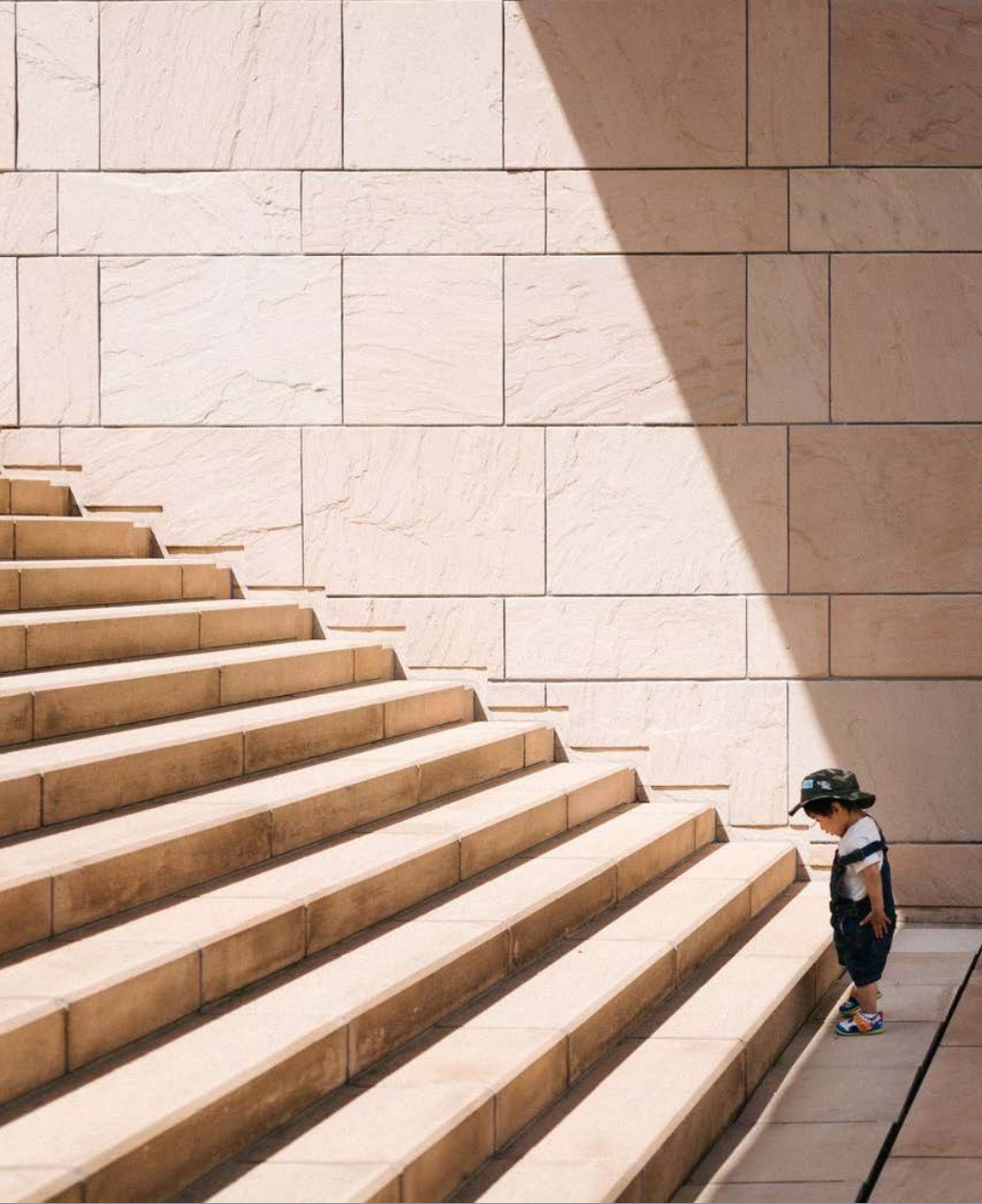# Equitable Development Zoning

Adoption of Phase I legislation and further opportunities

In this presentation

- The purpose of Equitable Development Zoning

- Themes from work with stakeholders

- EDZ strategies
  - What we've done so far
 - Where we are headed

The challenge

We prioritize equitable development, fund it through EDI, but regulate development in ways that can hinder, delay, complicate, and add cost to these projects by:

- Limiting allowed uses and development

- Adding costs due fees and requirements

- Creating delay and uncertainty

- Requiring specialized expertise that distracts from organization mission

The purpose and promise of EDZ

Align land use policy with our equitable development goals

- Help equitable development projects succeed by removing the barriers they face in City regulations and processes

- Provide resources and supports that increase access to the development process for BIPOC communities and organizations

- Shift development policy & process to prioritize community-supportive equitable development
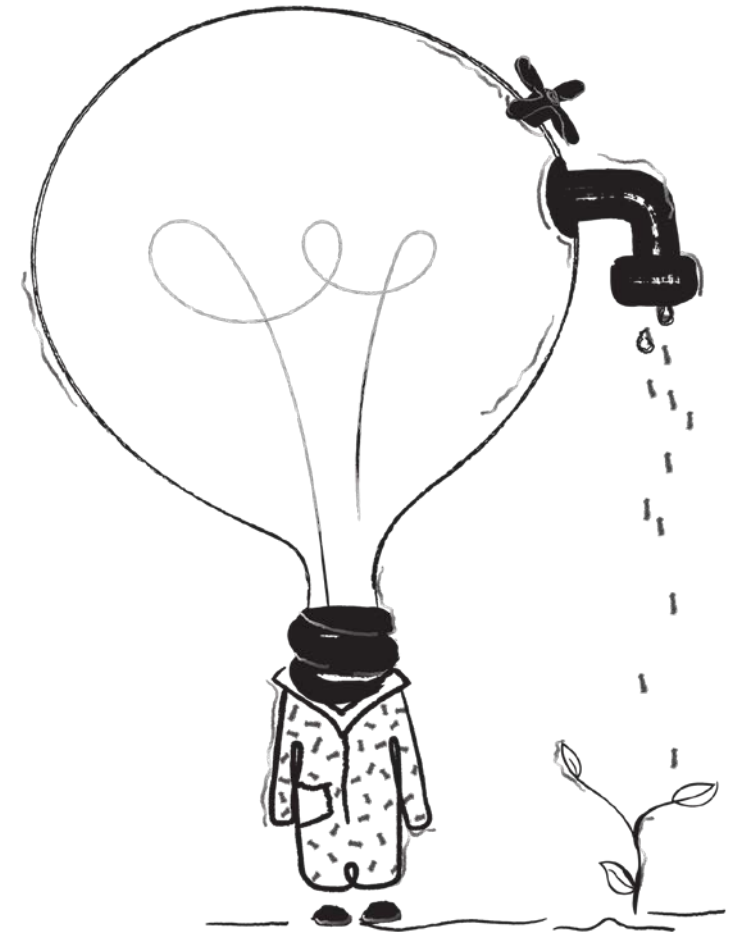
Themes from early engagement

Conversations with EDI stakeholders in late 2020 / early 2021

Interviews with applicants to the 2021 and 2022 EDI RFPs

Key themes:

- Multiple City regulations are creating challenges for EDI projects
- Sites available and affordable to EDI organizations may not accommodate their proposed uses
- Existing zoning generally doesn't facilitate or encourage equitable development outcomes

- The permitting process is complex, costly, and uncertain, especially if a conditional use permit or a contract rezone is involved
- The real estate market and complex permitting together favor larger, experienced developers over small BIPOC-led organizations

Stakeholder group

In 2022, we convened a stakeholder group with broad expertise to guide development of EDZ strategies

Areas of expertise

- Firsthand experience with EDI
- Arts & cultural space
- Community centers & institutions
- Affordable housing
- Childcare
- Land trusts & ownership models
- Indigenous methodologies & stewardship
- Practitioners with experience on ED projects

Scope of work

- Review near-term legislation to remove code barriers to equitable development
- Advise on how to define equitable development (criteria)
- Identify and recommend how to avoid potential unintended consequences
- Inform early implementation and continued engagement in 2023

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8

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EDZ strategies we are pursuing

Short- and longer-term ideas based on this engagement for how to support equitable development outcomes with City land use and zoning processes and tools:

ongoing

Permitting support for EDI projects

code changes

Legislation to remove code barriers to EDI projects

current phase

Flexibility for equitable development

Permitting support

Problem: Navigating the permitting process is complex, confusing, and costly, especially for smaller, BIPOC-led organizations developing their first project

Opportunity:

- Identify dedicated staff to help EDI projects before and during permitting

- Expedite permits for equitable development projects

- Explore ways to ease cost burden of review for ED projects

Timeline:

- SDCI has staff member assisting EDI applicants

- OPCD and SDCI currently sharing an intern who will explore where EDI projects are getting stuck to identify and share lessons

Remove code barriers

Problem: Many equitable development projects are permitted as institutions and thus face a lengthy, discretionary permit processes and restrictions on site selection and design.

1. EDI projects are often permitted as **institutions**, which means an extended discretionary permit process that adds time, and restrictions on site selection and project programming and design.

2. EDI projects often involve mission-driven community-oriented uses that are limited or prohibited in certain zones, like small commercial spaces to support the operations of a community organization

Opportunity: Develop legislation removing Land Use Code barriers identified by EDI stakeholders

Timeline:
- Adopted by Council and signed by Mayor in July
- Legislation is effective August 16

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EDZ code changes legislation (adopted July 2023)

1. Allow community centers and libraries as institution uses permitted outright in Neighborhood Residential zones

2. Modify the amount of off-street parking required for community centers and libraries

3. Define and provide standards for "community farms" as a type of institution allowed outright in Neighborhood Residential zones

4. Modify the definition of "community club or center" to better reflect the types of activities and programming commonly included in EDI projects and increase predictability in the permitting process

5. Allow community centers to include accessory commercial uses

6. For institutions in LR zones, apply setback requirements consistent with those for uses permitted outright

What this means for EDI-funded projects

Wa Na Wari

Problem: Black cultural space project in the Central Area underwent a costly and uncertain process to obtain a conditional use permit

Solution: Allowing arts & cultural facilities and other community centers outright in residential zones removes regulatory barriers to these anti-displacement efforts

Nurturing Roots

Problem: Nonprofit urban agriculture project was permitted as accessory use to the adjacent church; lease not renewed and needs to find a new site.

Solution: Defining "community farm" and reducing restrictions on their status, location and size would help this environmental justice and food access projects flourish.
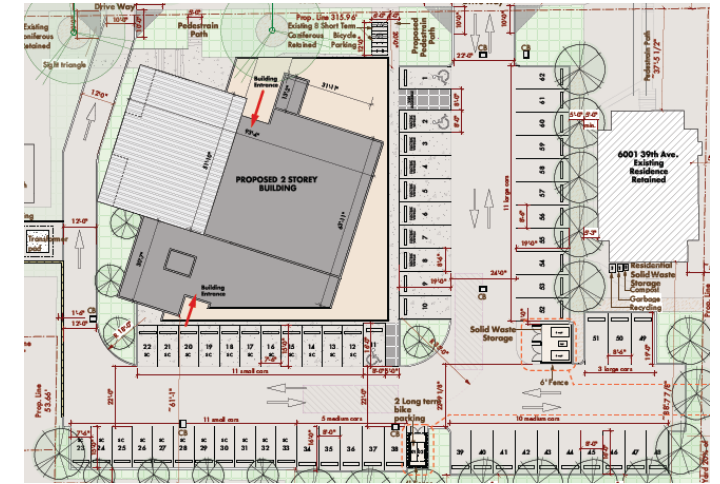
Cham Community Center

Problem: Much of this organization's site must be devoted to parking required for community center use

Solution: Relaxing parking requirements for community centers would allow this community to expand their gathering space

EDZ strategies we are pursuing

Short- and longer-term ideas based on this engagement for how to support equitable development outcomes with City land use and zoning processes and tools:

ongoing

Permitting support for EDI projects

code changes

Legislation to remove code barriers to EDI projects

current phase

Flexibility for equitable development

Opportunity: Projects that meet definition & criteria for equitable development could unlock alternative standards (height, floor area, wider range of uses)

Flexibility for equitable development

Problem: Structural barriers in the real estate system make it hard for equitable development to succeed

Opportunity: Use land use tools (development standards, overlays, incentives) to provide additional development capacity and flexibility for equitable development projects

Projects & uses determined to meet a definition & criteria for equitable development
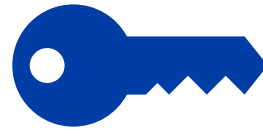
Alternative development standards & flexibility

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Flexibility for equitable development

Exploring combined pilot program with CM Tammy Morales that could:

- Combine strategies for reducing barriers for equitable development and enhancing feasibility of projects led by CBOs with affordable homes

- Define "equitable development" as a use in the Land Use Code

- Provide additional development potential for eligible pilot projects that include equitable development uses or affordable housing units

- Simplify development standards for pilot projects

Looking ahead

- Seeking to launch pilot by the end of 2023

- Integrating EDZ with other community planning work, i.e. Station Area Planning

- Exploring Comprehensive Plan policies to support equitable development

Thank you!

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20

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1. Allow community centers and libraries outright in NR zones

Problem: In NR zones, certain institutions are allowed only as conditional uses and are subject to various additional provisions, including a dispersion requirement, additional setback requirements, and a discretionary permit review process that adds time, cost, and uncertainty for applicants.

Proposal: Allow community centers that do not include shelter services and libraries as uses permitted without a conditional use review. (Community centers that include shelter services would remain a conditional use subject to all existing requirements and processes.)

How this advances equitable development: This change would provide a simpler, shorter, and more predictable permitting process for EDI projects that include activities that align with the use definitions for community center and library. These uses would no longer be required to locate at least 600 feet from any other institution in a residential zone, which can limit the sites available for equitable development projects.

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2. Modify the amount of off-street parking required for community centers and libraries

Problem: Stakeholder input suggests current parking requirements exceed actual needs for community centers and limits site area available for other programming and activities, foreclose outdoor activity spaces, and increase impervious surfaces.

Proposal: Amend parking standards for community centers and libraries as follows:

Use	Minimum parking required
Community clubs, and community centers not owned and operated by SPR	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms ((~~not~~)) containing fixed seats; plus ((~~1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room,~~)) 1 space for each 350 square feet((~~, excluding ball courts~~)) <u>of all other indoor areas</u>
Libraries	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms <u>containing fixed seats;</u> plus 1 space for each 500 square feet of floor area((~~, excluding auditoria and public meeting rooms~~)) <u>of all other areas</u>

How this advances equitable development: Right-sized requirements allow more of an organization's limited site area to go towards community-serving activities.

3. Modify the definition of "community club or center"

Problem: EDI-funded projects are often permitted with a community center use, but the definition for this use does not fully reflect the range of activities equitable development projects often include.

Proposal: Amend the definition of "community center" as follows:

"Community club or center" means an institution used for athletic, social, civic, <u>cultural, artistic,</u> or recreational purposes, operated by a nonprofit organization, and open to the general public on an equal basis. Activities in a community club or center may include, <u>but are not limited to,</u> classes and events sponsored by nonprofit organizations, community programs for the elderly, ((~~and other similar activities~~)) <u>social gatherings, educational programming, gardens, and art exhibits</u>.

How this advances equitable development: The proposed modification better aligns the definition with what EDI stakeholders are proposing, giving these projects greater clarity and predictability in the permitting process. The amendment expands language used to described (but not limit) the activities allowed as a community club or community center use.

4. Define and provide standards for "community farms"

Problem: City codes currently lack a use type that adequately aligns with the community-oriented urban agriculture projects several EDI stakeholders are currently pursuing.

Proposal: Add a new definition for "community farm" as a type of institution that would be permitted outright in NR zones.

> "Community farm" means an institution, operated by a nonprofit organization, in which land and related structures are primarily used to grow or harvest plants for food, educational, cultural, or ecological restoration purposes, or to keep animals in accordance with Section 23.42.052. Additional activities may include but are not limited to indoor and outdoor classes and events, food processing and preparation, community programs and gatherings, and the sale of plants, harvested or prepared food, ornamental crops, and animal products such as eggs or honey but not including the slaughtering of animals or birds for meat.

How this advances equitable development: Projects aiming to improve health and food access outcomes would be allowed outright in NR zones. The proposed definition would give these projects more clarity and predictability in permitting and expand access for future projects to sites in residential zones.

5. Allow community centers to include certain accessory commercial uses

Problem: Community organizations that operate a "community center" cannot include commercial spaces as part of their programming. Sites in mixed-use zones where commercial use is allowed are often more expensive and competitive to acquire.

Proposal: Amend the definition of "community center" as follows:

"Community center" means a community club or center use, providing direct services to people on the premises rather than carrying out only administrative functions, that is open to the general public without membership. Community centers may include accessory commercial uses including but not limited to commercial kitchens and food processing, craft work and maker spaces, cafes, galleries, co-working spaces, health clinics, office spaces, and retail sales of food and goods.

How this advances equitable development: Flexibility to include commercial uses as part of their programming expands the financial opportunities available to nonprofits that operate community centers and can provide permanent or pop-up spaces for small local businesses.

6. Modify setback requirements for institutions in Lowrise (LR) zones

Problem: Community centers, libraries, and other institutions in LR zones are subject to additional setback requirements beyond the standards for uses permitted outright (like housing). These standards add complexity and can constrain site design and configuration.

Proposal: Amend SMC 23.45.570.F to provide setbacks consistent with those required for uses permitted outright in LR zones.

How this advances equitable development: Sites in LR zones can be more attainable or affordable for small community organizations compared to commercial zones. But EDI projects often include institution uses that may be less feasible or infeasible on sites in LR zones, especially small sites, due to additional setback requirements. This change slightly increases the physical feasibility of these projects in LR zones.

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