



SEATTLE CITY COUNCIL

Land Use Committee

Agenda

Monday, June 26, 2023

9:30 AM

Special Meeting - Public Hearing

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

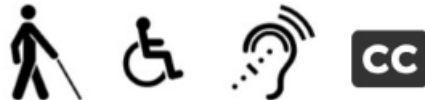
Dan Strauss, Chair
Tammy J. Morales, Vice-Chair
Teresa Mosqueda, Member
Sara Nelson, Member
Alex Pedersen, Member

Chair Info: 206-684-8806; Dan.Strauss@seattle.gov

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Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<https://www.seattle.gov/council/committees/land-use>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at

<http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Strauss at Dan.Strauss@seattle.gov

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda**C. Public Comment****D. Items of Business**

1. [CB 120582](#) **AN ORDINANCE relating to land use and zoning; removing regulatory barriers and simplifying and increasing permitting predictability for equitable development projects by modifying requirements for small institutions in residential zones; and amending Sections 23.44.006, 23.44.022, 23.45.570, 23.54.015, and 23.84A.018 of the Seattle Municipal Code.**

Supporting Documents:

[Summary and Fiscal Note](#)

[Director's Report](#)

[OPCD Presentation \(05/24/23\)](#)

[Central Staff Memo \(05/24/23\)](#)

Briefing, Discussion, Public Hearing, and Possible Vote (120 minutes)

Presenter: Nicolas Welch, Office of Planning and Community Development (OPCD)

E. Adjournment



Legislation Text

File #: CB 120582, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; removing regulatory barriers and simplifying and increasing permitting predictability for equitable development projects by modifying requirements for small institutions in residential zones; and amending Sections 23.44.006, 23.44.022, 23.45.570, 23.54.015, and 23.84A.018 of the Seattle Municipal Code.

WHEREAS, control over the use of land has been used in North America for centuries as a tool to further the colonization, segregation, exclusion, and disinvestment of communities of color, beginning in our region with European colonization of Coast Salish territory and continuing through the 20th century through public- and private-sector policies and practices like redlining and racially restrictive covenants; and

WHEREAS, once these explicitly racist practices were ruled unconstitutional, race-neutral zoning regulations supplanted them and served to solidify and further the exclusion of low-income people through minimum lot sizes, bans on lower-cost housing, and limits on housing supply, with particular impacts on Black, Indigenous, and people of color (BIPOC) households, which tend to have lower incomes and less wealth; and

WHEREAS, market forces and urban growth have increased displacement pressures on BIPOC communities, resulting in the documented dislocation of longtime residents, immigrants and refugees, culturally relevant businesses, and community anchors that provide stability and sustain community networks; and

WHEREAS, in 2016 the City established the Equitable Development Initiative (EDI) to address financial barriers facing community-led anti-displacement projects, and EDI has since awarded funds to dozens

of projects in neighborhoods at high risk of displacement; and

WHEREAS, many EDI-funded projects include activities, like community gathering space, arts and cultural space, and educational programming, that are most closely aligned with the definition of community center use or library use in the City’s Land Use Code, which are regulated as conditional uses in Neighborhood Residential zones and subject to additional requirements, longer permitting timelines, higher permitting fees, and less predictability; and

WHEREAS, some EDI-funded projects and other nonprofit community organizations in Seattle have sought to expand access to healthy, affordable, and culturally appropriate food and eating practices; reduce hunger and food insecurity; and create a more resilient and just food system; and

WHEREAS, in a highly competitive real estate market, small community organizations, particularly those led by and serving BIPOC communities, struggle to find and acquire suitable and affordable sites for their anti-displacement projects with zoning that accommodates their intended activities and uses; and

WHEREAS, recent and current applicants for funding from EDI have identified a range of regulatory barriers facing projects proposed by nonprofit community organizations due to City zoning and land use policy; and

WHEREAS, the Office of Planning and Community Development has interviewed dozens of EDI applicants and grantees and convened a stakeholder group of equitable development practitioners and community leaders with expertise in architecture, development, and the EDI process to provide recommendations for strategies to more closely align land use policy and the City’s equitable development goals; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.006 Principal uses permitted outright

The following principal uses are permitted outright in neighborhood residential zones:

A. Single-family dwelling unit((-)) ;

* * *

K. Child care centers;

L. Community centers that do not provide shelter services;

M. Community farms; and

N. Libraries.

Section 2. Section 23.44.022 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.022 Institutions

A. ~~((Institutions identified.))~~ Scope of standards

1. The standards of this Section 23.44.022 apply only to institutions permitted as conditional uses in neighborhood residential zones.

2. The following institutions may be permitted as conditional uses in neighborhood residential zones:

a. Community centers that provide shelter services;

b. Private schools;

c. Religious facilities;

~~((Libraries))~~

d. Existing institutes for advanced study; and

e. Other similar institutions.

3. The following institutions are prohibited in neighborhood residential zones:

a. Hospitals;

b. Colleges;

- c. Museums;
- d. Private clubs; and
- e. Vocational schools.

B. Major ~~((Institutions))~~ institutions. Existing major institutions and major institution uses within an existing Major Institution ~~((overlay district))~~ Overlay District shall be permitted in accordance with the provisions of Chapter 23.69~~((, Major Institution Overlay Districts, and the provisions of))~~ this ~~((section))~~ Section 23.44.022.

C. Public schools shall be permitted as regulated in Section 23.51B.002.

D. General provisions~~((;))~~

1. New or expanding institutions in neighborhood residential zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.020 unless modified elsewhere in this ~~((subsection 23.44.022.D))~~ Section 23.44.022 or in a Major Institution master plan.

2. The establishment of a shelter for homeless youths and young adults in a legally established elementary or secondary school~~((;))~~ is not considered a new use or an expansion of the institutional use provided that:

- a. The use does not violate any condition of approval of the existing institutional use;
- b. The use does not require expansion of the existing structure;
- c. Any new children's play area is located at least 30 feet from any other lot in a neighborhood residential zone~~((;))~~ and at least 20 feet from any lot in a multifamily zone; and
- d. The occupants are enrolled students of the established school.

3. Institutions seeking to establish or expand on property that is developed with residential structures may expand their campus up to a maximum of ~~((2-1/2))~~ 2.5 acres. An institution campus may be established or expanded beyond ~~((2-1/2))~~ 2.5 acres if the property proposed for the expansion is substantially vacant land.

E. Dispersion. The lot line of any proposed new or expanding institution(~~(, other than child care centers,~~) shall be located at least 600 feet (~~(or more)~~) from any lot line of any other institution in a residential zone, with the following exceptions:

1. An institution may expand even though it is within 600 feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.
2. A proposed institution may be located less than 600 feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements that provide substantial separation from other institutions, such as bodies of water, large open spaces, or topographical breaks or other elements such as arterials, freeways, or nonresidential uses(~~(, which provide substantial separation from other institutions)~~).

F. Demolition of (~~(Residential Structures)~~) residential structures. No residential structure shall be demolished, nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of (~~(this Land Use Code)~~) Title 23 and if alternative locations would have greater noise, odor, light and glare, or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.

G. Reuse of (~~(Existing Structures)~~) existing structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures (~~(which)~~) that do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

H. Noise and (~~(Odors-)~~) odors

1. For the purpose of reducing potential noise and odor impacts, the Director shall consider the

location on the lot of the proposed institution, on-site parking, outdoor recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities, and other noise-generating and odor-generating equipment, fixtures, or facilities. The institution shall be designed and operated in compliance with ~~((the Noise Ordinance,))~~ Chapter 25.08.

2. In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, or setting hours of operation for facilities ~~((or other similar measures))~~.

I. Landscaping

1. The Director shall promulgate rules to foster the long-term health, viability, and coverage of plantings. The rules shall address, at a minimum, the type and size of plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants. All landscaping provided to meet the requirements of this Section 23.44.022 shall comply with these rules.

2. Landscaping that achieves a Green Factor score of 0.3 or greater, pursuant to Section 23.86.019, is required for any lot with:

a. ~~((development))~~ Development containing more than four new dwelling units;

b. ~~((development))~~ Development, either a new structure or an addition to an existing structure, containing more than 4,000 new square feet of non-residential uses; or

c. ~~((any))~~ Any parking lot containing more than 20 new parking spaces for automobiles.

J. Light and ~~((Glare.))~~ glare

1. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area, ~~((and))~~ intensity, ~~((of illumination, the))~~ and location or angle of illumination be limited.

2. Nonreflective surfaces shall be used to help reduce glare.

K. Bulk and siting

1. Lot area. If the proposed site is more than one acre in size, the Director may require the following and similar development standards:

a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum;

b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent (~~residentially zoned~~) residentially zoned block fronts in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright pursuant to Section 23.44.014, provided that no structure other than freestanding walls, fences, bulkheads, or similar structures shall be closer than 10 feet to the side lot line. If the Director finds that a reduced (~~setback~~) yard will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings, the (~~sideyard setback~~) side yard may be reduced to 5 feet. Fences and freestanding walls of utility services uses, regulated under this Section 23.44.022 pursuant to Section 23.51A.002, shall be set back from the street lot line a minimum of 10 feet, and landscaping shall be provided between the fence or wall and the right-of-way. The Director may reduce (~~this setback~~) the required yard after finding that the reduced (~~setback~~) yard will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the fence, wall, or structure in relation to nearby buildings. Acceptable methods to reduce fence or wall impacts include changes in the height, design, or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line. Fences and walls may obstruct or allow views to the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to provide

both: a landscaped (~~(setback)~~) yard between the fence or wall and the right-of-way(~~(s)~~) ; and a fence or wall that provides visual interest facing the street lot line(~~(s)~~) through the height, design, or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features.

3. Institutions (~~(Located on Lots in More Than One (1) Zone Classification)~~) located on lots in more than one zone classification. For lots (~~(which)~~) that include more than one (~~((1))~~) zone classification, neighborhood residential zone provisions shall apply only to the (~~(neighborhood residential-zoned)~~) neighborhood residential-zoned lot area involved.

4. Height (~~(Limit)~~) limit

a. Religious symbols for religious institutions may extend an additional (~~(twenty-five (25))~~) 25 feet above the height limit.

b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be (~~(thirty-five (35))~~) 35 feet if portions of the structure above (~~(thirty-five (35))~~) 35 feet are set back at least (~~(twenty (20))~~) 20 feet from all property lines. Pitched roofs on a gymnasium or auditorium (~~(which)~~) that have a slope of not less than (~~(four to twelve (-) 4:12((?))~~) may extend (~~(ten (10))~~) 10 feet above the (~~(thirty-five (35))~~) 35-foot height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the (~~(thirty-five (35))~~) 35-foot height limit under this provision.

