



SEATTLE CITY COUNCIL

Land Use Committee

Agenda

**Special Meeting: Session 1 - 9:30 a.m. & Session II Public
Hearing - 2:00 p.m.
Wednesday, September 4, 2024**

9:30 AM

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

**Tammy J. Morales, Chair
Dan Strauss, Vice-Chair
Cathy Moore, Member
Maritza Rivera, Member
Tanya Woo, Member**

Chair Info: 206-684-8802; Tammy.Morales@seattle.gov

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September 4, 2024 - 9:30 AM

**Special Meeting: Session 1 - 9:30 a.m. & Session II Public
Hearing - 2:00 p.m.**

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.

The Land Use Committee meeting will meet in a special session at 9:30 a.m. until 2 p.m. At the conclusion of the special session, the Land Use Committee will move into its regularly scheduled 2 p.m. meeting. This is a combined agenda for the special and regular meeting.

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

<https://www.seattle.gov/council/committees/public-comment>

Online registration to speak will begin one hour 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.

Pursuant to Council Rule VI.C.10, members of the public providing public comment in Chambers will be broadcast via Seattle Channel.

Please submit written comments at Council@seattle.gov or at least two business hours prior to the meeting at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104. Business hours are considered 8 a.m.-5 p.m., Monday through Friday. The deadline is 4:30 p.m. the business day before a meeting with a start time of 9:30 a.m.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

Session I - 9:30 a.m.

D. Items of Business

1. [CB 120822](#) **AN ORDINANCE** relating to land use regulations; removing restrictions on congregate residences; and amending Sections 23.42.049, 23.45.504, 23.45.508, 23.47A.004, 23.54.015, and 23.84A.032 of the Seattle Municipal Code.

Supporting Documents:

[Summary and Fiscal Note](#)

[Summary Att 1 – SEPA Checklist](#)

[Summary Att 2 - SEPA DNS](#)

[Director’s Report](#)

[Central Staff Memo \(9/4/24\)](#)

[Presentation \(9/4/24\)](#)

[Public Hearing Notice](#)

Briefing and Discussion (20 minutes)

Presenter: Geoff Wentlandt, Office of Planning and Community Development (OPCD)

2. [CB 120823](#) **AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 23.22.066, 23.22.100, 23.24.010, 23.28.020, 23.34.009, 23.34.093, 23.40.002, 23.41.004, 23.41.012, 23.42.058, 23.42.060, 23.42.130, 23.44.014, 23.44.016, 23.44.020, 23.44.041, 23.45.510, 23.45.516, 23.45.528, 23.45.529, 23.45.545, 23.47A.004, 23.47A.010, 23.47A.011, 23.47A.020, 23.48.005, 23.48.225, 23.48.720, 23.49.002, 23.49.008, 23.49.025, 23.49.042, 23.49.058, 23.49.090, 23.49.142, 23.49.162, 23.49.300, 23.49.320, 23.49.338, 23.50.002, 23.50.012, 23.50.044, 23.53.006, 23.53.015, 23.53.030, 23.54.015, 23.54.030, 23.55.032, 23.58C.035, 23.66.110, 23.66.122, 23.66.322, 23.69.002, 23.69.032, 23.69.033, 23.69.034, 23.71.006, 23.84A.006, 23.84A.008, 23.84A.016, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.038, 25.05.444, 25.05.675, 25.05.714, 25.09.045, 25.09.160, 25.11.020, 25.11.030, 25.11.040, 25.11.050, 25.11.060, 25.11.070, 25.16.080, 25.16.115, 25.16.150, 25.22.070, 25.22.135, 25.24.060, 25.28.230, and 25.28.290 of the Seattle Municipal Code.**

Attachments: [Full Text: CB 120823 v1](#)

Supporting

Documents:

[Summary and Fiscal Note](#)

[Summary Att A - SEPA Threshold Determination](#)

[Director's Report](#)

[Central Staff Memo \(9/4/24\)](#)

[Presentation \(9/4/24\)](#)

[Public Hearing Notice](#)

Briefing and Discussion (20 minutes)

Presenter: Travis Saunders, Seattle Department of Construction and Inspections (SDCI)

3. [CB 120824](#) **AN ORDINANCE relating to design review for the Downtown, Uptown, South Lake Union, and First Hill Urban Centers, a subarea adjacent to the Uptown Urban Center, and a portion of the Greater Duwamish Manufacturing and Industrial Center; adopting temporary regulations to exempt single-use and mixed-use development projects with lodging, residential, or research and development laboratory uses from design review, and allowing the Director of the Department of Construction and Inspections to grant waivers and modifications from certain development standards; and amending Sections 23.41.004, 23.41.020, 23.76.004, 23.76.006, 23.76.010, 23.76.012, and 23.76.026 of the Seattle Municipal Code.**

Attachments: [Full Text: CB 120824 v1](#)

Supporting

Documents:

[Summary and Fiscal Note](#)

[Summary Att 1 – Map of Applicable Area](#)

[Director's Report](#)

[Presentation \(9/4/24\)](#)

[Public Hearing Notice](#)

[Central Staff Memo \(9/4/24\)](#)

Briefing and Discussion (20 minutes)

Presenter: Gordon Clowers, Seattle Department of Construction and Inspections (SDCI)

4. [CB 120833](#) **AN ORDINANCE** relating to land use and zoning; amending subsection 23.49.156.A of the Seattle Municipal Code to clarify bonus allowances in the Living Building Pilot Program.

Supporting Documents:

[Summary and Fiscal Note](#)

[Director's Report](#)

[Presentation \(9/4/24\)](#)

Briefing and Discussion (20 minutes)

Presenter: David VanSike, Seattle Department of Construction and Inspections (SDCI)

Session II Public Hearing - 2:00 p.m.

Session II will continue the Land Use Committee's discussion of Session I Agenda items if not completed during Session I.

E. Items of Business

1. Public Hearing

Public hearing on Agenda items 1 - 3: Council Bills 120822, 120823, and 120824.

WRITTEN COMMENTS

Written comments on the legislation will be accepted until noon on Wednesday, September 4, 2024. Please send comments to Councilmember Tammy Morales's office, via e-mail at: Tammy.Morales@seattle.gov, or by mail to:

Councilmember Tammy Morales
Seattle City Council
600 4th Avenue, 2nd Floor
PO Box 34025
Seattle, WA 98124-4025

F. Adjournment



Legislation Text

File #: CB 120822, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use regulations; removing restrictions on congregate residences; and amending Sections 23.42.049, 23.45.504, 23.45.508, 23.47A.004, 23.54.015, and 23.84A.032 of the Seattle Municipal Code.

WHEREAS, during the 2024 Washington State legislative session the Legislature passed and Governor Inslee signed Engrossed Substitute House Bill 1998 pertaining to co-living housing; and

WHEREAS, Engrossed Substitute House Bill 1998 requires cities to allow co-living housing as a permitted use on any lot within an urban growth area that allows at least six multifamily residential units including in mixed use development, and stipulates that cities may not place certain other limiting development standards on co-housing development; and

WHEREAS, The City of Seattle’s Land Use Code regulates co-living housing under the terminology “congregate residence,” and Engrossed Substitute House Bill 1998 provides that local governments may use other terms to refer to co-living housing; and

WHEREAS, co-living housing/congregate residences provide a valuable housing option for many people because they can provide a relatively low-cost option that provides a private living space, often in combination with other shared community spaces that can facilitate social connections; and

WHEREAS, this proposed legislation satisfies the requirements of Engrossed Substitute House Bill 1998 by expanding the zones where congregate residences are a permitted use and by removing other constraining development standards from the Land Use Code that were specific to the congregate residence housing type; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.049 of the Seattle Municipal Code, last amended by Ordinance 126626, is amended as follows:

23.42.049 Congregate residences

Congregate residences are subject to the development standards for the zone in which they are located, and to the development standards for apartments where such housing type standards are specified. ~~((, and to the following requirements:))~~ In any zone or instance in which a dwelling unit density limit applies to residential development, congregate residence sleeping rooms shall be treated as one-fourth of a dwelling unit for the purposes of calculating dwelling unit density.

~~((A. Common food preparation area. At least one complete common food preparation area is required within the congregate residence, and all residents shall have access to either a common complete food preparation area or a food preparation area within a sleeping room.~~

~~B. Food preparation areas in sleeping rooms. Within a congregate residence not more than 25 percent of sleeping rooms shall have complete food preparation areas, where a complete food preparation area is identified by the presence of a plumbed sink, a stove or range, a refrigerator, and a counter top. The Director has discretion to increase the percentage up to 100 percent of sleeping rooms if the congregate residence is owned by a college or university, is affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, is a sorority or fraternity, or is owned by a not-for-profit entity or charity, or is a congregate residence that is licensed by the State and provides on-site supportive services for seniors or persons with disabilities. Supportive services include meal service, cleaning service, health services, or similar services.~~

~~C. Communal area. Communal areas such as common kitchens, lounges, recreation rooms, dining rooms, living rooms, foyers and lobbies, that are accessible to all residents of the congregate residence with sufficient accommodations for socializing and meeting shall be provided, and shall meet the following~~

standards:

1. ~~The total amount of communal area shall have a floor area that is at least 15 percent of the total floor area of all sleeping rooms. In calculating the total floor area of sleeping rooms, the abutting ancillary areas associated with sleeping rooms shall be included, such as: sleeping lofts, counters, closets, built-ins, and private bathrooms;~~
2. ~~Service areas, including, but not limited to hallways and corridors, supply or janitorial storage areas, operations and maintenance areas, staff areas and offices, and required bicycle parking areas may not be counted toward the communal area requirement;~~
3. ~~Communal areas are required in addition to any residential amenity area that is required in the zone.))~~

Section 2. Section 23.45.504 of the Seattle Municipal Code, last amended by Ordinance 126626, is amended as follows:

23.45.504 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A for 23.45.504 are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A, 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.45 and additional regulations in Chapter 23.57. Public facilities are subject to the regulations in Section 23.51A.004.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

Table A for 23.45.504 Permitted and prohibited uses	
Uses	Permitted and prohibited uses by zone
	LR1, LR2, and LR3 MR and HR

A. ((Residential use except as listed residential uses	P	P
((A.1. Congregate residence))	((X/P ¹))	((P/X ²))
B. Institutions	P/CU ⁽³⁾ 1	P/CU ⁽³⁾ 1
C. Uses in existing or former public		
C.1. Child care centers, preschools, educational and vocational disabled, adult evening educational libraries, community centers, centers for the elderly, and similar uses public schools	P	P
C.2. Other non-school uses in existing public schools	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
D. Park and ride facilities		
D.1. Park and ride facilities on streets	X/CU ⁽⁴⁾ 2	X/CU ⁽⁴⁾ 2
D.2. Park and ride facilities in parking structures	X/P ⁽⁵⁾ 3	X/P ⁽⁵⁾ 3
E. Parks and playgrounds including	P	P
F. Ground-floor commercial uses	RC/P ⁽⁶⁾ 4	RC/P ^(6,7) 4,5
G. Medical service uses other than ground-floor commercial uses	P/X ⁽⁸⁾ 6	P/CU/X ⁽⁸⁾ 6
H. Uses not otherwise permitted in parking structures	CU	CU
I. Cemeteries	P/X ⁽⁹⁾ 7	P/X ⁽⁹⁾ 7
J. Community gardens	P	P
K. Parking, flexible-use	X/P ⁽¹⁰⁾ 8	P ⁽¹⁰⁾ 8
L. All other uses	X	X

Footnotes to Table A for 23.45.504 ((¹ Congregate residences that are owned by a college or university that is part of the Washington State Community and Technical Colleges system, or are a sorority or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities. Supportive services include meal service, cleaning service, health services, or similar. ² Congregate residences affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, or are owned by a not-for-profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities. All others are permitted only in locations within urban villages and urban centers. ³ Permitted outright. ⁴ Permitted as an Administrative Conditional Use RC = Permitted in areas zoned Residential C. ⁵ Prohibited in LR1 and LR2 zones, including LR1/RC and LR2/RC. ⁶ Permitted in development that meets the requirements of Section 23.45.504.G and 23.45.506.F. ⁷ Subject to subsection 23.45.504.E except in zones that include an RC designation. ⁸ Prohibited in LR1 and LR2 zones, including LR1/RC and LR2/RC. ⁹ Subject to subsection 23.45.504.F. ¹⁰ Permitted outright in g... = Permitted as an Administrative Conditional Use RC = Permitted in areas zoned Residential C Chapter 23.46 X = Prohibited

* * *

Section 3. Section 23.45.508 of the Seattle Municipal Code, last amended by Ordinance 126682, is amended as follows:

23.45.508 General provisions

A. Except for structures related to an urban farm, a structure occupied by a permitted use other than a residential use may be partially or wholly converted to a residential use even if the structure does not conform to the development standards for residential uses in multifamily zones.

B. Off-street parking shall be provided pursuant to Section 23.54.015, and as permitted by provisions of Sections 23.45.504 and 23.45.506, if applicable.

C. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses are regulated by Sections 23.42.108 and 23.42.110.

D. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys, and easements are provided in Chapter 23.53. Standards for parking and access and design are provided in Chapter

23.54. Standards for solid waste and recyclable materials storage space are provided in Section 23.54.040.

Standards for signs are provided in Chapter 23.55.

E. Assisted living facilities, congregate residences, nursing homes, and structures containing ground floor commercial uses as allowed by Chapter 23.46 in RC zones shall meet the development standards for apartments unless otherwise specified. ~~((Congregate residences are subject to additional requirements as specified in Section 23.42.049.))~~

* * *

Section 4. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 126626, is amended as follows:

23.47A.004 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.47A.004 and this Section 23.47A.004, except as may be otherwise provided pursuant to Subtitle III, Division 3, Overlay Districts, of this Title 23.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in Table A for 23.47A.004.

C. The Director may authorize a use not otherwise permitted in the zone in a ~~((landmark))~~ Landmark structure, subject to the following criteria:

1. The use will not require significant alteration of the structure;
2. The design of the structure makes uses permitted in the zone impractical in the structure, or the permitted uses do not provide sufficient financial return to make use of the ~~((landmark))~~ Landmark structure feasible; and

3. The physical impacts of the use will not be detrimental to other properties in the zone or vicinity or to the public interest.

D. Public facilities

1. Uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this Chapter 23.47A are permitted outright or as a conditional use, respectively, subject to the same use regulations, development standards, and conditional use criteria that govern the similar uses.

2. Permitted uses in public facilities requiring council approval. Unless specifically prohibited in Table A for 23.47A.004, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this Chapter 23.47A, may be permitted by the City Council.

3. In all NC zones and C zones, uses in public facilities not meeting development standards may be permitted by the Council, and the Council may waive or grant departures from development standards, if the following criteria are satisfied:

a. The project provides unique services that are not provided to the community by the private sector, such as police and fire stations;

b. The proposed location is required to meet specific public service delivery needs;

c. The waiver of or departure from the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping, and screening of the facility.

4. The City Council's use approvals, and waivers of or grants of departures from applicable development standards or conditional use criteria, contemplated by subsections 23.47A.004.D.2 and 23.47A.004.D.3, are governed by the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions.

5. Expansion of uses in public facilities

a. Major expansion. Major expansion of uses in public facilities allowed pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 may be permitted according to the criteria and process in those subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3. A major expansion of a public facility use occurs when an expansion would not meet development standards or the area of the

expansion would exceed either 750 square feet or 10 percent of the existing area of the use, whichever is greater. For the purposes of this subsection (~~(23.47A.004)~~) 23.47A.004.D, area of use includes gross floor area and outdoor area devoted actively to that use, other than as parking.

b. Minor expansion. An expansion of a use in a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 above may be permitted according to the provisions of Chapter 23.76, for a Type I Master Use Permit.

6. Essential public facilities. Permitted essential public facilities will be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

7. Youth service centers existing as of January 1, 2013, in public facilities operated by King County within Urban Center Villages and replacements, additions, or expansions to such King County public facilities are permitted in NC3 zones.

E. Changes from accessory to flexible-use parking may occur, subject to Section 23.54.026.

F. Public use of accessory parking is subject to Section 23.54.027.

G. Live-work units

1. In all NC zones and C zones live-work units are permitted outright subject to the provisions of this Title 23.

2. In pedestrian-designated zones, live-work units shall not occupy more than 20 percent of the street-level street-facing facade along designated principal pedestrian streets listed in subsection 23.47A.005.D.

3. In the Lake City and Bitter Lake Village Hub Urban Villages, live-work units shall not occupy more than 20 percent of the street-level street-facing facade.

4. Except where expressly treated as a residential use, live-work units shall be deemed a nonresidential use.

H. Adult cabarets

1. Any lot line of property containing any proposed new or expanding adult cabaret must be 800 feet or more from any lot line of property on which any of the following uses has been established by permit or otherwise recognized as a legally established use: community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be 600 feet or more from any lot line of property for which a permit has been issued for any other adult cabaret.

3. The dispersion analysis required by subsections 23.47A.004.H.1 and 23.47A.004.H.2 shall be based on the facts that exist on the earlier of:

a. ~~((the))~~ The date a complete application for a building permit for an adult cabaret for the property proposed to contain the new or expanding adult cabaret is made, or

b. ~~((the))~~ The date of publication of notice of the Director’s decision on the Master Use Permit application to establish or expand an adult cabaret use, if the decision can be appealed to the Hearing Examiner, or the date of the Director’s decision if no Hearing Examiner appeal is available.

I. The terms of Table A for 23.47A.004 are subject to any applicable exceptions or contrary provisions expressly provided for in this Title 23.

Table A for 23.47A.004 Uses in Commercial zones					
	Permitted and prohibited uses by zone¹				
Uses	NC 1	NC2	NC3	C1	C2
A. AGRICULTU RAL USES					

	A.1. Animal husban dry	A	A	A	A	P
	A.2. Aquac ulture	10	25	P	P	P
	A.3. Comm unity garden	P	P	P	P	P
	A.4. Horticu lture	10	25	P	P	P
	A.5. Urban farm ²	P	P	P	P	P
B. CEM ETE RIES		X	X	X	X	X
C. COMMERCIA L USES ³						
	C.1. Animal shelters and kennels	X	X	X	X	P
	C.2. Eating and drinkin g establis hments					
	C.2.a. Drink	CU-10	CU-25	P	P	P
	C.2.b. Resta	10	25	P	P	P

	C.3. Entertainment uses					
	C.3.a. Cabarets	X	P	P	P	P
	C.3.b. Motels, adult	X	X	X	X	X
	C.3.c. Pantries	X	X	X	X	X
	C.3.d. Sports, indoor	10	25	P	P	P
	C.3.e. Sports, outdoor	X	X	X ⁵	P	P
	C.3.f. Theaters, facilities	X	25	P	P	P
	C.4. Food processing and craft work ²	10	25	25	P	P
	C.5. Laboratories, research and development	10	25	P	P	P
	C.6. Lodging uses	X ⁶	CU-25 ⁶	P	P	P
	C.7. Medical services ⁷	10 ⁸	25	P	P	P
	C.8. Offices	10	25	P	35 ⁹	35 ⁹

	C.9. Sales and service s, automo tive					
	C.9.a. Retail automotive	10 ¹⁰	25 ¹⁰	P ¹⁰	P	P
	C.9.b. Sales motorized v	X	25	P	P	P
	C.9.c. Vehic automotive	X	25	P	P	P
	C.10. Sales and service s, general ²					
	C.10.a. Retail general ²	10	25	P	P	P
	C.10.b. Retail	10 ¹¹	50	P	P	P
	C.11. Sales and service s, heavy					
	C.11.a. Con	X	X	25	P	P
	C.11.b. Con heavy	X	X	X	P	P
	C.11.c. Retail	10	25	P	P	P
	C.11.d. Retail non-househ	10	25	P	P	P
	C.11.e. Wh	X	X	25	25	P

	C.12. Sales and services, marine					
	C.12.a. Marine	10	25	P	P	P
	C.12.b. Sales boats	X	25	P	P	P
	C.12.c. Sales boats, boat	10	25	P	P	P
	C.12.d. Vessels	X	X	X	S	S
	C.12.e. Vessels	10	25	P	P	P
D. HIGH-IMPACT USES		X	X	X	X	X
E. INSTITUTIONS						
	E.1. Institutions not listed below	10	25	P	P	P
	E.2. Major institutions subject to the provisions of Chapter 23.69	P	P	P	P	P

	E.3. Religious facilities	P	P	P	P	P
	E.4. Schools, elementary or secondary	P	P	P	P	P
	E.5. Child care centers	P	P	P	P	P
F. LIV E- WO RK UNI TS ¹²		P	P	P	P	P
G. MANUFACTURING USES						
	G.1. Manuf	X	10	25	P	P
	G.2. Manuf	X	X	X	P	P
	G.3. Manuf	X	X	X	X	X
H. PAR KS AND OPE N SPA CE		P	P	P	P	P
I. PUBLIC FACILITIES						

	I.1. Jails					
	I.1.a. Youth	X	X	P ¹³	X	X
	I.1.b. All other	X	X	X	X	X
	I.2. Work-release centers	CCU-10	CCU-25	CCU	CCU	CCU
J. RESIDENTIAL USES ¹⁴						
	J.1. Residential uses not listed below	P	P	P	P	CU ¹⁵
	J.2. Caretaker's quarters	P	P	P	P	P
	J.3. Congregate residence	((X/P) ⁽¹⁶⁾	((X/P) ⁽¹⁶⁾	((X/P) ⁽¹⁷⁾	((X/P) ⁽¹⁷⁾	((X/P ¹⁷)) CU ¹⁵
	J.4. Low-income housing	P	P	P	P	P
K. STORAGE USES						
	K.1. Mini-warehouses	X	X	25	40	P

	K.2. Storage , outdoor r	X	X	X ^{((48)) 16}	P	P
	K.3. Wareh ouses	X	X	25	25	P
L. TRANSPORT ATION FACILITIES						
	L.1. Cargo termina ls	X	X	X	S	P
	L.2. Parkin g and moorag e					
		L.2.a. Boat	S	S	S	S
		L.2.b. Dry b	X	25	P	P
		L.2.c. Parki	X	25	P	P
		L.2.d.i. Park surface park	X	CU-25	CU	CU
		L.2.d.ii. Par parking gara	X	P ^{((24)) 19}	P ^{((24)) 19}	P ^{((24)) 19}
		L.2.e. Towi	X	X	X	P
	L.3. Passen ger termina ls	X	X	25	P	P
	L.4. Rail transit facilitie s	P	P	P	P	P

	L.5. Transportation facilities, air					
	L.5.a. Airports	X	X	X	X	X
	L.5.b. Airports	X	X	X	X	S
	L.5.c. Helicopters	X	X	X	X	X
	L.5.d. Helicopters	X	X	CCU	CCU	CU
	L.6. Vehicle storage and maintenance					
	L.6.a. Buses	X	X	X	CCU	CCU
	L.6.b. Railroads	X	X	X	X	X
	L.6.c. Railroad mechanization	X	X	X	X	X
	L.6.d. Transportation personal	X	X	P	P	P
M. UTILITY USES						
	M.1. Communication utilities, major <small>((22)) 20</small>	X	X	X	CCU	CCU
	M.2. Communication utilities, minor <small>((22)) 20</small>	P	P	P	P	P

	M.3. Power plants	X	X	X	X	X
	M.4. Recycli ng	X	X	X	P	P/CU ((23) 21
	M.5. Sewag e treatme nt plants	X	X	X	X	X
	M.6. Solid waste manag ement	X	X	X	X	X
	M.7. Utility service s uses	10	25	P	P	P

KEY A =
Permitted as an
accessory use
only CU =
Administrative
Conditional
Use (business
establishment
limited to the
multiple of
1,000 square
feet of any
number
following a
hyphen,
pursuant to
Section
23.47A.010)
CCU =
Council
Conditional
Use (business
establishment
limited to the
multiple of
1,000 square
feet of any
number
following a
hyphen,
pursuant to
Section
23.47A.010) P
= Permitted S
= Permitted in
shoreline areas
only X =
Prohibited CU-
25 =
Conditionally
permitted; use

is limited to
25,000 square
feet, pursuant
to Section
23.47A.010 10
= Permitted,
business
establishments
limited to
10,000 square
feet, pursuant
to Section
23.47A.010 20
= Permitted,
business
establishments
limited to
20,000 square
feet, pursuant
to Section
23.47A.010 25
= Permitted,
business
establishments
limited to
25,000 square
feet, pursuant
to Section
23.47A.010 35
= Permitted,
business
establishments
limited to
35,000 square
feet, pursuant
to Section
23.47A.010 40
= Permitted,
business
establishments
limited to
40,000 square

feet, pursuant
to Section
23.47A.010 50
= Permitted,
business
establishments
limited to
50,000 square
feet, pursuant
to Section
23.47A.010

Footnotes to
Table A for
23.47A.004 ¹
In pedestrian-
designated
zones, a
portion of the
street-level
street-facing
facade of a
structure along
a designated
principal
pedestrian
street may be
limited to
certain uses as
provided in
subsection
23.47A.005.D.
In pedestrian-
designated
zones, drive-in
lanes are
prohibited
(Section
23.47A.028). ²
In addition to
the provisions
in this Chapter
23.47A, uses
that entail
major
marijuana
activity are
subject to the
requirements
of Section
23.42.058. ³
For
commercial

uses with drive
-in lanes, see
Section
23.47A.028.⁴
Subject to
subsection
23.47A.004.H.
⁵ Permitted at
Seattle Center.
⁶ Bed and
breakfasts in
existing
structures are
permitted
outright with
no maximum
size limit.⁷
Medical
services over
10,000 square
feet within
2,500 feet of a
medical Major
Institution
Overlay
boundary
require
conditional use
approval,
unless they are
included in a
Major
Institution
Master Plan or
dedicated to
veterinary
services.⁸
Medical
service uses
that are located
in an urban
center or urban

village, which
are in
operation at
such location
before August
1, 2015, and
that routinely
provide
medical
services on a
reduced fee
basis to
individuals or
families having
incomes at or
below 200
percent of the
poverty
guidelines
updated
periodically in
the Federal
Register by the
U.S.
Department of
Health and
Human
Services under
the authority of
42 USC 9902
(2), are limited
to 20,000
square feet.
This provision
does not apply
to medical
service uses
that are subject
to a Major
Institution
Master Plan. ⁹
Office uses in

C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010.D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010.D.¹⁰ Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.¹¹

Grocery stores meeting the conditions of subsection 23.47A.010.E are permitted up to 23,000 square feet in size. ¹² Subject to subsection 23.47A.004.G. ¹³ Permitted pursuant to subsection 23.47A.004.D. 7. ¹⁴ Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C. ¹⁵ Residential uses are conditional uses in C2 zones under subsection 23.47A.006.A. 3, except as otherwise provided above in Table A for 23.47A.004 or in subsection 23.47A.006.A. 3. (¹⁶ Congregate

Residences that are owned by a college or university, or are affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services, or similar.¹⁷ Congregate Residences that are owned

by a college or university, or are affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, health services, or similar.)⁽¹⁸⁾

¹⁶ Permitted at

Seattle Center;
see Section
23.47A.011. ((
49)) 17

Flexible-use
parking is
subject to
Section
23.54.026. In
pedestrian-
designated
zones, surface
parking is
prohibited
adjacent to
principal
pedestrian
streets
pursuant to
subsection
23.47A.032.B.
2. ((20)) 18

Permitted as
surface parking
only on surface
parking lots
existing as of
January 1,
2017. In
pedestrian-
designated
zones, surface
parking is
prohibited
adjacent to
principal
pedestrian
streets
pursuant to
subsection
23.47A.032.B.
((21)) 19

Permitted outright, except prohibited in the SAOD. ⁽⁽²²⁾⁾ See Chapter 23.57, Communications regulations, for regulation of communication utilities. ⁽⁽²³⁾⁾ ²¹ A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.

Section 5. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.54.015 Required parking and maximum parking limits

* * *

Table B for 23.54.015 Required parking for residential uses		
Use	Minimum parking required	
I. General residential uses		
A.	Adult family homes	1 space for each dwelling unit
B.	Artist’s studio/dwellings	1 space for each dwelling unit
C.	Assisted living facilities	1 space for each 4 assisted living; 1 space for each 2 staff member peak staffing time; plus 1 barrier passenger loading and unloading
D.	Caretaker’s quarters	1 space for each dwelling unit
E.	Congregate residences	1 space for each 4 sleeping room
F.	Cottage housing developments	1 space for each dwelling unit
G.	Floating homes	1 space for each dwelling unit
H.	Mobile home parks	1 space for each mobile home lot in Chapter 22.904
I.	Multifamily residential uses, except otherwise provided in this Table 23.54.015 ¹ , ⁽⁴⁾ ²	1 space per dwelling unit, or 1 space each 2 small efficiency dwelling
J.	Nursing homes	1 space for each 2 staff doctors; additional space for each 3 employees; 1 space for each 6 beds
K.	Single-family dwelling units ⁽²⁾	1 space for each dwelling unit
II. Residential use requirements for specific areas		
L.	All residential uses within urban center zones within the Station Area Overlay District ⁽¹⁾ ²	No minimum requirement
M.	All residential uses in commercial and multifamily zones within urban center zones that are not within urban center Station Area Overlay District, if residential use is located within transit service area ^(1,3) ^{2,4}	No minimum requirement

N.	Multifamily residential uses with University of Washington parking area shown on Map A for 23.54	1 space per dwelling unit for dwelling units with fewer than 2 bedrooms; plus 0.25 spaces per dwelling unit for dwelling units with 2 bedrooms; plus 0.25 spaces per dwelling unit for dwelling units with 3 or more bedrooms
O.	Multifamily dwelling units, with area shown on Map B for 23.54	1.5 spaces for each dwelling unit
P.	Congregate residences located within a half mile walking distance of a transit stop	No minimum requirement

Footnotes to Table B
for 23.54.015 ¹For
each moderate-
income unit and
each low-income
unit, no minimum
amount of parking is
required. ((¹)) ²The
minimum amount of
parking prescribed
by Part I of Table B
for 23.54.015 does
not apply if a use,
structure, or
development
qualifies for a
greater or a lesser
amount of minimum
parking, including
no parking, under
any other provision
of this Section
23.54.015. If more
than one provision in
this Table B for
23.54.015 is
applicable, the
provision requiring
the least amount of
minimum parking
applies, except that
if item O in Part II of
Table B for
23.54.015 applies, it
shall supersede any
other requirement in
Part I or Part II of
this Table B for
23.54.015. ((²)) ³No
parking is required
for single-family
residential uses on

residential uses on lots in any residential zone that are less than 3,000 square feet in size or less than 30 feet in width where access to parking is permitted through a required yard or setback abutting a street according to the standards of subsections 23.44.016.B.2, 23.45.536.C.2, or 23.45.536.C.3. ((³))⁴ Except as provided in Footnote 4, the minimum amounts of parking prescribed by Part 1 of Table B for 23.54.015 apply within 1,320 feet of the Fauntleroy Ferry Terminal. ((⁴ For each moderate-income unit and each low-income unit, no minimum amount of parking is required.))

* * *

Table D for 23.54.015 Parking for bicycles ((1)) ¹		
Use	Bike parking requirements	
	Long-term	Short-term

A. COMMERCIAL USES			
A.1.	Eating and drinking establishments	1 per 5,000 square	1 per 1,000 square
A.2.	Entertainment uses other than theaters and spectator sports facilities	1 per 10,000 square	Equivalent to 5 per of maximum building capacity rating
	A.2.a.	Theaters and spectator sports facilities	1 per 10,000 square
			Equivalent to 8 per maximum building rating ²
A.3.	Lodging uses	3 per 40 rentable room	1 per 20 rentable room plus 1 per 4,000 square feet of conference and meeting rooms
A.4.	Medical services	1 per 4,000 square	1 per 2,000 square
A.5.	Offices and laboratories, research and development	1 per 2,000 square	1 per 10,000 square
A.6.	Sales and services, general	1 per 4,000 square	1 per 2,000 square
A.7.	Sales and services, heavy	1 per 4,000 square	1 per 10,000 square of occupied floor area spaces minimum
B. INSTITUTIONS			
B.1.	Institutions not listed below	1 per 4,000 square	1 per 10,000 square
B.2.	Child care centers	1 per 4,000 square	1 per 20 children. 2 spaces minimum
B.3.	Colleges	1 per 5,000 square	1 per 2,500 square
B.4.	Community clubs or centers	1 per 4,000 square	1 per 1,000 square
B.5.	Hospitals	1 per 4,000 square	1 per 10,000 square
B.6.	Libraries	1 per 4,000 square	1 per 2,000 square
B.7.	Museums	1 per 4,000 square	1 per 2,000 square

B.8.	Religious facilities	1 per 4,000 square	1 per 2,000 square
B.9.	Schools, primary and secondary	3 per classroom	1 per classroom
B.10.	Vocational or fine arts schools	1 per 5,000 square	1 per 2,500 square
C. MANUFACTURING USES		1 per 4,000 square feet	1 per 20,000 square
D. RESIDENTIAL USES ³			
D.1.	Congregate residences ⁴	1 per 4 sleeping rooms	1 per ((20)) 80 sleeping rooms. 2 spaces minimum
D.2.	Multifamily structures other than townhouse and rowhouse developments ^{4, 5}	1 per dwelling unit	1 per 20 dwelling units
D.3.	Single-family residences	None	None
D.4.	Townhouse and rowhouse developments ⁵	1 per dwelling unit	None
E. TRANSPORTATION FACILITIES			
E.1.	Park and ride facilities on surface parking lots	At least 20 ⁶	At least 10
E.2.	Park and ride facilities in parking garages	At least 20 if parking is the principal use of property; zero if no parking uses are the principal use of a property	At least 10 if parking is the principal use of property; zero if no parking uses are the principal use of a property

E.3.	Flexible-use parking garages and flexible-use parking surface lots	1 per 20 auto space	None
E.4.	Rail transit facilities and passenger terminals	Spaces for 5 percent projected AM peak period daily ridership	Spaces for 2 percent projected AM peak period daily ridership

Footnotes to Table D for 23.54.015 ¹ Required bicycle parking includes long-term and short-term amounts shown in this Table D for 23.54.015. ² The Director may reduce short-term bicycle parking requirements for theaters and spectator sport facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral. ³ For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015. ⁴ For congregate residences or multifamily structures that are owned and operated by a not-for-profit entity serving seniors or persons with disabilities, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, as a Type I decision, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents

demonstrated that residents are less likely to travel by bicycle. ⁵ In low-income housing, there is no minimum required long-term bicycle parking requirement for each unit subject to affordability limits no higher than 30 percent of median income and long-term bicycle parking requirements may be waived by the Director as a Type I decision for each unit subject to affordability limits greater than 30 percent of median income and no higher than 80 percent of median income if a reasonable alternative is provided (e.g., in-unit vertical bike storage). ⁶ The Director, in consultation with the Director of Transportation, may require more bicycle parking spaces based on the following factors: area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

Section 6. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.84A.032 “R”

* * *

“Residential use” means any one or more of the following:

1. “Accessory dwelling unit” means one or more rooms that:
 - a. Are located within a principal dwelling unit or within an accessory structure on the same lot as a principal dwelling unit;
 - b. Meet the standards of Section 23.44.041, Section 23.45.545, or Chapter 23.47A, as applicable;
 - c. Are designed, arranged, and intended to be occupied by not more than one household as living accommodations independent from any other household; and
 - d. Are so occupied or vacant.
2. “Attached accessory dwelling unit” means an accessory dwelling unit that is within a principal dwelling unit.
3. “Adult family home” means an adult family home defined and licensed as such by the State of Washington in a dwelling unit.
4. “Apartment” means a multifamily residential use that is not a cottage housing development, rowhouse development, or townhouse development.
5. “Artist’s studio/dwelling” means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one household.
6. “Assisted living facility” means a use licensed by the State of Washington as a boarding home pursuant to chapter 18.20 RCW that contains at least two assisted living units for people who have either a need

for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer (e.g., moving from bed to chair or chair to bath), and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. See “Assisted living unit.”

7. “Carriage house” means a dwelling unit in a carriage house structure.

8. “Carriage house structure” means a structure within a cottage housing development, in which one or more dwelling units are located on the story above an enclosed parking garage at ground level that either abuts an alley and has vehicle access from that alley, or is located on a corner lot and has access to the parking in the structure from a driveway that abuts and runs parallel to the rear lot line of the lot. See also “Carriage house.”

9. “Caretaker’s quarters” means a use accessory to a non-residential use consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a caretaker or watchperson.

10. “Congregate residence” means a use in which ~~((rooms or lodging, with or without meals, are provided for any number of non-transient persons not constituting a single household))~~ sleeping rooms are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities and other common elements with other residents in a building.

11. “Cottage housing development” means a use consisting of cottages arranged on at least two sides of a common open space or a common amenity area. A cottage housing development may include a carriage house structure. See “Cottage,” “Carriage house,” and “Carriage house structure.”

12. “Detached accessory dwelling unit” means an accessory dwelling unit in an accessory structure.

13. “Domestic violence shelter” means a structure or portion of a structure managed by a nonprofit organization, which unit provides housing at a confidential location and support services for victims of domestic violence.

14. “Floating home” means a dwelling unit constructed on a float that is moored, anchored, or

otherwise secured in the water.

15. “Low-income housing.”

16. “Mobile home” means a structure that is designed and constructed to be transportable in one or more sections and built on a permanent chassis, designed to be used as a dwelling unit without a permanent foundation, and connected to utilities that include plumbing, heating, and electrical systems. A structure that was transportable at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

17. “Mobile home park” means a tract of land that is rented for the use of more than one mobile home occupied as a dwelling unit.

18. “Multifamily residential use” means a use consisting of two or more dwelling units in a structure or portion of a structure, excluding accessory dwelling units, or a congregate residence.

19. “Nursing home” means a use licensed by the State of Washington as a nursing home, which provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or sanitariums.

20. “Permanent supportive housing.”

21. “Rowhouse development” means a multifamily residential use in which all principal dwelling units on the lot meet the following conditions:

a. Each dwelling unit occupies the space from the ground to the roof of the structure in which it is located;

b. No portion of a dwelling unit, except for an accessory dwelling unit or shared parking garage, occupies space above or below another dwelling unit;

c. Each dwelling unit is attached along at least one common wall to at least one other dwelling unit, with habitable interior space on both sides of the common wall, or abuts another dwelling unit on

a common lot line;

d. The front of each dwelling unit faces a street lot line;

e. Each dwelling unit provides pedestrian access directly to the street that it faces; and

f. No portion of any other dwelling unit, except for an attached accessory dwelling unit,

is located between any dwelling unit and the street faced by the front of that unit.

22. “Single-family dwelling unit” means a detached principal structure having a permanent foundation, containing one dwelling unit, except that the structure may also contain one or two attached accessory dwelling units where expressly authorized pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit for purposes of this Chapter 23.84A.

23. “Townhouse development” means a multifamily residential use that is not a rowhouse development, and in which:

a. Each dwelling unit occupies space from the ground to the roof of the structure in which it is located;

b. No portion of a dwelling unit occupies space above or below another dwelling unit, except for an attached accessory dwelling unit and except for dwelling units constructed over a shared parking garage, including shared parking garages that project up to 4 feet above grade; and

c. Each dwelling unit is attached along at least one common wall to at least one other dwelling unit, with habitable interior space on both sides of the common wall, or abuts another dwelling unit on a common lot line.

* * *

Section 7. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2024, and signed by me in open session in authentication of its passage this _____ day of _____, 2024.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
OPCD	Geoff Wentlandt	Christie Parker

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use regulations; removing restrictions on congregate residences; and amending Sections 23.42.049, 23.45.504, 23.45.508, 23.47A.004, 23.54.015, and 23.84A.032 of the Seattle Municipal Code.

Summary and Background of the Legislation:

The legislation edits the text of the Land Use Code (Seattle Municipal Code Title 23) to implement changes to co-living housing as required by Washington State Engrossed Substitute House Bill (ESHB) 1998 from the 2024 legislative session. ESHB 1998 requires that development regulations be updated to take effect no later than December 31, 2025.

Seattle’s land use code regulates co-living housing under the “congregate residence” land use category. This legislation makes several changes to the land use code that remove restrictions or limitations on congregate residences. These changes include:

- Amending the land use code’s allowable use tables to make congregate residences an allowed use on any lot that permits at least six multifamily residential units.
- Removing minimum development standards for congregate residence building configuration, including standards for communal areas and food preparation areas.
- Modifying the parking allowances table to exempt co-living housing/congregate residences from providing off-street parking within one half mile of a major transit stop.
- Reducing the long-term and short-term bicycle parking requirement.
- Updating the definition of “congregate residence” to align with state legislation.

The overarching intent of the changes is to ensure that co-housing/congregate residences are not regulated with stricter limitations than other types of multi-family housing.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? Yes No

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No meaningful financial impacts have been identified.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

This legislation affects SDCI as the staff will need to be made aware of the code amendment for the purposes of permit review. However, this will not create a meaningful fiscal impact on SDCI. This legislation will not increase the amount of permit review by SDCI staff. It may in fact decrease the amount of permit review time required because it removes some complex development standards concerning the interior configuration of congregate residence developments. No changes to zoning maps or changes to the permit tracking software are required. This legislation does not change how Mandatory Housing Affordability (MHA) requirements apply to congregate residences and will not reduce the amount of MHA proceeds to the city.

Please describe any financial costs or other impacts of *not* implementing the legislation.

Cities are required by the State to make these changes. If the City does not proactively implement the proposed code changes, it could result in time consuming and confusing permitting issues or potential litigation by development applicants who could argue that the City's land use code is not compliant with State law.

4. OTHER IMPLICATIONS

a. Please describe how this legislation may affect any departments besides the originating department.

This legislation affects SDCI as the staff will need to be made aware of the code amendment for the purposes of permit review. However, this will not create a meaningful fiscal impact on SDCI. No changes to zoning maps or changes to the permit tracking software are required.

b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.

No, it does not affect a specific piece of property. This legislation applies to any proposed development for congregate residence in various zones across the city.

c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

This legislation does not impact vulnerable or historically disadvantaged communities.

- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

None.

- iii. What is the Language Access Plan for any communications to the public?**

None.

d. Climate Change Implications

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

No. This proposal does not alter the City's energy code for buildings. Emissions and energy performance of the building would be considered as part of a building permit review just as it would in the absence of the legislation.

- ii. 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.**

This legislation is not expected to increase or decrease the city's resiliency in a material way.

- e. 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)? What mechanisms will be used to measure progress towards meeting those goals?**

No.

5. CHECKLIST

- Is a public hearing required?**

Yes. A City Council public hearing must be conducted before legislation can be adopted.

- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
Yes. OPCD published a SEPA determination of non-significance (DNS) on May 16, 2024, in the DJC and the City’s Land Use Information Bulletin.
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

6. ATTACHMENTS

Summary Attachments:

Summary Attachment 1 – SEPA Environmental Checklist

Summary Attachment 2 – City of Seattle Analysis and Decision of the Director of the Office of Planning and Community Development: SEPA Threshold Determination, Co-Living Housing/Congregate Residence Allowances Legislation

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the [Supplemental Sheet for Nonproject Actions \(Part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

A. Background [Find help answering background questions](#)

1. Name of proposed project, if applicable:

Co-Living Housing / Congregate Residences Allowances Legislation

2. Name of applicant:

City of Seattle Office of Planning & Community Development

3. Address and phone number of applicant and contact person:

City of Seattle, Office of Planning and Community Development

600 Fourth Avenue

P.O. Box 94788

Seattle, Washington 98124-7088

Contact: Geoff Wentlandt, Geoffrey.Wentlandt@seattle.gov

4. Date checklist prepared:

May 2024

5. Agency requesting checklist:

City of Seattle Office of Planning and Community Development

6. Proposed timing or schedule (including phasing, if applicable):

It is expected that the proposed legislation will be discussed and possibly voted on by the City Council in the fall of 2024 or early 2025.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Additional legislative reforms concerning how congregate residences are permitted or regulated in Neighborhood Residential zones may be enacted following adoption of the One Seattle Comprehensive Plan major update.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

This SEPA environmental checklist has been prepared for this proposal. A brief Director's Report is also prepared for the proposed legislation.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Applications prior to the adoption of this legislation will follow the existing development standards concerning congregate residences. Some site-specific development proposals currently in the permitting process for congregate residences could be pending and could be affected by this proposal.

10. List any government approvals or permits that will be needed for your proposal, if known.

The proposal requires approval by the City Council. No other agency approvals are anticipated.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Office of Planning and Community Development proposes to edit text of the Land Use Code (Seattle Municipal Code Title 23) to implement Washington State House Bill 1998 from the 2024 legislative session regarding co-living housing. Seattle's land use code regulates co-living housing under the "congregate residence" land use category. The proposed legislation makes the following changes removing restrictions or limitations on congregate residences:

- Amends the allowable uses tables to make congregate residence an allowed use on any lot that allows for at least six multifamily residential units including in all of the city's Lowrise (LR), Midrise (MR), and Highrise (HR) multifamily zones and all Commercial (C) and Neighborhood Commercial (NC) zones. In some of these zones congregate residences are not currently allowed or are only allowed if owned by a college or university or not for profit entity or charity.
- Removes all minimum development standards for configuration and features of living spaces in congregate residences including standards for common food preparation areas, food preparation in sleeping rooms, and communal areas.
- Removes parking requirements for congregate residences in all frequent transit served areas.
- Updates the definition of congregate residence to better match language and terminology of State legislation.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by

the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This is a non-project action that would amend various sections of the Land Use Code. The proposal has effects in the city's Lowrise (LR), Midrise (MR), and Highrise (HR) multifamily zones and all Commercial (C) and Neighborhood Commercial (NC) zones.

B. Environmental Elements

1. Earth [Find help answering earth questions](#)

a. General description of the site:

Citywide, anywhere a congregate residence may be constructed. The proposal has specific effects in Lowrise (LR), Midrise (MR), and Highrise (HR) multifamily zones and all Commercial (C) and Neighborhood Commercial (NC) zones and frequent transit served areas.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

b. What is the steepest slope on the site (approximate percent slope)?

The areas affected by the proposal are city-wide and contain a diversity of slopes from flat areas to steep slopes.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

This is a non-project action that would affect areas citywide. The proposed legislation is not likely to result in a significant adverse increase in the removal of soils.

Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

See c above.

d. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

This is a non-project action. No filling, excavation, or grading is proposed. The proposed legislation is not likely to result in any significant filling, excavation, and grading.

e. Could erosion occur because of clearing, construction, or use? If so, generally describe.

This is a non-project action. No clearing nor construction is proposed. The proposed legislation is not likely to result in a significant erosion.

f. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

This is a non-project action. No change of impervious surfaces is proposed. The proposed legislation is not likely to result in a significant impervious surface changes.

g. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

None. Compliance with existing City ordinances to reduce or control erosion is required for development in Seattle.

2. Air [Find help answering air questions](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

This is a non-project action. No emissions will occur as a direct result of this proposal. The proposed legislation is not likely to result in significant emissions changes.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

The areas affected by this proposal are widespread city-wide and contain a variety of emissions and odors consistent with urbanized areas.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

None. Compliance with existing city ordinances to reduce or control emissions and other impacts to air is required for development in Seattle.

3. Water [Find help answering water questions](#)

a. Surface Water: [Find help answering surface water questions](#)

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

This is a non-project action that would affect sites widespread city-wide, including but not limited to areas near Puget Sound, Lake Washington, Lake Union, Green Lake, Bitter Lake, and Haller Lake.

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

This is a non-project action, and no development is directly proposed.

- 3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

This is a non-project action. No filling or dredging in or from wetlands or surface water will result from the proposal.

- 4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

This is a non-project action. No surface water withdrawals or diversions will result from this proposal.

- 5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

This is a non-project action that would affect proposals for development of congregative residence uses. Seattle has multiple locations within a 100-year floodplain and some of the areas affected by this proposal are within a 100 year floodplain.

- 6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

This is a non-project action. No discharge of waste materials to surface waters will result from this proposal.

b. Ground Water: [Find help answering ground water questions](#)

- 1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

This is a non-project action. The affected area could include some land that contains wells. No withdrawal of groundwater will result from this proposal for drinking water or other purposes.

- 2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

This is a non-project action. Seattle is served almost entirely by sanitary sewage systems.

c. Water Runoff (including stormwater):

- 1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

This is a non-project action. Seattle is served by stormwater systems that include combined, partially separated, and separated systems.

- 2. Could waste materials enter ground or surface waters? If so, generally describe.**

This is a non-project action. This proposal will not result in waste materials entering ground or surface water.

- 3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

This is a non-project action. This proposal will not affect drainage patterns.

- 4. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**

None. Compliance with existing city ordinances to reduce or control stormwater and wastewater is required for development in Seattle.

4. Plants [Find help answering plants questions](#)

- a. Check the types of vegetation found on the site:**

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- orchards, vineyards, or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

This is non project action. The affected areas by the proposal are widespread city-wide, they may contain the marked types of vegetation consistent with urbanized areas.

- b. What kind and amount of vegetation will be removed or altered?**

This is a non-project action. This proposal will not result in the direct removal or alteration of vegetation. Changes in vegetation are not likely to result from the proposal as the legislation concerns allowances of congregate residences where similar development is already allowed.

c. List threatened and endangered species known to be on or near the site.

This is non project action. The areas affected by the proposal are widespread city-wide, and they may contain threatened or endangered plant species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

None.

e. List all noxious weeds and invasive species known to be on or near the site.

This is non project action. The affected areas by the proposal are widespread city-wide. The affected areas may contain a diversity of invasive plants consistent with urbanized areas. These plants include but are not limited to common urban invasives such as ivy, blackberry, and bindweed.

5. Animals [Find help answering animal questions](#)

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- **Birds:** hawk, heron, eagle, songbirds, other:
- **Mammals:** deer, bear, elk, beaver, other:
- **Fish:** bass, salmon, trout, herring, shellfish, other:

This is non project action. The affected areas by the proposal are widespread city-wide. The affected areas may contain a diversity of animals consistent with urbanized areas including a diversity of birds, and mammals. These animals include but are not limited to hawk, heron, eagle, and songbirds. Puget Sound waterways and creeks are near the affected area and are habitat for migrating salmon.

b. List any threatened and endangered species known to be on or near the site.

This is non project action. The affected areas by the proposal are widespread city-wide. The affected areas may contain a variety of threatened and endangered species including various birds that may be in or near the site.

c. Is the site part of a migration route? If so, explain.

This is non project action. The affected areas by the proposal are widespread city-wide. The affected areas may include migration routes for a variety of species including but not limited to various birds.

d. Proposed measures to preserve or enhance wildlife, if any.

None.

e. List any invasive animal species known to be on or near the site.

This is non project action. The affected areas by the proposal are widespread city-wide. The affected area may contain a diversity of invasive animal species consistent with urbanized areas.

6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

This is a non-project action. No use of energy is proposed. All kinds of energy could be used indirectly as a result of future development proposals for congregate residences. The proposal does not alter the potential scale of development because it concerns allowed uses but not the overall scale or size of development.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

This is a non-project action. No use of solar energy is proposed. Solar energy could be used indirectly as a result of new conversion proposals. The proposal is unlikely to affect the potential solar energy of buildings adjacent to development because the proposal does not alter the potential scale of development. It proposes a change of allowable use.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

This is a non-project action. No energy conservation features are proposed. All kinds of energy conservation features could be used indirectly as a result of new congregate residence development proposals. The proposal does not alter the potential scale of development, it concerns allowable uses.

7. Environmental Health [Find help with answering environmental health questions](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

This is a non-project action. This proposal will not directly result in any of the environmental health hazards listed above as the legislation concerns allowable uses.

1. **Describe any known or possible contamination at the site from present or past uses.**
 - a. **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

This is non project action. The areas affected by the proposal are widespread city-wide. The affected areas contain a diversity of conditions consistent with urbanized areas. These include natural gas transmission pipelines.

- b. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

This is non project action. The areas affected by the proposal are widespread city-wide. This proposal will not result in the storage, use, or production of toxic or hazardous chemicals as the legislation concerns allowable uses for congregate residences.

- c. **Describe special emergency services that might be required.**

This is a non-project action. This proposal will not directly result in an additional need for special emergency services. If additional congregate residences are constructed in the future there could be an incremental impact on the need for special emergency services. Potential impacts are discussed below in part D of this checklist.

- d. **Proposed measures to reduce or control environmental health hazards, if any.**

None.

b. Noise

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

There are a wide variety of existing noises consistent with an urban environment in the citywide area affected by this proposal.

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

This is a non-project action. This proposal will not directly result in noise impacts. If additional congregate residences are constructed in the future as a result of this proposal there could be an incremental noise impact. Potential impacts are discussed further below in part D of this checklist.

3. Proposed measures to reduce or control noise impacts, if any.

None. Compliance with existing city ordinances for noise is required for development in Seattle.

8. Land and Shoreline Use [Find help answering land and shoreline use questions](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

This is non project action. The areas affected are widespread city-wide. The proposal concerns changes to allowed uses to increase areas congregate residences may be constructed. Area affected most directly are the city's Lowrise, Midrise and Highrise zones and the City's Neighborhood Commercial and Commercial 1 and 2 zones. All the zones allow for multifamily residential use along with other uses. The proposal will have incremental impacts on land use. Impacts are discussed further in section D of the checklist below.

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?

This is a non-project action. The proposal will not directly alter farm or forest land or be affected by farm or forest land.

b. Describe any structures on the site.

This is non project action. The affected areas by the proposal are widespread city-wide. The affected areas may as a diversity of structures consistent with urbanized areas.

c. Will any structures be demolished? If so, what?

This is a non-project action. The proposal will not increase the likelihood of demolitions.

d. What is the current zoning classification of the site?

This is non project action. The affected areas by the proposal are widespread city-wide. Zones most affected are the city's Lowrise, Midrise and Highrise zones and the City's Neighborhood Commercial and Commercial 1 and 2 zones.

e. What is the current comprehensive plan designation of the site?

This is non project action. The affected areas are within multiple Comprehensive Plan land use designations including multifamily residential, commercial, urban center and urban village.

f. If applicable, what is the current shoreline master program designation of the site?

This is non project action. The affected area includes several of the City's shoreline master program designations.

g. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This is non project action. The affected areas by the proposal are widespread city-wide. The affected areas contain a variety of critical areas.

h. Approximately how many people would reside or work in the completed project?

This is a non-project action. This proposal may indirectly result in an increase of the number of people residing in the affected areas if the proposal increases/encourages congregate residence construction.

i. Approximately how many people would the completed project displace?

This is a non-project action. No housing is proposed to be eliminated. This proposal will not result in displacing people as the proposal concerns increasing allowances for a type of housing.

j. Proposed measures to avoid or reduce displacement impacts, if any.

None.

k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

None.

l. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

None.

9. Housing [Find help answering housing questions](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This is a non-project action. No housing is proposed to be created as part of this project. This proposal could indirectly result in new housing if the proposal incrementally encourages the construction of congregate residence housing.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

This is a non-project action. No housing is proposed to be eliminated as part of this project. No elimination of housing is expected to result from the proposal because the proposal concerns removing restrictions and limitations on a type of housing. There could be an incremental impact if the legislation encourages replacement of some existing housing with congregate residences. Additional discussion is below in part D of this checklist.

Proposed measures to reduce or control housing impacts, if any.

None.

10. Aesthetics [Find help answering aesthetics questions](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

This is a non-project action. This proposal will not directly result in new buildings. The proposal could incrementally increase the likelihood of congregate residence structures being constructed in the future.

b. What views in the immediate vicinity would be altered or obstructed?

This is a non-project action. No views would be directly altered or obstructed by this proposal because there are no proposed changes to allowed height or other bulk and scale regulations.

c. Proposed measures to reduce or control aesthetic impacts, if any.

None.

11. Light and Glare [Find help answering light and glare questions](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This is a non-project action. This proposal will not directly result in additional light or glare.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

This is a non-project action. This proposal will not directly result in additional light or glare.

What existing off-site sources of light or glare may affect your proposal?

This is non project action. The affected areas by the proposal are citywide. The affected area contains a diversity of light and glare sources consistent with urbanized areas.

c. Proposed measures to reduce or control light and glare impacts, if any.

None.

12. Recreation [Find help answering recreation questions](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

This is non project action. The affected areas by the proposal are citywide. The affected area has a diversity of recreational opportunities in the vicinity consistent with urbanized areas and may include formal parks and natural areas.

b. Would the proposed project displace any existing recreational uses? If so, describe.

This is a non-project action. This proposal will not directly displace any recreational uses.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

None.

13. Historic and Cultural Preservation [Find help answering historic and cultural preservation questions](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

This is non project action. The affected areas by the proposal are widespread and citywide. The affected areas contain a wide variety of existing structures including numerous structures over 45 years old and structures with a historic landmark designation or other historical designation.

If any structures are designated Landmarks at The City's Seattle Landmark and Historic Districts, then these structures would need to go through the city of Seattle historic landmarks review process.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas

of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

This is non project action. The affected areas by the proposal is widespread and citywide. The affected areas may contain a diversity of locations with evidence of Indian or historic use or occupation. The areas may include locations of historic settlements by Indians and European settlers. Elliott Bay and shoreline areas are adjacent to the affected area and waters were important culturally and for transit and fishing and shell fishing to Tribes in the area.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

This is non project action. The affected areas by the proposal are citywide.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None. Compliance with existing city ordinances for historic preservation is required for development in Seattle. Seattle Municipal Code Section 23.49.008 has restrictions on the demolition and alteration of existing structures including landmarks.

14. Transportation [Find help with answering transportation questions](#)

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

This is non project action. The affected areas by the proposal are citywide. The affected areas contain a diversity of streets consistent with urbanized areas.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

This is non project action. The affected areas by the proposal are citywide and many of the areas are served by transit. The affected areas are served by a diversity of public transit including bus service, and light rail.

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

This is non project action. The affected areas by the proposal are citywide. The proposal is not expected to result in changes to roads, streets or bicycle infrastructure because the proposal concerns reuse of existing structures.

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

This is non project action. The affected areas are citywide. The affected areas are in broad proximity to water and rail lines.

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

This is a non-project action. This proposal will not directly result in additional vehicular trips. Changes in the number of vehicular trips could occur indirectly if the proposal incrementally encourages the development of congregate residences. It is possible that congregate residences generate trips at different rates or in different patterns to other residential uses.

