



Legislation Details (With Text)

**File #:** CB 120581    **Version:** 2    **Name:** CB 120581  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 7/5/2023  
**Final Action:** 7/14/2023    **Ord. No.** Ord 126854

**Title:** AN ORDINANCE relating to Design Review for affordable housing; adopting temporary regulations to exempt housing projects that meet Mandatory Housing Affordability requirements using on-site performance units from Design Review, and allowing permit applicants for all housing subject to Full Design Review the option of complying with Design Review pursuant to Administrative Design review; amending Section 23.41.004 of the Seattle Municipal Code; and adopting a work plan.

**Sponsors:** Dan Strauss

**Indexes:**

**Attachments:** 1. Summary and Fiscal Note, 2. Director's Report, 3. SDCI Presentation (06/14/23), 4. Central Staff Memo (6/28/23), 5. Amendment 1a v2, 6. Amendment 2, 7. Signed Ordinance 126854, 8. Affidavit of Publication

Date	Ver.	Action By	Action	Result
7/14/2023	2	City Clerk	attested by City Clerk	
7/14/2023	2	Mayor	returned	
7/14/2023	2	Mayor	Signed	
7/7/2023	2	City Council	submitted for Mayor's signature	
7/5/2023	2	City Council	passed	Pass
6/28/2023	1	Land Use Committee	pass as amended	Pass
6/14/2023	1	Land Use Committee	discussed	
5/23/2023	1	City Council	referred	
5/18/2023	1	Council President's Office	sent for review	
5/17/2023	1	City Clerk	sent for review	
5/17/2023	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

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

AN ORDINANCE relating to Design Review for affordable housing; adopting temporary regulations to exempt housing projects that meet Mandatory Housing Affordability requirements using on-site performance units from Design Review, and allowing permit applicants for all housing subject to Full Design Review the option of complying with Design Review pursuant to Administrative Design review; amending Section 23.41.004 of the Seattle Municipal Code; and adopting a work plan.

**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 126741, is amended as follows:

### **23.41.004 Applicability**

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#### E. Temporary provisions

1. Developments with units provided on-site to comply with Chapter 23.58C through the performance option

a. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to Section 23.58C.050.C shall be exempt from design review if the applicant files a valid and complete building permit application electing the exemption while this ordinance is in effect.

b. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to Section 23.58C.050.C that is vested according to Section 23.76.026 prior to the effective date of this ordinance may elect to be processed as allowed by Section 23.41.004.E.

c. The design review exemption under subsection 23.41.004.E.1 shall be rescinded for a development proposal that changes from the performance option to the payment option at any time prior to issuance of a building permit.

d. Requests for departures. If a project subject to design review under subsection 23.41.004.A is exempt from design review according to subsection 23.41.004.E.1, the Director may consider requests for departures from any development standard in this Title 23, except as otherwise limited in subsection 23.41.012.B.

e. Departures decision. Requests for departures according to subsection 23.41.004.E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the departure would result in

additional housing units being constructed.

2. Low-income housing

a. Notwithstanding any contrary provision of this Title 23, the Director may consider requests for departures from any development standard in this Title 23, except as otherwise limited in subsection 23.41.012.B, for low-income housing.

b. Departures decision. Requests for departures shall be evaluated by the Director, in consultation with the Office of Housing, in light of the particular population designed to be served by the project, and may be granted by the Director as a Type I decision if the departure would result in additional housing units being constructed.

Section 2. The Council approves the following work plan for the development of permanent regulations to address the matters in this ordinance, as well as other design review-related matters as appropriate:

**WORK PLAN:**

Outreach on proposed permanent legislation	January 2, 2024 - February 12, 2024
Draft permanent legislation and conduct SEPA review on draft permanent legislation	February 12, 2024 - April 15, 2024
Mayor Transmits Legislation to Council	April 17, 2024
Council Deliberations and Public Hearing on Proposed Legislation	May 2024
Legislation Effective	By August 12, 2024

Section 3. This ordinance shall be automatically repealed without subsequent Council action 24 months after it becomes effective.

Section 4. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. 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 \_\_\_\_\_, 2023, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
\_\_\_\_\_, City Clerk

(Seal)