126188, is amended as follows:

23 **23.41.004 Applicability**

\* \* \*

B. Exemptions. The following are exempt from design review:

1. Development located in special review districts established by Chapter 23.66;
2. Development in Landmark districts established by Title 25(~~(, Environmental Protection and Historic Preservation)~~);
3. Development within the historic character area of the Downtown Harborfront 1 zone(~~(-)~~) ;
4. Development that is subject to shoreline design review pursuant to Chapter 23.60A; (~~and~~)
5. New light rail transit facilities that are subject to review by the Seattle Design Commission(~~(-)~~) ;
6. City facilities that are subject to review by the Seattle Design Commission(~~(-)~~) ;
7. Development within single-family or residential small lot zones(~~(-)~~) ; and
8. Permanent supportive housing.

\* \* \*

Section 2. A new Section 23.42.057 is added to the Seattle Municipal Code, as follows:

**23.42.057 Permanent supportive housing**

Permanent supportive housing is subject to the development standards for the zone in which it is located except as follows:

A. Requests for waivers and modifications. The Director may consider requests for waivers and modifications from the following development standards in Title 23:

1. Requirements for the size of parking spaces;
2. Requirements for ratios of vehicle parking sizes;



1 D. The following floor area is exempt from FAR limits:

2 1. All stories, or portions of stories, that are underground.

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

10 3. The floor area contained in structures built prior to January 1, 1982, as single-  
11 family dwelling units that will remain in residential use, regardless of the number of dwelling  
12 units within the existing structure, provided that:

13 a. No other principal structure is located between the existing residential  
14 structure and the street lot line along at least one street frontage. If the existing residential  
15 structure is moved on the lot, the floor area of the existing residential structure remains exempt if  
16 it continues to meet this provision; and

17 b. The exemption is limited to the gross floor area in the existing  
18 residential structure as of January 1, 1982.

19 4. Portions of a story that extend no more than 4 feet above existing or finished  
20 grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following  
21 circumstances:

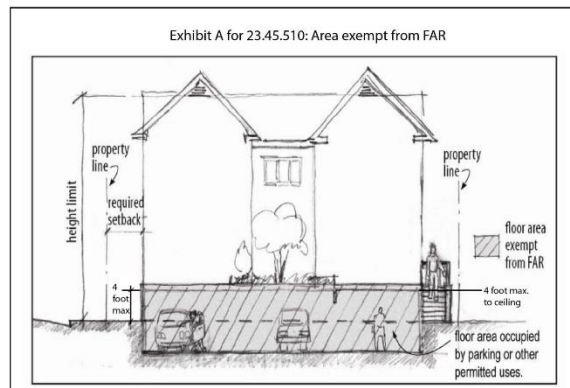
22 a. Apartments in LR zones;

1                   b. Rowhouse and townhouse developments in LR zones, provided that all  
2 parking is located at the rear of the structure or is enclosed in structures with garage entrances  
3 located on the rear facade; and

4                   c. All multifamily structures in MR and HR zones.

5                   **Exhibit A for 23.45.510**

6                   **Area exempt from FAR**



7  
8                   5. For rowhouse and townhouse developments and apartments, floor area within a  
9 story, or portion of a story, that is partially above grade if all of the following conditions are met:

10                   a. The story, or portion of the story, that is partially above grade is used  
11 for parking or other accessory uses and has no additional stories above;

12                   b. The average height of the exterior walls enclosing the floor area does  
13 not exceed one story, measured from existing or finished grade, whichever is lower;

14                   c. The roof area above the exempt floor area is predominantly flat, is used  
15 as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522;

16 and

17                   d. At least 25 percent of the perimeter of the amenity area on the roof  
18 above the floor area is not enclosed by the walls of the structure.

19                   6. Enclosed common amenity area in HR zones.