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

This is a non-project action. This proposal will not affect the movement of agricultural and forest products.

- g. Proposed measures to reduce or control transportation impacts, if any.**

None.

15. Public Services [Find help answering public service questions](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

This is a non-project action. This proposal will not directly result in an increased need for public services. The proposal could incrementally increase the need for certain public services such as fire protection or emergency services if the legislation causes additional development of congregate residences and if such uses incrementally increase demand for those services compared to other residential uses already allowed.

- Proposed measures to reduce or control direct impacts on public services, if any.**

None.

16. Utilities [Find help answering utilities questions](#)

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

This is non project action. The areas affected by the proposal are citywide. The affected areas contain a diversity of utilities consistent with urbanized areas. These include electricity, natural gas, water, refuse service, telephone, sanitary sewer, and other utilities.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

This is a non-project action. No utilities are proposed for this project.

C. Signature [Find help about who should sign](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

_____ [On File] _____

Type name of signee: Geoffrey Wentlandt

Position and agency/organization: Land Use Policy Manager

Date submitted: 5/9/2024

D. Supplemental sheet for nonproject actions [Find help for the nonproject actions worksheet](#)

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

As a non-project action, the proposal would result in no direct impacts on water, air, noise, or toxic/hazardous substances. Greenhouse gas (GHG) emissions have also been considered, and no changes to GHG emissions are expected as a result of this non-project action. The proposal could incrementally encourage development of congregate residences instead of other types of residential uses in the future. Such conversions are not expected to cause additional emissions. In some cases the proposal could have the effect of incrementally reducing emissions because of the ability to build smaller more compact homes in a structure compared to in the absence of the legislation - which may cause less emissions per home. The proposal could incrementally increase noise if a greater number or density of people could live in congregate residences compared to apartment buildings or condominiums use that might otherwise be built. The increment of noise would be attributed to living activities such as talking, recreating and playing music and cooking as well as entering and leaving homes.

- **Proposed measures to avoid or reduce such increases are:**

No increases are anticipated and so no measures are proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As a non-project action, the proposal would result in no direct impacts and are unlikely to result in indirect or cumulative impacts related to plant, animal, fish or marine life. The proposal is not expected to cause a notable increase to the total number of development sites or increase any development footprint. The primary affect would be to substitute some future development of other residential uses with congregate residences which would not increase the impact on plants and animals.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

No impacts are anticipated and so no measures are proposed.

3. How would the proposal be likely to deplete energy or natural resources?

As a non-project action, the proposal would result in no direct impacts and is unlikely to result in indirect or cumulative impacts related to energy or natural resources. The proposal concerns development of congregate residences. Construction of new structures must comply with modern and current energy codes that have a high standard of building performance and efficiency.

- **Proposed measures to protect or conserve energy and natural resources are:**

No impacts are anticipated and so no measures are proposed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks,

wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

As a non-project action, the proposal would result in no direct impacts and is unlikely to result in indirect or cumulative impacts related to environmentally sensitive areas or areas designated for governmental protection. The proposal would not cause increased development pressure on sensitive areas compared to other development pressure that might occur in the absence of the legislation.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None are proposed because no impacts are anticipated. The existing regulatory framework, i.e., the Land Use Code, The Shoreline Master Program, Environmentally Critical Areas Ordinance, Landmarks Preservation Ordinance will address impacts as part of the project-specific review of development proposals.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This is a non-project action. The areas affected are widespread city-wide. The proposal concerns changes to allowed uses to expand areas where congregate residences may be constructed. Areas affected most directly are the city's Lowrise, Midrise and Highrise zones and the City's Neighborhood Commercial and Commercial 1 and 2 zones. All the zones allow for multifamily residential use and other urban uses along with the expanded allowance for congregate residences. The legislation could affect land use by allowing a greater density of residents than would otherwise be allowed in the absence of the legislation. The change would be to incrementally increase the intensity of activity and use patterns from a greater number of residents living in an area. The impact could be experienced as a greater volume of people using services and parks or visiting businesses and stores. This could cause some congestion or cause some incremental increase in a wait times to access services or park facilities or other features of a community. The proposal does not allow or encourage incompatible uses with the City's Comprehensive Plan since the locations affected are already planned for and allow other types of multifamily residential uses.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

As a non-project action, the proposal would result in no direct impacts and is unlikely to result in indirect or cumulative negative impacts related to transportation or public services/utilities. All areas potentially affected by the proposal are already urbanized areas with fully developed utility infrastructures. The proposal could incrementally encourage the development of congregate residences instead of other forms of residential use, which could cause an increased

density of persons living in an area. The proposal also removes the requirement that parking be provided for occupants of a congregate residence in areas outside of urban villages and centers that are well served by transit. These changes could cause an incremental increase in demand for on street parking in an area, and could cause an incremental increase in congestion from vehicles on streets or pedestrians on sidewalks on some local roads if additional congregate residences are constructed. Potential effects on services are described in the land use section above.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

It is believed that the proposal would not result in conflicts with local, state, or federal laws or requirements for protection of the environment.



City of Seattle

Office of Planning & Community Development
Rico Quirindongo, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT
SEPA Threshold Determination
Co-Living Housing / Congregate Residence Allowances Legislation**

- Project Sponsor:** City of Seattle Office of Planning and Community Development
- Location of Proposal:** Citywide. The changes primarily affect land in Lowrise (LR) and Midrise (MR) multifamily zones, and Commercial and Neighborhood Commercial 1 and 2 (C1, C2, NC1, NC2) zones.
- Scope of Proposal:** A legislative action to remove restrictions and limitations on the construction of congregate residences.
- No Appeal Opportunity:** Action taken by a city to comply with the requirements of Engrossed Substitute House Bill 1998 are not subject to legal challenge under chapter 36.70A or chapter 43.21C RCW.

BACKGROUND

Proposal Description and Background

The Office of Planning and Community Development proposes to edit the text of the Land Use Code (Seattle Municipal Code Title 23) to implement Washington State House Bill 1998 from the 2024 legislative session regarding co-living housing. Seattle's land use code regulates co-living housing under the "congregate residence" land use category. The proposed legislation makes the following changes removing restrictions or limitations on congregate residences:

- Amends allowable use tables to make congregate residence an allowed use on any lot that allows for at least six multifamily residential units including in all of the city's Lowrise (LR), Midrise (MR), and Highrise (HR) multifamily zones and all Commercial (C) and Neighborhood Commercial (NC) zones.

- Removes minimum development standards for configuration and features of living spaces in congregate residences including standards for communal areas, common food preparation areas, and food preparation in sleeping rooms.
- Removes parking requirements for congregate residences in all frequent transit served areas.
- Updates the definition of congregate residence to better match language and terminology of State legislation.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Opportunity for public comment will occur during future Council hearings in the first quarter of 2024. This legislation directly implements House Bill 1998. During the 2024 state legislative session the state legislature received public comment relevant to this proposed legislation.

ANALYSIS - OVERVIEW

The following describes the analysis conducted to determine if the proposal is likely to result in *probable significant adverse environmental impacts*. This threshold determination is based on:

- * the copy of the proposed Ordinance;
- * the information contained in the *SEPA checklist* (dated May, 2024);
- * information in relevant policy and regulatory documents including the Comprehensive Plan, the City's SMC Title 25 and Title 23, and
- * Washington State House Bill 1998 and associated documents; and
- * the experience of OPCD analysts in reviewing similar documents and actions.

ELEMENTS OF THE ENVIRONMENT

Short -Term Impacts

As a non-project action, the proposal will not have any short-term adverse impact on the environment. No project specific action is proposed.

Long-Term Impacts

As a non-project action, the proposal is anticipated to have minor long-term impacts on the environment. Future development affected by this legislation will be reviewed under existing laws. Although the legislation expands where congregate residences are a permitted use other requirements on development would continue to apply and other procedures and aspects of the land use code would continue to apply.

The primary effect of this legislation over the long term is that it could incrementally encourage future residential development to be in the form of congregate residences instead of other types of multifamily housing that might otherwise be built. The legislation could incrementally increase the total amount of residential development if builders are enticed to construct more housing overall because of the removed limitation on congregate residence construction.

Natural Environment

The natural environment includes potential impacts to earth, air, water, plants/animals/fisheries, energy, natural resources, environmentally sensitive areas, noise, releases of toxic or hazardous materials. Adoption of the proposed legislation is not anticipated to result in adverse impacts on any of these elements of the natural environment, compared to development that might occur under existing regulations. The proposal could incrementally increase the likelihood of congregate residence construction. However, it is not expected that such construction would increase the profile of impacts to earth, air, water, plants/animals/fisheries, energy, natural resources, environmentally sensitive areas, noise, or releases of toxic or hazardous materials. Other development standards regulating site coverage, landscaping, trees and environmental and energy performance and total allowed height and floor area are not altered by the proposed legislation. Therefore additional adverse impacts on the natural environment are expected.

Built Environment

The proposed legislation will have only minor effects on the built environment because the primary effect of the legislation is to allow for the congregate residence residential use in addition to other residential uses that are already allowed in the same areas. The impacts to the built environment include any impacts related to land and shoreline use, height/bulk/scale, housing, and historic preservation. The proposed legislation does not alter exterior dimensional standards such as height limits and floor area limits,

so there are no expected adverse impacts on the built environment. Below is a discussion of the relationship between the proposal and built environment:

Land Use

The proposal would not encourage uses incompatible with the City's Comprehensive Plan or Shoreline Master Program or other adopted plans. The proposal concerns changes to allowed uses to expand areas where congregate residences may be constructed. Areas affected most directly are the city's Lowrise, Midrise and Highrise zones and the City's Neighborhood Commercial and Commercial 1 and 2 zones. All the zones allow for multifamily residential use and other urban uses along with the expanded allowance for congregate residences. The legislation could affect land use by allowing a greater density of residents than would otherwise be allowed in the absence of the legislation. The change would be to incrementally increase the intensity of activity and use patterns stemming from a greater number of residents living in an area. The impact could be experienced as a greater volume of people using services and parks or visiting businesses and stores. This could cause some congestion or cause some incremental increase in a wait times to access services or park facilities or other features of a community. The proposal does not allow or encourage incompatible uses with the City's Comprehensive Plan since the locations affected are already planned for and allow other types of multifamily residential uses.

Housing

The proposed legislation could have an incremental and minor impact on housing if the legislation encourages the construction of more congregate residences than would otherwise occur. This is considered by the City to be a positive impact on housing because increasing housing supply is a policy goal for the city. Additionally, the City understands that a possible outcome is a substitution effect of multifamily housing development that might otherwise occur in the future being replaced by congregate residence development. In cases where one use is being substituted for another it is plausible that there would be little or no net increase in the degree of impact from development on housing.

With or without the proposed legislation development of residential uses including congregate residences would be subject to the City's Mandatory Housing Affordability (MHA) requirements.

Some minor adverse impact on housing could result from the deletion of minimum standards for the interior configuration of congregate residences, including requirements for communal areas and food preparation areas. It is possible the proposed legislation could result in less desirable or comfortable living quarters compared to in the absence

of the legislation, which could adversely impact quality of life for some future residents. However, the proposal also has potential to increase supply of lower-cost housing that provides more affordable housing options to residents who might otherwise struggle to obtain an independent living quarters, which is a positive impact on housing. The City does not consider the potential adverse impact on housing to be more than minor.

Height/Bulk/Scale, Shadows, and Views

There are no potential impacts on Height/Bulk/Scale, Shadows and Views because the proposed legislation only pertains to allowable uses. There would be no substantial change to the height/bulk/scale or shadow or view effects because standards regulating the overall size or scale of development are not proposed to be changed.

Historic Preservation

The proposed legislation does not alter historic review processes for structures in a Seattle historic district, or for any designated historic Landmark. If the legislation incrementally encourages congregate housing development in the future it is likely that some historic-aged structures and properties in a landmark district or historic landmark structures could be affected. However, since the existing procedures concerning historic preservation are maintained any potential for impact would not be more than minor.

Noise, Light & Glare, Environmental Health

The proposed legislation does not alter the applicability of several standards concerning noise, light and glare and environmental health. The proposal could incrementally increase noise if a greater number or density of people could live in congregate residences compared to apartment buildings or condominiums that might otherwise be built. The increment of noise would be attributed to living activities such as talking, recreating and playing music and cooking as well as entering and leaving homes. In the context of an urban environment these incremental impacts are common and customary and are not considered by the City to be more than minor.

Transportation and Parking

The proposal is not anticipated to result in any direct adverse impacts on transportation or parking. The proposal could incrementally encourage the development of congregate residences instead of other forms of residential use, which could cause an increased density of persons living in an area. The proposal also removes the requirement that parking be provided for occupants of a congregate residence in areas outside of urban

villages and centers that are well served by transit. These changes could cause an incremental increase in demand for on street parking in an area, and could cause an incremental increase in congestion from vehicles on streets or pedestrians on sidewalks on some local roads if additional congregate residences are constructed. The proposal could theoretically have a minor adverse impact on transportation or parking if the proposal incrementally increases the likelihood of congregate residence development, and if such development exerts a different or higher pattern of transportation usage than the uses that would be replaced. It is not expected that the magnitude of these changes would notably affect the capacity of local roadways, bicycle networks or sidewalks when compared with the scenario that would occur in the absence of the legislation. As a result of the factors described above no adverse impact that is more than minor is anticipated from the proposed action on transportation and parking.

Public Services and Utilities

Adoption of the proposal will not directly result in an increased need for public services. The proposal could incrementally increase the intensity or density of residential uses in an area if the proposed legislation incrementally increases the likelihood of congregate residence development. This could theoretically indirectly lead to an increased need for public services associated with residential use, such as an increased number of residents needing emergency services, or visiting nearby public facilities such as libraries and parks. The affected area of the proposal is places where multifamily housing is already an allowed use, and these areas are already well served by the full suite of utility services, including natural gas, electricity, broadband, stormwater and sewer. The degree of change compared to what might occur under existing regulations would not adversely impact the ability of existing utilities to serve anticipated development. Due to the factors discussed in this section and other information above, we determine that there would be no adverse impact that is more than minor as a result of the proposed legislation.

DECISION – SEPA

Adoption of the proposed ordinance would have no short-term impacts on the environment and would not have more than minor adverse long-term impacts on elements of the natural or built environment.

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

RECOMMENDED CONDITONS--SEPA

None

Signature: ___[On File]_____

Geoffrey Wentlandt, Land Use Policy Manager
Office of Planning and Community Development

Date: May 10, 2024



Co-Living Housing / Congregate Residences Allowances

Seattle Office of Planning and Community Development (OPCD)
Director's Report and Recommendation
June, 2024

Introduction and Background

The Office of Planning and Community Development proposes to edit the text of the Land Use Code (Seattle Municipal Code Title 23) to implement Washington State Engrossed Substitute House Bill 1998 from the 2024 legislative session regarding co-living housing. Seattle's land use code regulates co-living housing under the "congregate residence" land use category. The proposed legislation makes several changes to the land use code that remove restrictions or limitations on congregate residences. The overarching intent of the changes is to ensure that co-living housing/congregate residences are not regulated with stricter limitations than other types of multi-family housing.

Several drivers led to this proposal:

ESSB 1998. During the 2024 State legislative session the legislature passed and Governor Inslee signed ESSB 1998. The bill officially becomes law on June 6, 2024. It includes various findings concerning the benefits of co-living housing as an inexpensive housing choice. The bill establishes requirements on cities that they must allow co-living housing in any urban growth area on any lot where at least six multifamily housing units are allowed, and the bill mandates that cities may not impose certain development standard restrictions on co-living housing that would be more stringent than for other types of multifamily housing. Interested parties are encouraged to review the [full text of ESSB 1998](#) in conjunction with this proposed legislation.

Need for more housing supply. Although the rate of new housing production in Seattle has been at near historic levels in the recent past, Seattle has been gaining jobs at an even faster pace. Between 2005 and 2019, Seattle would have needed to produce an additional 9,000 housing units to maintain its baseline ratio of jobs to housing units. This shortage of housing supply increases competition for each available unit, driving up rents and housing prices across the market¹. One of the City's primary strategies to address high housing costs is to support increased housing production of all kinds.

¹ City of Seattle Market Rate Housing Needs and Supply Analysis, April 2021
[SeattleMarketRateHousingNeedsAndSupplyAnalysis2021.pdf](#)

Potential for a relatively lower cost housing option. As documented in the findings of ESSB 1998, co-living housing / congregate residences can provide rental homes affordable to people with moderate to low incomes without requiring any public funding, and rents in newly constructed, market-rate co-living housing in the Puget Sound region can be affordable to people with incomes as low as 50 percent of area median income. Co-living housing works best for single-person households, but the housing for singles that it provides reduces demand for family-sized rentals from singles who would otherwise group together to rent large homes.

Proposal and Background

The proposed legislation is designed to directly comply with the requirements of ESSB 1998. The City is not, with this action, advancing policy or code changes other than those necessary to translate the requirements of the new state law into the unique context of the City of Seattle's land use code. The only aspect of this legislation that is discretionary concerns its timing. Whereas ESSB gives cities until December 31, 2025 to adopt or amend development regulations satisfying the requirements of the new law, OPCD and Mayor Harrell are proposing to implement the changes as soon as possible. Adopting the development regulations during 2024 or early 2025 will provide an additional year or more during which the housing supply benefits of expanded allowances for co-living housing/congregate residences will be available to the development community to begin bringing more sleeping rooms online.

Co-living housing/ congregate residence is a residential development with sleeping rooms that are independently rented and provide living and sleeping space, in which residents share kitchen and other common facilities with residents of other sleeping rooms in the building. Sleeping rooms are distinguished from "dwelling units" because sleeping rooms may not by themselves contain all of the primary components of a complete housing unit: a bedroom, kitchen and bathroom. Other colloquially used terms for co-living housing/congregate residences include dormitory or rooming house. Micro-housing is another term that has been used informally in recent years as a name to describe co-living/housing congregate residence buildings.

Other multifamily housing that is not co-living housing / congregate residence housing, consists of complete "dwelling units". Housing that consists of a full and complete suite of living components within a self contained unit is deemed to be a multifamily building with "dwelling units" - a formal term in the land use code. Typical multifamily housing can consist of "Small Efficiency Dwelling Units" (SEDUs), or standard dwelling units. For both of these types of homes, regulations govern the minimum size and configuration of the unit, and the units must include a complete kitchen, bathroom and living space. Regulations for SEDUs provide specifics about the configuration of interior spaces befitting of an efficiency unit, and there is an effective minimum square footage size of 220 sq. ft. The regulations for SEDUs require a built-in closet, a minimum amount of additional storage, and minimum requirements for natural light. Typical dwelling units (that are not small efficiency dwelling units) have even more minimum size requirements that generally result in units that are 320 sq ft or larger.

In contrast, sleeping units in co-living housing / congregate residences are not subject to as many space requirements, or requirements for components as SEDUs and dwelling units are. Sleeping rooms may be as small as is allowable for a habitable living space under the building code – down to 70 sq. ft. For sleeping rooms there is no requirement for interior features such as a cooking space, although sleeping

rooms must have access to a window. Therefore, there is greater flexibility afforded to designers in how to configure a co-living housing / congregate residence compared to other types of multifamily development. Sleeping rooms in co-living housing/congregate residences may be constructed with less plumbing than a dwelling unit because they may be provided without a kitchen or bathroom. All of these factors allow co-living housing / congregate residences to be constructed more cost effectively than other types of multifamily housing.

Under current regulations, congregate residences consisting of sleeping rooms are allowed, but in more limited locations (fewer zones) than other types of multifamily housing. The current code also includes some minimum standards for shared spaces and building amenities.

The legislation makes the following specific amendments, all of which are directly required under ESSB 1998.

- ***Allowable Uses.*** The proposal amends the land use code's allowable use tables to make congregate residence an allowed use on any lot that allows for at least six multifamily residential units. This is achieved in the proposed legislation by amending the allowed uses column for Congregate Residences in the city's Lowrise (LR), Midrise (MR), and Highrise (HR) multifamily zones and all Commercial 1 (C1) zones, and all Neighborhood Commercial (NC) zones.
- ***Minimum Standards for Building Features.*** The proposal removes minimum development standards for configuration of congregate residence buildings, including standards for communal areas and common food preparation areas. The city's existing code contains a requirement that a communal area must be included in the building at a size that is at least 15% of the total floor area of sleeping rooms in the building. The city's existing code contains the requirement that at least one common food preparation area be provided in a congregate residence building, and that all residents shall have access to a food preparation area. ESSB mandates that cities may not impose any of these types of development standards on co-living housing / congregate residences that are not imposed on other types of multifamily housing. Therefore, the proposed legislation deletes these requirements from the city's land use code.
- ***Vehicle Parking Requirements.*** ESSB 1998 states that cities may not require co-living housing / congregate residences to provide off-street parking within one-half mile walking distance of a major transit stop. The proposed legislation complies with this provision by modifying the parking allowances table to exempt co-living housing / congregate residences from providing parking in those areas. ESSB 1998 also states that in areas not within one-half mile walking distance of a major transit stop, a city may not require more than 0.25 off-street parking spaces per sleeping unit. No changes to Seattle's code are required to satisfy this latter requirement, since the city already requires only one parking space per 4 congregate residence sleeping rooms.
- ***Bicycle Parking Requirements.*** ESSB 1998 includes general direction that a city may not treat a sleeping unit in co-living housing / congregate residence as more than one-quarter of a dwelling unit for purposes of calculating dwelling unit density requirements. The city's existing practice with respect to numerical dwelling unit or sleeping room density limits is already consistent with this requirement. However existing regulations for bicycle parking do not comport with the one-quarter of a dwelling unit approach. Under the city's existing regulations, one long term

(covered/weather protected) bicycle parking space is required for each sleeping room just as is required for a dwelling unit. The proposed legislation reduces bicycle parking requirements to comport with the intent of ESSB 1998 – that sleeping rooms should generally be treated as 0.25 of a typical dwelling unit. The proposal reduces the long-term and short-term bicycle parking requirement to equal one quarter of the required quantity of the requirement for a dwelling unit. This interpretation also responds to feedback from building owners and operators that bicycle parking requirements currently result in large, underused spaces that unnecessarily add to the cost of construction.

- ***Update to Congregate Residence Definition.*** The proposed legislation updates the definition of congregate residence to better match language and terminology of State legislation.

Previous City Legislation. The current state of the City's regulations for congregate residences and small efficiency dwelling units stems from a package of code changes and interpretations established around 2014 including [Ordinance 124608](#). During the two years prior to 2014 the city experienced an upswing in the development of projects consisting of individually rented sleeping rooms. Many of the developments were marketed under the private branded name "Apodments". Concerns were expressed by members of the public and some councilmembers that this type of housing was not receiving the appropriate levels of review. In fact many of the developments in question were permitted as a series of large dwelling units consisting of eight bedrooms each and shared kitchens and/or bathrooms. In practice the eight bedrooms within a large dwelling unit were rented out individually. This arrangement allowed developers to avoid minimum standards for the size of housing units, and other procedural requirements such as design review.

The City through its then Department of Planning & Development (DPD) put forward legislation aimed at recognizing the type of housing being constructed, but also making sure it would go through design review and receive a SEPA review – if it was a similar size and scale to other types of multifamily housing that would receive those reviews. ([See retired CB118067](#)). The City Council considered DPD's proposal but convened a working group and then introduced its own replacement bill that took a different approach than originally recommended by DPD. The resultant Ordinance 124608 clarified what would be considered a dwelling unit and established the formal term "Small Efficiency Dwelling Unit (SEDU)" in the land use code. Simultaneously, the new law clarified that "Apodment" style developments should be classified as "Congregate Residences" and went further to limit the zones that Congregate Residences were allowed to be constructed in. This new regulatory structure also established minimum standards for shared spaces and bicycle parking requirements for Congregate Residences. The effect of Ordinance 124608 was to curtail development of Congregate Residences and shift the development of small-sized housing towards the SEDU model. This is especially true for relatively small-scale developments in the Lowrise zones, as Congregate Residence became a prohibited use in those zones.

The proposed legislation that is currently before Council would roll back many of the limitations concerning allowed locations and building configuration that were established in Ordinance 124608 concerning Congregate Residences, while retaining some of the advances from that era of legislation to clearly classify the housing type and enact appropriate procedural and review steps for it.

Mandatory Housing Affordability (MHA). MHA requires new development in Seattle to either include a small percentage of rent- and income-restricted affordable housing, or to make an in-lieu payment to the City's Office of Housing for affordable housing. Under existing regulations MHA applies to

development of co-housing / congregate residences whenever a development adds new dwelling units or sleeping rooms. No changes are proposed to how MHA applies to co-living – housing / congregate residences.

State Environmental Policy Act (SEPA). Engrossed Substitute House bill 1998 states that action taken by a city or county to comply with the requirements of ESHB 1998 are not subject to administrative or judicial legal challenge under SEPA or the Growth Management Act. Even though there is not an opportunity for appeal, OPCD completed a SEPA checklist and published a SEPA Determination of Non-Significance (DNS) on May 16th, 2024. The comment period expired on May 31st, 2024 and OPCD did not receive any comments.

Examples of Co-Living Housing / Congregate Residences

The following section provides several examples of co-living housing / congregate residence buildings that have already been built in Seattle in recent years. The buildings were built in areas (zones) that permit congregate residences. The examples are provided to illustrate the character and features of living spaces and buildings that can be expected in more locations under the proposed ordinance.

kärsti apartments
1503 NW 59th St, Seattle

The kärsti apartments building provides 52 small private homes that are less than 200 sq ft, including top floors with sleeping lofts (see figure 2). It provides common amenity spaces, including laundry, mail, cooking, lounges, fitness center, movie theatre, and outdoor seating. These spaces give residents space to socialize, build relationships and community. Owners of the building report that it provides housing for households with incomes in the 30%-80% AMI range without any affordable housing subsidies or public funds.



Figure 1: Kärsti apartment building. Credit Neiman Taber Architects



Figure 2: Karsti apartment building rendering of sleeping loft. Credit Neiman Taber Architects.

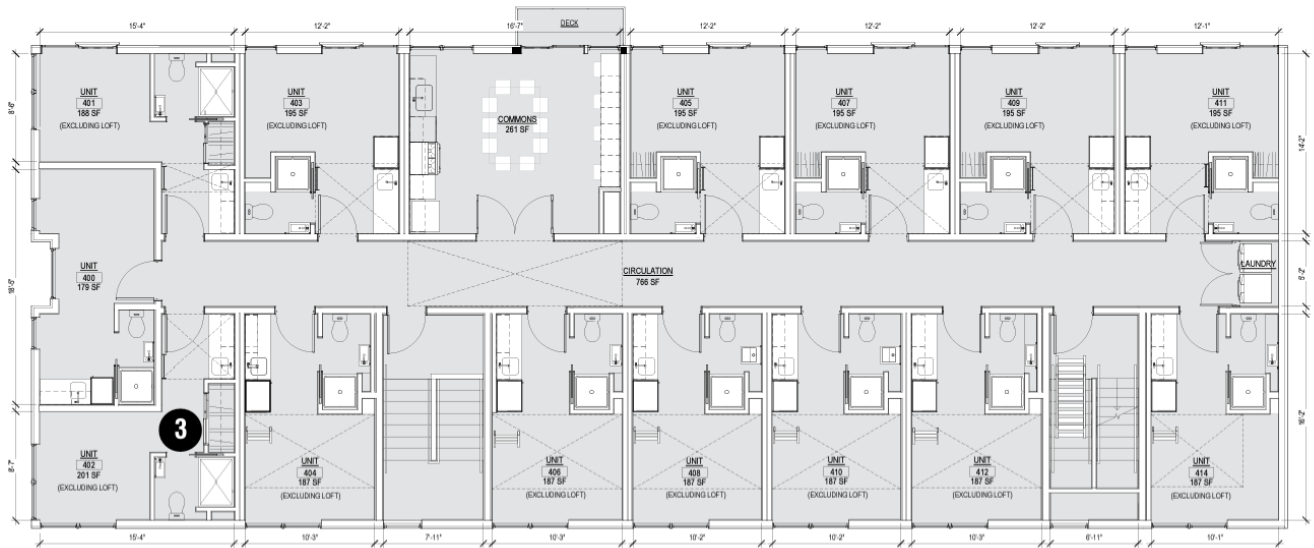


Figure 3: Karsti apartment building floor plan. Credit Neiman Taber Architects.

YOBI MICROHOUSING 1421 31st Ave Seattle

Yobi is designed as a single building with one entry at the street. The ground floor features commons with a lounge, fireplace, kitchen, study room, laundry, and media area. The upper floors and basement have 9-11 sleeping rooms per floor with a shared commons in the middle, and there are a total of 45 sleeping rooms in the building. All homes are in the 150 sq ft – 200 sq ft range.



Figure 4: Yobi building. Credit Neiman Taber Architects.



Figure 5: Yobi building visualization of loft space, and upper level floor plan. Credit Neiman Taber Architects.

THE ROOST LOFTS 901 Hiawatha Pl S, Seattle

The project provides 33 sleeping rooms and includes some inexpensive market-rate units, and some 40% AMI affordable units, and a below market-rate commercial space leased to an arts nonprofit. The housing units are supplemented with shared community kitchens, living, dining, and meeting spaces that improve the livability of the small apartments and provide an opportunity for residents to meet, interact and build community. All units are about 220 sq ft.



Figure 6: The Roost building. Credit Neiman Taber Architects.

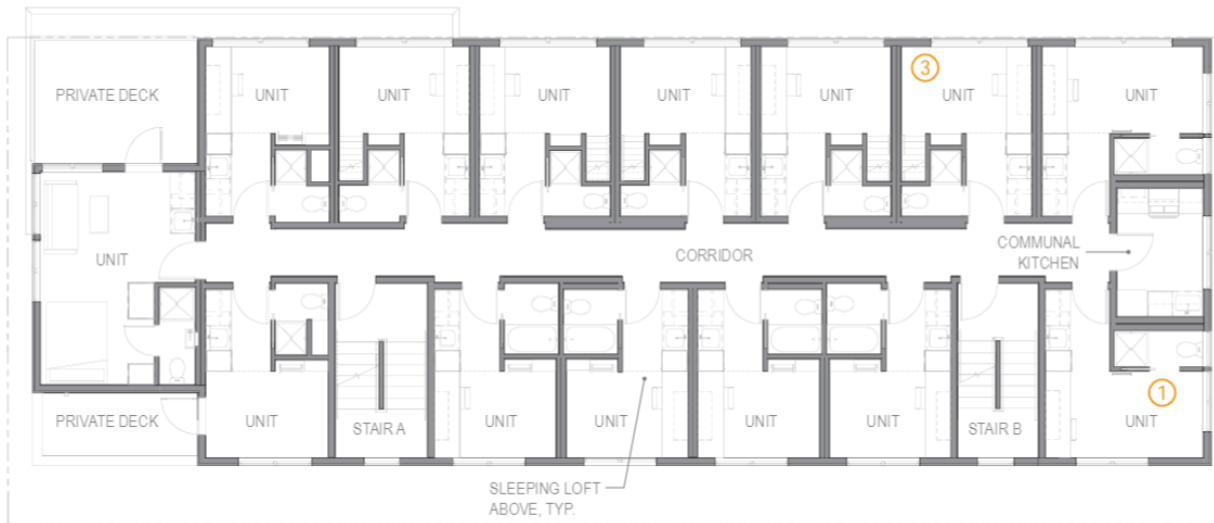


Figure 7: The Roost building. Upper level floor plan. Credit Neiman Taber Architects.

Expected Effects of the Legislation

The primary effect of the proposed legislation is to allow and incrementally encourage the Co-housing / Congregate Residence model of housing to be built in more places. The most likely candidate locations for increased Co-housing / Congregate Residence production will be in the

City's Lowrise (LR) multifamily zones. LR zones are most commonly located in the City's designated Urban Villages or along arterial roadways. Places with the largest contiguous areas of LR zoning include Capitol Hill, Ballard, Fremont, and Columbia City. Co-housing / Congregate Residences are almost always built without on-site vehicle parking, so there will likely be an increase in production of the housing type in new areas where parking would not be required. These are places within a one-half mile walking distance of a major transit stop that are not already in an urban village or center.

Future Considerations

In the next two years the City is anticipating significant additional changes to the land use code that will expand locations where "middle housing" is allowed. These code changes will follow other major State legislation from the 2023/2024 session concerning middle housing, especially HB 1110 which mandates cities to allow a variety of housing types in locations that were formerly zoned for single family homes only. The City is currently in the process of contemplating these updates to the Neighborhood Residential (formerly Single Family) zones as a component of the major update to the Comprehensive Plan. After the new plan is complete the City will quickly implement zoning changes to the NR zones that allow greater variety of housing types and more density of housing units on lots, compared to today's regulations. These changes will create new instances and locations where at least six multifamily residential units will be allowed by zoning. Such locations and instances must also comply with ESSB 1998 concerning co-housing/congregate residences. It is our intent to integrate new allowances for co-housing/congregate residences in forthcoming updated regulations for the City's NR zones, when that legislation is advanced following the major Comprehensive Plan update.

Findings and Recommendation

The OPCD Director makes the following findings related to this proposed legislation.

- The proposed legislation addresses the requirements and direction provided to Washington cities by Engrossed Substitute House Bill 1998.
- The proposal is in line with the City's priority to increase housing supply.
- The proposal is in line with the City's priority to increase housing types with the potential to provide a relatively lower cost option.
- The proposal is consistent with numerous policies within the City's Comprehensive Plan in the housing element of the plan.
- OPCD has evaluated the environmental impacts of the proposal and determined them to be non-significant. A SEPA DNS was issued on May 10, 2024. Consistent with ESSB 1998 no opportunity for appeal of the SEPA DNS was provided.

In consideration of the factors and information contained in this report OPCD recommends that City Council review the proposed legislation and adopt the associated Land Use Code text amendments.

August 15, 2024

MEMORANDUM

To: Land Use Committee
From: Lish Whitson, Analyst
Subject: CB 120822: Congregate Residence Amendments

On September 4, the Land Use Committee will receive a briefing and hold a public hearing on Council Bill (CB) [120822](#), which would amend the Land Use Code to update regulations related to congregate residences in order to implement Endorsed Substitute House Bill (ESHB) ([1998](#)) and Revised Code of Washington (RCW) Section [36.70.535](#). ESHB 1988 requires that the City allow “co-living housing” in any area where six or more multifamily housing units are permitted on a lot. It defines co-living housing as:

...a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building.

Seattle zoning uses the term “congregate residence” for this type of housing. Because Seattle’s regulations are not consistent with all the requirements of ESHB 1998, the City is required to update its congregate residence regulations.

This memorandum describes Seattle’s current congregate residence regulations and the changes to those regulations included in CB 120822 that are necessary to maintain consistency with State law.

Congregate Residences in Seattle

The City has regulated congregate residences as a defined use since 1994, when Ordinance 117202 combined boarding houses, group homes, and halfway houses into a single use category. Congregate residence is defined in the Seattle Municipal Code (SMC) as:

"Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for any number of non-transient persons not constituting a single household.

In other words, congregate residences include individual rooms, with private or shared bathrooms, shared kitchens, and other shared facilities. Dormitories are frequently designed and permitted as congregate residences. Other historic housing types that would also be classified as congregate residences include boarding houses, residential hotels, “apodments,” and Single Room Occupancy buildings (SROs).

Current requirements and limits on congregate residences date to [Ordinance 124608](#), adopted in 2014. Since the adoption of Ordinance 124608, the construction of congregate residences in Seattle has fallen.¹

¹ David Neiman in [When is Seattle Going to Fix Micro-Housing](#) and earlier articles advocating for changes to the City’s congregate housing rules published by the Sightline Institute, has the only available survey of congregate housing units built in

Ordinance 124608 narrowed the locations where congregate residences is permitted. All categories of congregate residences are permitted Midrise (MR), Highrise (HR), Neighborhood Commercial 3 (NC3), Commercial 1 (C1), and Commercial 2 (C2) zones within urban centers and urban villages, and in Seattle Mixed (SM) and Downtown (DT) zones. In other multifamily and commercial zones, only public or not-for-profit congregate residences, such as dormitories or facilities that provide supportive services to residents, are permitted.

Under SMC 23.42.049, congregate residences must generally comply with the development standards that apply to apartments, with a few distinctions. They are required to have communal areas, such as kitchens, lounges, and other communal facilities, equal to at least 15 percent of the space in sleeping rooms. And congregate residences must have a common food preparation area. The number of rooms with private kitchens is limited.

In areas where off-street parking is required, congregate residences are required to provide at least one motor vehicle parking space for every 4 sleeping rooms. One long-term bicycle parking space is required for each sleeping room, with one additional short-term bike parking space per 20 sleeping rooms.

State Co-Living Housing Requirements

RCW 36.70.535 requires that all cities that are required to plan under the Growth Management Act, and that allow six or more multifamily units on a lot, to allow co-living housing by December 31, 2025. Cities may not:

- Apply standards to co-living housing that are distinct from the standards applied to other multifamily housing types;
- Require notice or public meetings for co-living housing projects that is not required for other types of residential uses;
- Impose a minimum size limit on sleeping units other than that provided under the state building code;
- Require a project to include a mix of unit sizes;
- Count a co-living sleeping unit as more than one fourth of a dwelling unit for the purpose of calculating density limits or as more than half of a dwelling unit for the purpose of calculating sewer hook-up fees;
- Require that a co-living housing project include other uses;
- Require off-street parking within a half mile of a major transit stop;
- Require more than one parking space per four sleeping units; or
- Prohibit co-living housing from using affordable housing incentives.

Seattle during this time period. He indicated that between 2014 and 2020, building permit applications for congregate housing dropped by 85 percent. Article accessed July 26, 2024.

CB 120822

Council Bill 120822 would align the City's regulations around congregate residences with the new State requirements for co-living housing. Congregate residences would be clearly defined as a multifamily use, and four sleeping rooms would be equated to one multifamily dwelling unit. The definition of congregate residences would be replaced with the State's definition:

"Congregate residence" means a use in which ~~((rooms or lodging, with or without meals, are provided for any number of non-transient persons not constituting a single household))~~ sleeping rooms are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities and other common elements with other residents in a building.

Congregate residences would become permitted uses in all multifamily, C and NC, SM and DT zones, including lowrise zones where congregate residences are currently not permitted. Specific requirements for shared kitchens and communal areas would be removed. Parking requirements for congregate residences within one mile of a major transit stop would be removed. A short-term bicycle parking space would be required for every 80 sleeping rooms, rather than 20 sleeping rooms and a long-term bicycle parking space would be required for every four sleeping rooms, rather than one per sleeping room. Overall, these changes would make it easier to build a congregate residence in Seattle, and the City is likely to see more of these types of structures built.

Next Steps

The provisions of CB 120822 are required to be incorporated into the Land Use Code by the end of 2025. The Land Use Committee will hold a public hearing on the bill on September 4 and may vote on it on September 18. If the Committee votes on September 18, it could be considered by the City Council as early as September 24.

cc: Ben Noble, Director
Yolanda Ho, Deputy Director

Co-Living Housing / Congregate Residences Allowances Legislation

September 4, 2024



City of Seattle **98**

Background & Purpose

- **Directly implements ESSB 1998 from the 2023/2024 State legislative session**
- **Compliance with ESSB 1998 for co-living housing/congregate residences is required.**
- **Addresses need for more housing supply**
- **Provides potential for a relatively lower cost housing option without direct subsidy**
- **Rolls back most of the restrictions that were placed on congregate residences by the Seattle City Council in approximately 2014, to align with State Law**



The Roost building. Credit Neiman Taber Architects.

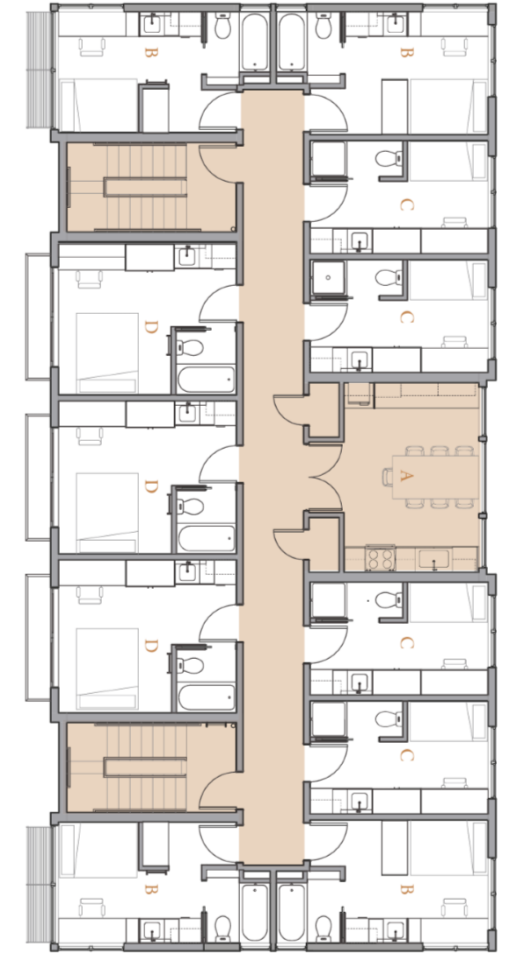
What is Co-Living Housing / Congregate Residence?

Seattle regulates this housing type as "Congregate Residence"

“Congregate residence” means a use in which sleeping rooms are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities and other common elements with other residents in a building.

(Amended definition consistent with ESSB 1998)

What is Co-Living Housing / Congregate Residence?



Yobi building. Credit Neiman Taber Architects.

Congregate Residence sleeping rooms are not subject to the dimensional and configuration requirements of dwelling units or small efficiency dwelling units (SEDUs), and may be as small as 70 sq ft., whereas SEDUs have an effective minimum size of 220-240 sq ft.

Summary of the Proposed Legislation

- **Allowable Uses.** Amends the code to allow "congregate residence" as an allowed use in all zones that allow multifamily housing. (i.e. LR zones, NC1 and NC2 zones, etc.)
- **Minimum Standards for building features.** Deletes additional standards for features of congregate residences such as minimum quantity and design standards for common areas.
- **Vehicle Parking.** Deletes parking requirements within ½ mile of major transit stop. Reduces parking requirements to 0.25 spaces per sleeping room elsewhere.
- **Bicycle Parking.** Reduces long term bike parking requirements to 0.25 spaces per sleeping room.
- **Update to Congregate Residence Definition.** Updates the definition of congregate residence to better match language and terminology of State legislation.

Examples of Co-Living Housing / Congregate Residences

kärsti apartments

1503 NW 59th St, Seattle

- 52 small private homes
- Less than 200 sq ft/ unit including top floors with sleeping lofts.
- Amenity spaces, including laundry, mail, cooking, lounges, fitness center, movie theatre, and outdoor seating.
- Households with incomes in the 30%-80% AMI range without affordable housing subsidies or public funds.



Karsti apartment building. Credit Neiman Taber Architects

Rent Levels

Current Market Rate Rents in Co-Living / Congregate Residences*

- \$850 - \$950 for sleeping rooms in congregate residence style buildings
- \$1,150 - \$1,250 range for the smallest units in SEDU style buildings

Comparison to Rent for Subsidized Rent- and Income-Restricted Housing**

- \$1,054 is the maximum allowable rent for a studio unit that is affordable to a household with 40% of AMI
- For most of the City's affordable housing programs, small units less than 400 sq. ft. are required to serve households at the 40% AMI level.

• From a scan of online listings in August, 2024 of known buildings in Seattle

** From Office of Housing 2024 Income and Rent Limits, city-funded rental housing.



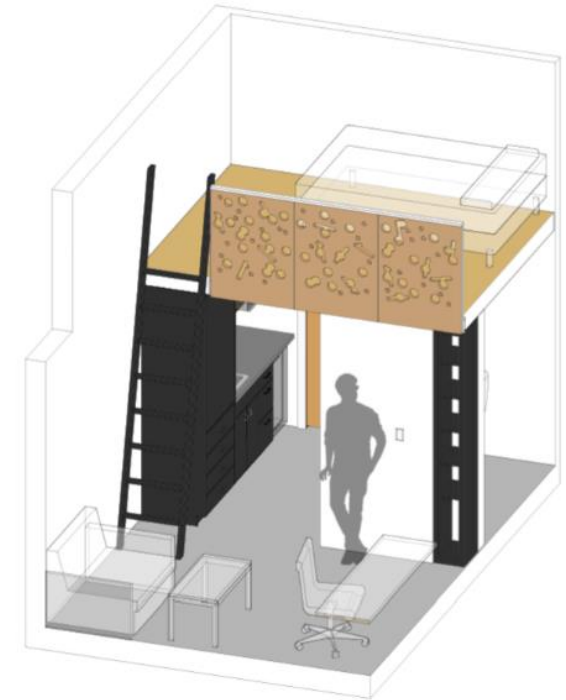
Yobi building. Credit Neiman Taber Architects.

Expected Effects of the Legislation

- Encourages the Co-housing/Congregate Residence model in more areas
- Likely increase to production in Lowrise (LR) multifamily zones
 - LR zones are typically in Urban Villages or along arterial roads
 - Key areas: Capitol Hill, Ballard, Fremont, Columbia City
- Co-housing/Congregate Residences usually do not have on-site parking
- Increased production expected in areas within 0.5 miles of major transit stops, not already in an urban village or center

Future Considerations

- **Significant land use code changes are expected in the next two years.**
- **Changes will expand "middle housing" locations following 2023/2024 State legislation, including HB 1110.**
- **Updates to Neighborhood Residential (NR - formerly Single Family) zones are underway as part of the Comprehensive Plan update.**
- **New plan will enable zoning changes for greater housing variety and density in NR zones.**
- **Compliance with ESSB 1998 for co-housing/congregate residences is required.**
- **Intent to integrate new allowances for co-housing/congregate residences in forthcoming update to NR zone regulations.**



Karsti apartment building. Credit Neiman Taber Architects

Thank you.

Office of Planning and Community Development (OPCD)
Geoffrey.Wentlandt@Seattle.gov



SEATTLE CITY COUNCIL

August 5, 2024

PUBLIC HEARING ON Co-Living Housing Congregate Residences Land Use Code Amendments

The Seattle City Council's Land Use Committee will hold a public hearing on Wednesday, September 4, 2024 on Council Bill 120822, a bill that would remove restrictions and limitations on the construction of congregate residences primarily in Lowrise (LR) and Midrise (MR) multifamily zones, and Commercial and Neighborhood Commercial 1 and 2 (C1, C2, NC1, NC2) zones. The changes to the code are intended to put Seattle in compliance with Engrossed Substitute House Bill 1998, passed in the Washington State 2024 legislative session.

The proposed bill would make the following changes:

- Amend allowable use tables to make congregate residence an allowed use on any lot that allows for at least six multifamily residential units, which includes LR, MR, and HR multifamily zones and all C and NC zones;
- Remove minimum development standards for configuration and features of living spaces in congregate residences including standards for communal areas, common food preparation areas, and food preparation in sleeping rooms;
- Remove parking requirements for congregate residences in all frequent transit served areas; and
- Update the definition of congregate residence to better match language and terminology of State legislation.

Councilmembers may adopt the legislation as proposed or amend the legislation to mitigate impacts of the proposal.

PUBLIC HEARING

The City Council's Land Use Committee will hold a public hearing on the proposed bill on Wednesday, September 4, 2024, at 2:00 pm.

The hearing will be held in the:

City Council Chambers
2nd floor, Seattle City Hall
600 Fourth Avenue

Persons who wish to participate in or attend the hearing may be offered the opportunity to do so remotely. If this is the case, the City will provide instructions in the meeting agenda on how to participate remotely. Please check the Land Use Committee agenda a few days prior to the meeting at <http://www.seattle.gov/council/committees>.

Print and communications access is provided on prior request. Please contact Naomi Lewis at 206-833-7218 or via e-mail at: Naomi.Lewis2@seattle.gov as soon as possible to request accommodations for a disability.

Questions concerning the public hearing may be directed to Naomi Lewis in Councilmember Tammy Morales' office, by calling 206-833-7218 or via e-mail at: Naomi.Lewis2@seattle.gov.

WRITTEN COMMENTS

Written comments on the legislation will be accepted until noon on Wednesday, September 4, 2024. Please send comments to Councilmember Tammy Morales office, via e-mail at: Tammy.Morales@seattle.gov, or by mail to:

Councilmember Tammy Morales
Seattle City Council
600 4th Avenue, 2nd Floor
PO Box 34025
Seattle, WA 98124-4025

INFORMATION AVAILABLE

Copies of the proposed bill may be obtained from: [CB 120822](#)

Questions regarding the legislation may be directed to Geoff Wentlandt in the City of Seattle Office of Planning and Community Development at (206) 684-3586 or via e-mail at geoffrey.wentlandt@seattle.gov or Lish Whitson at the City Council Central Staff at (206) 615-1674 or via email at lish.whitson@seattle.gov.



Legislation Text

File #: CB 120823, Version: 1

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 23.22.066, 23.22.100, 23.24.010, 23.28.020, 23.34.009, 23.34.093, 23.40.002, 23.41.004, 23.41.012, 23.42.058, 23.42.060, 23.42.130, 23.44.014, 23.44.016, 23.44.020, 23.44.041, 23.45.510, 23.45.516, 23.45.528, 23.45.529, 23.45.545, 23.47A.004, 23.47A.010, 23.47A.011, 23.47A.020, 23.48.005, 23.48.225, 23.48.720, 23.49.002, 23.49.008, 23.49.025, 23.49.042, 23.49.058, 23.49.090, 23.49.142, 23.49.162, 23.49.300, 23.49.320, 23.49.338, 23.50.002, 23.50.012, 23.50.044, 23.53.006, 23.53.015, 23.53.030, 23.54.015, 23.54.030, 23.55.032, 23.58C.035, 23.66.110, 23.66.122, 23.66.322, 23.69.002, 23.69.032, 23.69.033, 23.69.034, 23.71.006, 23.84A.006, 23.84A.008, 23.84A.016, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.038, 25.05.444, 25.05.675, 25.05.714, 25.09.045, 25.09.160, 25.11.020, 25.11.030, 25.11.040, 25.11.050, 25.11.060, 25.11.070, 25.16.080, 25.16.115, 25.16.150, 25.22.070, 25.22.135, 25.24.060, 25.28.230, and 25.28.290 of the Seattle Municipal Code.

The full text of the bill is attached to the legislative file.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 23.22.066, 23.22.100, 23.24.010, 23.28.020, 23.34.009, 23.34.093, 23.40.002, 23.41.004, 23.41.012, 23.42.058, 23.42.060, 23.42.130, 23.44.014, 23.44.016, 23.44.020, 23.44.041, 23.45.510, 23.45.516, 23.45.528, 23.45.529, 23.45.545, 23.47A.004, 23.47A.010, 23.47A.011, 23.47A.020, 23.48.005, 23.48.225, 23.48.720, 23.49.002, 23.49.008, 23.49.025, 23.49.042, 23.49.058, 23.49.090, 23.49.142, 23.49.162, 23.49.300, 23.49.320, 23.49.338, 23.50.002, 23.50.012, 23.50.044, 23.53.006, 23.53.015, 23.53.030, 23.54.015, 23.54.030, 23.55.032, 23.58C.035, 23.66.110, 23.66.122, 23.66.322, 23.69.002, 23.69.032, 23.69.033, 23.69.034, 23.71.006, 23.84A.006, 23.84A.008, 23.84A.016, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.038, 25.05.444, 25.05.675, 25.05.714, 25.09.045, 25.09.160, 25.11.020, 25.11.030, 25.11.040, 25.11.050, 25.11.060, 25.11.070, 25.16.080, 25.16.115, 25.16.150, 25.22.070, 25.22.135, 25.24.060, 25.28.230, and 25.28.290 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.066 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.22.066 Technical standards for final plat

* * *

C. The description, dedication, acknowledgment, certificates of the Director of Finance and Administrative Services and County official performing the duties of the County Treasurer, certificates of approval by the Director of Transportation, the City Clerk, and the Director, and recording certificate must meet standards promulgated by the Director. ~~((, shall be lettered with india ink or substantially equivalent lettering material and shall be substantially in the form set forth in the Director of Transportation's Subdivision Manual.))~~

* * *

Section 2. Section 23.22.100 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

1 **23.22.100 Design standards**

2 Except as provided in Section 23.22.106, design of all subdivisions shall conform to the
3 standards set forth in this Section 23.22.100:

4 A. Streets and ~~((Alleys-))~~ alleys

5 1. All subdivisions shall be served by one or more streets providing adequate
6 ingress and egress to and from the subdivision.

7 2. New streets within each subdivision shall conform to the City's thoroughfare
8 and circulation plans and shall provide for the continuation of streets that serve the property
9 contiguous to the subdivision. Streets serving lots on two sides shall be at least 60 feet wide
10 unless a narrower street is warranted by special physical circumstances as determined by the
11 Director, in consultation with the Director of Transportation, or as specified in ~~((Section 3.1.2b~~
12 ~~((for nonarterial streets) or 3.1.1a (for arterials) 3.1 of))~~ the ~~((Seattle))~~ Right-of-Way
13 Improvements Manual.

14 3. Street intersections shall be as nearly at right angles as practicable and in no
15 event shall the angle formed be less than 30 degrees.

16 4. A cul-de-sac shall be designed according to the ~~((Seattle))~~ Right-of-Way
17 Improvements Manual to provide a circular turnaround at the closed end. A tee or other
18 reasonable alternative may be authorized by the Hearing Examiner in lieu of the turnaround. Cul-
19 de-sac streets shall not exceed 450 feet in length and the right-of-way shall be at least 50 feet
20 wide, except under special circumstances a lesser width is permitted.

21 5. Street networks shall provide ready access for fire and other emergency
22 vehicles and equipment, and routes of escape for inhabitants.

1 6. Alleys shall be at least 16 feet wide plus such additional width as shall be
2 necessary for an adequate turning radius.

3 * * *

4 Section 3. Section 23.24.010 of the Seattle Municipal Code, last amended by Ordinance
5 118012, is amended as follows:

6 **23.24.010 Filing of application((:))**

7 A. Any person seeking to divide or redivide land situated within the City into nine ~~((9))~~
8 or fewer lots for the purpose of sale or lease, transfer of ownership, development, or financing
9 shall submit an application for approval of a short subdivision to the Director together with an
10 application fee as established in ~~((the Permit Fee Subtitle, Chapters 22.901A–22.901F))~~ Subtitle
11 IX of Title 22. The application is subject to procedural requirements, established in Chapter
12 23.76~~((, the Master Use Permit Process))~~.

13 * * *

14 Section 4. Section 23.28.020 of the Seattle Municipal Code, last amended by Ordinance
15 125603, is amended as follows:

16 **23.28.020 Application for approval of lot boundary adjustment**

17 ~~((Anyone))~~ Unless RCW 58.04.007 applies and its procedures are followed, anyone seeking an
18 approval by the Director of a lot boundary adjustment shall file an application as provided in
19 Chapter 23.76. All applications for lot boundary adjustments shall contain the following:

- 20 A. A plan showing the proposed change and containing standard survey data;
- 21 B. A plot plan as appropriate showing the location and dimensions of existing structures
22 in relation to the proposed lot boundary adjustment;
- 23 C. A legal description of the property involved; and

1 D. ~~((Name))~~ The name and address of owner(s) of the property involved.

2 * * *

3 Section 5. Section 23.34.009 of the Seattle Municipal Code, last amended by Ordinance
4 124883, is amended as follows:

5 **23.34.009 Height limits of the proposed rezone**

6 If a decision to designate height limits in residential, commercial, or industrial zones is
7 independent of the designation of a specific zone, in addition to the general rezone criteria of
8 Section 23.34.008, the following shall apply:

9 * * *

10 D. Compatibility with surrounding area

11 1. Height limits for an area shall be compatible with actual and zoned heights in
12 surrounding areas excluding buildings developed under Major Institution height limits; height
13 limits permitted by the underlying zone, rather than heights permitted by the Major Institution
14 designation, shall be used for the rezone analysis.

15 2. A gradual transition in height and scale and level of activity between zones
16 shall be provided unless major physical buffers, as described in subsection ~~((23.34.008.D.2))~~
17 23.34.008.E.2, are present.

18 * * *

19 Section 6. Section 23.34.093 of the Seattle Municipal Code, enacted by Ordinance
20 117430, is amended as follows:

21 **23.34.093 General Industrial 2 (IG2) zone, function, and locational criteria~~((r))~~**

22 * * *

1 B. Locational (~~(Criteria)~~) criteria. General Industrial 2 zone designation is most
2 appropriate in areas generally characterized by the following:

3 1. Areas that are developed with industrial activity or a mix of industrial activity
4 and a wide range of commercial uses;

5 2. Areas where facilities(~~(, such as the Kingdome or Design Center,)~~) have
6 established a more commercial character for the surroundings and have created the need for a
7 broader mix of support uses;

8 3. Areas with adequate access to the existing and planned neighborhood
9 transportation network; where additional trips generated by increased commercial densities can
10 be accommodated without conflicting with the access and circulation needs of industrial activity;

11 4. Areas where increased commercial densities would allow the economic reuse
12 of small sites and existing buildings no longer suited to current industrial needs;

13 5. Areas that, because of their size and isolation from a larger industrial area due
14 to separation by another type of zone or major physical barrier, such as an arterial or waterway,
15 can accommodate more nonindustrial activity without conflicting with the industrial function of
16 the larger industrial area;

17 6. Large areas with generally flat topography;

18 7. Areas platted into large parcels of land.

19 * * *

20 Section 7. Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance
21 126042, is amended as follows:

22 **23.40.002 Conformity with regulations required**

1 A. The establishment or change of use of any structures, buildings or premises, or any
2 part thereof, requires approval according to the procedures in Chapter 23.76 except:

3 1. Establishment of an urban farm or community garden that does not include
4 major ~~((marijuana))~~ cannabis activity ~~((as defined in Section 23.84A.025))~~ and that is permitted
5 outright under the provisions of this Title 23 applicable to the lot;

6 2. As permitted in subsections 23.47A.004.E and 23.47A.004.F;

7 3. Keeping of animals as permitted under Section 23.42.052;

8 4. Reinstatement of a use interrupted by a temporary use authorized pursuant to
9 Section 23.42.040;

10 5. Establishment of a transitional encampment use on property owned or
11 controlled by a religious organization; and

12 6. Uses located entirely within public rights-of-way.

