



# Seattle City Council

## Central Staff - Memorandum

**Date:** July 1, 2015  
**To:** Planning, Land Use, and Sustainability (PLUS) Committee Members  
**From:** Ketil Freeman and Eric McConaghy, Council Central Staff  
**Subject:** Council Bill (CB) 118407 -- Land Use Omnibus Legislation

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### I. Introduction

About every other year, the Department of Planning and Development (DPD) develops an omnibus bill amending the Land Use Code (Code). Generally, the omnibus bill corrects typographical errors, corrects cross-references, clarifies existing regulations, and makes other minor amendments identified by DPD in the course of Code administration. The omnibus bill is not intended to be a vehicle for addressing significant policy issues. Inevitably, some proposed changes, however modest, are substantive and reflect policy choices for the Council.

DPD published the draft omnibus bill (the bill) in January 2015. In May 2015, DPD transmitted a proposed version of the bill, with some modifications, to the Council. The *DPD Director's Report and Recommendation* provides descriptions of most of the proposed amendments in the transmitted bill. Council has made some additional modifications and the bill is expected to be introduced and referred on July 6.

PLUS Committee will receive a briefing on the bill on July 7 and will host a public hearing on July 21 with additional discussion.

The tables below lists:

- Council changes to the bill before introduction;
- Code amendments proposed by DPD that have been identified by Central Staff for discussion because they represent modest policy choices; and
- Code amendments identified by Central Staff that are likely of interest because they are related to recent or ongoing land use regulatory proposals.

### Council changes

	<i>SMC</i>	<i>this proposal would:</i>
1.	23.40.060	Extend the period of the Living Building program from December 31, 2015 to June 30, 2016 to preserve the option for Council to consider anticipated changes to the program.
2.	23.41.004	Modify Design Review thresholds to address segmenting adjacent projects to avoid Design Review.

3.	23.44.011	Eliminate a duplicative subsection in SMC 23.44.011.
4.	23.49.041	Change the land use decision type on combined lot developments from a Type I decision, which cannot be appealed to the City Hearing Examiner, to a Type II decision, which can be appealed.
5.	23.45.510	Add Passive House Institute U.S. and Passive House Institute certification to the list of acceptable standards for use in demonstrating commitment to green building performance in order to qualify for the higher floor area ratio (FAR) limits in Lowrise (LR) zones.

**For possible discussion**

<i>SMC</i>		<i>this proposal would:</i>
6.	23.40.050, 23.42.038	<p>Make available a Type I, Master Use Permit, lasting three years, for "(g)eneral retail sales and services in a kiosk or similar temporary structure" on vacant and underused lots in certain zones: Downtown, Seattle Mixed, Highrise, Industrial or Commercial zone, except for NC1 zones and lots in landmark and special review districts. DPD expects this permit to be used mostly by operators of food trucks.</p> <p>These proposed changes would make permanent a pilot program that allows pedestrian activating uses to be located on vacant and underutilized lots for up to three years. The program was established in 2011 to encourage utilization of sites cleared for development prior to the 2007 recession, which were not being developed. Absent such a program, uses could be authorized for up to six months through an appealable Type II permit.</p>
7.	23.44.041B	<p>Define the "conversion" of an existing accessory structure to a detached accessory dwelling unit (DADU) as "either keeping the accessory structure intact or removing and rebuilding the accessory structure, provided that any expansion or relocation of the accessory structure complies with the development standards..." This would allow portions of existing structures that are non-conforming to development standards to be wholly replaced in a new structure.</p> <p>Generally, the Code encourages non-conforming uses and structures to become more conforming over time. The proposed definition of conversion would be an exception to that long term goal.</p>

8.	23.45.510	<p>Grant greater flexibility for development proposals to meet standards for locating parking behind structures and for locating access along rear lot lines in multifamily zones in return for FAR bonuses.</p> <p>The policy question is whether a change to the Code should be made to allow bonus FAR for projects on lots that by configuration do not allow for meeting the current standard. See <i>Figure B</i>, below.</p>
9.	23.45.529	<p>Reduce the transparency requirement in multifamily zones for the side, street-facing façade of townhouse and rowhouse housing types only, and only for the corner housing unit. The reduction would be from 20% to 10% of the façade area that must consist of doors or windows for a street-facing side facade. The front façade would still have to meet the 20% transparency requirement.</p> <p>The proposed change would modify design-related development standards intended to discourage blank walls.</p>
10.	23.49.008	<p>Permit the structure for an eating or drinking establishment to extend up to 15 feet above the applicable height limit in Downtown zones, same as the current height allowance for covered or enclosed common recreation areas.</p> <p>The features allowed to extend an additional 15 feet under the current regulations are mechanical, stair or elevator penthouses, or other non-leasable space. These features are not typically significant in size with respect to the majority of the structure extending to the height limit.</p> <p>The proposed change would extend the height exception to leasable rooftop space, not just mechanical or common space that is customarily incidental to building systems or the principal use of the building.</p>
11.	23.54.030	<p>Add regulations dealing with parking for live-work units: the first required parking space would be required to meet the parking standards for residential use and additional required parking for a live-work use would be required to meet the parking standards for non-residential use.</p> <p>Commercial uses that provide parking are required to provide barrier free stalls. In circumstances where live-work units are used as commercial spaces rather than residential spaces, the proposed change could result in in a development that provides parking but does not have a barrier free stall.</p>

