



# SEATTLE CITY COUNCIL

## Select Committee on Homelessness Strategies and Investments Agenda

Wednesday, February 24, 2021

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or  
Seattle Channel online.

Andrew J. Lewis, Chair

Lisa Herbold, Vice-Chair

M. Lorena González, Member

Debora Juarez, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8807; [Andrew.Lewis@seattle.gov](mailto:Andrew.Lewis@seattle.gov)

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**SEATTLE CITY COUNCIL**  
**Select Committee on Homelessness Strategies  
and Investments**  
**Agenda**  
**February 24, 2021 - 2:00 PM**

**Meeting Location:**

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

**Committee Website:**

<http://www.seattle.gov/council/committees/homelessness-strategies-and-investments>

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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.

*In-person attendance is currently prohibited per Washington State Governor's Proclamation 20-28.15, until the COVID-19 State of Emergency is terminated or Proclamation 20-28 is rescinded by the Governor or State legislature. Meeting participation is limited to access by telephone conference line and online by the Seattle Channel.*

Register online to speak during the Public Comment period at the 2:00 p.m. Select Committee on Homelessness Strategies and Investments meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the Select Committee on Homelessness Strategies and Investments meeting will begin two hours before the 2:00 p.m. 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.

Submit written comments to Councilmember Lewis at [Andrew.Lewis@seattle.gov](mailto:Andrew.Lewis@seattle.gov)

Sign-up to provide Public Comment at the meeting at <http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at <http://www.seattle.gov/council/watch-council-live>

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*Please Note: Times listed are estimated*

**A. Call To Order**

**B. Approval of the Agenda**

**C. Public Comment**

**D. Items of Business**

**1. Human Services Department update on 2021 Homelessness Investments**

**Briefing and Discussion**

**Presenters:** Casey Sixkiller, Deputy Mayor, Office of the Mayor; Helen Howell, Interim Director, Kevin Mundt, Human Services Department.

- 2. [CB 119975](#) AN ORDINANCE relating to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.**

**Attachments:** [Full Text: CB 119975 v1](#)

**Supporting**

**Documents:** [Summary and Fiscal Note](#)  
[Central Staff Memo - CB 119975 \(1/27/21\)](#)

**Briefing, Discussion, and Possible Vote**

**Presenter:** Ketil Freeman, Council Central Staff

**E. Adjournment**



## Legislation Text

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**File #:** Inf 1756, **Version:** 1

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## Legislation Text

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**File #:** CB 119975, **Version:** 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.

The Full Text is provided as an attachment.

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.

..body

WHEREAS, Seattle has been in a state of civil emergency on homelessness since 2015; and

WHEREAS, the 2020 Point in Time Count found there are 11,751 homeless people in King

County 53 percent of whom are sheltered and 47 percent of whom are unsheltered; and

WHEREAS, this is a five percent increase in people experiencing homelessness from the 2019

Point in Time Count; and

WHEREAS, the National Alliance to End Homelessness identifies Permanent Supportive

Housing as a proven solution to housing persons who are chronically homeless; and

WHEREAS, in August the City announced that it will invest \$60 million in 2021 in Permanent

Supportive Housing; and

WHEREAS, The City of Seattle exists on the colonized land of the Muckleshoot, Duwamish,

and Suquamish indigenous peoples; and

WHEREAS, in 1865 the Seattle Board of Trustees passed an exclusion ordinance banning Native

people from living in Seattle; and

WHEREAS, the City Council recognizes the trauma caused by this colonization reverberates

among Native people today; and

WHEREAS, the City Council recognizes that trauma forms a barrier to accessing government

services such as public housing stock; and

1 WHEREAS, Permanent Supportive Housing is designed to respond to trauma and by doing so  
2 strengthen the connections and bonds that fortify our community; and

3 WHEREAS, prior to colonization there were vibrant housing systems that cared for the entire  
4 community; and

5 WHEREAS, The City of Seattle has perpetuated systemic racism through its land use codes; and

6 WHEREAS, this has contributed to the fact that Black, Indigenous, and people of color  
7 communities disproportionately experience homelessness; and

8 WHEREAS, the City Council acknowledges its obligation to reverse these historic inequities by  
9 helping those affected access safe, culturally appropriate supportive housing; and

10 WHEREAS, Land Use Code regulations can add time and cost to the development of Permanent  
11 Supportive Housing; and

12 WHEREAS, modifications to those regulations can facilitate development of Permanent  
13 Supportive Housing while protecting the public health, safety, and welfare; and

14 WHEREAS, the Americans with Disabilities Act's 2010 standards Section 809 provides  
15 standards for residential dwelling units; and

16 WHEREAS, it is the intent of the Council that Construction Code revisions considered in 2021  
17 conform to these standards and that buildings created under this legislation include  
18 accessible units as defined by the Americans with Disabilities Act Section 809; NOW,  
19 THEREFORE,

20 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

21 Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance  
22 126188, is amended as follows:

23 **23.41.004 Applicability**



\* \* \*

B. Exemptions. The following are exempt from design review:

1. Development located in special review districts established by Chapter 23.66;
2. Development in Landmark districts established by Title 25(~~(, Environmental Protection and Historic Preservation)~~);
3. Development within the historic character area of the Downtown Harborfront 1 zone(~~(;)~~) ;
4. Development that is subject to shoreline design review pursuant to Chapter 23.60A; (~~and~~)
5. New light rail transit facilities that are subject to review by the Seattle Design Commission(~~(;)~~) ;
6. City facilities that are subject to review by the Seattle Design Commission(~~(;)~~) ;
7. Development within single-family or residential small lot zones(~~(;)~~) ; and
8. Permanent supportive housing.

