

Amendment 1a Version #2 to CB 120581 – Interim Design Review Changes

Sponsor: Councilmember Strauss

Reconcile difference between available Design Review departures for affordable housing, make other technical clarifications, and extend the term of the bill from 12 to 24 months

Effect: This amendment would reconcile a difference between CB 120581 (Interim Design Review Changes) and CB 120591 (Office of Housing (OH) Land Use Code omnibus changes), make other clarifications and technical edits, and extend the term of the bill from 12 to 24 months. Specifically, the amendment would strike sections of CB 120581 that are otherwise amended by CB 120591 and add language to clarify that:

- On a temporary basis the full suite of departures available through Design Review, including those that could increase the envelope of a structure, would be available to an applicant as a Type I decision for both rental and ownership affordable housing;
- Temporary provisions that would allow applicants that elect the performance option under Mandatory Housing Affordability (MHA) to seek the full suite of departures available through Design Review, including those that could increase the envelope of a structure, would only be available to those projects subject to MHA that would otherwise also be subject to Design Review;
- Applicants that are otherwise subject to both MHA and Design Review can be exempt from Design Review only if they choose performance under MHA for all required units, not just one unit and

Additionally, the amendment would extend the term of the interim regulations from 12 to 24 months

Sections that would be struck by the amendment would be removed from the bill but not from the Land Use Code. Those sections would be amended on a permanent basis by CB 120591.

This amendment would amend Section 1 and Section 3 of CB 120581 as follows:

Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 126741, is amended as follows:

23.41.004 Applicability

~~A. Design review required~~

~~1. Subject to the exemptions in subsection 23.41.004.B, design review is required in the following areas or zones when development is proposed that exceeds a threshold in Table A or Table B for 23.41.004:~~

~~a. Multifamily;~~

~~b. Commercial;~~

~~c. Seattle Mixed;~~

~~d. Downtown; and~~

~~e. Stadium Transition Area Overlay District as shown in Map A for 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.~~

~~2. Subject to the exemptions in subsection 23.41.004.B, design review is required in the following areas or zones when commercial or institution development is proposed that exceeds a threshold in Table A or Table B for 23.41.004:~~

~~a. Industrial Buffer; and~~

~~b. Industrial Commercial.~~

~~3. The gross floor area of the following uses is not included in the total gross floor area of a development for purposes of determining if a threshold is exceeded:~~

~~a. Religious facilities;~~

~~b. Elementary and secondary schools;~~

~~c. Uses associated with a Major Institution Master Plan (MIMP); or~~

~~d. Development of a major institution use within a Major Institution Overlay (MIO) district.~~

~~4. Any development proposal participating in the Living Building or 2030 Challenge High Performance Existing Building Pilot Program according to Sections 23.40.060~~

~~and 23.40.070, including a development proposal for an existing structure, regardless of size or site characteristics, is subject to full design review according to Section 23.41.014.~~

~~5. Any development proposal, regardless of size or site characteristics, is subject to the administrative design review process according to Section 23.41.016 if it receives public funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory agreement, covenant, or other legal instrument recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, U.S. Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy by households earning no greater than 60 percent of median income, and controls the rents that may be charged, for a minimum period of 40 years.~~

~~6. Any development proposal that is located in a Master Planned Community zone and that includes a request for departures, regardless of size or site characteristics, is subject to full design review according to Section 23.41.014. If a development proposal in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. A development proposal in a Master Planned Community zone, which includes a request for departures and provides affordable housing per subsection 23.41.004.A.5, shall be subject to administrative design review according to Section 23.41.016.~~

~~7. Subject to the exemptions in subsection 23.41.004.B, design review is required for additions to existing structures when the size of the proposed addition or expansion exceeds a threshold in Table A or Table B for 23.41.004. Administrative design review, as described in Section 23.41.016, is required for certain other additions to existing structures according to rules promulgated by the Director.~~

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~~C. Optional design review~~

~~1. Design review. Development proposals that are not subject to design review may elect to be reviewed pursuant to the full, administrative, or streamlined design review process if:~~

~~a. The development proposal is in any zone or area identified in subsection 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except development that is within a Master Planned Community zone is not eligible for optional design review; and~~

~~b. The development proposal does not include the uses listed in subsection 23.41.004.A.3.~~

~~2. Administrative design review. According to the applicable process described in Section 23.41.016, administrative design review is optional for a development proposal that is not otherwise subject to this Chapter 23.41 and is on a site that contains an exceptional tree, as defined in Section 25.11.020, when the ability to depart from development standards may result in protection of the tree as provided in Sections 25.11.070 and 25.11.080.~~

