

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to design review for the Downtown, Uptown, South Lake Union, and First Hill Urban Centers; adopting temporary regulations to exempt single-use or mixed-use projects with lodging, residential, or research and development laboratory uses from design review, and allowing the Director of the Department of Construction and Inspections to grant waivers and modifications from certain development standards; and amending Sections 23.41.004, 23.41.020, 23.76.004, 23.76.006, 23.76.010, and 23.76.026 of the Seattle Municipal Code.

..body

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 126862, is amended as follows:

23.41.004 Applicability

* * *

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

1 Section 23.76.026 prior to August 14, 2023 may elect to be processed as allowed by Section
2 23.41.004.E.

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4 rescinded for a development proposal that changes from the performance option to the payment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

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

10 e. Departures decision. Requests for departures according to subsection
11 23.41.004.E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the
12 departure would result in additional housing units being constructed.

13 2. Low-income housing

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

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

21 3. Downtown Action Plan

1 a. A development proposal that is subject to design review according to
2 this Section 23.41.004 shall be exempt from design review, unless ineligible for exemption due
3 to other provisions, if:

4 1) The proposal includes residential use comprising at least 50
5 percent of its chargeable floor area, except if at least 50 percent of the chargeable floor area in
6 nonresidential use is lodging then no residential use is required; or includes a research and
7 development laboratory use; and

8 2) The proposal is located on a property within the Downtown
9 Urban Center, Uptown Urban Center, South Lake Union Urban Center, or First Hill Urban
10 Center as shown on Map A for 23.41.004; and

11 3) The applicant files a letter of eligibility for exemption pursuant
12 to subsection 23.76.010.G, provided that permit application materials are subsequently filed per
13 subsection 23.76.026.C.4; and

14 4) The proposal does not involve special features as described in
15 Part A.3 of Table A for 23.41.004.

16 b. Waiver or modification of development standard. If a project is exempt
17 from design review according to this subsection 23.41.004.E.3, the Director may consider
18 requests for waivers or modifications of the following development standards in Title 23:

19 1) Upper-level setbacks, modulation, articulation, facade opening
20 requirements, and structure width;

21 2) Street level setbacks and facade setbacks: dimensional and area
22 limits;

1 3) Floor-to-floor height requirements at street level, except as
2 otherwise limited in subsection 23.41.012.B;

3 4) Rooftop screening and coverage limits in relation to mechanical
4 equipment, energy-related features, elevator equipment, and related enclosures;

5 5) Street-level use type, minimum depth, and percent presence on
6 street-level street-facing facade requirements;

7 6) Facade transparency and blank facade requirements;

8 7) Overhead weather protection requirements;

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

12 9) Open space and open areas: dimensional, area, distribution of
13 types, and amount of overhead coverage requirements, except standards for open space amenities
14 provided to meet requirements of Chapter 23.58A;

15 10) Landscaping: dimensional, area, and location requirements;

16 11) Vehicle access to parking, loading, and utility spaces;

17 12) Minimum dimensions and slope of vehicle access;

18 13) Parking space size requirements in subsections 23.54.030.A
19 and 23.54.030.B;

20 14) Bicycle parking minimum quantity requirements in Table D
21 for 23.54.015; and

22 15) Provisions of the MPC-YT zone, except: affordable housing
23 production requirements in Section 23.75.085; limits on floor area for uses in Sections