\* \* \*

Section 2. A new Section 23.42.057 is added to the Seattle Municipal Code, as follows:

**23.42.057 Permanent supportive housing**

Permanent supportive housing is subject to the development standards for the zone in which it is located except as follows:

A. Requests for waivers and modifications. The Director may consider requests for waivers and modifications from the following development standards in Title 23:

1. Requirements for the size of parking spaces;
2. Requirements for ratios of vehicle parking sizes;

3. Requirements for overhead weather protection;

4. Requirements for facade openings, articulation, and modulation and art on the  
facades of buildings but not including limitations on structure width;

5. Requirements for the size and design of common recreational areas, amenity  
areas, community rooms, and similar indoor amenities;

6. Requirements for outdoor open space and amenity area requirements;

7. Requirements related to residential uses, transparency, blank facades, and floor-  
to-floor height at street level; and

8. Other similar standards as determined by the Director that do not affect the size  
of the building envelope.

B. Waiver or modification decision. Requests for waivers or modifications shall be  
evaluated by the Director, in consultation with the Office of Housing and may be granted by the  
Director as a Type I decision if the waiver or modification would not impact the overall height,  
bulk, and scale of the proposed building and would result in additional permanent supportive  
housing units.

C. Community relations. The applicant shall submit a draft community relations plan in  
a form acceptable to the Director and the Director of the Office of Housing. The draft  
community relations plan shall describe the overall community engagement and communication  
strategy throughout the project's pre-development, design, construction, and operation phases.

Section 3. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance  
126131, is amended as follows:

**23.45.510 Floor area**

\* \* \*

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

1. All stories, or portions of stories, that are underground.

2. The floor area contained in a Landmark structure subject to controls and incentives imposed by a designating ordinance, if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer of development potential (TDP) has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

3. The floor area contained in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided that:

a. No other principal structure is located between the existing residential structure and the street lot line along at least one street frontage. If the existing residential structure is moved on the lot, the floor area of the existing residential structure remains exempt if it continues to meet this provision; and

b. The exemption is limited to the gross floor area in the existing residential structure as of January 1, 1982.

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

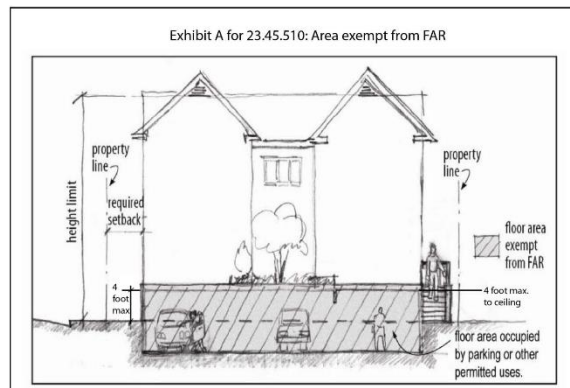
a. Apartments in LR zones;

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

c. All multifamily structures in MR and HR zones.

#### **Exhibit A for 23.45.510**

#### **Area exempt from FAR**



5. For rowhouse and townhouse developments and apartments, floor area within a story, or portion of a story, that is partially above grade if all of the following conditions are met:

a. The story, or portion of the story, that is partially above grade is used for parking or other accessory uses and has no additional stories above;

b. The average height of the exterior walls enclosing the floor area does not exceed one story, measured from existing or finished grade, whichever is lower;

c. The roof area above the exempt floor area is predominantly flat, is used as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522; and

d. At least 25 percent of the perimeter of the amenity area on the roof above the floor area is not enclosed by the walls of the structure.

6. Enclosed common amenity area in HR zones.

7. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection 23.45.510.D.

8. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the commercial uses has a minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

9. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.

10. Common walls separating individual rowhouse and townhouse dwelling units.

11. In the Northgate Urban Center, up to 15,000 square feet of floor area in residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least 40,000 square feet in size.

12. In MR and HR zones, all gross floor area in child care centers.

13. In permanent supportive housing, all gross floor area for accessory human service uses.

Section 4. Table A for Section 23.47A.004 of the Seattle Municipal Code, which section was last amended by Ordinance 126131, is amended as follows:

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

\* \* \*

<p><b>Table A for 23.47A.004</b> <b>Uses in Commercial zones</b></p>
--------------------------------------------------------------------------

	Permitted and prohibited uses by zone <sup>1</sup>				
Uses	NC1	NC2	NC3	C1	C2
* * *					
J. RESIDENTIAL USES <sup>14</sup>					
J.1 Residential uses not listed below	P	P	P	P	CU <sup>15</sup>
J.2 Caretaker's quarters	P	P	P	P	P
J.3 Congregate residence	X/P <sup>16</sup>	X/P <sup>16</sup>	X/P <sup>17</sup>	X/P <sup>17</sup>	X/P <sup>17</sup>
<u>J.4. Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *					

Section 5. Section 23.47A.005 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

**23.47A.005 Street-level uses**

C. Residential uses at street level

1. In all NC and C zones, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade in the following circumstances or locations:

- a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or
- b. In all NC and C1 zones within the Bitter Lake Village Hub Urban Village, except lots abutting Linden Avenue North, north of North 135th Street; or
- c. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or
- d. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2;

or

e. In all NC and C1 zones within the Northgate Overlay District, except as provided in Section 23.71.044; or

f. In all NC and C1 zones within the areas shown on Maps A through D for 23.47A.005 at the end of this Chapter 23.47A when facing an arterial street.

2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of residential uses in the following circumstances:

a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006, on the same site; or

b. The residential use is an assisted living facility or nursing home and private living units are not located at street level; or

c. Within the Pike/Pine Conservation Overlay District, for street-facing facades that do not face a designated principal pedestrian street, as shown on Map A for 23.73.008; or

d. In a structure existing on January 1, 2012, that is within an NC1 zone but not located in an area defined in Maps A through D for 23.47A.005, at the end of this Chapter 23.47A, a live-work space may be converted to an accessory dwelling unit if the residential use is established, if the area proposed to be converted meets the minimum housing standards of Chapter 22.206, and if the area proposed to be converted meets the owner occupancy requirement of subsection 23.44.041.C; ~~((or))~~

e. Within a structure that:

1) ~~((is))~~ is developed and owned by the Seattle Housing Authority;  
and

2) ~~((is))~~ Is located on a lot zoned NC1 or NC3 that was owned by the Seattle Housing Authority as of January 1, 2009~~((:))~~ ; or

f. Within a structure containing permanent supportive housing.

