

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..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; and amending Section 23.41.004 of the Seattle Municipal Code.

..body

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 126741, is amended as follows:

23.41.004 Applicability

A. Design review required

1. Subject to the exemptions in subsection 23.41.004.B, design review is required in the following areas or zones when development is proposed that exceeds a threshold in Table A or Table B for 23.41.004:

a. Multifamily;

b. Commercial;

c. Seattle Mixed;

d. Downtown; and

e. Stadium Transition Area Overlay District as shown in Map A for 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

1 2. Subject to the exemptions in subsection 23.41.004.B, design review is required
2 in the following areas or zones when commercial or institution development is proposed that
3 exceeds a threshold in Table A or Table B for 23.41.004:

- 4 a. Industrial Buffer; and
- 5 b. Industrial Commercial.

6 3. The gross floor area of the following uses is not included in the total gross floor
7 area of a development for purposes of determining if a threshold is exceeded:

- 8 a. Religious facilities;
- 9 b. Elementary and secondary schools;
- 10 c. Uses associated with a Major Institution Master Plan (MIMP); or
- 11 d. Development of a major institution use within a Major Institution

12 Overlay (MIO) district.

13 4. Any development proposal participating in the Living Building or 2030
14 Challenge High Performance Existing Building Pilot Program according to Sections 23.40.060
15 and 23.40.070, including a development proposal for an existing structure, regardless of size or
16 site characteristics, is subject to full design review according to Section 23.41.014.

17 5. Any development proposal, regardless of size or site characteristics, is subject
18 to the administrative design review process according to Section 23.41.016 if it receives public
19 funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory
20 agreement, covenant, or other legal instrument recorded on the property title and enforceable by
21 The City of Seattle, Washington State Housing Finance Commission, State of Washington, King
22 County, U.S. Department of Housing and Urban Development, or other similar entity as
23 approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy

1 by households earning no greater than 60 percent of median income, and controls the rents that
2 may be charged, for a minimum period of 40 years.

3 6. Any development proposal that is located in a Master Planned Community
4 zone and that includes a request for departures, regardless of size or site characteristics, is subject
5 to full design review according to Section 23.41.014. If a development proposal in a Master
6 Planned Community zone does not include a request for departures, the applicable design review
7 procedures are in Section 23.41.020. A development proposal in a Master Planned Community
8 zone, which includes a request for departures and provides affordable housing per subsection
9 23.41.004.A.5, shall be subject to administrative design review according to Section 23.41.016.

10 7. Subject to the exemptions in subsection 23.41.004.B, design review is required
11 for additions to existing structures when the size of the proposed addition or expansion exceeds a
12 threshold in Table A or Table B for 23.41.004. Administrative design review, as described in
13 Section 23.41.016, is required for certain other additions to existing structures according to rules
14 promulgated by the Director.

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16 C. Optional design review

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

20 a. The development proposal is in any zone or area identified in subsection
21 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except
22 development that is within a Master Planned Community zone is not eligible for optional design
23 review; and

1 b. The development proposal does not include the uses listed in subsection
2 23.41.004.A.3.

3 2. Administrative design review. According to the applicable process described in
4 Section 23.41.016, administrative design review is optional for a development proposal that is
5 not otherwise subject to this Chapter 23.41 and is on a site that contains an exceptional tree, as
6 defined in Section 25.11.020, when the ability to depart from development standards may result
7 in protection of the tree as provided in Sections 25.11.070 and 25.11.080.

8 D. Temporary provisions for affordable housing projects

9 1. Notwithstanding any contrary provision of this Title 23, a project subject to
10 administrative design review according to subsection 23.41.004.A.5 or a project in a Master
11 Planned Community zone that meets the requirements according to subsection 23.41.004.A.5
12 shall be exempt from design review if the applicant files a complete building permit application
13 (~~while this ordinance is in effect~~) by January 14, 2024 , except that the applicant may elect to
14 have the project be subject to design review notwithstanding the preceding exemption.

15 2. Requests for departures. If a project is exempt from design review according to
16 subsection 23.41.004.D.1, the Director may consider requests for departures from the following
17 development standards in this Title 23:

- 18 a. Requirements for bike rooms and the quantity of bike parking;
19 b. Requirements for the size of parking spaces;
20 c. Requirements for overhead weather protection;
21 d. Requirements for facade openings, articulation, and modulation and art
22 on the facades of buildings but not including limitations on structure width;

1 e. Requirements for the size and design of common recreational areas,
2 amenity areas, community rooms, and similar indoor amenities but not including any required
3 outdoor open space;

4 f. Requirements related to residential uses, transparency, blank facades,
5 and floor-to-floor height at street level, except as otherwise limited in subsection 23.41.012.B;
6 and

7 g. Other similar standards as determined by the Director, not including
8 those listed in subsection 23.41.012.B, that pertain to the interior of the building and do not
9 affect the size of the building envelope.

10 3. Departures decision. Requests for departures according to subsection
11 23.41.004.D.2 shall be evaluated by the Director, in consultation with the Office of Housing, in
12 light of the particular population designed to be served by the project, and may be granted by the
13 Director as a Type I decision if the departure would not impact the overall height, bulk, and scale
14 of the proposed building and would result in additional housing units meeting the standards of
15 subsection 23.41.004.A.5 being constructed.

16 E. Temporary Provisions for MHA On-site Performance

17 1. Development proposals that meet on-site performance requirements of
18 Mandatory Housing Affordability for Residential Development affordable housing performance
19 option per Section 23.58C.050 and provide a minimum of one unit that meets the requirements
20 of subsection 23.58C.050.C shall be exempt from design review if the applicant files a complete
21 building permit application while this ordinance is in effect, except that the applicant may elect
22 to have the project be subject to design review notwithstanding the preceding exemption.

1 2. Requests for departures. If a project is exempt from design review according to
2 subsection 23.41.004.E.1, the Director may consider requests for departures from the following
3 development standards in this Title 23:

4 a. Requirements for bike rooms and the quantity of bike parking;

5 b. Requirements for the size of parking spaces;

6 c. Requirements for overhead weather protection;

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

9 e. Requirements for the size and design of common recreational areas,
10 amenity areas, community rooms, and similar indoor amenities but not including any required
11 outdoor open space;

12 f. Requirements related to residential uses, transparency, blank facades,
13 and floor-to-floor height at street level, except as otherwise limited in subsection 23.41.012.B;
14 and

15 g. Other similar standards as determined by the Director, not including
16 those listed in subsection 23.41.012.B, that pertain to the interior of the building and do not
17 affect the size of the building envelope.

18 3. Departures decision. Requests for departures according to subsection
19 23.41.004.D.2 shall be evaluated and may be granted by the Director as a Type I decision if the
20 departure would not impact the overall height, bulk, and scale of the proposed building and
21 would result in additional housing units meeting the standards of subsection 23.41.004.A.5 being
22 constructed.

23 F. Temporary Provisions for Electing Administrative Design Review

1 1. The provisions of this subsection 23.41.004.F apply notwithstanding any
2 contrary provision of this Title 23.

3 2. The provisions of this subsection 23.41.004.F apply 12 months from the
4 effective date of this ordinance.

5 3. While the provisions of this subsection 23.41.004.F apply:

6 a. An applicant may elect a project that includes residential use and
7 subject to the full design review process according to Section 23.41.014 to be processed through
8 the administrative design review process according to Section 23.41.016.

9 b. An applicant of a project that includes residential use and vested
10 according to Section 23.76.026 prior to the effective date of this ordinance may elect a project to
11 be processed through administrative design review as allowed by subsection 23.41.004.F.3.a.

12 4. An applicant that has made the election to pursue administrative design review
13 as allowed by subsection 23.41.004.F.3 may further elect to return to the full design review
14 process according to Section 23.41.014. If an applicant elects a project to return to full design
15 review, all early design guidance and recommendation processes, to the extent not completed
16 under administrative design review, shall be shifted back to full design review. The applicant
17 election to return to full design review is subject to the Director’s determination that a return to
18 full design review would not preclude review from being completed in the time required by
19 Section 23.76.005.

20 Section 2. The Council approves the following work plan for the development of
21 permanent regulations to address the matters in this ordinance, as well as other design review-
22 related matters as appropriate, and directs the Seattle Department of Construction and
23 Inspections, to transmit proposed legislation to the Council by August 1, 2024.

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WORK PLAN:

Outreach on proposed permanent legislation	January 1, 2024 - March 1, 2024
Draft permanent legislation and conduct SEPA review on draft permanent legislation	March 1, 2024 - July 5, 2024
Mayor Transmits Legislation to Council	August 1, 2024
Council Deliberations and Public Hearing on Proposed Legislation	September 2024
Legislation Effective	By December 31, 2024

Section 3. This ordinance shall be automatically repealed without subsequent Council action 12 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