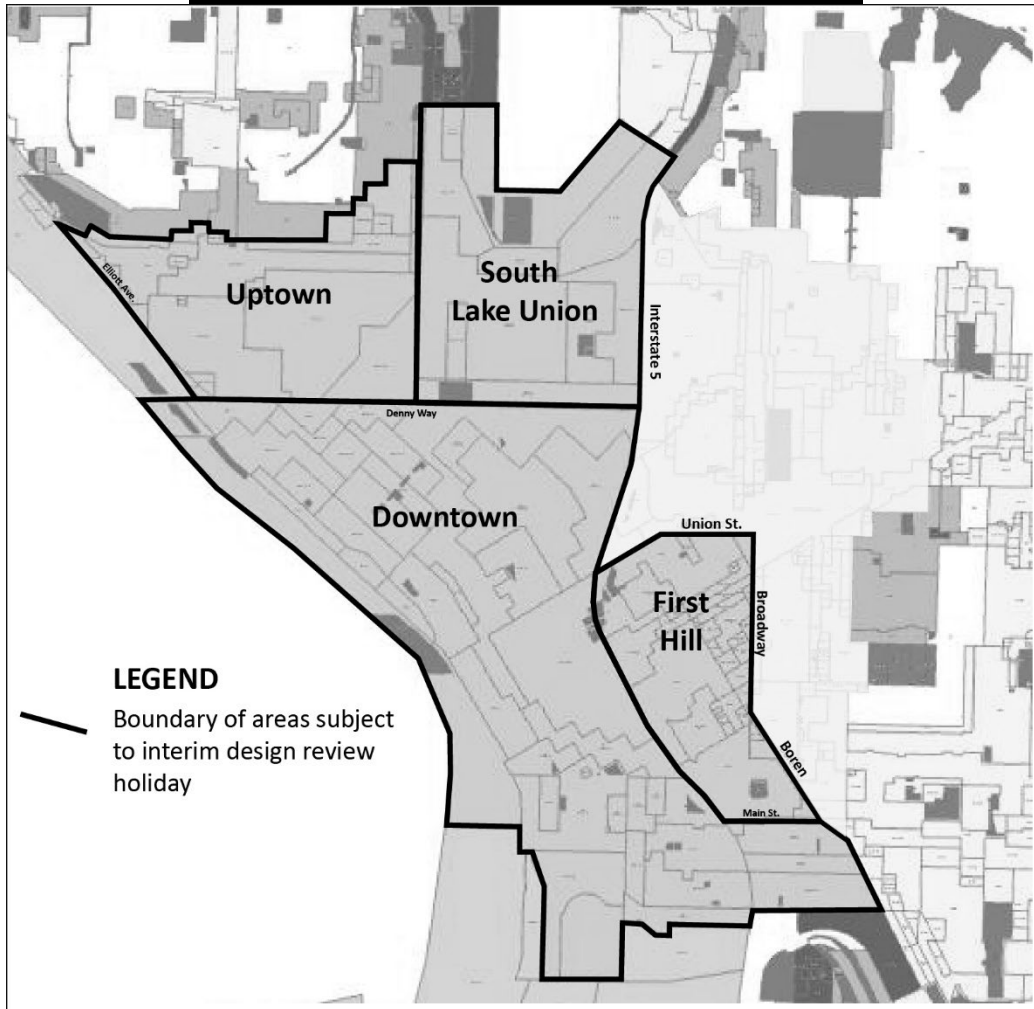
1 23.75.040, 23.75.085, or 23.75.090; and limits on the number of highrise structures, distribution
2 of highrise structures, and gross floor area per story for highrise structures in Section 23.75.040
3 or Section 23.75.120.

4 c. Decision on waiver or modification of development standards. Requests
5 for waiver or modification of development standards according to subsection 23.41.004.E.3.b
6 shall be evaluated by the Director, and may be granted by the Director as a Type I decision, if a
7 waiver or modification of development standards would address siting constraints or result in an
8 increased number of dwelling units or lodging rooms being constructed.

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Map A for 23.41.004

Areas subject to interim design review exemption



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Section 2. Section 23.41.020 of the Seattle Municipal Code, last amended by Ordinance

4

126188, is amended as follows:

5

23.41.020 Master Planned Community design review process

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A. Scope. This Section 23.41.020 applies only to development proposals in Master
Planned Community zones that do not include a request for departures. If an application in a
Master Planned Community zone includes a request for departures, then the applicable design
review procedures are in Section 23.41.014, except if the temporary provisions in subsection

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1 23.41.004.E.3 apply. For purposes of this Section 23.41.020, "highrise structure" and "non-
 2 highrise structure" are as defined in Section 23.75.020.

3 * * *

4 Section 3. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance
 5 126821, is amended as follows:

6 **23.76.004 Land use decision framework**

7 A. Land use decisions are classified into five categories. Procedures for the five different
 8 categories are distinguished according to who makes the decision, the type and amount of public
 9 notice required, and whether appeal opportunities are provided. Land use decisions are generally
 10 categorized by type in Table A for 23.76.004.