3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

4. Where residential uses at street level are limited to 20 percent of the street-level, street-facing facade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this Section 23.47A.005 and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

D. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, one or more of the following uses are required along 80 percent of the street-level, street-facing facade in accordance with the standards provided in subsection 23.47A.008.C.

a. Arts facilities;

b. Community gardens;

c. Eating and drinking establishments;

d. Entertainment uses, except for adult cabarets, adult motion picture theaters, and adult panorams;

e. Food processing and craft work;

f. Institutions, except hospitals or major institutions;

g. Lodging uses;

h. Medical services;



i. Offices, provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain an office use;

j. Parks and open spaces;

k. Rail transit facilities;

l. Retail sales and services, automotive, in the Pike/Pine Conservation Overlay District if located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015;

m. Sales and services, general, provided that no more than 40 feet of the street-level, street-facing facade of a structure on a principal pedestrian street may contain a customer services office; ~~((and))~~

n. Sales and services, heavy, except for heavy commercial sales, and provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain a non-household sales and service use~~((:))~~ ; and

o. Permanent supportive housing.

The establishment of any such use is subject to the applicable use provisions of this Title 23.

\* \* \*

Section 6. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.47A.013 Floor area ratio**

\* \* \*

B. The following gross floor area is not counted toward FAR:

1. All stories, or portions of stories, that are underground;

2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access;

3. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;

4. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure, if the Director finds that locating a story of parking below grade is infeasible due to physical site conditions such as a high water table, if either:

a. The above-grade parking extends no more than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level or roof above, pursuant to subsection 23.47A.012.A.3; or

b. All of the following conditions are met:

1) No above-grade parking is exempted by subsection 23.47A.013.B.4.a;

2) The parking is accessory to a residential use on the lot;

3) Total parking on the lot does not exceed one space for each residential dwelling unit plus the number of spaces required for non-residential uses; and

4) The amount of gross floor area exempted by this subsection 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit

less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or greater; and

5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5 and 23.47A.012.C.6;

6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8;

7. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits; ~~((and))~~

8. All gross floor area in child care centers; and

9. In permanent supportive housing, all gross floor area for accessory human service uses.

\* \* \*

Section 7. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

**23.48.005 Uses**

\* \* \*

**D. Required street-level uses**

1. One or more of the following uses listed in this subsection 23.48.005.D.1 are required: (i) at street-level of the street-facing facade along streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C; (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640;

and (iii) at street-level of the street-facing facades along streets designated as Class 1 or Class 2 streets shown on Map A for 23.48.740:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;
- f. Arts facilities;
- g. Religious facilities;
- h. Light rail transit station; ~~((and))~~
- i. Child care centers~~(( ))~~ ; and
- j. Permanent supportive housing.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C, and any additional standards for Seattle Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

\* \* \*

Section 8. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.48.020 Floor area ratio (FAR)**

\* \* \*

B. Floor area exempt from FAR calculations. The following floor area is exempt from maximum FAR calculations:

- 1. All underground stories or portions of stories.

2. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

3. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, is not included as part of the calculation of total gross floor area.

4. All gross floor area for solar collectors and wind-driven power generators.

5. Bicycle commuter shower facilities required by subsection 23.54.015.K.8.

6. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.

7. Child care centers.

8. In permanent supportive housing, all gross floor area for accessory human service uses.

\* \* \*

Section 9. Section 23.48.605 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

**23.48.605 Uses in SM-U zones**

\* \* \*

C. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.605.C.1 are required at street level along the street-facing facades abutting streets shown on Map A for 23.48.605:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;
- f. Arts facilities;
- g. Religious facilities;
- h. Human services uses;
- i. Child care centers; ~~((and))~~
- j. Light rail transit stations~~((:))~~; and
- k. Permanent supportive housing.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C.

## Map A for 23.48.605

### Locations of street-level use requirements



Section 10. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.54.015 Required parking and maximum parking limits**

A. Required parking. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for 23.54.015 for non-residential uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for institutional uses, except as otherwise provided in this Chapter 23.54. Required parking is based upon gross floor area of a use within a structure minus gross floor area in parking uses, and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Maximum parking limits for specific uses and specific areas are set forth in subsection 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section 23.54.015 are provided in: subsections 23.54.015.B and 23.54.015.C; and in Section 23.54.020 unless otherwise specified. This Chapter 23.54 does not apply to parking for construction activity, which is regulated by Section 23.42.044.

\* \* \*

**Table D for 23.54.015  
Parking for bicycles <sup>1</sup>**

Use	Bike parking requirements		
	Long-term		Short-term
* * *			
D. RESIDENTIAL USES <sup>3</sup>			
D.1.	Congregate residences <sup>4</sup>	1 per sleeping room	1 per 20 sleeping rooms. 2 spaces minimum
D.2.	Multi-family structures <sup>4, 5</sup>	1 per dwelling unit	1 per 20 dwelling units
D.3.	Single-family residences	None	None



<u>D.4.</u>	<u>Permanent supportive housing</u>	<u>None</u>	<u>None</u>
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\* \* \*

Footnotes to Table D for 23.54.015:

<sup>1</sup> Required bicycle parking includes long-term and short-term amounts shown in this table.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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 are less likely to travel by bicycle.

<sup>5</sup> For each dwelling rent and income-restricted at 30 percent of median income and below, there is no minimum required long-term bicycle parking requirement. For each dwelling rent and income-restricted at 60 percent to 31 percent of the median income, long-term bicycle parking requirements may be wholly or partially waived by the Director as a Type I decision if the waiver would result in additional rent and income restricted units meeting the requirements of this footnote to Table D for 23.54.015 and when a reasonable alternative such as, in-unit vertical bicycle storage space is provided. The Directors of the Seattle Department of Construction and Inspections and Seattle Department of Transportation are authorized to promulgate a joint Directors' Rule defining reasonable alternatives for long-term bicycle parking that meets the standards of this footnote to Table D for 23.54.015. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall be for a term of at least 40 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by the Director of Housing or the Washington State Housing Finance Commission. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

<sup>6</sup>The Director, in consultation with the Director of the Seattle Department 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 11. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.84A.032 "R"**

\* \* \*

"Residential use" means any one or more of the following:

\* \* \*

20. "Permanent supportive housing" means a multifamily residential use, which may include accessory human service uses that provide on-site services to households in the development or to other clients:

a. In which at least 90 percent of the dwelling units are occupied by very low-income households;

b. That receives public funding or an allocation of federal low-income housing tax credits; and

c. That is subject to a regulatory agreement, covenant, or other legal instrument, the duration of which is at least 40 years, recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, U.S. Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing.