Uses	Permitted and prohibited uses by zone <sup>1</sup>				
	NC1	NC2	NC3	C1	C2
* * *					
<b>J. RESIDENTIAL USES <sup>14</sup></b>					
J.1 Residential uses not listed below	P	P	P	P	CU <sup>15</sup>
J.2 Caretaker's quarters	P	P	P	P	P
J.3 Congregate residence	X/P <sup>16</sup>	X/P <sup>16</sup>	X/P <sup>17</sup>	X/P <sup>17</sup>	X/P <sup>17</sup>
<u>J.4. Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *					

1 \* \* \*

2 Section 5. Section 23.47A.005 of the Seattle Municipal Code, last amended by Ordinance  
 3 125791, is amended as follows:

4 **23.47A.005 Street-level uses**

5 \* \* \*

6 C. Residential uses at street level

7 1. In all NC and C zones, residential uses may occupy, in the aggregate, no more  
 8 than 20 percent of the street-level street-facing facade in the following circumstances or  
 9 locations:

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

12 b. In all NC and C1 zones within the Bitter Lake Village Hub Urban  
 13 Village, except lots abutting Linden Avenue North, north of North 135th Street; or

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

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



1 e. In all NC and C1 zones within the Northgate Overlay District, except as  
2 provided in Section 23.71.044; or

3 f. In all NC and C1 zones within the areas shown on Maps A through D  
4 for 23.47A.005 at the end of this Chapter 23.47A when facing an arterial street.

5 2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the  
6 location of residential uses in the following circumstances:

7 a. Within a very low-income housing project existing as of May 1, 2006,  
8 or within a very low-income housing project replacing a very low-income housing project  
9 existing as of May 1, 2006, on the same site; or

10 b. The residential use is an assisted living facility or nursing home and  
11 private living units are not located at street level; or

12 c. Within the Pike/Pine Conservation Overlay District, for street-facing  
13 facades that do not face a designated principal pedestrian street, as shown on Map A for  
14 23.73.008; or

15 d. In a structure existing on January 1, 2012, that is within an NC1 zone  
16 but not located in an area defined in Maps A through D for 23.47A.005, at the end of this  
17 Chapter 23.47A, a live-work space may be converted to an accessory dwelling unit if the  
18 residential use is established, if the area proposed to be converted meets the minimum housing  
19 standards of Chapter 22.206, and if the area proposed to be converted meets the owner  
20 occupancy requirement of subsection 23.44.041.C; ~~((~~or~~))~~

21 e. Within a structure that:

22 1) ~~((is))~~ is developed and owned by the Seattle Housing Authority;  
23 and



1 i. Offices, provided that no more than 30 feet of the street-level, street-  
2 facing facade of a structure may contain an office use;

3 j. Parks and open spaces;

4 k. Rail transit facilities;

5 l. Retail sales and services, automotive, in the Pike/Pine Conservation  
6 Overlay District if located within an existing structure or within a structure that retains a  
7 character structure as provided in Section 23.73.015;

8 m. Sales and services, general, provided that no more than 40 feet of the  
9 street-level, street-facing facade of a structure on a principal pedestrian street may contain a  
10 customer services office; (~~and~~)

11 n. Sales and services, heavy, except for heavy commercial sales, and  
12 provided that no more than 30 feet of the street-level, street-facing facade of a structure may  
13 contain a non-household sales and service use((-)) ; and

14 o. Permanent supportive housing.

15 The establishment of any such use is subject to the applicable use provisions of  
16 this Title 23.

17 \* \* \*

18 Section 6. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance  
19 126157, is amended as follows:

20 **23.47A.013 Floor area ratio**

21 \* \* \*

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

23 1. All stories, or portions of stories, that are underground;

1                   2. All portions of a story that extend no more than 4 feet above existing or  
2 finished grade, whichever is lower, excluding access;

3                   3. Gross floor area of a transit station, including all floor area open to the general  
4 public during normal hours of station operation but excluding retail or service establishments to  
5 which public access is limited to customers or clients, even where such establishments are  
6 primarily intended to serve transit riders;

7                   4. On a lot containing a peat settlement-prone environmentally critical area,  
8 above-grade parking within or covered by a structure or portion of a structure, if the Director  
9 finds that locating a story of parking below grade is infeasible due to physical site conditions  
10 such as a high water table, if either:

11                   a. The above-grade parking extends no more than 6 feet above existing or  
12 finished grade and no more than 3 feet above the highest existing or finished grade along the  
13 structure footprint, whichever is lower, as measured to the finished floor level or roof above,  
14 pursuant to subsection 23.47A.012.A.3; or

15                   b. All of the following conditions are met:

16                   1) No above-grade parking is exempted by subsection  
17 23.47A.013.B.4.a;

18                   2) The parking is accessory to a residential use on the lot;

19                   3) Total parking on the lot does not exceed one space for each  
20 residential dwelling unit plus the number of spaces required for non-residential uses; and

21                   4) The amount of gross floor area exempted by this subsection  
22 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit

1 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or  
2 greater; and

3 5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5  
4 and 23.47A.012.C.6;

5 6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8;

6 7. The floor area of required bicycle parking for small efficiency dwelling units or  
7 congregate residence sleeping rooms, if the bicycle parking is located within the structure  
8 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area  
9 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR  
10 limits; ~~((and))~~

11 8. All gross floor area in child care centers; and

12 9. In permanent supportive housing, all gross floor area for accessory human  
13 service uses.

14 \* \* \*

15 Section 7. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance  
16 126131, is amended as follows:

17 **23.48.005 Uses**

18 \* \* \*

19 **D. Required street-level uses**

20 1. One or more of the following uses listed in this subsection 23.48.005.D.1 are  
21 required: (i) at street-level of the street-facing facade along streets designated as Class 1  
22 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C;  
23 (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640;

1 and (iii) at street-level of the street-facing facades along streets designated as Class 1 or Class 2  
2 streets shown on Map A for 23.48.740:

- 3 a. General sales and service uses;
- 4 b. Eating and drinking establishments;
- 5 c. Entertainment uses;
- 6 d. Public libraries;
- 7 e. Public parks;
- 8 f. Arts facilities;
- 9 g. Religious facilities;
- 10 h. Light rail transit station; (~~and~~)
- 11 i. Child care centers((-)) ; and
- 12 j. Permanent supportive housing.

13 2. Standards for required street-level uses. Required street-level uses shall meet  
14 the development standards in subsection 23.48.040.C, and any additional standards for Seattle  
15 Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

16 \* \* \*

17 Section 8. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance  
18 126157, is amended as follows:

19 **23.48.020 Floor area ratio (FAR)**

20 \* \* \*

21 B. Floor area exempt from FAR calculations. The following floor area is exempt from  
22 maximum FAR calculations:

- 23 1. All underground stories or portions of stories.



1           C. Required street-level uses

2                   1. One or more of the following uses listed in this subsection 23.48.605.C.1 are  
3 required at street level along the street-facing facades abutting streets shown on Map A for  
4 23.48.605:

- 5                           a. General sales and service uses;
- 6                           b. Eating and drinking establishments;
- 7                           c. Entertainment uses;
- 8                           d. Public libraries;
- 9                           e. Public parks;
- 10                          f. Arts facilities;
- 11                          g. Religious facilities;
- 12                          h. Human services uses;
- 13                          i. Child care centers; ~~((and))~~
- 14                          j. Light rail transit stations~~((-))~~; and
- 15                          k. Permanent supportive housing.

16                   2. Standards for required street-level uses. Required street-level uses shall meet  
17 the development standards in subsection 23.48.040.C.



1  
2

### Map A for 23.48.605

### Locations of street-level use requirements



3

1 Section 10. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance  
 2 126157, is amended as follows:

3 **23.54.015 Required parking and maximum parking limits**

4 A. Required parking. The minimum number of off-street motor vehicle parking spaces  
 5 required for specific uses is set forth in Table A for 23.54.015 for non-residential uses other than  
 6 institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for  
 7 institutional uses, except as otherwise provided in this Chapter 23.54. Required parking is based  
 8 upon gross floor area of a use within a structure minus gross floor area in parking uses, and the  
 9 square footage of a use when located outside of an enclosed structure, or as otherwise specified.  
 10 Maximum parking limits for specific uses and specific areas are set forth in subsection  
 11 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section  
 12 23.54.015 are provided in: subsections 23.54.015.B and 23.54.015.C; and in Section 23.54.020  
 13 unless otherwise specified. This Chapter 23.54 does not apply to parking for construction  
 14 activity, which is regulated by Section 23.42.044.

15 \* \* \*

<b>Table D for 23.54.015 Parking for bicycles <sup>1</sup></b>			
<b>Use</b>	<b>Bike parking requirements</b>		
	<b>Long-term</b>		<b>Short-term</b>
* * *			
<b>D. RESIDENTIAL USES <sup>3</sup></b>			
D.1.	Congregate residences <sup>4</sup>	1 per sleeping room	1 per 20 sleeping rooms. 2 spaces minimum
D.2.	Multi-family structures <sup>4,5</sup>	1 per dwelling unit	1 per 20 dwelling units
D.3.	Single-family residences	None	None

<u>D.4.</u>	<u>Permanent supportive housing</u>	<u>None</u>	<u>None</u>
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\* \* \*

Footnotes to Table D for 23.54.015:

- <sup>1</sup> Required bicycle parking includes long-term and short-term amounts shown in this table.
- <sup>2</sup> The Director may reduce short-term bicycle parking requirements for theaters and spectator sport facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.
- <sup>3</sup> For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015.
- <sup>4</sup> For congregate residences or multifamily structures that are owned and operated by a not-for-profit entity serving seniors or persons with disabilities, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, as a Type I decision, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents are less likely to travel by bicycle.
- <sup>5</sup> For each dwelling rent and income-restricted at 30 percent of median income and below, there is no minimum required long-term bicycle parking requirement. For each dwelling rent and income-restricted at 60 percent to 31 percent of the median income, long-term bicycle parking requirements may be wholly or partially waived by the Director as a Type I decision if the waiver would result in additional rent and income restricted units meeting the requirements of this footnote to Table D for 23.54.015 and when a reasonable alternative such as, in-unit vertical bicycle storage space is provided. The Directors of the Seattle Department of Construction and Inspections and Seattle Department of Transportation are authorized to promulgate a joint Directors' Rule defining reasonable alternatives for long-term bicycle parking that meets the standards of this footnote to Table D for 23.54.015. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall be for a term of at least 40 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by the Director of Housing or the Washington State Housing Finance Commission. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.
- <sup>6</sup>The Director, in consultation with the Director of the Seattle Department of Transportation, may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

1 Section 11. Section 23.84A.032 of the Seattle Municipal Code, last amended by  
2 Ordinance 126157, is amended as follows:

3 **23.84A.032 "R"**

4 \* \* \*

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

6 \* \* \*

7 20. "Permanent supportive housing" means a multifamily residential use,  
8 which may include accessory human service uses that provide on-site services to households  
9 in the development or to other clients:

10 a. In which at least 90 percent of the dwelling units are occupied by  
11 very low-income households;

12 b. That receives public funding or an allocation of federal low-income  
13 housing tax credits; and

14 c. That is subject to a regulatory agreement, covenant, or other legal instrument,  
15 the duration of which is at least 40 years, recorded on the property title and enforceable by The  
16 City of Seattle, Washington State Housing Finance Commission, State of Washington, King  
17 County, U.S. Department of Housing and Urban Development, or other similar entity as  
18 approved by the Director of Housing.

19 ~~((20))~~ 21. "Nursing home" means a use licensed by the State of Washington as  
20 a nursing home, which provides full-time convalescent and/or chronic care for individuals  
21 who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does  
22 not provide care for the acutely ill or surgical or obstetrical services. This definition excludes  
23 hospitals or sanitariums.

1                   ((21)) 22. "Rowhouse development" means a multifamily residential use in  
2 which all principal dwelling units on the lot meet the following conditions:

3                   a. Each dwelling unit occupies the space from the ground to the roof of  
4 the structure in which it is located;

5                   b. No portion of a dwelling unit, except for an accessory dwelling unit  
6 or shared parking garage, occupies space above or below another dwelling unit;

7                   c. Each dwelling unit is attached along at least one common wall to at  
8 least one other dwelling unit, with habitable interior space on both sides of the common wall,  
9 or abuts another dwelling unit on a common lot line;

10                  d. The front of each dwelling unit faces a street lot line;

11                  e. Each dwelling unit provides pedestrian access directly to the street  
12 that it faces; and

13                  f. No portion of any other dwelling unit, except for an attached  
14 accessory dwelling unit, is located between any dwelling unit and the street faced by the front  
15 of that unit.

16                   ((22)) 23. "Single-family dwelling unit" means a detached principal structure  
17 having a permanent foundation, containing one dwelling unit, except that the structure may  
18 also contain one or two attached accessory dwelling units where expressly authorized  
19 pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family  
20 dwelling unit for purposes of this Chapter 23.84A.

21                   ((23)) 24. "Townhouse development" means a multifamily residential use that  
22 is not a rowhouse development, and in which:



