

CITY OF SEATTLE
ORDINANCE 127308
COUNCIL BILL 121011

AN ORDINANCE relating to land use and zoning; establishing the Roots to Roofs Bonus Pilot Program; and adding new Sections 23.40.090 through 23.40.097 to the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares:

A. In April 2021 the City published *Market Rate Housing Needs and Supply Analysis*, which identified that:

1. Approximately 46,000 Seattle households are cost burdened, meaning that those households spend more than half of their incomes on rent;
2. Housing supply is not keeping pace with demand;
3. Housing costs are increasing more quickly than income;
4. The rental housing market has a shortage of housing affordable and available to lower income households;
5. Approximately 34,000 lower-wage workers commute more than 25 miles to Seattle demonstrating a latent demand for affordable workforce housing; and
6. As Seattle's share of higher income households grows, development of housing for those households increases economic and physical displacement of lower income residents.

B. With the passage of Chapter 332, Laws of 2023, Seattle must modify current land use regulations to accommodate a range of middle housing types. The City has an interest in exploring development pilots to demonstrate development types and partnerships that leverage

community assets to provide equitable development that will not contribute to economic and physical displacement of current residents.

C. Implementing the pilot program created by this ordinance is implementing an affordable housing incentive program under RCW 36.70A.540. The pilot program applies in most zones where residential development is allowed except some highrise zones, historic districts, and industrial areas that allow residential uses. Additional development capacity is available for development utilizing the pilot program in areas with historical racially restrictive covenants. Increased residential development in the area where the pilot program applies, in addition to supporting housing affordability, will increase housing choices and support development of housing and amenities, consistent with the Comprehensive Plan. The pilot program substantially increases residential development capacity for qualifying development in the areas where it applies. The increased residential development capacity provided in the areas where the pilot program applies can be achieved, subject to consideration of other regulatory controls on development.

D. After a public hearing, the Council has determined that rents affordable at variable Area Median Income (AMI) levels up to 80 percent is necessary to help subsidize units with deeper affordability and is needed to address local housing market conditions consistent with RCW 36.70A.540(2)(b)(iii).

Section 2. New Sections 23.40.090 through 23.40.097 are added to the Seattle Municipal Code as follows:

23.40.090 Roots to Roofs Bonus Pilot Program – Purpose

Sections 23.40.092 through 23.40.097 establish the requirements and alternative development standards for the Roots to Roofs Bonus Pilot Program. The purpose of the program is to

demonstrate the social benefits of equitable development, including community-serving uses and housing available to a spectrum of household incomes by setting onsite affordability standards and incentives for development of housing and equitable development uses through partnerships between public, private, and community-based organizations.

23.40.091 Definitions for Sections 23.40.090 through 23.40.097

For the purposes of Sections 23.40.090 through 23.40.097:

“Equitable development use” means activities, as determined by rule, where all components and subcomponents of the use provide mitigation against displacement pressure for individuals, households, businesses, or institutions, that comprise a cultural population at risk of displacement. Equitable development uses may include but are not limited to activities such as gathering space, arts and cultural space, educational programming or classes, childcare centers, direct services, job training, or space for other social or civic purposes. Equitable development uses may also include commercial uses, such as commercial kitchens and food processing, craft work and maker spaces, cafes, galleries, co-working spaces, health clinics, office spaces, and retail sales of food and goods. Space occupied by an equitable development use must remain in that use or another equitable development use for a period of at least 50 consecutive years. The requirement that space be occupied by an equitable development use shall be subject to a covenant, regulatory agreement, or other legal instrument recorded on the title of the property and enforceable by The City of Seattle.

“Qualifying community development organization” means a nonprofit organization registered with the Washington Secretary of State, a public development authority created pursuant to RCW 35.21.730, or a public housing authority created pursuant to RCW 35.82.030, that has as its purpose the creation or preservation of affordable housing, affordable commercial

space, affordable arts space, community gathering spaces, or equitable development uses. A qualifying community development organization may consist of a partnership among one or more qualifying community development organizations, one or more qualifying community development organizations and a partnering for-profit development entity, or a partnership or limited liability company of which at least one qualifying community development organization serves as the controlling general partner or managing member.

