

June 1, 2022

## MEMORANDUM

**To:** Land Use Committee  
**From:** Lish Whitson, Analyst  
**Subject:** CB 120313: Land Use Code amendments related to housing affiliated with colleges

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On June 8, 2022, the Land Use Committee (Committee) will hold a public hearing on [Council Bill \(CB\) 120313](#), which would amend the Land Use Code (Title 23 of the Seattle Municipal Code (SMC)) to facilitate the development of housing affiliated with Community and Technical Colleges located in urban centers. This memo: (1) provides background on regulation of Major Institutions, including hospitals and colleges; (2) describes what CB 120313 would do; (3) identifies a potential issue; and (4) discusses next steps.

Seattle Central College (SCC), which would be the primary beneficiary of this change, is currently developing a new Major Institution Master Plan (MIMP). New MIMPs come to Council for consideration as [quasi-judicial](#) (QJ) matters. Councilmembers should refrain from discussing that new plan with members of the public. If you receive communication either in support of or in opposition to the new SCC MIMP, please contact Central Staff. Those communications will be placed on the record when the Council deliberates on the MIMP update. Councilmembers may discuss CB 120313 and its relationship to the current MIMP with any member of the public.

### Major Institutions

The City has created a Major Institution Overlay zoning district ([SMC 23.69](#)) to regulate the development of colleges and hospitals in order to allow them to grow within their campus boundaries, while limiting impacts outside of the campus.<sup>1</sup>

### Definition of Major Institutions

[SMC 23.84A.025](#) defines Major Institutions as licensed hospitals and accredited post-secondary educational institutions that have a minimum gross floor area of at least 300,000 square feet on at least 60,000 square feet of lot area, most of which must be contiguous. When an institution that applies for a development permit or seeks designation as a Major Institution meets this definition, the Director of the Seattle Department of Construction and Inspections (SDCI) issues an interpretation and transmits a resolution classifying it as a Major Institution. A new Major Institution is required to prepare a MIMP prior to any further development ([SMC 23.69.024](#)).

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<sup>1</sup> These rules generally apply to all Major Institutions. However, the City has a separate agreement with the University of Washington, the largest Major Institution in Seattle, which modifies some of these rules.

There are 13 Major Institutions in Seattle.<sup>2</sup> These include three technical and community colleges.<sup>3</sup>

### Master Plans and Major Institution Overlay Districts

MIMPs are adopted through a QJ rezoning process that includes mapping the Major Institution Overlay (MIO) zoning district within the institution's campus and adoption of a MIMP. MIMPs include development standards, a development program, and a transportation management program (see [SMC 23.69.030](#)). MIMPs may (1) modify development standards of the underlying zoning; (2) limit housing demolition within the MIO; (3) limit Major Institution uses outside of the MIO; and (4) set single-occupancy vehicle (SOV) goals and maximum parking limits. Adopted MIMPs provide zoning flexibility for the institution and predictability for the surrounding neighborhood.

The MIO includes height limits and use provisions that may override the underlying zoning.

A new MIMP is generally required<sup>4</sup> when:

- A new Major Institution is established;
- A MIMP was adopted prior to 1996, and the institution proposes development that exceeds the floor area limits of the MIMP and the development standards of the underlying zoning or proposes higher heights;
- A MIMP was adopted prior to 1996, and the institution proposes to demolish or change the use of a residential structure within its boundaries;
- A Major Institution with an adopted MIMP seeks to expand its boundaries;<sup>5</sup>
- A Major Institution with an adopted MIMP seeks to increase the total gross floor area allowed on the campus or the total number of parking spaces allowed on campus; or
- A Major Institution with a plan that is more than 10 years old proposes changes and the Director determines that conditions have changed significantly since the MIMP was first adopted.

Rather than prepare a new MIMP, institutions may seek apply for changes to the MIMP. Changes to MIMPs are classified as Major Amendments, Minor Amendments, or exempt changes. Major Amendments require approval by the City Council as a QJ matter. SDCI processes Minor Amendments as a Director's Interpretation. Interpretations may be appealed to the Seattle Hearing Examiner. Exempt changes are reviewed like a typical land use or building permit.

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<sup>2</sup> The University of Washington and Swedish Medical Center each have more than one campus. Each campus is treated as a separate Major Institution.

<sup>3</sup> "College" is defined in SMC 23.84A.018 as "a post-secondary educational institution, operated by a nonprofit organization, granting associate, bachelor and/or graduate degrees." This definition applies to both colleges and universities. The three technical and community colleges are North Seattle College, South Seattle College, and Seattle Central College.