13 * * *

14 Section 8. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance
15 126862, is amended as follows:

16 **23.41.004 Applicability**

17 * * *

18 C. Optional design review

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

22 a. The development proposal is in any zone or area identified in subsection
23 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except

1 development that is within a Master Planned Community zone is not eligible for optional design
2 review; and

3 b. The development proposal does not include the uses listed in subsection
4 23.41.004.A.3.

5 2. Administrative design review. According to the applicable process described in
6 Section 23.41.016, administrative design review is optional for a development proposal that is
7 not otherwise subject to this Chapter 23.41 and is on a site that contains ~~((an exceptional))~~ a Tier
8 1 and/or Tier 2 tree, as defined in Section 25.11.130, when the ability to depart from
9 development standards may result in protection of the tree as provided in ~~((Sections))~~ Section
10 25.11.070 ~~((and 25.11.080))~~.

11 * * *

12 Section 9. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance
13 126821, is amended as follows:

14 **23.41.012 Development standard departures**

15 * * *

16 B. Departures may be granted from any Land Use Code standard or requirement, except
17 for the following:

18 * * *

19 10. Floor area ratios (FAR), except that:

20 a. In the Pike/Pine Conservation Overlay District shown on Map A for
21 23.73.004, departures from the development standards for floor area exemptions from FAR
22 calculations in subsection 23.73.009.C and for retention of a character structure on a lot in
23 Section 23.73.015 are allowed;

1 b. Departures of up to an additional 0.5 FAR may be granted if the
2 applicant demonstrates that:

3 1) The departure is needed to protect a tree that is located on the lot
4 that is either ~~((an exceptional))~~ a Tier 1 or Tier 2 tree, as defined in Section 25.11.130~~((, or a tree~~
5 ~~greater than 2 feet in diameter measured 4.5 feet above the ground))~~); and

6 2) Avoiding development in the tree protection area will reduce the
7 total development capacity of the site;

8 11. Structure height, except that:

9 a. Within the Roosevelt Commercial Core building height departures up to
10 an additional 3 feet may be granted for properties zoned NC3-75 (Map A for 23.41.012,
11 Roosevelt Commercial Core);

12 b. Within the Uptown Urban Center building height departures up to 3 feet
13 of additional height may be granted if the top floor of the structure is set back at least 6 feet from
14 all lot lines abutting streets;

15 c. Within the Queen Anne Residential Urban Village and Neighborhood
16 Commercial zones as shown on Map B for 23.41.012, Upper Queen Anne Commercial Areas,
17 building height departures up to 3 feet of additional height may be granted if the top floor of the
18 structure is set back at least 6 feet from all lot lines abutting streets;

19 d. Within the PSM 85-120 zone in the area shown on Map A for
20 23.49.180, departures may be granted from development standards that apply as conditions to
21 additional height, except for floor area ratios and provisions for adding bonus floor area above
22 the base FAR;

1 e. Within the Pike/Pine Conservation Overlay District shown on Map A
2 for 23.73.004, departures may be granted from:

3 1) Development standards that apply as conditions to additional
4 height in subsections 23.73.014.A and 23.73.014.B; and

5 2) The provision for receiving sites for transfer of development
6 potential in subsection 23.73.024.B.5;

7 f. Departures of up to 10 feet of additional height may be granted if the
8 applicant demonstrates that:

9 1) The departure is needed to protect a tree that is located on the lot
10 that is either ~~((an exceptional))~~ a Tier 1 or Tier 2 tree, as defined in Section 25.11.130~~((, or a tree~~
11 ~~greater than 2 feet in diameter measured 4.5 feet above the ground))~~); and

12 2) Avoiding development in the tree protection area will reduce the
13 total development capacity of the site;

14 g. In Midrise and Highrise zones, Seattle Mixed, and in all commercial
15 and Downtown zones, departures for rooftop features may be granted from rooftop coverage
16 limits and setback standards from the roof edge, but not from the height limits for rooftop
17 features.

18 * * *

19 Section 10. Section 23.42.058 of the Seattle Municipal Code, last amended by Ordinance
20 126509, is amended as follows:

21 **23.42.058 ((~~Marijuana~~)) Cannabis**

22 A. Major ~~((marijuana))~~ cannabis activity is prohibited in any dwelling unit, regardless of
23 the zone in which the dwelling unit is located, except that major ~~((marijuana))~~ cannabis activity

1 is allowed in caretaker's quarters unless the quarters are located in a zone or district identified in
2 subsection 23.42.058.B.

3 B. Major (~~(marijuana)~~) cannabis activity is prohibited in the following zones and
4 districts:

- 5 1. Neighborhood residential zones;
- 6 2. Multifamily zones;
- 7 3. Neighborhood Commercial 1 (NC1) zones;
- 8 4. Pioneer Square Mixed (PSM);
- 9 5. International District Mixed (IDM);
- 10 6. International District Residential (IDR);
- 11 7. Downtown Harborfront 1 (DH1);
- 12 8. Downtown Harborfront 2 (DH2);
- 13 9. Pike Market Mixed (PMM);
- 14 10. Ballard Avenue Landmark District;
- 15 11. Columbia City Landmark District;
- 16 12. Fort Lawton Landmark District;
- 17 13. Harvard-Belmont Landmark District;
- 18 14. International Special Review District;
- 19 15. Pike Place Market Historical District;
- 20 16. Pioneer Square Preservation District;
- 21 17. Sand Point Overlay District; or
- 22 18. Stadium Transition Area Overlay District.

1 C. Major ((~~marijuana~~)) cannabis activity is allowed in all other zones if the activity and
2 site meet the following requirements:

3 1. The person operating the major ((~~marijuana~~)) cannabis activity must have a
4 current license issued by the State of Washington pursuant to Title 69 RCW authorizing the
5 person to produce, process, or sell, at the proposed site, ((~~marijuana~~)) cannabis, ((~~marijuana~~))
6 cannabis-infused products, useable ((~~marijuana~~)) cannabis, or ((~~marijuana~~)) cannabis
7 concentrates, or to research or test any of those products at the proposed site for quality
8 assurance pursuant to Title 69 RCW;

9 2. Any lot line of property having a major ((~~marijuana~~)) cannabis activity must be
10 1,000 feet or more from any lot line of property on which any of the following uses as defined in
11 WAC 314-55-010 is located: elementary school; secondary school; or playground;

12 3. Any lot line of property having a major ((~~marijuana~~)) cannabis activity that
13 includes the retail sale of ((~~marijuana~~)) cannabis products, except that in Downtown Mixed
14 Residential and Downtown Mixed Commercial zones within that portion of the Downtown
15 Urban Center that is west of Interstate 5, north of Yesler Way, and south of Denny Way major
16 ((~~marijuana~~)) cannabis activity that includes the retail sale of ((~~marijuana~~)) cannabis products
17 must be 250 feet or more, must be 500 feet or more from any lot line of property on which any of
18 the following uses as defined in WAC 314-55-010 is established and operating: child care center;
19 game arcade; library; public park; public transit center; or recreation center or facility;

20 4. Any lot line of property having a major ((~~marijuana~~)) cannabis activity that
21 does not include the retail sale of ((~~marijuana~~)) cannabis products must be 250 feet or more from
22 any lot line of property on which any of the following uses as defined in WAC 314-55-010 is

1 established and operating: child care center; game arcade; library; public park; public transit
2 center; or recreation center or facility;

3 5. No more than two properties with major ~~((marijuana))~~ cannabis activity that
4 includes the retail sale of ~~((marijuana))~~ cannabis products are allowed within 1000 feet of each
5 other; where any lot lines of two properties with existing major ~~((marijuana))~~ cannabis activity
6 that includes the retail sale of ~~((marijuana))~~ cannabis products are located within 1000 feet of
7 each other, any lot line of another property with a new major ~~((marijuana))~~ cannabis activity that
8 includes the retail sale of ~~((marijuana))~~ cannabis products must be 1000 feet or more from the
9 closest lot line of the property containing existing major ~~((marijuana))~~ cannabis activity that
10 includes the retail sale of ~~((marijuana))~~ cannabis products;

11 6. Whether a major ~~((marijuana))~~ cannabis activity complies with the locational
12 requirements prescribed by subsections 23.42.058.C.2, 23.42.058.C.3, 23.42.058.C.4, or
13 23.42.058.C.5 shall be based on facts that exist on the date of application to the Washington
14 State Liquor and Cannabis Board issues a "Notice of ~~((Marijuana))~~ Cannabis Application" to The
15 City of Seattle.

16 * * *

17 Section 11. Section 23.42.060 of the Seattle Municipal Code, enacted by Ordinance
18 125483, is amended as follows:

19 **23.42.060 Short-term rentals**

20 Short-term rental uses are subject to the following provisions:

21 * * *

22 ~~((D. Number of residents and guests. The total number of residents and guests occupying
23 a dwelling unit that includes a short term rental may not exceed the maximum number of~~

1 ~~residents allowed in a household by this code. For sites with an accessory dwelling unit, the total~~
2 ~~number of residents and guests occupying both the dwelling unit and any accessory dwelling~~
3 ~~units may not exceed the number of residents allowed for a household.))~~

4 ~~E.))~~ D. Short-term rental uses may display signs identifying the use if the signs are
5 permitted by Chapter 23.55.

6 ~~((F.))~~ E. If a short-term rental operator provides breakfast, light snacks, or both to guests,
7 the facility and operator must meet applicable health and safety regulations including but not
8 limited to regulations of Public Health—Seattle & King County and the Washington State
9 Department of Health.

10 ~~((G.))~~ F. Notwithstanding Sections 23.42.100, 23.42.102, and 23.42.104, short-term
11 rental uses, as defined in Section 23.84A.024, in existence prior to ~~((the effective date of the~~
12 ~~Ordinance introduced as Council Bill 119082))~~ January 7, 2018 shall comply with the
13 requirements of this Chapter 23.42 no later than ~~((one year from the effective date of the~~
14 ~~Ordinance introduced as Council Bill 119082))~~ January 7, 2019.

15 Section 12. Section 23.42.130 of the Seattle Municipal Code, last amended by Ordinance
16 126509, is amended as follows:

17 **23.42.130 Nonconforming solar collectors**

18 The installation of solar collectors that do not conform to development standards or that increase
19 an existing nonconformity may be permitted as follows:

20 A. In neighborhood residential zones, pursuant to subsection 23.44.046.B ~~((of Section~~
21 ~~23.44.046))~~);

22 B. In multifamily zones, pursuant to ~~((Section 23.45.582))~~ subsection 23.45.545.E;

23 C. In NC zones or C zones, pursuant to subsection ~~((Section))~~ 23.47A.012.E.

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* * *

Section 13. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.44.014 Yards

* * *

C. Exceptions from standard yard requirements. No structure shall be placed in a required yard except as follows:

* * *

5. Uncovered porches or steps. Uncovered, unenclosed porches or steps may project into any required yard, if the surface of porches or steps are no higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, and has a width and depth no greater than 6 feet within the required yard. For each entry to a principal structure, one uncovered, unenclosed porch and/or associated steps are permitted in ~~((the))~~ each required ~~((yards))~~ yard.

* * *

18. A structure may be permitted to extend into front and rear yards as necessary to protect ~~((exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060))~~ a Tier 1 or Tier 2 tree, as defined in Section 25.11.130.

* * *

D. Additional standards for structures if allowed in required yards. Structures in required yards shall comply with the following:

1. Accessory structures, attached garages, and portions of a principal structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard, except that a detached accessory dwelling unit may cover an additional 20 percent of the rear yard

1 provided that the increased rear yard coverage does not require removal of any (~~exceptional~~
2 ~~trees or trees over 2 feet in diameter measured 4.5 feet above the ground~~) Tier 1 or Tier 2 tree.

3 In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the
4 centerline of the alley.

5 * * *

6 E. Separations between multiple structures in RSL zones

7 * * *

8 4. Fences shall be allowed in the separation between principal structures provided
9 they meet the development standards in subsection 23.44.014.C.10.

10 * * *

11 Section 14. Section 23.44.016 of the Seattle Municipal Code, last amended by Ordinance
12 126821, is amended as follows:

13 **23.44.016 Parking and garages**

14 * * *

15 B. Access to parking

16 * * *

17 2. Access to parking is permitted through a required yard abutting a street only if
18 the Director determines that one of the following conditions exists:

19 a. There is no alley improved to the standards of subsection 23.53.030.C,
20 and there is no unimproved alley in common usage that currently provides access to parking on
21 the lot or to parking on adjacent lots in the same block; or

22 b. Existing topography does not permit alley access; or

1 c. At least 50 percent of alley frontage abuts property in a non-residential
2 zone; or

3 d. The alley is used for loading or unloading by an existing non-residential
4 use; or

5 e. Due to the relationship of the alley to the street system, use of the alley
6 for parking access would create a significant safety hazard; or

7 f. Parking access must be from the street in order to provide access to a
8 parking space that complies with the Seattle Building Code, Chapter 11; or

9 g. Providing alley access would require removal of a tree on private
10 property that is ~~((an exceptional tree or a tree greater than 2 feet in diameter measured 4.5 feet~~
11 ~~above the ground, provided that a permanent covenant meeting the standard in subsection~~
12 ~~25.11.050.C is recorded and all other applicable criteria for tree protection in Chapter 25.11 are~~
13 ~~met)) a Tier 1 or Tier 2 tree, as defined in Section 25.11.130.~~

14 * * *

15 F. Appearance of garages

16 * * *

17 3. Exemptions

18 a. Garages allowed under subsections 23.44.016.D.9, 23.44.016.D.10,
19 23.44.016.D.11, and 23.44.016.D.12 are not subject to the standards of this subsection
20 23.44.016.F.

21 b. Garages that are set back more than 35 feet from the front lot line are
22 not subject to the standards of this subsection 23.44.016.F.

1 c. The Director may waive or modify the standards of this subsection
2 23.44.016.F based on one or more of the following factors:

- 3 1) Irregular lot shape;
4 2) Topography of the lot;
5 3) Configuration of proposed or existing structures on the lot;
6 4) Location of ((~~exceptional~~)) Tier 1 or Tier 2 trees as defined in
7 Section 25.11.130; and

8 5) The proposed structure or addition has design features including
9 but not limited to modulation, screening, and landscaping.

10 * * *

11 Section 15. Section 23.44.020 of the Seattle Municipal Code, last amended by Ordinance
12 126821, is amended as follows:

13 **23.44.020 Tree requirements**

14 * * *

15 B. Tree requirements in RSL zones

16 1. Trees sufficient to achieve one point, according to Table A for 23.44.020, per
17 500 square feet of lot area shall be provided for any development:

- 18 a. Containing one or more new dwelling units;
19 b. Containing more than 4,000 square feet of non-residential uses in either
20 a new structure or an addition to an existing structure; or
21 c. Expanding surface area parking by more than 20 parking spaces for
22 automobiles.

1 2. Individual trees preserved during construction or planted after construction,
2 excluding street trees, count toward the tree score according to Table A for 23.44.020. All
3 required trees shall meet standards promulgated by the Director to provide for the long-term
4 health, viability, and coverage of plantings. These standards may include, but are not limited to,
5 the type and size of plants, spacing of plants, depth, and quality of soil, access to light and air,
6 and protection practices during construction.

Table A for 23.44.020 Tree points		
Type of tree	Points for ((non-conifer)) <u>deciduous</u> trees	Points for ((conifer)) <u>evergreen</u> trees
Small tree planted after construction	1 point	1.25 point
Small/medium tree planted after construction	2 points	2.5 points
Medium/large tree planted after construction	3 points	3.75 points
Large tree planted after construction	4 points	5 points
Trees 6 inches in diameter or greater that are preserved during construction	1 point per inch of diameter	1.25 point per inch of diameter

7
8 3. Tree protection areas shall be designated for all trees that are proposed to be
9 preserved to receive points under this subsection ((~~23.49.020.B~~)) 23.44.020.B. No excavation,
10 fill, placing of materials or equipment, or vehicle operation shall be allowed during construction
11 within a tree protection area. Tree protection areas shall be an area equal to the outer extent of
12 the dripline of the tree, except that they may be reduced if the following conditions are met:

13 a. A certified arborist has submitted and received approval for a plan
14 providing the rationale used to demonstrate that the alternate method provides an adequate level
15 of protection based on visiting the site and examining the specific tree’s size, location, and extent

1 of root cover, evaluating the tree’s tolerance to construction impact based on its species and
2 health, and identifying any past impacts that have occurred within the root zone; and

3 b. The alternative tree protection area is prepared under the supervision of
4 the certified arborist.

5 4. The owner of the subject lot is required to ensure that the trees planted remain
6 healthy for at least five years after inspection by the City and the owner of the subject lot shall be
7 responsible for replacing any trees that do not remain healthy after inspection by the City.

8 C. Street tree requirements

9 1. Street trees are required for development that would add one or more principal
10 dwelling units on a lot, except as provided in subsection 23.44.020.C.2 and Section 23.53.015.

11 Existing street trees shall be retained unless the Director of Transportation approves their
12 removal. The Director, in consultation with the Director of Transportation, shall determine the
13 number, type, and placement of additional street trees to be provided in order to:

- 14 a. Improve public safety;
- 15 b. Promote compatibility with existing street trees;
- 16 c. Match trees to the available space in the planting strip;
- 17 d. Maintain and expand the urban forest canopy;
- 18 e. Encourage healthy growth through appropriate spacing;
- 19 f. Protect utilities; and
- 20 g. Allow access to the street, buildings, and lot.

21 2. Exceptions to street tree requirements

22 a. If a lot borders an unopened right-of-way, the Director may reduce or
23 waive the street tree requirement along that right-of-way as a Type I decision if, after

1 consultation with the Director of Transportation, the Director determines that the right-of-way is
2 unlikely to be opened or improved.

3 b. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot setback
4 shall be planted with street trees along the street lot line that abuts the required front yard, or
5 landscaping other than trees shall be provided in the planting strip, subject to approval by the
6 Director of the Seattle Department of Transportation. If, according to the Director of the
7 Department of Transportation, a 5-foot setback or landscaped planting strip is not feasible, the
8 Director may reduce or waive this requirement as a Type I decision.

9 Section 16. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
10 126855, is amended as follows:

11 **23.44.041 Accessory dwelling units**

12 * * *

13 C. Detached accessory dwelling units. Detached accessory dwelling units are subject to
14 the following additional conditions:

15 1. Detached accessory dwelling units are required to meet the additional
16 development standards set forth in Table A for 23.44.041.

Table A for 23.44.041 Development standards for detached accessory dwelling units ^{1, 2}	
a. Minimum lot size	3,200 square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ³
d. Maximum lot coverage	Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.
e. Maximum rear yard coverage	Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, are subject to the

	requirements governing maximum rear yard coverage exceptions in subsections 23.44.014.D.			
f. Maximum size	The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet excluding garage and exterior-only accessed storage areas, covered porches and covered decks that are less than 25 square feet in area, and gross floor area that is underground. Up to 35 square feet of floor area dedicated to long-term bicycle parking shall be exempt from the gross floor area calculation for a detached accessory dwelling unit.			
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035.			
h. Minimum side yard	A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3 or 23.44.014.C.4. ⁴			
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ^{4, 5, 6, 11}			
j. Location of entry	If the entrance to a detached accessory dwelling unit is located on a facade facing a side lot line or a rear lot line, the entrance may not be within 10 feet of that lot line unless that lot line abuts an alley or other public right-of-way.			
k. Maximum height limits ^{7, 8, 9}	Lot width (feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater
(1) Base structure height limit (in feet) ^{10, 11}	14	16	18	18
(2) Height allowed for pitched roof above base structure height limit (in feet)	3	7	5	7
(3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041	3	4	4	4
l. Minimum separation from principal structure	5 feet including eaves and gutters of all structures			

Footnotes to Table A for 23.44.041

¹ The Director may allow an exception to standards a through f and h through k pursuant to subsection 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.

² The Director may allow an exception to standards i and j if the exception allows for the preservation of ~~((an exceptional tree or a tree over 2 feet in diameter measured 4.5 feet above the ground))~~ a Tier 1 or Tier 2 tree, as defined in Section 25.11.130.

³ For lots that do not meet the lot depth requirement but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.

⁴ ~~((External))~~ Except for properties with a rear lot line adjacent to an alley, external architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3 feet from any lot line. Bay windows are limited to 8 feet in width and may project no closer than 3 feet from any lot line. Other projections that include interior space, such as garden windows, must start a minimum of 30 inches above the finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3 feet from any lot line.

⁵ If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.

⁶ On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.

⁷ Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.

⁸ Projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof permitted pursuant to standard k if all conditions of subsection 23.44.012.C.3 are satisfied.

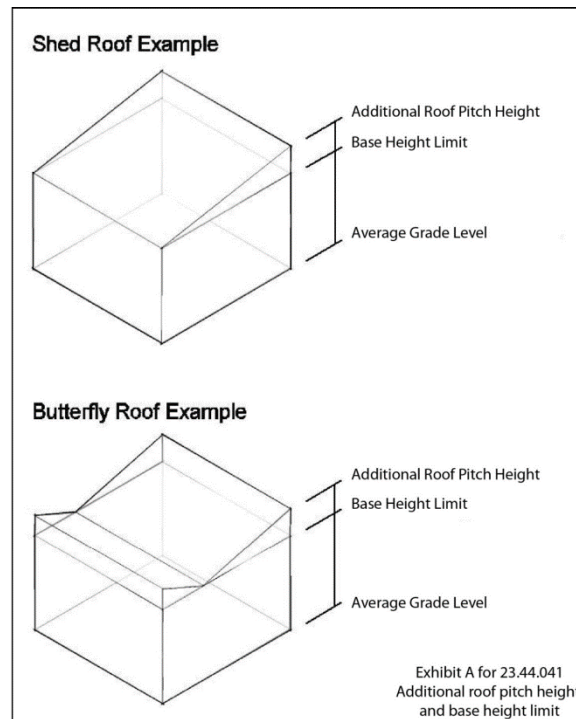
⁹ Any structure with a green roof or other features necessary to meet a green building standard, as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.

¹⁰ Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.

¹¹ Attached decks that are portions of a detached accessory dwelling unit are allowed in the required rear yard and up to the applicable height limit, including additions allowed to a detached accessory dwelling unit under subsection 23.44.014.C.4.

Exhibit A for 23.44.041

Additional roof pitch height and base height limit



2. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.020 through 22.206.140 and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. To allow the conversion of an existing accessory structure, the Director may allow an exception to one or more of the development standards for accessory dwelling units contained in standards a through f, and h through k, listed in Table A for 23.44.041. These exceptions also apply to any additions to an existing accessory structure. An existing accessory structure may be converted if the applicant can demonstrate that the accessory structure existed prior to December 31, 2017, as an accessory structure. If an accessory

1 structure existing prior to December 31, 2017, was replaced to the same configuration in
2 accordance with the standards of Section 23.42.112, then the replacement structure also qualifies
3 for conversion under this subsection 23.44.041.C.2. For purposes of this subsection
4 23.44.041.C.2, the term "conversion" means either keeping the accessory structure intact or
5 removing and rebuilding the accessory structure(~~(, provided that any expansion or relocation of~~
6 ~~the accessory structure complies with the development standards for detached accessory~~
7 ~~dwelling units)~~).

8 * * *

9 Section 17. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance
10 126855, is amended as follows:

11 **23.45.510 Floor area**

12 * * *

13 D. The following floor area is exempt from FAR limits:

14 * * *

15 4. Portions of a story that extend no more than 4 feet above existing or finished
16 grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following
17 circumstances:

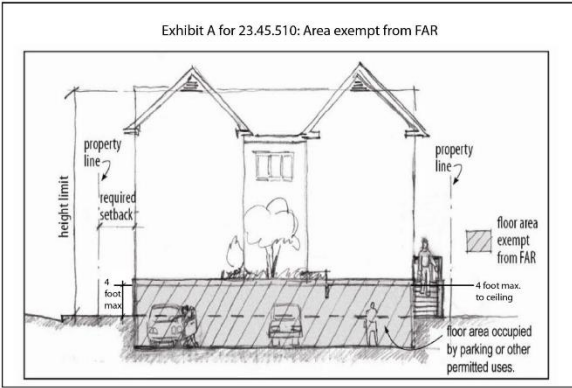
18 a. ~~((Apartments))~~ All residential structures in LR zones, except as
19 provided in subsection 23.45.510.D.4.b;

20 b. Rowhouse and townhouse developments in LR zones, provided that
21 all parking is located at the rear of the structure or is enclosed in structures with garage
22 entrances located on the rear facade; and

23 c. All multifamily structures in MR and HR zones.

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Exhibit A for 23.45.510
Area exempt from FAR



* * *

Section 18. Section 23.45.516 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

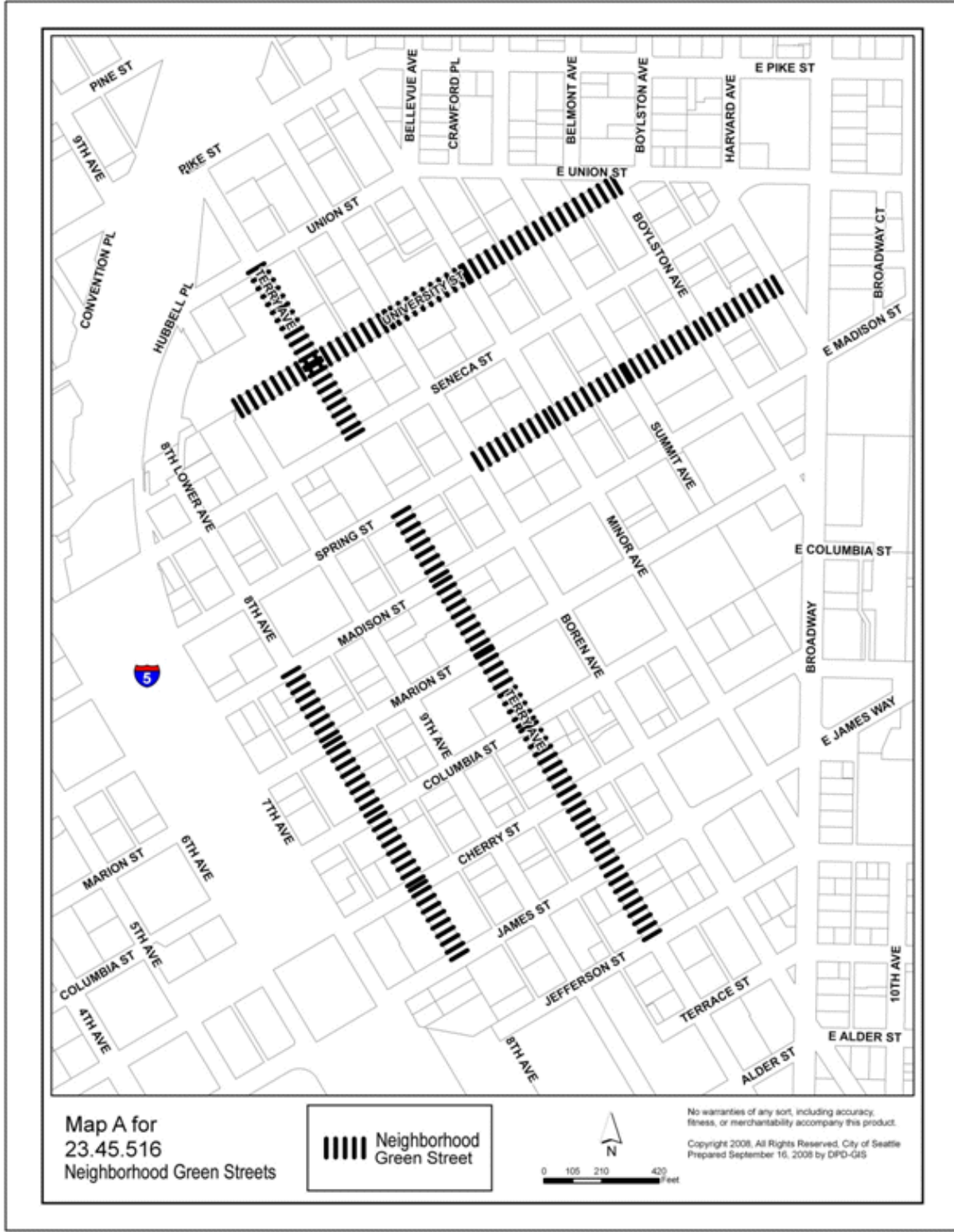
23.45.516 Method to achieve extra residential floor area in HR zones

* * *

E. Neighborhood green street setback. Floor area may be gained for a neighborhood green street setback according to the provisions of Chapter 23.58A by development on lots abutting one of the streets or street segments within the First Hill Urban Village shown on Map A for 23.45.516.

F. Neighborhood open space. In HR zones, subject to the limits in this Section 23.45.516 and Chapter 23.58A, extra residential floor area may be gained through a voluntary agreement to provide neighborhood open space, according to the provisions of Section 23.58A.040.

Map A for 23.45.516
Neighborhood Green Streets



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Section 19. Section 23.45.528 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

1 **23.45.528 Structure width and depth limits for lots greater than 9,000 square feet in**

2 **Midrise zones**

3 The width and depth limits of this Section 23.45.528 apply to lots greater than 9,000 square feet
4 in MR zones.

5 A. The width of each principal (~~(structures)~~) structure shall not exceed 150 feet.

6 B. Structure depth

7 1. The depth of each principal (~~(structures)~~) structure shall not exceed 80 percent
8 of the depth of the lot, except as provided in subsection 23.45.528.B.2.

9 2. Exceptions to structure depth limit. To allow for front setback averaging and
10 courtyards as provided in Section 23.45.518, structure depth may exceed the limit set in
11 subsection 23.45.528.B.1 if the total lot coverage resulting from the increased structure depth
12 does not exceed the lot coverage that would have otherwise been allowed without use of the
13 courtyard or front setback averaging provisions.

14 * * *

15 Section 20. Section 23.45.529 of the Seattle Municipal Code, last amended by Ordinance
16 126685, is amended as follows:

17 **23.45.529 Design standards**

18 * * *

19 C. Treatment of street-facing facades. For the purposes of this subsection 23.45.529.C, a
20 street-facing facade includes all vertical surfaces enclosing interior space, including gables and
21 dormers, as shown in Exhibit A for 23.45.529.

22 * * *

1 I. (~~In LR zones, accessory~~) Accessory dwelling units are allowed in single-family,
2 rowhouse and townhouse units, as follows:

3 1. One accessory dwelling unit is allowed for each single-family, rowhouse, or
4 townhouse unit that is a "principal unit." A "principal unit" is a dwelling unit that is not an
5 accessory dwelling unit.

6 2. The height limit for a detached accessory dwelling unit is 20 feet, except that
7 the ridge of a pitched roof on a detached accessory dwelling unit may extend up to 3 feet above
8 the 20-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of
9 not less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height
10 limit.

11 3. The maximum gross floor area of an accessory dwelling unit is 650 square feet,
12 provided that the total gross floor area of the accessory dwelling unit does not exceed 40 percent
13 of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of
14 garages, storage sheds, and other non-habitable spaces.

15 4. An accessory dwelling unit shall be located completely within the same
16 structure as the principal unit or in an accessory structure located between the single-family,
17 rowhouse, or townhouse unit and the rear lot line.

18 5. The entrance to an accessory dwelling unit provided within the same structure
19 as the principal unit shall be provided through one of the following configurations:

- 20 a. Through the primary entry to the principal unit; or
21 b. Through a secondary entry on a different facade than the primary entry
22 to the principal unit; or

1 c. Through a secondary entry on the same facade as the primary entry to
2 the principal unit that is smaller and less visually prominent than the entry to the principal unit,
3 and does not have a prominent stoop, porch, portico, or other entry feature.

4 6. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit
5 may not exceed 4 feet in height, except for exterior stairs providing access to an accessory
6 dwelling unit located above a garage.

7 7. Parking. Parking is not required for an accessory dwelling unit.

8 8. In the Shoreline District, accessory dwelling units in single-family, rowhouse,
9 and townhouse units shall be as provided in Chapter 23.60A, and where allowed in the Shoreline
10 District, are also subject to the provisions in this subsection 23.45.545.I.

11 * * *

12 Section 22. Table A for Section 23.47A.004 of the Seattle Municipal Code, which section
13 was last amended by Ordinance 126626, is amended as follows:

14 **23.47A.004 Permitted and prohibited uses**

15 * * *

16 I. The terms of Table A for 23.47A.004 are subject to any applicable exceptions or
17 contrary provisions expressly provided for in this Title 23.

Table A for 23.47A.004 Uses in Commercial zones					
Uses	Permitted and prohibited uses by zone ¹				
	NC1	NC2	NC3	C1	C2
A. AGRICULTURAL USES					
A.1. Animal husbandry	A	A	A	A	P
A.2. Aquaculture	10	25	P	P	P
A.3. Community garden	P	P	P	P	P
A.4. Horticulture	10	25	P	P	P
A.5. Urban farm ²	P	P	P	P	P
* * *					
C. COMMERCIAL USES³					

	C.1. Animal shelters and kennels	X	X	X	X	P
	C.2. Eating and drinking establishments					
	C.2.a. Drinking establishments	CU-10	CU-25	P	P	P
	C.2.b. Restaurants	10	25	P	P	P
	C.3. Entertainment uses					
	C.3.a. Cabarets, adult ⁴	X	P	P	P	P
	C.3.b. Motion picture theaters, adult	X	X	X	X	X
	C.3.c. Panorams, adult	X	X	X	X	X
	C.3.d. Sports and recreation, indoor	10	25	P	P	P
	C.3.e. Sports and recreation, outdoor	X	X	X ⁵	P	P
	C.3.f. Theaters and spectator sports facilities	X	25	P	P	P
	C.4. Food processing and craft work ²	10	25	25	P	P
	C.5. Laboratories, research and development	10	25	P	P	P
	C.6. Lodging uses	X ⁶	CU-25 ⁶	P	P	P
	C.7. Medical services ⁷	10 ⁸	25	P	P	P
	C.8. Offices	10	25	P	35 ⁹	35 ⁹
	C.9. Sales and services, automotive					
	C.9.a. Retail sales and services, automotive	10 ¹⁰	25 ¹⁰	P ¹⁰	P	P
	C.9.b. Sales and rental of motorized vehicles	X	25	P	P	P
	C.9.c. Vehicle repair, major automotive	X	25	P	P	P
	C.10. Sales and services, general ²					
	C.10.a. Retail sales and services, general ²	10	25	P	P	P
	C.10.b. Retail sales, multipurpose	10 ¹¹	50	P	P	P
	C.11. Sales and services, heavy					
	C.11.a. Commercial sales, heavy	X	X	25	P	P
	C.11.b. Commercial services, heavy	X	X	X	P	P
	C.11.c. Retail sales, major durables	10	25	P	P	P
	C.11.d. Retail sales and services, non-household	10	25	P	P	P
	C.11.e. Wholesale showrooms	X	X	25	25	P
	C.12. Sales and services, marine					
	C.12.a. Marine service stations	10	25	P	P	P
	C.12.b. Sales and rental of large boats	X	25	P	P	P
	C.12.c. Sales and rental of small boats, boat parts and accessories	10	25	P	P	P
	C.12.d. Vessel repair, major	X	X	X	S	S
	C.12.e. Vessel repair, minor	10	25	P	P	P
* * *						
G. MANUFACTURING USES						
	G.1. Manufacturing, light ²	X	10	25	P	P
	G.2. Manufacturing, general	X	X	X	P	P

G.3. Manufacturing, heavy	X	X	X	X	X
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* * *

KEY

- A = Permitted as an accessory use only
- CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)
- CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)
- P = Permitted
- S = Permitted in shoreline areas only
- X = Prohibited
- CU-25 = Conditionally permitted; use is limited to 25,000 square feet, pursuant to Section 23.47A.010
- 10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010
- 20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010
- 25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010
- 35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010
- 40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010
- 50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010

Footnotes to Table A for 23.47A.004

- ¹ In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).
- ² In addition to the provisions in this Chapter 23.47A, uses that entail major ((~~marijuana~~) cannabis) activity are subject to the requirements of Section 23.42.058.
- ³ For commercial uses with drive-in lanes, see Section 23.47A.028.
- ⁴ Subject to subsection 23.47A.004.H.
- ⁵ Permitted at Seattle Center.
- ⁶ Bed and breakfasts in existing structures are permitted outright with no maximum size limit.
- ⁷ Medical services over 10,000 square feet within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.
- ⁸ Medical service uses that are located in an urban center or urban village, which are in operation at such location before August 1, 2015, and that routinely provide medical services on a reduced fee basis to individuals or families having incomes at or below 200 percent of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 USC 9902(2), are limited to 20,000 square feet. This provision does not apply to medical service uses that are subject to a Major

Institution Master Plan.

⁹ Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010.D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010.D.

¹⁰ Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.

¹¹ Grocery stores meeting the conditions of subsection 23.47A.010.E are permitted up to 23,000 square feet in size.

¹² Subject to subsection 23.47A.004.G.

¹³ Permitted pursuant to subsection 23.47A.004.D.7.

¹⁴ Residential uses may be limited to 20 percent of a street-level street-facing facade pursuant to subsection 23.47A.005.C.

¹⁵ Residential uses are conditional uses in C2 zones under subsection 23.47A.006.A.3, except as otherwise provided above in Table A for 23.47A.004 or in subsection 23.47A.006.A.3.

¹⁶ Congregate Residences that are owned by a college or university, or are affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services, or similar.

¹⁷ Congregate Residences that are owned by a college or university, or are affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, health services, or similar.

¹⁸ Permitted at Seattle Center; see Section 23.47A.011.

¹⁹ Flexible-use parking is subject to Section 23.54.026. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.

²⁰ Permitted as surface parking only on surface parking lots existing as of January 1, 2017. In pedestrian-designated zones, surface parking is prohibited adjacent to principal pedestrian streets pursuant to subsection 23.47A.032.B.2.

²¹ Permitted outright, except prohibited in the SAOD.

²² See Chapter 23.57, Communications regulations, for regulation of communication utilities.

²³ A recycling use that is located on the same development site as a solid waste transfer station may be permitted by administrative conditional use, subject to the requirements of subsection 23.47A.006.A.7.

1

2

* * *

1 Section 23. Section 23.47A.010 of the Seattle Municipal Code, last amended by
2 Ordinance 123046, is amended as follows:

3 **23.47A.010 Maximum size of nonresidential use((~~r~~))**

4 * * *

5 B. For the purposes of this ((~~section~~)) Section 23.47A.010, size of use includes the gross
6 floor area of a structure(s), or portion of a structure(s), occupied by a principal use and all uses
7 accessory to that use, except that:

8 1. In NC1 and NC2 zones, any area dedicated to outdoor display of goods or
9 equipment for rent or for sale is also included((~~, and~~)) ;

10 2. In all zones, any gross floor area used for accessory parking is exempted from
11 the size calculation((~~r~~)) ; and

12 3. In all zones, any gross floor area used for stockrooms, storage, break rooms,
13 loading, and administrative office accessory to a principal grocery store use is exempted from the
14 size calculation, provided it does not exceed 8,500 square feet or 30 percent of the gross floor
15 area, whichever is less.

16 * * *

17 Section 24. Section 23.47A.011 of the Seattle Municipal Code, last amended by
18 Ordinance 123378, is amended as follows:

19 **23.47A.011 Outdoor activities**

20 * * *

21 E. The following outdoor activities on a lot zoned entirely or split-zoned commercial
22 shall be located at least 50 feet from a lot zoned entirely ((~~in a~~)) residential ((~~zone~~)), unless the

1 elevation of the lot with the activity is at least 15 feet above the grade of the lot in the residential
2 zone at the common lot line:

- 3 1. Outdoor sales and/or service of food or beverages, except products of an
4 agricultural use on the lot;
- 5 2. Outdoor storage;
- 6 3. Outdoor sports and recreation;
- 7 4. Outdoor loading berths.

8 * * *

9 Section 25. Section 23.47A.020 of the Seattle Municipal Code, last amended by
10 Ordinance 124969, is amended as follows:

11 **23.47A.020 Odor standards**

12 * * *

13 B. Major odor sources

14 1. Uses that employ the following odor-emitting processes or activities are major
15 odor sources:

- 16 a. Lithographic, rotogravure, or flexographic printing;
- 17 b. Film burning;
- 18 c. Fiberglassing;
- 19 d. Selling of gasoline and/or storage of gasoline in tanks larger than 260
20 gallons;
- 21 e. Handling of heated tars and asphalts;
- 22 f. Incinerating (commercial);
- 23 g. Tire buffing;

- 1 h. Metal plating;
- 2 i. Vapor degreasing;
- 3 j. Wire reclamation;
- 4 k. Use of boilers (greater than 106 British thermal units per hour, 10,000
- 5 pounds steam per hour, or 30 boiler horsepower);
- 6 l. Animal food processing;
- 7 m. The production or processing of ((~~marijuana~~)) cannabis products by a
- 8 major ((~~marijuana~~)) cannabis activity; and
- 9 n. Other similar processes or activities.

10 * * *

11 Section 26. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance
12 126855, is amended as follows:

13 **23.48.005 Uses**

14 A. Permitted uses

15 1. All uses are permitted outright, either as principal or accessory uses, except
16 those specifically prohibited by subsection 23.48.005.B and those permitted only as conditional
17 uses by subsection 23.48.005.C.

18 2. Adult cabarets shall comply with the requirements of subsection 23.47A.004.H.

19 3. Major ((~~marijuana~~)) cannabis activity shall comply with the requirements of
20 Section 23.42.058.

21 * * *

22 Section 27. Section 23.48.225 of the Seattle Municipal Code, last amended by Ordinance
23 126157, is amended as follows:

1 **23.48.225 Structure height in South Lake Union Urban Center**

2 * * *

3 C. Additional height permitted in the SM-SLU 175/85-280 and SM-SLU 85-280 zones

4 * * *

5 4. In the SM-SLU 175/85-280 zone, additional height above the applicable height
6 limit, as described below, for up to two non-residential towers on one block is permitted if the
7 tower or towers meet the following requirements.

8 a. If ~~((two))~~ a non-residential ~~((towers are))~~ tower is developed, the tower
9 closer to the eastern block front may be up to 190 feet in height ~~((and the tower closer to the
10 western block front may be up to 208 feet in height))~~.

11 b. If ~~((two))~~ a residential ~~((towers are))~~ tower is developed, one residential
12 tower on the northwest quadrant of the block may be up to ~~((360))~~ 440 feet ~~((and the other on the
13 southeast quadrant of the block may be up to 320 feet))~~ including a podium up to 125 feet.

14 c. Rooftop features comply with subsection 23.48.025.C, which applies to
15 the additional structure height permitted under this subsection 23.48.225.C.4.

16 d. The additional height is to accommodate an additional increment of
17 floor area provided in subsection 23.48.220.A.3.b.

18 * * *

19 Section 28. Section 23.48.720 of the Seattle Municipal Code, last amended by Ordinance
20 126685, is amended as follows:

21 **23.48.720 Floor area ratio (FAR) in SM-UP zones**

22 A. General provisions. Except as otherwise specified in this subsection 23.48.720.A,
23 FAR limits for SM-U zones are as shown in Table A for 23.48.720.

Zone	Base FAR limit for all uses	Maximum FAR for structures that include residential use	FAR Limits for non-residential uses
SM-UP 65	NA	4.5	4.5
SM-UP 85	NA	5.25	5.25
SM-UP 95	NA	5.75	5.75
SM-UP 160	5	7 ¹	2 ²

Footnotes to Table A for 23.48.720

¹ All chargeable floor area above the base FAR is considered extra floor area. Extra floor area must be achieved according to Sections 23.48.021, 23.48.722, and Chapter 23.58A.

² In the SM-UP 160, zone structures that do not exceed 125 feet in height are permitted an FAR of 7 for non-residential uses. Additionally, parcels with lot coverage limited by easements or setbacks for monorails, structures with non-residential uses are permitted an FAR of 7 regardless of structure height.

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B. Additional increment of floor area above the maximum FAR. On lots that include uses or features specified in this subsection 23.48.720.B, an additional amount of chargeable floor area is permitted above the maximum FAR as follows:

1. For all SM-UP zones an additional amount of 1 FAR is permitted above the maximum FAR of the zone shown on Table A for 23.48.720 if a lot includes one or more structures that have been designated as landmarks pursuant to Chapter 25.12, subject to the following conditions:

a. The structure is rehabilitated so that all features and characteristics are subject to controls and incentives designated pursuant to Chapter 25.12 and comply with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of the Department of Neighborhoods;

1 b. A notice is recorded in the King County real estate records, in a form
2 satisfactory to the Director, regarding the additional increment of floor area allowed and the
3 effect thereof under the terms of this Chapter 23.48;

4 c. A Landmark structure that obtains additional FAR under this subsection
5 23.48.720.B.1 may not be a sending site for Landmark transferable development rights (TDR) or
6 for transferable development rights (TDP);

7 d. If the increased amount of FAR allowed under this subsection
8 23.48.720.B.1 remains on the lot, the structure must remain designated as a Landmark; and

9 e. The owner shall maintain the exterior and interior of the Landmark
10 structure in good condition in a manner that preserves the Landmark features and characteristics
11 of the structure.

12 2. For SM-UP zones, an additional increment of up to 1 FAR is permitted above
13 the maximum FAR limit of the zone if a lot includes an arts facility operated by a for-profit or
14 not-for-profit operator, subject to the following conditions:

15 a. The amount of the additional increment of FAR shall not exceed floor
16 area of the arts facility.

17 b. The minimum floor area provided for a qualifying arts facility is 2,500
18 square feet.

19 c. The space shall be occupied by an arts facility for the life of the project
20 on the lot. If the property owner is unable to secure a for-profit or not-for-profit organization to
21 operate the arts facility, after a six-month period, if the space remains unoccupied, it may be used
22 for other non-profit purposes such as a community and/or public area, under the following
23 conditions:

1 1) The space shall be made available to community and charitable
2 organizations and is not to be used for profit-making activities;

3 2) The space shall be made available for both day and evening use;

4 3) The space shall be made available on a first-come, first-served
5 basis to community and charitable organizations; and

6 4) Availability of the space and contact person(s) shall be made
7 known to community and charitable groups through means such as newspaper articles, radio
8 announcements, and flyers.

9 d. No permit after the first building permit, no permit for any construction
10 activity other than excavation and shoring, and no permit for occupancy of existing floor area by
11 any use shall be issued for development that includes an arts facility to gain the increase in FAR
12 until the applicant has demonstrated to the satisfaction of the Director that a lease with a for-
13 profit or not-for-profit arts organization has been secured to occupy the space for a minimum of
14 one year.

15 3. For SM-UP zones, an additional increment of up to 1 FAR is permitted above
16 the maximum FAR limit of the zone if a lot includes a preschool, an elementary school, or a
17 secondary school, subject to the following conditions:

18 a. Prior to issuance of a Master Use Permit, the applicant shall submit a
19 letter to the Director from the school indicating that, based on the Master Use Permit plans, the
20 school district has determined that the development could meet the operator's specifications;

21 b. Prior to issuance of a building permit, the applicant shall submit a
22 written certification by the operator to the Director that the operator's specifications have been
23 met; and

1 c. Should the school use be discontinued and replaced by commercial use,
2 the commercial use shall be considered development to which Chapter 23.58B applies,
3 notwithstanding any contrary provision of ((Section)) subsection 23.58B.020.B.

4 4. For all SM-UP zones, an additional increment of up to 1.0 FAR is permitted
5 above the maximum FAR of the zone for a lot that includes residential dwelling units that
6 comply with all of the following conditions:

7 a. Unit number and size. The structure includes a minimum of ten
8 dwelling units that each have a minimum area of 900 gross square feet and include three or more
9 bedrooms; and

10 b. Amenity area. Each dwelling unit shall have access to an outdoor
11 amenity area that is located on the same story as the dwelling unit and meets the following
12 standards:

13 1) The amenity area has a minimum area of 1,300 square feet and a
14 minimum horizontal dimension of 20 feet; and

15 2) The amenity area must be common amenity area, except that up
16 to 40 percent of the amenity area may be private provided that the private and common amenity
17 area are contiguous and are not separated by barriers more than 4 feet in height; and the private
18 amenity areas are directly accessible from units meeting these requirements; and

19 3) The common amenity area includes children's play equipment;
20 and

21 4) The common amenity area is located at or below a height of 85
22 feet.

23 * * *

1 Section 29. Section 23.49.002 of the Seattle Municipal Code, last amended by Ordinance
2 124969, is amended as follows:

3 **23.49.002 Scope of provisions**

4 * * *

5 F. Major ((~~marijuana~~)) cannabis activity is subject to the regulations in this Chapter 23.49
6 and additional regulations in Section 23.42.058.

7 * * *

8 Section 30. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance
9 126917, is amended as follows:

10 **23.49.008 Structure height**

11 The following provisions regulating structure height apply to all property in Downtown zones
12 except the DH1 zone. Structure height for PSM, IDM, and IDR zones is regulated by this Section
13 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

14 * * *

15 C. Height in Downtown Mixed Residential (DMR) zones is regulated as follows:

16 1. A structure that contains only non-residential or live-work uses may not exceed
17 the lowest height limit established on the Official Land Use Map, except for rooftop features
18 permitted by subsection 23.49.008.D.

19 2. In DMR zones for which only two height limits are established, only those
20 portions of structures that contain only residential uses may exceed the lower height limit, and
21 they may extend to the higher height limit established on the Official Land Use Map.

22 3. On lots in the DMR/C 75/75-170 zone, the base height limit is 75 feet, and it is
23 the applicable height limit for all structures, except that:

1 a. The applicable height limit is 85 feet if the applicant qualifies for extra
2 floor area under Section 23.49.023 and Chapter 23.58A, the structure has no non-residential or
3 live-work use above 75 feet, and the structure does not qualify for a higher height limit under this
4 subsection 23.49.008.C.3.

5 b. The applicable height limit is 170 feet if the applicant qualifies for extra
6 floor area under Section 23.49.023 and Chapter 23.58A; the structure has no non-residential or
7 live-work use above 75 feet; the lot includes all or part of a mid-block corridor that satisfies the
8 conditions of Section 23.58A.040, except to the extent any waiver of such conditions is granted
9 by the Director; and the standards of subsection 23.49.156.B and Section 23.49.163 are satisfied.

10 4. On lots in the DMR/C 75/75-95 zone, the base height limit is 75 feet, and it is
11 the applicable height limit for all structures, except that the applicable height limit is 95 feet if
12 the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A and the
13 structure has no non-residential or live-work use above 75 feet.

14 5. On lots in the DMR/R 95/65 zone:

15 a. A height limit of 95 feet applies to the portions of a structure that
16 contain residential or lodging uses.

17 b. A height limit of 65 feet applies to the portions of a structure that
18 contain non-residential uses (excluding lodging uses).

19 * * *

20 F. In all Downtown zones except the IDM 75-85 and PMM-85 zones and all DH1, DH2,
21 and PSM zones, and except for projects that receive additional height pursuant to subsection
22 23.49.008.G, an additional 10 feet in height is permitted above the otherwise applicable

1 maximum height limit for residential uses for a structure that includes residential dwelling units
2 that comply with all of the following conditions:

3 1. Unit number and size. The structure includes a minimum of ten dwelling units
4 that each have a minimum area of 900 gross square feet and include three or more bedrooms; and

5 2. Amenity area. Each dwelling unit shall have access to an outdoor amenity area
6 that is located on the same story as the dwelling unit and meets the following standards:

7 a. The amenity area has a minimum area of 1,300 square feet and a
8 minimum horizontal dimension of 20 feet; and

9 b. The amenity area must be common amenity area, except that up to
10 40((%)) percent of the amenity area may be private provided that: the private and common
11 amenity area are continuous and are not separated by barriers more than 4 feet in height; and the
12 private amenity areas are directly accessible from units meeting these requirements; and

13 c. The common amenity area includes children's play equipment; and

14 d. The common amenity area is located at or below a height of 85 feet.

15 * * *

16 Section 31. Section 23.49.025 of the Seattle Municipal Code, last amended by Ordinance
17 124969, is amended as follows:

18 **23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space**
19 **standards**

20 A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least 10
21 feet above finished sidewalk grade, and directed away from uses within 50 feet of the vent.

22 1. Major odor sources

1 a. Uses that employ the following odor-emitting processes or activities are
2 major odor sources:

- 3 1) Lithographic, rotogravure, or flexographic printing;
- 4 2) Film burning;
- 5 3) Fiberglassing;
- 6 4) Selling of gasoline and/or storage of gasoline in tanks larger
7 than 260 gallons;
- 8 5) Handling of heated tars and asphalts;
- 9 6) Incinerating (commercial);
- 10 7) Metal plating;
- 11 8) Use of boilers (greater than 106 British thermal units per hour,
12 10,000 pounds steam per hour, or 30 boiler horsepower);
- 13 9) The production or processing of ((~~marijuana~~)) cannabis products
14 by a major ((~~marijuana~~)) cannabis activity; and
- 15 10) Other uses creating similar odor impacts.

16 b. Uses that employ the following processes are considered major odor
17 sources, unless the entire activity is conducted as part of a commercial use other than food
18 processing or heavy commercial services:

- 19 1) Cooking of grains;
- 20 2) Smoking of food or food products;
- 21 3) Fish or fishmeal processing;
- 22 4) Coffee or nut roasting;
- 23 5) Deep fat frying;

1 6) Dry cleaning; and

2 7) Other uses creating similar odor impacts.

3 2. Review of major odor sources. When an application is made for a use that is a
4 major odor source, the Director, in consultation with the Puget Sound Clean Air Agency
5 (PSCAA), shall determine the appropriate measures to be taken by the applicant in order to
6 significantly reduce potential odor emissions and airborne pollutants. The measures to be taken
7 shall be specified on plans submitted to the Director, and may be required as conditions for the
8 issuance of any permit. After a permit has been issued, any measures that were required by the
9 permit shall be maintained.

10 B. Noise standards((-))

11 1. All food processing for human consumption, custom and craft work involving
12 the use of mechanical equipment, and light manufacturing activities shall be conducted wholly
13 within an enclosed structure.

14 2. The following uses or devices are considered major noise generators:

15 a. Light manufacturing uses;

16 b. ~~((Auto body, boat and aircraft repair shops))~~ Repair shops for auto
17 body, boats, and/or aircraft; and

18 c. Other similar uses.

19 3. When a major noise generator is proposed, a report from an acoustical
20 consultant shall be required to describe the measures to be taken by the applicant in order to meet
21 noise standards for the area. Such measures may include, for example, the provision of buffers,
22 reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use
23 of specified construction techniques or building materials. Measures to be taken shall be

1 specified on the plans. After a permit has been issued, any measures that are required by the
2 permit to limit noise shall be maintained.

3 * * *

4 Section 32. Section 23.49.042 of the Seattle Municipal Code, last amended by Ordinance
5 125558, is amended as follows:

6 **23.49.042 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed**
7 **Commercial permitted uses**

8 The provisions of this Section 23.49.042 apply in DOC1, DOC2, and DMC zones.

9 A. All uses are permitted outright except those specifically prohibited by Section
10 23.49.044 and those permitted only as conditional uses by Section 23.49.046. Parking is allowed
11 pursuant to Section 23.49.019 and Section 23.49.045, and major ~~((marijuana))~~ cannabis activity
12 is allowed pursuant to Section 23.42.058.

13 B. All uses not prohibited shall be permitted as either principal or accessory uses.

14 C. ~~((Public facilities))~~

15 ~~((+))~~ Except as provided in subsection 23.49.046.D.2, uses in public facilities that
16 are most similar to uses permitted outright under this Chapter 23.49 shall also be permitted
17 outright subject to the same use regulations and development standards that govern the similar
18 uses.

19 ~~((2. Essential public facilities.))~~ D. Permitted essential public facilities shall also
20 be reviewed according to the provisions of Chapter 23.80~~((, Essential Public Facilities))~~.

21 * * *

22 Section 33. Section 23.49.058 of the Seattle Municipal Code, last amended by Ordinance
23 126917, is amended as follows:

1 **23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed**
2 **Commercial upper-level development standards**

3 A. For purposes of this Section 23.49.058, except in zones with a mapped height limit of
4 170 feet or less, a "tower" is a portion of a structure, excluding rooftop features permitted above
5 the applicable height limit pursuant to Section 23.49.008, in which portion all gross floor area in
6 each story is horizontally contiguous, and which portion is above (i) a height of 85 feet in (a) a
7 structure that has any non-residential use above a height of 65 feet or does not have residential
8 use above a height of 160 feet or contains an elementary or secondary school; or (ii) in any
9 structure not described in clause (i) a height determined as follows:

10 1. For a structure on a lot that includes an entire block front or that is on a block
11 front with no other structures, 65 feet; ~~((65))~~

12 2. For a structure on a lot abutting 3rd Avenue between Union Street and Pike
13 Street that contains only residential uses above a height of 65 feet, 85 feet; or

14 3. For a structure on any other lot, the height of the facade closest to the street
15 property line of the existing structure on the same block front nearest to that lot, but if the nearest
16 existing structures are equidistant from that lot, then the height of the higher such facade; but in
17 no instance shall the height exceed 85 feet or be required to be less than 65 feet.

18 * * *

19 D. Tower spacing in DMC zones

20 * * *

21 7. For purposes of this Section 23.49.058 a tower is considered to be "existing"
22 and must be taken into consideration when other towers are proposed, under any of the following
23 circumstances:

1 a. The tower is physically present, except that a tower that is physically
2 present is not considered "existing" if the owner of the lot where the tower is located has applied
3 to the Director for a permit to demolish the tower and provided that the no building permit for
4 the proposed tower is issued until the demolition of the tower that is physically present has been
5 completed;

6 b. The tower is a proposed tower for which a complete application for a
7 Master Use Permit or building permit has been submitted, provided that:

8 1) The application has not been withdrawn or cancelled without the
9 tower having been constructed; and

10 2) If a decision on that application has been published or a permit
11 on the application has been issued, the decision or permit has not expired, and has not been
12 withdrawn, cancelled, or invalidated, without the tower having been constructed.

13 c. The tower is a proposed tower for which a complete application for
14 early design guidance has been filed and a complete application for a Master Use Permit or
15 building permit has not been submitted, provided that the early design guidance application will
16 not qualify a proposed tower as an existing tower if a complete Master Use Permit application is
17 not submitted within 90 days of the date of the early design guidance public meeting if one is
18 required, or within 90 days of the date the Director provides guidance if no early design meeting
19 is required, or within 150 days of the first early design guidance public meeting if more than one
20 early design guidance public meeting is held. Failure to file a complete Master Use Permit
21 application within 12 months of filing a complete application for early design guidance or from
22 the effective date of this ordinance shall disqualify a proposed tower from being considered an
23 existing tower.