“Qualifying development” means a development located on a site in which a qualifying community development organization has a legally established and ongoing property-related interest on the date of complete building permit application submittal. To have a legally established and ongoing property-related interest, a qualifying community development organization, alone or in combination with other qualifying community development organizations, shall own at least 51 percent of the property and have a controlling and active management role in a corporation or partnership that owns a property, such as a sole managing member of a limited liability company or sole general partner of a limited partnership.

“Racially restrictive covenant” means a discriminatory provision in a property deed or other real estate document that prohibits ownership, lease, or occupation of property based on race, color, religion, or national origin.

23.40.092 Enrollment period and eligibility requirements

A. The enrollment period for the Roots to Roofs Bonus Pilot Program expires on the earlier of: when applications meeting the requirements of Section 23.40.092 have been submitted for 35 projects; or December 31, 2035. The Director shall not accept applications for more than five projects for each Council district.

B. To qualify for the Roots to Roofs Bonus Pilot Program, development must meet the following eligibility requirements:

1. Be a qualifying development;
2. Be located in a Neighborhood Residential; Multifamily, except Highrise; Commercial; or Seattle Mixed zone;
3. In commercial zones, have at least 75 percent of gross floor area in residential or equitable development use;
4. Not be located in a designated historic district, unless it is on a site with historical racially restrictive covenants; and
5. Have at least 25 percent of dwelling units as moderate- income units, each with two or more bedrooms.

23.40.093 Alternative development standards

A. In lieu of otherwise applicable development standards contained in Chapters 23.44, 23.45, 23.47A, and 23.48, a proposed development that meets the requirements of Section 23.40.092 may meet the applicable alternative development standards of Sections 23.40.094 through 23.40.097. A determination by the Director that development meets the alternative development standards of Section 23.40.094 through 23.40.097 is a Type I decision.

B. Split-zoned lots

1. On lots located in two or more zones, the FAR limit for the entire lot shall be the highest FAR limit of all zones in which the lot is located, provided that at least 51 percent of the total lot area is in the zone with the highest FAR limit.

2. On lots located in two or more zones, the height limit for the entire lot shall be the highest height limit of all zones in which the lot is located, provided that at least 51 percent of the total lot area is in the zone with the highest height limit.

3. For the purposes of subsections 23.40.090 through 23.40.097, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

C. Eligible projects are exempt from the requirements of Chapter 23.41 and Section 23.54.015.

D. Notwithstanding the requirements of subsection 25.11.070, no Tier 2 trees may be removed for development on sites in neighborhood residential zones located in environmental justice priority areas identified by the Director's rule promulgated pursuant to this ordinance.

E. Gross floor area for enclosed or covered motor vehicle parking for moderate-income units provided to meet the requirements of subsection 23.40.092.B.5 is exempt from otherwise applicable FAR limits.

23.40.094 Development otherwise subject to the requirements of Chapter 23.44

A. Development permitted pursuant to Section 23.40.092 located in a neighborhood residential zone may meet the following development standards:

1. The maximum lot coverage is 65 percent of lot area.
2. The FAR limit is 1.8. The FAR limit applies to the total chargeable floor area of all structures on the lot.
3. The maximum height is 40 feet.

B. Development permitted pursuant to Section 23.40.092 located in a neighborhood residential zone and on a site with historical racially restrictive covenants may meet the following development standards:

1. The maximum lot coverage is 75 percent of lot area.

2. The FAR limit is 2.5. The FAR limit applies to the total chargeable floor area of all structures on the lot.

C. Permitted uses. In addition to the uses listed in Section 23.44.006, the following uses are permitted outright on lots meeting the requirements of Section 23.40.092: apartments, cottage housing development, rowhouse development, townhouse development, and equitable development.

