

CITY OF SEATTLE
ORDINANCE 127309
COUNCIL BILL 121048

AN ORDINANCE relating to land use and zoning; adopting temporary regulations to exempt housing projects that meet Mandatory Housing Affordability requirements using on-site performance units from Design Review, and allowing permit applicants for all housing subject to Full Design Review the option of complying with Design Review pursuant to Administrative Design review; temporarily suspending and allowing voluntary design review of proposed development in Titles 23 and 25 of the Seattle Municipal Code, consistent with Chapter 333, Laws of 2023; and amending Section 23.41 of the Seattle Municipal Code.

WHEREAS, on October 18, 1993 the City Council adopted Ordinance 116909, establishing a Design Review program; and

WHEREAS, the City Council intended for the Design Review program to encourage better design and site planning to: help new development enhance the character of the City and sensitively fit into neighborhoods; provide flexibility in the application of development standards to meet the intent of the Land Use Code, City policy, neighborhood objectives, and mitigate the impacts of new development on neighborhoods; and promote and support communication and mutual understanding among applicants, neighborhood, the City, and the community of the future development early on and throughout the development review process; and

WHEREAS, Engrossed Substitute House Bill 1293 (Chapter 333, Laws of 2023) added new requirements for local design review programs starting June 30, 2025; and

WHEREAS, the Seattle Department of Construction and Inspections (SDCI) is working on permanent legislation to amend the Design Review Program to comply with Engrossed Substitute House Bill 1293 and to respond to the stakeholder and public engagement recommendations, including reducing design review requirements and design review

1 permit review times to promote housing production and thereby reduce housing costs in a
2 time of great need in the City and region; and

3 WEHREAS, SDCI is also working on updates to the Seattle Design Guidelines and Design
4 Guidelines for Downtown Development to make project design and permitting simpler to
5 promote housing production and reduce housing costs; and

6 WHEREAS, this proposed interim ordinance makes the Design Review Program voluntary for
7 six months to give Seattle additional time to comply with Engrossed Substitute House
8 Bill 1293; and

9 WHEREAS, by making the Design Review Program voluntary, the proposed ordinance will
10 decrease permit review times to promote housing production and reduce housing costs at
11 a time of great need in the City and region; and

12 WHEREAS, in July 2023¹, the City adopted temporary affordable housing Design Review
13 regulations through Ordinance 126854, with an effective date of August 14, 2023, and an
14 expiration date of August 14, 2025, to exempt housing projects that meet Mandatory
15 Housing Affordability (MHA) requirements using on-site performance units from Design
16 Review, adopting a work plan; and

17 WHEREAS, this proposed ordinance will reenact the temporary affordable housing Design
18 Review regulations; and

19 WHEREAS, the Design Review exemption for projects that meet MHA requirements using
20 onsite performance units resulted in a marked increase in the overall number of
21 performance units. In 2023, prior to the MHA onsite exemption, a total of 119 MHA
22 performance units were in service. From the adoption of the MHA onsite exemption

¹ <https://seattle.legistar.com/View.ashx?M=F&ID=12242633&GUID=E730886A-4397-4919-A097-D7BFE50A0656>.

1 through April of 2025, an additional 211 onsite performance units have been proposed.

2 This Design Review exemption pilot has shown its potential to more than double MHA
3 onsite performance units; and

4 WHEREAS, this proposed interim ordinance, in concert with a forthcoming permanent
5 ordinance, seeks to mitigate displacement in the long-term by increasing housing
6 production and reducing housing costs; and

7 WHEREAS, development project applicants can realize better design and safety outcomes
8 through early consideration of the full suite of CPTED principles; and

9 WHEREAS, the City of Seattle recognizes the value in consideration of public safety in all
10 aspects of city work; and

11 WHEREAS, SDCI evaluated the environmental impact of the proposed ordinance, prepared a
12 threshold determination under the State Environmental Policy Act, and sought public
13 comment on the ordinance; NOW, THEREFORE,

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

15 Section 1. Section 23.41.002 of the Seattle Municipal Code, last amended by Ordinance
16 125429, is amended as follows:

17 **3.41.002 - Purpose**

18 The purpose of Design Review is to:

19 A. Encourage better design and site planning to help ensure that new development
20 enhances the character of the city and sensitively fits into neighborhoods, while allowing for
21 diversity and creativity; and

22 B. Provide flexibility in the application of development standards to better meet the intent
23 of the Land Use Code as established by City policy, to meet neighborhood objectives, and to

provide for effective mitigation of a proposed project's impact and influence on a neighborhood;
and

C. Promote and support communication and mutual understanding among applicants, neighborhoods, and the City early and throughout the development review process.