* * *

Section 34. Section 23.49.090 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.49.090 Downtown Retail Core, permitted uses

A. All uses are permitted outright except those ~~((which))~~ that are specifically prohibited by Section 23.49.092 and those ~~((which))~~ that are permitted only as conditional uses by Section 23.49.096. Parking is allowed subject to Section 23.49.019 and Section 23.49.094 and major ~~((marijuana))~~ cannabis activity is allowed subject to Section 23.42.058.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. ~~((Public facilities))~~

~~((1.))~~ Except as provided in Section 23.49.096, uses in public facilities that are most similar to uses permitted outright under this Chapter 23.49 shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

~~((2. Essential public facilities.))~~ D. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80~~((Essential Public Facilities))~~.

* * *

Section 35. Section 23.49.142 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.49.142 Downtown Mixed Residential, permitted uses

A. All uses are permitted outright except those specifically prohibited by Section 23.49.144 and those permitted only as conditional uses by Section 23.49.148. Parking is permitted pursuant to Section 23.49.019 and Section 23.49.146, and major ~~((marijuana))~~ cannabis activity is allowed pursuant to Section 23.42.058.

1 B. All uses not prohibited are permitted as either principal or accessory uses.

2 C. ~~((Public facilities))~~

3 ~~((1.))~~ Except as provided in subsection 23.49.148.D.2, uses in public facilities that
4 are most similar to uses permitted outright under this Chapter 23.49 are also permitted outright
5 subject to the same use regulations and development standards that govern the similar uses.

6 ~~((2. Essential public facilities.))~~ D. Permitted essential public facilities shall also
7 be reviewed according to the provisions of Chapter 23.80~~((, Essential Public Facilities))~~.

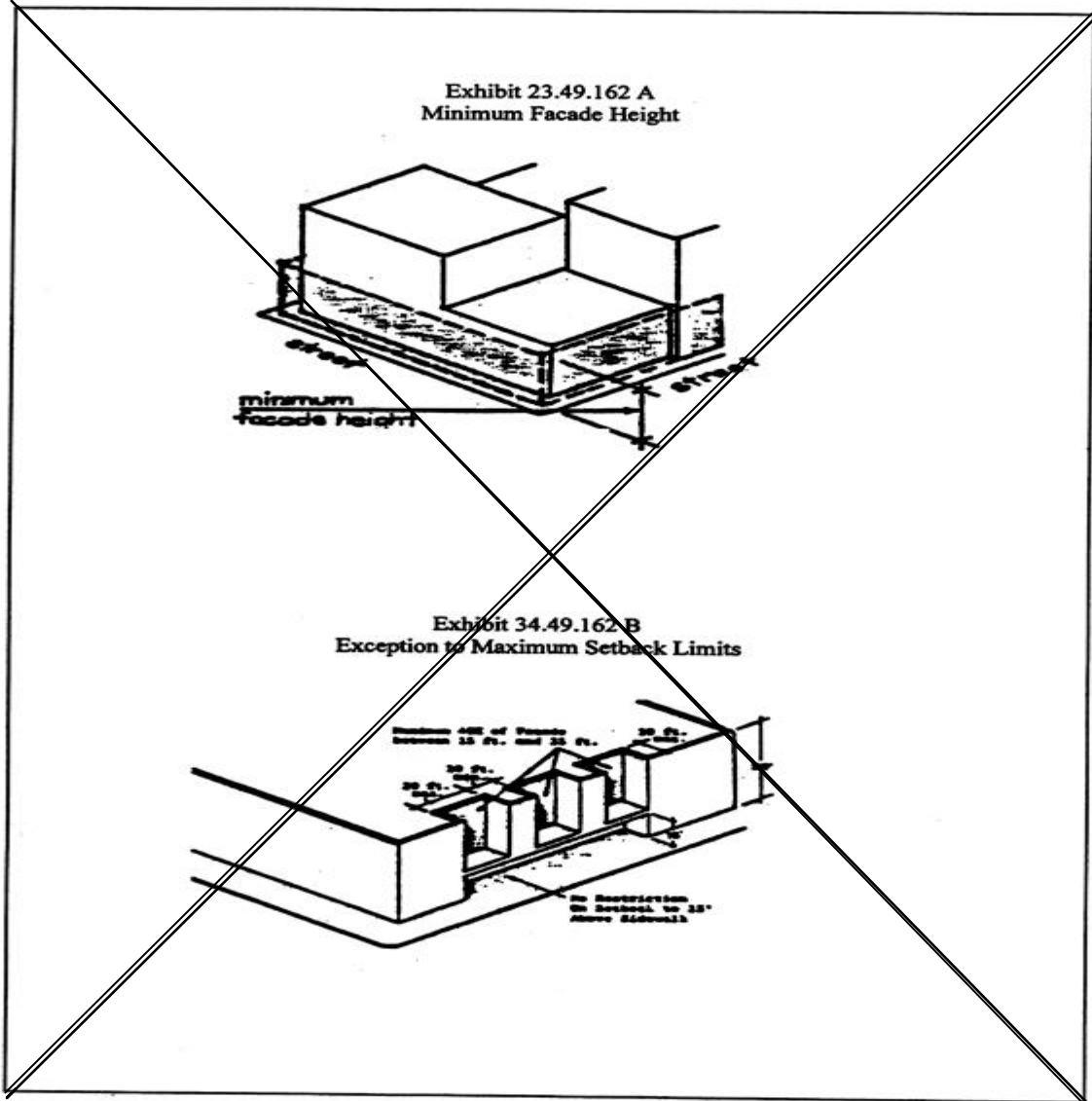
8 * * *

9 Section 36. Section 23.49.162 of the Seattle Municipal Code, last amended by Ordinance
10 123589, is amended as follows:

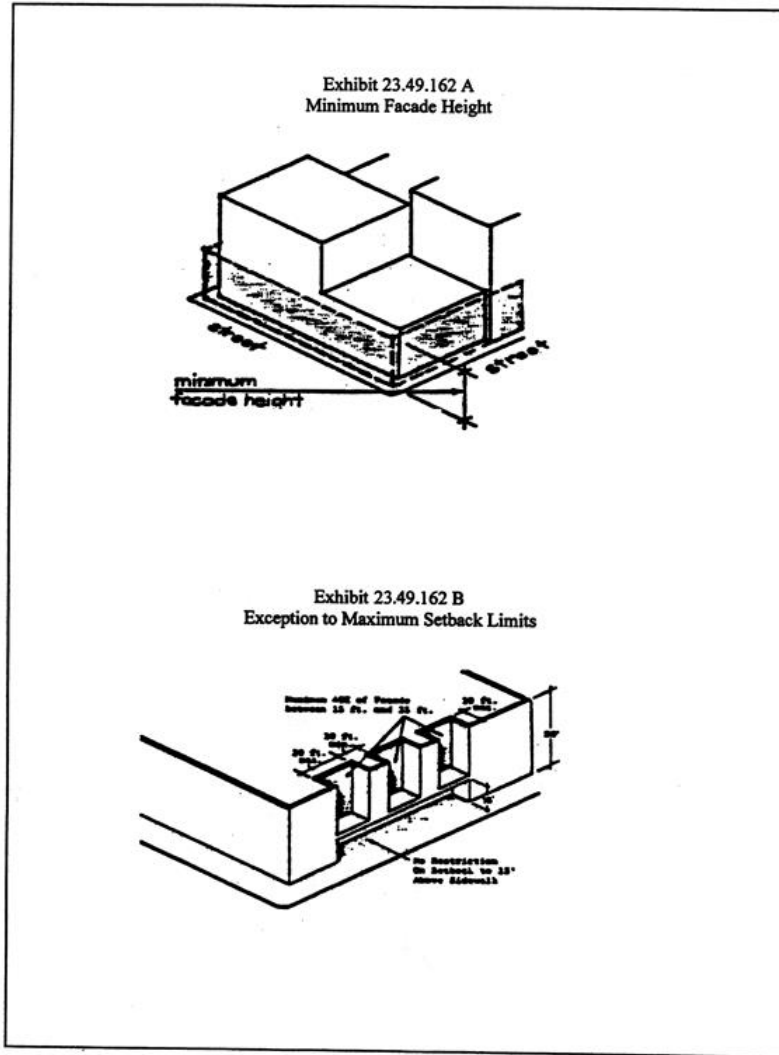
11 **23.49.162 Downtown Mixed Residential, street facade requirements**

12 * * *

13 **Exhibits 23.49.162 A, 23.49.162 B**



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Section 37. Section 23.49.300 of the Seattle Municipal Code, last amended by Ordinance 124969, is amended as follows:

23.49.300 Downtown Harborfront 1, uses

A. Uses that are permitted or prohibited in Downtown Harborfront 1 are identified in Chapter 23.60A, (~~the Seattle Shoreline Master Program,~~) except that major (~~marijuana~~) cannabis activity is prohibited.

A.1. Animal husbandry	X	X	X	X
A.2. Aquaculture	P	P	P	P
A.3. Community garden	P(1)	P(1)	P(1)	P(1)
A.4. Horticulture	X	X	X	X
A.5. Urban farm (2)	P(1)	P(1)	P(1)	P(1)
B. CEMETERIES	X	X	X	X
C. COMMERCIAL USES				
C.1. Animal shelters and kennels	X(3)	P	P	P
C.2. Eating and drinking establishments	P	P	P	P
C.3. Entertainment uses				
C.3.a. Cabarets, adult	P(4)	X	X	X
C.3.b. Motion picture theaters, adult	X	X	X	X
C.3.c. Panorams, adult	X	X	X	X
C.3.d. Sports and recreation, indoor	P	P	X	P
C.3.e. Sports and recreation, outdoor	P	P	X	P
C.3.f. Theaters and				

spectator sports facilities				
C.3.f.i. Lecture and meeting halls	P	P	P	P
C.3.f.ii. Motion picture theaters	P	P	X	X
C.3.f.iii. Performing arts theaters	P	P	X	X
C.3.f.iv. Spectator sports facilities	P	P	X(5)	X(5)
C.4. Food processing and craft work (2)	P	P	P	P
C.5. Laboratories, research and development	P	P	P	P
C.6. Lodging uses	CU	CU	X	X
C.7. Medical services (6)	P	P	P	P
C.8. Offices	P	P	P	P
C.9. Sales and services, automotive	P	P	P	P
C.10. Sales and services, general (2)	P	P	P	P
C.11. Sales and services, heavy	P	P	P	P
C.12. Sales and services, marine	P	P	P	P

D. HIGH-IMPACT USES	X	X or CU(7)	X or CU(7)	X or CU(7)
E. INSTITUTIONS				
E.1. Adult care centers	X	X	X	X
E.2. Child care centers	P	P	P	P
E.3. Colleges	EB	EB(8)	X(9)	X(9)
E.4. Community centers and Family support centers	EB	EB	P	P
E.5. Community clubs	EB	EB	X	P
E.6. Hospitals	EB	CU(10)	P	P
E.7. Institutes for advanced study	P	P	X	X
E.8. Libraries	X	X	X	X
E.9. Major institutions subject to the provisions of Chapter 23.69	EB(11)	EB(11)	EB	EB
E.10. Museums	EB	EB	X(12)	X(12)
E.11. Private clubs	EB	EB	X	X
E.12. Religious facilities	P(13)	P(13)	P(13)	P(13)
E.13. Schools, elementary or secondary	EB	EB	X	X
E.14. Vocational or fine arts schools	P	P	P	P

F. LIVE-WORK UNITS	X	X	X	X
G. MANUFACTURING USES				
G.1. Manufacturing, light 2	P	P	P	P
G.2. Manufacturing, general	P	P	P	P
G.3. Manufacturing, heavy	CU	P or CU(14)	P	P
H. PARKS AND OPEN SPACE	P	P	P	P
I. PUBLIC FACILITIES				
I.1. Jails	X	X	X	X
I.2. Work-release centers	X	X	X	X
I.3. Other public facilities	CCU	CCU	CCU	CCU
J. RESIDENTIAL USES				
J.1. Residential uses not listed below	X	X	X	X
J.2. Artist's studio/dwellings	EB/CU	EB/CU	EB/CU	EB/CU
J.3. Caretaker's quarters	P	P	P	P
J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district	CU	CU	CU	CU

K. STORAGE USES				
K.1. Mini-warehouses	P	P	X	P
K.2. Storage, outdoor	P	P	P	P
K.3. Warehouses	P	P	P	P
L. TRANSPORTATION FACILITIES				
L.1. Cargo terminals	P	P	P	P
L.2. Parking and moorage				
L.2.a. Boat moorage	P	P	P	P
L.2.b. Dry boat storage	P	P	P	P
L.2.c. Parking, flexible-use	P	P	X(5)	X(5)
L.2.d. Park and ride facilities	P(15)	P(15)	CU	CU
L.2.e. Towing services	P	P	P	P
L.3. Passenger terminals	P	P	P	P
L.4. Rail transit facilities	P	P	P	P
L.5. Transportation facilities, air				
L.5.a. Airports (land-based)	X	CCU	CCU	CCU

L.5.b. Airports (water-based)	X	CCU	CCU	CCU
L.5.c. Heliports	X	CCU	CCU	CCU
L.5.d. Helistops	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance				
L.6.a. Bus bases	CU	CU	CU	CU
L.6.b. Railroad switchyards	P	P	P	P
L.6.c. Railroad switchyards with a mechanized hump	X	CU	CU	CU
L.6.d. Transportation services, personal	P	P	P	P
M. UTILITY USES				
M.1. Communication utilities, major	CU	CU	CU	CU
M.2. Communication utilities, minor	P	P	P	P
M.3. Power plants	X	P	P	P
M.4. Recycling	P	P	P	P
M.5. Sewage treatment plants	X	CCU	CCU	CCU

M.6. Solid waste management				
M.6.a. Salvage yards	X	P	P	P
M.6.b. Solid waste transfer stations	CU(16)	CU	CU	CU
M.6.c. Solid waste incineration facilities	X	CCU	CCU	CCU
M.6.d. Solid waste landfills	X	X	X	X
M.7. Utility services uses	P	P	P	P

Key to Table A for 23.50.012

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 7, 1987

EB/CU = Administrative conditional use permitted only in a building existing on October 7, 1987((-))

P = Permitted

X = Prohibited

Footnotes to Table A for 23.50.012

(1) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as agricultural uses within an enclosed building. Except for agricultural uses within an enclosed building operating prior to January 4, 2016, agricultural uses within an enclosed building are not permitted in the IG1 zone. Agricultural uses within an enclosed building within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:

(a) 5,000 square feet in IG1 zones for agricultural uses within an enclosed building established prior to January 4, 2016;

(b) 10,000 square feet in IB zones; and

(c) 20,000 square feet in IG2 zones.

(2) In addition to the provisions of this Chapter 23.50, urban farms that entail major ~~((marijuana))~~ cannabis activity are regulated by Section 23.42.058.

(3) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.

(4) Subject to subsection 23.50.012.E.

(5) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used as flexible-use parking or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition

Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used as flexible-use parking and is exempt from the one-space-per-650-square-foot ratio under the following circumstances:

- (a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and
 - (b) The parking is reserved for events in the spectator sports facility or exhibition hall, and
 - (c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.
- (6) Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.
- (7) High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5.
- (8) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60A.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing & Industrial Center.
- (9) A college or university offering a primarily vocational curriculum within the zone is permitted.
- (10) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.12.
- (11) Major institution uses are permitted only in a building existing on October 7, 1987, except that such uses are permitted on properties located outside of the Ballard/Interbay/Northend Manufacturing and Industrial Center that are located in an area south of the Lake Washington Ship Canal, east of 8th Avenue West, north of West Nickerson Street, and west of 3rd Avenue West regardless of whether the use is located in a building existing on October 7, 1987.
- (12) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.
- (13) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.
- (14) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C.
- (15) Park and ride facilities are not permitted within 3,000 feet of the Downtown Urban Center.
- (16) Subject to subsection 23.50.014.B.7.e.

* * *

1
2 Section 42. Section 23.50.044 of the Seattle Municipal Code, last amended by Ordinance
3 124969, is amended as follows:
4 **23.50.044 All industrial zones – Standards for major odor sources**

1 A. Major odor sources in Industrial Buffer and Industrial Commercial zones

2 1. Uses that involve the following odor-emitting processes or activities are major
3 odor sources:

4 a. Lithographic, rotogravure, or flexographic printing;
5 b. Film burning;
6 c. Fiberglassing;
7 d. Selling of gasoline and/or storage of gasoline in tanks larger than 260
8 gallons;

9 e. Handling of heated tars and asphalts;
10 f. Incinerating (commercial);
11 g. Metal plating;
12 h. Tire buffing;
13 i. Vapor degreasing;
14 j. Wire reclamation;
15 k. Use of boilers (greater than 106 British thermal units per hour, 10,000
16 pounds steam per hour, or 30 boiler horsepower);

17 l. The production or processing of ((~~marijuana~~)) cannabis products by a
18 major ((~~marijuana~~)) cannabis activity; and

19 m. Other uses creating similar odor impacts.

20 2. Uses that employ the following processes shall be considered major odor
21 sources, unless the entire activity is conducted as part of a commercial use other than food
22 processing or heavy commercial services:

23 a. Cooking of grains;

- b. Smoking of food or food products;
- c. Fish or fishmeal processing;
- d. Coffee or nut roasting;
- e. Deep-fat frying;
- f. Dry cleaning;
- g. Animal food processing; and
- h. Other uses creating similar odor impacts.

B. Major odor sources in General Industrial zones

1. Uses that involve the following odor-emitting processes or activities in General Industrial zones are major odor sources:

- a. The production or processing of ~~((marijuana))~~ cannabis products by a major ~~((marijuana))~~ cannabis activity.

* * *

Section 43. Section 23.53.006 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.53.006 Pedestrian access and circulation

* * *

F. Exceptions. The following exceptions to pedestrian access and circulation requirements and standards apply:

1. Projects exempt from requirements. Pedestrian access and circulation improvements are not required for the following types of projects:

- a. Change of use;
- b. Alterations to existing structures;

1 c. Additions to existing structures that are exempt from environmental
2 review;

3 d. Construction of a detached structure accessory to a single-family
4 dwelling unit in any zone, if the property owner enters into a no-protest agreement, as authorized
5 by chapter 35.43 RCW, to future pedestrian access and circulation improvements and that
6 agreement is recorded with the King County Recorder;

7 e. Construction of a single-family dwelling unit on a lot in any zone, if the
8 property owner enters into a no-protest agreement, as authorized by chapter 35.43 RCW, to
9 future pedestrian access and circulation improvements and that agreement is recorded with the
10 King County Recorder, and if at least one of the following conditions is met:

11 1) The lot is on a block front where there are no existing pedestrian
12 access and circulation improvements within 100 feet of the lot; or

13 2) Construction of pedestrian access and circulation improvements
14 is not necessary because, for example, the existing right-of-way has suitable width and surface
15 treatment for pedestrian use; or the existing right-of-way has a limited amount of existing and
16 potential vehicular traffic; or the Director anticipates limited, if any, additional development near
17 the lot because the development near the lot is at or near zoned capacity under current zoning
18 designations;

19 f. Expansions of surface parking, outdoor storage, outdoor sales and
20 outdoor display of rental equipment of less than 20 percent of the parking, storage, sales or
21 display area, or number of parking spaces;

22 g. In the MML zone, the addition of:

23 1) Fewer than ten artist's studio dwellings;

1 2) Less than 750 square feet of gross floor area of major and minor
2 vehicle repair uses and multipurpose retail sales; and

3 3) Less than 4,000 square feet of gross floor area of non-residential
4 uses not listed in subsection 23.53.006.F.1.g.2; and

5 h. Construction of a new non-residential structure of up to 4,000 square
6 feet of gross floor area if the structure is at least 50 feet from any lot line abutting an existing
7 street that does not have pedestrian access and circulation improvements.

8 2. Waiver or modification of pedestrian access and circulation requirements. The
9 Director, in consultation with the Director of Transportation, may waive or modify pedestrian
10 access and circulation requirements when one or more of the following conditions are met. The
11 waiver or modification shall provide the minimum relief necessary to accommodate site
12 conditions while maximizing pedestrian access and circulation.

13 a. Location in an environmentally critical area or buffer makes installation
14 of a sidewalk, curb, and/or curb ramp structurally impracticable or technically infeasible;

15 b. The existence of a bridge, viaduct, or structure such as a substantial
16 retaining wall in proximity to the project site makes installation of a sidewalk, curb, and/or curb
17 ramp structurally impracticable or technically infeasible;

18 c. Sidewalk, curb, and/or curb ramp construction would result in
19 undesirable disruption of existing drainage patterns, or disturbance to or removal of natural
20 features such as significant trees or other valuable and character-defining mature vegetation; or

21 d. Sidewalk, curb, and/or curb ramp construction would preclude vehicular
22 access to the lot, for example on project sites where topography would render driveway access in
23 excess of the maximum 15 percent slope.

1 ~~((3. Deviation from sidewalk, curb, and curb ramp standards. After consultation~~
2 ~~with the Director of Transportation, the Director of Seattle Department of Construction and~~
3 ~~Inspections, the Director of Transportation may grant a deviation from sidewalk, curb, and curb~~
4 ~~ramp standards specified in the Right of Way Improvements Manual through the Deviation~~
5 ~~Request Process to address environmental, sustainability, or accessibility issues if the deviation~~
6 ~~provides access to the maximum extent feasible with a substantially equivalent alternative design~~
7 ~~or materials.~~

8 4.) 3. Notwithstanding any provision of Section 23.76.026, the applicant for a
9 Master Use Permit or a building permit to which the Land Use Code in effect prior to October
10 30, 2009 applies may, by written election, use the exemptions in subsections 23.53.006.F.1(~~(;)~~)
11 and 23.53.006.F.2(~~(, and 23.53.006.F.3)~~).

12 * * *

13 Section 44. Section 23.53.015 of the Seattle Municipal Code, last amended by Ordinance
14 126682, is amended as follows:

15 **23.53.015 Improvement requirements for existing streets in residential and commercial**
16 **zones**

17 A. General requirements

18 1. If new lots are proposed to be created, or if any type of development is
19 proposed in residential or commercial zones, existing streets abutting the lot(s) are required to be
20 improved in accordance with this Section 23.53.015 and Section 23.53.006. A setback from the
21 lot line, or dedication of right-of-way, may be required to accommodate the improvements. One
22 or more of the following types of improvements may be required under this Section 23.53.015:

- 23 a. Pavement;

- 1 b. Drainage;
- 2 c. Grading to future right-of-way grade;
- 3 d. Design of structures to accommodate future right-of-way grade;
- 4 e. No-protest agreements; and
- 5 f. Planting of street trees and other landscaping.

6 2. Subsections 23.53.015.D, 23.53.015.E, and 23.53.015.F contain((s)) exceptions
7 from the standard requirements for street improvements, including exceptions for streets that
8 already have curbs, projects that are smaller than a certain size, and for special circumstances,
9 such as location in an environmentally critical area or buffer.

10 3. Off-site improvements, such as provision of drainage systems or fire access
11 roads, shall be required pursuant to the authority of this Code or other ordinances to mitigate the
12 impacts of development.

13 4. Detailed requirements for street improvements are in the Right-of-Way
14 Improvements Manual.

15 5. The regulations in this Section 23.53.015 are not intended to preclude the use
16 of Chapter 25.05 to mitigate adverse environmental impacts.

17 6. Minimum right-of-way widths

18 a. Arterials. The minimum right-of-way widths for arterials as designated
19 by the Seattle Department of Transportation are as specified in the Right-of-Way Improvements
20 Manual.

21 b. Nonarterial streets

1 1) The minimum right-of-way width for an existing street that is
2 not an arterial designated on the Arterial street map, Section 11.18.010, is as shown on Table A
3 for 23.53.015.

Table A for 23.53.015(⇆) Minimum right-of-way widths for existing nonarterial streets	
Zone category	Required right-of-way width (in feet)
1. ((SF)) NR, LR1, LR2 and NC1 zones; and NC2 zones with a maximum height limit of 40 feet or less	40
2. LR3, MR, HR, NC2 zones with height limits of more than 40 feet, NC3, C1, C2 and SM zones	52

4 2) If a block is split into more than one zone, the required right-of-
5 way width shall be determined based on the requirements in Table A for 23.53.015 for the zone
6 category with the most frontage. If the zone categories have equal frontage, the minimum right-
7 of-way width is 52 feet.

8 B. Improvements to arterial streets. Except as provided in subsections 23.53.015.D,
9 23.53.015.E, and 23.53.015.F, arterials shall be improved according to the following
10 requirements:

11 1. If a street is designated as an arterial by the Seattle Department of
12 Transportation, a paved roadway and pedestrian access and circulation as required by Section
13 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is
14 located shall be provided in the portion of the street right-of-way abutting the lot, as specified in
15 the Right-of-Way Improvements Manual.

16 2. If necessary to accommodate the right-of-way and roadway widths specified in
17 the Right-of-Way Improvements Manual, dedication of right-of-way is required. If an existing
18 arterial street has less than the minimum right-of-way width established in subsection
19 23.53.015.A.6, dedication of additional right-of-way equal to half the difference between the

1 current right-of-way width and the minimum right-of-way width established in subsection
2 23.53.015.A.6 is required.

3 C. Improvements to non-arterial streets. Except as provided in subsections 23.53.015.D,
4 23.53.015.E, and 23.53.015.F, non-arterial streets shall be improved according to the following
5 requirements:

6 1. Non-arterial streets with right-of-way greater than or equal to the minimum
7 right-of-way width

8 a. Improvement requirements. When an existing non-arterial street right-
9 of-way is greater than or equal to the minimum right-of-way width established in subsection
10 23.53.015.A.6, a paved roadway with pedestrian access and circulation as required by Section
11 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is
12 located shall be provided, as specified in the Right-of-Way Improvements Manual.

13 b. Fire apparatus access. If the lot does not have vehicular access from a
14 street or private easement that meets the regulations for fire apparatus access roads in Chapter
15 22.600, such access shall be provided. When an existing street does not meet these regulations,
16 the Chief of the Fire Department may approve an alternative that provides adequate emergency
17 vehicle access.

18 c. Dead-end streets. Streets that form a dead end at the property to be
19 developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with
20 the Right-of-Way Improvements Manual. The Director, in consultation with the Director of
21 Seattle Department of Transportation, shall determine whether the street has the potential for
22 being extended or whether it forms a dead end because of topography and/or the layout of the
23 street system.

1 2. Non-arterial streets with less than the minimum right-of-way width

2 a. Dedication requirement. When an existing non-arterial street has less
3 than the minimum right-of-way width established in subsection 23.53.015.A.6, dedication of
4 additional right-of-way equal to half the difference between the current right-of-way width and
5 the minimum right-of-way width established in subsection 23.53.015.A.6 is required; provided,
6 however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be
7 required to dedicate more than that amount of right-of-way.

8 b. Improvement requirement. A paved roadway with pedestrian access and
9 circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by
10 the zone in which the lot is located shall be provided in the portion of the street right-of-way
11 abutting the lot, as specified in the Right-of-Way Improvements Manual.

12 c. Fire apparatus access. If the lot does not have vehicular access from a
13 street or private easement that meets the regulations for fire apparatus access roads in Chapter
14 22.600, such access shall be provided. When an existing street does not meet these regulations,
15 the Chief of the Fire Department may approve an alternative that provides adequate emergency
16 vehicle access.

17 d. Dead-end streets. Streets that form a dead end at the property to be
18 developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the
19 Right-of-Way Improvements Manual. The Director, in consultation with the Director of the
20 Seattle Department of Transportation, shall determine whether the street has the potential for
21 being extended or whether it forms a dead end because of topography and/or the layout of the
22 street system.

23 D. Exceptions for streets with existing curbs

1 ~~((1. Streets with existing curbs))~~

2 ~~((a-))~~ 1. Streets with right-of-way greater than or equal to the minimum right-of-
3 way width. If a street with existing curbs abuts a lot and the existing right-of-way is greater than
4 or equal to the minimum width established in subsection 23.53.015.A.6, but the roadway width is
5 less than the minimum established in the Right-of-Way Improvements Manual, the following
6 requirements shall be met:

7 ~~((1-))~~ a. All structures on the lot shall be designed and built to
8 accommodate the grade of the future street improvements.

9 ~~((2-))~~ b. A no-protest agreement to future street improvements is required,
10 as authorized by chapter 35.43 RCW. The agreement shall be recorded with the King County
11 Recorder.

12 ~~((3-))~~ c. Pedestrian access and circulation are required as specified in
13 Section 23.53.006.

14 ~~((b-))~~ 2. Streets with less than the minimum right-of-way width. If a street with
15 existing curbs abuts a lot and the existing right-of-way is less than the minimum width
16 established in subsection 23.53.015.A.6, the following requirements shall be met:

17 ~~((1-))~~ a. Setback requirement. A setback equal to half the difference
18 between the current right-of-way width and the minimum right-of-way width established in
19 subsection 23.53.015.A.6 is required; provided, however, that if a setback has been provided
20 under this provision, other lots on the block shall provide the same setback. ~~((In all residential
21 zones except Highrise zones, an additional 3-foot setback is also required.))~~ The area of the
22 setback may be used to meet any development standard, except that required parking may not be
23 in the setback. Underground structures that would not prevent the future widening and

1 improvement of the right-of-way may be permitted in the required setback by the Director after
2 consulting with the Director of Transportation. Encroachments into this setback shall not be
3 considered structural building overhangs, but the encroachment is limited to the standards set
4 forth in Section 23.53.035. In all residential zones except Highrise zones, an additional 3-foot
5 setback is also required.

6 ((2)) b. Grading requirement. If a setback is required, all structures on the
7 lot shall be designed and built to accommodate the grade of the future street, as specified in the
8 Right-of-Way Improvements Manual.

9 ((3)) c. No-protest agreement requirement. A no-protest agreement to
10 future street improvements is required, as authorized by chapter 35.43 RCW. The agreement
11 shall be recorded with the King County Recorder.

12 ((4)) d. Pedestrian access and circulation are required as specified in
13 Section 23.53.006.

14 ((2-Projects)) E. Exceptions for projects with reduced improvement requirements

15 ((a-)) 1. One or two dwelling units. If no more than two new dwelling units are
16 proposed to be constructed, or no more than two new neighborhood residential zoned lots are
17 proposed to be created, the following requirements shall be met:

18 ((1)) a. If there is no existing hard-surfaced roadway, a crushed-rock
19 roadway at least 16 feet in width is required, as specified in the Right-of-Way Improvements
20 Manual.

21 ((2)) b. All structures on the lot(s) shall be designed and built to
22 accommodate the grade of the future street improvements.

1 ((3)) c. A no-protest agreement to future street improvements is required,
2 as authorized by chapter 35.43 RCW. The agreement shall be recorded with the King County
3 Recorder.

4 ((4)) d. Pedestrian access and circulation are required as specified in
5 Section 23.53.006.

6 ((b)) 2. Other projects with reduced requirements. The types of projects listed in
7 this subsection ((23.53.015.D.2.b)) 23.53.015.E.2 are exempt from right-of-way dedication
8 requirements and are subject to the street improvement requirements of this subsection
9 ((23.53.015.D.2.b)) 23.53.015.E.2, except as waived or modified pursuant to subsection
10 ((23.53.015.D.3)) 23.53.015.F. The requirements of subsection 23.53.015.D.2 shall also be met.

11 ((4)) a. Types of projects

12 ((a)) 1) Proposed developments that contain more than two but
13 fewer than ten units in NR, RSL, and LR1 zones, or fewer than six residential units in all other
14 zones, or proposed short plats in which no more than two additional lots are proposed to be
15 created, except as provided in subsection ((23.53.015.D.2.a)) 23.53.015.E.1;

16 ((b)) 2) The following uses if they are smaller than 750 square feet
17 of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales uses;

18 ((e)) 3) Non-residential structures that have less than 4,000 square
19 feet of gross floor area and that do not contain uses listed in subsection ((23.53.015.D.2.b.1.b))
20 23.53.015.E.2.a.2 that are larger than 750 square feet;

21 ((d)) 4) Structures containing a mix of residential uses and either
22 nonresidential uses or live-work units, if there are fewer than ten units in NR, RSL, and LR1
23 zones, or fewer than six residential units in all other zones, and the square footage of

1 nonresidential use is less than specified in subsections (~~(23.53.015.D.2.b.1.b)~~) 23.53.015.E.2.a.2
2 and (~~(23.53.015.D.2.b.1.e)~~) 23.53.015.E.2.a.3;

3 (~~(e)~~) 5) Remodeling and use changes within existing structures;

4 (~~(f)~~) 6) Additions to existing structures that are exempt from
5 environmental review; and

6 (~~(g)~~) 7) Expansions of surface parking, outdoor storage, outdoor
7 sales or outdoor display of rental equipment of less than 20 percent of the parking, storage, sales
8 or display area or number of parking spaces.

9 (~~(2)~~) b. Paving requirement. For the types of projects listed in subsection
10 (~~(23.53.015.D.2.b.1)~~) 23.53.015.E.2.a, the streets abutting the lot shall have a hard-surfaced
11 roadway at least 18 feet wide. If there is not an 18-foot wide hard-surfaced roadway, the roadway
12 shall be paved to a width of at least 20 feet from the lot to the nearest hard-surfaced street
13 meeting this requirement, or 100 feet, whichever is less. Streets that form a dead end at the
14 property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as
15 specified in the Right-of-Way Improvements Manual. As a Type 1 decision, the Director, after
16 consulting with the Director of Transportation, shall determine whether the street has the
17 potential for being extended or whether it forms a dead end because of topography or the layout
18 of the street system.

19 (~~(3) Other requirements. The requirements of subsection~~
20 ~~23.53.015.D.1.b shall also be met.~~)

21 (~~(3)~~) F. Exceptions from required street improvements. As a Type 1 decision, the
22 Director, in consultation with the Director of Transportation, may waive or modify the
23 requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, and

1 landscaping if one or more of the following conditions are met. The waiver or modification shall
2 provide the minimum relief necessary to accommodate site conditions while maximizing access
3 and circulation.

4 ~~((a-))~~ 1. Location in an environmentally critical area or buffer, disruption of
5 existing drainage patterns, or removal of natural features such as significant trees or other
6 valuable and character-defining mature vegetation makes widening or improving the right-of-
7 way impractical or undesirable.

8 ~~((b-))~~ 2. The existence of a bridge, viaduct, or structure such as a substantial
9 retaining wall in proximity to the project site makes widening or improving the right-of-way
10 impractical or undesirable.

11 ~~((c-))~~ 3. Widening the right-of-way or improving the street would adversely affect
12 the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan
13 for green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the
14 stated goals of such a plan.

15 ~~((d-))~~ 4. Widening or improving the right-of-way would preclude vehicular access
16 to an existing lot.

17 ~~((e-))~~ 5. Widening or improving the right-of-way would make building on a lot
18 infeasible by reducing it to dimensions where development standards cannot reasonably be met.

19 ~~((f-))~~ 6. One or more substantial principal structures on the same side of the block
20 as the proposed project are in the area needed for future expansion of the right-of-way and the
21 structure(s)' condition and size make future widening of the remainder of the right-of-way
22 unlikely.

1 street, and the connecting street is an arterial designated on the Arterial street map, Section
2 11.18.010, either the remainder of the alley shall be improved so that it is passable to a passenger
3 vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

4 1) Residential structures with fewer than ten units;

5 2) The following uses if they are smaller than 750 square feet of
6 gross floor area: major and minor vehicle repair uses, and multipurpose retail sales;

7 3) Nonresidential structures or structures with one or more live-
8 work units that: (a) have less than 4,000 square feet of gross floor area; and (b) do not contain
9 uses listed in subsection 23.53.030.E.1.a.2 that are larger than 750 square feet;

10 4) Structures containing a mix of residential and either
11 nonresidential uses or live-work units, if the residential use is less than ten units, and the total
12 square footage of nonresidential uses and live-work units is less than specified in subsections
13 23.53.030.E.1.a.2 and E.1.a.3;

14 5) Remodeling and use changes within existing structures, if
15 remodeling and use changes require increases to parking spaces, open storage, or loading berths
16 on a lot;

17 6) Additions to existing structures that are exempt from
18 environmental review; and

19 7) Expansions of a surface parking area or open storage area of less
20 than 20 percent of the parking area, storage area or number of parking spaces.

21 b. For projects not listed in subsection 23.53.030.E.1.a, the entire width of
22 the portion of the alley abutting the lot, and the portion of the alley between the lot and a
23 connecting street, shall be paved. The applicant may choose the street to which the pavement

1 will be installed. If the alley does not extend from street to street, and the connecting street is an
2 arterial designated on the Arterial street map, Section 11.18.010, either the remainder of the alley
3 shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided.
4 The turnaround may be provided by easement.

5 2. If the alley is not used for access, or if the alley is not fully improved, all
6 structures shall be designed to accommodate the grade of the future alley improvements, and a
7 no-protest agreement to future alley improvements is required, as authorized by chapter 35.43
8 RCW (~~Chapter 35.43~~). The agreement shall be recorded with the King County Recorder.

9 * * *

10 Section 46. Table A for Section 23.54.015 of the Seattle Municipal Code, which section
11 was last amended by Ordinance 126862, is amended as follows:

12 **23.54.015 Required parking and maximum parking limits**

13 * * *

Table A for 23.54.015				
Required parking for non-residential uses other than institutions				
Use		Minimum parking required		
I. General non-residential uses (other than institutions)				
* * *				
((G.))	TRANSITIONAL ENCAMPMENT INTERIM USE		1 space for every vehicle used as shelter; plus 1 space for each 2 staff members on-site at peak staffing times)	
((H.)) G.	TRANSPORTATION FACILITIES			
	((H.)) G.1.	Cargo terminals	1 space for each 2,000 square feet	
	((H.)) G.2.	Parking and moorage		
		((H.)) G.2.a.	Flexible-use parking	None
		((H.)) G.2.b.	Towing services	None

	(H.) G.2.c.	Boat moorage	1 space for each 2 berths
	(H.) G.2.d.	Dry storage of boats	1 space for each 2,000 square feet
	(H.) G.3.	Passenger terminals	1 space for each 100 square feet of waiting area
	(H.) G.4.	Rail transit facilities	None
	(H.) G.5.	Transportation facilities, air	1 space for each 100 square feet of waiting area
	(H.) G.6.	Vehicle storage and maintenance uses	1 space for each 2,000 square feet
(H.) H.	UTILITIES		1 space for each 2,000 square feet

II. Non-residential use requirements for specific areas

(J.) I.	Non-residential uses in urban centers or the Station Area Overlay District ⁵	No minimum requirement
(K.) J.	Non-residential uses in urban villages that are not within an urban center or the Station Area Overlay District, if the non-residential use is located within a frequent transit service area ⁵	No minimum requirement
(L.) K.	Non-residential uses permitted in MR and HR zones pursuant to Section 23.45.504	No minimum requirement
(M.) L.	Non-residential uses permitted in II zones	No minimum requirement

Footnotes for Table A for 23.54.015

¹ No parking is required for urban farms or community gardens in residential zones.

² Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three hours before an event is scheduled to begin and ending one hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be 50 percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one space for each ten fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least 15 days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series 15 days prior to the first event in the series. If the Director finds that a certification of projected attendance of 50 percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or

advance ticket sales, the Director shall, within 15 days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.

³ For indoor sports and recreation uses that exceed 25,000 square feet in size in a Manufacturing Industrial Center, the minimum requirement is 1 space for each 2,000 square feet.

⁴ The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.

⁵ The general minimum requirements of Part I of Table A for 23.54.015 are superseded to the extent that a use, structure, or development qualifies for either a greater or a lesser minimum parking requirement (which may include no requirement) under any other provision. To the extent that a non-residential use fits within more than one line in Table A for 23.54.015, the least of the applicable minimum parking requirements applies. The different parking requirements listed for certain categories of non-residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.

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Table C for 23.54.015	
Required parking for public uses and institutions	
Use	Minimum parking required
I. General public uses and institutions	
A.	Adult care centers ^{1, 2, 3}
	1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)
B.	Child care centers ^{2, 3, 4, 12}
	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children
* * *	
F.	Community farms ^{((⁴))⁵}
	1 space plus 1 space for each 10,000 square feet of site area, or 10 spaces, whichever is ((greater)) less
* * *	

Footnotes 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.

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.

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.

⁸ When a library is permitted in a multifamily or commercial zone as a conditional use, the Director may modify the parking requirements 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.

⁹ 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 in this Table C for 23.54.015 for the increase in floor 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.

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.

¹¹ The general requirements of lines A through 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.

¹² The Director may reduce the minimum parking requirements for a child care center in any zone if a portion of its parking demand can be accommodated in nearby on-street parking.

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Section 47. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.54.030 Parking space and access standards

All parking spaces provided, whether required by Section 23.54.015 or not, and required barrier-free parking, shall meet the standards of this Section 23.54.030.

* * *

B. Parking space requirements. The required size of parking spaces shall be determined by whether the parking is for a residential, live-work, or non-residential use. In structures containing residential uses and also containing either non-residential uses or live-work units, parking that is clearly set aside and reserved for residential or live-work use shall meet the standards of subsection 23.54.030.B.1. Parking for all other uses within the structure shall meet the standards of subsection 23.54.030.B.2. All uses shall provide barrier-free accessible parking if required by the Seattle Building Code or the Seattle Residential Code.

1. Residential uses

a. When five or fewer parking spaces are provided, the minimum required size of a parking space shall be for a medium vehicle, as described in subsection 23.54.030.A.2, except as provided in subsection 23.54.030.B.1.d.

1 b. When more than five parking spaces are provided, a minimum of 60
2 percent of the parking spaces shall be striped for medium vehicles. The minimum size for a
3 medium parking space shall also be the maximum size. Forty percent of the parking spaces may
4 be striped for any size category in subsection 23.54.030.A, provided that when parking spaces
5 are striped for large vehicles, the minimum required aisle width shall be as shown for medium
6 vehicles.

7 c. Assisted living facilities. Parking spaces shall be provided as in
8 subsections 23.54.030.B.1.a and 23.54.030.B.1.b, except that a minimum of two spaces shall be
9 striped for a large vehicle.

10 d. Townhouse units. For an individual garage serving a townhouse unit,
11 the minimum required size of a parking space shall be for a medium vehicle, as described in
12 subsection 23.54.030.A.

13 2. Non-residential uses

14 a. When ten or fewer parking spaces are provided, a maximum of 25
15 percent of the parking spaces may be striped for small vehicles. A minimum of 75 percent of the
16 spaces shall be striped for large vehicles.

17 b. When between 11 and 19 parking spaces are provided, a minimum of
18 25 percent of the parking spaces shall be striped for small vehicles. The minimum required size
19 for these small parking spaces shall also be the maximum size. A maximum of 65 percent of the
20 parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall
21 be striped for large vehicles.

22 c. When 20 or more parking spaces are provided, a minimum of 35
23 percent of the parking spaces shall be striped for small vehicles. The minimum required size for

1 small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking
2 spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped
3 for large vehicles.

4 d. The minimum vehicle clearance shall be at least 6 feet 9 inches on at
5 least one floor, and there shall be at least one direct entrance (~~((from the street))~~) that is at least 6
6 feet 9 inches in height for all parking garages accessory to non-residential uses and live-work
7 units and for all flexible-use parking garages.

8 3. Live-work uses. The first required parking space shall meet the parking
9 standards for residential use. Additional required parking for a live-work use shall meet the
10 parking standards for non-residential use.

11 * * *

12 J. The Director may, as a Type I decision, modify any required dimension or distribution
13 percentage of parking spaces identified in subsections (~~((23.54.030.B.2 for nonresidential uses
14 and live-work units))~~) 23.54.030.A or 23.54.030.B to allow more efficient use of a surface
15 parking area or parking garage, when the parking area or parking garage provides adequate and
16 safe circulation.

17 * * *

18 Section 48. Section 23.55.032 of the Seattle Municipal Code, enacted by Ordinance
19 123543, is amended as follows:

20 **23.55.032 Signs in the Sand Point Overlay District((=))**

21 * * *

22 F. (~~((On-Premises Signs.))~~) On-premises signs

1 1. The following on-premises signs are permitted in addition to the signs
2 permitted by subsections 23.55.032.F.2 and F.3:

3 a. Memorial signs or tablets, and the names of buildings and dates of
4 building erection when cut into a masonry surface or constructed of bronze or other
5 noncombustible materials, up to a maximum of 5 square feet;

6 b. Signs for public facilities indicating danger and/or providing service or
7 safety information;

8 c. National, state, county, city, and institutional flags. In addition, flags are
9 permitted for a non-profit organization not meeting the definition of an Institution in ((~~Seattle~~
10 ~~Municipal Code Section 23.84~~)) Section 23.84A.018.

11 2. The number and type of on-premises signs allowed for business establishments
12 in subarea B and subarea C of the Sand Point Overlay District are as follows:

13 a. Each individual business establishment is permitted one projecting sign
14 oriented to pedestrians on each building facade occupied by that business on public rights-of-
15 way and publicly-owned roadways. The maximum area of this sign is 16 square feet.

16 b. Each individual business establishment is permitted one of the
17 following types of signs for each 300 linear feet, or portion thereof, of building facade occupied
18 by that business establishment on public rights-of-way and publicly-owned roadways. These
19 signs are:

20 *~~(i. wall;~~*

21 *~~ii. ground;~~*

22 *~~iii. projecting;~~*

23 *~~iv. awning;~~*

- ~~v. canopy;~~
- ~~vi. marquee, or~~
- ~~vii. under marquee.))~~
- 1) Wall;
- 2) Ground;
- 3) Projecting;
- 4) Awning;
- 5) Canopy;
- 6) Marquee; or
- 7) Under-marquee.

The maximum area for any of these signs is 48 square feet each. The sign shall be located on the portion of the structure that is on the public right-of-way or publicly owned roadway and occupied by the business establishment.

c. A business establishment with more than 300 linear feet of a building facade on a public right-of-way or publicly owned roadway is permitted to have one additional sign of the type permitted under subsection 23.55.032.F.2.b. A business establishment that is permitted to have two signs under this subsection 23.55.032.F.2.c may combine the two signs into one of the type of signs permitted under subsection 23.55.032.F.2.b, up to a maximum total combined area of 96 square feet.

d. Sign ~~((Height.))~~ height

~~((1))~~ 1) The maximum height for any portion of a pedestrian oriented projecting sign permitted under subsection 23.55.032.F.2.a is 10 feet above existing grade.

1 B. Inability to use certain capacity

2 1. In a SM-U 75-240, SM-U/R 75-240, or SM-U 95-320 zone, the performance
3 calculation amount according to Table B for 23.58C.050 shall be reduced to six percent and the
4 payment calculation amount according to Table B for 23.58C.040 shall be reduced such that it is
5 equal to the amount that applies in SM-U 85 if the applicant demonstrates that the site does not
6 meet the minimum lot size required for a highrise structure according to subsection
7 23.48.615.A.2, or that one or more specific requirements of Sections 23.48.635, 23.48.645, and
8 23.48.646 would prevent a highrise development from being able to achieve an average highrise
9 floor area of at least 7,500 square feet for stories subject to the highrise floor area limit according
10 to Section 23.48.645. For purposes of this subsection 23.58C.035.B.1, the following shall apply:

11 a. Financial feasibility shall not be considered in determining whether a
12 threshold could be achieved.

13 b. Recommendations by a Design Review Board shall not be considered
14 requirements of this Title 23.

15 2. In Downtown and SM-SLU zones listed in Table A for 23.58C.035, the
16 payment calculation amount according to Table A for 23.58C.040 and the performance
17 calculation amount according to Table A for 23.58C.050 shall be reduced if all of the conditions
18 of subsections 23.58C.035.B.2.a and 23.58C.035.B.2.b are met. The amount of the reduction
19 shall be as identified in subsections 23.58C.035.B.2.c and 23.58C.035.B.2.d.

20 a. If the development is located in a DOC1 zone, the development has a lot
21 size of at least 16,000 square feet.

22 b. The applicant demonstrates that one or more specific requirements of
23 this Title 23 directly prohibit the development from being able to achieve the maximum size

1 threshold or the secondary size threshold according to Table A for 23.58C.035 for the zone in
2 which the development is located. For purposes of this subsection 23.58C.035.B.2, the following
3 shall apply:

4 1) Financial feasibility shall not be considered in determining
5 whether a threshold could be achieved.

6 2) Recommendations by a Design Review Board shall not be
7 considered requirements of this Title 23.

8 3) The development shall be considered able to achieve the
9 secondary or maximum size threshold according to Table A for 23.58C.035 if any portion of the
10 development to which this Chapter 23.58C applies containing occupiable space could achieve
11 that size threshold, excluding rooftop features.

12 c. If the project cannot achieve the secondary size threshold for the
13 applicable development standard in Table A for 23.58C.035, the payment calculation amount
14 according to Table A for 23.58C.040 and the performance calculation amount according to Table
15 A for 23.58C.050 shall be reduced by the maximum reduction percentage according to Table A
16 for 23.58C.035.

17 d. If the project can achieve the secondary size threshold, but cannot
18 achieve the maximum size threshold for the applicable development standard in Table A for
19 23.58C.035, the payment calculation amount according to Table A for 23.58C.040 and the
20 performance calculation amount according to Table A for 23.58C.050 shall be reduced by a
21 percentage equal to the maximum reduction percentage in Table A for 23.58C.035 multiplied by
22 the difference of the maximum size threshold minus the size that could be achieved under
23 requirements of Title 23 and divided by the difference of the maximum size threshold minus the

1 secondary size threshold, provided that the total reduction shall never be more than the
2 maximum reduction percentage.

3 * * *

4 Section 50. Section 23.66.110 of the Seattle Municipal Code, last amended by Ordinance
5 121568, is amended as follows:

6 **23.66.110 Responsible agency((:))**

7 A. A special review board for the Pioneer Square Preservation District is created and
8 shall be known as the “Pioneer Square Preservation Board” (hereafter, the “Board” or the
9 “Preservation Board”). The Preservation Board shall be composed of nine ~~((9))~~ members, all of
10 whom shall be appointed by the Mayor and confirmed by the Council, and shall consist of two
11 ~~((2))~~ architects, two ~~((2))~~ owners of property in the District, one ~~((4))~~ District retail business
12 owner, one ~~((4))~~ attorney, one ~~((4))~~ human service representative, one ~~((4))~~ at-large
13 member, and one ~~((4))~~ historian or architectural historian. At least one ~~((4))~~ of the Board’s
14 members shall be a resident of the District. Appointments shall be for staggered terms of three
15 ~~((3))~~ years each~~((, except that initial appointments shall be staggered so that three (3) of the~~
16 ~~appointees shall serve for three (3) years, three (3) for two ((2)) years, and three (3) for one (1)~~
17 ~~year each. All members of the Pioneer Square Preservation Board, established by Ordinance~~
18 ~~110058, are appointed and confirmed as interim members of the Pioneer Square Preservation~~
19 ~~Board and shall serve until appointments pursuant to this chapter have been completed.))~~
20 Members ~~((of the Preservation Board))~~ shall serve without compensation.

21 ~~((In addition to the members set forth above, one 1))~~ One additional designated young
22 adult position shall be added to the Preservation Board pursuant to the Get Engaged Program,

1 ((SMC)) Chapter 3.51. The terms of service related to this young adult position are set forth in
2 ((SMC)) Chapter 3.51.

3 B. The Department of Neighborhoods Director shall provide staff and clerical support for
4 the Preservation Board and shall assign a member of the Department’s staff to act as
5 Preservation Board Coordinator. The Coordinator shall be the custodian of the Board’s records,
6 handle official correspondence, and organize and supervise the Board’s clerical and technical
7 work. The Coordinator shall also recommend to the Preservation Board such actions, policies,
8 rules and regulations as may be necessary to carry out the purposes of this ((chapter)) Chapter
9 23.66.

10 C. The Department of Neighborhoods Director, after receiving the Board’s
11 recommendations, shall formulate detailed rules, to be adopted after a public hearing pursuant to
12 Chapter 3.02 ((of this Code)), which will clarify the use and development standards for the
13 District.

14 Section 51. Section 23.66.122 of the Seattle Municipal Code, last amended by Ordinance
15 125558, is amended as follows:

16 **23.66.122 Prohibited uses**

17 A. The following uses are prohibited in the Pioneer Square Preservation District as both
18 principal and accessory uses:

- 19 1. Retail ice dispensaries;
- 20 2. Plant nurseries;
- 21 3. Frozen food lockers;
- 22 4. Animal shelters and kennels;

- 1 5. Pet daycare, except as permitted as a street-level use in subsection 23.49.180.F
- 2 if an applicant elects to use added height under the provisions of Section 23.49.180;
- 3 6. Automotive sales and service, except gas stations located in parking garages;
- 4 7. Marine sales and service;
- 5 8. Heavy commercial services;
- 6 9. Heavy commercial sales;
- 7 10. Adult motion picture theaters;
- 8 11. Adult panorams;
- 9 12. Bowling alleys;
- 10 13. Skating rinks;
- 11 14. Major communication utilities;
- 12 15. Advertising signs and off-premises directional signs;
- 13 16. Transportation facilities, except passenger terminals, rail transit facilities,
- 14 parking garages, and streetcar maintenance bases;
- 15 17. Outdoor storage;
- 16 18. Jails;
- 17 19. Work-release centers;
- 18 20. General and heavy manufacturing uses;
- 19 21. Solid waste management;
- 20 22. Recycling uses;
- 21 23. Major (~~marijuana~~) cannabis activity; and
- 22 24. High-impact uses.

* * *

1 Section 52. Section 23.66.322 of the Seattle Municipal Code, last amended by Ordinance
2 124969, is amended as follows:

3 **23.66.322 Prohibited uses**

4 A. The following uses are prohibited as both principal and accessory uses in the entire
5 International Special Review District:

- 6 1. Adult motion picture theaters;
- 7 2. Adult panorams;
- 8 3. All general and heavy manufacturing uses;
- 9 4. All high-impact uses;
- 10 5. Solid waste management;
- 11 6. Recycling uses;
- 12 7. Automotive sales and service;
- 13 8. Bowling lanes;
- 14 9. Major communication utilities;
- 15 10. Heavy commercial sales;
- 16 11. Drive-in businesses;
- 17 12. Frozen food lockers;
- 18 13. Heavy commercial services;
- 19 14. Marine sales and services;
- 20 15. Medical testing laboratories;
- 21 16. Mortuary services;
- 22 17. Motels;
- 23 18. Outdoor storage;

- 1 19. Plant nurseries;
- 2 20. Retail ice dispensaries;
- 3 21. Shooting galleries;
- 4 22. Skating rinks;
- 5 23. Mobile home parks;
- 6 24. Transportation facilities except: passenger terminals, rail transit facilities, and
- 7 parking and moorage uses;
- 8 25. Animal shelters and kennels;
- 9 26. Jails;
- 10 27. Major (~~marijuana~~) cannabis activity; and
- 11 28. Work-release centers.

12 * * *

13 Section 53. Section 23.69.002 of the Seattle Municipal Code, last amended by Ordinance
14 126685, is amended as follows:

15 **23.69.002 Purpose and intent**

16 The purpose of this Chapter 23.69 is to regulate Seattle’s major educational and medical
17 institutions (~~in order~~) to:

18 * * *

19 D. Provide for the coordinated growth of major institutions through major institution
20 (~~conceptual~~) master plans and the establishment of major institutions overlay zones;

21 * * *

22 Section 54. Section 23.69.032 of the Seattle Municipal Code, last amended by Ordinance
23 126685, is amended as follows:

1 **23.69.032 Master plan process**

2 A. Not less than 60 days prior to applying for a master plan, the institution shall file a
3 notice of intent to prepare a master plan with the Director.

4 B. Formation of a Development or Implementation Advisory Committee

5 1. Immediately following submittal of a notice of intent to prepare a master plan,
6 the institution shall initiate the establishment of a Development Advisory Committee of at least
7 six, but no more than 12 members. In addition, all institutions with adopted master plans shall
8 have an Implementation Advisory Committee.

9 2. Where there is more than one Major Institution in the same general area, as
10 determined by the Director, a single Advisory Committee serving more than one institution may
11 be permitted.

12 3. The institution, in consultation with the Director of the Department of
13 Neighborhoods, shall notify individuals and organizations directly affected by the actions of the
14 institution of ~~((the opportunity))~~ opportunities to serve on its Advisory Committee. To the extent
15 possible, members of the Advisory Committee should possess experience in such areas as
16 consensus building, community organizing, land use and zoning, architecture or landscape
17 architecture, economic development, real estate development, and educational or medical
18 services. A nonmanagement representative of the institution shall be included.

19 4. Members of the Advisory Committee shall have no direct economic
20 relationship with the institution except as provided in subsection 23.69.032.B.3.

21 5. The Director of the Department of Neighborhoods shall review the list of
22 potential ~~((advisory committee))~~ Advisory Committee members and recommend to the Council
23 those individuals appropriate to achieve a balanced, independent, and representative

1 Development Advisory Committee. ~~((After the recommendation has been submitted, the~~
2 ~~Department of Neighborhoods may convene the Development Advisory Committee.))~~ The City
3 Council may confirm the Development Advisory Committee composition, make changes in the
4 size and/or composition of the Development Advisory Committee, or remand the matter to the
5 Director of the Department of Neighborhoods for further action. The City Council shall establish
6 the final composition of the Development Advisory Committee through a memorandum of
7 agreement with the institution, prepared by the Department of Neighborhoods and adopted by
8 resolution.

9 6. Four nonvoting, ex-officio members of the Advisory Committee shall represent
10 the Major Institution, the Seattle Department of Construction and Inspections, the Department of
11 Neighborhoods, and the Seattle Department of Transportation.

12 7. The ~~((advisory committee))~~ Advisory Committee shall be staffed by the
13 Department of Neighborhoods with the cooperation and assistance of the Major Institution.
14 Technical assistance to the committee shall be provided by the Seattle Department of
15 Construction and Inspections, the Seattle Department of Transportation, and the Department of
16 Neighborhoods.

