



Legislation Details (With Text)

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On agenda: 7/19/2022

Final Action: 7/27/2022 **Ord. No.** Ord 126626

Title: AN ORDINANCE relating to land use and zoning; defining the addition of a single development that includes residential uses at a community or technical college located within an Urban Center as a minor amendment to an existing Major Institution master plan; amending Sections 23.42.049, 23.45.504, 23.47A.004, 23.69.008, 23.69.026, and 23.69.035 of the Seattle Municipal Code.

Sponsors: Dan Strauss

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Summary Ex A - Possible Site of Interest, 3. Director's Report, 4. Central Staff Memo, 5. Amendment 1, 6. Amendment 2, 7. Presentation (6/8/22), 8. Signed Ordinance 126626

Date	Ver.	Action By	Action	Result
7/27/2022	2	City Clerk	attested by City Clerk	
7/27/2022	2	Mayor	returned	
7/27/2022	2	Mayor	Signed	
7/27/2022	2	City Clerk	submitted for Mayor's signature	
7/19/2022	2	City Council	passed	Pass
7/13/2022	1	Land Use Committee	pass as amended	Pass
6/8/2022	1	Land Use Committee	discussed	
4/19/2022	1	City Council	referred	
4/11/2022	1	Council President's Office	sent for review	
4/6/2022	1	City Clerk	sent for review	
4/6/2022	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; defining the addition of a single development that includes residential uses at a community or technical college located within an Urban Center as a minor amendment to an existing Major Institution master plan; amending Sections 23.42.049, 23.45.504, 23.47A.004, 23.69.008, 23.69.026, and 23.69.035 of the Seattle Municipal Code.

WHEREAS, colleges in the Washington State Community and Technical Colleges (WSCTC) System are

evaluating the provision of housing at campuses; and

WHEREAS, the City has established Major Institution master plans as a mechanism regulating Major Institutions' long-term growth plans for large educational and medical institutions throughout Seattle; and

WHEREAS, Major Institution master plans address anticipated growth for 15-year periods of time into the future, or longer; and

WHEREAS, Chapter 23.69 of the Seattle Municipal Code defines regulations for Major Institutions, including methods for institutions to engage advisory committee review and obtain permits from the City for a variety of changes to existing master plans, which are classified as minor amendments or major amendments to a master plan; and

WHEREAS, a minor amendment to a master plan may be obtained by an established, time-efficient process that includes advisory committee review, while preparing a major amendment or a new master plan has a multi-year planning horizon; and

WHEREAS, there is a public interest in achieving production of housing resources, including student housing resources, in an efficient and timely manner; and

WHEREAS, the City identifies multiple benefits for encouraging new housing for students and employees at WSCTC colleges in an Urban Center, where an ample supply of housing resources and efficient transportation options are desirable for students, employees, institutions, and Seattle as a whole; and

WHEREAS, this ordinance would also clarify that this one-time development outside of the standard Major Institution master plan is allowed to be "affiliated" with the college, not necessarily housing "owned" by the college, which would allow flexibility in ownership arrangements of the housing; and

WHEREAS, it is not the City Council's intent that the changes in this bill to Chapter 23.69 set a precedent for reclassifying amendments to other Major Institution Master Plans as minor; and

WHEREAS, the City's Comprehensive Plan encourages dense housing growth within Urban Centers as part of

its preferred centers-based growth pattern, known as the Urban Village Strategy; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.049 of the Seattle Municipal Code, enacted by Ordinance 124608, is amended as follows:

23.42.049 Congregate residences

Congregate residences are subject to the development standards for the zone in which they are located, to the development standards for apartments where such housing type standards are specified, and to the following requirements:

* * *

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

* * *

Section 2. Section 23.45.504 of the Seattle Municipal Code, last amended by Ordinance 126384, is amended as follows:

23.45.504 Permitted and prohibited uses

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A for 23.45.504 are prohibited, unless

otherwise indicated in this Chapter 23.45 or Chapters 23.51A, 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.45 and additional regulations in Chapter 23.57. Public facilities are subject to the regulations in Section 23.51A.004.

