

CITY OF SEATTLE
ORDINANCE 126626
COUNCIL BILL 120313

AN ORDINANCE relating to land use and zoning; defining the addition of a single development that includes residential uses at a community or technical college located within an Urban Center as a minor amendment to an existing Major Institution master plan; amending Sections 23.42.049, 23.45.504, 23.47A.004, 23.69.008, 23.69.026, and 23.69.035 of the Seattle Municipal Code.

WHEREAS, colleges in the Washington State Community and Technical Colleges (WSCTC) System are evaluating the provision of housing at campuses; and

WHEREAS, the City has established Major Institution master plans as a mechanism regulating Major Institutions' long-term growth plans for large educational and medical institutions throughout Seattle; and

WHEREAS, Major Institution master plans address anticipated growth for 15-year periods of time into the future, or longer; and

WHEREAS, Chapter 23.69 of the Seattle Municipal Code defines regulations for Major Institutions, including methods for institutions to engage advisory committee review and obtain permits from the City for a variety of changes to existing master plans, which are classified as minor amendments or major amendments to a master plan; and

WHEREAS, a minor amendment to a master plan may be obtained by an established, time-efficient process that includes advisory committee review, while preparing a major amendment or a new master plan has a multi-year planning horizon; and

WHEREAS, there is a public interest in achieving production of housing resources, including student housing resources, in an efficient and timely manner; and

1 WHEREAS, the City identifies multiple benefits for encouraging new housing for students and
2 employees at WSCTC colleges in an Urban Center, where an ample supply of housing
3 resources and efficient transportation options are desirable for students, employees,
4 institutions, and Seattle as a whole; and

5 WHEREAS, this ordinance would also clarify that this one-time development outside of the
6 standard Major Institution master plan is allowed to be “affiliated” with the college, not
7 necessarily housing “owned” by the college, which would allow flexibility in
8 ownership arrangements of the housing; and

9 WHEREAS, it is not the City Council’s intent that the changes in this bill to Chapter 23.69 set a
10 precedent for reclassifying amendments to other Major Institution Master Plans as minor;
11 and

12 WHEREAS, the City’s Comprehensive Plan encourages dense housing growth within Urban
13 Centers as part of its preferred centers-based growth pattern, known as the Urban Village
14 Strategy; NOW, THEREFORE,

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

16 Section 1. Section 23.42.049 of the Seattle Municipal Code, enacted by Ordinance
17 124608, is amended as follows:

18 **23.42.049 Congregate residences**

19 Congregate residences are subject to the development standards for the zone in which they are
20 located, to the development standards for apartments where such housing type standards are
21 specified, and to the following requirements:

22 * * *

1

* * *

Table A for 23.45.504 Permitted and prohibited uses		
Uses	Permitted and prohibited uses by zone	
	LR1, LR2, and LR3	MR and HR
A. Residential use except as listed below	P	P
A.1. Congregate residence	X/P ¹	P/X ²
B. Institutions	P/CU ³	P/CU ³
C. Uses in existing or former public schools		
C.1. Child care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly, and similar uses in existing or former public schools	P	P
C.2. Other non-school uses in existing or former public schools	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
* * *		
L. All other uses	X	X

Table A for 23.45.504
Permitted and prohibited uses

Footnotes to Table A for 23.45.504

¹ Congregate residences that are owned by a college or university; or are affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, or are a sorority or fraternity; or are owned by a not-for-profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities ((;)) are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services, or similar.

² Congregate residences that are owned by a college or university; or are affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, or are a sorority or fraternity; or are owned by a not-for-profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities ((;)) are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, health services, or similar.

³ Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69.

* * *

P = Permitted outright

CU = Permitted as an Administrative Conditional Use

RC = Permitted in areas zoned Residential Commercial (RC), and subject to the provisions of the RC zone, Chapter 23.46

X = Prohibited

* * *

Section 3. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 126287, is amended as follows:

23.47A.004 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.47A.004 and this Section 23.47A.004, except as may be otherwise provided pursuant to Subtitle III, Division 3, Overlay Districts, of this Title 23.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in Table A for 23.47A.004.