12.	25.08.590 and .655	<p>Remove the requirement for public comment as part of the one-year review of major public project construction variances from noise standards and gives DPD the authority to revoke it as well as modify the conditions.</p> <p>The proposed change would eliminate a required public comment opportunity.</p>
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**Of interest**

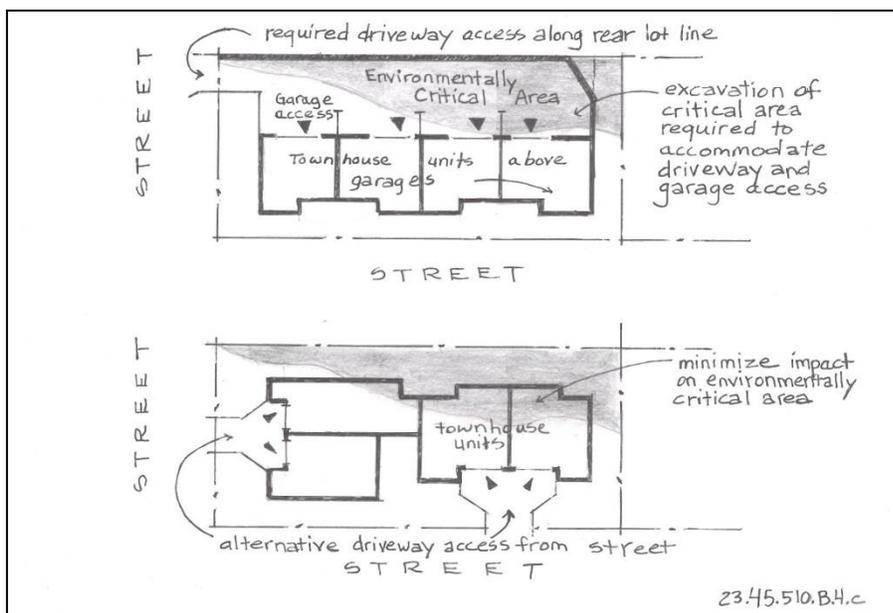
<b>SMC</b>		<i>this proposal would:</i>
13.	23.41.004	Change design review thresholds related to non-residential use in multifamily zones, clarify that the design review threshold for Industrial Commercial zones in "centers" means in "urban centers", and would repeal a section exempting projects from design review if they are subject to SEPA solely due to Environmentally Critical Areas on site.
14.	23.45.510	Change the date of development, from January 1, 2013 to April 19, 2011*, used to determine whether or not existing structures and any additions to structures must meet current green building performance standards so that higher floor area ratio (FAR) limits apply to those structures. The total number of eligible structures would be fewer by the number of structures built between April 19, 2011 and January 1, 2013, the date in the current code for existing structures.
15.	23.45.512	Allow the construction of one single-family residence, meeting green building standards, to be built on a lot that is existing as of April 19, 2011* in a Lowrise zone, and having an area of less than 1,600 square feet. The density standard for single-family dwelling units in Lowrise zones is 1 per 1,600 square feet of lot area.
16.	23.47A.004	Correct footnotes in a table showing uses in commercial zones.
17.	23.47A.013	Make regulations for FAR measurement of underground stories in commercial zones similar to measurement in multifamily zones.
18.	23.49.012	Remove the "continuing permit condition" for bonus FAR for the provision of low-income housing, guaranteed for fifty years, in Downtown zones, if the developer provides "letter of credit or sufficient security" or "there has been recorded one or more agreements or instruments." The proposed code language is similar to existing language in 23.58A, dealing with incentive zoning.

19.	23.76.006	Clarify that street vacation decisions are not subject to a “consolidated permit review process” for the purposes of State Law. This would provide the Council with the flexibility to separate the vacation decision process from an underlying Master Use Permit process, if necessary or desirable.
20.	23.76.012	Add a requirement for mailed notice for special exceptions. Central Staff can explain special exceptions in a memorandum and during a PLUS meeting.
21.	23.76.026	Change the vesting date for a Master Use Permit (MUP) that includes a design review component for which more than one early design guidance public meeting (EDG) is held. The change would make vesting for projects with more than one EDG meeting to be the same as vesting for projects that have only one EDG meeting: effective the date a complete application for the early design guidance process is submitted to the Director. See EDG vesting table below. See <i>Vesting and EDG</i> table below.
22.	25.05	Amend Seattle's environmental review regulations to be consistent with changes to Washington Administrative Code (WAC) 197-11 that implement the State Environmental Policy Act (SEPA). See description on pages 27 and 28 or Director's Report for details.

*\*April 19, 2011 is the effective date of the SMC provisions (in Ordinance 123495) that first allowed bonus FAR for green buildings.*

## II. Figure and Table

Figure B from the DPD Director’s Report



*Vesting and Early Design Guidance*

EDG	Current Vesting	Proposed Change in Vesting	Provided...
One meeting	date of EDG application	n/a	Master Use Permit (MUP) application is filed within 90 days of the EDG meeting
More than one meeting	date of first EDG meeting	date of EDG application	MUP application is filed within 150 days of the first EDG meeting

**III. Next Steps**

PLUS Committee will receive a briefing on the bill on July 7 and will host a public hearing on July 21 with additional discussion.