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

* * *

Table A for 23.45.504 Permitted and prohibited uses		
Uses	Permitted and prohibited uses by zone	
	LR1, LR2, and LR3	MR and HR
A. Residential use except as listed	P	P
A.1. Congregate residence	X/P ¹	P/X ²
B. Institutions	P/CU ³	P/CU ³
C. Uses in existing or former public schools		
C.1. Child care centers, preschools, private schools, educational and vocational centers for the disabled, adult evening education, nonprofit libraries, community centers, day care programs for the elderly, and similar uses in existing or former public schools	P	P
C.2. Other non-school uses in existing or former public schools	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
* * *		
L. All other uses	X	X
Footnotes to Table A for 23.45.504 ¹ Congregate residences that are owned by a college or university; or that are owned by a sorority or fraternity that is part of the Washington State Community and Technical Colleges system, or are a sorority or fraternity charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities; or are prohibited. Supportive services include meal service, cleaning service, health services, or similar. ² Congregate residences that are owned by a college or university; or are affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system; or are owned by a not-for-profit entity or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities ((§)) are permitted outright. All others are permitted only in locations within urban centers. Supportive services include meal service, cleaning service, health services, or similar. ³ Institutions meeting development standards are permitted as administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to all other uses in Chapter 23.69. * * * P = Permitted outright CU = Permitted as an Administrative Conditional Use RC = Permitted as a Residential Conditional Use (RC), and subject to the provisions of the RC zone, Chapter 23.46 X = Prohibited		

* * *

Section 3. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 126287, is amended as follows:

23.47A.004 Permitted and prohibited uses

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

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

* * *

Table A for 23.47A.004 Uses in Commercial zones					
Uses	Permitted and prohibited uses by zone¹				
	NC1	NC2	NC3	C1	C2
* * *					
E. INSTITUTIONS					
E.1. Institutions r10		25	P	P	P
E.2. Major institu provisions of Cha	P	P	P	P	P
E.3. Religious fac	P	P	P	P	P
E.4. Schools, elect	P	P	P	P	P
E.5 Child care ce	P	P	P	P	P
* * *					
J. RESIDENTIAL USES¹⁴					
J.1. Residential u	P	P	P	P	CU ¹⁵
J.2. Caretaker's q	P	P	P	P	P
J.3 Congregate re	X/P ¹⁶	X/P ¹⁶	P/X ¹⁷	P/X ¹⁷	P/X ¹⁷
J.4. Permanent su	P	P	P	P	P
* * *					
KEY A = Permitted as an accessory use only CU = Administrative Conditional Use (business establishment establishment limited to the multiple of 1,000 square feet or any number following a hyphen, pursuant to pursuant to Section 23.47A.010 10 = Permitted, business establishments limited to 10,000 square feet, pu establishments limited to 25,000 square feet, pursuant to Section 23.47A.010 35 = Permitted, business est Section 23.47A.010 50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Se					

as the Major Institution with which it is functionally integrated, or to which it is related, or the users of which it primarily and directly serves. To locate outside but within ~~((two thousand five hundred (2,500)))~~ 2,500 feet of that MIO District, a Major Institution use shall be subject to the provisions of Section 23.69.022.

* * *

F. Uses other than those permitted under subsections 23.69.008.A and 23.69.008.B ~~((of this section))~~ shall be subject to the use provisions and development standards of the underlying zone.

Section 5. Section 23.69.026 of the Seattle Municipal Code, last amended by Ordinance 118362, is amended as follows:

23.69.026 Determination to prepare a master plan ((-))

A. Any Major Institution may elect to prepare a master plan.

B. A Major Institution without an adopted master plan or with a master plan that includes an expiration date and that was adopted under Code provisions prior to the 1996 Major Institutions Ordinance shall be required to prepare a master plan in the following circumstances:

1. The establishment of a new Major Institution Overlay (MIO) District is required according to Section 23.69.024; or
2. Expansion of an MIO District boundary or change in an MIO District height designation is proposed; or
3. An application is filed for a structure containing Major Institution use(s) that is located within the MIO District and would exceed the development standards of the underlying zone and is not permitted under an existing master plan, provided other means of modifying development standards that apply to similar uses located in the zone may also be sought; or
4. A Major Institution proposes to demolish or change the use of a residential structure inside the boundaries of an MIO District; ~~((-))~~ provided, that a master plan need not be prepared when:
 - a. The use is changed to housing for the institution, or

b. Not more than two (~~((2))~~) structures containing not more than a total of four (~~((4))~~) dwelling units are demolished or changed to a nonresidential use within a (~~((two-2))~~) two-year period and are replaced in the general vicinity by the same number of dwelling units.