17 8. During the master plan review and adoption process, the Council may, in the
18 interest of ensuring representative community participation on the Implementation Advisory
19 Committee, amend the size and/or composition of the Implementation Advisory Committee.

20 9. The City-University Community Advisory Committee (CUCAC) shall serve as
21 the Development and Implementation Advisory Committee for the University of Washington.

1 10. The Director of the Department of Neighborhoods shall promulgate rules
2 applicable to Major Institution advisory committees, including terms of office, selection of
3 chairpersons, and methods of conflict resolution.

4 C. Application for a (~~(Master Plan.)~~) master plan

5 1. Within (~~(one hundred twenty (120))~~) 120 days of filing a notice of intent to
6 prepare a master plan, the institution shall submit an application and applicable fees for a master
7 plan. This application shall include an environmental checklist and a concept plan. The
8 requirement for the environmental checklist may be waived if the Director and the Major
9 Institution agree that an Environmental Impact Statement (EIS) will be prepared. The concept
10 plan shall consist of the following:

- 11 a. Proposed institution boundaries; and
- 12 b. A proposed site plan including planned development and an estimate of
13 total gross floor area proposed by the Major Institution; and
- 14 c. Planned uses; and
- 15 d. Any planned street vacations and planned parking location and access;
16 and
- 17 e. A description of alternative proposals for physical development and
18 decentralization options, including a detailed explanation of the reasons for considering each
19 alternative; and
- 20 f. A description of the uses and character of the neighborhood surrounding
21 the major institution and how the Major Institution relates to the surrounding area. This shall
22 include pedestrian connections, physical and visual access to surrounding amenities and services,

1 and the relationship of the Major Institution to other Major Institution development within ((two
2 thousand five hundred (2,500))) 2,500 feet of its MIO District boundaries.

3 2. The Development Advisory Committee shall review and may submit
4 comments on the concept plan and if there is one, the environmental checklist.

5 3. After an application for a master plan has been filed, the Director, in
6 consultation with the institution and the Development Advisory Committee, shall prepare a
7 schedule for the completion of the master plan. The timelines described in this ((section))
8 Section 23.69.032 shall be goals((;)) and shall form the basis for the master plan schedule. The
9 goal of the City Council shall be to make a decision on the master plan within ((twenty four
10 (24))) 24 months from the date of application.

11 4. Notice of application for a master plan shall be provided as required by Chapter
12 23.76((, Procedures for Master Use Permits and Council Land Use Decisions)).

13 D. Development of ((Master Plan)) master plan

14 1. The Development Advisory Committee shall participate directly in the
15 formulation of the master plan from the time of its preliminary concept so that the concerns of
16 the community and the institution are considered. The primary role of the Development Advisory
17 Committee is to work with the Major Institution and the City to produce a master plan that meets
18 the intent of Section 23.69.025. Development Advisory Committee comments shall focus on
19 identifying and mitigating the potential impacts of institutional development on the surrounding
20 community based on the purpose and intent of this Chapter 23.69 as described in Section
21 23.69.002 and as prescribed in Chapter 25.05((, Environmental Policies and Procedures)). The
22 Development Advisory Committee may review and comment on the mission of the institution,
23 the need for the expansion, public benefits resulting from the proposed new development, and

1 the way in which the proposed development will serve the public purpose mission of the Major
2 Institution, but these elements are not subject to negotiation nor shall such review delay
3 consideration of the master plan or the final recommendation to Council.

4 2. The Development Advisory Committee shall hold open meetings with the
5 institution and City staff to discuss the master plan and resolve differences. The institution shall
6 provide adequate and timely information to the Development Advisory Committee for its
7 consideration of the content and level of detail of each of the specific elements of the master
8 plan.

9 3. The threshold determination of need for preparation of an Environmental
10 Impact Statement (EIS) shall be made as required by Chapter 25.05(~~(Environmental Policies~~
11 ~~and Procedures)~~).

12 4. If an EIS is required and an institution is the lead agency, it shall initiate a
13 predraft EIS consultation with the Director. The Development Advisory Committee shall meet to
14 discuss the scope of the document. The Development Advisory Committee shall submit its
15 comments on the scope of the draft EIS to the lead agency and the Director before the end of the
16 scoping comment period. The lead agency shall prepare a final scope within one week after the
17 end of the scoping period.

18 5. The institution shall prepare a preliminary draft master plan within 70 days of
19 completion of the final scope of the EIS.

20 6. If an EIS is required, the institution or Seattle Department of Construction and
21 Inspections, whichever is lead agency, shall be responsible for the preparation of a preliminary
22 draft EIS within 70 days of the completion of the final scope, or approval of an EIS consultant
23 contract, whichever is later.

1 7. The Development Advisory Committee, the Director of Transportation, the
2 Director, and the institution shall submit comments on the preliminary draft master plan and the
3 preliminary draft EIS to the lead agency within three weeks of receipt, or on the environmental
4 checklist and supplemental studies if an EIS is not required. If the Seattle Department of
5 Construction and Inspections is the lead agency, a compiled list of the comments shall be
6 submitted to the institution within ten days of receipt of the comments.

7 8. Within three weeks of receipt of the compiled comments, the institution shall
8 review the comments and revise the preliminary draft master plan, if necessary, discussing and
9 evaluating in writing the comments of all parties. The lead agency shall review the comments
10 and be responsible for the revision of the preliminary draft EIS if necessary. If no EIS is
11 required, the lead agency shall review the comments and be responsible for the annotation of the
12 environmental checklist and revisions to any supplemental studies if necessary. Within three
13 weeks after receipt of the revised drafts, the Director shall review the revised drafts and may
14 require further documentation or analysis on the part of the institution. Three additional weeks
15 may be spent revising the drafts for publication.

16 9. The Director shall publish the draft master plan. If an EIS is required, the lead
17 agency shall publish the draft EIS.

18 10. The Director and the lead agency shall hold a public hearing on the draft
19 master plan and if an EIS is required, on the draft EIS.

20 11. The Development Advisory Committee, the Director of Transportation, and
21 the Director shall submit comments on the draft master plan and, if an EIS is required, on the
22 draft EIS within six weeks after the issuance of the draft master plan and EIS.

1 12. Within 13 weeks after receipt of the comments, the institution shall review the
2 comments on the draft master plan and shall prepare the final master plan.

3 13. If an EIS is required, the lead agency shall be responsible for the preparation
4 of a preliminary final EIS, following the public hearing and within six weeks after receipt of the
5 comments on the draft EIS. The Director of Transportation, the Director, and the institution shall
6 submit comments on the preliminary final EIS.

7 14. The lead agency shall review the comments on the preliminary final EIS and
8 shall be responsible for the revision of the preliminary final EIS, if necessary. The Director shall
9 review the revised final document and may require further documentation or analysis on the part
10 of the institution.

11 15. Within seven weeks after preparation of the preliminary final EIS, the
12 Director shall publish the final master plan and, if an EIS is required, the lead agency shall
13 publish the final EIS.

14 E. Draft report and recommendation of the Director

15 1. Within five weeks of the publication of the final master plan and EIS, the
16 Director shall prepare a draft report on the application for a master plan as provided in Section
17 23.76.050.

18 2. In the Director's Report, a determination shall be made whether the planned
19 development and changes of the Major Institution are consistent with the purpose and intent of
20 this Chapter 23.69, and represent a reasonable balance of the public benefits of development and
21 change with the need to maintain livability and vitality of adjacent neighborhoods. Consideration
22 shall be given to:

1 a. The reasons for institutional growth and change, the public benefits
2 resulting from the planned new facilities and services, and the way in which the proposed
3 development will serve the public purpose mission of the major institution; and

4 b. The extent to which the growth and change will significantly harm the
5 livability and vitality of the surrounding neighborhood.

6 3. In the Director's Report, an assessment shall be made of the extent to which the
7 Major Institution, with its proposed development and changes, will address the goals and
8 applicable policies ~~((under the Human Development))~~ in the Community Well-Being Element of
9 the Comprehensive Plan.

10 4. The Director's analysis and recommendation on the proposed master plan's
11 development program component shall consider the following:

12 a. The extent to which the Major Institution proposes to lease space or
13 otherwise locate a use at street level in a commercial zone outside of, but within ~~((two thousand~~
14 ~~five hundred (2,500))~~ 2,500 feet of, the MIO District boundary that is not similar to a personal
15 and household retail sales and service use, eating and drinking establishment, customer service
16 office, entertainment use or child care center but is allowed in the zone. To approve such
17 proposal, the Director shall consider the criteria in ~~((Section 23.69.035-D3))~~ subsection
18 23.69.035.D.3;

19 b. The extent to which proposed development is phased in a manner
20 ~~((which))~~ that minimizes adverse impacts on the surrounding area. When public improvements
21 are anticipated in the vicinity of proposed Major Institution development or expansion,
22 coordination between the Major Institution development schedule and timing of public
23 improvements shall be required;

1 c. The extent to which historic structures (~~which~~) that are designated on
2 any federal, state, or local historic or landmark register are proposed to be restored or reused.
3 Any changes to designated Seattle Landmarks shall comply with the requirements of (~~the~~
4 ~~Landmarks Preservation Ordinance~~) Chapter 25.12. The Major Institution's Development
5 Advisory Committee shall review any application to demolish a designated Seattle Landmark
6 and shall submit comments to the Landmarks Preservation Board before any certificate of
7 approval is issued;

8 d. The extent to which the proposed density of Major Institution
9 development will affect vehicular and pedestrian circulation, adequacy of public facilities,
10 capacity of public infrastructure, and amount of open space provided;

11 e. The extent to which the limit on the number of total parking spaces
12 allowed will minimize the impacts of vehicular circulation, traffic volumes, and parking in the
13 area surrounding the MIO District.

14 5. The Director's analysis and recommendation on the proposed master plan's
15 development standards component shall be based on the following:

16 a. The extent to which buffers such as topographic features, freeways or
17 large open spaces are present or transitional height limits are proposed to mitigate the difference
18 between the height and scale of existing or proposed Major Institution development and that of
19 adjoining areas. Transition may also be achieved through the provision of increased setbacks,
20 articulation of structure facades, limits on structure height or bulk, or increased spacing between
21 structures;

22 b. The extent to which any structure is permitted to achieve the height
23 limit of the MIO District. The Director shall evaluate the specified limits on structure height in

1 relationship to the amount of MIO District area permitted to be covered by structures, the impact
2 of shadows on surrounding properties, the need for transition between the Major Institution and
3 the surrounding area, and the need to protect views;

4 c. The extent to which setbacks of Major Institution development at
5 ground level or upper levels of a structure from the boundary of the MIO District or along public
6 rights-of-way are provided for and the extent to which these setbacks provide a transition
7 between Major Institution development and development in adjoining areas;

8 d. The extent to which allowable lot coverage is consistent with permitted
9 density and allows for adequate setbacks along public rights-of-way or boundaries of the MIO
10 District. Coverage limits should (~~insure~~) ensure that view corridors through Major Institution
11 development are enhanced and that area for landscaping and open space is adequate to minimize
12 the impact of Major Institution development within the MIO District and on the surrounding
13 area;

14 e. The extent to which landscaping standards have been incorporated for
15 required setbacks, for open space, along public rights-of-way, and for surface parking areas.
16 Landscaping shall meet or exceed the amount of landscaping required by the underlying zoning.
17 Trees shall be required along all public rights-of-way where feasible;

18 f. The extent to which access to planned parking, loading, and service
19 areas is provided from an arterial street;

20 g. The extent to which the provisions for pedestrian circulation maximize
21 connections between public pedestrian rights-of-way within and adjoining the MIO District in a
22 convenient manner. Pedestrian connections between neighborhoods separated by Major
23 Institution development shall be emphasized and enhanced;

1 h. The extent to which designated open space maintains the patterns and
2 character of the area in which the Major Institution is located and is desirable in location and
3 access for use by patients, students, visitors, and staff of the Major Institution;

4 i. The extent to which designated open space, though not required to be
5 physically accessible to the public, is visually accessible to the public;

6 j. The extent to which the proposed development standards provide for the
7 protection of scenic views and/or views of landmark structures. Scenic views and/or views of
8 landmark structures along existing public rights-of-way or those proposed for vacation may be
9 preserved. New view corridors shall be considered where potential enhancement of views
10 through the Major Institution or of scenic amenities may be enhanced. To maintain or provide for
11 view corridors the Director may require, but not be limited to, the alternate spacing or placement
12 of planned structures or grade-level openings in planned structures. The institution shall not be
13 required to reduce the combined gross floor area for the MIO District in order to protect views
14 other than those protected under City laws of general applicability.

15 6. The Director's report shall specify all measures or actions necessary to be taken
16 by the Major Institution to mitigate adverse impacts of Major Institution development that are
17 specified in the proposed master plan.

18 F. Draft (~~Advisory Committee Report~~) Development Advisory Committee report

19 1. At the same time the Director is preparing a written report on the master plan
20 application, the Development Advisory Committee shall prepare a written report of its findings
21 and recommendations on the final master plan. The Development Advisory Committee report
22 shall include, in addition to its recommendations, the public comments it received. The document
23 may incorporate minority reports.

1 2. The Development Advisory Committee report shall set forth any issues
2 ~~((which))~~ that the committee believes were inadequately addressed in the final master plan and
3 final EIS and clearly state the committee's position on these issues.

4 3. The Development Advisory Committee report shall include a record of
5 committee meetings, including the meetings' minutes.

6 G. Preparation of ~~((Final))~~ final Director's ~~((Report))~~ report and ~~((Final))~~ final
7 Development Advisory Committee ~~((Report.))~~ report

8 1. The Director shall submit the draft Director's report to the Development
9 Advisory Committee and the institution for their review.

10 2. Within three ~~((3))~~ weeks after receipt of the draft Director's Report, the
11 Development Advisory Committee and the institution shall review and submit comments to the
12 Director on the draft Director's Report.

13 3. Within two ~~((2))~~ weeks after receipt of the Development Advisory
14 Committee's and institution's comments, the Director shall review the comments, and prepare a
15 final Director's report using the criteria in subsection 23.69.032.E ~~((of this section))~~. The
16 Director shall address each of the issues in the Development Advisory Committee's comments on
17 the draft Director's Report. In addition, on those issues where the Director's recommendation
18 differs from the Development Advisory Committee's recommendations, the Director shall
19 include explanation of the difference.

20 4. The Director shall submit the final Director's Report to the Development
21 Advisory Committee.

22 5. Within two ~~((2))~~ weeks after receipt of the final Director's Report, the
23 Development Advisory Committee shall finalize its report according to subsection 23.69.032.F

1 ((of this section)). The Development Advisory Committee report shall also include comments on
2 the final Director's Report.

3 H. Hearing Examiner ((~~Consideration~~)) of the ((~~Master Plan~~)) master plan

4 1. The Hearing Examiner shall review the Director's report and recommendation
5 and the Development Advisory Committee's report on the Director's report, as provided in
6 Section 23.76.052.

7 2. If the Hearing Examiner considers the proposed master plan and all
8 recommendations for changes, alternatives, mitigating measures, and conditions, and determines
9 that a significant master plan element or environmental issue was not adequately addressed by
10 the proposed master plan, the Hearing Examiner may request the institution to prepare new
11 proposals on the issues identified, may request the Director to conduct further analysis or provide
12 clarification, and may request the Development Advisory Committee to reconvene for the
13 limited purpose of commenting on the new proposals. The new proposals shall also be submitted
14 to the Director, Development Advisory Committee and parties of record for comment. After the
15 new proposals and comments have been received, the Hearing Examiner may:

16 a. Remand the new proposals and Development Advisory Committee
17 comments and recommendation to the Director for further consideration and report; or

18 b. Hold the hearing record open for evidence on the new proposals, the
19 Development Advisory Committee comments and recommendation, and/or any comments
20 pertaining to the limited issues ((~~which~~)) that were presented by other parties of record.

21 3. The Hearing Examiner shall submit a recommendation to the Council on the
22 proposed master plan within 30 days following the hearing. In addition to the Hearing
23 Examiner's recommendation, the Hearing Examiner shall transmit to the Council the proposed

1 master plan, environmental documentation, the Development Advisory Committee's reports, and
2 the report and recommendation of the Director.

3 I. City Council (~~((Consideration))~~) consideration of the Hearing Examiner's
4 (~~((Recommendation))~~) recommendation

5 1. The City Council shall review and consider the Hearing Examiner's
6 recommendation as provided in Section 23.76.054. The (~~((goal of the))~~) City Council shall (~~((be))~~)
7 endeavor to take final action on the (~~((Hearing Examiner's))~~) recommendation (~~((no later than))~~)
8 within three months after (~~((the date))~~) it receives the recommendation.

9 2. If the City Council examines the proposed master plan and all
10 recommendations for changes, alternatives, mitigating measures, and conditions, and determines
11 that a significant master plan element was not adequately addressed by the proposed master plan,
12 the City Council may remand the master plan for submission of additional information and/or
13 new proposal(s) on the issue determined to be inadequately addressed, in a time frame specified
14 in the remand. The institution shall submit the additional information and/or new proposals to the
15 Development Advisory Committee, to the parties of record to the City Council decision to
16 remand, and to the Director. The Development Advisory Committee shall prepare and submit
17 comments and a report to the Director. The Director shall submit a report and recommendation
18 on the additional information and/or new proposal(s) to the Hearing Examiner. The Hearing
19 Examiner shall consider the additional information and/or new proposal(s) and submit a
20 recommendation to the City Council pursuant to subsection 23.69.032.H.

21 J. City Council decision

1 1. The City Council's decision to adopt, adopt with conditions, or deny an
2 application for a Major Institution Master Plan shall comply with the requirements of Section
3 23.76.056.

4 2. Adoption of a master plan shall be by ordinance.

5 K. Requirement for compiled plan. Within 30 days of adoption of a master plan by the
6 City Council, the institution shall submit a draft copy of the compiled adopted plan for the
7 Director's review and approval. This compiled plan shall incorporate all changes and conditions
8 imposed during the plan approval process. The Director shall review the compiled plan within 30
9 days of receipt of the plan((~~7~~)) and may request corrections or clarifications if necessary. Upon
10 the Director's approval, the institution shall submit six written copies of the compiled adopted
11 plan to the Director. The Director shall keep one copy and distribute the other five copies to the
12 City Clerk's Office, the Department of Neighborhoods, and the Seattle Public Library (one copy
13 each for the main downtown library and ((~~two copies to go to~~)) the two branch libraries nearest
14 the institution). The institution shall also submit one copy of the compiled adopted plan in
15 electronic format for the City to post on the City's ((~~of Seattle Official Web Site~~)) website. No
16 Master Use Permit for development first permitted in the adopted plan shall be issued until the
17 compiled plan has been reviewed and approved by the Director except as provided in Section
18 23.69.033.

19 Section 55. Section 23.69.033 of the Seattle Municipal Code, last amended by Ordinance
20 118362, is amended as follows:

21 **23.69.033 Approval of master use permits prior to master plan adoption((~~7~~))**

1 An institution may submit an application for development requiring a master plan prior to the
2 master plan's adoption at any time following application for a master plan. The application may
3 be approved if the following conditions are met:

4 A. Development proposed in the ~~((Master Plan))~~ master plan:

5 1. The Draft Environmental Impact Statement (DEIS) and the draft master plan
6 have been published; and

7 2. The development standards shall be established through the conditional use
8 process; and either:

9 ~~((3-))~~ a. The end of the schedule for submittal to the City Council of the master
10 plan has been reached, ~~((and b. Review))~~ review of the application has been completed by the
11 ~~((advisory committee))~~ Development Advisory Committee and it has made a recommendation to
12 the Director, and ~~((e. The))~~ the City Council has approved the development as a Council
13 Conditional Use according to the criteria of ~~((Section))~~ subsection 23.69.012.A; or

14 ~~((4. a-))~~ b. The ~~((advisory committee))~~ Development Advisory Committee
15 has reviewed the application and has recommended by a ~~((three-fourths (3/4)))~~ 3/4 vote of all
16 ~~((advisory committee))~~ Development Advisory Committee members, with at least six ~~((6))~~
17 affirmative votes, approval of the application, and ~~((b. The))~~ the Director has approved the
18 development as an Administrative Conditional Use according to the criteria of Section
19 23.69.012;

20 B. Development not proposed in the ~~((Master Plan))~~ master plan:

21 1. The conditions of subsection 23.69.033.A ~~((of this section))~~ have been met; and

22 2. The institution shall provide a statement describing the unforeseen conditions
23 or circumstances ~~((which))~~ that warrant the need to include the proposed development; and

1 3. An analysis of the environmental impacts of the new proposal shall be
2 incorporated into the environmental analysis of the proposed master plan and shall be reviewed
3 by the ((~~advisory committee~~)) Development Advisory Committee; and

4 4. The published final master plan and final EIS shall be amended to include the
5 proposed development.

6 Section 56. Section 23.69.034 of the Seattle Municipal Code, last amended by Ordinance
7 126685, is amended as follows:

8 **23.69.034 Effect of master plan adoption**

9 * * *

10 B. The Director may approve applications requiring a master plan prior to final adoption
11 of the master plan subject to the provisions of ((~~Section 23.04.040 F, Section 23.04.040 G, or~~))
12 Section 23.69.033.

13 * * *

14 Section 57. Section 23.71.006 of the Seattle Municipal Code, enacted by Ordinance
15 116795, is amended as follows:

16 **23.71.006 Application of regulations((~~z~~))**

17 All land located within the Northgate Overlay District is subject to regulations of the underlying
18 zone unless specifically modified by the provisions of this ((~~chapter~~)) Chapter 23.71. Where the
19 boundaries of the Northgate Overlay District overlap with the boundaries of the Major Institution
20 Overlay District, the zoning underlying a major institution shall be as modified by the Northgate
21 Overlay District. In the event of irreconcilable differences between the provisions of the
22 Northgate Overlay District and the underlying zone, the provisions of this ((~~chapter~~)) Chapter
23 23.71 apply, except that where a conflict exists between the provisions of this ((~~chapter~~)) Chapter

1 23.71 and Chapter 23.69, Major Institution Overlay District, the provisions of Chapter 23.69 take
2 precedence(~~(, provided that the major institution may be granted an exception pursuant to SMC~~
3 ~~Section 23.71.026)~~).

4 Section 58. Section 23.84A.006 of the Seattle Municipal Code, last amended by
5 Ordinance 125681, is amended as follows:

6 **23.84A.006 “C”**

7 * * *

8 "Candelabra mounting." See "communication devices and utilities."

9 "Cannabis" means all parts of the plant Cannabis, whether growing or not; the seeds
10 thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt,
11 derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include:

- 12 1. The mature stalks of the plant;
- 13 2. Fiber produced from the mature stalks of the plant;
- 14 3. Oil or cake made from the seeds of the plant;
- 15 4. Any other compound, manufacture, salt, derivative, mixture, or preparation of
16 the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or
- 17 5. The sterilized seed of the plant (~~(which)~~) that is incapable of germination.

18 "Cannabis activity, major" means, except as provided below, any production, processing,
19 or selling of cannabis, cannabis-infused products, usable cannabis, or cannabis concentrates.

20 Major cannabis activity does not include the following activities when they occur within a
21 dwelling unit occupied by a qualifying patient or designated provider, as those terms are defined
22 in RCW 69.51A.010, or within an enclosed structure that is accessory to such a dwelling unit:

- 23 1. Production of cannabis involving up to 15 plants;

1 b. Production of cannabis involving up to 60 plants if the production is conducted
2 by a cooperative that is registered with the Washington State Liquor and Cannabis Board and
3 operates in compliance with RCW 69.51A.043;

4 c. Drying or incorporation into food of up to 15 cannabis plants; or

5 d. Drying or incorporation into food of up to 60 cannabis plants if such processing
6 is conducted by a cooperative that is registered with the Washington State Liquor and Cannabis
7 Board and operates in compliance with chapter 69.51A RCW.

8 "Cannabis concentrates" means products consisting wholly or in part of the resin
9 extracted from any part of the plant Cannabis and having a THC concentration greater than ten
10 percent.

11 "Cannabis-infused products" means products that contain cannabis or cannabis extracts
12 and are intended for human use. The term "cannabis-infused products" does not include useable
13 cannabis.

14 "Cannabis, useable" means dried cannabis flowers. The term "useable cannabis" does not
15 include cannabis-infused products.

16 * * *

17 Section 59. Section 23.84A.008 of the Seattle Municipal Code, last amended by
18 Ordinance 124919, is amended as follows:

19 **23.84A.008 “D”**

20 * * *

21 "Downtown Amenity Standards" means the provisions contained (~~in Attachment 3 to~~)
22 Ordinance (~~122054~~) 124591, as they may be amended from time to time by ordinance. The
23 Downtown Amenity Standards replaced the Public Benefit Features Rule.

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Section 60. Section 23.84A.016 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.84A.016 “H”

* * *

"Household" means a housekeeping unit consisting of any number of non-transient persons composing a single living arrangement within a dwelling unit as provided in Section 23.42.048, not otherwise subject to occupant limits in group living arrangements regulated under state law (~~(, or on short term rentals as provided in Section 23.42.060)~~).

* * *

Section 61. Section 23.84A.025 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.84A.025 “M”

* * *

~~(("Marijuana" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include:~~

- ~~1. the mature stalks of the plant;~~
- ~~2. fiber produced from the mature stalks of the plant;~~
- ~~3. oil or cake made from the seeds of the plant;~~
- ~~4. any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake; or~~
- ~~5. the sterilized seed of the plant which is incapable of germination.~~

1 ~~"Marijuana activity, major" means, except as provided below, any production,~~
2 ~~processing, or selling of marijuana, marijuana-infused products, usable marijuana, or marijuana~~
3 ~~concentrates. Major marijuana activity does not include the following activities when they occur~~
4 ~~within a dwelling unit occupied by a qualifying patient or designated provider, as those terms are~~
5 ~~defined in RCW 69.51A.010, or within an enclosed structure that is accessory to such a dwelling~~
6 ~~unit:~~

7 ~~a. production of marijuana involving up to 15 plants;~~

8 ~~b. production of marijuana involving up to 60 plants if the production is~~
9 ~~conducted by a cooperative that is registered with the Washington State Liquor and Cannabis~~
10 ~~Board and operates in compliance with RCW 69.51A.043;~~

11 ~~c. drying or incorporation into food of up to 15 marijuana plants; or~~

12 ~~d. drying or incorporation into food of up to 60 marijuana plants if such~~
13 ~~processing is conducted by a cooperative that is registered with the Washington State Liquor and~~
14 ~~Cannabis Board and operates in compliance with chapter 69.51A RCW.~~

15 ~~"Marijuana concentrates" means products consisting wholly or in part of the resin~~
16 ~~extracted from any part of the plant Cannabis and having a THC concentration greater than ten~~
17 ~~percent.~~

18 ~~"Marijuana-infused products" means products that contain marijuana or marijuana~~
19 ~~extracts and are intended for human use. The term "marijuana-infused products" does not include~~
20 ~~useable marijuana.~~

21 ~~"Marijuana, useable" means dried marijuana flowers. The term "useable marijuana" does~~
22 ~~not include marijuana-infused products.))~~

23 * * *

1 Section 62. Section 23.84A.030 of the Seattle Municipal Code, last amended by
2 Ordinance 126855, is amended as follows:

3 **23.84A.030 “P”**

4 * * *

5 "Public Benefit Features Rule" means the (~~DPD~~) superseded Director's Rule 20-93,
6 subject heading Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects,
7 Administrative Procedures and Submittal Requirements in Downtown Zones, to the extent the
8 provisions thereof have not been superseded by amendments to, or repeal of, provisions of this
9 title. References to the "Public Benefit Features Rule" for provisions on a particular subject also
10 shall include, where applicable, any successor rule or rules issued by the Director to incorporate
11 provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to
12 implement amendments to this title since the date of such rule. The Downtown Amenity
13 Standards replaced this rule.

14 * * *

15 Section 63. Section 23.84A.032 of the Seattle Municipal Code, last amended by
16 Ordinance 126855, is amended as follows:

17 **23.84A.032 “R”**

18 * * *

19 "Residential use" means any one or more of the following:

20 1. "Accessory dwelling unit" means one or more rooms that:

21 a. Are located within a principal dwelling unit or within an accessory
22 structure on the same lot as a principal dwelling unit;

1 b. Meet the standards of Section 23.44.041, Section 23.45.545, or Chapter
2 23.47A, as applicable;

3 c. Are designed, arranged, and intended to be occupied by not more than
4 one household as living accommodations independent from any other household; and

5 d. Are so occupied or vacant.

6 2. "Attached accessory dwelling unit" means an accessory dwelling unit that is
7 within a principal dwelling unit.

8 3. "Adult family home" means an adult family home defined and licensed as such
9 by the State of Washington in a dwelling unit.

10 4. "Apartment" means a multifamily residential use that is not a cottage housing
11 development, rowhouse development, or townhouse development.

12 5. "Artist's studio/dwelling" means a combination working studio and dwelling
13 unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

14 6. "Assisted living facility" means a use licensed by the State of Washington as a
15 boarding home (~~(pursuant to chapter 18.20 RCW)~~) that contains at least two assisted living units
16 for people who have either a need for assistance with activities of daily living (which are defined
17 as eating, toileting, ambulation, transfer (e.g., moving from bed to chair or chair to bath), and
18 bathing) or some form of cognitive impairment but who do not need the skilled critical care
19 provided by nursing homes. See "Assisted living unit."

20 7. "Carriage house" means a dwelling unit in a carriage house structure.

21 8. "Carriage house structure" means a structure within a cottage housing
22 development, in which one or more dwelling units are located on the story above an enclosed
23 parking garage at ground level that either abuts an alley and has vehicle access from that alley, or

1 is located on a corner lot and has access to the parking in the structure from a driveway that abuts
2 and runs parallel to the rear lot line of the lot. See also "Carriage house."

3 9. "Caretaker's quarters" means a use accessory to a non-residential use consisting
4 of a dwelling unit not exceeding 800 square feet of living area and occupied by a caretaker or
5 watchperson.

6 10. "Congregate residence" means a use in which rooms or lodging, with or
7 without meals, are provided for any number of non-transient persons not constituting a single
8 household.

9 11. "Cottage housing development" means a use consisting of cottages arranged
10 on at least two sides of a common open space or a common amenity area. A cottage housing
11 development may include a carriage house structure. See "Cottage," "Carriage house," and
12 "Carriage house structure."

13 12. "Detached accessory dwelling unit" means an accessory dwelling unit in an
14 accessory structure.

15 13. "Domestic violence shelter" means a structure or portion of a structure
16 managed by a nonprofit organization, which unit provides housing at a confidential location and
17 support services for victims of domestic violence.

18 14. "Floating home" means a dwelling unit constructed on a float that is moored,
19 anchored, or otherwise secured in the water.

20 15. "Low-income housing."

21 16. "Mobile home" means a structure that is designed and constructed to be
22 transportable in one or more sections and built on a permanent chassis, designed to be used as a
23 dwelling unit without a permanent foundation, and connected to utilities that include plumbing,

1 heating, and electrical systems. A structure that was transportable at the time of manufacture is
2 still considered to meet this definition notwithstanding that it is no longer transportable.

3 17. "Mobile home park" means a tract of land that is rented for the use of more
4 than one mobile home occupied as a dwelling unit.

5 18. "Multifamily residential use" means a use consisting of two or more dwelling
6 units in a structure or portion of a structure, excluding accessory dwelling units.

7 19. "Nursing home" means a use licensed by the State of Washington as a nursing
8 home(~~(, which))~~ that provides full-time convalescent and/or chronic care for individuals who, by
9 reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide
10 care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or
11 sanitariums.

12 20. "Permanent supportive housing."

13 21. "Rowhouse development" means a multifamily residential use in which all
14 principal dwelling units on the lot meet the following conditions:

15 a. Each dwelling unit occupies the space from the ground to the roof of the
16 structure in which it is located;

17 b. No portion of a dwelling unit, except for an accessory dwelling unit or
18 shared parking garage, occupies space above or below another dwelling unit;

19 c. Each dwelling unit is attached along at least one common wall to at
20 least one other dwelling unit, with habitable interior space on both sides of the common wall, or
21 abuts another dwelling unit on a common lot line;

22 d. The front of each dwelling unit faces a street lot line;

1 e. Each dwelling unit provides pedestrian access directly to the street that
2 it faces; and

3 f. No portion of any other dwelling unit, except for an attached accessory
4 dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

5 22. "Single-family dwelling unit" means a detached principal structure having a
6 permanent foundation, containing one dwelling unit, except that the structure may also contain
7 one or two attached accessory dwelling units where expressly authorized pursuant to this Title

8 23. A detached accessory dwelling unit is not considered a single-family dwelling unit for
9 purposes of this Chapter 23.84A.

10 23. "Townhouse development" means a multifamily residential use that is not a
11 rowhouse development, and in which:

12 a. Each dwelling unit occupies space from the ground to the roof of the
13 structure in which it is located;

14 b. No portion of a dwelling unit occupies space above or below another
15 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units
16 constructed over a shared parking garage, including shared parking garages that project up to 4
17 feet above grade; and

18 c. Each dwelling unit is attached along at least one common wall to at
19 least one other dwelling unit, with habitable interior space on both sides of the common wall, or
20 abuts another dwelling unit on a common lot line.

21 * * *

22 Section 64. Section 23.84A.038 of the Seattle Municipal Code, last amended by
23 Ordinance 126855, is amended as follows:

1 **23.84A.038 "T"**

2 * * *

3 ((~~"Tree, exceptional" means a tree designated as such per Chapter 25.11.~~))

4 * * *

5 Section 65. Section 25.05.444 of the Seattle Municipal Code, last amended by Ordinance
6 114057, is amended as follows:

7 **25.05.444 Elements of the environment**

8 * * *

9 B. Built Environment.

10 * * *

11 3. Transportation:

12 a. Transportation systems;

13 b. Vehicular traffic;

14 c. Waterborne, rail, and air traffic;

15 ~~((d. Parking;~~

16 e.)) d. Movement/circulation of people or goods;

17 ~~((f.))~~ e. Traffic hazards.

18 * * *

19 Section 66. Section 25.05.675 of the Seattle Municipal Code, last amended by Ordinance
20 125558, is amended as follows:

21 **25.05.675 Specific environmental policies**

22 * * *

23 J. Land use

1 1. Policy background

2 a. The City has adopted land use regulations that are designed, in part, to
3 minimize or prevent impacts resulting from incompatible land use. However, Title 23 cannot
4 identify or anticipate all possible uses and all potential land use impacts. For example, adverse
5 cumulative land use impacts may result when a particular use or uses permitted under Title 23
6 occur in an area to such an extent that they foreclose opportunities for higher-priority, preferred
7 uses called for in the Land Use Element, Growth Strategy Element, and Shoreline Element of the
8 Seattle Comprehensive Plan.

9 b. Density-related impacts of development are addressed under the
10 policies set forth in subsections 25.05.675.G (height, bulk, and scale), ~~((25.05.675.M (parking),))~~
11 25.05.675.O (public services and facilities), and 25.05.675.R (traffic and transportation) and are
12 not addressed under this policy.

13 2. Policies

14 a. It is the City's policy to ensure that proposed uses in development
15 projects are reasonably compatible with surrounding uses and are consistent with any applicable,
16 adopted City land use regulations, the goals and policies set forth in the Land Use Element,
17 Growth Strategy Element, and Shoreline Element of the Seattle Comprehensive Plan for the area
18 in which the project is located.

19 b. Subject to the overview policy set forth in Section 25.05.665, the
20 decisionmaker may condition or deny any project to mitigate adverse land use impacts resulting
21 from a proposed project or to achieve consistency with the applicable City land use regulations;
22 the goals and policies set forth in the Land Use Element, Growth Strategy Element, and
23 Shoreline Element of the Seattle Comprehensive Plan; the procedures and locational criteria for

1 shoreline environment redesignations set forth in Sections 23.60A.060 and 23.60A.220,
2 respectively; and the environmentally critical areas policies.

3 * * *

4 M. Reserved. ((Parking

5 1. Policy background

6 a. ~~It is the City's policy to encourage use of a broad range of transportation~~
7 ~~options and to reduce reliance on single-occupant vehicles.~~

8 b. ~~Increased parking demand associated with development projects may~~
9 ~~adversely affect the availability of parking in an area, especially one that is not well served by~~
10 ~~transit or other transportation choices.~~

11 c. ~~Parking regulations, where appropriate, and other policies and~~
12 ~~regulations designating preferred land use patterns and promoting transportation choices,~~
13 ~~combine to alleviate most growth-related parking impacts including cumulative impacts. This~~
14 ~~policy recognizes that the City's land use and transportation planning policies encourage~~
15 ~~development patterns that support personal choices among many transportation modes and~~
16 ~~maximize the ability of the street network to function efficiently. This policy also recognizes the~~
17 ~~substantial costs imposed on housing by requiring construction of parking, which adversely~~
18 ~~affects the ability to provide housing, including affordable housing. City land use policies that~~
19 ~~encourage residential and commercial growth in the areas with the greatest availability of~~
20 ~~transportation choices promote efficiencies that may reduce or limit per capita parking demand.~~
21 ~~Due, however, to shortfalls in available parking resulting from existing or projected demands, the~~
22 ~~City recognizes that in some neighborhoods parking spillover impacts may occur.~~

23 2. Policies

1 a. ~~It is the City's policy to minimize or prevent adverse parking impacts~~
2 ~~associated with development projects. This is achieved by requiring parking impact mitigation of~~
3 ~~development projects where appropriate as provided for in the Land Use Code or other codes. It~~
4 ~~is also achieved through implementing growth management policies, transportation policies, and~~
5 ~~policies that support reducing or eliminating off-street parking requirements where residents and~~
6 ~~others may conveniently choose to use other forms of transportation instead of relying on~~
7 ~~automobiles.~~

8 b. ~~Subject to the overview and cumulative effects policies set forth in~~
9 ~~Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project to mitigate the~~
10 ~~effects of development in an area on parking; provided that:~~

11 1) ~~No SEPA authority is provided to mitigate the impact of~~
12 ~~individual developments on parking availability in the Downtown and South Lake Union Urban~~
13 ~~Centers;~~

14 2) ~~No SEPA authority is provided for the decisionmaker to~~
15 ~~mitigate the impact of individual developments on parking availability for uses located within:~~

16 a) ~~The Capitol Hill/First Hill Urban Center, the Uptown~~
17 ~~Urban Center, and the University District Urban Center, except the portion of the Ravenna Urban~~
18 ~~Village that is not within one-quarter mile (1,320 feet) of a street with frequent transit service,~~
19 ~~measured as the walking distance from the nearest transit stop to the lot line of the lot;~~

20 b) ~~The Station Area Overlay District; and~~

21 c) ~~Portions of urban villages within one-quarter mile (1,320~~
22 ~~feet) of a street with frequent transit service, measured as the walking distance from the nearest~~
23 ~~transit stop to a lot line, which in the case of unit lots shall be made from the parent lot;~~

1 3) Outside of the areas listed in this subsection 25.05.675.M.2.b,
2 parking impact mitigation for multifamily development, except in the Alki area, as described in
3 subsection 25.05.675.M.2.c, may be required only where on street parking is at capacity, as
4 defined by the Seattle Department of Transportation, or where the development itself would
5 cause on street parking to reach capacity as so defined.

6 e. For the Alki area, as identified on Map B for 23.54.015, a higher
7 number of spaces per unit than is required by Section 23.54.015 may be required to mitigate the
8 adverse parking impacts of specific multifamily projects. Projects that generate a greater need for
9 parking and that are located in places where the street cannot absorb that need — for example,
10 because of proximity to Alki Beach Park — may be required to provide additional parking spaces
11 to meet the building's actual need. In determining that need, the size of the development project,
12 the size of the units, and the number of bedrooms in the units shall be considered.

13 d. If parking impact mitigation is authorized by this subsection
14 25.05.675.M, it may include but is not limited to:

15 1) Transportation management programs;
16 2) Parking management and allocation plans; or
17 3) Incentives for the use of alternatives to single occupancy
18 vehicles, such as transit pass subsidies, parking fees, subsidies for participation in car share or
19 bike share programs or similar mobility choice programs, and provision of bicycle parking space;

20 4) Increased parking ratios; and
21 5) Reductions in non residential development densities to the
22 extent that it can be shown that reduced parking spillover is likely to result; provided, that

1 ~~parking impact mitigation for multifamily development may not include reduction in~~
2 ~~development density.))~~

3 * * *

4 P. Public view protection

5 1. Policy background

6 a. Seattle has a magnificent natural setting of greenery, mountains, and
7 water; visual amenities and opportunities are an integral part of the City's environmental quality.

8 b. The City has developed particular sites for the public's enjoyment of
9 views of mountains, water, and skyline and has many scenic routes and other public places
10 where such views enhance one's experience.

11 c. Obstruction of public views may occur when a proposed structure is
12 located in close proximity to the street property line, when development occurs on lots situated at
13 the foot of a street that terminates or changes direction because of a shift in the street grid
14 pattern, or when development along a street creates a continuous wall separating the street from
15 the view.

16 d. Authority provided through Chapter 25.12 is intended to preserve sites
17 and structures ((which)) that reflect significant elements of the City's historic heritage and to
18 designate and regulate such sites and structures as historic landmarks.

19 e. The Land Use Code provides for the preservation of specified view
20 corridors through setback requirements.

21 f. The Land Use Code attempts to protect private views through height and
22 bulk controls and other zoning regulations but it is impractical to protect private views through
23 project-specific review.

1 2. Policies

2 a. ~~((H))~~ It is the City's policy to protect public views of significant natural
3 and human-made features: Mount Rainer, the Olympic and Cascade Mountains, the downtown
4 skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and
5 the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes,
6 and view corridors, identified in Attachment 1. (Attachment 1 is located at the end of this Section
7 25.05.675.) This subsection 25.05.675.P.2.a~~((H))~~ does not apply to the Space Needle, which is
8 governed by subsection 25.05.675.P.2.~~((e))~~d.

9 ~~((Z))~~ b. The decisionmaker may condition or deny a proposal to eliminate
10 or reduce its adverse impacts on designated public views, whether or not the project meets the
11 criteria of the overview policy set forth in Section 25.05.665; provided that downtown projects
12 may be conditioned or denied only when public views from outside of downtown would be
13 blocked as a result of a change in the street grid pattern.

14 ~~((b-1))~~ c. It is the City's policy to protect public views of historic
15 landmarks designated by the Landmarks Preservation Board that, because of their prominence of
16 location or contrasts of siting, age, or scale, are easily identifiable visual features of their
17 neighborhood or the City and contribute to the distinctive quality or identity of their
18 neighborhood or the City. This subsection 25.05.675.P.2.c does not apply to the Space Needle,
19 which is governed by subsection 25.05.675.P.2.~~((e))~~d. ~~((Z))~~ A proposed project may be
20 conditioned or denied to mitigate view impacts on historic landmarks, whether or not the project
21 meets the criteria of the overview policy set forth in Section 25.05.665.

22 ~~((e-))~~ d. It is the City's policy to protect public views of the Space Needle
23 from the following public places. A proposed project may be conditioned or denied to protect

1 such views, whether or not the project meets the criteria of the overview policy set forth in
2 Section 25.05.665.

3 1) Alki Beach Park (Duwamish Head)

4 2) Bhy Kracke Park

5 3) Gasworks Park

6 4) Hamilton View Point

7 5) Kerry Park

8 6) Myrtle Edwards Park

9 7) Olympic Sculpture Park

10 8) Seacrest Park

11 9) Seattle Center

12 10) Volunteer Park

13 d. Mitigating measures may include, but are not limited to:

14 1) Requiring a change in the height of the development;

15 2) Requiring a change in the bulk of the development;

16 3) Requiring a redesign of the profile of the development;

17 4) Requiring on-site view corridors or requiring enhancements to

18 off-site view corridors;

19 5) Relocating the project on the site;

20 6) Requiring a reduction or rearrangement of walls, fences or plant

21 material; and

22 7) Requiring a reduction or rearrangement of accessory structures

23 including, but not limited to towers, railings and antennae.

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ATTACHMENT 1

Alki Beach Park (Charles Richey Sr. Viewpoint)

Alki Avenue S.W.

* * *

Banner Place (Rainbow Viewpoint)

N.E. Banner Place off N.E. 75th Street

* * *

Discovery Park

36th W. and W. Government Way

East Portal I-90 Overlook

1400 Lake Washington Boulevard

* * *

Kerry Park (Kerry Viewpoint)

W. Highland and Second Avenue W.

* * *

North and South Passage Point Park

Sixth Avenue N.E. and N.E. Northlake Way

Fuhrman E. and Fairview E.

NW 60th Street Viewpoint

6001 Seaview Avenue N.W.

* * *

Ursula Judkins Viewpoint

1 W. Galer Street & 26th Avenue W.

2 U.S. Public Health Service Hospital

3 1131 14th Avenue S.

4 * * *

5 Section 67. Section 25.05.714 of the Seattle Municipal Code, last amended by Ordinance
6 118012, is amended as follows:

7 **25.05.714 Agency**

8 * * *

9 E. For those proposals requiring a hydraulic project approval under RCW (~~75.20.100~~)
10 77.55.021, both the Department of Game and the Department of Fisheries shall be considered
11 agencies with jurisdiction.

12 * * *

13 Section 68. Section 25.09.045 of the Seattle Municipal Code, last amended by Ordinance
14 126685, is amended as follows:

15 **25.09.045 Exemptions**

16 A. General criteria and applications

17 1. When the Director determines that criteria in subsections 25.09.045.E to
18 25.09.045.J are met, those activities are exempt from the provisions of this Chapter 25.09, except
19 for subsections 25.09.045.B, 25.09.045.C, 25.09.065.A, and 25.09.065.B and Sections
20 25.09.017, 25.09.030.B, and 25.09.070, and as otherwise provided in this Section 25.09.045.

21 2. An application for an exemption may be made only as a component of a
22 specific proposed development. The application shall include all portions of the proposed
23 development, including utilities. Requesting approval for an exemption does not require a

1 separate application from a development permit application if the proposed development permit
2 application shows that all applicable provisions of this Section 25.09.045 are met, unless a
3 separate application is required by the Director.

4 3. Applications

5 a. The applicant for an exemption shall provide all information requested
6 by the Director and demonstrate that the work qualifies for the exemption. The Director shall
7 determine whether work is exempt, apply tree and vegetation standards pursuant to
8 subsection((s)) 25.09.070.G ((and 25.09.070.H)), and impose conditions on the work to protect
9 environmentally critical areas and buffers or other property, including application of Section
10 25.09.065.

11 b. City agencies taking the action under any subsection of this Section
12 25.09.045 and a public agency taking the action under subsection 25.09.045.J do not need to
13 make an application to the Director, provided that, if no application is made, they shall comply
14 with all provisions of this Section 25.09.045, make all determinations required to be made by the
15 Director, including required conditions, and maintain records documenting compliance with all
16 provisions.

17 * * *

18 Section 69. Section 25.09.160 of the Seattle Municipal Code, last amended by Ordinance
19 126685, is amended as follows:

20 **25.09.160 Development standards for wetlands and wetland buffers**

21 * * *

22 B. Wetland buffer location

- 1 1. The wetland buffer is measured horizontally and perpendicular to the edges of
 2 the wetland.
- 3 2. The width of wetland buffers is set out in Table A for 25.09.160 and is based
 4 on the size, category, and habitat function of the wetland.
- 5 3. Wetland habitat function is as follows:
- 6 a. High level equals a habitat function score of 8 or 9;
- 7 b. Moderate level equals a habitat function score of 5, 6 or 7; and
- 8 c. Low level equals a habitat function score of 3 or 4.

Table A for 25.09.160

Wetland	Wetland buffer requirements for non-degraded buffers
Category I Bogs and Wetlands of High Conservation Value over 100 square feet in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031	200 feet for all levels of habitat functions
Category I and II wetlands over 100 square feet in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031	200 feet for wetlands with high level of habitat function 110 feet for wetlands with moderate level habitat function 100 feet for wetlands with low level habitat function
Category III wetlands over 100 square feet in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031	200 feet for wetlands with high level of habitat function 110 feet for wetlands with moderate or greater level habitat function 60 feet for wetlands with low level habitat function
Category IV wetlands 1,000 square feet or more in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031	50 feet for all wetlands
Category IV wetlands under 1,000 square feet in total size that do not abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031	No buffer. Use mitigation under Sections 25.09.160 and 25.09.065

9

1 4. Degraded buffers. If a buffer is degraded due to the lack of trees and
2 vegetation, the presence of invasive or non-native species and/or the presence of impervious
3 surface or other development, the Director may require that:

4 a. The degraded portion of the buffer be restored to the extent
5 commensurate with the impact of the development on the riparian management area buffer and
6 according to mitigation standards pursuant to Section 25.09.065; or

7 b. The standard buffer width listed in Table A for 25.09.160 be increased
8 or other conditions be placed on the development on a case-by-case basis when necessary to
9 protect wetland functions and values based on best available science and local conditions if it is
10 determined that:

11 1) A larger buffer is necessary to maintain viable populations or
12 critical habitat of State or federally listed threatened or endangered species living within the
13 subject wetland(s) boundaries;

14 2) The adjacent land is susceptible to severe erosion, and erosion
15 control measures otherwise required in Section 25.09.080 will not effectively prevent adverse
16 wetland impacts; or

17 3) A larger buffer maintains connections between other nearby
18 wetlands, flood-prone areas, and/or fish and wildlife habitat conservation areas.

19 * * *

20 Section 70. Section 25.11.020 of the Seattle Municipal Code, last amended by Ordinance
21 126821, is amended as follows:

22 **25.11.020 Exemptions**

23 The following trees and tree activities are exempt from the provisions of this Chapter 25.11:

1 * * *

2 D. (~~Trees located within an Environmentally Critical Area~~) Tree removal as part of an
3 Environmentally Critical Area tree and vegetation plan as provided in Section 25.09.070, except
4 that tree service providers conducting commercial tree work on these trees must comply with the
5 tree service provider registry requirements of Section 25.11.100;

6 * * *

7 Section 71. Section 25.11.030 of the Seattle Municipal Code, enacted by Ordinance
8 126821, is amended as follows:

9 **25.11.030 Emergency actions**

10 Emergency actions may be undertaken without obtaining (~~a permit~~) approval in advance from
11 the Seattle Department of Construction and Inspections. Prior to an emergency action, a
12 registered tree service provider, that has an employee or a person on retainer who is currently
13 credentialed with an International Society of Arboriculture (ISA) Tree Risk Assessment
14 Qualification, must determine if there is an extreme risk of imminent failure for the tree or tree
15 part (~~using the TRAQ method in its most current form~~). Any person undertaking an emergency
16 action must (~~complete the following~~):

17 A. Notify the Director via email or through the Seattle Department of Construction and
18 Inspections' website before beginning the emergency action;

19 B. Submit a hazardous tree removal application to the Seattle Department of Construction
20 and Inspections within ten calendar days of the emergency action; otherwise, the responsible
21 party may be subject to enforcement including fines and penalties in accordance with Section
22 25.11.120; and

1 C. Include all documentation of tree status, including the ISA Tree Risk Assessment form
2 ~~((TRAQ report))~~ and photographs as part of the retroactive ~~((permit))~~ tree removal application
3 submission.

4 Section 72. Section 25.11.040 of the Seattle Municipal Code, enacted by Ordinance
5 126821, is amended as follows:

6 **25.11.040 Hazardous tree removal**

7 A. For any tree regulated pursuant to this Section 25.11.040, approval from the Seattle
8 Department of Construction and Inspections is required in advance of hazardous tree removal
9 unless it is an emergency action pursuant to Section 25.11.030.

10 B. Trees subject to the provisions of this Chapter 25.11 may be removed as hazardous, if
11 those trees are rated by a registered tree service provider that has an employee or a person on
12 retainer who is currently credentialed with an ISA Tree Risk Assessment Qualification as an
13 Extreme or High Risk hazard, according to the following:

14 1. A tree risk assessment, prepared by a registered tree service provider, assesses
15 the risk of the tree(s) as one of the following:

16 a. Extreme Risk. This category applies to trees in which failure is
17 imminent and there is a high likelihood of impacting a target, and the consequences of the failure
18 are severe.

19 b. High Risk. This category applies to trees in which consequences are
20 significant and likelihood is very likely or likely, or when consequences are severe and
21 likelihood is likely.

1 c. Moderate Risk. This category applies to trees in which consequences
2 are minor and likelihood is very likely or likely, or when likelihood is somewhat likely and the
3 consequences are significant or severe.

4 d. Low Risk. This category applies to trees in which consequences are
5 negligible and likelihood is unlikely; or when consequences are minor and likelihood is
6 somewhat likely;

7 2. A potential target includes permanent structures or an area of moderate to high
8 use;

9 3. If a potential target does not exist, applicants may be limited to normal and
10 routine pruning and maintenance to mitigate hazards;

11 4. Assessment of Extreme and High Risk trees:

12 a. If a tree is assessed as a High Risk, then the Director may authorize
13 hazard pruning to mitigate the risk rather than removing the entire tree; or

14 b. If the tree is assessed as an Extreme or High Risk and mitigation of the
15 risk through pruning or moving of potential targets is not feasible, then the Director may
16 designate the tree as a hazardous tree and allow complete removal; and

17 5. The assessment of other risk categories applicable to regulated trees shall be at
18 the discretion of the Director.

19 C. Tier 1, Tier 2, and Tier 3 trees must be replaced pursuant to Section 25.11.090 when
20 approved for removal as hazardous, except as provided in subsection 25.11.040.D.

21 D. Removal of dead trees is exempt from the risk assessment requirements of subsection
22 25.11.040.B and replacement requirements of subsection 25.11.040.C.

1 Section 73. Section 25.11.050 of the Seattle Municipal Code, enacted by Ordinance
2 126821, is amended as follows:

3 **25.11.050 General provisions for regulated tree categories**

4 A. The removal or topping of the following trees is prohibited, except as provided in
5 Section 25.11.020 and as performed in accordance with Sections 25.11.030 and 25.11.040:

6 1. When no development is proposed, Tier 1, Tier 2, Tier 3, and Tier 4 trees on
7 undeveloped lots in all zones;

8 2. When no development is proposed, Tier 1, Tier 2, Tier 3, and Tier 4 trees on
9 developed lots in all zones, except as allowed in subsection 25.11.050.B;

10 3. When development is proposed, in Neighborhood Residential, Lowrise,
11 Midrise, commercial, and Seattle Mixed zones:

12 a. Tier 1 trees may not be removed unless in emergency situations or
13 unless they are hazardous as provided in Sections 25.11.030 and 25.11.040;

14 b. Tier 2 trees may not be removed except as permitted under Sections
15 25.11.070 and 25.11.080; and

16 c. Tier 3 and Tier 4 trees may be removed as part of a development permit.

17 B. When no development is proposed, no more than two Tier 4 trees may be removed in
18 any three-year period on developed lots in Neighborhood Residential, Lowrise, Midrise,
19 commercial, and Seattle Mixed zones, and no more than three Tier 3 and Tier 4 trees may be
20 removed on developed lots in any one-year period in all other zones.

21 C. Relocated and required replacement trees included in an approved plan set may not be
22 removed, unless removal is approved by a future permit.

1 D. In addition to the tree removal allowances in subsection 25.11.050.B, the Director may
2 authorize removal and replacement of a Tier 3 tree, or removal of a Tier 4 tree, from developed
3 lots in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones when
4 removal is needed because the tree is causing obvious physical damage to building foundations
5 or utility infrastructure, where continued or additional damage cannot be avoided through actions
6 other than removal.

Table A for 25.11.050 Tree related activities on developed lots in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed Zones including but not limited to removal and topping by tree category ¹		
Tree category	Not part of a permit application ⁽¹⁾ ²	During development—Part of a permit application
Tier 1 Includes trees designated as heritage trees	May not be removed unless deemed hazardous or in need of emergency action with documentation required	May not be removed unless deemed hazardous or in need of emergency action with documentation required
Tier 2 Includes trees 24 inches at DSH or greater, tree groves, and specific tree species as provided by Director's Rule	May not be removed unless deemed hazardous or in need of emergency action with documentation required	Approval for removal is part of overall development permit <u>consistent with Sections 25.11.070 or 25.11.080</u> Documentation required for hazardous and emergency actions
Tier 3 Includes trees 12 inches at DSH or greater but less than 24 inches at DSH that are not considered Tier 2 trees as provided by Director's Rule	May not be removed unless deemed hazardous or in need of emergency action with documentation required, except as provided in subsections 25.11.050.B ((and)) , 25.11.050.C, and 25.11.050.D	Approval for removal is part of overall development permit Documentation required for hazardous and emergency actions
Tier 4 Includes trees 6 inches at DSH but less than 12 inches at DSH	May not be removed unless deemed hazardous or in need of emergency action with documentation required, except as provided in subsections 25.11.050.B and 25.11.050.C	Approval for removal is part of overall development permit

Other trees (under 6 inches DSH)	Not regulated, except as provided in subsection 25.11.050.C	Not regulated, except as provided in subsection 25.11.050.C
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Footnotes to Table A for 25.11.050
¹ In all other zones, all trees may be removed when development is proposed.
⁽¹⁾ ² For standards related to undeveloped lots, see subsection 25.11.050.A.

1 Section 74. Section 25.11.060 of the Seattle Municipal Code, enacted by Ordinance
2 126821, is amended as follows:

3 **25.11.060 Requirements for trees when development is proposed**

4 A. Tree protection area

5 1. A tree protection area is required for all existing Tier 1, Tier 2, and Tier 3 trees
6 that are not removed during development, as well as any tree relocated offsite if on private
7 property or any tree planted onsite as part of required mitigation pursuant to this Chapter 25.11.

8 2. The tree protection area for Tier 1, Tier 2, and Tier 3 trees shall be determined
9 by the Director pursuant to this subsection 25.11.060.A and any rules promulgated by the
10 Director.

11 3. The tree protection area may be modified from the basic tree protection area
12 based on species tolerance; expected impacts of construction activities; tree size, age, and health;
13 and soil conditions not to exceed the area of the feeder root zone. The Director may require
14 Master Use Permits or building permits to include measures to protect tree(s) during
15 construction, including within the feeder root zone.

16 4. The tree protection area may be reduced by the Director pursuant to the
17 provisions of Title 23 and this Chapter 25.11, as follows:

18 a. Any new encroachment into the tree protection area may not be closer
19 than one half of the tree protection radius. Existing encroachments closer than one half of the
20 tree protection radius may remain or be replaced if no appreciable damage to the tree will result.