~~((20))~~ 21. "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.

1                   ((21)) 22. "Rowhouse development" means a multifamily residential use in  
2 which all principal dwelling units on the lot meet the following conditions:

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

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

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

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

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

13                  f. No portion of any other dwelling unit, except for an attached  
14 accessory dwelling unit, is located between any dwelling unit and the street faced by the front  
15 of that unit.

16                   ((22)) 23. "Single-family dwelling unit" means a detached principal structure  
17 having a permanent foundation, containing one dwelling unit, except that the structure may  
18 also contain one or two attached accessory dwelling units where expressly authorized  
19 pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family  
20 dwelling unit for purposes of this Chapter 23.84A.

21                   ((23)) 24. "Townhouse development" means a multifamily residential use that  
22 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; 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 12. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Freeman / 48178	NA

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### 1. BILL SUMMARY

#### **Legislation Title:**

AN ORDINANCE relating to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.

#### **Summary and background of the Legislation:**

This legislation would (1) add a definition of Permanent Supportive Housing (PSH) to the Land Use Code, (2) establish new regulations and procedures for developing PSH, and (3) modify existing regulations to remove Land Use Code barriers to PSH. The proposal is intended to facilitate siting and speed permitting and development of PSH. Specific elements of this proposal include:

- Defining PSH as a multifamily residential use (1) with at least 90% of units affordable to households with incomes that do not exceed 50% of Area Median Income, (2) that receives public funding, and (3) that has a contractual term of affordability of at least 40 years;
- Establishing that on-site supportive services, which can also be available to other clients, are an accessory use to PSH;
- Exempting floor area used for on-site supportive services from calculations for Floor Area Ratio limits;
- Exempting PSH from Design Review;
- Exempting PSH from long and short-term bicycle parking requirements;
- Authorizing the Director of the Seattle Department of Construction and Inspections to waive or modify, as an administrative decision, specified development standards, if waivers would not affect the overall height, bulk, and scale of a PSH development and result in more units of PSH;
- Requiring PSH applicants to submit a community relations plan;
- Allowing PSH as a permitted use in Commercial 2 zones; and
- Allowing PSH as a street-level use, in zones where those uses are required.

### 2. CAPITAL IMPROVEMENT PROGRAM

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

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation amend the Adopted Budget?** \_\_\_\_ Yes X No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**  
No.

**Is there financial cost or other impacts of *not* implementing the legislation?**  
No.

### 4. OTHER IMPLICATIONS

**a. Does this legislation affect any departments besides the originating department?**

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

This legislation affects the Seattle Department of Construction and Inspections and the Office of Housing. The former has land use regulatory authority over PSH; the latter is a funder of PSH projects.

**b. Is a public hearing required for this legislation?**

Yes.

**c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

No.

**d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes.

**e. Does this legislation affect a piece of property?**

No.

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The proposed legislation may facilitate, and reduce costs associated with, development of PSH, which is a housing type oriented towards people exiting homelessness. Black, indigenous, and other people of color are disproportionately represented in the homeless community.

**g. 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).**

NA

**List attachments/exhibits below:**



January 25, 2021

## MEMORANDUM

**To:** Select Committee on Homelessness Strategies and Investments  
**From:** Ketil Freeman, Analyst  
**Subject:** Council Bill 119975: Permanent Supportive Housing Land Use Code Regulations – Potential Amendments

On January 27, 2021, the Select Committee on Homelessness Strategies and Investments (Committee) will hold a public hearing and may vote on amendments and a recommendation for [Council Bill \(CB\) 119975](#). CB 119975 would amend the Land Use Code (Code) to facilitate development of Permanent Supportive Housing (PSH). Background information, a more detailed description of the bill, information related to the population of sheltered and unsheltered people experiencing homelessness, and an estimate of the demand for PSH are contained in the two Central Staff memoranda dated December 11, 2020 in the [legislative record](#).

This memorandum (1) describes housekeeping and technical changes in a proposed substitute bill and (2) sets out potential amendments identified by Councilmembers.

### Substitute Bill

The proposed substitute makes corrections and clarifications to Section 2 of CB 119975. Those suggested changes have been identified by the City Attorney’s Office and Central Staff since introduction. Proposed amendments would correct conjunctions, eliminate redundant language, and make other non-substantive amendments. See Attachment A for the proposed substitute. All amendments in the substitute are on pages 3-4.

### Potential Amendments

Proposed amendments are summarized below with specific amendment language.

Effect	Amendment Language
1. Lewis - Modify the definition of PSH to require that at least half of the units be affordable to households with incomes up to 30% of median income with the remaining units affordable to household up to 50% median income.	<p>Amend Section 11 as follows:</p> <p><u>20. “Permanent supportive housing” means a multifamily residential use, which may include accessory human service uses that provide on-site services to households in the development or to other clients:</u></p> <p><u>a. In which at least <del>90-50</del> percent of the dwelling units are occupied by households whose income at original occupancy does not exceed 30 percent of median income and the remaining dwelling units are occupied by very low-income households at original occupancy;</u></p> <p><u>b. That receives public funding or an allocation of federal low-income housing tax credits; and</u></p> <p><u>c. That is subject to a regulatory agreement, covenant, or other legal instrument, the duration of which is at least 40 years, recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, U.S.</u></p>