C. A Major Institution with an adopted master plan that is not subject to subsection 23.69.026.B (~~((of this section))~~) shall be required to prepare a new master plan in the following circumstances:

1. The Major Institution proposes to increase the total amount of gross floor area allowed or the total number of parking spaces allowed within the MIO District, except if a proposed change to a master plan involves:

a. Construction of a one-time single development per master plan period owned or affiliated with an educational major institution that is part of the Washington State Community and Technical Colleges system; and

b. A property located within an Urban Center; and

c. A development that includes residential uses not exceeding 550 sleeping rooms, composed of dormitory, congregate housing, or other housing opportunities for students or employees of the Major Institution; or

2. A master plan has been in effect for at least ten (~~((10))~~) years and the institution proposes to expand the MIO District boundaries; or

3. A master plan has been in effect for at least ten (~~((10))~~) years and the institution proposes an amendment to the master plan that is determined to be major according to the provisions of Section 23.69.035, and the Director determines that conditions have changed significantly in the neighborhood surrounding the Major Institution since the master plan was adopted.

D. A master plan shall not be required for replacement of existing structures where the replacement structure:

1. Would be located on the same lot; and

2. Would not contain uses which would require a change of use and which the Director determines would not result in an increase in adverse impacts on the surrounding area; and

3. Would not exceed the height of the existing structure; and

4. Would not represent a significant increase in bulk over the existing structure; and

5. Would not represent a significant increase in gross floor area over the existing structure; and

6. Would not significantly reduce existing open area or landscaping.

E. If an institution proposes a major amendment of unusual complexity or size, the Advisory Committee may recommend, and the Director may require, that the institution develop a new master plan.

F. The Director shall determine whether a master plan is required. The Director's determination shall be final and shall not be subject to an interpretation or appeal.

Section 6. Section 23.69.035 of the Seattle Municipal Code, last amended by Ordinance 120691, is amended as follows:

23.69.035 Changes to master plan ((:))

A. A proposed change to an adopted master plan shall be reviewed by the Director and determined to be an exempt change, a minor amendment, or a major amendment.

B. Exempt Changes. An exempt change shall be a change to the design and/or location of a planned structure or other improvement from that shown in the master plan, which the Director shall approve without publishing an interpretation. Any new gross floor area or parking space(s) must be accompanied by a decrease in gross floor area or parking space(s) elsewhere if the total gross floor area or parking spaces permitted for the entire MIO District or, if applicable, the subarea would be exceeded. Each exempt change must meet the development standards for the MIO District. Exempt changes shall be:

1. Any new structure or addition to an existing structure not approved in the master plan that is ((
~~twelve thousand (12,000))~~) 12,000 square feet of gross floor area or less; or

2. Twenty ~~((20))~~ or fewer parking spaces not approved in the master plan; or

3. An addition to a structure not yet constructed but approved in the master plan that is no greater than ~~((twenty percent (20%)))~~ 20 percent of the approved gross floor area of that structure or ~~((twenty thousand (20,000)))~~ 20,000 square feet, whichever is less; or

4. Any change in the phasing of construction, if not tied to a master plan condition imposed under approval by the Council; or

5. Any increase in gross floor area below grade.

C. Amendments. The Advisory Committee shall be given the opportunity to review a proposed minor or major amendment and submit comments on whether it should be considered minor or major, and what conditions, ~~((if any))~~ if any, should be imposed if it is minor. The Director shall determine whether the amendment is minor or major according to subsections 23.69.035.D and 23.69.035.E. ~~((of this section.))~~ The Director's decision that a proposed amendment is minor or major shall be made in the form of an interpretation subject to the procedures of Chapter 23.88, Rules; Interpretation. If the Director and the Major Institution agree that a major amendment is required based on subsection 23.69.035.E, ~~((of this section.))~~ the interpretation process may be waived, and the amendment and environmental review process shall be subject to the provisions of subsection 23.69.035.G. ~~((of this section.))~~ After the Director makes a decision on whether an amendment is minor or major, the Advisory Committee shall be notified.