<sup>4</sup> Any Major Institution can choose to prepare a plan whether it is required to or not.

<sup>5</sup> Unless the MIMP is less than 10 years old.

[SMC 23.69.035](#) considers changes “to the design or location of a planned structure or other improvement” to be exempt changes. This includes (1) unplanned structures up to 12,000 square feet; (2) the addition of up to 20 parking spaces above the planned limit; (3) an addition to a planned structure up to 20 percent of the gross square floor area or 20,000 square feet; (4) changes to the phasing of projects under the MIMP; and (5) increases in underground floor area.

Minor amendments are changes that exceed the requirements for an exempt change, but are consistent with the intent of the MIMP and will not result in significantly greater impacts than those identified for the MIMP, or is a waiver of a MIMP condition or zoning requirement that is the minimum necessary to afford relief and will not be materially detrimental to the public welfare. Leases of ground floor commercial space outside of the MIO, but within 2,500 feet of the boundary of the institution may also be considered minor amendments.

Major amendments include increases to height limits; expansions of the MIO boundary; impacts to housing outside the boundary of the MIO; uses that require Council Conditional Use approval, such as a helipad; or updates to MIMPs that were approved prior to 1996.

New plans and Minor and Major amendments to existing plans require consultation with a [Community Advisory Committee](#) (CAC). CACs are six to ten-member committees formed to advise the institution on their plan and issues related to institutional development. They are appointed by the institution, in consultation with the Department of Neighborhoods (DON). DON provides staff support to the CACs.

### **Council Bill 120313**

CB 120313 would allow the development of a single housing project affiliated with Technical and Community Colleges in Urban Centers,<sup>6</sup> to be processed as a Minor Amendment. Seattle Central College is the only Major Institution in an Urban Center.<sup>7</sup> The bill would also extend provisions that allow congregate housing owned by Colleges and Universities throughout the City to congregate housing “affiliated” with a college or university.

Under CB 120313, a Technical or Community College in an urban center could amend their MIMP through the Minor Amendment process to facilitate the development of a single project that includes up to 550 sleeping rooms. The housing would need to be intended for students or employees of the college. The sleeping rooms could be in a dormitory, congregate housing, or other housing type.

Other provisions in the bill related to congregate residences would provide additional opportunities for development of housing for students outside of MIOs. Congregate residences

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<sup>6</sup> Seattle’s Urban Centers include Downtown, First Hill/Capitol Hill, Northgate, South Lake Union, Uptown, and University Community.

<sup>7</sup> North Seattle College abuts but is outside of the Northgate Urban Center.

are housing for nine or more people, not in individual housing units. Examples of congregate residences include dormitories, fraternities and sororities, senior housing where the residents do not live in separate apartments, and supportive housing where residents do not have separate apartments.<sup>8</sup>

Currently, congregate residences that are owned by a college or university are permitted in all multifamily and commercial zones. Most congregate residences not owned by colleges or universities are limited or prohibited outside of urban villages and centers. The bill would make it easier for colleges and universities to form partnerships to build congregate residences outside of MIOs by amending language in the Multifamily and Commercial chapters of the Land Use Code to allow congregate residences affiliated<sup>9</sup> with colleges and universities in areas where housing owned by colleges and universities is permitted.

### **Potential Issue**

The bill would amend Chapter 23.69 to add the language “or affiliated with” to discussions of development under MIMPs. In one case, this may add confusion. The amendment in Section 4 of the bill to Section 23.69.008 Permitted Uses, states the following:

#### **23.69.008 Permitted uses ((-))**

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

The existing language is clear that a use does not need to be owned or operated directly by an institution to be considered a Major Institution use. Adding “affiliated with” in this context is therefore redundant and may cause unnecessary confusion. The Committee should consider removing this phrase.

### **Next Steps**

A public hearing on CB 120313 is scheduled for the June 8 Committee meeting. A vote could be held on the bill as early as June 22.

cc: Aly Pennucci, Deputy Director  
Yolanda Ho, Lead Analyst

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<sup>8</sup> A key distinction between congregate residences and other types of housing is whether there are individual cooking facilities associated with residents’ sleeping areas.

<sup>9</sup> “Affiliated” is not defined in the bill or the existing code. [Merriam-Webster](#) defines it as: “closely associated with another typically in a dependent or subordinate position.” Other definitions do not include the idea of dependency or subordination.