Effect	Amendment Language
	<u>Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing.</u>
2. Pedersen - Add a recital establishing the Council intent to consider future amendments to the City's Housing Funding Policies to require broadband infrastructure in projects that receive City funding.	<u>WHEREAS, in July 2020, the Council adopted Resolution 31956 establishing the Council's goal to implement Internet for All Seattle, the Council intends to consider amendments to the City's <i>Seattle Housing Levy Administrative and Finance Plan</i> and <i>Housing Funding Policies</i>, most recently amended through Ordinance 125308, to require broadband infrastructure in multifamily projects which receive City funding, including Permanent Supportive Housing projects, similar to the 2016 Department of Housing and Urban Development (HUD) requirement; and</u>
3. Pedersen - In addition to community relations plan requirements, require at least one community meeting for PSH projects	<p>Amend Section 2 as follows:</p> <p><b>23.42.057 Permanent supportive housing</b>  Permanent supportive housing is subject to the development standards for the zone in which it is located except as follows:</p> <p style="text-align: center;">* * *</p> <p>C. Community relations. The applicant shall submit a draft community relations plan in a form acceptable to the Director and the Director of the Office of Housing. The draft community relations plan shall describe the overall community engagement and communication strategy throughout the project's pre-development, design, construction, and operation phases. <u>In addition to compliance with the draft community relations plan, the applicant must hold at least one community meeting exclusively about the project and must send notice of the meeting to neighbors at least within 500 feet of the site.</u></p>
4. Pedersen - Modify the definition of permanent supportive housing to require that the housing be paired with on or off-site supportive services.	<p>Amend Section 11 as follows:</p> <p><b>23.84A.032 "R"</b></p> <p style="text-align: center;">"Residential use" means any one or more of the following:</p> <p style="text-align: center;">* * *</p> <p style="text-align: center;"><u>20. "Permanent supportive housing" means a multifamily residential use, which <del>may include accessory human service uses that provide on-site services</del> is paired with on or off-site voluntary human services to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing households in the development or to other clients;</u></p>

Effect	Amendment Language
	<p><u>a. In which at least 90 percent of the dwelling units are occupied by very low-income households;</u></p> <p><u>b. That receives public funding or an allocation of federal low-income housing tax credits; and</u></p> <p><u>c. That is subject to a regulatory agreement, covenant, or other legal instrument, the duration of which is at least 40 years, recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, U.S. Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing.</u></p>

### Next Steps

If the Committee makes a recommendation for Council Bill (CB) 119975 on January 27<sup>th</sup>, the Council could take final action on the bill as early as February 1<sup>st</sup>. If the Committee does not vote on the bill at this meeting, the next regularly scheduled meeting of the Committee is February 24<sup>th</sup>.

### Attachments:

- Attachment A: Proposed Substitute

cc: Dan Eder, Interim Director  
Aly Pennucci, Supervising Analyst

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.

..body

WHEREAS, Seattle has been in a state of civil emergency on homelessness since 2015; and

WHEREAS, the 2020 Point in Time Count found there are 11,751 homeless people in King

County 53 percent of whom are sheltered and 47 percent of whom are unsheltered; and

WHEREAS, this is a five percent increase in people experiencing homelessness from the 2019

Point in Time Count; and

WHEREAS, the National Alliance to End Homelessness identifies Permanent Supportive

Housing as a proven solution to housing persons who are chronically homeless; and

WHEREAS, in August the City announced that it will invest \$60 million in 2021 in Permanent

Supportive Housing; and

WHEREAS, The City of Seattle exists on the colonized land of the Muckleshoot, Duwamish,

and Suquamish indigenous peoples; and

WHEREAS, in 1865 the Seattle Board of Trustees passed an exclusion ordinance banning Native

people from living in Seattle; and

WHEREAS, the City Council recognizes the trauma caused by this colonization reverberates

among Native people today; and

WHEREAS, the City Council recognizes that trauma forms a barrier to accessing government

services such as public housing stock; and

**Attachment A – Substitute CB 119975**

Ketil Freeman  
LEG Permanent Supportive Housing ORD  
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WHEREAS, Permanent Supportive Housing is designed to respond to trauma and by doing so strengthen the connections and bonds that fortify our community; and

WHEREAS, prior to colonization there were vibrant housing systems that cared for the entire community; and

WHEREAS, The City of Seattle has perpetuated systemic racism through its land use codes; and

WHEREAS, this has contributed to the fact that Black, Indigenous, and people of color communities disproportionately experience homelessness; and

WHEREAS, the City Council acknowledges its obligation to reverse these historic inequities by helping those affected access safe, culturally appropriate supportive housing; and

WHEREAS, Land Use Code regulations can add time and cost to the development of Permanent Supportive Housing; and

WHEREAS, modifications to those regulations can facilitate development of Permanent Supportive Housing while protecting the public health, safety, and welfare; and

WHEREAS, the Americans with Disabilities Act's 2010 standards Section 809 provides standards for residential dwelling units; and

WHEREAS, it is the intent of the Council that Construction Code revisions considered in 2021 conform to these standards and that buildings created under this legislation include accessible units as defined by the Americans with Disabilities Act Section 809; NOW, THEREFORE,

**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 126188, is amended as follows:

**23.41.004 Applicability**

## Attachment A – Substitute CB 119975

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\* \* \*

B. Exemptions. The following are exempt from design review:

1. Development located in special review districts established by Chapter 23.66;
2. Development in Landmark districts established by Title 25(~~(, Environmental Protection and Historic Preservation))~~);
3. Development within the historic character area of the Downtown Harborfront 1 zone(~~(-)~~) ;
4. Development that is subject to shoreline design review pursuant to Chapter 23.60A; (~~and~~)
5. New light rail transit facilities that are subject to review by the Seattle Design Commission(~~(-)~~) ;
6. City facilities that are subject to review by the Seattle Design Commission(~~(-)~~) ;
7. Development within single-family or residential small lot zones(~~(-)~~) ; and
8. Permanent supportive housing.

\* \* \*

Section 2. A new Section 23.42.057 is added to the Seattle Municipal Code, as follows:

### **23.42.057 Permanent supportive housing**

Permanent supportive housing ~~is subject to~~ must meet the development standards for the zone in which it is located except as follows:

A. Requests for waivers ~~and or~~ modifications. The Director may consider requests for waivers ~~and or~~ modifications from the following development standards in Title 23:

1. Requirements for the size of parking spaces;
2. Requirements for ratios of vehicle parking sizes;

## Attachment A – Substitute CB 119975

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3. Requirements for overhead weather protection;

4. Requirements for facade openings, articulation, and modulation and art on the facades of buildings ~~but not including except~~ limitations on structure width may not be waived or modified;

5. Requirements for the size and design of common recreational areas, amenity areas, community rooms, ~~and or~~ similar indoor amenities;

6. Requirements for outdoor open space and amenity areas ~~requirements~~;

7. Requirements related to residential uses, transparency, blank facades, and floor-to-floor height at street level; and

8. Other similar physical development standards as determined by the Director that do not affect the size of the building envelope.