~~D. Temporary provisions for affordable housing projects~~

~~1. Notwithstanding any contrary provision of this Title 23, a project subject to administrative design review according to subsection 23.41.004.A.5 or a project in a Master Planned Community zone that meets the requirements according to subsection 23.41.004.A.5 shall be exempt from design review if the applicant files a complete building permit application~~

~~((while this ordinance is in effect)) by January 14, 2024, except that the applicant may elect to have the project be subject to design review notwithstanding the preceding exemption.~~

~~2. Requests for departures. If a project is exempt from design review according to subsection 23.41.004.D.1, the Director may consider requests for departures from any development standard in this Title 23, except as otherwise limited in subsection 23.41.012.B~~

~~((the following development standards in this Title 23:~~

~~a. Requirements for bike rooms and the quantity of bike parking;~~
~~b. Requirements for the size of parking spaces;~~
~~c. Requirements for overhead weather protection;~~
~~d. Requirements for facade openings, articulation, and modulation and art on the facades of buildings but not including limitations on structure width;~~

~~e. Requirements for the size and design of common recreational areas, amenity areas, community rooms, and similar indoor amenities but not including any required outdoor open space;~~

~~f. Requirements related to residential uses, transparency, blank facades, and floor-to-floor height at street level, except as otherwise limited in subsection 23.41.012.B; and~~

~~g. Other similar standards as determined by the Director, not including those listed in subsection 23.41.012.B, that pertain to the interior of the building and do not affect the size of the building envelope)).~~

~~3. Departures decision. Requests for departures according to subsection 23.41.004.D.2 shall be evaluated by the Director, in consultation with the Office of Housing, in light of the particular population designed to be served by the project, and may be granted by the~~

~~Director as a Type I decision if the departure ((would not impact the overall height, bulk, and scale of the proposed building and)) would result in additional housing units ((meeting the standards of subsection 23.41.004.A.5)) being constructed.~~

E. Temporary provisions

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

~~1. a.~~ A development proposal ~~subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing includes at least one unit provided affordable units on-site through the performance option~~ according to Section 23.58C.050.C shall be exempt from design review if the applicant files a valid and complete building permit application electing the exemption while this ordinance is in effect.

~~2. b.~~ A development proposal ~~subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing includes at least one unit provided affordable units on-site through the performance option~~ according to Section 23.58C.050.C that is vested according to Section 23.76.026 prior to the effective date of this ordinance may elect to be processed as allowed by Section 23.41.004.E.

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

~~4. d.~~ Requests for departures. If a project ~~subject to design review under subsection 23.41.004.A~~ is exempt from design review according to subsection 23.41.004.E.1, the

Director may consider requests for departures from ~~and any~~ development standard in this Title 23, except as otherwise limited in subsection 23.41.012.B.

~~S. e.~~ Departures decision. Requests for departures according to subsection 23.41.004.~~D.2~~ E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the departure would result in additional housing units being constructed.

2. Low-income housing

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

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

~~F. 3. Temporary provisions for electing~~ Electing administrative design review

~~1. The provisions of this subsection 23.41.004.F apply notwithstanding any contrary provision of this Title 23.~~

~~2. The provisions of this subsection 23.41.004.F expire 12 months after the effective date of this ordinance.~~

~~3. While the provisions of this subsection 23.41.004.F apply:~~

a. While the provisions of this subsection 23.41.004.E.3 apply and notwithstanding any contrary provisions of this Title 23, ~~An~~ an applicant may elect a

project that includes residential use and subject to the full design review process according to Section 23.41.014 to be processed through the administrative design review process according to Section 23.41.016.

b. An applicant of a project that includes residential use and vested according to Section 23.76.026 prior to the effective date of this ordinance may elect a project to be processed through administrative design review as allowed by subsection 23.41.004.~~F.3.a~~ E.3.a.

~~4~~ c. An applicant that has made the election to pursue administrative design review as allowed by subsection 23.41.004.~~F.3~~ E.3.a may further elect to return to the full design review process according to Section 23.41.014. If an applicant elects a project to return to full design review, all early design guidance and recommendation processes, to the extent not completed under administrative design review, shall be shifted back to full design review. The applicant election to return to full design review is subject to the Director's determination that a return to full design review would not preclude review from being completed in the time required by Section 23.76.005.

Section 3. This ordinance shall be automatically repealed without subsequent Council action ~~12~~ 24 months after it becomes effective.