D. Promote the consideration of public safety in design as a way to reduce crime and improve quality of life.

Section 2. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.41.004 Applicability

* * *

E. Temporary provisions

1. Developments with units provided on-site to comply with Chapter 23.58C through the performance option

a. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to subsection 23.58C.050.C shall be exempt from design review if the applicant files a valid and complete building permit application electing the exemption while this ordinance is in effect.

b. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to subsection 23.58C.050.C that is vested according to Section 23.76.026 prior to the effective date of this ordinance may elect to be processed as allowed by subsection 23.41.004.E.

1 c. The design review exemption under subsection 23.41.004.E.1 shall be
2 rescinded for a development proposal that changes from the performance option to the payment
3 option at any time prior to issuance of a building permit.

4 d. Requests for departures. If a project subject to design review under
5 subsection 23.41.004.A is exempt from design review according to subsection 23.41.004.E.1, the
6 Director may consider requests for departures from any development standard in this Title 23,
7 except as otherwise limited in subsection 23.41.012.B.

8 e. Departures decision. Requests for departures according to subsection
9 23.41.004.E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the
10 departure would result in additional housing units being constructed.

11 f. The provisions of this subsection 23.41.004.E.1 shall be in effect for six
12 months from the effective date of this ordinance.

13 2. Low-income housing

14 a. Notwithstanding any contrary provision of this Title 23, the Director
15 may consider requests for departures from any development standard in this Title 23, except as
16 otherwise limited in subsection 23.41.012.B, for low-income housing.

17 b. Departures decision. Requests for departures shall be evaluated by the
18 Director, in consultation with the Office of Housing, in light of the particular population
19 designed to be served by the project, and may be granted by the Director as a Type I decision if
20 the departure would result in additional housing units being constructed.

21 c. The provisions of this subsection 23.41.004.E.2 shall be in effect for six
22 months from the effective date of this ordinance.

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1 F. Interim suspension of required design review for all proposed development

2 1. Notwithstanding any contrary provision of this Title 23 and Title 25, including
3 but not limited to Chapters 23.40, 23.41, 23.42, 23.45, 23.47A, 23.48, 23.49, 23.57, 23.58B,
4 23.58C, 23.60A, 23.61, 23.73, 23.76, 25.05, 25.11, 25.16, 25.20, and 25.22, required design
5 review is temporarily suspended for all proposed development.

6 2. Applicants of proposed development that is being reviewed pursuant to the full,
7 administrative, or streamlined design review process as of the effective date of this ordinance
8 may elect to continue review under the design review process or withdraw the proposed
9 development from the design review process. Applicants of all other proposed development may
10 elect, at any time during the effective period of this ordinance, their proposed development be
11 reviewed pursuant to the full, administrative, or streamlined design review process. Applicants
12 with projects meeting the thresholds for full design review pursuant to Section 23.41.004.A that
13 elect to continue review, or elect review, under the design review process may choose
14 administrative design review.

15 3. The provisions of this subsection 23.41.004.F shall be in effect for six months
16 from the effective date of this ordinance.

17 Section 2. The interim regulations set forth in Section 1 of this ordinance shall be in
18 effect for a period of six months from the effective date of this ordinance and shall automatically
19 expire after the six month period unless the same is extended as provided by statute, or unless
20 terminated sooner by the City Council.

21 Section 3. The City Council may renew these interim regulations for one or more six-
22 month periods in accordance with RCW 36.70A.390.

Section 4. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the 23rd day of September, 2025,
and signed by me in open session in authentication of its passage this 23rd day of
September, 2025.



President _____ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 26th day of September, 2025.



Bruce A. Harrell, Mayor

Filed by me this 26th day of September, 2025.



Scheereen Dedman, City Clerk

(Seal)