B. Waiver or modification decision. Requests for waivers or modifications shall be evaluated by the Director, in consultation with the Office of Housing and may be granted by the Director as a Type I decision if the waiver or modification would not impact the overall height, bulk, and scale of the proposed building and would result in additional permanent supportive housing units.

C. Community engagement and relations. The applicant shall submit a draft community relations plan in a form acceptable to the Director and the Director of the Office of Housing. The draft community relations plan shall describe the overall community engagement and communication strategy throughout the project's pre-development, design, construction, and operation phases.

Section 3. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

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**23.45.510 Floor area**

\* \* \*

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

1. All stories, or portions of stories, that are underground.

2. The floor area contained in a Landmark structure subject to controls and incentives imposed by a designating ordinance, if the owner of the Landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer of development potential (TDP) has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

3. The floor area contained in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided that:

a. No other principal structure is located between the existing residential structure and the street lot line along at least one street frontage. If the existing residential structure is moved on the lot, the floor area of the existing residential structure remains exempt if it continues to meet this provision; and

b. The exemption is limited to the gross floor area in the existing residential structure as of January 1, 1982.

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



## Attachment A – Substitute CB 119975

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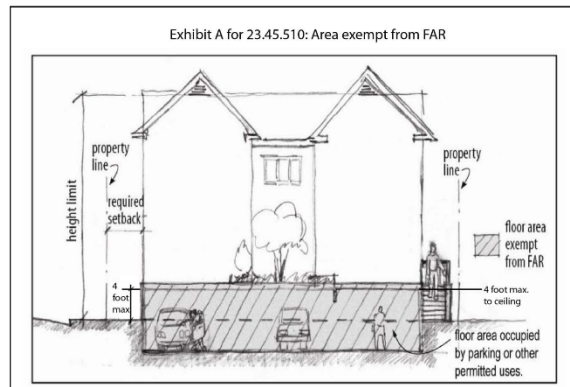
a. Apartments in LR zones;

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

c. All multifamily structures in MR and HR zones.

### Exhibit A for 23.45.510

### Area exempt from FAR



5. For rowhouse and townhouse developments and apartments, floor area within a story, or portion of a story, that is partially above grade if all of the following conditions are met:

a. The story, or portion of the story, that is partially above grade is used for parking or other accessory uses and has no additional stories above;

b. The average height of the exterior walls enclosing the floor area does not exceed one story, measured from existing or finished grade, whichever is lower;

c. The roof area above the exempt floor area is predominantly flat, is used as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522; and

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d. At least 25 percent of the perimeter of the amenity area on the roof above the floor area is not enclosed by the walls of the structure.

6. Enclosed common amenity area in HR zones.

7. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection 23.45.510.D.

8. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the commercial uses has a minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

9. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.

10. Common walls separating individual rowhouse and townhouse dwelling units.

11. In the Northgate Urban Center, up to 15,000 square feet of floor area in residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least 40,000 square feet in size.

12. In MR and HR zones, all gross floor area in child care centers.

13. In permanent supportive housing, all gross floor area for accessory human service uses.

Section 4. Table A for Section 23.47A.004 of the Seattle Municipal Code, which section was last amended by Ordinance 126131, is amended as follows:

**Attachment A – Substitute CB 119975**

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

\* \* \*

<b>Table A for 23.47A.004 Uses in Commercial zones</b>					
Permitted and prohibited uses by zone <sup>1</sup>					
Uses	NC1	NC2	NC3	C1	C2
* * *					
<b>J. RESIDENTIAL USES <sup>14</sup></b>					
J.1 Residential uses not listed below	P	P	P	P	CU <sup>15</sup>
J.2 Caretaker's quarters	P	P	P	P	P
J.3 Congregate residence	X/P <sup>16</sup>	X/P <sup>16</sup>	X/P <sup>17</sup>	X/P <sup>17</sup>	X/P <sup>17</sup>
<u>J.4. Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *					

\* \* \*

Section 5. Section 23.47A.005 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

**23.47A.005 Street-level uses**

\* \* \*

**C. Residential uses at street level**

1. In all NC and C zones, residential uses may occupy, in the aggregate, no more than 20 percent of the street-level street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street; or

b. In all NC and C1 zones within the Bitter Lake Village Hub Urban Village, except lots abutting Linden Avenue North, north of North 135th Street; or

## Attachment A – Substitute CB 119975

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c. Within a zone that has a height limit of 85 feet or higher, except as provided in subsection 23.47A.005.C.2; or

d. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2; or

e. In all NC and C1 zones within the Northgate Overlay District, except as provided in Section 23.71.044; or

f. In all NC and C1 zones within the areas shown on Maps A through D for 23.47A.005 at the end of this Chapter 23.47A when facing an arterial street.

2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the location of residential uses in the following circumstances:

a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006, on the same site; or

b. The residential use is an assisted living facility or nursing home and private living units are not located at street level; or

c. Within the Pike/Pine Conservation Overlay District, for street-facing facades that do not face a designated principal pedestrian street, as shown on Map A for 23.73.008; or

d. In a structure existing on January 1, 2012, that is within an NC1 zone but not located in an area defined in Maps A through D for 23.47A.005, at the end of this Chapter 23.47A, a live-work space may be converted to an accessory dwelling unit if the residential use is established, if the area proposed to be converted meets the minimum housing

**Attachment A – Substitute CB 119975**

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standards of Chapter 22.206, and if the area proposed to be converted meets the owner occupancy requirement of subsection 23.44.041.C; ~~((¶))~~

e. Within a structure that:

1) ~~((is))~~ Is developed and owned by the Seattle Housing Authority;

and

2) ~~((is))~~ Is located on a lot zoned NC1 or NC3 that was owned by the Seattle Housing Authority as of January 1, 2009~~((-))~~ ; or

f. Within a structure containing permanent supportive housing.

3. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

4. Where residential uses at street level are limited to 20 percent of the street-level, street-facing facade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this Section 23.47A.005 and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

D. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, one or more of the following uses are required along 80 percent of the street-level, street-facing facade in accordance with the standards provided in subsection 23.47A.008.C.

a. Arts facilities;

b. Community gardens;

c. Eating and drinking establishments;

d. Entertainment uses, except for adult cabarets, adult motion picture theaters, and adult panorams;

**Attachment A – Substitute CB 119975**

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- e. Food processing and craft work;
- f. Institutions, except hospitals or major institutions;
- g. Lodging uses;
- h. Medical services;
- i. Offices, provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain an office use;
- j. Parks and open spaces;
- k. Rail transit facilities;
- l. Retail sales and services, automotive, in the Pike/Pine Conservation Overlay District if located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015;
- m. Sales and services, general, provided that no more than 40 feet of the street-level, street-facing facade of a structure on a principal pedestrian street may contain a customer services office; ~~((and))~~
- n. Sales and services, heavy, except for heavy commercial sales, and provided that no more than 30 feet of the street-level, street-facing facade of a structure may contain a non-household sales and service use((-)) ; and
- o. Permanent supportive housing.

The establishment of any such use is subject to the applicable use provisions of this Title 23.

\* \* \*

Section 6. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**Attachment A – Substitute CB 119975**

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LEG Permanent Supportive Housing ORD  
D1b

**23.47A.013 Floor area ratio**

\* \* \*

B. The following gross floor area is not counted toward FAR:

1. All stories, or portions of stories, that are underground;
2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access;
3. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;
4. On a lot containing a peat settlement-prone environmentally critical area, above-grade parking within or covered by a structure or portion of a structure, if the Director finds that locating a story of parking below grade is infeasible due to physical site conditions such as a high water table, if either:
  - a. The above-grade parking extends no more than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or finished grade along the structure footprint, whichever is lower, as measured to the finished floor level or roof above, pursuant to subsection 23.47A.012.A.3; or
  - b. All of the following conditions are met:
    - 1) No above-grade parking is exempted by subsection 23.47A.013.B.4.a;
    - 2) The parking is accessory to a residential use on the lot;

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3) Total parking on the lot does not exceed one space for each residential dwelling unit plus the number of spaces required for non-residential uses; and

4) The amount of gross floor area exempted by this subsection 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or greater; and

5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5 and 23.47A.012.C.6;

6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8;

7. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits; ((and))

8. All gross floor area in child care centers; and

9. In permanent supportive housing, all gross floor area for accessory human service uses.

\* \* \*

Section 7. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

**23.48.005 Uses**

\* \* \*

D. Required street-level uses



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1. One or more of the following uses listed in this subsection 23.48.005.D.1 are required: (i) at street-level of the street-facing facade along streets designated as Class 1 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C; (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640; and (iii) at street-level of the street-facing facades along streets designated as Class 1 or Class 2 streets shown on Map A for 23.48.740:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;
- f. Arts facilities;
- g. Religious facilities;
- h. Light rail transit station; ~~((and))~~
- i. Child care centers~~((-))~~ ; and
- j. Permanent supportive housing.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C, and any additional standards for Seattle Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

\* \* \*

Section 8. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

### **23.48.020 Floor area ratio (FAR)**

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\* \* \*

B. Floor area exempt from FAR calculations. The following floor area is exempt from maximum FAR calculations:

1. All underground stories or portions of stories.
2. Portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.
3. As an allowance for mechanical equipment, in any structure 65 feet in height or more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR calculations. Calculation of the allowance includes the remaining gross floor area after all exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, is not included as part of the calculation of total gross floor area.
4. All gross floor area for solar collectors and wind-driven power generators.
5. Bicycle commuter shower facilities required by subsection 23.54.015.K.8.
6. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits.
7. Child care centers.
8. In permanent supportive housing, all gross floor area for accessory human service uses.

\* \* \*

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Section 9. Section 23.48.605 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

**23.48.605 Uses in SM-U zones**

\* \* \*

C. Required street-level uses

1. One or more of the following uses listed in this subsection 23.48.605.C.1 are required at street level along the street-facing facades abutting streets shown on Map A for 23.48.605:

- a. General sales and service uses;
- b. Eating and drinking establishments;
- c. Entertainment uses;
- d. Public libraries;
- e. Public parks;
- f. Arts facilities;
- g. Religious facilities;
- h. Human services uses;
- i. Child care centers; ~~((and))~~
- j. Light rail transit stations~~((:))~~; and
- k. Permanent supportive housing.

2. Standards for required street-level uses. Required street-level uses shall meet the development standards in subsection 23.48.040.C.