D. Minor Amendments. A proposed change to an adopted master plan shall be considered and approved as a minor amendment when it is not an exempt change according to subsection 23.69.035.B, ~~((of this section.))~~ when it is consistent with the original intent of the adopted master plan (except as provided in this subsection 23.69.035.D.4), and when it meets at least one of the following criteria:

1. The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or

2. The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does not go beyond the

minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or

3. The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO District, and within ~~((two thousand five hundred feet (2,500'))~~) 2,500 feet of the MIO District boundary, and the use is allowed in the zone ~~((for))~~ but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:

- a. Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and
- b. Whether the use will maintain or enhance the viability or long-term potential of the neighborhood-serving character of the area, and
- c. Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and
- d. Whether the use supports neighborhood planning goals and objectives as provided in a Council-approved neighborhood plan.

4. The amendment would accommodate a single development with residential uses composed of housing for students or employees of the Major Institution, that is consistent with criteria in subsection 23.69.026.C.1, and that either was not anticipated by or is in excess of what was anticipated in an adopted master plan. This kind of amendment could occur only one time per the lifetime of an adopted master plan. The floor area of said residential use, uses accessory thereto, and non-residential uses such as required street level uses shall be exempted from the calculation of total development capacity of the major institution overlay, and shall be excluded from calculation of Floor Area Ratio and not counted against the Major Institution's development program permitted floor area for the campus.

E. Major Amendments. A proposed change to an adopted master plan shall be considered a major amendment when it is not an exempt change according to subsection 23.69.035.B ~~((of this section))~~ or a minor amendment according to subsection 23.69.035.D ~~((of this section.))~~ In addition, any of the following shall be considered a major amendment:

1. An increase in a height designation or the expansion of the boundary of the MIO District; or
2. Any change to a development standard that is less restrictive, except if a proposed change relates to providing housing affiliated with certain educational major institutions as identified in subsection 23.69.026.C.1; or
3. A reduction in housing stock outside the boundary but within ~~((two thousand five hundred feet (2,500')))~~ 2,500 feet of the MIO District, other than within a Downtown zone, that exceeds the level approved in an adopted master plan; or
4. A change to the single-occupancy vehicle goal of an approved transportation management program that increases the percentage of people traveling by single-occupancy vehicle; or
5. A use that requires Council Conditional Use approval, including but not limited to a helistop or a major communication utility, that was not described in an adopted master plan; or
6. The update of an entire development program component of a master plan that was adopted under Code provisions prior to the 1996 Major Institutions Ordinance where the institution proposes an increase to the total amount of gross floor area allowed or the total number of parking spaces allowed under the institution's existing development program component within the MIO District. Changes to a development program relating to an action described in subsection 23.69.035.D.4 shall not be considered a development program update of this kind.

F. If the Director, after reviewing any Advisory Committee recommendation, determines that a proposed major amendment is of unusual complexity or size, the Director may require that the institution prepare a new master plan subject to Section 23.69.032.

G. If an amendment is determined to be major, the amendment and environmental review process shall be subject to the provisions of Section 23.69.032. (~~(, Master plan process.)~~) However, a concept plan and preliminary draft plan shall not be required. Instead, the Major Institution shall submit a major amendment draft report as part of the application stating which parts of the master plan are proposed to be amended. If an EIS is required for the major amendment, the draft EIS shall be prepared after submittal of the major amendment draft report. After comments are received on the major amendment draft report, the institution shall prepare the major amendment final report and if required, the final EIS. If an EIS is not required for the major amendment, the Director is not required to hold a public hearing on the major amendment draft report.

H. Noncontiguous areas that are included in an MIO District as a result of a previously adopted master plan shall be deleted from the MIO District at the time a major amendment is approved unless the noncontiguous area was a former and separate MIO District. The change to the MIO District boundaries shall be in accordance with the procedures for City-initiated amendments to the Official Land Use Map as provided in Chapter 23.76 (~~(, Procedures for Master Use Permits and Council Land Use Decisions,)~~) and shall not be subject to the rezone criteria contained in Section 23.34.124.

Section 7. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or any exhibit to this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of any other provisions of this ordinance or its exhibits, or the validity of their application to other persons or circumstances.

Section 8. 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 _____, 2022, and signed by
me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)