1 b. The tree protection area shall not be reduced more than 35 percent of
2 the outer half of the tree protection radius unless an alternative tree protection area or
3 construction method will provide equal or greater tree protection and result in long-term
4 retention and viability of the tree as determined by a certified arborist.

5 c. Existing encroachments do not count toward the reduction.

6 d. The tree protection area may be temporarily reduced in size during a
7 specific construction activity that is not likely to cause appreciable damage to the tree.
8 Appropriate mitigation measures shall be implemented per ANSI A300 standards or their
9 successor, and the tree protection area shall be returned to its permanent size after the specific
10 construction activity is complete.

11 5. The tree protection area is required to include fencing, signage, and other safety
12 requirements as required in the Seattle Department of Construction and Inspections Tree and
13 Vegetation Protection Detail.

14 * * *

15 Section 75. Section 25.11.070 of the Seattle Municipal Code, enacted by Ordinance
16 126821, is amended as follows:

17 **25.11.070 Tree protection on sites undergoing development in Neighborhood Residential,**
18 **Lowrise, Midrise, commercial, and Seattle Mixed zones**

19 A. Neighborhood Residential zones

20 1. Tier 2 trees may be removed only if:

21 a. The maximum lot coverage permitted on the site pursuant to Title 23
22 cannot be achieved without extending into the basic tree protection area or into a required front
23 and/or rear yard to an extent greater than provided for in subsection 25.11.070.A.2;

1 b. Avoiding development in the basic tree protection area would result in a
2 portion of a principal dwelling unit, or an accessory dwelling unit, being less than 15 feet in
3 width; or

4 c. Tree removal is necessary for the construction of new structures~~((;))~~;
5 vehicle and pedestrian access, utilities, retaining wall, or other similar improvements associated
6 with development.

7 2. ~~((Permitted extension into front or rear yards shall be limited to an area equal to~~
8 ~~the amount of the basic tree protection area not located within required yards.))~~ For purposes of
9 retaining an existing on-site and off-site Tier 1, Tier 2, Tier 3, or Tier 4 tree, extension into front
10 or rear yards is permitted but limited to an area equal to the amount of the tree protection area of
11 those trees not located within required yards. The maximum projection into the required front or
12 rear yard shall be 50 percent of the yard requirement.

13 3. If the maximum lot coverage permitted on the site can be achieved or a
14 structure will be less than 15 feet in width without extending into required front and/or rear
15 yards, then no such extension into required yards shall be permitted.

16 4. For the purposes of this subsection 25.11.070.A:

17 a. Lot coverage calculation shall not include any portion of a parcel
18 containing a biodiversity area or corridor, riparian corridor, priority habitat, priority area setback,
19 wetland, wetland buffer, or steep slope erosion hazard area, unless the Director has approved
20 critical areas reduction, waiver, or modification pursuant to Chapter 25.09; and

21 b. The basic tree protection area cannot be modified.

22 B. Lowrise, Midrise, commercial, and Seattle Mixed zones

23 1. Tier 2 trees may be removed as follows:

1 a. If an otherwise allowable development area of 85 percent cannot be
2 achieved without extending into the basic tree protection area, as follows:

3 1) Calculate the basic tree protection area on the lot. For the
4 purposes of this subsection 25.11.070.B, the basic tree protection area cannot be modified.

5 2) Subtract the basic tree protection area and the area of any
6 portions of the lot between a property line and basic tree protection area when the portion of the
7 lot is 15 feet or less measured from a lot line to a basic tree protection area from the lot area. If
8 this number is less than 85 percent of the total lot area, Tier 2 trees may be removed.

9 3) When multiple Tier 2 trees are located on a lot, the minimum
10 number of trees needed to reach 85 percent may be removed based on the evaluation required by
11 subsection 25.11.060.C.

12 4) When the basic tree protection area of an off-site Tier 1, Tier 2,
13 or Tier 3 tree is located on the lot, this area shall be included in accordance with subsection
14 25.11.070.B.

15 b. In Midrise, Commercial, and Seattle Mixed zones Tier 2 trees may be
16 removed, if an otherwise allowable development area of 100 percent cannot be achieved without
17 extending into the basic tree protection area more than allowed pursuant to subsection
18 25.11.060.A.

19 c. For the purposes of this subsection 25.11.070.B, allowable development
20 area shall not include any portion of a parcel containing a biodiversity area or corridor, riparian
21 corridor, priority habitat, priority area setback, wetland, wetland buffer, or steep slope erosion
22 hazard area, unless the Director has approved a critical area reduction, waiver, or modification
23 pursuant to Chapter 25.09.

1 2. If an applicant chooses to retain Tier 2 trees that would otherwise be allowed to
2 be removed under subsection 25.11.070.B.1 or if encroachment into the tree protection area of an
3 off-site Tier 1, Tier 2, or Tier 3 tree cannot otherwise be avoided, modifications to development
4 standards are allowed as follows:

5 a. For development not subject to design review, the following Type I
6 modifications to standards:

7 1) Setbacks and separation requirements, if applicable, may be
8 reduced by a maximum of 75 percent;

9 2) Amenity areas may be reduced by a maximum of 75 percent;

10 3) Landscaping and screening may be reduced by a maximum of
11 75 percent; and

12 4) Structure width, structure depth, and facade length limits, if
13 applicable, may be increased by a maximum of 30 percent.

14 b. The following Type I modifications to standards are permitted for
15 development that: i) Receives public funding or an allocation of federal low-income housing tax
16 credits; and ii) is subject to a regulatory agreement, covenant, or other legal instrument recorded
17 on the property title and enforceable by The City of Seattle, Washington State Housing Finance
18 Commission, State of Washington, King County, (~~U.S. Department of Housing and Urban~~
19 ~~Development~~), or other similar entity as approved by the Director of Housing; and iii) either:
20 restricts at least 40 percent of rental units to occupancy by households earning no greater than 60
21 percent of median income, and controls the rents that may be charged for a minimum period of
22 40 years: or restricts at least 40 percent of ownership dwelling units (~~to occupancy by~~

1 households)) earning no greater than 80 percent of median income, and controls the sale price of
2 the units for a minimum period of ((40)) 50 years:

3 1) Setback, separation, amenity area, landscaping, and screening
4 requirements, if applicable, may be reduced by a maximum of 100 percent; and

5 2) Structure width, structure depth, and facade length limits, if
6 applicable, may be increased by a maximum of 100 percent.

7 c. For development subject to design review, the departures permitted in
8 Section 23.41.012.

9 d. Parking reduction. A reduction in the parking quantity required by
10 Section 23.54.015 and the modification of standards for safe access of any required parking of
11 Section 23.54.030 may be permitted in order to protect a Tier 2 tree, if the reduction would result
12 in a project that would avoid the tree protection area.

13 e. In Lowrise zones, for a principal structure with a base height limit of 40
14 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may
15 permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50
16 feet if the increase is needed to accommodate, on an additional story, the amount of floor area
17 lost by avoiding development within the tree protection area and the amount of floor area on the
18 additional story is limited to the amount of floor area lost by avoiding development within the
19 tree protection area.

20 3. Tree removal required for development to achieve the allowable development
21 area according to subsection 25.11.070.B.1 or height limits of the applicable zone includes, but is
22 not limited to, the construction of new structures, vehicles and pedestrian access, utilities,
23 retaining wall, or other similar improvement.

1 Section 76. Section 25.16.080 of the Seattle Municipal Code, last amended by Ordinance
2 124919, is amended as follows:

3 **25.16.080 Certificate of approval – Application((~~z~~))**

4 A. Application((~~z~~))

5 1. All applications for a certificate of approval shall be submitted to the District
6 Board.

7 2. The following information must be provided ((~~in order~~)) for the application to
8 be complete, unless the Board staff indicate in writing that specific information is not necessary
9 for a particular application:

10 a. Building name and building address;

11 b. Name of the business(es) located at the site of the proposed work;

12 c. Applicant's name and address;

13 d. Building owner's name and address;

14 e. Applicant's telephone number;

15 f. The building owner's signature on the application, or a signed letter

16 from the owner designating the applicant as the owner's representative, if the applicant is not the
17 owner;

18 g. Confirmation that the fee required by ((~~SMC Chapter 22.901T of the~~
19 ~~Permit Fee Subtitle~~)) 22.900G.010 has been paid;

20 h. A detailed description of the proposed work; including:

21 ((~~i~~)) 1) Any changes it will make to the building or the site,

22 ((~~ii~~)) 2) Any effect that the work would have on the public right-
23 of-way or other public spaces, and

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~~((iii.))~~ 3) Any new construction;

i. Four ~~((4))~~ sets of scale drawings, with all dimensions shown, of:

~~((i.))~~ 1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions,

~~((ii.))~~ 2) A floor plan showing the existing features and a floor plan showing the proposed new features,

~~((iii.))~~ 3) Elevations and sections of both the proposed new features and the existing features,

~~((iv.))~~ 4) Construction details, and

~~((v.))~~ 5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One ~~((1))~~ sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

~~((i.))~~ 1) Four ~~((4))~~ sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors,

1 ((~~ii~~)) 2) Four (~~((4))~~) sets of a plan, photograph, or elevation
2 drawing showing the location of the proposed awning, sign, or lighting,

3 ((~~iii~~)) 3) Four (~~((4))~~) copies of details showing the proposed
4 method of attaching the new awning, sign or lighting,

5 ((~~iv~~)) 4) The wattage and specifications of the proposed lighting,
6 and a drawing or picture of the lighting fixture, and

7 ((~~v~~)) 5) One (~~((1))~~) sample of proposed sign colors or awning
8 material and color;

9 m. If the proposal includes demolition of a structure or object:

10 ((~~i~~)) 1) A statement of the reason(s) for demolition,

11 ((~~ii~~)) 2) A description of the replacement structure or object; and

12 n. If the proposal includes replacement, removal, or demolition of existing
13 features, a survey of the existing conditions of the features that would be replaced, removed, or
14 demolished.

15 3. The staff shall determine whether an application is complete and shall notify
16 the applicant in writing within (~~((twenty eight (28)))~~) 28 days of the application being filed
17 whether the application is complete or that the application is incomplete and what additional
18 information is required before the application will be complete. Within (~~((fourteen (14)))~~) 14 days
19 of receiving the additional information, the staff shall notify the applicant in writing whether the
20 application is now complete or what additional information is necessary. An application shall be
21 deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this
22 section that the application is incomplete. A determination that the application is complete is not
23 a determination that the application is vested.

1 Section 79. Section 25.22.070 of the Seattle Municipal Code, enacted by Ordinance
2 109388, is amended as follows:

3 **25.22.070 Development and design review guidelines(~~(*)~~)**

4 A. The Landmarks Preservation Board shall draft and, after consideration and review in
5 accordance with (~~(the Administrative Procedure Ordinance (102228))~~) Chapter 3.02, shall adopt
6 development and design review guidelines as rules (~~(which)~~) that shall become effective upon
7 filing with the City Clerk. Notice and conduct of such public hearing(s) shall be in accordance
8 with the rules of the Landmarks Preservation Board and (~~(Ordinance 102228)~~) Chapter 3.02.

9 B. The development and design review guidelines shall identify the unique values of the
10 District, shall include a statement of purpose and intent, and shall be consistent with the purposes
11 of this chapter and the criteria specified in Section 25.22.030. The guidelines shall identify
12 design characteristics (~~(which)~~) that have either a positive or negative effect upon the unique
13 values of the District and shall specify design-related considerations (~~(which)~~) that will be
14 allowed, encouraged, limited or excluded from the District when certificate of approval
15 applications are reviewed. All guidelines shall be consistent with (~~(the Zoning Ordinance~~
16 (~~86300~~)) Title 23 and other applicable ordinances.

17 * * *

18 Section 80. Section 25.22.135 of the Seattle Municipal Code, last amended by Ordinance
19 123899, is amended as follows:

20 **25.22.135 Requests for interpretation**

21 * * *

1 E. A fee shall be charged for interpretations in the amount provided in ~~((the Permit Fee~~
2 ~~Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees,))~~ Table C-1
3 for 22.900C.010, subsection B.20, and shall be collected by the Department of Neighborhoods.

4 * * *

5 Section 81. Section 25.24.060 of the Seattle Municipal Code, last amended by Ordinance
6 124919, is amended as follows:

7 **25.24.060 Approval of changes to buildings, structures, and other visible elements((,))**

8 * * *

9 E. The Commission shall have sole responsibility for determining the appropriate
10 location, design, and use of signs and structures to be located on or above the surface of public
11 places in the Historical District and the sole responsibility for licensing and determining the
12 appropriate locations for performers ~~((as defined in Section 17.32.010 H of the Seattle Municipal~~
13 ~~Code, in the Historical District))~~; provided, that property owned by the Pike Place Market
14 Preservation and Development Authority shall not be considered a public place for the purposes
15 of this subsection 25.24.060.E. The Commission shall establish guidelines for the use of public
16 places in the District by performers, may assess reasonable permit fees, and may utilize the
17 services of the Pike Place Market Preservation and Development Authority (PDA) or, should the
18 PDA decline to make its services available, may utilize the services of any other organization
19 appropriate for implementation of performers licensing guidelines. It shall be unlawful for any
20 performer to actively solicit donations by word of mouth, gestures, mechanical devices, second
21 parties. It shall also be unlawful for any performer or other person to use any device for the
22 reproduction or amplification of sound without the express written approval of the Commission
23 secured in advance.

* * *

Section 82. Section 25.28.230 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

25.28.230 Definitions((:))

~~((A:))~~ For the purpose of this ~~((subchapter))~~ Subchapter II certain abbreviations, terms, phrases, words, and their derivations shall be construed as specified in this ~~((section))~~ Section 25.28.230.

~~((Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.))~~

~~((B:))~~ "Building" means any structure, other than the Burlington Northern railroad tunnel, used or intended for supporting or sheltering any use or occupancy.

~~((C:))~~ "Hearing Examiner" means the Hearing Examiner of the City created by ~~((Ordinance 102228))~~ Chapter 3.02, or ~~((his duly authorized representative))~~ designee.

~~((D:))~~ "Owner" means any person who, alone or jointly or severally with others, has title or interest in any building, with or without accompanying actual possession thereof, and includes any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.

~~((E:))~~ "Party affected" means any owner, tenant, or other person having a direct financial interest in the subject building or any adjacent property or any person whose health or safety is directly affected by the subject building, or the ~~((Pioneer Square Historic Preservation Board established by Ordinance 98852))~~ Pioneer Square Preservation Board.

~~((F:))~~ "Permit" means any form of certificate, approval, registration, license, or other written permission ~~((which))~~ that is required by law, ordinance, or regulation to be obtained before engaging in any activity.

1 ~~((G.))~~ "Person" means any individual, firm, corporation, association, or partnership, and
2 their agents or assigns.

3 ~~((H.))~~ "Superintendent" means the Director of the Seattle Department of Construction and
4 Inspections ~~((and shall also include any duly authorized representative of the Director))~~, or
5 designee.

6 Section 83. Section 25.28.290 of the Seattle Municipal Code, enacted by Ordinance
7 107323, is amended as follows:

8 **25.28.290 Method of service of notice and order~~((.))~~**

9 Service of the notice and order shall be made upon all persons having an interest in the property
10 in the manner provided for the service of notices in ~~((Section 5.03 of the Housing Code~~
11 ~~(Ordinance 106319))~~ Subtitle II of Title 22; provided, that when personal service is obtained
12 upon all persons having an interest in the property, it shall not be necessary to post a copy of the
13 notice and order of the property.

14 Section 84. The provisions of this ordinance are declared to be separate and severable.
15 The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
16 ordinance, or the invalidity of its application to any person or circumstance, does not affect the
17 validity of the remainder of this ordinance or the validity of its application to other persons or
18 circumstances.

1 Section 85. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the _____ day of _____, 2024,
4 and signed by me in open session in authentication of its passage this _____ day of
5 _____, 2024.

6 _____
7 President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

8 _____
9 Bruce A. Harrell, Mayor

10 Filed by me this _____ day of _____, 2024.

11 _____
12 Scheereen Dedman, City Clerk

13 (Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
SDCI	Travis Saunders	Christie Parker

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 23.22.066, 23.22.100, 23.24.010, 23.28.020, 23.34.009, 23.34.093, 23.40.002, 23.41.004, 23.41.012, 23.42.058, 23.42.060, 23.42.130, 23.44.014, 23.44.016, 23.44.020, 23.44.041, 23.45.510, 23.45.516, 23.45.528, 23.45.529, 23.45.545, 23.47A.004, 23.47A.010, 23.47A.011, 23.47A.020, 23.48.005, 23.48.225, 23.48.720, 23.49.002, 23.49.008, 23.49.025, 23.49.042, 23.49.058, 23.49.090, 23.49.142, 23.49.162, 23.49.300, 23.49.320, 23.49.338, 23.50.002, 23.50.012, 23.50.044, 23.53.006, 23.53.015, 23.53.030, 23.54.015, 23.54.030, 23.55.032, 23.58C.035, 23.66.110, 23.66.122, 23.66.322, 23.69.002, 23.69.032, 23.69.033, 23.69.034, 23.71.006, 23.84A.006, 23.84A.008, 23.84A.016, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.038, 25.05.444, 25.05.675, 25.05.714, 25.09.045, 25.09.160, 25.11.020, 25.11.030, 25.11.040, 25.11.050, 25.11.060, 25.11.070, 25.16.080, 25.16.115, 25.16.150, 25.22.070, 25.22.135, 25.24.060, 25.28.230, and 25.28.290 of the Seattle Municipal Code.

Summary and Background of the Legislation: Ongoing maintenance of the Land Use Code and related land use regulations periodically requires amendments that are relatively small scale and have limited scope and impact. Such amendments include correcting typographical errors and incorrect section references, as well as clarifying existing code provisions, and minor policy changes that don't warrant independent legislation.

Periodic updating of the Land Use Code is an important part of the regulatory process. Clarifying development regulations is necessary from time to time to correct errors and omissions when they are discovered, and to ensure that the City's policy intent is clear and achievable. Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use Code. The last omnibus ordinance was adopted in 2022. Examples of the changes include:

- Multiple changes to make the SMC consistent with RCW 69.50.710, changing the term "Marijuana" to "Cannabis".
- Various updates to make the SMC consistent with tree categories as defined in the tree protection ordinance.
- Clarification to allow commercial outdoor activities adjacent to a lot that is both zoned residential and commercial (SMC 23.47A.011.)
- Several changes are proposed to Seattle Mixed zones to facilitate additional height for preserving open space (SMC 23.48.225) and to facilitate additional FAR for preserving the Monorail (SMC 23.48.720.)

- Several changes are proposed to Downtown zones to clarify lodging height limit (SMC 23.49.008) and the height of ‘towers’ (SMC 23.49.058.)
- Several administrative changes are proposed to 25.11 Tree Protection to provide for clarity of use and implementation of the requirements.

For a complete listing of the changes, please consult the Director’s Report accompanying this legislation.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? Yes No

4. OTHER IMPLICATIONS

- Please describe how this legislation may affect any departments besides the originating department.** This legislation includes several changes requested by Department of Neighborhoods staff to improve clarity in that department’s operations.
- Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**
No, this legislation does not impact a specific piece of property.
- Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**
 - How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.** The omnibus ordinance involves only changes which are consistent with existing code, intent and policy. As such, no new policy issues are typically involved in an Omnibus. Nevertheless, all proposed amendments were reviewed internally by SDCI staff for consistency with city policy regarding race and social justice with a particular lens towards adopting plain language whenever possible.
 - Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.** Not applicable for this omnibus ordinance.

- iii. **What is the Language Access Plan for any communications to the public?** No public communications are required for this ordinance, unless requested.

d. Climate Change Implications

- i. **Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.** This legislation is not proposing development and will not increase or decrease carbon emissions.
- ii. **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.** This legislation does not propose development and will not increase or decrease Seattle’s resiliency to climate change.
- e. **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)? What mechanisms will be used to measure progress towards meeting those goals?** Not applicable.

5. CHECKLIST

- Is a public hearing required?** Yes, The City Council must hold a public hearing, to be scheduled before the Land Use Committee.
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?** Yes. Publication of notice of the Council public hearing will be made in The Daily Journal of Commerce and in the City’s Land Use Information Bulletin (LUIB). Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was made in The Daily Journal of Commerce and in the Land Use Information Bulletin in April 2024.
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

6. ATTACHMENTS

Summary Attachments:

- A. SEPA Threshold Determination

**CITY OF SEATTLE****ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS****SEPA Threshold Determination****2024 Omnibus Legislation****Project Sponsor:** City of Seattle Department of Construction and Inspections**Location of Proposal:** The proposal is a non-project action, applicable City-wide**SUMMARY OF PROPOSED ACTION**

The proposal is to amend the City’s land use regulations to correct typographical errors and section references, clarify regulations, and make minor amendments.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS DNS with conditions DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.**BACKGROUND**

The Department of Construction and Inspections (SDCI) is responsible for maintenance of the Land Use Code (SMC Title 23). Amendments to the Land Use Code are proposed periodically in an “omnibus ordinance,” which is designed to clarify and improve the function of the existing code. The proposed amendments to the Land Use Code include “clean-up” amendments that correct inadvertent clerical or typographical errors, fix incorrect cross-references, and clarify existing code language. Applicants, residents, elected officials, and City staff identified the need for the proposed amendments. In coordination with the City’s Law Department, SDCI has concluded that the changes are not substantive in content.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposal during Council meetings and a City Council public hearing.

Proposal Description

This proposal involves numerous minor amendments to the Land Use Code and to some related sections of the Seattle Municipal Code that are intended to clarify current provisions or to correct minor oversights and clerical or typographical errors. The proposed changes in this omnibus are summarized in the Director's Report prepared by SDCI that accompanies the proposed amendments and is published together with the SEPA checklist for public review.

ANALYSIS - SEPA

This proposal is for an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated March 27, 2024. The information in the checklist, a copy of the proposed code changes, the Director's Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

The proposed amendments may result in potential environmental impacts, which are identified and discussed below.

ELEMENTS OF THE ENVIRONMENT

Adoption of the proposed Land Use Code amendments would not result in any immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential long-term impacts that might conceivably result from differences in future development patterns due to the proposed amendments.

Natural Environment

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

The proposed changes would result in no direct impacts and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants/animals, fisheries, energy, natural resources, sensitive areas, noise, or releases of toxic/hazardous substances. The changes do not alter the eligible locations for development. As discussed below, the proposed changes to the Land Use Code are considered with the context of the City's related environmental protection regulations.

The proposal does not significantly alter any procedures or regulations related to natural environment protections. Development of specific projects on individual sites are subject to the City's existing regulations, such as the Stormwater Code, the Shoreline Management Program, Grading and Drainage Ordinance, the Regulations for Environmentally Critical Areas, and the Noise Ordinance. Any future project-specific development proposal that exceeds adopted thresholds are subject to environmental review as a part of the permit review process and would continue to be subject to environmental review under the proposal.

Built Environment

Land & Shoreline Use, Height/Bulk/Scale

The proposed changes are not expected to create significant impacts on existing and planned land and shoreline use. No incompatible uses would be allowed or encouraged by these amendments. No site-specific proposals are proposed at this time. A few changes to development standards warrant additional analysis and are discussed below.

23.47A.010 – Maximum size of nonresidential use – This amendment to add subsection 23.47A.010.B.3 would clarify the amount of back of house space that is accessory to grocery stores that does not count towards the maximum size of use. This adjustment is needed to make the maximum size of use consistent with the intent to allow neighborhood grocery stores adequate space for loading, storage and other back of house functions necessary for a grocery store. With this additional back of house space, grocery stores can better meet the intent of these provisions to provide cafe and specialty food stores without breaking into the larger template found in corporate grocery stores.

23.47A.011 – Outdoor Activities – Existing code prohibits certain outdoor activities on commercial properties when they are located within 50 feet of a lot in a residential zone. This amendment to subsection 23.47A.011.E adds an allowance for these outdoor activities to be within 50 feet of a lot that is both zoned residential and commercial. This addition helps to address an increased need for outdoor activity areas, that since the pandemic, have been essential to businesses and the community. Properties that are split between residential and commercial zones occur throughout the city and represent an opportunity to increase outdoor activity areas.

23.48.225 – Structure height in South Lake Union Urban Center – This code amendment to section 23.48.225 is to facilitate additional height for the site identified in several prior code amendments. This amendment would facilitate the density transfer from the site known as ‘Seattle Times Park’, to facilitate the floor area authorized under Ordinance 125927 and Council Bill 119597 known as the South Lake Union Open Space Incentive. This legislation was created to revise the existing incentives for preservation of open space in the South Lake Union Urban Center. The proposed legislation is a response to changes in the structure of incentive zoning system that occurred with the adoption of MHA. The amendment is clarifying language to allow either residential towers at 440 feet in height or non-residential towers at the height of 190 feet. This is consistent with the findings in the original Open Space Incentive program.

23.48.720 – Floor area ratio (FAR) in SM-UP zones – This amendment to the FAR in the Seattle Mixed Uptown zones (SM-UP 160) would adjust the FAR for sites with lot coverage and limited ability to achieve maximum FAR due to a building base which is limited due to easements or setbacks from the monorail supports. This change is limited in scope with only one known development site the SM-UP 160 zone that is currently constrained by this monorail setback. This correction would restore additional FAR for structures to offset the limitations that the monorail setback causes.

An analysis of a proposal under the existing code would result in the same ultimate FAR but would be provided almost entirely in residential use with no usable ground level public space. With the proposed change, a proposal with a mix of residential and commercial use could be developed and would result in a footprint with a greater degree of ground level open space.

23.49.008 – Structure height – The amendment to add subsection 23.49.008.A.10 to clarify the intent to

not preclude lodging uses from the lower-level height limit of 65 and to apply the 95 foot height limit to both residential and lodging uses.

23.49.058 - Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards- Clarifies tower standards, found in section 23.49.058, in this zone consistent with Ordinance 126855 to exclude structures abutting 3rd Avenue between Union Street and Pike Street with only residential uses above a height of 85 from the definition of a tower. A second change at subsection amends the tower definition to exclude those proposals for which an early design guidance application has been submitted but never pursued from being considered a “tower” for purposes of this section. A provision is added to require such applications to advance to a complete building permit within 12 months of filing its early design guidance application or from the effective date of this ordinance. This would disqualify a proposed tower from being considered an existing tower for purposes of the tower spacing requirements of this subsection.

23.54.015 - Required parking and maximum parking limits – Changes to Table A for 23.54.015 to resolve formatting and style edits for consistency, and to remove transitional encampment interim use parking standards that were established by expired Ordinance 124747. Changes to Table C for 23.54.015 item F. Community Farms to correct a scrivener’s error. An additional change to Table C for 23.54.015 footnote 12, consistent with prior legislation for childcare centers, the Directors authority to modify parking requirements for childcare centers.

25.11.070 – Tree protection on sites undergoing development in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones – Three changes are proposed. The first amendment is to subsection 25.11.070.A.2 to provide clarity around reducing yards and setbacks in order to voluntarily protect Tier 1, 2, 3 and 4 trees. The second amendment is in subsection 25.11.070.A.3 to address the calculation of maximum lot coverage and the minimum width of a structure that must be able to be achieved in order to determine if a tree may be removed. The third change is to subsection 25.11.070.B.2.b to clarify that developments identified are for low-income housing meeting the definition in Title 23.

Conclusion

The proposed changes fall within the scope and intent of adopted policy goals for the City of Seattle. The general effect of the changes would be to provide greater consistency between SDCI practice and policy, update agency references, clarify various Code provisions, and correct typographical errors and incorrect cross-references. Future development using these provisions will be subject to SEPA, as required, to address potential adverse impacts. Therefore, no mitigation pursuant to SEPA policies is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

Signature: Signature on File
David G. Graves, Policy and Technical Land Use Planner
Seattle Department of Construction & Inspections

Date: April 25, 2024

DIRECTOR'S REPORT AND RECOMMENDATION
2024 Omnibus Ordinance
June 11, 2024

Introduction

The Seattle Department of Construction and Inspections (SDCI) is responsible for routine maintenance of the Land Use and other codes. The proposed amendments are called “omnibus” amendments because SDCI packages a collection of amendments for efficiency that are relatively small scale. Such amendments include relatively minor changes that do not warrant independent legislation, correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language for consistency. The following is a section-by-section description of the proposed amendments. Where the only changes are minor grammatical corrections to existing language or corrections of typographical errors, the descriptions are limited or omitted.

Land Use Code: Title 23

23.22.100 - Design standards- Changes subsection 23.22.100.A to revise incorrect references to the Right of Way Improvement manual and formatting and style edits.

23.24.010 - Filing of application- Changes to subsection 23.24.020.A to revise incorrect references to Subtitle IX of Title 22 and formatting and style edits.

23.28.020 - Application for approval of lot boundary adjustment- Changes to section 23.28.020 to revise incorrect references to the Revised Code of Washington and formatting and style edits.

23.34.009 - Height limits of the proposed rezone – Changes subsection 23.34.009.D to revise incorrect code references.

23.34.093 - General Industrial 2 (IG2) zone, function, and locational criteria Changes to subsection 23.34.093.B revise incorrect reference to Kingdome and formatting and style edits.

23.40.002 - Conformity with regulations required – Update to section 23.40.002 includes a nomenclature change from “Marijuana” to “Cannabis” for consistency with State Statute.

23.41.004 - Applicability- The change to subsection 23.41.004.C reflects a consistency update to Design Review with regards to the Tree Protection code that revised the term “Exceptional” tree to the new code regime which uses tiered rating system for protected trees. New language clarifies that optional Administrative Design review is available for projects seeking to save Tier 1 or Tier 2 trees. This update is needed to facilitate implementation of Design Review on sites with trees regulated under the recently updated Title 25.11 (Ord. 126821).

23.41.012 - Development standard departures- Similar to the amendment of section 23.41.004, these changes at subsections 23.41.012.B.10 and 11 provides consistency with the Tree Protection code that revised the term from “Exceptional” tree to tiered rating system for trees.

23.42.058 - Marijuana-Updated section 23.42.058 with nomenclature change from “Marijuana” to “Cannabis” for consistency with Statute.

23.42.060 - Short-term rentals- Updated section 23.42.060 to remove obsolete reference to “household” definition and refine references to effective dates of code to enhance plain language reading.

23.42.130 - Nonconforming solar collectors –Updated section 23.42.130 with correct code references.

23.44.014 – Yards - Two changes are proposed. A change to subsection 23.44.014.C.5 to reflect that uncovered porches and steps are allowed as an exception to the yard requirements in more than one required yard. The second change to subsection 23.44.014.E.4 includes new language clarifying that fences are allowed in separation between structures. This change will clarify a longstanding interpretation that permits fences in both required setbacks and separations.

23.44.016 – Parking and garages. These amendments are to revise section 23.44.016 with the nomenclature for protected trees from exceptional to Tier trees consistent with recent code update (Ordinance 126821.)

23.44.020 - Tree requirements –Two changes are proposed. Update to Table A for 23.44.020 to include updated tree species for the tree requirements in RSL zones. The second change is to correct code reference to reflect updated tree code language in subsection 23.44.020.C.

23.44.041 - Accessory dwelling units - The change to the nomenclature for protected trees from exceptional to Tier 1 and Tier 2 trees consistent with recent tree code update (Ord. 126821) in Table A for 23.44.041 footnote 2. The change provides clarification at Table A for 23.44.041 footnote 4 to make plain the setbacks along alleys. The existing code allows DADUs to be built up to an alley line. This amendment will clarify that should include architectural features such as eaves and chimneys that are also allowed up to but not over the property line. The amendment to subsection 23.44.041.C.2 resolves inconsistent language that would disallow flexibility in converting existing structures to detached accessory units in the preceding table A.

23.45.510 - Floor area – Amendment made to subsection 23.45.510.D.4.a to allow all residential structures, not just apartments, in Lowrise zones this floor area exemption.

23.45.516 - Method to achieve extra residential floor area in HR zones – Addition of Map A for 23.45.516 Neighborhood Green Streets.

23.45.528 - Structure width and depth limits for lots greater than 9,000 square feet in Midrise zone - Change to section 23.45.528 clarifies language such that the code appropriately assigns width and depth limits lots with more than one principal structures.

23.45.529 - Design standards- Amendment to subsection 23.45.529.C.3 clarifies that the design standards are applicable to all housing types in Lowrise zones.

23.45.545 - Standards for certain accessory uses- Amendment to subsection 23.45.545.I, clarifies language that accessory dwelling units are permitted in Lowrise zones for single family, rowhouses and townhouses uses, not for apartment uses.

23.47A.004- Permitted and prohibited uses Nomenclature change to Table A for 23.47A.004 footnote 2 from "Marijuana" to "Cannabis" for consistency with Statute.

23.47A.010 - Maximum size of nonresidential use- This amendment to add subsection 23.47A.010.B.3 would clarify the amount of back of house space that is accessory to grocery stores that does not count towards the maximum size of use. This adjustment is needed to make the maximum size of use consistent with the intent to allow neighborhood grocery stores adequate space for loading, storage and other back of house functions necessary for a grocery store. With this additional back of house space, grocery stores can better meet the intent of these provisions to provide cafe and specialty food stores without breaking into the larger template found in corporate grocery stores.

23.47A.011 – Outdoor Activities - Existing code prohibits certain outdoor activities of commercial properties when they are located within 50 feet of a lot in a residential zone. This amendment to subsection 23.47A.011.E adds an allowance for these outdoor activities to be within 50 feet of a lot that is both zoned residential and commercial. This addition helps to address an increased need for outdoor activity areas, that since the pandemic, have been essential to businesses and the community. Properties that are split between residential and commercial zones occur throughout the city and represent an opportunity to increase outdoor activity areas.

23.47A.020 Odor standards - Nomenclature change to subsection 23.47A.020.B.1.m from "Marijuana" to "Cannabis" for consistency with Statute.

23.48.005 Uses - Nomenclature change at subsection 23.48.005.A.3 from "Marijuana" to "Cannabis" for consistency with Statute.

23.48.225 - Structure height in South Lake Union Urban Center-This code amendment to section 23.48.225 is to facilitate additional height for the site identified in several prior code amendments. This amendment would facilitate the density transfer from the site known as 'Seattle Times Park', to facilitate the floor area authorized under Ordinance 125927 and Council

Bill 119597 known as the South Lake Union Open Space Incentive. This legislation was created to revise the existing incentives for preservation of open space in the South Lake Union Urban Center. The proposed legislation is a response to changes in the structure of incentive zoning system that occurred with the adoption of MHA. The amendment is clarifying language to allow either residential towers at 440 feet in height or non-residential towers at the height of 190 feet. This is consistent with the findings in the original Open Space Incentive program.

23.48.720 - Floor area ratio (FAR) in SM-UP zones- This amendment to the FAR in the Seattle Mixed Uptown zones (SM-UP 160) would adjust the FAR for sites with lot coverage and limited ability to achieve due to a building base which is limited due to easements or setback from the monorail. This change is limited in scope with only one known development site the SM-UP 160 zone that is currently constrained by this monorail setback, this correction. This correction would allow additional FAR for structures to offset the limitations that the monorail setback result.

An analysis of a proposal under the existing code would result in the same ultimate FAR, but provided almost entirely in residential use with no usable ground level public space. With the proposed change, a proposal with a mix of residential and commercial use could be developed and would result in a footprint with a greater degree of ground level open space.

23.49.002 - Scope of provisions- Nomenclature change to subsection 23.49.002.F from "Marijuana" to "Cannabis" for consistency with Statute.

23.49.008 - Structure height- The amendment to add subsection 23.49.008.A.10, to clarify the intent to not preclude lodging uses from the lower-level height limit of 65 and to apply the 95 foot height limit to both residential and lodging uses. 95 feet.

23.49.025 - Odor, noise, light/glare, and solid waste recyclable materials storage space standards- Nomenclature change at subsection 23.49.025.A.1.a.9) from "Marijuana" to "Cannabis" for consistency with Statute. Also, a plain language edit at section 23.49.025.B. so that noise standards apply to repair shops for auto body, boat and airplanes.

23.49.042 - Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial permitted uses- Nomenclature change at subsection 23.49.042.A from "Marijuana" to "Cannabis" for consistency with Statute. Change at subsection 23.49.042.C and add subsection 23.49.042.D for formatting and style edits consistency.

23.49.058 - Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards -

There are two amendments proposed. The first one clarifies tower standards, found in section 23.49.058 to correct an omission from the Third Avenue Rezone legislation recently passed as part of the Downtown Activation Plan. The amendment would allow structures abutting 3rd

Avenue between Union Street and Pike Street to have a podium height limit of 85' rather than 65' as originally intended.

The second amendment is proposed to the tower definition to exclude those proposals for which an early design guidance (EDG) application has been submitted but have not progressed in a timely manner to Master Use Permit application submittal. These older EDG applications would be excluded from being considered a "tower" for purposes of this Section. The existing provisions do not recognize that some permit applications at the EDG level may never be pursued. A provision is added to require that an EDG application must advance to a complete MUP within 12 months from filing its EDG application, or from the effective date of this ordinance to be considered an "existing tower."

23.49.090 - Downtown Retail Core, permitted uses - Nomenclature change at subsection 23.49.090.A from "Marijuana" to "Cannabis" for consistency with Statute. Change to subsection 23.49.090.C and add subsection 23.49.090.D for formatting and style edits consistency.

23.49.142 - Downtown Mixed Residential, permitted uses-- Nomenclature change at subsection 23.49.142.A from "Marijuana" to "Cannabis" for consistency with Statute. Change to subsection 23.49.142.C and add subsection 23.49.142.D for formatting and style edits consistency.

23.49.162 - Downtown Mixed Residential, street facade requirements- Amend Exhibits 23.49.162.A, and 23.49.162.B for clarity.

23.49.300 - Downtown Harborfront 1, uses-Nomenclature change at subsection SMC 23.49.300.A from "Marijuana" to "Cannabis" for consistency with Statute. Change at subsection SMC 23.49.300.B for formatting and style edits consistency.

23.49.320 - Downtown Harborfront 2, prohibited uses- Nomenclature change at subsection 23.49.320.I from "Marijuana" to "Cannabis" for consistency with Statute.

23.49.338 - Pike Market Mixed, prohibited uses- Nomenclature change at subsection 23.49.338.A.12 from "Marijuana" to "Cannabis" for consistency with Statute and corrected code reference at subsection 23.49.338.B.

23.50.002 - Scope of provisions - Nomenclature change at subsection 23.50.002.E from "Marijuana" to "Cannabis" for consistency with Statute.

23.50.012 – Permitted and prohibited uses – Nomenclature change to footnote 2 of Table A for 23.50.012 Uses in Industrial zones from "Marijuana" to "Cannabis" for consistency with Statute.

23.50.044 – All industrial zones – Standards for major odor sources - Nomenclature change at subsection 23.50.044.B.1.I from "Marijuana" to "Cannabis" for consistency with Statute.

23.53.006 - Pedestrian access and circulation Eliminate subsection 23.53.006.F 2. A.3 to the Street Use division deviation process which lies outside Title 23 administration and is within Seattle Department of Transportation's purview.

23.53.015 - Improvement requirements for existing streets in residential and commercial zones- Changes to correct internal code references at sections A, B and C. Amendments at sections D, E and F to correct formatting and style edits and to move a reference to an additional setback in Highrise zones at subsection 23.53.015.D.2.a) for readability later in the section.

23.53.030 – Alley improvements in all zones – Changes to section 23.53.030 include formatting and style edits changes for consistency and resolve out of date code references.

23.54.015 - Required parking and maximum parking limits – Changes to Table A for 23.54.015 to resolve formatting and style edits for consistency, and to remove transitional encampment interim use parking standards that were established by expired Ordinance 124747. Changes to Table C for 23.54.015 item F. Community Farms to correct a scrivener's error. An additional change to Table C for 23.54.015 footnote 12, consistent with prior legislation for childcare centers, clarifies the Directors authority to modify parking requirements for childcare centers.

23.54.030 - Parking space and access standards- Two changes are proposed. The first is to clarify subsection 23.54.030.B.2.d to reflect minimum height of garages regardless of where the garage takes access. The second is to update subsection 23.54.030.J to clarify Director's authority for modifying parking space size standards for residential as well as nonresidential uses.

23.55.032 - Signs in the Sand Point Overlay District- Changes to section 23.55.032 formatting and style edits changes for consistency and resolve out of date code references.

23.58C.035 - Modification of payment and performance amounts- Updates reference to include the SM-U 75-240 zone. Subsection 23.58C.035.B.1 also includes updates for formatting and style edits.

23.66.110 - Responsible agency- Updates to section 23.66.110 to delete the sentence starting with "All members of the Pioneer Square Preservation Board, established by Ordinance 110058" and make formatting and style edits.

23.66.122 - Prohibited uses- Nomenclature change at subsection 23.66.122.A.23) from "Marijuana" to "Cannabis" for consistency with Statute.

23.66.322 - Prohibited uses-- Nomenclature change at subsection 23.66.322.A.27) from "Marijuana" to "Cannabis" for consistency with Statute.

23.69.002 - Purpose and intent- Update to section 23.69.002 to delete superfluous term, "conceptual" in reference to a Master Plan.

23.69.032 - Master plan process- Changes to section 23.69.032 includes a number of formatting and style edits and reference correction including correcting reference to the Healthy Growth, Aging, and Lifestyles and Lifelong Learning Headings in the Community Well-Being element of the Comprehensive plan.

23.69.033 - Approval of master use permits prior to master plan adoption- Changes to section 23.69.033 includes a number of formatting and style edits and code reference correction.

23.69.034 - Effect of master plan adoption- Changes to section 23.69.034 to correct outdated code references.

23.71.006 - Application of regulations- Changes to section 23.71.006 to remove language referencing an exception procedure in Section 23.71.026 that was repealed in 2003.

23.84A.006 "C" – Insert new definition to section 23.84A.006 of 'Cannabis, Cannabis Activity, Major, Cannabis-infused products, Cannabis, useable' to align Title 23 with nomenclature in the Statute.

23.84A.007 "D"- Changes to section 23.84A.007 to replace language regarding superseded Public Benefit Features Rule in definition of "Downtown Amenity Standards."

23.84A.025 "M" -Changes to section 23.84A.025 to strike outdated Marijuana definitions consistent with changes to new cannabis definitions in 23.84A.006.

23.84A.030 "P" -Changes to section 23.84A.030 to clarify language and correct references to "Public Benefits Features Rule" which refers to Superseded Director's Rule 20-93.

23.84A.032 "R" – Changes to section 23.84A.032 to remove outdated reference to RCW Chapter 18.20 in definition of "Assisted Living Facility."

23.84A.038 "T" – Changes to section 23.84A.038 to remove definition of "exceptional trees" a reference used in Chapter 25.11 that has been updated to new nomenclature and a tiered tree rating system.

Environmental Policies and Procedures

25.05.444 - Elements of the environment- Changes to section 25.05.444 to delete parking as an element under consideration in Environmental Review consistent with updates to the Revised Code of Washington.

25.05.675 - Specific environmental policies- Changes to section 25.05.675 to update Attachment A with the official name of several City Parks including Charles Richey Sr. Viewpoint, Rainbow Viewpoint, East Portal I-90 Overlook, Kerry Viewpoint, NW 60th Street Viewpoint and Ursula Judkins Viewpoint.

25.05.714 - Agency- Amend incorrect reference to Revised Code of Washington in subsection 25.05.714.E.

Environmental Critical Areas

25.09.045 Exemptions- Changes to section 25.09.045 to provide clarifying language that an exemption is not required to be processed separately from a development permit application.

25.09.160 Development standards for wetlands and wetland buffers-Changes to section 25.09.160 to correct internal references to riparian area "buffers."

Tree Protection

25.11.020 Exemptions- Changes to section 25.11.020 to clarify the existing tree removal exemption that applies in Environmentally Critical Areas and provide correct code reference to the process for approval in Section 25.09.070.

25.11.030 Emergency actions- Changes to section to 25.11.030 to provide correct reference to the qualifications and industry standard for Tree Risk Assessments consistent with Ordinance 126821.

25.11.040 - Hazardous tree removal – Amendment subsection 25.11.040.B.3 to clarify that normal and routine pruning shall be completed to mitigate hazards.

25.11.050 General provisions for regulated tree categories – Updates to Table A for 25.11.050 are provided to correctly implement tree removal regulations in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed Zones, to provide corrected reference notation and provide correct code references. Include clarifying footnote 1 that indicates which zones that table does not apply.

25.11.060 Requirements for trees when development is proposed- Changes to section 25.11.060 to provide corrected reference to indicate which portion of the Tree Protection Area may be reduced by the Director consistent with the language in Ordinance 126821.

25.11.070 Tree protection on sites undergoing development in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones- Three changes are proposed. The first amendment is to subsection 25.11.070.A.2 to provide clarity around reducing yards and setbacks in order to voluntarily protect Tier 1,2,3 and 4 trees. The second amendment is in subsection 25.11.070.A.3 address the calculation of maximum lot coverage and that minimum

width of structure that must be able to be achieved in order to determine if a tree may be removed. The third change is to subsection 25.11.070.B.2.b to clarify that developments identified are for low -ncome housing meeting the definition in Title 23.

Ballard Avenue Landmark District

25.16.080 Certificate of approval – Application-Correct subsection 25.16.080.A.1.g to refer to correct chapter reference Section 22.900G.010. Additional formatting and style edits.

25.16.115 Requests for interpretation- Changes to section 25.16.115 to update for consistency and add correct code references.

25.16.150 Conflicting provisions- Changes to section 25.16.150 to update for consistency and add correct code references.

Harvard Belmont Landmark District

25.22.070 - Development and design review guidelines- Changes to section 25.22.070 for consistency, add correct code references.

25.22.135 - Requests for interpretations- Changes to section 25.22.135 for consistency, add correct code references.

Pike Place Markey Historic District

25.24.060 - Approval of changes to buildings, structures and other visible elements- Updates to section 25.24.060 for consistency, add correct code references.

Pioneer Square Historical District.

25.28.230 Definitions- Changes to section 25.28.230 for formatting and style edits changes for consistency and resolve out of date code references.

25.28.290 - Method of service of notice and order - Correct section 25.28.290 out of date code references.

Recommendation

Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use and other codes. SDCI recommends approval of the proposed legislation.

August 16, 2024

MEMORANDUM

To: Land Use Committee
From: Lish Whitson, Analyst
Subject: CB 120823 – 2024 Land Use Omnibus Bill

On September 4, the Land Use Committee will receive a briefing and hold a public hearing on Council Bill (CB) [120823](#), the 2024 Omnibus bill. Approximately every other year the Seattle Department of Construction and Inspections (SDCI) develops an omnibus bill amending the Land Use Code (LUC) and related sections of the Seattle Municipal Code (SMC). Generally, the omnibus bill corrects typographical errors and cross-references, clarifies existing regulations, and makes other minor amendments identified by SDCI in the course of Code administration. While the omnibus bill is not intended to be a vehicle for addressing significant policy issues, inevitably the omnibus does result in some minor policy changes.

In the 2024 Omnibus, most changes are technical, primarily amending the Land Use Code to update terminology or fix outdated references. Many amendments either replace the term “marijuana” with “cannabis,” update references to the categories of trees included in [Ordinance 126821](#), 2023’s tree regulation ordinance, or clarify language in accordance with Ordinance 126821.

This memorandum identifies and discusses: (1) areas where CB 120823 departs from prior policy decisions made by the Council or there are considerations that Central Staff has identified with the proposal; (2) other substantive changes included in the proposed bill that are consistent with prior Council actions; and (3) proposed amendments that are required due to changes to Washington State law.

Departures from Prior Policy Choices and Potential issues

Bill Sections	Discussion
17	<p>Basement Floor Area Exemptions Amendments to SMC 23.45.510, related to multifamily floor area regulations, would broaden an exemption that allows daylight basements to be exempt from limits on floor area in Lowrise zones. Currently the exemption applies to apartments. For rowhouses and townhouses the exemption applies only when all parking is located behind or within a structure.</p> <p>These amendments would expand the exemption to apply to other housing types, such as congregate housing, assisted living facilities and nursing homes, single family houses and cottage housing. Under Revised Code of Washington (RCW) 36.70A.535, the City is required to treat congregate housing the same as other</p>

Bill Sections	Discussion
	<p data-bbox="342 321 1321 394">multifamily housing types and must adopt these provisions as they apply to congregate housing by December 31, 2025.</p> <p data-bbox="342 436 1354 590"><i>Considerations: To encourage the development of a more pedestrian-friendly streetscape, Councilmembers may want to apply the rules for townhouses and rowhouses (i.e., exemption applies only when all parking is located behind or within the structure) to single family houses and cottage housing.</i></p>
23	<p data-bbox="342 600 834 632">Grocery Store Floor Area Exemptions</p> <p data-bbox="342 636 1419 898">This amendment to SMC 23.47A.010, related to the maximum size of nonresidential uses in commercial zones, would allow back-of-house functions of a grocery store – storage rooms, administrative offices, etc. – to be exempt from floor area limits in Neighborhood Commercial (NC) zones. This applies in NC1 zones, where most commercial uses are limited to 10,000 square feet and existing grocery stores are limited to 23,000 square feet, and NC2 zones, where commercial uses including grocery stores, are limited to 50,000 square feet.</p> <p data-bbox="342 947 1354 1094">The amount of floor area that could be exempt from size limits would equal approximately 3,000 square feet for new grocery stores in NC1 zones, 6,900 square feet for existing grocery stores in NC1 zones, and 8,500 square feet for grocery stores in NC2 zones.</p> <p data-bbox="342 1142 1409 1289"><i>Considerations: To simplify regulations and allow for flexibility in how grocery stores choose to organize their space, the Council could instead allow grocery stores to be larger generally, rather than limiting the additional floor area to back-of-house functions.</i></p>
27	<p data-bbox="342 1299 922 1331">SM-SLU 175/85-280 Height Limit Exceptions</p> <p data-bbox="342 1335 1403 1482">This amendment to SMC 23.48.225, related to height limits in South Lake Union, would amend a special height exception that applies in the Seattle Mixed-South Lake Union 175/85-280 (SM-SLU 175/85-280) zone. A map of the zone is included as Attachment 1.</p> <p data-bbox="342 1530 1419 1793">Currently, in this zone a project that preserves open space and includes two non-residential towers on one block is permitted to exceed the applicable height limits. The code provides for different heights where there are two non-residential towers and different heights where there are two residential towers on a block. The provisions were adopted in 2019, and were drafted to support development that commits to preserve the “Seattle Times Park” or “Onni Park” at the southwest corner of Fairview Avenue and John Street N.</p>

Bill Sections	Discussion
	<p>This amendment would still require that two non-residential towers be built on a block. But height limits would be changed. A non-residential tower closer to the eastern block front would be allowed up to 190 feet tall. A residential tower on the northwestern portion of a block front would be allowed up to 440 feet tall (up from 360 feet), with a 125-foot podium. Non-residential towers on other portions of the block would be limited to 175 feet (down from 208 feet) and residential towers on other portions of the block would be limited to 280 feet (down from 320 feet).</p> <p><i>Considerations: SDCI has been unable to confirm whether there are any projects that have already been built or permitted under the existing regulations, so it is unclear whether these changes would impact any existing projects. To prevent possible non-conformities, the Council could instead add the new limits as an alternative to the existing provisions, rather than replacing the existing provisions. However, doing so would add complexity to an already complex code.</i></p>
28	<p>SM-UP 160 Non-residential FAR</p> <p>This amendment to SMC 23.48.720, related to floor area ratios in Uptown, would allow taller non-residential buildings on blocks in the Uptown neighborhood that have the monorail running through them. The Seattle Mixed Uptown 160 (SM-UP 160) zone (see Attachment 2) allows a maximum Floor Area Ratio (FAR) of 7.0 for structures with residential uses, 7.0 FAR for nonresidential structures with heights below 125 feet, and 2.0 FAR for nonresidential structures with a height above 160 feet. The Uptown neighborhood supported this mix of height limits and FARs to encourage mixed-use development, including both residential and non-residential development in this area.</p> <p>An application has been filed for development of a hotel at the northwest corner of Denny Way and 5th Avenue N. This parcel has the monorail running through it and would not be able to accommodate 7.0 FAR in a 125-foot structure. The proposed bill would allow non-residential structures up to 7.0 FAR and 160 feet for lots that have a monorail running through them.</p> <p><i>Considerations: Because this proposed change is inconsistent with the intent of the Uptown community for the SM-UP 160 zone, the Council may want to consider removing this change. If the current provisions are maintained, a residential or mixed-use project would be the most likely type of development in this location.</i></p>
33	<p>Downtown Tower Vesting Rules</p> <p>Downtown zones include tower spacing requirements intended to maintain light and air to occupants of towers. When multiple towers on a block are proposed, SMC 23.49.058 includes regulations that identify the first of those tower</p>

Bill Sections	Discussion
	<p>proposals. The first tower proposal is allowed to move forward providing that the applicant for the first tower proposal continues to pursue permits. Specifically, the first proposed tower to submit an Early Design Guidance (EDG) package is considered “existing” for the purposes of the tower spacing rules. They do not need to proceed directly to an EDG meeting. Once there is an EDG meeting, then the tower proposal has up to 90 days to file their Master Use Permit application (MUP) to continue to be considered an existing tower.</p> <p>Under the current regulations, an applicant can indefinitely delay having an EDG meeting and have a project maintain “existing” status, thereby constraining options for other proposed tower projects on the same block, including precluding tower development on nearby sites. The bill proposes to clarify and tighten those requirements by requiring the applicant to file a complete application for a MUP within 12 months of filing their complete EDG application, even if an EDG meeting has not occurred.</p> <p><i>Considerations: This change could mean some Downtown tower projects that have submitted EDG proposals but not had their EDG meeting may lose their status as an existing building for the purpose of applying the tower spacing rules if they are not actually ready to begin the permitting process. On the other hand, other tower projects on the block that are ready to begin the permitting process would then be able to move forward.</i></p>

Other Substantive Changes Consistent with Previous Council Actions

Bill Sections	Discussion
30	<p>DMR/R Hotel Height Limits This would adjust the height limits for hotels in the Downtown Mixed Residential/Residential 95/65 (DMR/R 95/65) zone in Section 23.49.008, related to downtown height limits. Currently the zone has a height limit of 95 feet for residential uses and 65 feet for non-residential uses. Under the proposed amendment, hotels would also be able to be built to 95 feet. This is consistent with changes that the Council made last year in adopting Ordinance 126914. That ordinance exempted lodging in this area from FAR limits. The result of this bill would be to allow an additional three stories of hotel space on lots in the DMR/R zone in Belltown.</p>
33	<p>3rd and Union podium heights This change to SMC 23.49.058 would allow taller podium heights for development on one block along 3rd Avenue Downtown. This block, located between Union Street and Pike Street, was rezoned to DMC 240/290-440 under Ordinance</p>

Bill Sections	Discussion
	<p>120632. The proposed amendment would provide flexibility for development on this block, allowing an 85-foot-tall podium for future structures on the block, rather than requiring the podium to match the height of existing structures on the block. This proposal was brought up during the discussion of Ordinance 120632 but was raised too late to include in that bill.</p>

Changes required under State Law

Bill Sections	Discussion
11 and 60	<p>Household size Changes to SMC 23.42.060 related to short-term rentals and the definition of household in SMC 23.84A.016 remove limits on household size for dwelling units that include a short-term rental unit. Revised Code of Washington (RCW) 35.21.682 prohibits the City from limiting the number of people in a household.</p>
21	<p>Accessory Dwelling Units SMC 23.45.545, related to standards for accessory uses in multifamily zones, would be amended allow to Accessory Dwelling Units (ADUs) for single-family, townhouse and rowhouse units in all zones where those uses are allowed. The amendment implements RCW 36.70A.681, which states that the City must allow up to two ADUs in all zones where single-family houses are permitted.</p> <p>Additional amendments to this sections will be required to bring Seattle’s code in line with the requirements of RCW 36.70A.681. For example, the RCW requires that the City allow two detached ADUs, rather than the one detached ADU currently permitted in Seattle. We anticipate that the Council will receive legislation to make these changes in 2025.</p>
65 and 66	<p>Review of Parking under SEPA Amendments to SMC 25.05.444, listing elements of the environment under the State Environmental Policy Act (SEPA) and SMC 25.05.675 related to SEPA policies, remove parking as an element of the environment that is required to be analyzed under SEPA. The Washington State Legislature directed the Washington State Department of Ecology to amend WAC 197-11-444, which lists the elements of the environment that jurisdictions need to analyze when SEPA review is required, to remove parking as an element of the environment to be studied. Subsequently, the City has removed parking from the list of topics to be analyzed on its SEPA documents.</p> <p>Amendments in these sections of the bill implement this change to the WAC by removing parking from the list of elements of the environment that need to be analyzed under SEPA in Seattle.</p>

Next Steps

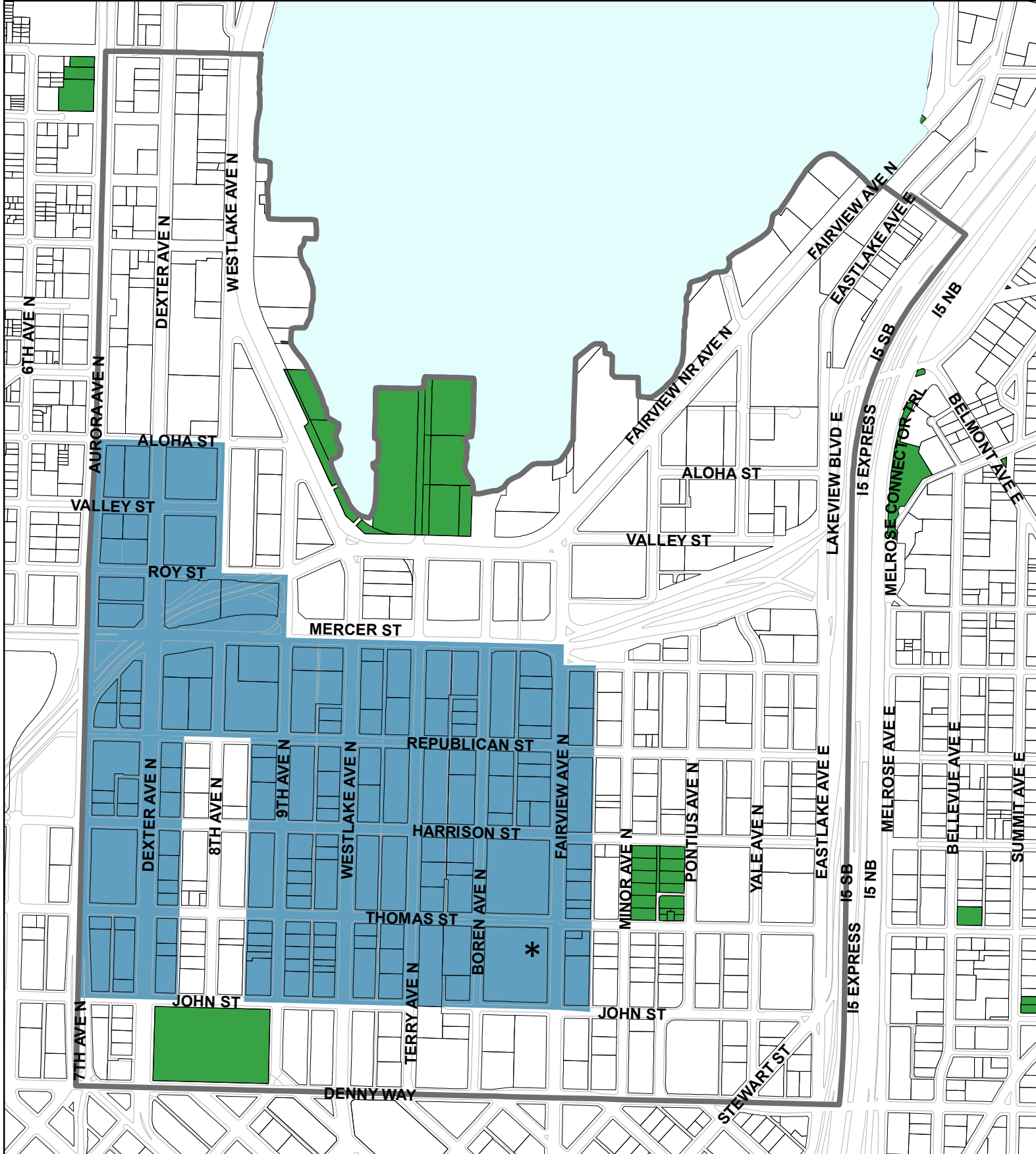
The Land Use Committee will hold a public hearing on CB 120823 on September 4, at 2:00. The committee is currently scheduled to vote on the bill at its September 18 meeting. A vote on September 18 would allow for the City Council to vote on the bill on September 24.