5. Facade (~~(Scale)~~) scale. If any facade of a new or expanding institution (~~(exceeds thirty (30) feet in length)~~) is longer than 30 feet, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features (~~(which)~~) that may be required include, but are not limited to, modulation, architectural features, landscaping (~~(or)~~) , and increased yards.

L. Parking and (~~(Loading Berth Requirements)~~) loading berth requirements

1. Quantity and (~~(Location of Off-street Parking)~~) location of off-street parking

a. Use of transportation modes such as public transit, vanpools, carpools, and bicycles to reduce the use of single-occupancy vehicles is encouraged.

b. Parking and loading is required as provided in Section 23.54.015.

c. The Director may modify the parking and loading requirements of Section 23.54.015 and the requirements of Section 23.44.016 on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection 23.44.022.M. The modification shall be based on adopted City policies and shall:

1) Provide a demonstrable public benefit, such as ~~((, but not limited to,))~~ reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light, and glare; and

2) Not cause undue traffic through residential streets ~~((nor))~~ or create a safety hazard.

2. Parking ~~((Design))~~ design. Parking access and parking shall be designed as provided in ~~((Design Standards for Access and Off-street Parking,))~~ Chapter 23.54.

3. Loading ~~((Berths))~~ berths. The quantity and design of loading berths shall be as provided in ~~((Design Standards for Access and Off-street Parking,))~~ Chapter 23.54.

M. Transportation ~~((Plan))~~ plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions ~~((which))~~ that are larger than ~~((four thousand (4,000)))~~ 4,000 square feet of structure area and/or are required to provide an additional ~~((twenty (20)))~~ 20 or more parking spaces. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

1. Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of

the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution, and mitigating measures to be taken by the applicant;

2. Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking, and measures to be taken by the applicant such as preference given to some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;

3. Parking (~~((Overflow))~~) overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development, and mitigating measures to be taken by the applicant;

4. Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;

5. Availability of (~~((Public or Private Mass Transportation Systems))~~) public or private mass transportation systems. Route location and frequency of service(~~((;))~~) and private mass transportation programs (~~((including))~~) to be provided by the applicant, such as carpools and vanpools(~~((, to be provided by the applicant))~~).

N. Development (~~((Standards for Existing Institutes for Advanced Study-))~~) standards for existing institutes for advanced study

1. The institute shall be located on a lot of not less than (~~((fifteen (15)))~~) 15 acres.

2. The lot coverage for all structures shall not exceed (~~((twenty (20)))~~) 20 percent of the total lot area.

3. Structures shall be set back a minimum of (~~((twenty-five (25)))~~) 25 feet from any lot line.

4. Parking areas shall be set back a minimum of (~~((ten (10)))~~) 10 feet from any lot line.

5. In the event of expansion, parking shall be required as provided for (~~((“))~~)existing institutes for advanced study(~~((“))~~) in Section 23.54.015(~~((, Required parking))~~).

6. Landscaping shall be provided between a lot line and any structure and shall be maintained for the duration of the use.

Section 3. Section 23.45.570 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

23.45.570 Institutions

* * *

F. Setback requirements in LR zones

1. Front setback. ~~((The minimum depth of the required front setback is determined by the average of the setbacks of structures on adjoining lots, but is not required to exceed 20 feet. The setback shall not be reduced below an average of 10 feet, and no portion of the structure may be closer than 5 feet to a front lot line.))~~ The average front setback is 10 feet, and the minimum front setback is 5 feet.

2. Rear setback. The minimum rear setback is 10 feet.

3. Side setback

a. The minimum side setback is ~~((10))~~ 5 feet ~~((from a side lot line that abuts any other residentially-zoned lot. A 5-foot setback is required in all other cases, except that the minimum side street side setback is 10 feet)).~~

b. If the depth of a structure exceeds 65 feet, an additional side setback is required for that portion of the structure in excess of 65 feet, according to Table B for 23.45.570. In lieu of providing the additional setback for the portion of the structure in excess of 65 feet deep, a lesser side setback may be provided for the portion in excess of 65 feet deep if the average setback for the entire structure is no less than the average of the setback required by subsection 23.45.570.F.3.a and the setback required under Table B for 23.45.570.

Table B for 23.45.570 Side ((Setback Requirements for Institutional Structures Greater than 65 in-Depth in LR Zones)) <u>setback requirements for institutional structures greater than 65 feet in in LR zones</u>
--

Structure depth in feet	Side setback requirement in feet				
	Up to 20 in height	Greater than 20 up to 40 in height	Greater than 40 up to 60 in height	Greater than 60 up to 80 in height	Greater than 80 in height
Up to 70	12	14	16	18	-
Greater than 70, up to 80	13	15	17	19	21
Greater than 80, up to 90	14	16	18	20	22
Greater than 90, up to 100	15	17	19	21	23
Greater than 100	16	18	20	22	24

4. Setbacks for ~~((Specific Items))~~ specific items. The following shall be located at least 20 feet from any abutting residentially zoned lot:

- a. Emergency entrances;
- b. Main entrance door of the institutional structure;
- c. ~~((Outdoor play equipment and game courts;~~
- d.)) Operable window of gymnasium, assembly hall, or sanctuary;
- ~~((e-))~~ d. Garbage and trash disposal mechanism;
- ~~((f-))~~ e. Kitchen ventilation;
- ~~((g-))~~ f. Air-conditioning or heating mechanism;
- ~~((h-))~~ g. Similar mechanisms and features causing noise and/or odors as determined by

the Director.

5. Accessory structures and projections from principal structures are allowed in required setbacks on lots developed with institutional uses to the same extent that those accessory structures or projections would be allowed for apartments in the zone, except that no accessory structures other than freestanding walls, fences, bulkheads, or similar structures shall be closer than 10 feet to a side lot line abutting

another lot in a residential zone.

* * *

Section 4. Table C for Section 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 126685, is amended as follows:

23.54.015 Required parking and maximum parking limits

* * *

Table C for 23.54.015 Required ((Parking for Public Uses and Institutions)) <u>parking for public uses and institutions</u>		
Use	Minimum parking required	
I. General ((Public Uses and Institutions)) <u>public uses and institutions</u>		
A.	Adult care centers ^{1, 2, ((40))} <u>3</u>	1 space for each 10 adults (clients) member, whichever is greater; plus space for each 20 adults (clients)
B.	Child care centers ^{2, 3, ((40))} <u>4</u>	1 space for each 10 children or 1 space whichever is greater; plus 1 loading space for each 20 children
C.	Colleges	A number of spaces equal to 15 percent of students that the facility is designed to accommodate; plus 1 space for each 100 square feet of assembly area in outdoor spectator seating
D.	Community centers owned and operated by the Seattle Department of Parks and Recreation (SPR) ^{1, ((4))} <u>6</u>	1 space for each 555 square feet; or 1 space for each 100 square feet
E.	Community clubs, and community centers not owned and operated by SPR ^{1, 5, 7}	1 space for each 80 square feet of public assembly rooms ((not)) <u>con-</u> space for every 8 fixed seats for floor seats; or if no auditorium or assembly 350 square feet ((, excluding ball court <u>areas</u>

F.	Community farms ⁴	1 space plus 1 space for each 10,000 square feet of floor area, or 10 spaces, whichever is greater
(F.) G.	Hospitals	1 space for each 2 staff doctors; plus 1 space for each 5 employees other than staff doctors
(G.) H.	Institutes for advanced study, except in neighborhood residential zones	1 space for each 1,000 square feet of floor area plus 1 space for each 10 fixed seats in assembly rooms; or 1 space for each 100 square feet of assembly area not containing fixed seats
(H.) I.	Institutes for advanced study in neighborhood residential zones (existing) ¹	3.5 spaces for each 1,000 square feet of floor area plus 1 space for each 1,000 square feet of conference room to house and support conference calls; or 1 space for each 1,000 square feet of conference room, whichever is greater
(I.) J.	Libraries ^{1, 5, ((6)) 8}	1 space for each 80 square feet of floor area for public meeting rooms containing fixed seats for every 500 square feet of floor area (excluding public meeting rooms) of all other uses
(J.) K.	Museums ¹	1 space for each 80 square feet of floor area for assembly rooms, not containing fixed seats for every 10 fixed seats for floor area of assembly room; or 1 space for each 250 square feet of floor area for the public
(K.) L.	Private clubs	1 space for each 80 square feet of floor area for public assembly rooms not containing fixed seats for every 8 fixed seats for floor area of auditorium or assembly room, 1 space for each 100 square feet of floor area excluding ball courts
(L.) M.	Religious facilities ¹	1 space for each 80 square feet of floor area for assembly rooms
(M.) N.	Schools, private elementary and secondary ¹	1 space for each 80 square feet of floor area for assembly rooms, or if no auditorium, 1 space for each staff member
(N.) O.	Schools, public elementary and secondary ^{((5,)) 7, ((8)) 9, 10}	1 space for each 80 square feet of floor area for assembly rooms, or 1 space for every 100 square feet of floor area for public assembly rooms containing fixed seats in schools on a new or existing public site
(O.) P.	Vocational or fine arts schools	1 space for each 2 faculty that the facility is designed to accommodate; plus 1 space for each 5 students other than faculty that the facility is designed to accommodate; or 1 space for each 5 students, based on the number of students that the school is designed to accommodate

II. General ((Public Uses and Institutions for Specific Areas)) public uses and institutions for specific areas		
<p>((P.)) <u>Q.</u></p>	<p>General public uses, institutions and Major Institution uses, except hospitals, in urban centers or the Station Area Overlay District ⁽⁹⁾ <u>11</u></p>	<p>No minimum requirement</p>
<p>((Q.)) <u>R.</u></p>	<p>General public uses and institutions, except hospitals, including institutes for advanced study in neighborhood residential zones, within urban villages that are not within the Station Area Overlay District, if the use is located within a frequent transit service area</p>	<p>No minimum requirement</p>

Footnotes ((for)) to Table C for 23.54.015 ¹ When this use is permitted in a neighborhood residential zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.570. ² The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time. ³ As a Type I decision, the Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers to provide loading and unloading spaces on street, if not prevented by current or planned transportation projects adjacent to their property, when no other alternative exists. ⁴ A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces. ⁽⁴⁾ ~~((When family support centers are located within community centers owned and operated by the Department of Parks and Recreation, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to subsection 23.54.020.I.))~~ ⁵ When this use is permitted outright in a neighborhood residential or multifamily zone, the Director

may reduce the parking and loading requirements of Section 23.54.015 and the requirements of Section 23.44.016 or Section 23.45.536 on a case-by-case basis if the applicant can demonstrate that the modification is necessary due to the specific features, activities, or programs of the institution and links the reduction to the features of the institution that justify the reduction. Such modifications shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied. ⁶ When family support centers are located within community centers owned and operated by the Department of Parks and Recreation, the Director may lower the combined parking requirement by up to a maximum of 15 percent, pursuant to subsection 23.54.020.I. ⁽⁵⁾ ⁷ Indoor gymnasiums are not considered ball courts, nor are they considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the gymnasium is one parking space for every eight fixed seats. Each 20 inches of width of bleachers is counted as one fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement is one space for each 350 square feet. ⁽⁶⁾ ⁸ When ((a library is permitted in a

~~neighborhood residential zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when)) a library is permitted in a multifamily or commercial zone as a conditional use, the Director may modify the parking requirements ((pursuant to Section 23.45.122; and when a library is permitted in a commercial zone, the Director may modify the parking requirements pursuant to subsection 23.44.022.L)) of Section 23.54.015 and the requirements of Section 23.45.536 or Sections 23.47A.030 and 23.47A.032 on a case-by-case basis if the applicant can demonstrate that the modification is necessary due to the specific features, activities, or programs of the institution and links the reduction to the features of the institution that justify the reduction. Such modifications shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied. ⁽⁷⁾ 2~~

For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements are determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown ~~((ø))~~ in this Table C for 23.54.015 for the increase in floor area or increase in number of seats

area or increase in number of seats only. If the parking requirement for the increased area or seating is 10 percent or less than that for the existing auditorium or other place of assembly, then no additional parking is required. ⁽⁸⁾ 10

Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces. ⁽⁹⁾ 11

The general requirements of lines A through ~~((Θ))~~ P of this Table C for 23.54.015 for general public uses and institutions, and requirements of subsection 23.54.016.B for Major Institution uses, are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a general public use, institution, or Major Institution use fits within more than one line in this Table C for 23.54.015, the least of the applicable parking requirements applies. The different parking requirements listed for certain categories of general public uses or institutions shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23. ⁽⁴⁰⁾ ~~((The Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers to provide loading and unloading spaces on street, if not prevented by current or planned~~

transportation projects adjacent to their property, when no other alternative exists.))

* * *

Section 5. Section 23.84A.018 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

23.84A.018 "I"

* * *

"Institution" means structure(s) and related grounds used by organizations for the provision of educational, medical, cultural, social, and/or recreational services to the community, including but not limited to the following uses:

1. "Adult care center" means an institution that regularly provides care to a group of adults for less than ~~((twenty-four (24)))~~24(+) hours a day, whether for compensation or not.

2. "College" means a post-secondary educational institution, operated by a nonprofit organization, granting associate, bachelor, and/or graduate degrees.

3. "Community club or center" means an institution used for athletic, social, civic, cultural, artistic, or recreational purposes, operated by a nonprofit organization, and open to the general public on an equal basis. Activities in a community club or center may include, but are not limited to, classes and events sponsored by nonprofit organizations, community programs for the elderly, ~~((and other similar activities))~~ social gatherings, educational programming, gardens, and art exhibits.

a. "Community center" means a community club or center use, providing direct services to people on the premises rather than carrying out only administrative functions, that is open to the general public without membership. Community centers may include accessory commercial uses including but not limited to commercial kitchens and food processing, craft work and maker spaces, cafes, galleries, co-working spaces, health clinics, office spaces, and retail sales of food and goods.

b. "Community club" means a community club or center use, membership to which is open to the general public on an equal basis.

4. "Child care center" means an institution that regularly provides care to a group of children for less than 24 hours a day, whether for compensation or not. Preschools, cooperative child care exchanges, and drop-in centers where children receive care by the day shall be considered to be child care centers.

5. "Community farm" means an institution, operated by a nonprofit organization, in which land and related structures are primarily used to grow or harvest plants for food, educational, cultural, or ecological restoration purposes, or to keep animals in accordance with Section 23.42.052. Additional activities may include but are not limited to indoor and outdoor classes and events, food processing and preparation, community programs and gatherings, and the sale of plants, harvested or prepared food, ornamental crops, and animal products such as eggs or honey but not including the slaughtering of animals or birds for meat.

~~((5-))~~ 6. "Family support center" means an institution that offers support services and instruction to families, such as parenting classes and family counseling, and is co-located with a Department of Parks and Recreation community center.

~~((6-))~~ 7. "Hospital" means an institution other than a nursing home that provides accommodations, facilities, and services over a continuous period of ~~((twenty-four (24)))~~ 24 hours or more, for observation, diagnosis, and care of individuals who are suffering from illness, injury, deformity, or abnormality or from any condition requiring obstetrical, medical, or surgical services, or alcohol or drug detoxification. ~~((This definition excludes nursing homes.))~~

~~((7-))~~ 8. "Institute for advanced study" means an institution operated by a nonprofit organization for the advancement of knowledge through research, including the offering of seminars and courses, and technological and/or scientific laboratory research.

~~((8-))~~ 9. "Library" means an institution where literary, musical, artistic, or reference materials are kept for use but not generally for sale.

~~((9-))~~ 10. "Museum" means an institution operated by a nonprofit organization as a repository of natural, scientific, historical, cultural, or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.

~~((10-))~~ 11. "Private club" means an institution used for athletic, social, or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

~~((11-))~~ 12. "Religious facility" means an institution, such as a church, temple, mosque, synagogue, or other structure, together with its accessory structures, used primarily for religious worship.

~~((12-))~~ 13. "School, elementary or secondary" means an institution operated by a public or nonprofit organization primarily used for systematic academic or vocational instruction through the twelfth grade.

~~((13-))~~ 14. "School, vocational or fine arts" means an institution that teaches trades, business courses, hairdressing, and similar skills on a post-secondary level, or that teaches fine arts such as music, dance, or painting to any age group, whether operated for nonprofit or profit-making purposes, except businesses that provide training, instruction, or lessons exclusively on an individual basis, which are classified as general retail sales and service uses, and except those businesses accessory to an indoor participant sports use.

~~((14-))~~ 15. "University." See "College."

Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

_____, Interim City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Office of Planning and Community Development (OPCD)	Nick Welch	Christie Parker

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; removing regulatory barriers and simplifying and increasing permitting predictability for equitable development projects by modifying requirements for small institutions in residential zones; and amending Sections 23.44.006, 23.44.022, 23.45.570, 23.54.015, and 23.84A.018 of the Seattle Municipal Code.

Summary and Background of the Legislation: The Office of Planning and Community Development (OPCD) proposes a suite of Land Use Code amendments that remove regulatory barriers facing equitable development projects. These code changes support anti-displacement projects, including those funded by the City’s Equitable Development Initiative (EDI), by simplifying and removing uncertainty from the permitting process and updating code language to provide clarity and consistency for the types of activities these projects tend to include.

In 2016, the City established EDI to address financial barriers to equitable development. Since then, dozens of community-led projects have received funding, but many continue to face regulatory hurdles that thwart, complicate, delay, and add cost to these projects. One reason for this is the types of uses these projects often include. Many EDI projects combat displacement through inclusion of community gathering space, arts and cultural space, civic and educational programming, and other community uses. These activities generally align most closely with the Land Use Code definition of a “community center,” a type of small institution permitted in residential zones only as a conditional use. Conditional uses are subject to several requirements and limits beyond the standards for other uses, like additional setbacks, dispersion requirements, and a discretionary approval process that adds time and cost.

This legislation addresses specific land use barriers that many EDI applicants and grantees are currently facing. This legislation:

- Allows community centers and libraries as institution uses permitted outright in Neighborhood Residential zones rather than requiring a conditional use permit that adds time, cost, and uncertainty for applicants
- Modifies the amount of off-street parking required for community centers and libraries
- Defines and provides standards for “community farms” as a type of institution allowed outright in Neighborhood Residential zones

- Modifies the definition of “community club or center” to better reflect the types of activities and programming commonly included in EDI projects and increase predictability in the permitting process
- Allows community centers to include certain accessory commercial uses, subject to limits, to let these institutions provide additional community services and generate revenue that supports the nonprofit organization
- For institutions in LR zones, applies setback requirements consistent with those for uses permitted outright in the zone rather than requiring larger setbacks, and eliminates specific setback requirements for outdoor play equipment and game courts

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

Are there financial costs or other impacts of *not* implementing the legislation?

Some current and likely future EDI-funded projects would continue to require conditional use permits in order to proceed, which can add costs to a project by extending the timeline, increasing permit review fees, and requiring more specialized professional expertise to navigate and complete the design and permitting process.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

The proposal affects the permitting pathway that SDCI follows for some small institutions. Projects that include uses affected by the proposal (community centers, libraries, and community farms) also sometimes include low-income housing funded by OH.

b. Is a public hearing required for this legislation?

Yes. A public hearing is expected to be held in April or May 2023.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. Notice is required for the public hearing and will be published in the Daily Journal of Commerce. Notice was also required and provided for the SEPA determination of non-significance published March 23, 2023.

d. Does this legislation affect a piece of property?

The legislation affects certain small institution uses throughout Seattle.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The legislation is intended to support anti-displacement projects funded through the Equitable Development Initiative. EDI grantees tend to be community organizations led by and/or serving people of color, and their projects are community-driven strategies in areas with high risk of displacement. This legislation, and OPCD's broader Equitable Development Zoning effort of which it is an initial implementing action, reflects interviews with EDI applicants and grantees and the guidance of an EDI stakeholder group that has convened since June 2022.

OPCD is currently developing a project website where information will be posted, with translations available on request.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

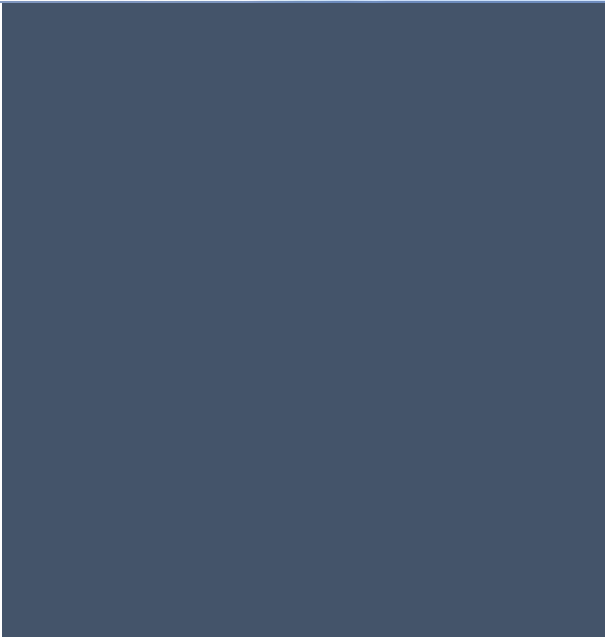
2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

The proposal would reduce regulatory barriers to help equitable development projects succeed. While unlikely on its own to substantially alter the number, frequency, or size of these community-serving institutions, the legislation would support institutions that provide services that can help communities at risk of displacement stay in place and

sustain cultural networks, which will become more important in the future as these communities face the effects of climate change.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

This legislation is the first implementation action from OPCD's Equitable Development Zoning (EDZ) initiative, which aims to align land use policy more closely with the City's equitable development goals. This proposed legislation intends to simplify and streamline the permitting process for EDI-funded projects. Over time, EDZ aims to encourage equitable development uses more broadly through land use tools. Intended outcomes include faster and more predictable permitting processes for EDI projects, more suitable sites for equitable development uses throughout the city, and ultimately more regulatory and programmatic support for community-driven anti-displacement efforts.



**Equitable Development
Zoning Code Changes**

Director's Report



April 2023



Seattle
Office of Planning &
Community Development

Dear neighbors,

In 2016, Seattle established the Equitable Development Initiative (EDI) to address financial barriers facing community-driven efforts to combat displacement, increase access to opportunity, and strengthen cultural networks. Since then, dozens of community-led projects have been awarded funding, received permits, and begun construction with the support of this initiative.

However, community-driven anti-displacement projects, including those that receive City funding awards through EDI, continue to face challenges. Seattle's highly competitive real estate market makes site acquisition exceedingly difficult for small, BIPOC-led community organizations. Even when they have a site, organizations may find the zoning or land use provisions do not fully accommodate their vision. Given the variety of activities and uses these projects often include to support community needs, they must navigate a complex permitting process.

The legislation OPCD has developed, in partnership with EDI stakeholders, would begin to address these challenges. Specifically, it would remove regulatory barriers that create a more complicated and restrictive pathway for small community-oriented institution uses, which projects funded by EDI often include. It addresses specific barriers identified by recent and current EDI-funded projects. We are grateful to the EDI applicants, grantees, practitioners, and leaders who have shared their experiences, identified ways for us to better align land use policy with our equitable development vision, and shaped the proposed legislation.

This is a small but important step towards supporting community-driven solutions to displacement pressure — and we must take others. We envision a Seattle where longtime residents can remain in place, diverse cultural communities can flourish, new neighbors are welcomed, and displaced communities are welcomed back. As we shape future growth in our city and region, we must ensure our policy and investment decisions are aligned and commensurate with that vision. We look forward to further actions, guided by our EDI partners, to strengthen the City's anti-displacement tools.



Rico Quirindongo, Acting Director

Seattle Office of Planning and Community Development

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INTRODUCTION

The Office of Planning and Community Development (OPCD) proposes a suite of Land Use Code amendments that would remove regulatory barriers facing equitable development projects. These code changes would support anti-displacement projects, including those funded by the City's Equitable Development Initiative (EDI), by simplifying and removing uncertainty from the permitting process and updating code language to provide clarity and consistency for the types of activities these projects tend to include.

In 2016, the City established EDI to address financial barriers to equitable development. Since then, dozens of community-led projects have received funding, but many continue to face regulatory hurdles that thwart, complicate, delay, and add cost to these projects. One reason for this is the types of uses these projects often include. In addition to affordable housing, many EDI projects combat displacement through inclusion of community gathering space, arts and cultural space, civic and educational programming, and other community uses. These activities generally align most closely with the Land Use Code definition of a "community center," a type of small institution permitted in residential zones only as a conditional use. Conditional uses are subject to several requirements and limits beyond the standards for other uses, like additional setbacks, dispersion requirements, and a discretionary approval process that adds time and cost.

The proposed legislation would address specific land use barriers that many EDI applicants and grantees are currently facing. This legislation would:

- Allow community centers and libraries as institution uses permitted outright in Neighborhood Residential zones rather than requiring a conditional use permit that adds time, cost, and uncertainty for applicants
- Modify the amount of off-street parking required for community centers and libraries
- Define and provide standards for "community farms" as a type of institution allowed outright in Neighborhood Residential zones
- Modify the definition of "community club or center" to better reflect the types of activities and programming commonly included in EDI projects and increase predictability in the permitting process
- Allow community centers to include certain accessory commercial uses, subject to limits, to let these institutions provide additional community services and generate revenue that supports the nonprofit organization
- For institutions in LR zones, apply setback requirements consistent with those for uses permitted outright in the zone rather than requiring larger setbacks, and eliminate specific setback requirements for outdoor play equipment and game courts

The proposed legislation is part of an Equitable Development Zoning (EDZ) effort that OPCD has undertaken in partnership with equitable development stakeholders. This report summarizes the genesis of the EDZ work, documents the engagement process and the input that has shaped this proposal, and provides detail on the intent and likely outcomes of each proposed code change described above.

BACKGROUND

Historical context

Land use regulation has its origins in segregation, exclusion, and disinvestment. Throughout history, people of color were systematically deprived of access to housing, land security, homeownership, and development. Early examples in our region include the colonization of Coast Salish territory, laws that barred Black and Indigenous people from residing in Washington State and in Seattle, and the forced incarceration of Japanese and Japanese-American people during World War II. In the 20th century, racially restrictive covenants and redlining prohibited people of color from living in most Seattle neighborhoods and accessing loans to pursue homeownership, respectively. Once they were ruled unconstitutional, these explicitly racist practices gave way to facially race-neutral zoning, land use, and growth management frameworks with both intended and unintended harms for communities of color. In recent decades, urban growth and development pressures

have resulted in gentrification that displaces communities of color. As Seattle's current economic and population boom drives housing and land prices upward, cultural communities struggle to remain in place, maintain cultural anchors, and flourish.

Barriers to equitable development

To address this legacy of historical exclusion and disinvestment, the City has prioritized equitable development through Comprehensive Plan policy, its Equitable Development Monitoring Program, and EDI investments in community-led anti-displacement projects. Despite this commitment, City regulations often impede, complicate, and add costs for the projects that EDI funds. Many of Seattle's current land use rules were not developed with equitable development outcomes in mind. As a result, the City's land use regulations may be hindering progress towards a more equitable future.

EDI-funded projects face various challenges beyond securing funding: finding a suitable development site the organization can afford; contending with zoning that limits allowed uses and may not accommodate the project vision; and navigating a complex regulatory process. This is especially true when a project requires a conditional use approval or contract rezone, which introduce uncertainty, complexity, additional requirements, and higher costs. These barriers are more challenging for smaller BIPOC-led organizations — which are often focused on a specific purpose or mission and undertaking development for the first time — than for larger, established developers with resources and specialized real estate expertise.

For these reasons, collaboration, technical assistance, and regulatory reform are critical to the success of EDI-funded projects. In 2020, OPCD began EDZ to identify ways to align City land use regulation more closely with its equitable development goals. The proposed legislation is a first phase in implementing EDZ strategies that would remove barriers to equitable development projects. The proposed legislation focuses on targeted code issues that recent and current EDI stakeholders have identified. Future actions will address other land use and zoning challenges facing equitable development projects.

STAKEHOLDER ENGAGEMENT

The proposal is informed by several rounds of engagement with EDI stakeholders from 2020 to the present. In late 2020 and early 2021, OPCD met with a group of people engaged in community development and connected to EDI projects for early conversations about how land use regulations were affecting equitable development objectives and how the City might address these issues. As part of the 2022 and 2023 EDI funding rounds, applicants were asked if they had experienced or anticipated facing land use barriers with their projects and would be open to discussing these issues with staff. OPCD staff working on EDZ then interviewed those self-identified applicants to discuss their projects, identify the land use and zoning issues they may face, and discuss potential solutions. OPCD staff interviewed 21 applicants across the two funding rounds.

This initial engagement identified several themes about the challenges facing EDI projects:

- A range of City regulations related to land use and development commonly create challenges for EDI projects
- Sites available and affordable to community organizations who have applied for or received EDI funding often have zoning that does not accommodate their proposed uses, and sites with more flexible zoning are scarce, more costly, and harder to acquire
- The permitting process is complex, costly, and uncertain, especially for projects that involve conditional uses and for community organizations undertaking development for the first time
- The complexity of permitting and the competitiveness of the real estate system together favor larger, experienced developers and investors with specialized expertise over small, often BIPOC-led organizations

In spring 2022, OPCD convened a stakeholder group of practitioners and community leaders who had been or are currently involved in equitable development projects and who have experience in development, architecture, community organizing, anti-displacement work, and arts and cultural space. This stakeholder

group included Donald King, Grace Leong, Gregory Davis, Inye Wokoma, Keith Tucker, Leah Martin, Rizwan Rizwi, Slayman Appadolo, Tara Lawal, Willard Brown, and Yordanos Teferi. This group has met roughly once a month since June 2022 to guide the direction of OPCD's EDZ work and advise specifically on the components of the proposed legislation. The group discussed OPCD's draft proposal for code changes in its first two meetings in June and July 2022. Staff then presented and discussed an updated proposal in January 2023. Based on their experience carrying equitable development projects through the permitting process, the stakeholders identified the proposed code changes as valuable short-term reforms to help EDI projects succeed. The group discussed and made recommendations on further land use strategies that would help equitable development projects, like support through the permitting process, expedited permitting, and alternative development standards. OPCD continues to work with the stakeholders to explore and develop proposals for these additional strategies.

PROPOSAL

Based on the direction from EDI stakeholders over the last two years, OPCD proposes to amend several provisions of the Land Use Code (Seattle Municipal Code Title 23) to remove regulatory hurdles to equitable development projects. The proposed code changes would simplify, streamline, and increase the predictability of the permitting process for uses that EDI-funded projects typically include. The following sections summarize each proposed code change.

Allow community centers and libraries outright in Neighborhood Residential zones

In Neighborhood Residential zones, certain uses are permitted as of right and others as conditional uses. Certain institutions are allowed only as conditional uses and are subject to various additional provisions, including a dispersion requirement, additional setback requirements, and a discretionary permit review process. The proposed legislation would modify the list of principal uses permitted outright in Section 23.44.006 to allow community centers that do not include shelter services and libraries as uses allowed without a conditional use review. (Community centers that include shelter services would remain a conditional use subject to all existing requirements and processes.) This change would provide a simpler, shorter, and more predictable permitting process for EDI projects that include activities that align with the use definitions for community center and library. These uses would no longer be required to locate at least 600 feet from any other institution in a residential zone, which can limit the sites available for equitable development projects. They would be subject to the height, floor area, lot coverage, and yard requirements of the zone.

Modify the amount of off-street parking required for community centers and libraries

Parking standards for institutions are established in Section 23.54.015. The proposal would modify the requirements for community centers and libraries as follows:

Use	Minimum parking required
Community clubs, and community centers not owned and operated by SPR	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms ((not)) containing fixed seats; plus ((1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room;)) 1 space for each 350 square feet ((, excluding ball courts)) of all other indoor areas
Libraries	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms <u>containing fixed seats</u> ; plus 1 space for each 500 square feet of floor area ((, excluding auditoria and public meeting rooms)) of all other areas

Stakeholder input and staff research suggest that the existing parking requirements exceed the actual daily parking needs of many community centers. The high number of spaces required can limit the amount of site area available for other programming and services, foreclose outdoor activity spaces, and increase impervious surfaces. The propose would reduce the requirement to match more closely what research suggests is a reasonable amount for these uses based on actual project needs.

Modify the definition of "community club or center"

The proposal would amend the definition of "community club or center" as a type of institution use in Section 23.84A.018 as follows:

“Community club or center” means an institution used for athletic, social, civic, cultural, artistic, or recreational purposes, operated by a nonprofit organization, and open to the general public on an equal basis. Activities in a community club or center may include, but are not limited to, classes and events sponsored by nonprofit organizations, community programs for the elderly, social gatherings, educational programming, gardens, art exhibits, and other similar activities.

As discussed earlier, several recent and current EDI-funded projects have been permitted or are in the process of being permitted under as a community center use. The proposed modification would better align the definition with the types of activities these projects typically include, like spaces geared toward cultural and artistic programming, community gathering space, and outdoor uses. These amendments expand language that is used to describe (but not limit) the activities allowed as a community club or community center use.

Define and provide standards for “community farms”

The proposal would add a new definition for “community farm” as a type of institution in Section 23.84A.018 as follows:

“Community farm” means an institution, operated by a nonprofit organization, in which land and related structures are primarily used to grow or harvest plants for food, educational, cultural, or ecological restoration purposes, or to keep animals in accordance with Section 23.42.052. Additional activities may include but are not limited to indoor and outdoor classes and events, food processing and preparation, community programs and gatherings, and the sale of plants, harvested or prepared food, ornamental crops, and animal products such as eggs or honey but not including the slaughtering of animals or birds for meat.

Like community centers and libraries, community farms would be allowed outright in NR zones. The following parking requirements would apply:

Use	Minimum parking required
<u>Community farms</u>	<u>1 space plus 1 space for each 10,000 square feet of site area, or 10 spaces, whichever is greater</u>

Community centers and other nonprofits are occasionally centered around mission-driven agricultural uses that aim to improve health and food access outcomes. These projects often include food and agricultural education and seek to provide culturally relevant foods and eating practices to their communities. Several EDI applicants and grantees are pursuing projects related to urban agriculture. City codes currently lack a use type category that adequately encompasses the multifaceted nature of community farms, making it difficult for these community-oriented agricultural uses to arise and flourish. Instead, these projects typically must apply as an “urban farm” or “community garden,” neither which allows the specific mix of uses and programming needed for these community-driven projects. Urban farms are allowed only as accessory uses, not principal uses, requiring them to find a principal use to which they can be accessory. Urban farms are also subject to provisions, like standards for size and required proximity to a principal use, aimed more at for-profit entities. Community gardens are allowed as principal uses but cannot sell produce or plants, which community-oriented farms may wish to do to generate revenue that supports their operation and mission. Allowing community farms as a principal use would let nonprofits use parcels across the city that are challenging for typical development due to size, location, or access issues.

The proposed definition of “community farm” would resemble “community garden” but allow the sale of produce. It would be permitted outright as a principal use in NR zones. Like “community center” use, it would require operation and management by a nonprofit. A minimum parking requirement would ensure space for one or more employees is provided along with parking spaces for deliveries, loading and unloading, customers, and community members attending events, commensurate with the size of the community farm. All development standards of the zone would apply, meaning any structures created as part of the community farm would be subject to the same height, size, coverage, and siting standards as any other permitted use (like housing).

Allow community centers to include certain accessory commercial uses

The proposal would modify the definition of "community center" to stipulate that certain commercial activities are allowed as accessory uses, as follows:

"Community center" means a community club or center use, providing direct services to people on the premises rather than carrying out only administrative functions, that is open to the general public without membership. Community centers may include accessory commercial uses including but not limited to commercial kitchens and food processing, craft work and maker spaces, cafes, galleries, co-working spaces, health clinics, office spaces, and retail sales of food and goods.

This change would provide flexibility for these institutions to include commercial spaces as part of the overall community center programming that could expand the financial opportunities available to the nonprofit that operates the community center and provide permanent or pop-up spaces for small, local businesses. It could also support more walkable and complete communities by allowing retail and services to be integrated throughout neighborhoods. As an accessory use, these commercial uses would have to be incidental to the principal use, which would serve to limit its scale within a project and require a relationship between the commercial use and the activities of the community center programming.

Modify setback requirements for institutions in LR zones

Community centers, libraries, and other institutions in Lowrise Multifamily zones are currently subject to additional setback requirements beyond the standards for uses permitted outright (like housing). Established in 23.45.570.F, these standards add complexity and can constrain site design and configuration. The proposal would amend this subsection to provide setbacks more consistent with the setbacks required for uses permitted outright.

ANALYSIS

Permit review

Because the proposed changes would not apply exclusively to projects funded by EDI, or even projects understood to constitute "equitable development" regardless of their funding, but rather to all projects permitted as community centers or libraries, staff considered whether they could have unintended consequences by removing regulatory barriers for projects that are less aligned with equitable development outcomes. As defined in Section 23.84A, both types of institutional uses provide public services. Community centers must be operated by a nonprofit, and libraries provide literary and other material for use but generally not for sale. These components of the use definition provide constraints on the number and type of projects likely to benefit from the proposal beyond the intended focus on equitable development projects.

We also sought to gauge how often permits for community center and library uses are issued overall. We analyzed all records since 2012 categorized in City permitting data as an "institution" or "community center" use, since both terms sometimes appear as the primary use category. This produced a dataset of 284 permit applications. Only a subset of the permits were issued or completed, and many were expired, but we analyzed the full dataset to produce a high-end estimate of the number of permits issued during this period. We reviewed the project description and/or plan sets for each permit to determine 1) the type of activity proposed (new construction, addition/alteration, change of use, temporary or interim use, etc.), and 2) the type of institution involved (community center, school, university, medical facility, religious facility, etc.). Because the proposal would modify permitting requirements only in Neighborhood Residential zones, we sought to gauge how often these small institutions are permitted in this zone (albeit as a conditional use) as well as how common they are citywide as an indicator of overall production.

Of the 284 permits analyzed overall, 45 were for new construction (16 percent), 134 were additions or alterations (47 percent), 36 were for a change of use (13 percent), and 63 were for temporary or interim uses (22 percent). This suggests that most permits for institution uses do not involve new buildings. In terms of the specific types of uses involved for each permit, 43 were for "community center" uses (15 percent) and 10

were for “library” uses (four percent), the two categories of institutions affected by the proposed change.¹ For context, one-third of permits were for development related to a school, college, or university; five percent were for childcare facilities, and five percent were for religious facilities.

Permits for transitional encampments or shelters related to the City’s homelessness response comprised 26 percent of the dataset (74 permits). Most of these were for temporary or interim use permits (59 permits). A transitional encampment on property owned or controlled by a religious organization is currently an allowed use in all zones per Section 23.42.054, and a transitional encampment is allowed as an interim use on any site in all zones per Section 23.42.056. The proposed legislation would make no changes to the policies and requirements for transitional encampments. Shelters have occasionally been permitted as part of community centers.² The proposed legislation would make no changes to the policies and requirements for these shelters and would continue to require a conditional use permit for community centers that include shelter services. Only community centers that do not include shelter services would be allowed outright in NR zones.

When filtered to Neighborhood Residential zones, the dataset includes 40 permits. More than half (21 permits) are related to schools. None is related to a library. The following five are related to community center uses. Two of these projects (representing the three highlighted permits) are EDI grantees and discussed below as case studies.

Record number	Project address	Applicant name	Project description in permitting records	Application date
6596636-CN	2000 MLK Jr Way S		Construct alterations to the Seattle Parks Amy Yee Tennis Center, per plans. Mechanical included this permit	10/26/2017
3035572-LU	911 24th Ave	Wa Na Wari Renovation	Land use application to change the use of a single-family dwelling unit to institution (community center). No change to parking.	2/28/2020
6752281-CN	911 24th Ave	Wa Na Wari Renovation	Construct alterations for accessibility improvements to community arts center [Wa Na Wari], per plan.	12/30/2020
3036192-LU	5959 39th Ave S	Cham Refugee Community Center	Land use application to allow a 2-story institution (community center and religious facility). Two existing single family dwelling units to remain. All other buildings to be demolished. Parking for 62 vehicles proposed.	6/2/2020
6838706-CN	4649 Sunnyside Ave N	Good Shepherd Center	Voluntary seismic retrofit for institutional building [GOOD SHEPHERD CENTER], per plan.	10/23/2021

In sum, the number of permit applications for community center and library uses citywide over roughly a decade is relatively small (53 permits), and only 13 of those permits were for new construction, with the remainder involving additions or alterations, a change of use, or some other land use or development activity. Likewise, since 2012 only 40 permit applications were submitted in NR zones for all institution uses, and only a handful were related to the types of institutions affected by the proposed legislation. Together, these data points suggest that the proposal could provide important benefits for EDI projects that follow this permitting path and would not have a widespread or frequent effect in NR zones overall.

Exhibit 1 below shows the location of Neighborhood Residential (NR and RSL) and Lowrise (LR) zones affected by the proposal. Exhibit 2 shows the location of permits since 2012 for community center and other institution use by zone category, as discussed above.

Exhibit 1: Location of zones affected by the proposed code changes

¹ We categorized community centers operated by Seattle Parks and Recreation separately from other community centers.

² Shelters are included in the definition for “Human services use,” a use prohibited in Neighborhood Residential zones.

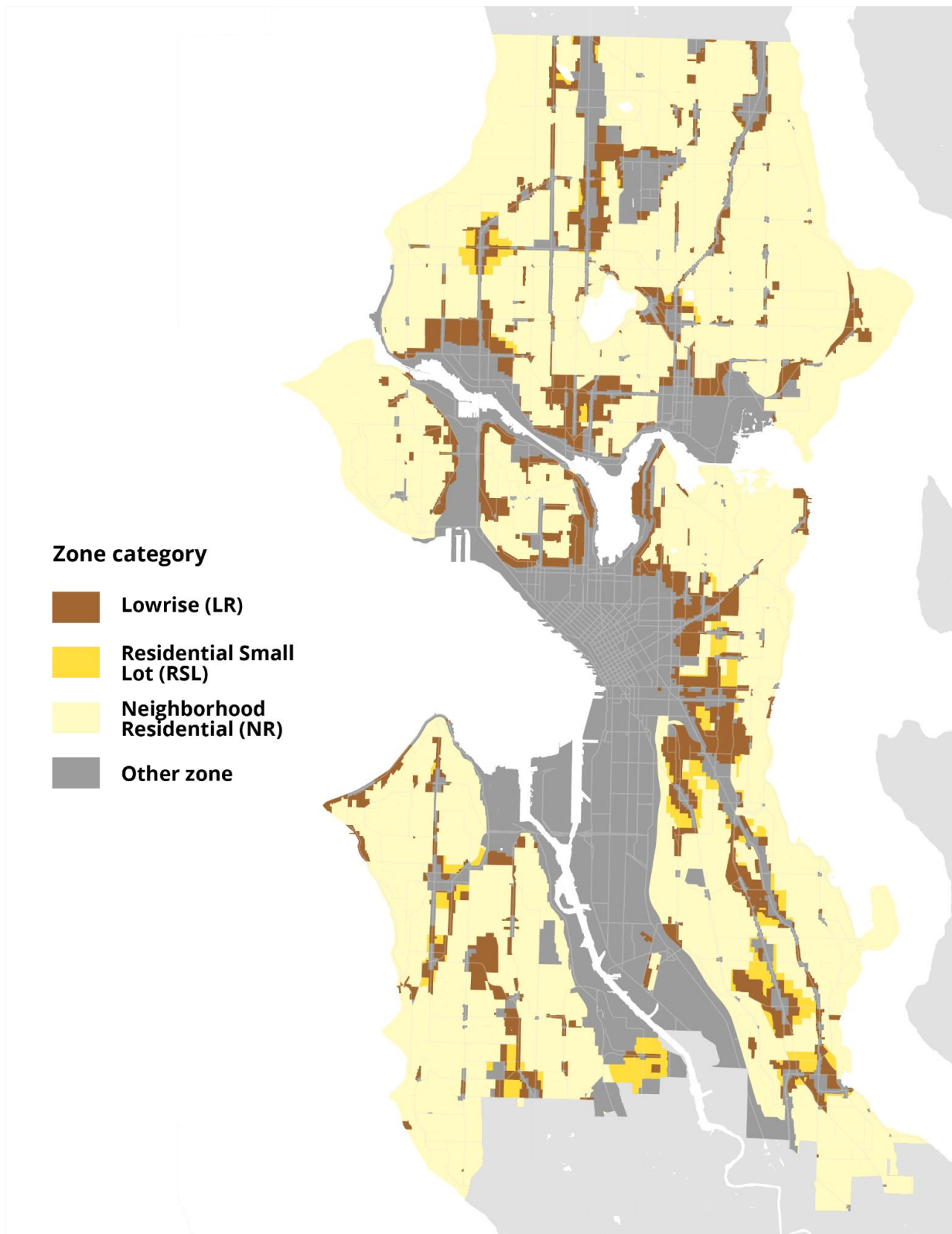
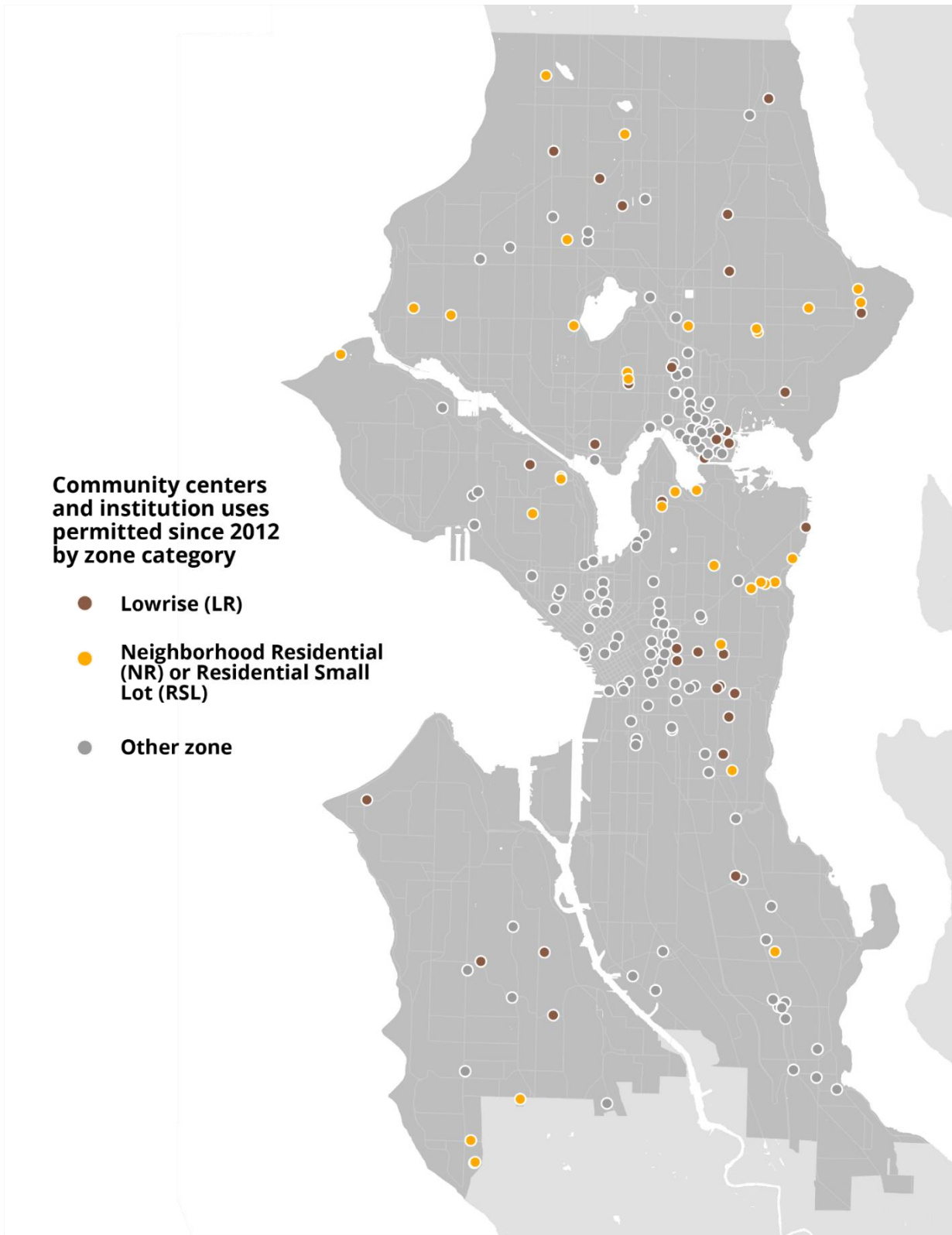


Exhibit 2: Permits since 2012 for community center use or other institution use



Comprehensive Plan consistency

The proposed legislation is generally consistent with and would support City goals and policies related to anti-displacement strategies and small institutions, as documented in the Comprehensive Plan:

LU G2 Provide zoning and accompanying land use regulations that

- allow a variety of housing types to accommodate housing choices for households of all types and income levels;
- support a wide diversity of employment-generating activities to provide jobs for a diverse residential population, as well as a variety of services for residents and businesses; and
- accommodate the full range of public services, institutions, and amenities needed to support a racially and economically diverse, sustainable urban community.

LU 2.4 Limit nonresidential uses in residential zones to those necessary or highly compatible with the function of residential neighborhoods.

LU 3.1 Regulate public facilities and small institutions to promote compatibility with other developments in the area.

LU 3.2 Allow public facilities and small institutions to depart from development standards, if necessary to meet their particular functional requirements, while maintaining general design compatibility with the surrounding area's scale and character. Require public facilities and small institutions to adhere to zoned height limits, except for spires on religious institutions. Consider providing greater flexibility for schools in recognition of their important role in the community.

LU 3.3 Allow standards to be modified for required off-street parking associated with public facilities and small institutions based on the expected use and characteristics of the facility and the likely impacts on surrounding parking and development conditions, and on existing and planned transportation facilities in the area.

LU 3.4 Avoid clusters of public facilities and small institutions in residential areas if such concentrations would create or further aggravate parking shortages, traffic congestion, and noise in the area.

LU 3.5 Allow nonconforming public facilities and small institutions to expand or make structural changes, provided these alterations comply with the zone's development standards and do not increase the structure's nonconformity.

CASE STUDIES

Recent and current EDI-funded projects provide instructive examples of the types of projects that could be affected by the proposed changes.

Wa Na Wari

Wa Na Wari is a Black cultural space project located in a structure formerly used as a detached residence in a Residential Small Lot (RSL) zone in the Central Area. Wa Na Wari provides space for art exhibits, performances, workshops, and community gatherings focused on sustaining the cultural identity of Seattle's Black community. To convert the house to a community center use, the nonprofit had to obtain a change of use permit and an administrative conditional use permit. The project involved only interior renovations and no new construction or expansion of the existing structures on the lot. Wa Na Wari is located within 600 feet of two existing institution uses (a church and a school), but since it would be sited within an existing structure the City's permit review concluded that impacts would be minor. No mitigation was required. The organization incurred permitting fees of almost \$10,000 to obtain the change of use and conditional use permit.



Nurturing Roots

Founded in 2016, Nurturing Roots is a nonprofit community farm in Beacon Hill focused on healthy food choices and creating community through gardening. Their work brings community together through volunteer opportunities, hosting various events, and partnering with local restaurants to support food and environmental justice, food access, education, and reengaging people and environment. As an urban farm, the project could not be permitted as a standalone project and had to be permitted as an accessory use to the adjacent church. This arrangement between property owners and projects can create challenges for future permitting needed for expansion, repairs, and desired uses on site.



Cham Community Center

The Cham Refugee Community proposes to build a community center in the Rainier Valley for the Cham Diaspora and other underserved immigrants and refugees and communities of color as an anchor in the tide of gentrification and displacement. The project would include a community gathering space, a learning facility that hosts ESL and computer literacy classes, and affordable housing and commercial space. The center will accommodate and celebrate the rich heritage, cultural values and needs of this welcoming and hospitable community. Under current regulations, much of the project site will be devoted to 62 surface parking spaces required for the proposed community center use. But for this requirement, the organization could expand their community gathering space. Under the proposal, the project would be required to have 14 parking stalls, allowing more of the site to be used for community facilities or open space instead of parking lot, if the organization revises their proposal.



Estelita's Library

Estelita's Library is a small library, gathering space, and cultural space project located in the Central District. When paired with setback requirements, the small size and trapezoidal shape of the lot made typical residential or commercial development challenging. The founders partnered with a local nonprofit to design and construct a 225-square-foot building to provide community space and a deck with an accessible entrance ramp. Due to regulations and permitting challenges, the project had to be permitted as a kiosk and was later reestablished as a library (institution use) after completing a more complex administrative conditional use process that



was required since the project could not meet setback and dispersion provisions. This project illustrates the permitting challenges that face innovating community-driven projects on highly constrained sites. While the proposed code changes do not address the specific issues Estelita's Library encountered due to site constraints, it does aim to enable more small, community-driven projects by simplifying the permitting process and reducing regulatory hurdles.

RECOMMENDATION

OPCD recommends adoption of the proposed Land Use Code amendments. The proposal responds directly to the experience of many EDI-funded projects that have faced hurdles navigating land use policies and permitting processes and reflects guidance from stakeholders with expertise in equitable development work. While they do not address all challenges that community-led anti-displacement projects must overcome, the proposed code changes are a worthwhile first step towards greater alignment of land use regulation and equitable development.

Equitable Development Zoning

Legislation to remove code barriers to EDI projects

Land Use Committee

May 24, 2023



In this presentation

- The origin & purpose of Equitable Development Zoning
- Themes from work with stakeholders
- Proposed code changes
- Case studies

Addressing barriers to equitable development

- EDI began in 2016 to address financial barriers BIPOC organizations faced in trying to advance their anti-displacement projects
- Since then, we have heard repeatedly from EDI partners that the City's **land use and zoning regulations present additional barriers** that hinder and delay their projects — even once funded by the City
- We are pursuing Equitable Development Zoning (EDZ) strategies to remove those barriers and **prioritize community-driven anti-displacement projects** in our land use policy

What is equitable development?

“Public and private investments, programs, and policies that meet the needs of marginalized populations, reduce disparities, and expand access to quality-of-life outcomes.”

Definition used by the City’s Equitable Development Initiative

EDI drivers used to review funding applications:

Advance economic mobility and opportunity

Promote transportation mobility and connectivity

Prevent residential, commercial, and cultural displacement

Development healthy and safe neighborhoods

Build on local cultural assets

Enable equitable access to all neighborhoods



Ethiopian Village



Central Area Youth Association (CAYA)



William Grose Center for Cultural Innovation Africatown

The challenge

We fund equitable development through EDI but regulate it in ways that hinder, delay, complicate, and add cost to these projects by:

- Limiting allowed uses and development
- Adding costs due fees and requirements
- Creating delay and uncertainty
- Requiring specialized expertise that distracts from organization mission

Permitting can be complex, costly, and uncertain, especially for equitable development uses and BIPOC-led community orgs undertaking development for the first time.

The purpose of EDZ

Align land use policy with our equitable development goals

- Help equitable development projects succeed by removing the barriers they face in City regulations and processes
- Provide resources and supports that increase access to the development process for BIPOC communities and organizations
- Shift development policy & process to prioritize community-supportive equitable development

Themes from engagement

Conversations with EDI stakeholders
2020-2021

Interviews with EDI RFP applicants
2021 & 2022

Stakeholder group
June 2022–ongoing

- Multiple City regulations are creating challenges for EDI projects
- The sites available and affordable to EDI organizations may not accommodate their proposed uses
- Current zoning generally doesn't facilitate or encourage equitable development outcomes
- EDI projects often need a conditional use permit or a contract rezone that add cost, time, and uncertainty in order to accommodate intended uses & vision
- The real estate market and complex permitting together favor larger, experienced developers over small BIPOC-led organizations
- EDZ strategies should include an explicit focus on BIPOC-led equitable development & anti-displacement projects wherever possible

EDZ strategies we are pursuing

Short- and longer-term ideas based on this engagement for how to support equitable development outcomes with City land use and zoning processes and tools:

ongoing

Permitting support for EDI projects

Opportunity: Grow current SDCI permit advisor position with more staff support & resources to guide EDI projects

near-term

Legislation to remove code barriers to ED projects

longer-term

Flexibility for equitable development

Opportunity: Projects that meet definition & criteria for equitable development could unlock alternative standards (height, floor area, wider range of uses)

EDZ code changes legislation

Problem: Equitable development projects, including those the City has funded through EDI, tend to face a complex permit process and extra requirements

1. EDI projects are often permitted as **institutions**, which means an extended discretionary permit process that adds time, and restrictions on site selection and project design.
2. EDI projects often involve community-oriented uses that are limited or prohibited in certain zones, like small commercial spaces to support the operations of a community organization

EDZ code changes legislation

Proposal: remove regulatory barriers identified by past and current EDI stakeholders

1. Allow community centers and libraries as institution uses permitted outright in Neighborhood Residential zones
2. Modify the amount of off-street parking required for community centers and libraries
3. Define and provide standards for “community farms” as a type of institution allowed outright in Neighborhood Residential zones
4. Modify the definition of “community club or center” to better reflect the types of activities and programming commonly included in EDI projects and increase predictability in the permitting process
5. Allow community centers to include certain accessory commercial uses
6. For institutions in LR zones, apply setback requirements consistent with those for uses permitted outright

1. Allow community centers and libraries outright in NR zones

Problem: In NR zones, certain institutions are allowed only as conditional uses and are subject to various additional provisions, including a dispersion requirement, additional setback requirements, and a discretionary permit review process that adds time, cost, and uncertainty for applicants.

Proposal: Allow community centers that do not include shelter services and libraries as uses permitted without a conditional use review. (Community centers that include shelter services would remain a conditional use subject to all existing requirements and processes.)

How this advances equitable development: This change would provide a simpler, shorter, and more predictable permitting process for EDI projects that include activities that align with the use definitions for community center and library. These uses would no longer be required to locate at least 600 feet from any other institution in a residential zone, which can limit the sites available for equitable development projects.

2. Modify the amount of off-street parking required for community centers and libraries

Problem: Stakeholder input suggests current parking requirements exceed actual needs for community centers and limits site area available for other programming and activities, foreclose outdoor activity spaces, and increase impervious surfaces.

Proposal: Amend parking standards for community centers and libraries as follows:

Use	Minimum parking required
Community clubs, and community centers not owned and operated by SPR	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms ((not)) containing fixed seats; plus ((1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room,)) 1 space for each 350 square feet ((, excluding ball courts)) <u>of all other indoor areas</u>
Libraries	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms <u>containing fixed seats</u> ; plus 1 space for each 500 square feet of floor area ((, excluding auditoria and public meeting rooms)) <u>of all other areas</u>

How this advances equitable development: Right-sized requirements allow more of an organizations limited site area to go towards community-serving activities.

3. Modify the definition of “community club or center”

Problem: EDI-funded projects are often permitted with a community center use, but the definition for this use does not fully reflect the range of activities equitable development projects often include.

Proposal: Amend the definition of “community center” as follows:

“Community club or center” means an institution used for athletic, social, civic, cultural, artistic, or recreational purposes, operated by a nonprofit organization, and open to the general public on an equal basis. Activities in a community club or center may include, but are not limited to, classes and events sponsored by nonprofit organizations, community programs for the elderly, ~~((and other similar activities))~~ social gatherings, educational programming, gardens, and art exhibits.

How this advances equitable development: The proposed modification better aligns the definition with what EDI stakeholders are proposing, giving these projects greater clarity and predictability in the permitting process. The amendment expands language used to described (but not limit) the activities allowed as a community club or community center use.

4. Define and provide standards for “community farms”

Problem: City codes currently lack a use type that adequately aligns with the community-oriented urban agriculture projects several EDI stakeholders are currently pursuing.

Proposal: Add a new definition for “community center” as a type of institution:

“Community farm” means an institution, operated by a nonprofit organization, in which land and related structures are primarily used to grow or harvest plants for food, educational, cultural, or ecological restoration purposes, or to keep animals in accordance with Section 23.42.052. Additional activities may include but are not limited to indoor and outdoor classes and events, food processing and preparation, community programs and gatherings, and the sale of plants, harvested or prepared food, ornamental crops, and animal products such as eggs or honey but not including the slaughtering of animals or birds for meat.

How this advances equitable development: Projects aiming to improve health and food access outcomes would be allowed outright in NR zones. The proposed definition would give these projects more clarity and predictability in permitting and expand access for future projects to sites in residential zones.

5. Allow community centers to include certain accessory commercial uses

Problem: Community organizations that operate a “community center” cannot include commercial spaces as part of their programming. Sites in mixed-use zones where commercial use is allowed are often more expensive and competitive to acquire.

Proposal: Amend the definition of “community center” as follows:

“Community center” means a community club or center use, providing direct services to people on the premises rather than carrying out only administrative functions, that is open to the general public without membership. Community centers may include accessory commercial uses including but not limited to commercial kitchens and food processing, craft work and maker spaces, cafes, galleries, co-working spaces, health clinics, office spaces, and retail sales of food and goods.

How this advances equitable development: Flexibility to include commercial spaces as part of their programming expands the financial opportunities available to nonprofits that operate community centers and can provide permanent or pop-up spaces for small local businesses.