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**Map A for 23.48.605**

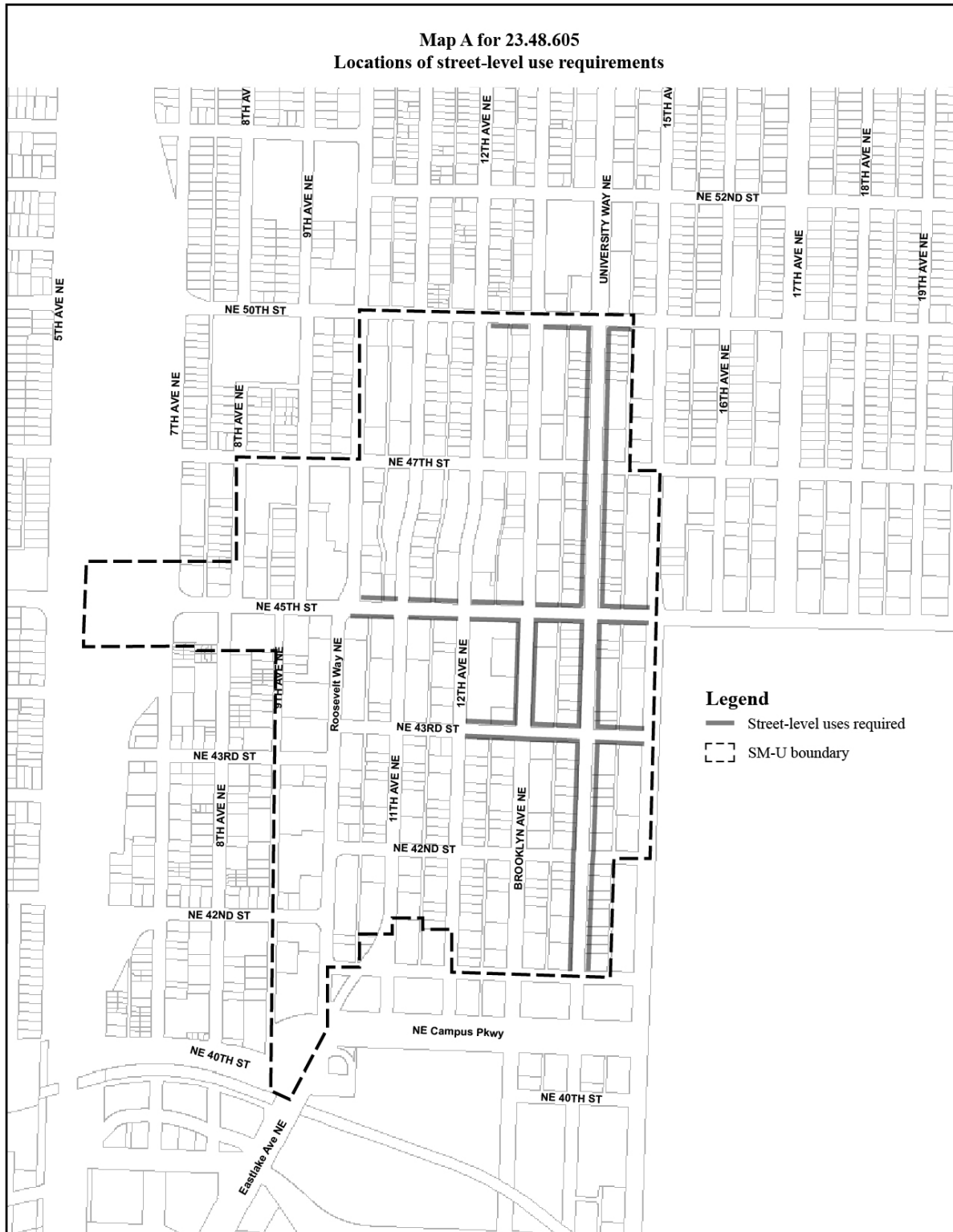
2

**Locations of street-level use requirements**

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Section 10. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance

126157, is amended as follows:

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**23.54.015 Required parking and maximum parking limits**

A. Required parking. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for 23.54.015 for non-residential uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for institutional uses, except as otherwise provided in this Chapter 23.54. Required parking is based upon gross floor area of a use within a structure minus gross floor area in parking uses, and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Maximum parking limits for specific uses and specific areas are set forth in subsection 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section 23.54.015 are provided in: subsections 23.54.015.B and 23.54.015.C; and in Section 23.54.020 unless otherwise specified. This Chapter 23.54 does not apply to parking for construction activity, which is regulated by Section 23.42.044.

\* \* \*

**Table D for 23.54.015**  
**Parking for bicycles <sup>1</sup>**

Use	Bike parking requirements		
	Long-term		Short-term
* * *			
<b>D. RESIDENTIAL USES <sup>3</sup></b>			
D.1.	Congregate residences <sup>4</sup>	1 per sleeping room	1 per 20 sleeping rooms. 2 spaces minimum
D.2.	Multi-family structures <sup>4, 5</sup>	1 per dwelling unit	1 per 20 dwelling units
D.3.	Single-family residences	None	None
D.4.	<u>Permanent supportive housing</u>	<u>None</u>	<u>None</u>

\* \* \*

Footnotes to Table D for 23.54.015:

<sup>1</sup> Required bicycle parking includes long-term and short-term amounts shown in this table.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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 are less likely to travel by bicycle.

<sup>5</sup> For each dwelling rent and income-restricted at 30 percent of median income and below, there is no minimum required long-term bicycle parking requirement. For each dwelling rent and income-restricted at 60 percent to 31 percent of the median income, long-term bicycle parking requirements may be wholly or partially waived by the Director as a Type I decision if the waiver would result in additional rent and income restricted units meeting the requirements of this footnote to Table D for 23.54.015 and when a reasonable alternative such as, in-unit vertical bicycle storage space is provided. The Directors of the Seattle Department of Construction and Inspections and Seattle Department of Transportation are authorized to promulgate a joint Directors' Rule defining reasonable alternatives for long-term bicycle parking that meets the standards of this footnote to Table D for 23.54.015. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall be for a term of at least 40 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by the Director of Housing or the Washington State Housing Finance Commission. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

<sup>6</sup>The Director, in consultation with the Director of the Seattle Department 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.

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Section 11. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

**23.84A.032 "R"**

\* \* \*

"Residential use" means any one or more of the following:

\* \* \*

20. "Permanent supportive housing" means a multifamily residential use, which may include accessory human service uses that provide on-site services to households in the development or to other clients:

a. In which at least 90 percent of the dwelling units are occupied by very low-income households;

b. That receives public funding or an allocation of federal low-income housing tax credits; and

c. That is subject to a regulatory agreement, covenant, or other legal instrument, the duration of which is at least 40 years, recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, U.S. Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing.

~~((20))~~ 21. "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.



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1                   ((21)) 22. "Rowhouse development" means a multifamily residential use in  
2 which all principal dwelling units on the lot meet the following conditions:

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

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

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

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

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

13                  f. No portion of any other dwelling unit, except for an attached  
14 accessory dwelling unit, is located between any dwelling unit and the street faced by the front  
15 of that unit.

16                   ((22)) 23. "Single-family dwelling unit" means a detached principal structure  
17 having a permanent foundation, containing one dwelling unit, except that the structure may  
18 also contain one or two attached accessory dwelling units where expressly authorized  
19 pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family  
20 dwelling unit for purposes of this Chapter 23.84A.

21                   ((23)) 24. "Townhouse development" means a multifamily residential use that  
22 is not a rowhouse development, and in which:

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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; 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.

\* \* \*

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Section 12. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)