D. No structure shall be closer than 5 feet to any lot line. If a setback abuts an alley, no setback is required.

23.40.095 Development otherwise subject to the requirements of Chapter 23.45

A. Floor area for development permitted pursuant to Section 23.40.092 located in a multifamily zone

1. The FAR limits for eligible development are shown in Table A for 23.40.095.

Table A for 23.40.095

FAR limits for development permitted pursuant to Section 23.40.092

	FAR limit	FAR limit on sites with historical racially restrictive covenants	Maximum additional exempt FAR¹
LR1 and LR2	2.0	2.4	1.0
LR3 outside urban centers and urban villages	2.5	3.2	1.0
LR3 inside urban centers and urban villages	3.0	3.8	1.0

Table A for 23.40.095
FAR limits for development permitted pursuant to Section 23.40.092

	FAR limit	FAR limit on sites with historical racially restrictive covenants	Maximum additional exempt FAR¹
MR	5.6	5.8	1.0

Footnote to Table A for 23.40.095

¹ Gross floor area for uses listed in subsection 23.40.095.A.2 are exempt from FAR calculations up to this amount.

2. In addition to the FAR exemptions in subsection 23.45.510.D, an additional FAR exemption up to the total amount specified in Table A for 23.40.095 is allowed for any combination of the following floor area:

a. Floor area in dwelling units with two or more bedrooms and a minimum net unit area of 850 square feet;

b. Floor area in equitable development use;

c. Floor area in a structure designated as a Landmark pursuant to Chapter 25.12; and

d. All floor area in a development located within 1/4 mile (1,320 feet) of a transit stop or station served by a frequent transit route as determined pursuant to subsection 23.54.015.B.4.

B. Maximum height for development permitted pursuant to Section 23.40.092 located in a multifamily zone

1. The height limit for eligible development is shown in Table B for 23.40.095.

Table B for 23.40.095
Structure height for development permitted pursuant to Section 23.40.092

Zone	Height limit (in feet)
LR1	40
LR2	50
LR3 outside urban centers and urban villages	55
LR3 inside urban centers and urban villages	65
MR	95

C. Density limits for development permitted pursuant to Section 23.40.092 located in a multifamily zone. Development permitted pursuant to Section 23.40.092 is not subject to the density limits and family-size unit requirements of Section 23.45.512.

23.40.096 Development otherwise subject to the requirements of Chapter 23.47A

A. Maximum height. Development permitted pursuant to Section 23.40.092 located in a NC zone or C zone with a height limit designated on the Official Land Use Map, Chapter 23.32, is subject to the height limits shown in Table A for 23.40.096.

Table A for 23.40.096
Additional height for development permitted pursuant to Section 23.40.092

Mapped zone height limit (in feet)	Height limit (in feet) for development permitted pursuant to Section 23.40.092
30	55
40	75
55	85
65	95
75	95
85	145
95	145

B. Floor area for development permitted pursuant to Section 23.40.092 located in a NC zone or C zone

1. The FAR limits for eligible development is shown in Table B for 23.40.096.

Table B for 23.40.096
FAR limits for development permitted pursuant to Section 23.40.092

Mapped height limit (in feet)	FAR limit	FAR limit on sites with historical racially restrictive covenants	Maximum additional exempt FAR¹
30	3.00	3.25	0.5
40	3.75	4.00	1.0
55	4.75	5.00	1.0
65	4.50	5.75	1.0
75	5.50	6.00	1.0
85	7.25	7.50	2.0
95	7.50	7.75	2.0

Footnote to Table B for 23.40.096

¹ Gross floor area for uses listed in subsection 23.40.096.B.2 are exempt from FAR calculations up to this amount.

2. In addition to the FAR exemptions in subsection 23.47A.013.B, an additional FAR exemption up to the total amount specified in Table B for 23.40.096 is allowed for any combination of the following floor area:

- a. Floor area in dwelling units with two or more bedrooms and a minimum net unit area of 850 square feet;
- b. Floor area in equitable development use; and
- c. Floor area in a structure designated as a Landmark pursuant to Chapter 25.12; and
- d. All floor area in a development located within 1/4 mile (1,320 feet) of a transit stop or station served by a frequent transit route as determined pursuant to subsection 23.54.015.B.4.

C. Upper-level setback. An upper-level setback of 8 feet from the lot line is required for any street-facing facade for portions of a structure exceeding the mapped height limit designated on the Official Land Use Map, Chapter 23.32.

23.40.097 Development otherwise subject to the requirements of Chapter 23.48

A. Maximum height. The height limit for residential uses in development permitted pursuant to Section 23.40.092 in a SM zone is increased by the following amounts:

1. For zones with a mapped height limit of 85 feet or less, 20 feet.
2. For zones with a mapped height limit greater than 85 feet, 40 feet.

B. Floor area. The FAR limit for residential uses in development permitted pursuant to Section 23.40.092 in a Seattle Mixed zone is increased by the following amounts:

1. For zones with a mapped residential height limit of 85 feet or less, 1.0 FAR.
2. For zones with a mapped residential height limit greater than 85 feet, 2.0 FAR.

Section 3. The Directors of the Seattle Department of Construction and Inspections, the Office of Housing, and the Office of Planning and Community Development, shall in consultation with the Equitable Development Initiative Advisory Board promulgate by Director's Rule:

A. A process and criteria for verifying that an organization is a qualifying community development organization with a legally established and ongoing property-related interest in a site that would make it eligible to apply for development under the pilot program created by this ordinance. A qualifying community development organization may consist of a partnership between a qualifying community development organization and one or more community development organizations that do not have as their purpose the creation or preservation of affordable housing, or affordable commercial space, affordable arts space, community gathering

spaces, or equitable development uses. Partnering community development organizations could include incorporated entities that advocate or provide services for refugees, immigrants, communities-of-color, members of the LGBTQIA communities, members of the community experiencing homelessness, and persons at risk of economic displacement. Partnering community development organizations could also include community-based organizations eligible for the new Jumpstart Acquisition and Preservation Program, which was added to the Housing Funding Policies through Ordinance 126611.

B. A regulatory definition of “equitable development use” and a process and criteria for ensuring that an equitable development use will continue to occupy leasable space for the life of a development.

C. A rule requiring participation for qualifying development in census tracts identified by the Office of Housing for the community preference policy for participation in the Community Preference Program.

D. A rule identifying environmental justice priority areas for the purposes of protecting Tier 2 trees. The boundaries of environmental justice priority areas should be consistent with those identified in the *2021 City of Seattle Tree Canopy Assessment Final Report*.

Section 4. By March 31, 2030, the City Council, in consultation with the Seattle Planning Commission, will evaluate the pilot to assess its effectiveness in achieving the following objectives:

A. Providing affordable workforce housing for communities and households that are cost-burdened;

B. Providing neighborhood-serving equitable development uses;

1 C. Forestalling or preventing economic and physical displacement of current residents;
2 and

3 D. Demonstrating a variety of missing middle housing types that are affordable to
4 households with a range of household incomes.

5 The evaluation shall include a review of the number of applications by district, and type of
6 development proposed, and the partnership structure associated with each qualifying
7 development. For built projects, the review shall also include rents charged for residential units
8 by size and unit type and the rents charged for equitable development space in the development
9 with a comparison to market rents for each submarket in which a qualifying development is
10 located.

Section 5. Section 2 of this ordinance shall take effect 160 days after its passage by the City Council or the effective date of the Director's Rule required by Section 3, whichever is earlier.

Section 6. 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 23rd day of September, 2025,
and signed by me in open session in authentication of its passage this 23rd day of
September, 2025.



President _____ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 26th day of September, 2025.



Bruce A. Harrell, Mayor

Filed by me this 26th day of September, 2025.



Scheereen Dedman, City Clerk

(Seal)