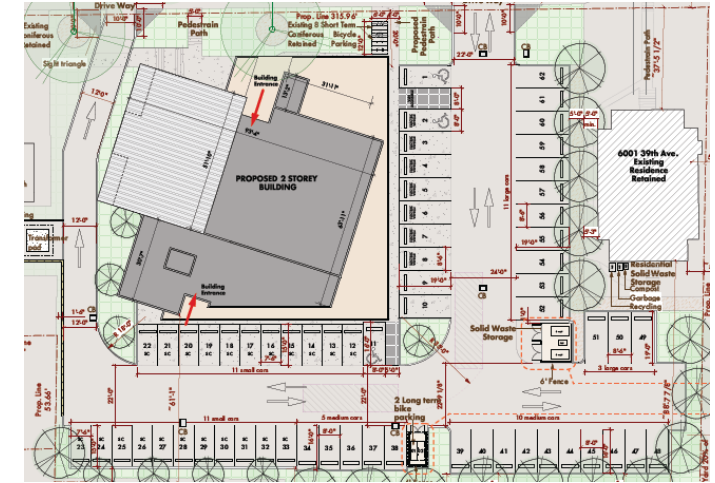
6. Modify setback requirements for institutions in LR zones

Problem: Community centers, libraries, and other institutions in LR zones are subject to additional setback requirements beyond the standards for uses permitted outright (like housing). These standards add complexity and can constrain site design and configuration.

Proposal: Amend SMC 23.45.570.F to provide setbacks consistent with those required for uses permitted outright in LR zones.

How this advances equitable development: Sites in LR zones can be more attainable or affordable for small community organizations compared to commercial zones. But EDI projects often include institution uses that may be less feasible or infeasible on sites in LR zones, especially small sites, due to additional setback requirements. This change slightly increases the physical feasibility of these projects in LR zones.

What this means for EDI-funded projects



Wa Na Wari

Problem: Black cultural space project in the Central Area underwent a costly and uncertain process to obtain a conditional use permit

Solution: Allowing arts & cultural facilities and other community centers outright in residential zones removes regulatory barriers to these anti-displacement efforts

Nurturing Roots

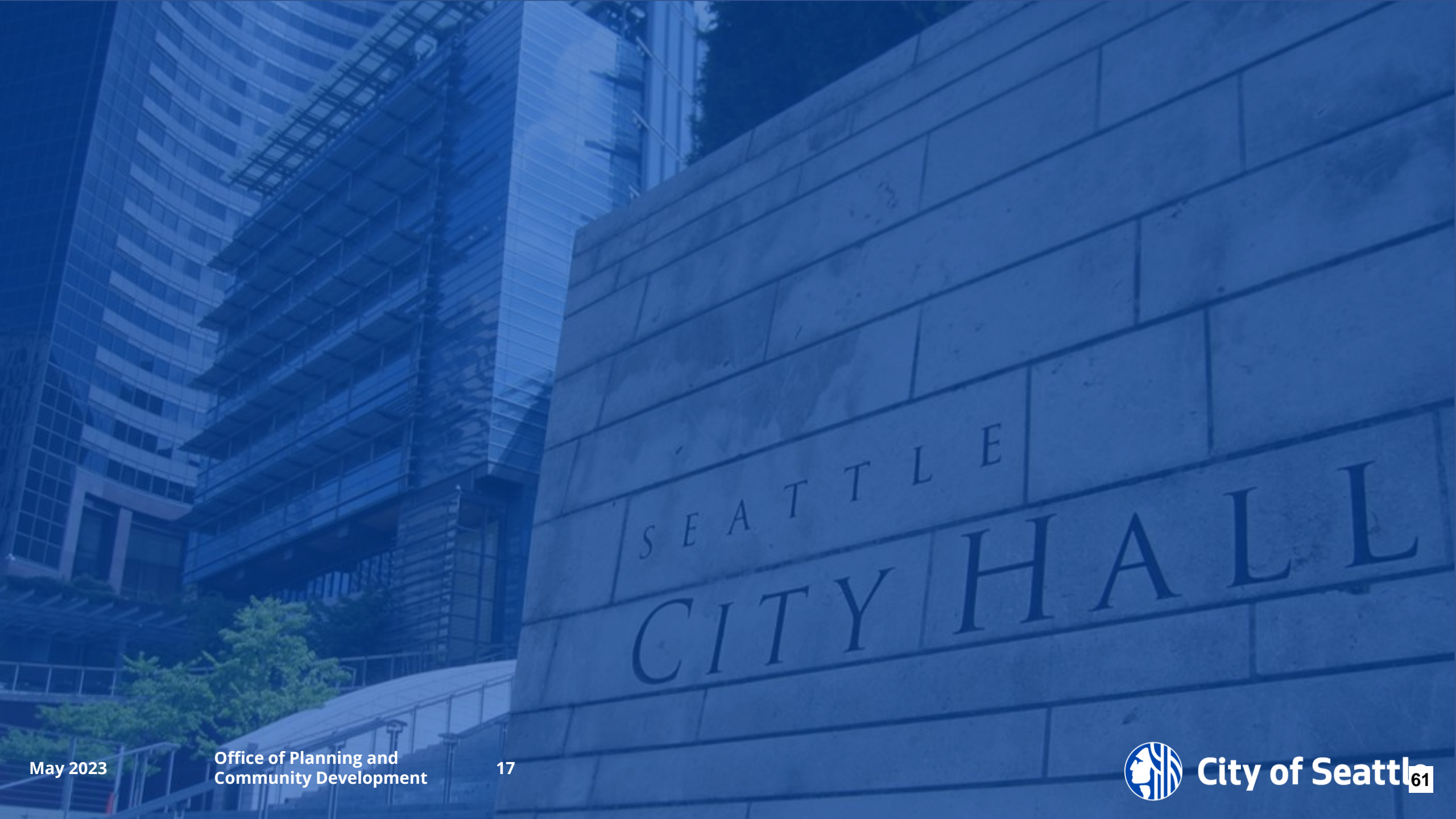
Problem: Nonprofit urban agriculture project had to be permitted as accessory use to the adjacent church, creating a complicated arrangement.

Solution: Defining “community farm” and reducing restrictions on their location and size would help this environmental justice and food access projects flourish.

Cham Community Center

Problem: Much of this organization’s site must be devoted to parking required for community center use

Solution: Relaxing parking requirements for community centers would allow this community to expand their gathering space



SEATTLE
CITY HALL



May 22, 2023

MEMORANDUM

To: Land Use Committee
From: Yolanda Ho, Supervising Analyst
Subject: Equitable Development Zoning (CB 120582)

On May 24, 2023, the Land Use Committee (Committee) will receive an initial briefing from the Office of Planning and Community Development (OPCD) on Council Bill (CB) 120582 that would amend the Land Use Code (Seattle Municipal Code Title 23) to reduce regulatory barriers for anti-displacement projects, including those funded through the City's [Equitable Development Initiative \(EDI\)](#).

This memorandum provides background information on EDI, describes CB 120582, and lays out next steps.

Background

During the prior major update to the Comprehensive Plan, the City centered the issue of race and social equity, recognizing that Seattle's rapid growth was creating disproportionately negative impacts on Black, Indigenous, and people of color (BIPOC). Specifically, the City's analysis revealed that these residents and the institutions and businesses that serve them were being displaced from their neighborhoods, and in some cases Seattle entirely, due to redevelopment and rapidly increasing rent and home prices.

In response to these findings, the City created EDI in 2016 to provide a dedicated resource for projects intended to help prevent displacement, and potentially create opportunities for residents and businesses who have been displaced to return. Such projects frequently have difficulty with financing because they are led by small, community-based organizations rather than well-established developers that are viewed as lower risk by traditional financial institutions. EDI funds myriad anti-displacement efforts, including but not limited to organizational capacity building, affordable housing, commercial space, and community centers. Related, the Council passed [Ordinance 126173](#) that permanently established the 13-member EDI Advisory Board in 2020.

Over the years, the City has steadily increased funding for EDI projects with a mix of ongoing and one-time resources, allowing EDI to support over 40 community-led projects to date. EDI was initially funded in 2016 with \$16 million from the one-time proceeds of the sale of Civic Square Block and primarily relies on ongoing support from the General Fund, Short-Term Rental Tax Fund, and JumpStart Fund. The 2023 Adopted Budget includes \$24.6 million for EDI grants.

CB 120582

EDI grants have advanced the City's racial equity goals by increasing access to capital for BIPOC-led organizations to acquire land and construct projects that support their communities. However, as these projects have entered the land use permitting phase, they have encountered regulatory barriers that increase costs, delay timelines, and create uncertainty about permitting decisions.

CB 120582 is intended to address some of the barriers that have been identified by EDI stakeholders. Generally, it would:

- Change community centers and libraries in Neighborhood Residential zones from conditional uses¹ to institutions permitted outright;
- Reduce requirements for off-street parking for community centers and libraries;
- Create a new definition for "community farm" as a type of institution distinct from an "urban farm" (accessory use, more appropriate for for-profit entities) or "community garden" (principal use, sale of food products or plants prohibited). The legislation would allow for the sale of food products and plants, establish standards and minimum parking requirements, and make community farms a principal use allowed outright in Neighborhood Residential zones;
- Expand the definition of "community club or center" to include activities and programming commonly included in EDI projects, such as social gatherings, educational programs, gardens, and art exhibits;
- Allow community centers to include certain accessory commercial uses, such as commercial kitchens, co-working spaces, and health clinics, so that these institutions can provide additional community services and generate revenue for the nonprofit organization; and
- For institutions in Lowrise zones, apply setback requirements consistent with those for uses permitted outright rather than requiring larger setbacks, and eliminate specific setback requirements for outdoor play equipment and game courts.

These proposed changes would apply to all such projects in the applicable zones, not only those funded by EDI. For more detailed information about the proposal and anticipated impacts, please see the [OPCD Director's Report](#).

OPCD conducted environmental review as required by the State Environmental Policy Act (SEPA) and published a Determination of Non-Significance (DNS) on March 23, 2023. The DNS received no appeals before the appeal period ended on April 14, 2023.

¹ Conditional uses are subject to additional provisions, as determined by the Seattle Department of Construction and Inspections, intended to reduce potential negative impacts to other properties in the vicinity.

Next Steps

The Committee will hold the required public hearing, continue discussion, and possibly vote at its special meeting on June 26, 2023.

cc: Esther Handy, Director
Aly Pennucci, Deputy Director