Attachments

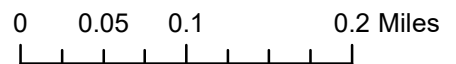
1. SM-SLU 175/85-280 zone
2. SM-UP 160 zone

cc: Ben Noble, Director
Yolanda Ho, Deputy Director

Seattle Mixed-South Lake Union 175/85-280 (SM-SLU 175/85-280) zone






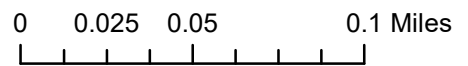
-  South Lake Union Urban Center
-  SM-SLU 175/85-280
-  "Onni Park"



Seattle Mixed-Uptown 160 (SM-UP 160) zone



-  Uptown Urban Center
-  SM-UP 160 (M)
-  * Property with a Monorail Easement



A panoramic view of the Seattle skyline featuring the Space Needle, various skyscrapers, and Mount Rainier in the background under a clear blue sky.

Omnibus Legislation

Photo by John Skelton

July 16, 2024



Seattle Department of
Construction & Inspections

TODAY'S PRESENTATION

- Introduction
- Omnibus Legislation highlights
- Questions

Omnibus Introduction

- Seattle has processed omnibus legislation about every two years since the mid-1990s
- Keeps code updated – code updates, correcting errors and omissions is a good government practice
- Recommended for local jurisdictions by the State of Washington
- The last Omnibus Ordinance was adopted in 2022.

Introduction Continued

Includes multiple amendments:

- Largely to Land Use and Environmental codes
- Minor updates that do not warrant stand-alone legislation
- Correct errors and omissions
- Updates in response to changes in State law
- Clarifies confusing provisions

Omnibus Highlights

Amendments generally identified by:

- City permit review staff
- Law Department
- Permit applicants
- Neighborhood representatives

Omnibus Highlights

- Multiple changes to make the SMC consistent with RCW 69.50.710, changing the term “Marijuana” to “Cannabis”.
- Clarification of the amount of back of house space accessory to grocery stores to be exempt from the maximum size for the use (SMC 23.47A.010).
- Clarification to allow commercial outdoor activities adjacent to a lot that is both zoned residential and commercial (SMC 23.47A.011.)

Omnibus Highlights cont.

- Several changes are proposed to Seattle Mixed zones to facilitate additional height for preserving open space (SMC 23.48.225) and to facilitate additional FAR for lots impacted by the Monorail (SMC 23.48.720.)
- Several changes are proposed to Downtown zones to clarify lodging height limit (SMC 23.49.008), the height of podiums along a portion of Third Ave, and tower spacing provisions (SMC 23.49.058.)
- Several administrative changes are proposed to 25.11 Tree Protection to provide for clarity of use and implementation.

QUESTIONS?

Travis Saunders

travis.saunders@seattle.gov

(206) 386-1357

<https://www.seattle.gov/sdci/codes/changes-to-code/code-corrections>





August 5, 2024

NOTICE OF A SEATTLE CITY COUNCIL PUBLIC HEARING ON THE 2024 OMNIBUS LAND USE BILL

The Seattle City Council’s Land Use Committee will hold a public hearing on September 4, at 2:00 PM on Council Bill 120823, the 2024 Omnibus Land Use Bill, which makes minor changes to various sections of Titles 23 and 25 of the Seattle Municipal Code (SMC). The proposed bill includes relatively minor changes that have been determined to not warrant independent legislation, including updating regulations based on changes to State Law, correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language for consistency. Among the changes the bill would make are the following:

- Amending the SMC to reflect changes to Washington State law, including removing parking as a subject of environmental review (SMC 25.05.444 and 25.05.675), removing references to household size (SMC 23.42.060 and 23.84A.016), and changing the term “marijuana” to “cannabis” to make the SMC consistent with RCW 69.50.710
- Expanding the permitted size of grocery stores in Neighborhood Commercial zones (SMC 23.47A.010.)
- Clarifying that commercial outdoor activities are allowed when adjacent to a lot that is both zoned residential and commercial (SMC 23.47A.011.)
- Amending the Seattle Mixed zones to facilitate additional height for preserving open space in South Lake Union (SMC 23.48.225) and to facilitate additional FAR for lots that the monorail runs through in Uptown (SMC 23.48.720.)
- Clarifying the lodging height limit in part of Belltown (SMC 23.49.008) and the height of ‘towers’ (SMC 23.49.058) for a block of 3rd Avenue in Downtown.
- Updating to multiple sections of the SMC in order to use the tree categories defined in the tree protection ordinance (Ordinance 126821.)
- Clarifying provisions of SMC 25.11 Tree Protection to support implementation of new tree protection requirements.

PUBLIC HEARING

The City Council's Land Use Committee will hold a public hearing to take comments on the bill on Wednesday, September 4, 2024, at 2:00 p.m. The hearing will be held in the:

City Council Chambers
2nd Floor, Seattle City Hall
600 Fourth Avenue, Seattle, WA

Persons who wish to participate in or attend the hearing may be offered the opportunity to do so remotely. If this is the case, the City Council will provide instructions in the meeting agenda on how to participate remotely. Please check the City Council agenda a few days prior to the meeting at <http://www.seattle.gov/council/committees>.

Print and communications access is provided on prior request. Seattle City Council Chambers is accessible. Directions to the City Council Chambers, and information about transit access and parking are available at <http://www.seattle.gov/council/meet-the-council/visiting-city-hall>.

WRITTEN COMMENTS

For those unable to attend the public hearing, written comments may be sent to:

Council Member Tammy Morales
Attn: Naomi Lewis
600 Fourth Avenue, Floor 2
PO Box 34025
Seattle, WA 98124-4025
or by email to council@seattle.gov

Written comments should be received by Wednesday, September 4, 2024, at 2:00 p.m.

INFORMATION AVAILABLE

Copies of the proposal may be obtained from the City Clerk website at <https://seattle.legistar.com/Legislation.aspx>. Please reference Council Bill No. 120823 in the "Search" field.

Questions regarding the ordinance may be directed to Travis Saunders of the Seattle Department of Construction and Inspections at 206-386-1357 or travis.saunders@seattle.gov or Lish Whitson, Council Central Staff at 206-615-1674 or lish.whitson@seattle.gov.



Legislation Text

File #: CB 120824, **Version:** 1

AN ORDINANCE relating to design review for the Downtown, Uptown, South Lake Union, and First Hill Urban Centers, a subarea adjacent to the Uptown Urban Center, and a portion of the Greater Duwamish Manufacturing and Industrial Center; adopting temporary regulations to exempt single-use and mixed-use development projects with lodging, residential, or research and development laboratory uses from design review, and allowing the Director of the Department of Construction and Inspections to grant waivers and modifications from certain development standards; and amending Sections 23.41.004, 23.41.020, 23.76.004, 23.76.006, 23.76.010, 23.76.012, and 23.76.026 of the Seattle Municipal Code.

The full text of the bill is attached to the legislative file.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to design review for the Downtown, Uptown, South Lake Union, and First Hill Urban Centers, a subarea adjacent to the Uptown Urban Center, and a portion of the Greater Duwamish Manufacturing and Industrial Center; adopting temporary regulations to exempt single-use and mixed-use development projects with lodging, residential, or research and development laboratory uses from design review, and allowing the Director of the Department of Construction and Inspections to grant waivers and modifications from certain development standards; and amending Sections 23.41.004, 23.41.020, 23.76.004, 23.76.006, 23.76.010, 23.76.012, and 23.76.026 of the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.41.004 Applicability

* * *

E. Temporary provisions

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

a. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to 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.

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

1 providing affordable units on-site according to Section 23.58C.050.C that is vested according to
2 Section 23.76.026 prior to August 14, 2023 may elect to be processed as allowed by Section
3 23.41.004.E.

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

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

11 e. Departures decision. Requests for departures according to subsection
12 23.41.004.E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the
13 departure would result in additional housing units being constructed.

14 2. Low-income housing

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

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

22 3. Downtown Activation Plan

1 a. A development proposal that is subject to design review according to
2 this Section 23.41.004 shall be exempt from this Chapter 23.41, unless ineligible for exemption
3 due to other code provisions, if:

4 1) The proposal includes residential use comprising at least 50
5 percent of its chargeable floor area, except if at least 50 percent of the chargeable floor area in
6 nonresidential use is lodging then no residential use is required; or includes a research and
7 development laboratory use; and

8 2) The proposal is located on a property within the Downtown
9 Urban Center, Uptown Urban Center, South Lake Union Urban Center, First Hill Urban Center,
10 or an area within the Greater Duwamish Manufacturing and Industrial Center, as shown on Map
11 A for 23.41.004; or within an area included in an adopted expansion area of an urban center or
12 manufacturing and industrial center shown on Map A for 23.41.004; and

13 3) The applicant files a letter of eligibility for exemption pursuant
14 to subsection 23.76.010.G, provided that permit application materials are subsequently filed per
15 subsection 23.76.026.A.4; and

16 4) The proposal does not involve a Type IV or Type V Council
17 land use decision.

18 b. Waiver or modification of development standard. If a project is exempt
19 from design review according to this subsection 23.41.004.E.3, the Director may consider
20 requests for waivers or modifications of the following development standards in Title 23:

21 1) Upper-level setbacks, modulation, articulation, facade opening
22 requirements, and structure width;

1 2) Street level setbacks and facade setbacks: dimensional and area
2 limits;

3 3) Floor-to-floor height requirements at street level, except as
4 otherwise limited in subsection 23.41.012.B;

5 4) Rooftop screening and coverage limits in relation to mechanical
6 equipment, energy-related features, elevator equipment, and related enclosures;

7 5) Street-level use type, minimum depth, and percent presence on
8 street-level street-facing facade requirements;

9 6) Facade transparency and blank facade requirements;

10 7) Overhead weather protection requirements;

11 8) Requirements for the size and design of common recreational
12 areas, amenity areas, community rooms, and similar indoor amenities, but not including required
13 outdoor open space requirements;

14 9) Open space and open areas: dimensional, area, distribution of
15 types, and amount of overhead coverage requirements, except standards for open space amenities
16 provided to meet requirements of Chapter 23.58A;

17 10) Landscaping: dimensional, area, and location requirements;

18 11) Vehicle access to parking, loading, and utility spaces;

19 12) Minimum dimensions and slope of vehicle access;

20 13) Parking space size requirements in subsections 23.54.030.A
21 and 23.54.030.B;

22 14) Bicycle parking minimum quantity requirements in Table D
23 for 23.54.015; and

1 15) Provisions of the MPC-YT zone, except: affordable housing

2 production requirements in Section 23.75.085; limits on floor area for uses in Sections

3 23.75.040, 23.75.085, or 23.75.090; and limits on the number of highrise structures, distribution

4 of highrise structures, and gross floor area per story for highrise structures in Section 23.75.040

5 or Section 23.75.120.

6 c. Decision on waiver or modification of development standards. Requests

7 for waiver or modification of development standards according to subsection 23.41.004.E.3.b

8 shall be evaluated by the Director and may be granted by the Director as a Type I decision if a

9 waiver or modification of development standards would result in an increased number of

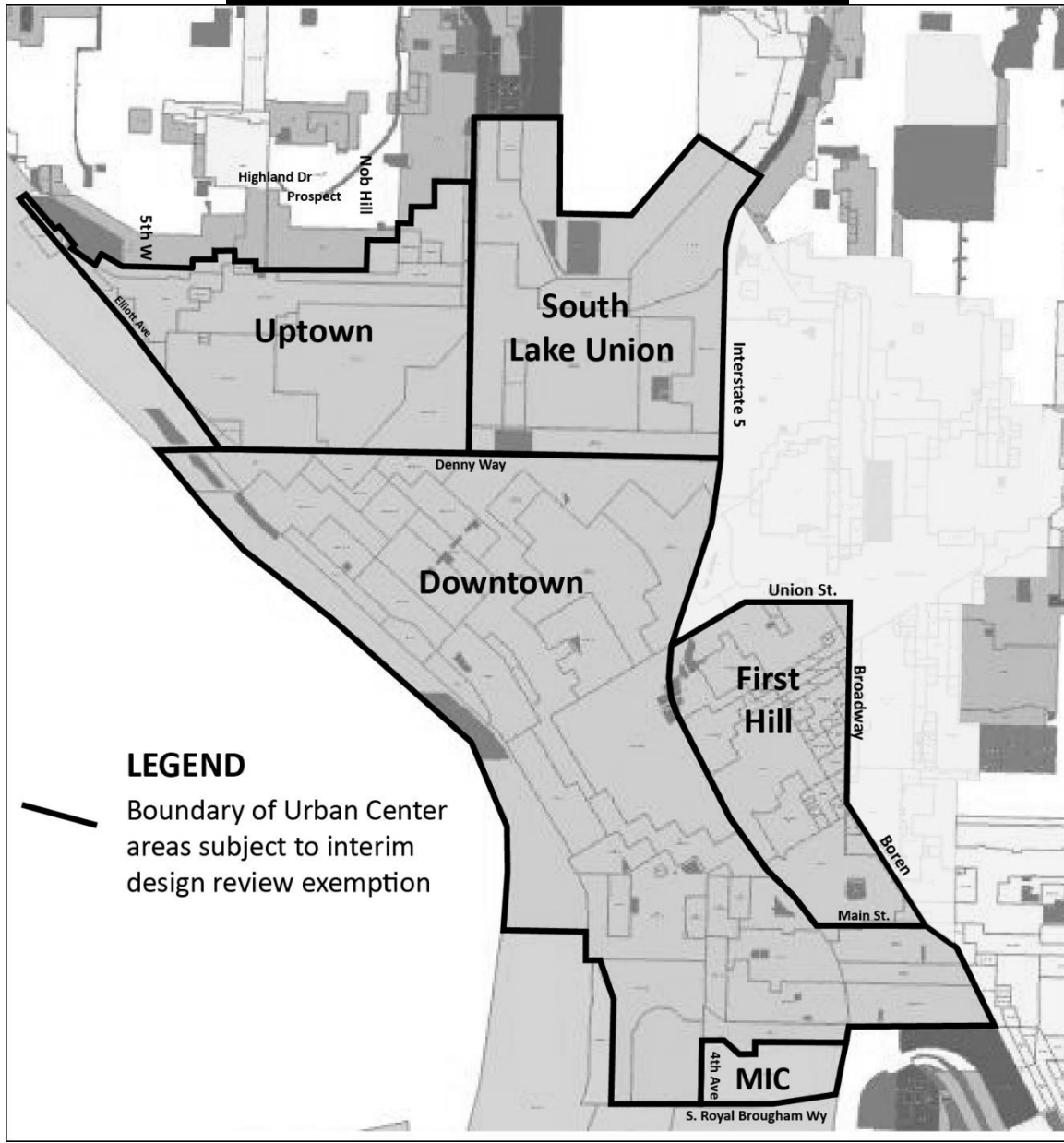
10 dwelling units, lodging rooms, or increased floor area of a research and development laboratory

11 use, being constructed.

1
2

Map A for 23.41.004

Areas subject to interim design review exemption



3
4
5

Section 2. Section 23.41.020 of the Seattle Municipal Code, last amended by Ordinance

6 126188, is amended as follows:

7 **23.41.020 Master Planned Community design review process**

8 A. Scope. This Section 23.41.020 applies only to development proposals in Master
9 Planned Community zones that do not include a request for departures. If an application in a

1 Master Planned Community zone includes a request for departures, then the applicable design
 2 review procedures are in Section 23.41.014, except if the temporary provisions in subsection
 3 23.41.004.E.3 apply. For purposes of this Section 23.41.020, "highrise structure" and "non-
 4 highrise structure" are as defined in Section 23.75.020.

5 * * *

6 Section 3. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance
 7 126821, is amended as follows:

8 **23.76.004 Land use decision framework**

9 A. Land use decisions are classified into five categories. Procedures for the five different
 10 categories are distinguished according to who makes the decision, the type and amount of public
 11 notice required, and whether appeal opportunities are provided. Land use decisions are generally
 12 categorized by type in Table A for 23.76.004.

13 * * *

Table A for 23.76.004	
LAND USE DECISION FRAMEWORK¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits	
TYPE I	
Director's Decision	
(Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation

*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.H
*	Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP that was subject to design review
*	Building height increase for minor communication utilities in downtown zones
*	Application of tree provisions pursuant to Chapter 25.11
*	<u>Director’s acceptance of an eligibility letter for proposals subject to temporary design review exemption provisions, subject to the additional requirement to file a valid and complete Type I or II Master Use Permit application in subsection 23.41.004.E.3</u>
*	<u>Director’s application of development standards for decisions on Type I or II Master Use Permit applications subject to temporary design review exemption provisions in subsection 23.41.004.E.3</u>
*	<u>Waiver or modification of development standards for development proposals subject to temporary design review exemption provisions in subsection 23.41.004.E.3</u>
*	Other Type I decisions that are identified as such in the Land Use Code

* * *

Footnotes for Table A for 23.76.004

¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types.

² Type I decisions may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020.

³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

* * *

1
2 Section 4. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance
3 126821, is amended as follows:

1 **23.76.006 Master Use Permits required**

2 A. Type I, II, and III decisions are components of Master Use Permits. Master Use
3 Permits are required for all projects requiring one or more of these decisions.

4 B. The following decisions are Type I:

5 1. Determination that a proposal complies with development standards;

6 2. Establishment or change of use for uses permitted outright, uses allowed
7 under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less,
8 transitional encampment interim use, temporary uses for four weeks or less not otherwise
9 permitted in the zone, and renewals of temporary uses for up to six months, except temporary
10 uses and facilities for light rail transit facility construction;

11 3. The following street use approvals:

12 a. Curb cut for access to parking, whether associated with a development
13 proposal or not;

14 b. Concept approval of street improvements associated with a
15 development proposal, such as additional on-street parking, street landscaping, curbs and
16 gutters, street drainage, sidewalks, and paving;

17 c. Structural building overhangs associated with a development proposal;

18 d. Areaways associated with a development proposal;

19 4. Lot boundary adjustments;

20 5. Modification of the following features bonused under Title 24:

21 a. Plazas;

22 b. Shopping plazas;

23 c. Arcades;

- 1 d. Shopping arcades; and
- 2 e. Voluntary building setbacks;
- 3 6. Determinations of Significance (determination that an Environmental Impact
- 4 Statement is required) for Master Use Permits and for building, demolition, grading, and other
- 5 construction permits (supplemental procedures for environmental review are established in
- 6 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
- 7 Significance based solely on historic and cultural preservation;
- 8 7. Discretionary exceptions for certain business signs authorized by subsection
- 9 23.55.042.D;
- 10 8. Waiver or modification of required right-of-way improvements;
- 11 9. Reasonable accommodation;
- 12 10. Minor amendment to Major Phased Development Permit;
- 13 11. Streamlined design review decisions pursuant to Section 23.41.018 if no
- 14 development standard departures are requested pursuant to Section 23.41.012, and design
- 15 review decisions in an MPC zone if no development standard departures are requested
- 16 pursuant to Section 23.41.012;
- 17 12. Shoreline special use approvals that are not part of a shoreline substantial
- 18 development permit;
- 19 13. Determination that a project is consistent with a planned action ordinance,
- 20 except as provided in subsection 23.76.006.C;
- 21 14. Decision to approve, condition, or deny, based on SEPA policies, a permit
- 22 for a project determined to be consistent with a planned action ordinance;

1 15. Determination of requirements according to subsections 23.58B.025.A.3.a,
2 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and
3 23.58C.030.A.2.c;

4 16. Decision to increase the maximum height of a structure in the DOC2
5 500/300-550 zone according to subsection 23.49.008.F;

6 17. Decision to increase the maximum FAR of a structure in the DOC2 500/300-
7 550 zone according to subsection 23.49.011.A.2.n;

8 18. Minor revisions to an issued and unexpired MUP that was subject to design
9 review, pursuant to subsection 23.41.008.G;

10 19. Building height departures for minor communication facilities in downtown
11 zones, pursuant to Section 23.57.013;

12 20. Application of tree provisions pursuant to Chapter 25.11; (~~and~~)

13 21. Director’s acceptance of an eligibility letter for proposals subject to
14 temporary design review exemption provisions subject to the additional requirement to file a
15 valid and complete Type I or II Master Use Permit application in subsection 23.41.004.E.3;

16 22. Director’s application of development standards for decisions on Type I or II
17 Master Use Permit applications subject to temporary design review exemption provisions in
18 subsection 23.41.004.E.3;

19 23. Waiver or modification of development standards for development proposals
20 subject to temporary design review exemption provisions in subsection 23.41.004.E.3; and

21 24. Other Type I decisions.

22 * * *

23 Section 5. Section 23.76.010 of the Seattle Municipal Code, last amended by Ordinance
24 126685, is amended as follows:

1 **23.76.010 Applications for Master Use Permits**

2 * * *

3 D. All applications shall contain the submittal information required by the applicable
4 sections of this Title 23, Land Use Code; Title 15, Street and Sidewalk Use; Chapter 25.05,
5 Environmental Policies and Procedures; Chapter 25.09, Regulations for Environmentally Critical
6 Areas; Chapter 25.12, Landmarks Preservation; Chapter 25.16, Ballard Avenue Landmark
7 District; Chapter 25.20, Columbia City Landmark District; Chapter 25.22, Harvard-Belmont
8 Landmark District; Chapter 25.24, Pike Place Market Historical District; and other codes as
9 determined applicable and necessary for review by the Director. All shoreline substantial
10 development, conditional use or variance applications shall also include applicable submittal
11 information as specified in WAC 173-27-180. The Director shall make available, in writing, a
12 general list of submittal requirements for a complete application.

13 * * *

14 G. A letter of eligibility for exemption from design review is required for applications
15 subject to temporary provisions in subsection 23.41.004.E.3. This letter of eligibility shall
16 document a proposal’s consistency with the qualifications for design review exemption in
17 subsection 23.41.004.E.3.a, including:

18 1. Describing the proposed uses within the proposal per subsection
19 23.41.004.E.3.a.1;

20 2. Identifying the location of the development site within the area subject to
21 temporary design review exemption per subsection 23.41.004.E.3.a.2;

22 3. A statement that the proposal does not involve a Type IV or Type V Council
23 land use decision; and

1 4. An acknowledgement that complete Master Use Permit application materials
2 must be submitted within 90 days to establish vesting as indicated in subsection 23.76.026.A.4.

3 Section 6. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance
4 126684, is amended as follows:

5 **23.76.012 Notice of Application**

6 A. Notice.

7 1. No notice of application is required for Type I decisions, except that notice of
8 application is required for:

9 a. ~~((all))~~ All projects in MPC zones that are subject to Master Planned
10 Community design review in Section 23.41.020, as described in subsection 23.76.012.B.6; ~~((:))~~
11 and

12 b. An application for a Type I permit with an interim design review
13 exemption as described in subsection 23.41.004.E.3.

14 2. Within 14 days after the Director determines that an application is complete,
15 for the following types of applications, the Director shall provide notice of the application and an
16 opportunity for public comment as described in this Section 23.76.012:

17 a. An application for Type I permit with an interim design review
18 exemption as described in subsection 23.41.004.E.3;

19 b. Type II Master Use Permits;

20 ~~((b-))~~ c. Type III Master Use Permits;

21 ~~((e-))~~ d. Type IV Council land use decisions, provided that for
22 amendments to property use and development agreements, additional notice shall be given
23 pursuant to subsection 23.76.058.C; and

1 (~~e.~~) e. The following Type V Council land use decisions:

2 1) Major Institution designations and revocation of Major
3 Institution designations;

4 2) Concept approvals for the location or expansion of City
5 facilities requiring Council land use approval; and

6 3) Waivers or modification of development standards for City
7 facilities.

8 3. Other Agencies with Jurisdiction. The Director shall provide notice to other
9 agencies of local, state, or federal governments that may have jurisdiction over some aspect of
10 the project to the extent known by the Director.

11 4. Early Review Determination of Nonsignificance (DNS). In addition to the
12 requirements of subsection A.3 of this Section 23.76.012, the Director shall provide a copy of the
13 early review DNS notice of application and environmental checklist to the following:

14 a. State Department of Ecology;

15 b. Affected tribes;

16 c. Each local agency or political subdivision whose public services would
17 be changed as a result of implementation of the proposal; and

18 d. Persons who submit a written request for this information and who
19 provide an address for notice.

20 B. Types of notice required

21 1. For projects subject to a Type I permit with an interim design review
22 exemption as described in subsection 23.41.004.E.3, or an application for a Type II
23 environmental determination pursuant to Section 23.76.006 or design review pursuant to Section

1 23.41.004, the Department shall direct the installation of a large notice sign on the site, unless an
2 exemption or alternative posting as set forth in this subsection 23.76.012.B is applicable. The
3 large notice sign shall be located so as to be clearly visible from the adjacent street or sidewalk,
4 and shall be removed by the applicant at the direction of the Department after final City action
5 on the application is completed.

6 a. In the case of submerged land, the large notice sign shall be posted on
7 adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land
8 owned or controlled by the applicant, notice shall be provided according to subsection
9 23.76.012.B.1.c.

10 b. Projects limited to interior remodeling, or that are subject to a Type II
11 environmental determination pursuant to Section 23.76.006 only because of location over water
12 or location in an environmentally critical area, are exempt from the large notice sign
13 requirement.

14 c. If use of a large notice sign is neither feasible nor practicable to assure
15 that notice is clearly visible to the public, the Department shall post ten placards within 300 feet
16 of the site.

17 d. The Director may require both a large notice sign and the alternative
18 posting measures described in subsection 23.76.012.B.1.c, or may require that more than one
19 large notice sign be posted, if necessary to assure that notice is clearly visible to the public.

20 2. For projects that are categorically exempt from environmental review, the
21 Director shall post one land use sign visible to the public at each street frontage abutting the site
22 except that if there is no street frontage or the site abuts an unimproved street, the Director shall
23 post more than one sign and/or use an alternative posting location so that notice is clearly visible

1 to the public. The land use sign shall be removed by the applicant after final action on the
2 application is completed.

3 3. For all projects requiring notice of application, the Director shall provide notice
4 in the Land Use Information Bulletin. For projects requiring installation of a large notice sign or
5 subject to design review pursuant to Section 23.41.014, notice in the Land Use Information
6 Bulletin shall be published after installation of the large notice sign required in subsection
7 23.76.012.B.1.

8 4. The Director shall provide mailed notice of:

9 a. Applications for variances, administrative conditional uses, special
10 exceptions, temporary uses for more than four weeks, shoreline variances, shoreline conditional
11 uses, short plats that do not exclusively create unit lots, early design guidance process for
12 administrative design review and streamlined administrative design review, subdivisions, Type
13 IV Council land use decisions, amendments to property use and development agreements, Major
14 Institution designations and revocation of Major Institution designations, concept approvals for
15 the location or expansion of City facilities requiring Council land use approval, ~~((and))~~ waivers
16 or modification of development standards for City facilities, and applications receiving an
17 exemption from design review pursuant to temporary provisions in subsection 23.41.004.E.3;

18 and

19 b. The first early design guidance meeting for a project subject to design
20 review pursuant to Section 23.76.014.

21 5. For a project subject to design review, except streamlined design review
22 pursuant to Section 23.41.018 for which no development standard departure pursuant to Section
23 23.41.012 is requested, notice of application shall be provided to all persons who provided an

1 address for notice and either attended an early design guidance public meeting for the project or
2 wrote to the Department about the proposed project before the date that the notice of application
3 is distributed in the Land Use Information Bulletin.

4 6. For a project that is subject to both Type I decisions and Master Planned
5 Community design review under Section 23.41.020, notice shall be provided as follows:

6 a. The Director shall provide notice of application in the Land Use
7 Information Bulletin.

8 b. The Director shall post one land use sign visible to the public at each
9 street frontage abutting the site, except that if there is no street frontage or the site abuts an
10 unimproved street, the Director shall post more than one sign and/or use an alternative posting
11 location so that notice is clearly visible to the public. The land use sign(s) shall be posted prior to
12 publication of notice of application in the Land Use Information Bulletin, and shall be removed
13 by the applicant after final action on the Master Use Permit application is completed.

14 c. For a project that includes a highrise structure as defined in Section
15 23.75.020, the Director shall also post ten placards within the right-of-way within 300 feet of the
16 site. The land use placards shall be posted prior to publication of notice of application in the
17 Land Use Information Bulletin, and shall be removed by the applicant after final action on the
18 Master Use Permit application is completed.

19 d. Mailed notice shall be provided consistent with subsection
20 23.76.012.B.5.

21 7. No notice is required of a Type I determination whether a project is consistent
22 with a planned action ordinance, except that if that determination has been made when notice of

1 application is otherwise required for the project, then the notice shall include notice of the
2 planned action consistency determination.

3 C. Contents of notice

4 1. The City's official notice of application is the notice placed in the Land Use
5 Information Bulletin, which shall include the following required elements as specified in RCW
6 36.70B.110:

7 a. Date of application, date of notice of completion for the application, and
8 the date of the notice of application;

9 b. A description of the proposed project action and a list of the project
10 permits included in the application, including if applicable:

11 1) A list of any studies requested by the Director;

12 2) A statement that the project relies on the adoption of a Type V
13 Council land use decision to amend the text of Title 23;

14 c. The identification of other permits not included in the application to the
15 extent known by the Director;

16 d. The identification of existing environmental documents that evaluate
17 the proposed project, and the location where the application and any studies can be reviewed;

18 e. A statement of the public comment period and the right of any person to
19 comment on the application, request an extension of the comment period, receive notice of and
20 participate in any hearings, and request a copy of the decision once made, and a statement of any
21 administrative appeal rights;

22 f. The date, time, location, virtual location if applicable, and type of
23 hearing, if applicable and if scheduled at the date of notice of the application;

1 g. A statement of the preliminary determination, if one has been made at
2 the time of notice, of those development regulations that will be used for project mitigation and
3 the proposed project's consistency with development regulations;

4 h. A statement that an advisory committee is to be formed as provided in
5 Section 23.69.032, for notices of intent to file a Major Institution master plan application;

6 i. Any other information determined appropriate by the Director; and

7 j. The following additional information if the early review DNS process is
8 used:

9 1) A statement that the early review DNS process is being used and
10 the Director expects to issue a DNS for the proposal;

11 2) A statement that this is the only opportunity to comment on the
12 environment impacts of the proposal;

13 3) A statement that the proposal may include mitigation measures
14 under applicable codes, and the project review process may incorporate or require mitigation
15 measures regardless of whether an EIS is prepared; and

16 4) A statement that a copy of the subsequent threshold
17 determination for the proposal may be obtained upon written request.

18 2. All other forms of notice, including but not limited to large notice and land use
19 signs, placards, and mailed notice, shall include the following information: the project
20 description, location of the project, date of application, location where the complete application
21 file may be reviewed, and a statement that persons who desire to submit comments on the
22 application or who request notification of the decision may so inform the Director in writing
23 within the comment period specified in subsection 23.76.012.D. The Director may, but need not,

1 include other information to the extent known at the time of notice of application. Except for the
2 large notice sign, each notice shall also include a list of the land use decisions sought. The
3 Director shall specify detailed requirements for large notice and land use signs.

4 D. Comment period. The Director shall provide a 14 day public comment period prior to
5 making a threshold determination of nonsignificance (DNS) or publishing a decision on the
6 project; provided that the comment period shall be extended by 14 days if a written request for
7 extension is submitted within the initial 14 day comment period; provided further that the
8 comment period shall be 30 days for applications requiring shoreline decisions except that for
9 limited utility extensions and bulkheads subject to Section 23.60A.064, the comment period shall
10 be 20 days as specified in Section 23.60A.064. The comment period shall begin on the date
11 notice is published in the Land Use Information Bulletin. Comments shall be filed with the
12 Director by 5 p.m. of the last day of the comment period. If the last day of the comment period is
13 a Saturday, Sunday, or federal or City holiday, the comment period shall run until 5 p.m. the next
14 day that is not a Saturday, Sunday, or federal or City holiday. Any comments received after the
15 end of the official comment period may be considered if the comment is material to review yet to
16 be conducted.

17 E. If a Master Use Permit application includes more than one decision component, notice
18 requirements shall be consolidated and the broadest applicable notice requirements imposed.

19 F. The mailing list used for the Land Use Information Bulletin shall be updated annually
20 in consultation with the Director of the Department of Neighborhoods.

21 Section 7. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance
22 126685, is amended as follows:

23 **23.76.026 Vesting**

1 A. Master Use Permit components other than subdivisions and short subdivisions. Except
2 as otherwise provided in this Section 23.76.026 or otherwise required by law, applications for all
3 Master Use Permit components other than subdivisions and short subdivisions shall be
4 considered vested under the Land Use Code and other land use control ordinances in effect on
5 the date:

6 1. That notice of the Director's decision on the application is published, if the
7 decision is appealable to the Hearing Examiner;

8 2. Of the Director's decision, if the decision is not appealable to the Hearing
9 Examiner; ~~((or))~~

10 3. A valid and fully complete building permit application is filed, as determined
11 under Section 106 of the Seattle Building Code or Section R105 of the Seattle Residential Code,
12 if it is filed prior to the date established in subsections 23.76.026.A.1 or 23.76.026.A.2((-)) ; or

13 4. Of the filing of a letter of eligibility for exemption from design review pursuant
14 to subsection 23.41.004.E.3, provided that a valid and complete Type I or Type II Master Use
15 Permit application pursuant to Section 23.76.010 is filed within 90 days. If a complete Type I or
16 Type II Master Use application pursuant to Section 23.76.010 has not been filed within 90 days
17 for a proposal associated with a filed letter of eligibility for exemption from design review, the
18 filed letter of eligibility for exemption from design review and its relevance to establishing
19 vesting under Title 23 shall be void. A filed letter of eligibility may be withdrawn by the
20 applicant. A new letter of eligibility may be filed, that defines a new 90-day timeframe for
21 providing a valid and complete Type I or Type II Master Use Permit application.

22 B. Subdivision and short subdivision components of Master Use Permits. An application
23 for approval of a subdivision or short subdivision of land shall be considered under the Land Use

1 Code and other land use control ordinances in effect when a fully complete application for such
2 approval that satisfies the requirements of Section 23.22.020 (subdivision) or Sections
3 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

4 C. Design review component of Master Use Permits

5 1. If a complete application for a Master Use Permit is filed prior to the date
6 design review becomes required for that type of project, design review is not required.

7 2. Except as otherwise provided by law, a complete application for a Master Use
8 Permit that includes a design review component other than an application described in
9 subsection 23.76.026.C.3 shall be considered under the Land Use Code and other land use
10 control ordinances in effect on:

11 a. The date a complete application for the early design guidance process or
12 streamlined design review guidance process is submitted to the Director, provided that such
13 Master Use Permit application is filed within 90 days of the date of the early design guidance
14 public meeting if an early design guidance public meeting is required, or within 90 days of the
15 date the Director provided guidance if no early design guidance public meeting is required. If
16 more than one early design guidance public meeting is held, then a complete application for a
17 Master Use Permit that includes a design review component shall be considered under the Land
18 Use Code and other land use control ordinances in effect on the date a complete application for
19 the early design guidance process is submitted to the Director, provided that such Master Use
20 Permit application is filed within 150 days of the first meeting. If a complete application for a
21 Master Use Permit that includes a design review component is filed more than 150 days after the
22 first early design guidance public meeting, then such Master Use Permit application shall be
23 considered under the Land Use Code and other land use control ordinances in effect at the time

1 of the early design guidance public meeting that occurred most recently before the date on which
2 a complete Master Use Permit application was filed, provided that such Master Use Permit
3 application is filed within 90 days of the most recent meeting; or

4 b. A date elected by the applicant that is later than the date established in
5 subsection 23.76.026.C.2.a and not later than the dates established in subsections 23.76.026.A.1
6 through 23.76.026.A.3.

7 3. A complete application for a Master Use Permit that includes a Master Planned
8 Community design review component, but that pursuant to subsection 23.41.020.C does not
9 include an early design guidance process, shall be considered under the Land Use Code and other
10 land use control ordinances in effect on the date the complete application is submitted.

11 D. If an applicant elects a date for consideration of an application for Master Use Permit
12 components pursuant to subsection 23.76.026.C.2.b after notice of the application required
13 by Section 23.76.012 has been given, notice of the application and an opportunity to comment
14 shall be repeated according to Section 23.76.012.

15 E. Notwithstanding any other provision of this Section 23.76.026 or this Chapter 23.76,
16 an applicant may elect, at such time and in such manner as the Director may permit, that specific
17 Land Use Code provisions that became effective after the applicant's application vested may
18 nonetheless be applied to the application, pursuant to authorization for such election set forth
19 elsewhere in this Title 23.

20 Section 8. This ordinance shall automatically expire 36 months after its effective date
21 unless the Council takes action to either extend it as provided by statute or terminate it sooner.

1 Section 9. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the _____ day of _____, 2024,
4 and signed by me in open session in authentication of its passage this _____ day of
5 _____, 2024.

6 _____
7 President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

8 _____
9 Bruce A. Harrell, Mayor

10 Filed by me this _____ day of _____, 2024.

11 _____
12 Scheereen Dedman, City Clerk

13 (Seal)

14 Attachments:

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
SDCI	Gordon Clowers	Christie Parker

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to design review for the Downtown, Uptown, South Lake Union, and First Hill Urban Centers, a subarea adjacent to the Uptown Urban Center, and a portion of the Greater Duwamish Manufacturing and Industrial Center; adopting temporary regulations to exempt single-use and mixed-use development projects with lodging, residential, or research and development laboratory uses from design review, and allowing the Director of the Department of Construction and Inspections to grant waivers and modifications from certain development standards; and amending Sections 23.41.004, 23.41.020, 23.76.004, 23.76.006, 23.76.010, 23.76.012, and 23.76.026 of the Seattle Municipal Code.

Summary and Background of the Legislation:

The legislation amends the Land Use Code, for an interim three-year period, to exempt new development proposals from the Design Review process if they consist of housing, hotels, or research and development laboratory uses.

The affected area is in the core Urban Centers of Downtown,¹ South Lake Union, Uptown, and First Hill; and in a limited portion of the Greater Duwamish Manufacturing and Industrial Center adjacent to the Downtown Urban Center. Also, the proposal applies to any future City Council adopted expansions of an Urban Center boundary in the affected area. Currently, an area north of the Uptown Urban Center is proposed to be extended as a result of the One Seattle Comprehensive Plan update.

¹ The proposal would not apply to the Pike Place Market Historical District; and also not in the Chinatown/International District and Pioneer Square neighborhoods, where development projects are already exempt from Design Review and may elect to go through the Special Review District process to seek flexibility in a manner that fits with their historic districts' character.

Projects Eligible Under the Proposal

	Mixed-use (If all nonresidential uses)	Mixed-use (If residential and nonresidential uses)	Residential	Research and Development Laboratory
How the floor area in the proposed development must be used to be eligible under the proposal	At least 50% of the floor area must be in hotel use, the remainder may be a mix of any nonresidential use allowed in the zone	At least 50% of the floor area must be in residential use, the remainder may be a mix of any nonresidential use allowed in the zone	Up to 100% of the floor area in residential use	Up to 100% of the floor area in research and development laboratory use
Most likely use mix	Hotel, office, retail and entertainment uses	Housing and hotel	Housing, including buildings with street-level retail and entertainment uses	Laboratory uses may include accessory office use and may include street-level retail and entertainment uses

The legislation also includes the following:

- Requires public notice in the form of on-site signage and mailed notice to surrounding properties, for all projects that were previously subject to Design Review;
- Allows for vesting, similar to that provided for Design Review projects, to apply at the date a letter of eligibility is filed by an applicant, provided a complete MUP application is accepted by SDCI within 90 days;
- Allows the SDCI Director to waive or modify compliance with several development standards, which is comparable to the range of departures granted through Design Review in the subject area; and
- Provides for applicants to opt in or opt out of Design Review, including for development proposals already under review.

The legislation is expected to lead to greater use of Type I administrative review of development proposals, only some of which would have Type II MUP decisions appealable to the Hearing Examiner. The Type I status is due to the proposed exemption from Design Review in combination with an exemption from SEPA review for residential development from State statute applicable through at least September 2025.

Adopting this legislation will allow more efficient permit review of development to address an urgent need for more activity and vitality in Seattle’s center city. Residential and hotel uses are active for long periods of the day and week, and employees at research and development labs are more likely to be present at their workplaces than office workers.

The legislation continues the trend of City efforts to assist in the production of housing by exempting certain housing projects, including affordable housing (see Ordinances 126287, 126854), from Design Review. The legislation should accelerate the permitting of housing, hotel, and research and development laboratory projects throughout center city, thereby reducing costs and decreasing the time needed for important new development to be available for occupancy.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?

No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City?

Yes

This legislation to exempt certain types of new development in Seattle’s core Urban Centers from Chapter 23.41 Design Review for a three-year period will reduce or eliminate review responsibilities of discretionary land use review staff for Master Use Permit projects. Some projects will still have discretionary land use reviews (those that remain Type II MUP projects), and some will not (projects without SEPA reviews or Design Review). For the latter, a code-consistency review step would still occur, but would be covered by building permit review fees calculated according to project valuation.

The following analysis uses estimates for permit application volumes exempted for the next three years and gives an estimate of the resulting reduction in fee revenue from discontinuing Design Review. The affected area’s project volume is only a subset of all the Design Review projects expected citywide due to the geographic focus and other criteria to qualify for the exemption. The analysis uses Design Review project data from the last three years, plus interpretation of current market conditions and awareness of possibly interested parties that could proceed with development proposals.

Applicants that are currently undecided about development proposals could be persuaded by the exemption from Design Review. Additionally, a development proposal exempted from Design Review but still requiring a MUP permit (such as a project still requiring SEPA review) would likely proceed to building permit review faster. Given the center city location, the possible development proposals are likely to be larger than an average development citywide and fees based on construction costs would be commensurately large. These factors mean the legislation

could have effects that would partly mitigate potential review fee losses by generating additional projects to review in the near term, if the intended stimulative effect occurs.

Estimated project volumes

Development activity levels are sensitive to economic conditions and regulatory requirements. Permit review activities depend on the pace of development proposals seeking permits. Presently, economic uncertainties and unfavorable financing conditions appear to be dampening the volume of permit review activities, including for developments involving Design Review. Unfavorable conditions might persist for another 1-2 years or so, which affects projections of the number of developments that could be affected by the proposed legislation.

Summary of Design Review (DR) project permit volumes and exempted projects anticipated over a three-year period

	Number of projects no longer subject to DR based on baseline permit data projections	Number of projects no longer subject to DR based on expressed developer interest	Total number of projects no longer subject to DR
Center city: Estimated Number of Projects to be Exempt From Design Review	9 total (3/year) that might be exempt from a projected baseline of Design Review projects citywide	15 total (5 per year)	24 total* (8 per year)

**In contrast, 50 to 75 DR projects are anticipated to occur in the City, outside of the proposal area during the 3-year effective period of the ordinance.*

Fiscal Effects

At an overview level, the estimates above suggest that SDCI’s Design Review permit volumes citywide could drop by about one-third due to the effects of the proposed legislation – from 75 developments over three years down to approximately 50 Design Review processes. These estimates reflect a projected slower pace of new developments under review over the next three years.

SDCI’s data for permit reviews and time spent on different review tasks helps to assess how much less time could be spent due to foregone Design Review tasks. This includes certain categories of work that would be foregone as charged hours if a Design Review MUP permit effort would be redirected to a building-permit review process: intake/addressing, discretionary land use, and code-consistency reviews. Of these, the administrative work and code-consistency

review would still occur, but it would be covered by building permit review fees calculated according to project valuation.

SDCI's data shows that for the class of developments that might occur, a total of approximately 87 hours of review could be foregone per exempted project: 68 hours for discretionary land use review, 13 hours for code-consistency review, and 6 hours for intake/addressing tasks. Using the current 2024 rate of \$439/hour rate for land use yields an estimated revenue reduction of \$305,544 per year for 8 projects foregoing Design Review. Summarized in table below.

Summary of Estimated Annual Lost Revenue due to Design Review Exemption Legislation

Most affected review tasks	Average hours spent per project, center city Design Review projects 2021- present	Numbers of projects affected by the Design Review exemption legislation	Average revenue lost per task, for typical center city Design Review projects (\$439/hr.) 2021 - present	Total revenue lost due to proposed Design Review exemption legislation
Discretionary land use review	68	8	\$29,852	\$238,816
Code-consistency review (zoning and building code compliance)	13	8	\$5,707	\$45,656
Intake/addressing	6	8	\$2,634	\$21,072
TOTAL	87 hrs.	8	\$38,193	\$305,544

Notes:

- For every additional typical Design Review project foregone in the affected area, an average revenue reduction of approximately \$38,000 would occur. This is an estimate; individual Design Review projects can require large variations in review time depending on project-specific matters.
- These estimates are in 2024 dollars.
- This analysis does not evaluate the possibility that the Design Review exemption could attract more development proposals to proceed more quickly than they otherwise would. To the extent this occurred, it would generate revenues from building permit lines of work that might otherwise not proceed in the near term. These would help offset potential revenue reductions, while at the same time entailing work that is no longer directly covered by hourly fees.

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

None are identified to date. To our knowledge, existing systems and business practices do not need substantive updating to proceed with the proposed Design Review exemption.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

Most time spent on tasks foregone due to the Design Review exemption would no longer be needed because the process steps would not be undertaken. A code-consistency review would still be undertaken; however, this will occur within the building-permit process, for which permit fees are used to recover review costs.

Please describe any financial costs or other impacts of *not* implementing the legislation.

The proposed Design Review exemption affecting Seattle's core Urban Center areas could help induce developers to proceed with permitting for development proposals sooner than they would without this legislation. This relates to the potentially significant savings in duration of review and total permitting costs. While not quantified further, not proceeding with the legislation could result in the stalling or cancellation of development proposals coming in for permit review.

4. OTHER IMPLICATIONS

a. Please describe how this legislation may affect any departments besides the originating department.

The legislation exempts SDCI discretionary land use review tasks that would directly affect SDCI revenues generated. Other departments' review responsibilities for development proposals would not be affected by the legislation.

b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.

The legislation affects property within the Downtown Urban Center (except in the Pioneer Square and Chinatown/I.D. neighborhoods as well as Pike Place Market), South Lake Union Urban Center, Uptown Urban Center, the First Hill portion of the First Hill/Capitol Hill Urban Center, and a limited portion of the Greater Duwamish Manufacturing and Industrial Center, east of 4th Avenue S, west of Interstate 5, north of S. Royal Brougham Way, and south of S Charles Street adjacent to the Chinatown/I.D. neighborhood.

c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

The legislation is not likely to generate significant or disproportionate burdens on communities of color or households with lower incomes. The affected area is identified as having up to a moderate risk of displacement, while locationally having very good access to opportunity. While certain areas such as Yesler Terrace, First Hill, and downtown Seattle have existing low-income housing resources, those resources are not particularly likely to be affected by the legislation because most are secured by agreements for their long-term presence. So, the risk of displacement for those resources is low in the affected area. Chinatown/International District faces a high risk of displacement or similar effects and is not included in this proposal.

The legislation is not likely to directly or indirectly affect matters of racial equity or add to current disparities or biases.

The legislation seeks to reduce barriers that delay new development, to help bring economic benefits over the long term, and more new housing as soon as possible. In the short and mid-term, new development of all kinds would maintain or bring new construction-sector jobs; and development of new hotels would generate additional jobs for households at a wide range of income levels.

This legislation foregoes one kind of public venue at which members of the public can attend and provide their comments about a development proposal. This is a reduction in the number of opportunities to express personal opinions about a development proposal. However, the proposed permitting processes would retain opportunities for interested parties to provide their written comments about a proposal to the City staff engaged in the permit reviews. The legislation includes amendments that would provide public notice and the opportunity to comment, comparable to today's practices.

- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.** None.
- iii. What is the Language Access Plan for any communications to the public?** SDCI provides language access by making translation services available upon request.

d. Climate Change Implications

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

The legislation could encourage an estimated 24 development proposals to proceed with permitting for future development within the next three years. While this might lead to slight, incremental increases in near-term carbon emissions related to future construction, the combination of low project volumes, increased efficiencies in minimum code requirements, and construction practices would ensure that potential carbon emissions are negligible in magnitude.

- ii. 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 legislation’s focus on the core urban centers of Seattle intends to support increased density of residential and employment growth in centers, as advised by the City’s Comprehensive Plan. This fosters efficiencies of growth patterns, which along with progressively stronger minimum requirements for energy efficiency in new buildings, contributes to an overall community with greater resilience against natural environmental challenges including those related to climate change over time.

- e. 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)? What mechanisms will be used to measure progress towards meeting those goals?**

The legislation is for a short-term (interim) adjustment in code requirements, applicable for three years in a subarea of the city. As a pilot effort, it could yield information about additional long-term reforms. SDCI expects to monitor total permitting times for participants in the Design Review exemption program to assess how much efficiency is gained in permitting, and other similar gauges of efficiency that could help the City make further process improvements in the future.

5. CHECKLIST

Is a public hearing required? Yes

Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required? Yes

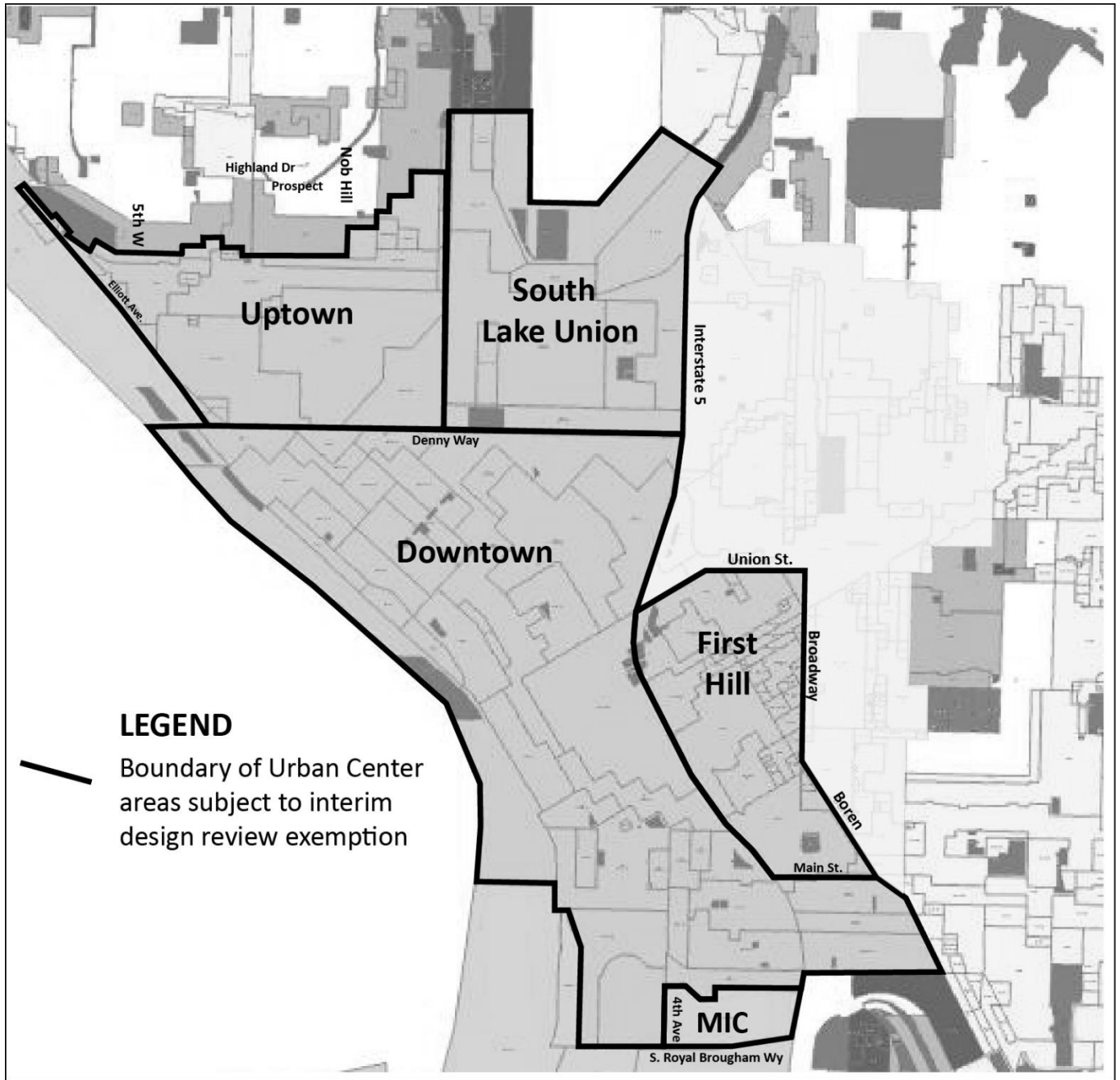
If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?

Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?

6. ATTACHMENTS

Summary Attachments: Summary Attachment 1 – Map of Applicable Area

Map of Applicable Area



Director's Report and Recommendation Downtown Activation Plan – Design Review Exemption June 18, 2024

Proposal Summary

Like many other cities, Seattle is experiencing economic challenges in the post-pandemic period. Mayor Harrell's Downtown Activation Plan (DAP) aims to revitalize Seattle's downtown core neighborhoods as a safe and vibrant shopping, cultural/entertainment, employment, and residential destination. See the Downtown Activation Plan webpage (www.downtownisyou.com) for more information. SDCI's Design Review Exemption proposal is one of the actions proposed to help carry out the Mayor's plan.

Also, with respect to DAP, the Design Review exemption proposal would help new development that is anticipated to make use of recent zoning changes adopted by the City Council along Third Avenue (Ordinance 126917) and in the Belltown (Ordinance 126914) part of Downtown. The zoning changes and this proposal would work together to help residential and hotel development be constructed to help activate these important parts of the center city area. In addition, research and development (R&D) laboratories have been an important part of the jobs mix available in the downtown core urban centers, and are likely to have economic viability in the coming years. R&D laboratories are included in the proposal.

This legislation would:

1. Provide a design review exemption for development projects:
 - Located in the center city area of Seattle designated in the Comprehensive Plan as Urban Centers: Downtown,¹ South Lake Union, Uptown, and First Hill; in a portion of the Greater Duwamish Manufacturing and Industrial Center (MIC); and in a subarea adjacent and north of the Uptown Urban Center, if such area is adopted at a later date by the One Seattle Plan comprehensive plan update.²
 - Occupied largely by residential and hotel uses, which may or may not include other uses allowed in the zone;
 - Occupied by research and development laboratories; and
 - Require public notice for all permit applications for eligible development proposals.
2. Allow the SDCI Director to waive or modify certain Land Use Code development standards for these projects as a Type I decision (not appealable to the City's Hearing Examiner);

¹ The proposal would not apply to the Pike Place Market Historical District; and also not in the Chinatown/International District and Pioneer Square neighborhoods, where development projects are already exempt from Design Review and may elect to go through the process to seek flexibility in a manner that fits with their historic districts' character.

² See page 22, Growth Strategy Element, of the public review draft of the One Seattle Plan comprehensive plan update.

3. Allow applicants to vest to the Land Use Code when SDCI accepts a completed MUP or building permit application;
4. Maintain current allowances for applicants to opt for Design Review; and
5. Be effective for an interim period of three years.

Adopting this legislation will allow more efficient and/or flexible permit review of development to address an urgent need for more activity and vitality in Seattle's center city. In addition, residential and hotel uses are active for long periods of the day and week. The proposal is intended to help promote more housing and jobs to be produced at lower permit cost and a shorter time in permit review.

The legislation continues the trend of City efforts to assist in the production of housing by exempting certain housing projects, including affordable housing (see Ordinances 126287, 126854), from Design Review. The legislation should accelerate the permitting of housing, hotel, and research and development laboratory projects throughout center city, thereby reducing costs and decreasing the time needed for important new development to be available for occupancy.