11 * * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I	
Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit

*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.H
*	Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP that was subject to design review
*	Building height increase for minor communication utilities in downtown zones
*	Application of tree provisions pursuant to Chapter 25.11
-	<u>Director’s acceptance of an eligibility letter for proposals subject to temporary design review exemption provisions, subject to the additional requirement to file a valid and complete Type I or II Master Use Permit application in subsection 23.41.004.E.3</u>
-	<u>Director’s application of development standards for decisions on Type I or II Master Use Permit applications subject to temporary design review exemption provisions in subsection 23.41.004.E.3</u>
-	<u>Waiver or modification of development standards for development proposals subject to temporary design review exemption provisions in subsection 23.41.004.E.3</u>
*	Other Type I decisions that are identified as such in the Land Use Code

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Footnotes for Table A for 23.76.004

¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types.

² Type I decisions may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020.

³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

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2 Section 4. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance
3 126821, is amended as follows:

4 **23.76.006 Master Use Permits required**

1 A. Type I, II, and III decisions are components of Master Use Permits. Master Use
2 Permits are required for all projects requiring one or more of these decisions.

3 B. The following decisions are Type I:

4 1. Determination that a proposal complies with development standards;

5 2. Establishment or change of use for uses permitted outright, uses allowed
6 under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less,
7 transitional encampment interim use, temporary uses for four weeks or less not otherwise
8 permitted in the zone, and renewals of temporary uses for up to six months, except temporary
9 uses and facilities for light rail transit facility construction;

10 3. The following street use approvals:

11 a. Curb cut for access to parking, whether associated with a development
12 proposal or not;

13 b. Concept approval of street improvements associated with a
14 development proposal, such as additional on-street parking, street landscaping, curbs and
15 gutters, street drainage, sidewalks, and paving;

16 c. Structural building overhangs associated with a development proposal;

17 d. Areaways associated with a development proposal;

18 4. Lot boundary adjustments;

19 5. Modification of the following features bonused under Title 24:

20 a. Plazas;

21 b. Shopping plazas;

22 c. Arcades;

23 d. Shopping arcades; and

- 1 e. Voluntary building setbacks;
- 2 6. Determinations of Significance (determination that an Environmental Impact
- 3 Statement is required) for Master Use Permits and for building, demolition, grading, and other
- 4 construction permits (supplemental procedures for environmental review are established in
- 5 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
- 6 Significance based solely on historic and cultural preservation;
- 7 7. Discretionary exceptions for certain business signs authorized by subsection
- 8 23.55.042.D;
- 9 8. Waiver or modification of required right-of-way improvements;
- 10 9. Reasonable accommodation;
- 11 10. Minor amendment to Major Phased Development Permit;
- 12 11. Streamlined design review decisions pursuant to Section 23.41.018 if no
- 13 development standard departures are requested pursuant to Section 23.41.012, and design
- 14 review decisions in an MPC zone if no development standard departures are requested
- 15 pursuant to Section 23.41.012;
- 16 12. Shoreline special use approvals that are not part of a shoreline substantial
- 17 development permit;
- 18 13. Determination that a project is consistent with a planned action ordinance,
- 19 except as provided in subsection 23.76.006.C;
- 20 14. Decision to approve, condition, or deny, based on SEPA policies, a permit
- 21 for a project determined to be consistent with a planned action ordinance;

1 **23.76.010 Applications for Master Use Permits**

2 * * *

3 G. A letter of eligibility for exemption from design review is required for applications
4 subject to temporary provisions of subsection 23.41.004.E.3. This letter of eligibility shall
5 document a proposal’s consistency with the qualifications for design review exemption in
6 subsection 23.41.004.E.3.a, including:

7 1. Minimum presence of proposed uses per subsection 23.41.004.E.3.a.1;

8 2. Location within the area subject to temporary design review exemption per
9 subsection 23.41.004.E.3.a.2; and

10 3. Statement that the proposal does not involve special features as described in
11 Part A.3 of Table A for 23.41.004.