* * *

**Table A for 23.47A.004
Uses in Commercial zones**

Uses	Permitted and prohibited uses by zone ¹				
	NC1	NC2	NC3	C1	C2
* * *					
E. INSTITUTIONS					
E.1. Institutions not listed below	10	25	P	P	P
E.2. Major institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
E.3. Religious facilities	P	P	P	P	P
E.4. Schools, elementary or secondary	P	P	P	P	P
E.5 Child care centers	P	P	P	P	P
* * *					
J. RESIDENTIAL USES¹⁴					
J.1. Residential uses not listed below	P	P	P	P	CU ¹⁵
J.2. Caretaker's quarters	P	P	P	P	P
J.3 Congregate residence	X/P ¹⁶	X/P ¹⁶	P/X ¹⁷	P/X ¹⁷	P/X ¹⁷
J.4. Permanent supportive housing	P	P	P	P	P
* * *					
KEY					
A = Permitted as an accessory use only					
CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)					
CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet or any number following a hyphen, pursuant to Section 23.47A.010)					
P = Permitted					
S = Permitted in shoreline areas only					
X = Prohibited					
CU-25 = Conditionally permitted; use is limited to 25,000 square feet, pursuant to Section 23.47A.010					
10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010					
20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010					
25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010					
35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010					
40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010					
50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010					

**Table A for 23.47A.004
Uses in Commercial zones**

Footnotes to Table A for 23.47A.004

¹ In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

* * *

¹⁴ Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C.

¹⁵ Residential uses are conditional uses ((#)) in C2 zones under subsection 23.47A.006.A.3, except as otherwise provided above in Table A for 23.47A.004 or in subsection 23.47A.006.A.3.

¹⁶ Congregate Residences that are owned by a college or university, or are affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, ((;)) or are licensed by the State and provide supportive services ((;)) are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services, or similar.

¹⁷ Congregate Residences that are owned by a college or university, or are affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services ((;)) are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, health services, or similar.

* * *

1 Section 4. Section 23.69.008 of the Seattle Municipal Code, last amended by Ordinance

2 123668, is amended as follows:

3 **23.69.008 Permitted uses ((;))**

4 A. All uses that are functionally integrated with, or substantively related to, the central
5 mission of a Major Institution or that primarily and directly serve the users of an institution shall
6 be defined as Major Institution uses and shall be permitted in the Major Institution Overlay
7 (MIO) District. Major Institution uses shall be permitted either outright, or as conditional uses
8 according to the provisions of Section 23.69.012. Permitted Major Institution uses shall not be
9 limited to those uses which are owned or operated by the Major Institution.

1 B. A Major Institution without an adopted master plan or with a master plan that includes
2 an expiration date and that was adopted under Code provisions prior to the 1996 Major
3 Institutions Ordinance shall be required to prepare a master plan in the following circumstances:

4 1. The establishment of a new Major Institution Overlay (MIO) District is
5 required according to Section 23.69.024; or

6 2. Expansion of an MIO District boundary or change in an MIO District height
7 designation is proposed; or

8 3. An application is filed for a structure containing Major Institution use(s) that is
9 located within the MIO District and would exceed the development standards of the underlying
10 zone and is not permitted under an existing master plan, provided other means of modifying
11 development standards that apply to similar uses located in the zone may also be sought; or

12 4. A Major Institution proposes to demolish or change the use of a residential
13 structure inside the boundaries of an MIO District; ~~((;))~~ provided, that a master plan need not be
14 prepared when:

15 a. The use is changed to housing for the institution, or

16 b. Not more than two ~~((2))~~ structures containing not more than a total of
17 four ~~((4))~~ dwelling units are demolished or changed to a nonresidential use within a ~~((two (2)))~~
18 two-year period and are replaced in the general vicinity by the same number of dwelling units.

19 C. A Major Institution with an adopted master plan that is not subject to subsection
20 23.69.026.B ~~((of this section))~~ shall be required to prepare a new master plan in the following
21 circumstances:

1 1. The Major Institution proposes to increase the total amount of gross floor area
2 allowed or the total number of parking spaces allowed within the MIO District, except if a
3 proposed change to a master plan involves:

4 a. Construction of a one-time single development per master plan period
5 owned or affiliated with an educational major institution that is part of the Washington State
6 Community and Technical Colleges system; and

7 b. A property located within an Urban Center; and

8 c. A development that includes residential uses not exceeding 550 sleeping
9 rooms, composed of dormitory, congregate housing, or other housing opportunities for students
10 or employees of the Major Institution; or

11 2. A master plan has been in effect for at least ten (~~((10))~~) years and the institution
12 proposes to expand the MIO District boundaries; or

13 3. A master plan has been in effect for at least ten (~~((10))~~) years and the institution
14 proposes an amendment to the master plan that is determined to be major according to the
15 provisions of Section 23.69.035, and the Director determines that conditions have changed
16 significantly in the neighborhood surrounding the Major Institution since the master plan was
17 adopted.

18 D. A master plan shall not be required for replacement of existing structures where the
19 replacement structure:

20 1. Would be located on the same lot; and

21 2. Would not contain uses which would require a change of use and which the
22 Director determines would not result in an increase in adverse impacts on the surrounding area;
23 and

1 3. Would not exceed the height of the existing structure; and

2 4. Would not represent a significant increase in bulk over the existing structure;

3 and

4 5. Would not represent a significant increase in gross floor area over the existing
5 structure; and

6 6. Would not significantly reduce existing open area or landscaping.

7 E. If an institution proposes a major amendment of unusual complexity or size, the
8 Advisory Committee may recommend, and the Director may require, that the institution develop
9 a new master plan.

10 F. The Director shall determine whether a master plan is required. The Director's
11 determination shall be final and shall not be subject to an interpretation or appeal.

12 Section 6. Section 23.69.035 of the Seattle Municipal Code, last amended by Ordinance
13 120691, is amended as follows:

14 **23.69.035 Changes to master plan ((-))**

15 A. A proposed change to an adopted master plan shall be reviewed by the Director and
16 determined to be an exempt change, a minor amendment, or a major amendment.

17 B. Exempt Changes. An exempt change shall be a change to the design and/or location
18 of a planned structure or other improvement from that shown in the master plan, which the
19 Director shall approve without publishing an interpretation. Any new gross floor area or
20 parking space(s) must be accompanied by a decrease in gross floor area or parking space(s)
21 elsewhere if the total gross floor area or parking spaces permitted for the entire MIO District
22 or, if applicable, the subarea would be exceeded. Each exempt change must meet the
23 development standards for the MIO District. Exempt changes shall be:

1 1. Any new structure or addition to an existing structure not approved in the
2 master plan that is ~~((twelve thousand (12,000)))~~ 12,000 square feet of gross floor area or less;

3 or

4 2. Twenty ~~((20))~~ or fewer parking spaces not approved in the master plan; or

5 3. An addition to a structure not yet constructed but approved in the master plan
6 that is no greater than ~~((twenty percent (20%)))~~ 20 percent of the approved gross floor area of
7 that structure or ~~((twenty thousand (20,000)))~~ 20,000 square feet, whichever is less; or

8 4. Any change in the phasing of construction, if not tied to a master plan
9 condition imposed under approval by the Council; or

10 5. Any increase in gross floor area below grade.

11 C. Amendments. The Advisory Committee shall be given the opportunity to review a
12 proposed minor or major amendment and submit comments on whether it should be considered
13 minor or major, and what conditions, ~~((if any))~~ if any, should be imposed if it is minor. The
14 Director shall determine whether the amendment is minor or major according to subsections
15 23.69.035.D and 23.69.035.E. ~~((of this section.))~~ The Director's decision that a proposed
16 amendment is minor or major shall be made in the form of an interpretation subject to the
17 procedures of Chapter 23.88, Rules; Interpretation. If the Director and the Major Institution
18 agree that a major amendment is required based on subsection 23.69.035.E, ~~((of this section,))~~
19 the interpretation process may be waived, and the amendment and environmental review
20 process shall be subject to the provisions of subsection 23.69.035.G. ~~((of this section.))~~ After
21 the Director makes a decision on whether an amendment is minor or major, the Advisory
22 Committee shall be notified.

1 D. Minor Amendments. A proposed change to an adopted master plan shall be
2 considered and approved as a minor amendment when it is not an exempt change according to
3 subsection 23.69.035.B., (~~(of this section,)~~) when it is consistent with the original intent of the
4 adopted master plan (except as provided in this subsection 23.69.035.D.4.), and when it meets
5 at least one of the following criteria:

6 1. The amendment will not result in significantly greater impacts than those
7 contemplated in the adopted master plan; or

8 2. The amendment is a waiver from a development standard or master plan
9 condition, or a change in the location or decrease in size of designated open space, and the
10 proposal does not go beyond the minimum necessary to afford relief and will not be materially
11 detrimental to the public welfare or injurious to the property or improvements in the vicinity in
12 which the Major Institution is located; or

13 3. The amendment is a proposal by the Major Institution to lease space or
14 otherwise locate a use at street level in a commercial zone outside an MIO District, and within
15 (~~((two thousand five hundred feet (2,500'))~~) 2,500 feet of the MIO District boundary, and the
16 use is allowed in the zone (~~((for))~~) but not permitted pursuant to Section 23.69.022. In making
17 the determination whether the amendment is minor, the Director shall consider the following
18 factors:

19 a. Whether an adequate supply of commercially zoned land for business
20 serving neighborhood residents will continue to exist, and

21 b. Whether the use will maintain or enhance the viability or long-term
22 potential of the neighborhood-serving character of the area, and

1 c. Whether the use will displace existing neighborhood-serving
2 commercial uses at street level or disrupt a continuous commercial street front, particularly of
3 personal and household retail sales and service uses, and

4 d. Whether the use supports neighborhood planning goals and objectives
5 as provided in a Council-approved neighborhood plan.

6 4. The amendment would accommodate a single development with residential
7 uses composed of housing for students or employees of the Major Institution, that is consistent
8 with criteria in subsection 23.69.026.C.1, and that either was not anticipated by or is in excess
9 of what was anticipated in an adopted master plan. This kind of amendment could occur only
10 one time per the lifetime of an adopted master plan. The floor area of said residential use, uses
11 accessory thereto, and non-residential uses such as required street level uses shall be exempted
12 from the calculation of total development capacity of the major institution overlay, and shall be
13 excluded from calculation of Floor Area Ratio and not counted against the Major Institution's
14 development program permitted floor area for the campus.

15 E. Major Amendments. A proposed change to an adopted master plan shall be
16 considered a major amendment when it is not an exempt change according to subsection
17 23.69.035.B (~~(of this section)~~) or a minor amendment according to subsection 23.69.035.D.
18 (~~(of this section)~~) In addition, any of the following shall be considered a major amendment:

19 1. An increase in a height designation or the expansion of the boundary of the
20 MIO District; or

21 2. Any change to a development standard that is less restrictive, except if a
22 proposed change relates to providing housing affiliated with certain educational major
23 institutions as identified in subsection 23.69.026.C.1; or

1 3. A reduction in housing stock outside the boundary but within (~~two thousand~~
2 ~~five hundred feet (2,500'))~~ 2,500 feet of the MIO District, other than within a Downtown zone,
3 that exceeds the level approved in an adopted master plan; or

4 4. A change to the single-occupancy vehicle goal of an approved transportation
5 management program that increases the percentage of people traveling by single-occupancy
6 vehicle; or

7 5. A use that requires Council Conditional Use approval, including but not
8 limited to a helistop or a major communication utility, that was not described in an adopted
9 master plan; or

10 6. The update of an entire development program component of a master plan
11 that was adopted under Code provisions prior to the 1996 Major Institutions Ordinance where
12 the institution proposes an increase to the total amount of gross floor area allowed or the total
13 number of parking spaces allowed under the institution's existing development program
14 component within the MIO District. Changes to a development program relating to an action
15 described in subsection 23.69.035.D.4 shall not be considered a development program update
16 of this kind.

17 F. If the Director, after reviewing any Advisory Committee recommendation,
18 determines that a proposed major amendment is of unusual complexity or size, the Director
19 may require that the institution prepare a new master plan subject to Section 23.69.032.

20 G. If an amendment is determined to be major, the amendment and environmental
21 review process shall be subject to the provisions of Section 23.69.032. (~~Master plan~~
22 ~~process.~~) However, a concept plan and preliminary draft plan shall not be required. Instead,
23 the Major Institution shall submit a major amendment draft report as part of the application

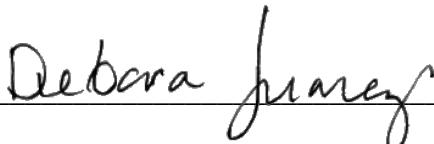
1 stating which parts of the master plan are proposed to be amended. If an EIS is required for the
2 major amendment, the draft EIS shall be prepared after submittal of the major amendment draft
3 report. After comments are received on the major amendment draft report, the institution shall
4 prepare the major amendment final report and if required, the final EIS. If an EIS is not
5 required for the major amendment, the Director is not required to hold a public hearing on the
6 major amendment draft report.

7 H. Noncontiguous areas that are included in an MIO District as a result of a previously
8 adopted master plan shall be deleted from the MIO District at the time a major amendment is
9 approved unless the noncontiguous area was a former and separate MIO District. The change
10 to the MIO District boundaries shall be in accordance with the procedures for City-initiated
11 amendments to the Official Land Use Map as provided in Chapter 23.76 (~~(, Procedures for~~
12 ~~Master Use Permits and Council Land Use Decisions,)) and shall not be subject to the rezone~~
13 criteria contained in Section 23.34.124.

14 Section 7. The provisions of this ordinance are declared to be separate and severable.
15 The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
16 ordinance or any exhibit to this ordinance, or the invalidity of the application thereof to any
17 person or circumstance, shall not affect the validity of any other provisions of this ordinance or
18 its exhibits, or the validity of their application to other persons or circumstances.

1 Section 8. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.


4 Passed by the City Council the 19th day of July, 2022,
5 and signed by me in open session in authentication of its passage this 19th day of
6 July, 2022.

7 
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 27th day of July, 2022.

10 
11 Bruce A. Harrell, Mayor

12 Filed by me this 27th day of July, 2022.

13 
14 Elizabeth M. Adkisson, Interim City Clerk

15 (Seal)