Proposal and Analysis

The proposal would amend various provisions of the Land Use Code, on an interim basis. The proposal would apply for an interim three-year period that would forego the Design Review process for proposals that include housing, hotels, or research and development laboratories, within the Downtown, Uptown, South Lake Union Urban Centers, the First Hill portion of the First Hill/Capitol Hill Urban Center, and two other adjacent areas (see the map at the end of this report). This is intended to encourage new development in these urban centers where the City's comprehensive plan supports increasing density and vibrant mixed-use urban environments.

During the effective period, an applicant would not be required to undergo Design Review for an eligible development, with residential, hotel, and/or research and development laboratory uses. The potential make-up of the uses in eligible projects is summarized in the table below.

Development proposals, such as office towers, not meeting the proposed eligibility requirements would not participate in this exemption and would remain subject to the City's Design Review program.

Projects Eligible Under the Proposal

	Mixed-use (If all nonresidential uses)	Mixed-use (If residential and nonresidential uses)	Residential	Research and Development Laboratory
How the floor area in the proposed development must be used to be eligible under the proposal	At least 50% of the floor area must be in hotel use, the remainder may be a mix of any nonresidential use allowed in the zone	At least 50% of the floor area must be in residential use, the remainder may be a mix of any nonresidential use allowed in the zone	Up to 100% of the floor area in residential use	Up to 100% of the floor area in research and development laboratory use
Most likely use mix	Hotel, office, retail and entertainment uses	Housing and hotel	Housing, including buildings with street-level retail and entertainment uses	Laboratory uses may include accessory office use and may include street-level retail and entertainment uses

Exempted development proposals would still be reviewed according to other Land Use Code requirements (and other applicable codes), and be subject to Master Use Permits (MUPs) and/or building permits. The zoning designations in the proposal area include a wide variety of Downtown classifications that allow for tower-scale development including in the densest office core zones, retail, and mixed-use zones. Development in the special review districts in the Pioneer Square, Chinatown/I.D. and Pike Place Market neighborhoods are not part of the proposal. Projects in these areas are already not required to go through Design Review. South Lake Union and Uptown include several Seattle Mixed zones that accommodate relatively dense non-residential and residential development. Other zones in Uptown and First Hill include neighborhood commercial (NC) zones, Highrise (HR), Midrise or Lowrise (MR, LR) multifamily zones, and Yesler Terrace zones (MPC-YT) that accommodate a mix of residential and non-residential development. The portion of the Greater Duwamish MIC proposed for this exemption is zoned Industry and Innovation (II). The subarea adjacent and north of the Uptown Urban Center that may at a future date receive this exemption is within Midrise and Lowrise 3 (MR, LR3) multifamily zones.

Design Review

Currently, Design Review is required for mid- and large-sized commercial and residential development projects such as:

- An office building, research and development laboratory, or apartment building
- Commercial or multifamily development; not a single-family home
- Large projects that meet the size thresholds in certain zones

For Full Design Review projects, SDCI holds public meetings where the Design Review Boards review development projects during the early design guidance and recommendation phases. The review process includes an opportunity for public comment and involvement before SDCI approves the design. Permit applicants may request "departures" from the Land Use Code as part of Design Review.

There are currently three paths for design review in the city:

- Streamlined Design Review (SDR): Type I Decision (not appealable to the Seattle Hearing Examiner) reviewed by SDCI staff. Includes Early Design Guidance (EDG) only and then straight to Construction permit. Includes public comment but not a design review public meeting.
- Administrative Design Review (ADR): Type II Decision (appealable to the Seattle Hearing Examiner) reviewed by SDCI staff. Includes Early Design Guidance, Master Use Permit (MUP) / Recommendation, Construction permit. Reviews completed by city staff. Includes public comment but not a design review public meeting.
- Full Design Review (FDR): Type II Decision (appealable to the Seattle Hearing Examiner) reviewed by Design Review Boards. Includes Early Design Guidance, Master Use Permit / Recommendation, Construction permit. Reviews completed by city staff using recommendations from the Design Review Board. Includes public comment and public meeting(s).

The scale of the development in these urban centers predominantly requires FDR under current requirements.

Design Review – Process Time

SDCI recently produced a report in January 2023 that summarizes permit turnaround times for Design Review projects. The data show that for commercial and multi-family development going through Design Review (ADR and FDR) from July 2018 to December 2022, overall calendar time of all steps from EDG through MUP issuance takes 739 days (24.3 months).

Recent state legislation in 2023 (Senate Bill 5412) exempted housing from environmental (SEPA) review until September 30, 2025. While this exemption is in place, projects that are eligible for the Design Review exemption would undergo a review for a building permit with a zoning review using the extensive development standards in the zones that make up the center city area. While permits that include a SEPA review generally take the same amount of review time as Design Review, the median time required to undergo residential building permit review is 300 – 750 days (10 – 25 months) as of 2023, depending on size of the development.

Reported time periods for review of projects do not include projects subject to an appeal to the City's Hearing Examiner or other legal action.

Number of Projects

The number of center city projects that would be eligible under the proposal is estimated after examining permit records in the area. The recent projects included five hotel-residential, mixed-use development proposals among 44 developments tallied with residential uses. Two other stand-

alone hotel development proposals are also noted, bringing the total to 46 residential and hotel-related development proposals. In addition, approximately 9 non-residential development proposals included laboratory components. This means approximately 55 development proposals involving Design Review in the last 5 years were consistent with the development types that would be affected by this proposal.

For the proposed interim period of 3 years going forward, if this recent pace is maintained, it would translate to an estimated 30 to 42 residential and mixed-use developments that might occur throughout the proposed exemption area.³ This estimate encompasses mixed-use developments that may include a combination of residential and hotel uses, stand-alone hotel developments, and non-residential developments that include either hotels or R&D laboratories. Residential and hotel combinations may be most likely in the zones allowing high-rise towers, where these uses may be complementary. Stand-alone hotel developments may be most likely in mid-scaled height and density zones, such as in the Belltown Neighborhood.

Authority for the SDCI Director to Grant Flexibility in Meeting Standards

Data from the recent development proposals with residential uses or hotel uses in the affected area yield the following observations about topics related to Land Use Code departures granted during the Design Review process under existing codes and practices.

1. The 46 residential and hotel-related development proposals received approximately:
 - 40 departures from Land Use Code requirements involving development standards that manage the location of the building on the site, such as setbacks between structures or from lot lines; and
 - 48 departures from Land Use Code requirements involving standards related to features of new development, such as ground-level uses, landscaping, the amount of wall area with windows or blank spaces, or adjustments in automobile access, parking, or weather protection;
2. For the 9 non-residential development proposals that included laboratory components:
 - 42 total departures were proposed, which averages out to 4-5 departures per development.
 - Most of these were for building-siting departures, in proportions similar to other non-residential developments.

Some development proposals needed no departures, while others received more than one departure of the kinds summarized above. The proposals involving residential or hotel uses sought an average of two departures, typically one related to siting or building shape, and one for other design reasons like landscaping, ground floor features, or automobile access.

In comparison, the full range of non-residential development proposals sought an average of four

³ This includes the Greater Duwamish Industrial Center's proposed exemption area just south of S. Charles Street, where the presence of a few vacant or underused properties may increase the chances for development proposals to use the design review exemption.

departures, of which typically three related to siting or building shape, and one was for other design reasons. This may suggest that architects for non-residential developments sought to design varied building forms that “pushed the envelope” more often than architects designing residential and hotel developments.

During the effective period of this proposal, flexibility in meeting Land Use Code development standards would be considered and decided administratively by the SDCI Director as part of the permit review process. The proposal limits the Director’s authority to grant waivers and modifications to be comparable to the design topics for which departures have been granted in recent years through Design Review. Therefore, the outcome of permit approvals under the proposal is anticipated to be similar to that experienced in the center city area.

Development Standard Departures Routinely Granted

Departures from Land Use Code development standards accommodate flexibility for different design solutions responding to unique site circumstances or constraints. For example:

- A development may relate better to adjacent existing building patterns on its block if it is allowed a larger or smaller front or side setback than the code standards otherwise require.
- A limited-size property may necessitate a different mix of indoor and outdoor recreational amenity spaces or different preferable locations for landscaping, including ground floor or upper floor locations, than required by code standards.
- A site may have an adjacent feature such as a bus stop zone or an above-ground power pole, that necessitates a greater setback than otherwise allowed by the code, or alternative layouts of landscaping.
- A requirement for certain categories of retail commercial use to be at ground floor levels may significantly hinder the ability of a development to fully meet its intended purpose such as efficiently providing housing.

Permit applications reviewed show that one or more of the following kinds of departures from Land Use Code development standards have been approved and are proposed to be allowed using the Director’s authority during the interim period of this proposal:

1. Upper-level setback and modulation requirements
2. Ground-level setback requirements
3. Minimum building podium facade heights
4. Rooftop coverage limits in relation to mechanical or energy features, mechanical penthouses and/or top-of-building form
5. Site coverage limits (ground floor or upper)
6. Building width limits
7. Minimum required percent presence of street-level uses along building facade(s)
8. Minimum required depth of street-level uses

9. Required street-level use types
10. Minimum percent transparency and maximum blank façade requirements, which may address constraining situations such as sloping sites
11. Slope, width, location of garage/vehicle entry
12. Overhead weather protection
13. Minimum amount of open space amenity and/or landscaping, ground level
14. Maximum percent of outdoor open space amenity that is covered by overhead building features
15. Percent of required amenity/open space area provided indoors vs. outdoors
16. Locations for and accessibility to utility spaces such as solid waste storage space.

In recently reviewed examples from the urban centers affected by this proposal, alternate designs accommodated by departures tend to be designed to enhance the local setting, and are typically supportive of achieving net benefits in urban design outcomes, such as an improved overall sidewalk environment through provision of aesthetic amenities or greater widths of walkable areas.

Also, certain departures may accommodate design solutions to overcome a significant site-related constraint to meeting a minimum requirement. These can be caused by lots' size, dimensions, or access difficulties. All of these factors can affect floor layouts of buildings and practicalities for access. Similarly, ground-level commercial use spaces like cafes may be difficult or impossible to locate along a building façade due to physical limitations at the site, such as sloping topography; thus, relief from provision of some building features that would otherwise be minimum requirements can occur.

Timing of Projects' Vesting to Land Use Code

The proposal is to set a Land Use Code vesting date upon the date SDCI accepts a letter of eligibility from a development proponent, provided a permit application for the development proposal is submitted and accepted by SDCI within 90 days of receipt of the letter of eligibility. This is intended to provide a low-barrier application process for applicants while helping ensure that sufficient permit application details and materials are provided to SDCI. The proposed permit process is similar to that used in the current Design Review process, which uses the date of an application for the Early Design Guidance process to set the vesting date provided a MUP application is filed in a timely manner.

Public Notice for Eligible Development Projects

Most development proposals receiving a Design Review exemption would be Type II MUP decisions like many development proposals today, which require the posting of a large white sign and mailed notice within a certain distance of the development proposal. Some of the affected development proposals, such as residential-only developments, could require only Type I reviews for building permits and Land Use Code consistency review. This would be the case for proposals that are not subject to SEPA environmental review or Design Review, for example. The proposal extends the current noticing requirements for Type II proposals to include all new Type I-only

proposals with Design Review exemptions, which would require installation of a large white sign, notice of application in the Land Use Information Bulletin, and mailed notice to property owners, lessees, building managers, and residents of properties within 300 feet of the boundaries of a specific site.

Comprehensive Plan Goals and Policies

The proposal is consistent with relevant goals and policies in the *Seattle 2035* Comprehensive Plan including:

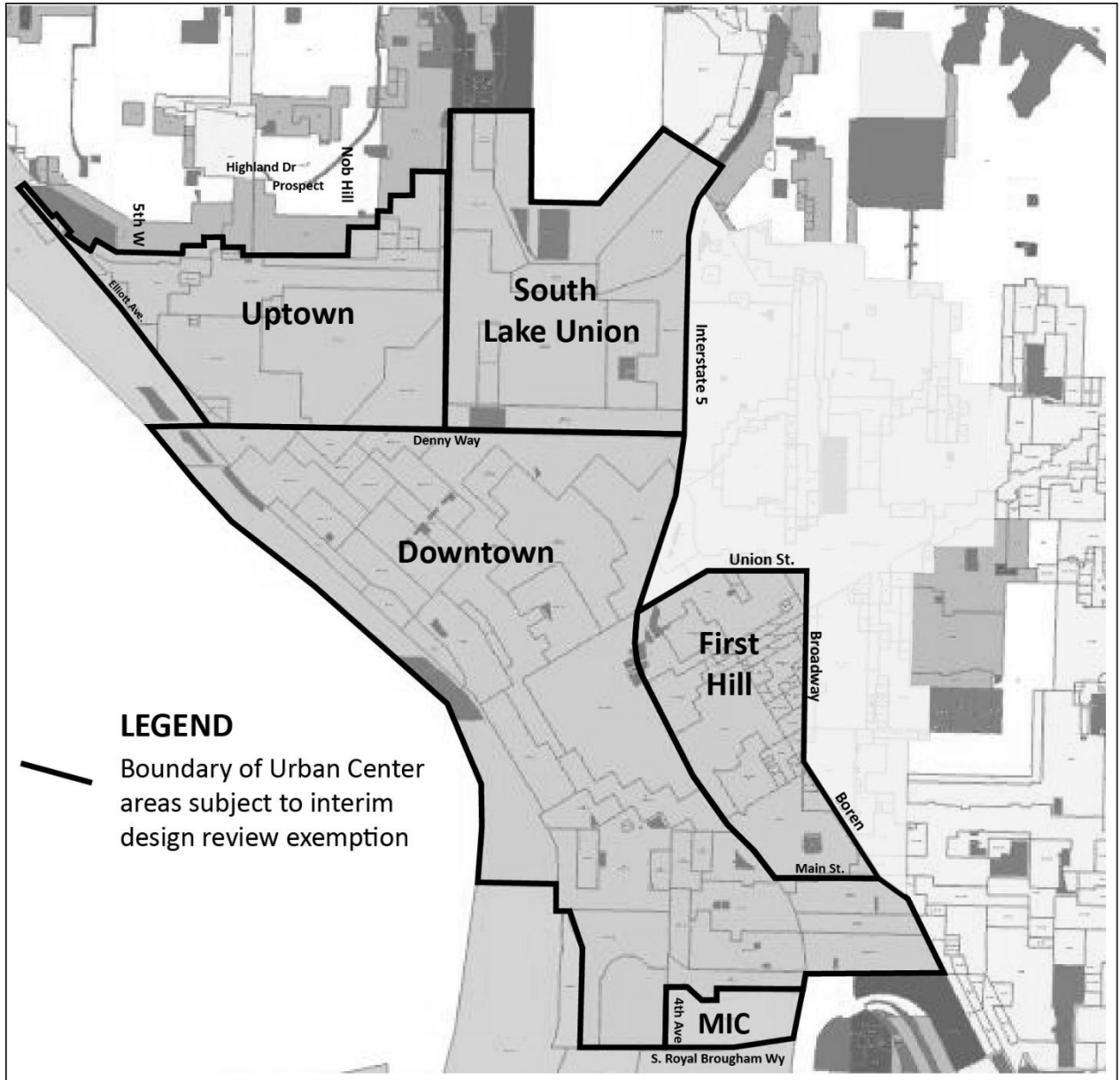
- **Goal H G2** - Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle's housing supply.
- **Goal H G5** - Make it possible for households of all income levels to live affordably in Seattle, and reduce over time the unmet housing needs of lower-income households in Seattle.
- **Goal LU G9** - Create and maintain successful commercial/mixed-use areas that provide focus for the surrounding neighborhood and that encourage new businesses, provide stability and expansion opportunities for existing businesses, and promote neighborhood vitality, while also accommodating residential development in livable environments.
- **Policy LU 9.2** - Encourage the development of compact, concentrated commercial/mixed-use areas, in urban centers and urban villages, where pedestrians can easily access transit and a variety of businesses.
- **Policy LU 9.6** - Encourage housing in mixed-use developments in pedestrian-oriented commercial/mixed-use areas to provide additional opportunities for residents to live in neighborhoods where they can walk to transit, services, and employment.
- **Policy LU 9.15** - Allow limited exceptions to the height limit in order to accommodate ground-floor commercial uses or special rooftop features, encourage development of mixed-use structures, enable structures to function appropriately, accommodate special features consistent with the special character or function of an area, or support innovative design that furthers the goals of this Plan.
- **Policy B-P14 (Belltown) Land Use** – Promote pedestrian activity through such methods as eliminating “dead spots” of street-level activity.
- **Policy QA-P1 (Queen Anne Uptown) Streetscape** – Seek to create and maintain attractive pedestrian-oriented streetscapes and enhance Queen Anne's community character with open space, street trees, and other vegetation.
- **Goal LU G11 (Downtown Areas)** -- Promote Downtown Seattle as an urban center with the densest mix of residential and commercial development in the region, with a vital and attractive environment that supports employment and residential activities and is inviting to visitors.
- **Downtown Neighborhood Plan – Commercial Core, Goal COM-G1** Maintain the Commercial Core as a major employment center, tourist and convention attraction, shopping magnet, residential neighborhood, and regional hub of cultural and entertainment activities.

- **Economic Development Policy ED 1.1** -- Enhance the Downtown core as the economic center of the city and the region and strengthen its appeal as home to many of Seattle's vital professional service firms, high technology companies, and regional retailers, as well as cultural, historic, entertainment, convention, and tourist facilities.
- **Economic Development Goal ED G2** -- Enhance strategic industry clusters that build on Seattle's competitive advantages.
- **Economic Development Policy ED 2.1** -- Improve linkages between industry clusters and research institutions, hospitals, educational institutions, and other technology-based businesses.
- **Economic Development Policy ED 2.2** -- Encourage collaboration among businesses within and across industry clusters in the areas of marketing, research, capital and talent acquisition, job training, and expansion of highly skilled jobs.
- **Economic Development Policy ED 2.3** -- Improve the ability of industry clusters to transfer technology in cooperation with other jurisdictions and with major education and research institutions.

Recommendation

The Director of SDCI recommends that the City Council adopt the proposed legislation to help facilitate development in the center city area of Seattle, to help produce more activity and vitality to this important part of the city, and to promote more badly needed housing and jobs.

Map of the proposed area eligible for interim design review exemption



Design Review Exemption Legislation

September 4, 2024

Seattle Department of Construction and Inspections



Purpose and Goals

- Downtown Activation Plan goals:
 - Revitalize Seattle's core to support more living, jobs, shopping, and cultural opportunities
 - Stimulate investments in new development
 - Efficient permitting, with flexibility retained for new building design



A trend toward Design Review reform

- State law (ESHB 1293) mandated reforms to shorten the process
- Explore how codes can best support a straightforward permit process, with flexibility and design quality
- Financing and economy is challenging for new construction
- Code complexity adds additional challenges

Source: DSA, 2024

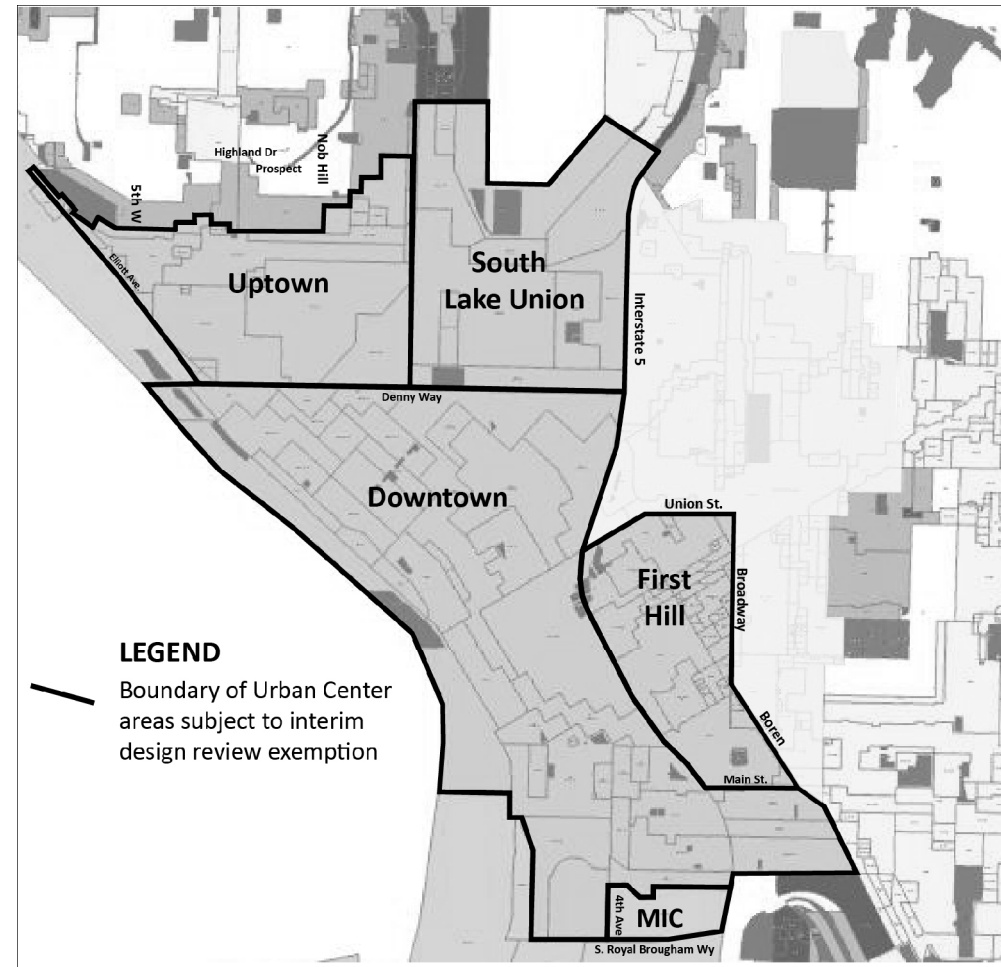


Proposal

- Exempt new development proposals from the Design Review process
- Interim legislation: in place for 3 years
- Downtown, Uptown, South Lake Union, First Hill, and a portion of Duwamish MIC adjacent to Downtown (map on next slide).

Geography

- Mostly along Urban Center boundaries
- First Hill is a subarea of First Hill/Capitol Hill U.C.
- “MIC” (Greater Duwamish Manuf./Industrial Center) subarea is north of Royal Brougham Way and east of 4th Ave. S.
- Excludes Pioneer Square, Chinatown/I.D., Pike Place Market Districts (no Chapter 23.41 Design Review)



Eligible uses and proposed flexibility

- Eligible: Residential, hotels, mixed-use projects*, Research/Development laboratory uses (*At least 50% floor area in residential and hotel uses)
- Designs may deviate from minimum development standards per SDCI administrative review
- Comparable to departures given by the Design Review process

Subjects of code and design flexibility

Upper-level setbacks, modulation, façade openings, width	Common indoor recreational and amenity areas
Street/façade setbacks	Outdoor open space: area and other details
Floor-to-floor height at street level	Landscaping: area, dimension, locations
Rooftop screening and coverage limits (mech, energy, elevator enclosures)	Vehicle access to parking, loading, utility spaces
Street-level use type, depth, and % presence	Vehicle access route slopes, dimensions
Façade transparency, blank façades	Parking space size requirements
Overhead weather protection	Bicycle parking minimum quantities

Early vesting point, like Design Review

- Vesting determines the codes that apply to the project
- Vesting date at “letter of eligibility” as long as permit application package filed within 90 days
- Approach is like the “early design guidance application” date for Design Review projects

Public Notice provisions

- Proposal includes public notice for all eligible projects:
 - Land Use Information Bulletin
 - Large white sign
 - Mailed notice
 - 14 day comment period

See code section 23.76.012



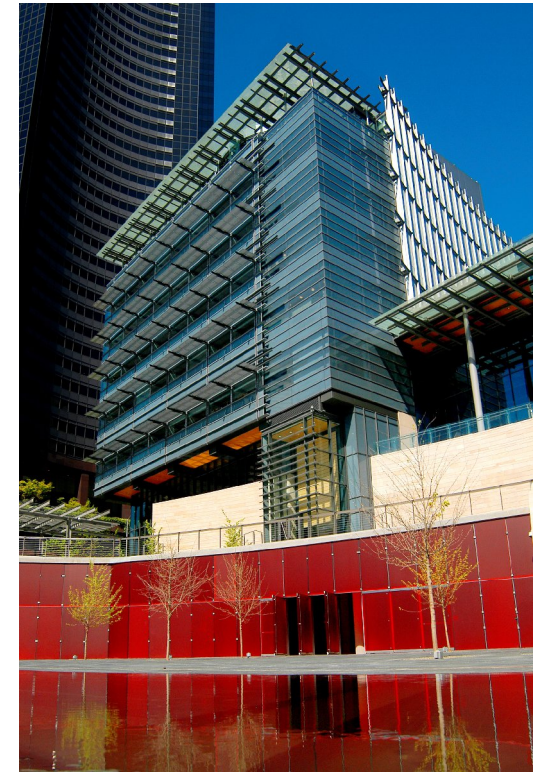
Questions?

Gordon Clowers

gordon.clowers@seattle.gov

206-679-8030

www.seattle.gov/sdci





SEATTLE CITY COUNCIL

August 5, 2024

PUBLIC HEARING ON Design Review Exemption Land Use Code Amendments

The Seattle City Council's Land Use Committee will hold a public hearing on Wednesday, September 4, 2024 on Council Bill 120824, a bill that would provide design review exemptions for developments with primarily residential and hotel uses or research and development laboratory uses in Downtown, South Lake Union, Uptown, and First Hill; in a portion of the Greater Duwamish Manufacturing and Industrial Center (MIC); and in a subarea adjacent and north of the Uptown Urban Center, if such area is adopted at a later date by the One Seattle Plan comprehensive plan update. The regulatory changes would be effective for three years, starting from the effective date of the legislation.

The proposed bill would make the following changes:

- Provide a design review exemption for development projects:
 - Located in the center city area of Seattle designated in the Comprehensive Plan as Urban Centers: Downtown, South Lake Union, Uptown, and First Hill; in a portion of the Greater Duwamish Manufacturing and Industrial Center (MIC); and in a subarea adjacent and north of the Uptown Urban Center, if such area is adopted at a later date by the One Seattle Plan comprehensive plan update.
 - The proposal would not apply to the Pike Place Market Historical District, the International Special Review District in Chinatown/ID, or the Pioneer Square Preservation District, where the special review boards will continue to be the review bodies addressing design and relationship to historic districts' character.
 - Occupied largely by residential and hotel uses, which may or may not include other uses allowed in the zone;
 - Occupied by research and development laboratories; and
 - Require public notice for all permit applications for eligible development proposals.
- Allow the SDCI Director to waive or modify certain Land Use Code development standards for these projects as a Type I decision (not appealable to the City's Hearing Examiner);
- Allow applicants to vest to the Land Use Code when SDCI accepts a completed MUP or building permit application;
- Maintain current allowances for applicants to opt for Design Review; and
- Be effective for an interim period of three years.

Councilmembers may adopt the legislation as proposed or amend the legislation to mitigate impacts of the proposal.

PUBLIC HEARING

The City Council’s Land Use Committee will hold a public hearing on the proposed bill on Wednesday, September 4, 2024, at 2:00 pm.

The hearing will be held in the:

City Council Chambers
2nd floor, Seattle City Hall
600 Fourth Avenue

Persons who wish to participate in or attend the hearing may be offered the opportunity to do so remotely. If this is the case, the City will provide instructions in the meeting agenda on how to participate remotely. Please check the Land Use Committee agenda a few days prior to the meeting at <http://www.seattle.gov/council/committees>.

Print and communications access is provided on prior request. Please contact Naomi Lewis at 206-833-7218 or via e-mail at: Naomi.Lewis2@seattle.gov as soon as possible to request accommodations for a disability.

Questions concerning the public hearing may be directed to Naomi Lewis in Councilmember Tammy Morales’ office, by calling 206-833-7218 or via e-mail at: Naomi.Lewis2@seattle.gov.

WRITTEN COMMENTS

Written comments on the legislation will be accepted until noon on Wednesday, September 4, 2024. Please send comments to Councilmember Tammy Morales office, via e-mail at: Tammy.Morales@seattle.gov, or by mail to:

Councilmember Tammy Morales
Seattle City Council
600 4th Avenue, 2nd Floor
PO Box 34025
Seattle, WA 98124-4025

INFORMATION AVAILABLE

Copies of the proposed bill may be obtained from: [CB 120824](#)

Questions regarding the legislation may be directed to Gordon Clowers in the City of Seattle Department of Construction and Inspections, at (206) 684-8375 or via e-mail at gordon.clowers@seattle.gov or Ketil Freeman at the City Council Central Staff at (206) 684-8178 or via email at ketil.freeman@seattle.gov.

August 28, 2024

MEMORANDUM

To: Land Use Committee
From: Ketil Freeman, Analyst
Subject: Council Bill 120824 – Downtown Activation Plan: Design Review Exemption

On September 4, 2024, the Land Use Committee (Committee) will have an initial briefing and hold a public hearing on [Council Bill \(CB\) 120824](#). Among other things, CB 120824 would exempt certain projects located in the Downtown, South Lake Union, and Uptown urban centers and parts of the adjacent the First Hill / Capitol Hill urban center and Duwamish Manufacturing and Industrial Center from Design Review while affording those projects some of the same benefits available through Design Review.

This memorandum: (1) provides background on the Design Review program, ongoing review of the program, and changes required by [Engrossed Substitute House Bill \(ESHB\) 1293](#); (2) describes what CB 120824 would do; and (3) provides preliminary policy considerations.

Background

Design Review Program

Called Early Project Implementation at its inception in 1993, the Design Review Program has three primary goals: (1) encouraging better siting and design of private development projects, (2) providing flexibility in application of physical development standards, and (3) improving public engagement with developers earlier in the design process.¹ Generally, Design Review is required for most larger new development in Multifamily, Commercial, Seattle Mixed, and Downtown zones. Design Review is not required in Neighborhood Residential and most Industrial zones.²

There are three types of design review: Streamlined Design Review (SDR), Administrative Design Review (ADR), and Full Design Review (FDR). The type of Design Review required depends on the size of the lot, location, and gross floor area of development. Because most projects that could benefit from the proposed exemption in CB 120824 are of a scale that would require FDR, descriptions of the Design Review process in this memo are of FDR.

Under FDR, development teams must provide early outreach to near neighbors, present project details before a board and the public at one or more Early Design Guidance (EDG) meetings prior to permit application, and present again before a board and the public at one or more recommendation meetings. A board consists of six members appointed by the Mayor and

¹ See [Ordinance 116909](#) and [Seattle Municipal Code \(SMC\) Section 23.41.002](#).

² For more information on the Design Review Program see [Design Review - Program - SDCI | seattle.gov](#) and [SMC Chapter 23.41](#).

Council to represent development, design, business, and other specified interests.³ Board meetings are subject to the Open Public Meetings Act.

At the EDG meeting, a board hears comment from the public and prioritizes applicable guidelines from citywide or neighborhood-specific [design guidelines](#) that have been approved by ordinance by the Council and Mayor.⁴ At the recommendation meeting, a board reviews a project for consistency with prioritized guidelines and makes a recommendation to the Seattle Department of Construction and Inspection’s Director (Director), including a recommendation on any modifications to development standards, called “departures,” sought by the applicant. Departures can be granted if a proposal better meets the intent of design guidelines. This is distinct from most other waivers or modifications in the Code, which can typically only be granted based on a showing of property-related hardship or other property, or use, related special circumstance.

An FDR land use decision is a Type II decision, meaning that it is a discretionary decision by the Director that can be appealed to the City Hearing Examiner. Because design review projects are reviewed for compliance with adopted design guidelines, projects that are also subject to State Environmental Policy Act (SEPA) review are afforded a deferential standard on some claims in SEPA appeals, meaning that the Hearing Examiner is more likely to uphold an affirmative recommendation by the Director.⁵

Subject to some limitations, the Director is required to make compliance with any recommended condition by a board mandatory, if four or more members agree.⁶ A recent review of the program found that FDR can take as long as about two years, with approximately 16 months of that time in active review by the City and the remainder with the applicant.⁷

To address the added time associated with FDR, projects are allowed to vest to development standards in place at the time of EDG, prior to permit application, provided that the permit application is made within 90 days of the EDG meeting.⁸ When a project “vests” it secures the legal right to develop to development standards in place at the time of vesting. By contrast, other projects requiring land use approval that are not subject to design review vest towards the end of land use permit review at issuance of a Master Use Permit (MUP) decision.⁹

³ [SMC Section 23.41.008.A – F.](#)

⁴ For an example of recently approved neighborhood-specific design guidelines see [Ordinance 126683](#) (2022) approving design guidelines for Crown Hill.

⁵ [SMC Section 25.05.675.G.](#)

⁶ [SMC Section 23.41.014.F.](#)

⁷ See response to SLI SDCI-004-A-001. Appendix D: Permit Times Report by SDCI Staff. Available at: [Seattle SDCI - 2024 Statement of Legislative Intent Memo and Final Report to Council](#)

⁸ [SMC Section 23.76.026.C.](#)

Ongoing Program Review and ESHB 1293

In November 2021, as part of the 2022 Adopted Budget the Council approved [Statement of Legislative Intent \(SLI\) SDCI-004-A-001](#), which requested that the Director report on Design Review program outcomes, process improvements, and equity. SDCI convened a stakeholder group, which met from May of 2022 through January of 2023.¹⁰ The [response to the SLI](#), which contains a consultant report dated March 2023, was provided to the Council on July 16, 2024.

Among other things, the report identifies program improvements that “were generally well-supported by stakeholders and staff,” which include, but are not limited to:

- Improving capacity building in identified equity areas to enhance engagement with design review;
- Rewriting design guidelines for clarity and creating targeted design guidelines in equity areas that have been developed with the community;
- Increasing program predictability; and
- Re-evaluating the EDG process.

At the state level, in 2023 the legislature passed and the governor signed ESHB 1293, codified at [RCW 36.70A.630](#). ESHB 1293 requires that design review programs for jurisdictions planning under the Growth Management Act (GMA):

- Must have clear and objective guidelines,
- Cannot result in a reduction in development capacity from otherwise applicable development standards, and
- Cannot include more than one public meeting.

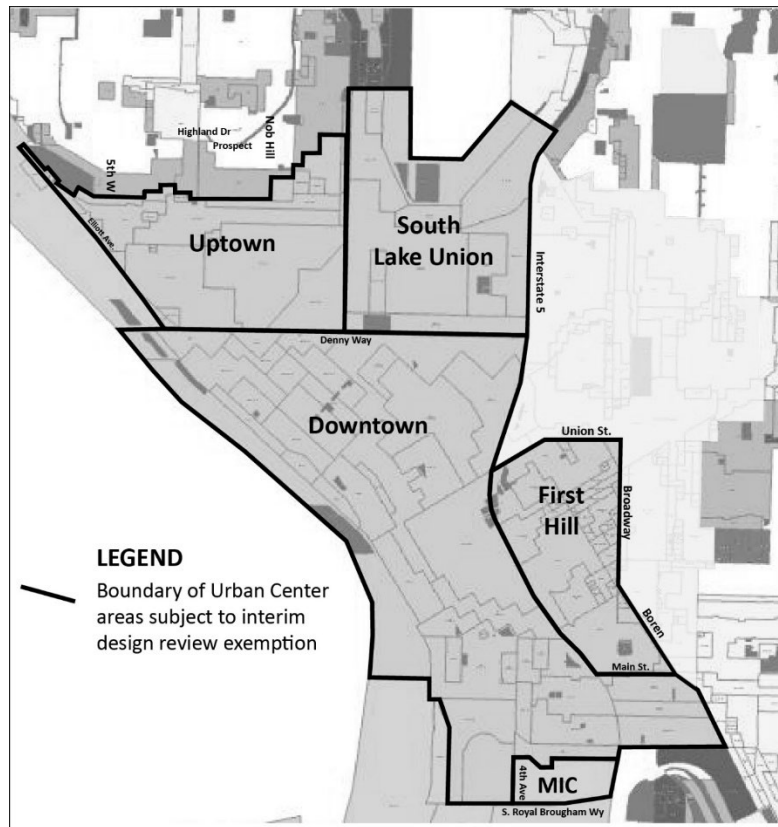
The City must come into compliance with these requirements six months after the next required Comprehensive Plan update. The GMA requires the City to update its Comprehensive Plan by the end of this year, although the current schedule contemplates passage of the required update in the summer of 2025. Using the earlier and more conservative date, the City may be required to either suspend its Design Review program or implement a new program that complies with ESHB 1293 by June of 2025.

What CB 120824 Would Do

CB 120824 would exempt hotel, residential, and research and development laboratory projects located in the Downtown, South Lake Union, and Uptown urban centers and parts of the adjacent the First Hill / Capitol Hill urban center and Duwamish Manufacturing and Industrial Center from Design Review while affording those projects some of the same benefits available through Design Review.

¹⁰ Materials from the stakeholder process and recordings of stakeholder meetings are available at [Design Review Program Analysis - SDCI | seattle.gov](#).

Eligible exemption areas are shown on the accompanying map from the bill. Historic Districts would not be included. In addition to those areas shown on the map, eligible projects could include those located in expansion areas for the Uptown Urban Center and Duwamish Manufacturing and Industrial Center. A policy decision on those expansion areas has not been made by the Council. The earliest such a decision would be made is the Summer of 2025 with adoption of the periodic Comprehensive Plan update.



Eligible projects would be able to receive waivers or modifications from development standards, including modification to development standards that can result in additional leasable floor area. Additionally, projects would vest upon filing a letter, prior to application, establishing that the project would be eligible for the design review exemption provided by the bill. This is like vesting currently afforded through the early design guidance process.

The decision to modify development standards would be a Type I decision, meaning that it would be an administrative decision made by the Director without an opportunity for appeal to the Hearing Examiner. The decision to waive or modify development standards would be based on the sole criterion of whether the waiver would result in more being built. Specifically, the Director would be required to grant the waiver if it “would result in an increased number of dwelling units, lodging rooms, or increased floor area for of a research and development laboratory use, being constructed.”¹¹

Public notice of application and opportunity for comment would be similar to what is required for discretionary, Type II land use decision. However, the early outreach required for FDR and notice of decision would not be required. If passed, the proposed exemption would expire three years from its effective date.

¹¹ Council Bill (CB) 120824, page 5 at line 6.

Key differences between FDR and the exemption process proposed by CB 120824 are summarized in the table below:

Standard	Full Design Review	CB 120825
Development Standard Waivers, Decision-maker and Vesting		
Availability of development standard waivers	Yes	Yes
Decision Maker	SDCI Director based on a recommendation by an appointed board. A board recommendation can be binding on the Director if four or more board members agree.	SDCI Director
Criteria for Approval	Consistency with prioritized design guidelines that are approved by ordinance.	More dwelling units, lodging rooms, or increased floor area of a research and development laboratory use.
Vesting	At filing of a complete application for EDG, provided that a MUP application is filed within 90 days of EDG meeting.	At filing of an eligibility letter provided that a MUP application is filed within 90 days.
Public Outreach and Notice		
Required Community Outreach Prior to Application	Yes ¹²	No
Required Public Meetings	Yes	No
Notice of Application	Mailed notice and large sign	Mailed notice and large sign
Notice of Decision	Written notice and publication in the Land Use Information Bulletin	No
Type of Decision and Due Process Safeguards		
Decision Type	Type II, discretionary decision	Type I, administrative decision
Due Process Safeguards	Opportunity for appeal to the City Hearing Examiner and potential subsequent appeal to King County Superior Court	No Hearing Examiner appeal, potential appeal to King County Superior Court

Preliminary Policy Considerations

CB 120824 would authorize the SDCI Director to administratively grant waivers or modifications of development standards that would otherwise only be available, on a project basis, through a

¹² Specialized early community outreach is required in identified equity areas, which overlap with much of the exemption area proposed by CB 120824. See [SDCI and DON Joint Director’s Rule 4-2018 and 1-2018](#).

discretionary decision in Design Review or, on a zone-wide basis, by a legislative decision to establish new development standards applicable to all future projects in that zone.

It is unclear what problem CB 120824 seeks to solve. The Director's Report notes, "[t]he proposal is intended to help promote more housing and jobs to be produced at lower permit cost and a shorter time in permit review." Greater downtown, the general planning geography subject to the proposal, is not capacity constrained. The City's [development capacity dashboard](#), which was last updated in 2022, indicates that greater downtown has zoned capacity for approximately 110,000 additional jobs and 41,000 additional housing units. That capacity is likely to increase with future Comprehensive Plan changes and areawide rezones.

Assuming that Design Review is a barrier to more housing and jobs, the purpose of promoting more housing and jobs and lowering permit costs and review times could be accomplished simply by making Design Review optional for those projects not seeking departures from development standards.

Preliminary issues are identified and discussed below. Additional issues may be identified through the public hearing and ongoing Council review.

Ripeness for Council Deliberation

In 2025 the Council will be considering Comprehensive Plan changes that may modify downtown planning geographies and provide the policy basis for future area-wide rezones that will likely increase residential and employment development capacity in the Downtown urban center and adjacent urban centers. Future implementing areawide rezones and changes to development standards will likely follow in 2026. Those planning processes will also be informed by a future Federal Transit Administration record of decision for Sound Transit.

While it is unclear whether and how the bill is related to any future changes to the Design Review program required by ESHB 1293 or identified in the response to the Design Review SLI, the City will nevertheless need to either suspend the Design Review program or implement a replacement to comply with ESHB 1293. Conservatively, that will need to happen no later than June 30, 2025. The interim provisions of the bill are proposed to lapse in late 2027.

Council could defer action on any downtown design review exemptions until one or all of these planning processes are complete.

Delegation to the SDCI Director and Public Engagement

CB 120824 proposes that the Council provide a broad delegation of authority to the SDCI Director to grant waivers or modifications to development standards based on the single criterion of more floor area in lodging, residential, or research and development use. Decisions by the Director based on that delegation would be purely administrative, subject to less public visibility than is currently afforded through Design Review, and could not be appealed to the

City Hearing Examiner. All land use decisions may be appealed to the Superior Court through the Land Use Petition Act. However, access to that pathway to remedy an abuse of discretion is more costly and requires greater appellant sophistication.

By contrast, under FDR, delegation of the decision to grant waivers or modifications are informed by a recommendation from an appointed board. That recommendation is based on design guidelines that have been developed through an often neighborhood-specific planning process and approved by ordinance. Potential abuse of discretion by the board or SDCI Director is protected against by public visibility into the decision-making process and the opportunity for appeal to the City Hearing Examiner.

The Council could narrow the delegation to the SDCI Director by limiting the scope of waivers and circumstances under which they could be granted and / or providing additional public participation or procedural requirements to guard against abuse of discretion.

Vesting

CB 120824 would allow eligible projects to vest prior to permit application by filing a letter establishing their eligibility, provided that a permit application is made within 90 days. This is similar to the vesting provisions available through Design Review that are intended to mitigate the risk to the applicant of a regulatory change during the sometimes-lengthy FDR period. The risk to applicants associated with a lengthy design review process is obviated by two factors in the bill: (1) the Design Review exemption itself, which eliminates the time associated with public meeting requirements and deliberations by a board, and (2), for projects seeking waivers or modification of development standards, the proposal that the Director's decision not be appealable to the Hearing Examiner.

Council could eliminate the favorable vesting and have eligible projects vest as all other projects not subject to Design Review do, which is with a MUP decision or with filing of a complete building permit application.

Applicability to Industrial Innovation Zones

After initial publication of a SEPA decision on the bill, SDCI issued an addendum and further SEPA analysis to add an area zoned Industrial Innovation (II 85-240) between Royal Brougham and the International District. This is the area identified with "MIC" for Manufacturing Industrial Center on the map from the bill. Ownership in the area includes City-owned parcels managed by the Department of Finance and Administrative Services; a development entity associated with Alexandria, a Real Estate Investment Trust that specializes in biotech facility development; and a development entity associated with Seattle-based developer Urban

Visions. That area was rezoned from Industrial Commercial to Industrial Innovation through the City's industrial lands work in 2023.¹³

Design Review is not required in Industrial Innovation zones. Since passage of the industrial lands bills, the only industrial zones where Design Review is required are Industrial Commercial zones located outside of MICs. Because Design review is not required in the II 85-240 zone, absent some future regulatory change, development in that zone could not benefit from the waivers or modifications available to development that might otherwise be subject to Design Review.

Council could remove that area from the map of eligible areas until such a time as there is a proposal to modify the zone designation or other applicable development standards to make projects subject to Design Review.

Next Steps

The Committee will hold a public hearing on September 4, 2024. A vote on a Committee recommendation could occur at the next regularly scheduled Committee meeting on September 18, 2024.

cc: Ben Noble, Director
Yolanda Ho, Deputy Director
Lish Whitson, Supervising Analyst

¹³ [Ordinance 126862](#) established new industrial zone designations and development standards. [Ordinance 126863](#) rezoned land in industrial areas.



Legislation Text

File #: CB 120833, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending subsection 23.49.156.A of the Seattle Municipal Code to clarify bonus allowances in the Living Building Pilot Program.

WHEREAS, on December 14, 2009, the Seattle City Council adopted Ordinance 123206, establishing a Living Building Pilot program; and

WHEREAS, the Council intended for the Living Building Pilot Program (LBPP) to be one of the City's

Climate Strategies to fundamentally reshape Seattle's building and transportation systems for a fossil-free future; and

WHEREAS, Seattle's buildings produce over one-third of the city's greenhouse gases and, reducing these building emissions is critical in becoming a carbon-neutral community by 2050; and

WHEREAS, as part of the LBPP, projects explore fundamentally different approaches to building design, construction, and operations, and LBPP applicants are eligible for additional height and/or floor area ratio bonuses as well as departures from the Land Use Code; and

WHEREAS, early design guidance for project 3036043-LU was applied for under 3034374-EG. The Master Use Permit for the project was reviewed by the Design Review Board and approved by the Director of the Department of Construction and Inspections granting certain departures under the LBPP including additional height; and

WHEREAS, the Master Use Permit decision 3036043-LU, was appealed by Belltown Livability Coalition to the Seattle Hearing Examiner along with a request for code interpretation alleging that the subject lot

was not eligible for additional height under the LBPP because the height limitation was constrained by a lot size restriction codified in subsection 23.49.156.A of the Seattle Municipal Code (SMC); and

WHEREAS, as part of the appeal, Seattle Department of Construction and Inspections (SDCI) interpreted SMC 23.49.156.A.1 in light of the LBPP code provisions including SMC 23.40.060 and SMC 23.49.008.F and concluded that the subject development project could take advantage of height bonuses to 175 feet without a minimum lot size of 19,000 square feet under the LBPP; and

WHEREAS, the Hearing Examiner disagreed with SDCI's interpretation, stating that "The legislative body set the minimum lot size at 19,000 square feet for buildings over 145 feet. Regardless of policy reasonableness, only the City Council has authority to enact code. The Examiner only interprets that code. The legislative body could provide set criteria so the Department could determine appropriate lot sizes when specified criteria are met or waive the lot size requirement entirely for living buildings. It has not done so"; and

WHEREAS, the Examiner's determination would limit the intent of the LBPP and constrain the City's goal of providing more housing, especially family-sized housing; and

WHEREAS, SDCI proposes this code amendment to explicitly authorize building height in excess of 145 feet in the Downtown Mixed Residential zone on lots smaller than 19,000 square feet in size to enable the City to allow the proposed 182 units of housing in the Downtown Urban Center, including ten three-bedroom units as proposed in Master Use Permit 3036043-LU and to encourage additional lots in the Downtown Urban Center to apply for the LBPP; and

WHEREAS, this ordinance is necessary to make clear that the City Council intends that the LBPP may allow height bonuses for buildings in the LBPP located in the downtown mixed residential/commercial zone regardless of lot size and incentivize additional properties in this zone to join the LBPP; and

WHEREAS, SDCI evaluated the environmental impact of the proposed ordinance, prepared a threshold determination under the State Environmental Policy Act (SEPA) and sought public comment on the

ordinance; however, the ordinance is exempt from administrative or judicial appeal under RCW 36.70A.070(2) for certain development regulations and non-project actions that “increase housing capacity, increase housing affordability, and mitigate displacement”; and

WHEREAS, this ordinance is exempt from administrative or judicial appeal because the ordinance will increase housing capacity, including at least 182 units, ten of which are family-sized units as well as anticipated additional units in the zone; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 23.49.156.A of the Seattle Municipal Code, which section was last amended by Ordinance 125371, is amended as follows:

23.49.156 Downtown Mixed Residential, minimum lot size

A. This subsection 23.49.156.A applies to DMR zones outside of South Downtown.

1. The minimum lot size is 19,000 square feet for any structure over 145 feet high, except that a project in a DMR zone that is part of the Living Building Pilot Program pursuant to Section 23.40.060 and uses a height bonus pursuant to subsections 23.40.060.C.5, 23.40.070.C.5, or 23.49.008.F, is exempt from this requirement. Pursuant to subsection 23.76.026.E, an applicant may elect to use this exemption even if the applicant’s application vested before the effective date of this ordinance.

2. To meet the minimum lot size requirement, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that:

- a. The total area of the combined lots meets the minimum lot size requirement;
- b. All lots have frontage on the same avenue;
- c. Any existing structure does not exceed a height of 145 feet;
- d. The lot coverage of both the proposed and any existing structures does not exceed applicable lot coverage limits in Section 23.49.158; and
- e. The fee owners of the abutting lot(s) execute a deed or other agreement, recorded with

the King County Recorder's Office as an encumbrance on the abutting lot(s), that restricts future development of the abutting lot(s) to a maximum height of 145 feet for the life of the proposed structure, and that precludes the use of the abutting lot(s) in combination with any other abutting lots for purposes of meeting the minimum lot size requirements for any other lot.

* * *

Section 2. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2024, and signed by me in open session in authentication of its passage this _____ day of _____, 2024.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
SDCI	David VanSike	Christie Parker

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; amending subsection 23.49.156.A of the Seattle Municipal Code to clarify bonus allowances in the Living Building Pilot Program.

Summary and Background of the Legislation: This legislation amends the Land Use Code (Title 23) in subsection 23.49.156.A to clarify and improve the function of the Living Building Pilot Program. The legislation clarifies that projects in the pilot program can use height bonuses to exceed 145 feet in height regardless of lot size under SMC 23.49.156.A in the Downtown Mixed Residential zone.

The Living Building Pilot Program is intended to promote the public interest by encouraging the development of innovative “living” buildings that can reduce environmental impacts, test new technologies, and serve as a model for development throughout the region and country. The ordinance establishing the Living Building Pilot Program became effective in January 2010 and has been revised since. SMC 23.40.060.A establishes an end date of the Program, December 31, 2030, or a maximum of 20 enrollments, whichever comes first. To date, 15 projects have enrolled with only five opportunities remaining. The amendment would allow an important case study for a living building and provide needed housing in the Belltown Neighborhood.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? Yes No

4. OTHER IMPLICATIONS

- a. **Please describe how this legislation may affect any departments besides the originating department.** This legislation is not anticipated to affect any other department.
- b. **Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**
While there is one known project that would benefit from the legislation, it would affect any property in the Downtown Mixed Residential zone that is less than 19,000 square feet and

that is enrolled in the Living Building Pilot Program. Since the Living Building Pilot Program has only five more available opportunities, the number of affected properties would not exceed five.

- c. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**
- i. **How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.** The proposed amendment was reviewed by SDCI staff and is not anticipated to impact vulnerable or disadvantaged communities.
 - ii. **Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.** Not applicable for this ordinance.
 - iii. **What is the Language Access Plan for any communications to the public?** SDCI would provide translation or other services, if requested.
- d. **Climate Change Implications**
- i. **Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.** Since this legislation involves use of the Living Building Pilot Program, any new structures built under these provisions would have the likely effect of reducing carbon emissions over those built using conventional practices.
 - ii. **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.** Since this legislation involves the Living Building Pilot Program, it would help to increase Seattle's resiliency to climate change. The Living Building Pilot Program requires buildings to be built on non-environmentally sensitive sites, use recycled materials, generate as much or more energy as they use through sustainable sources, capture as much rainwater as they use, treat wastewater on site, and meet a number of other standards.
- e. **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)? What mechanisms will be used to measure progress towards meeting those goals?** While the legislation is not a new initiative, it serves to clarify that the existing Living Building Pilot Program may utilize bonuses in code, which will further help the Program to meet its goals.

5. CHECKLIST

- Is a public hearing required?** Yes, The City Council must hold a public hearing, to be scheduled before the Land Use Committee.
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?** Yes. Publication of notice of the Council public hearing will be made in The Daily Journal of Commerce and in the City’s Land Use Information Bulletin (LUIB). Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was made in The Daily Journal of Commerce and in the Land Use Information Bulletin in July 2024.
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

6. ATTACHMENTS

Summary Attachments: None.

Director's Report and Recommendation LIVING BUILDING AMENDMENT

I. Introduction

The Seattle Department of Construction and Inspections (SDCI) proposes to amend the Land Use Code (Seattle Municipal Code (SMC), Title 23) to implement RCW 36.70A.070(2) regarding application of certain height bonuses available through the Living Building Pilot Program as it applies to Section 23.49.156.A of the Downtown Mixed Residential zone. The proposed legislation clarifies that projects using the Living Building Pilot Program height bonuses are allowed to exceed 145 feet in height regardless of lot size under SMC 23.49.156.A.

II. Background and Analysis

The Living Building Challenge is a green building rating system created by the International Living Future Institute (ILFI) to recognize buildings meeting the highest level of sustainability. The current version, 4.1 of the Living Building Challenge, requires buildings to meet 20 prerequisites within seven performance areas, or “Petals”: Place, Water, Energy, Health and Happiness, Materials, Equity, and Beauty. In general, these prerequisites require buildings to be built on non-environmentally sensitive sites, use recycled materials, generate as much or more energy as they use through sustainable sources, capture as much rainwater as they use, treat wastewater on site, and meet a number of standards for other elements.

Projects reviewed under the Living Building Pilot Program explore fundamentally different approaches to building design, construction, and operations. In order to meet the stringent performance standards of the Living Building Challenge, buildings generally rely upon innovative building design techniques and features including natural daylighting and ventilation, use of passive and active solar energy systems, rainwater capture and use, wastewater treatment and reuse, and ultra-efficient heating, ventilation and air conditioning (HVAC) systems. These systems can substantially increase design complexity and necessitate early integrated design processes to ensure that all systems are compatible and work in an efficient manner, and that each performance goal can be met.

The innovative systems used in the program may also necessitate alternative building massing, non-traditional exterior and roof top features, or other elements that were not envisioned when existing codes were adopted; existing codes were designed to provide minimum standards rather than the flexibility to consider radically different building strategies. To accommodate these innovative designs, and to provide incentives for such buildings, program applicants are eligible for additional height and/or floor area, as well as departures from the Land Use Code. All projects participating in the Living Building Pilot Program are subject to design review and are required to go before the Design Review Board.

The ordinance establishing the Living Building Pilot Program became effective in January 2010 and has been revised since. SMC 23.40.060.A establishes an end date of the Program, December

31,2030, or a maximum of 20 enrollments, whichever comes first. To date, 15 projects have enrolled with only five opportunities remaining.

A particular project, 3036043-LU was applied for, and was reviewed by the Design Review Board and approved by the Director of SDCI, which granted the Living Building Pilot program project additional height.

The Master Use Permit decision for 3036043-LU was appealed to the Seattle Hearing Examiner along with a request for code interpretation. The subject of the hearing was whether the lot was eligible for additional height under the Living Building Pilot Program because of a height limitation that constrains building height by a lot size restriction codified in SMC subsection 23.49.156.A. SDCI interprets SMC 23.49.156.A.1 in light of the Living Building Pilot Program code provisions including SMC 23.40.060 and SMC 23.49.008.F, and concluded that the subject development project could take advantage of height bonuses to 175 feet even though the lot size was less than 19,000 square feet.

The Hearing Examiner disagreed with SDCI's interpretation, stating that "The legislative body set the minimum lot size at 19,000 square feet for buildings over 145 feet." The purpose of the Living Building Pilot program is specifically to modify development standards, including height. The proposed amendment would make it clear that additional height should be allowed under the Living Building Pilot Program regardless of lot size in the DMR zone. Without this correction, the Examiner's determination would limit the intent of the Living Building Pilot Program and constrain the City's goal of providing more housing, especially family-sized housing in this downtown neighborhood characterized by dense housing development that is well served by transit and other urban amenities.

III. Recommendation

The Living Building Pilot Program is intended to promote the public interest by encouraging the development of innovative "living" buildings that can reduce environmental impacts, test new technologies, and serve as a model for development throughout the region and country. The proposed code amendment will clarify that projects utilizing the Living Building Pilot Program are eligible for bonuses that might not otherwise be allowed due to minimum lot size restrictions. The potential for development of additional living buildings will address growing environmental concerns and encourage new buildings in Seattle to meet the highest sustainable standards. To that end, the Director recommends approval of the proposed code amendment.

Living Building Pilot Program Legislation



Photo by John
Skelton

 Seattle Department of
Construction & Inspections

Land Use Committee
September 4, 2024

Today's Briefing

- Living Building Pilot Program Background
- Proposal
- Questions



Living Building Challenge - Background

- Is a green building rating system created by the International Living Future Institute
- Recognizes buildings meeting the highest level of sustainability
- Buildings use innovative building design techniques and features



Background – cont'd

- Green features include: natural daylighting and ventilation, passive and active solar energy systems, rainwater capture and use, wastewater treatment and reuse, and ultra-efficient heating, ventilation and air conditioning (HVAC) systems.
- To accommodate these innovative designs, and to give incentive for such buildings, applicants are eligible for additional



Proposal

- Amend the code to clarify that Living Building projects are eligible for bonuses that might not otherwise be allowed due to minimum lot size restrictions in the Downtown Mixed Residential (DMR) zone in the Belltown Neighborhood.
- The amendment addresses a DMR zoning limit that constrains building height by lot size (SMC subsection 23.49.156.A).
- The amendment would clarify that a development proposal in this zone could use bonuses to achieve 175 feet in height on a lot that is less than 19,000 square feet in area.

Proposal Objective

The proposal would allow a green building that also contains family-sized housing units in one of the densest neighborhoods in the city and region where high-rise housing development is already allowed.

QUESTIONS?

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