12 Section 6. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance
13 126685, is amended as follows:

14 **23.76.026 Vesting**

15 A. Master Use Permit components other than subdivisions and short subdivisions. Except
16 as otherwise provided in this Section 23.76.026 or otherwise required by law, applications for all
17 Master Use Permit components other than subdivisions and short subdivisions shall be
18 considered vested under the Land Use Code and other land use control ordinances in effect on
19 the date:

20 1. That notice of the Director's decision on the application is published, if the
21 decision is appealable to the Hearing Examiner;

22 2. Of the Director's decision, if the decision is not appealable to the Hearing
23 Examiner; ((~~or~~))

1 3. A valid and fully complete building permit application is filed, as determined
2 under Section 106 of the Seattle Building Code or Section R105 of the Seattle Residential Code,
3 if it is filed prior to the date established in subsections 23.76.026.A.1 or 23.76.026.A.2((=)) ; or

4 4. Of the filing of a letter of eligibility for exemption from design review pursuant
5 to subsection 23.41.004.E.3, provided that a valid and complete Type I or Type II Master Use
6 Permit application pursuant to Section 23.76.010 is filed within 90 days.

7 B. Subdivision and short subdivision components of Master Use Permits. An application
8 for approval of a subdivision or short subdivision of land shall be considered under the Land Use
9 Code and other land use control ordinances in effect when a fully complete application for such
10 approval that satisfies the requirements of Section 23.22.020 (subdivision) or Sections
11 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

12 C. Design review component of Master Use Permits

13 1. If a complete application for a Master Use Permit is filed prior to the date
14 design review becomes required for that type of project, design review is not required.

15 2. Except as otherwise provided by law, a complete application for a Master Use
16 Permit that includes a design review component other than an application described in
17 subsection 23.76.026.C.3 shall be considered under the Land Use Code and other land use
18 control ordinances in effect on:

19 a. The date a complete application for the early design guidance process or
20 streamlined design review guidance process is submitted to the Director, provided that such
21 Master Use Permit application is filed within 90 days of the date of the early design guidance
22 public meeting if an early design guidance public meeting is required, or within 90 days of the
23 date the Director provided guidance if no early design guidance public meeting is required. If

1 more than one early design guidance public meeting is held, then a complete application for a
2 Master Use Permit that includes a design review component shall be considered under the Land
3 Use Code and other land use control ordinances in effect on the date a complete application for
4 the early design guidance process is submitted to the Director, provided that such Master Use
5 Permit application is filed within 150 days of the first meeting. If a complete application for a
6 Master Use Permit that includes a design review component is filed more than 150 days after the
7 first early design guidance public meeting, then such Master Use Permit application shall be
8 considered under the Land Use Code and other land use control ordinances in effect at the time
9 of the early design guidance public meeting that occurred most recently before the date on which
10 a complete Master Use Permit application was filed, provided that such Master Use Permit
11 application is filed within 90 days of the most recent meeting; or

12 b. A date elected by the applicant that is later than the date established in
13 subsection 23.76.026.C.2.a and not later than the dates established in subsections 23.76.026.A.1
14 through 23.76.026.A.3.

15 3. A complete application for a Master Use Permit that includes a Master Planned
16 Community design review component, but that pursuant to subsection 23.41.020.C does not
17 include an early design guidance process, shall be considered under the Land Use Code and other
18 land use control ordinances in effect on the date the complete application is submitted.

19 D. If an applicant elects a date for consideration of an application for Master Use Permit
20 components pursuant to subsection 23.76.026.C.2.b after notice of the application required
21 by Section 23.76.012 has been given, notice of the application and an opportunity to comment
22 shall be repeated according to Section 23.76.012.

1 E. Notwithstanding any other provision of this Section 23.76.026 or this Chapter 23.76,
2 an applicant may elect, at such time and in such manner as the Director may permit, that specific
3 Land Use Code provisions that became effective after the applicant's application vested may
4 nonetheless be applied to the application, pursuant to authorization for such election set forth
5 elsewhere in this Title 23.

6 Section 7. This ordinance shall automatically expire 36 months after its effective date
7 unless the Council takes action to either extend it as provided by statute or terminate it sooner.

1 Section 8. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the _____ day of _____, 2024,
4 and signed by me in open session in authentication of its passage this _____ day of
5 _____, 2024.

6 _____
7 President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

8 _____
9 Bruce A. Harrell, Mayor

10 Filed by me this _____ day of _____, 2024.

11 _____
12 Scheereen Dedman, City Clerk

13 (Seal)

14 Attachments: