

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; defining the addition of a single housing development at a 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, 23.69.002, 23.69.008, 23.69.026, and 23.69.035 of the Seattle Municipal Code.

..body

WHEREAS, ...; Colleges in the Washington State Community and Technical Colleges System are evaluating the provision of student 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 the city; and

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

WHEREAS, the Seattle Municipal Code, Chapter 23.69, defines regulations pertaining to major institutions, including methods for institutions to request, obtain 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 at a technical college campus in an Urban Center, where an ample supply of housing resources and efficient transportation options are desirable for students, institutions, and the city as a whole; 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:

1 Section 1. Section 23.42.049 of the Seattle Municipal Code, last amended by Ordinance
2 124608, is amended as follows:

3 **23.42.049 Congregate residences**

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

7 * * *

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

17 * * *

18 Section 2. Section 23.45.504 of the Seattle Municipal Code, last amended by Ordinance
19 125558, is amended as follows:

20 **23.45.504 Permitted and prohibited uses**

21 A. All uses are permitted outright, prohibited or permitted as a conditional use according
22 to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A for
23 23.45.504 are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A,

1 23.51B, or 23.57. Communication utilities and accessory communication devices, except as
2 exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.45 and additional
3 regulations in Chapter 23.57. Public facilities are subject to the regulations in Section
4 23.51A.004.

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 below	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, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community 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 <u>or affiliated with</u> a college or university; or are a sorority or fraternity; 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 prohibited. Supportive services include meal service, cleaning service, health services, or similar. ² Congregate residences that are owned by <u>or affiliated with</u> a college or university; or are a sorority or fraternity; 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 villages and urban centers. Supportive services include meal service, cleaning service, health services, or similar. ³ Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69. * * *		
P = Permitted outright CU = Permitted as an Administrative Conditional Use		

RC = Permitted in areas zoned Residential Commercial (RC), and subject to the provisions of the RC zone, Chapter 23.46
X = Prohibited

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

* * *

Section 3. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 125558, 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.

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 not listed below	10	25	P	P	P
E.2. Major institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
E.3. Religious facilities	P	P	P	P	P
E.4. Schools, elementary or secondary	P	P	P	P	P
* * *					
J. RESIDENTIAL USES¹⁴					
J.1. Residential uses not listed below	P	P	P	P	CU ¹⁵
J.2. Caretaker's quarters	P	P	P	P	P
J.3 Congregate residence	X/P ¹⁶	X/P ¹⁶	P/X ¹⁷	P/X ¹⁷	P/X ¹⁷
* * *					
KEY					
A = Permitted as an accessory use only					

CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 square feet of any number following a hyphen, pursuant to Section 23.47A.010)

CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 square feet or any number following a hyphen, pursuant to Section 23.47.A.010)

P = Permitted

S = Permitted in shoreline areas only

X = Prohibited

CU-25 = Conditionally permitted; use is limited to 25,000 square feet, pursuant to Section 23.47A.010

10 = Permitted, business establishments limited to 10,000 square feet, pursuant to Section 23.47A.010

20 = Permitted, business establishments limited to 20,000 square feet, pursuant to Section 23.47A.010

25 = Permitted, business establishments limited to 25,000 square feet, pursuant to Section 23.47A.010

35 = Permitted, business establishments limited to 35,000 square feet, pursuant to Section 23.47A.010

40 = Permitted, business establishments limited to 40,000 square feet, pursuant to Section 23.47A.010

50 = Permitted, business establishments limited to 50,000 square feet, pursuant to Section 23.47A.010

Footnotes to Table A for 23.47A.004

¹ In pedestrian-designated zones, a portion of the street-level street-facing façade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in subsection 23.47A.005.D. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

* * *

¹⁴ Residential uses may be limited to 20 percent of a street-level street-facing façade pursuant to subsection 23.47A.005.C.

¹⁵ Residential uses are conditional uses ((#)) in C2 zones under subsection 23.47A.006.A.3, except as otherwise provided above in Table A for 23.47A.004 or in subsection 23.47A.006.A.3.

¹⁶ Congregate Residences that are owned by or affiliated with a college or university, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity; or are licensed by the State and provide supportive services; are permitted outright. All others are prohibited. Supportive services include meal service, cleaning service, health services or similar.

¹⁷ Congregate Residences that are owned by or affiliated with a college or university, or are a sorority or fraternity, or are owned by a not-for-profit entity or charity, or are licensed by the State and provide supportive services; are permitted outright. All others are permitted only in locations within urban villages and urban centers. Supportive services include meal service, cleaning service, health services or similar.

* * *

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

3 * * *

4 Section 4. Section 23.69.002 of the Seattle Municipal Code, last amended by Ordinance
5 120691, is amended as follows:

6 **Subchapter I Establishment of Overlay District**

7 **23.69.002 Purpose and intent((-))**

8 The purpose of this chapter is to regulate Seattle’s major educational and medical
9 institutions in order to:

10 A. Permit appropriate institutional growth within boundaries while minimizing the
11 adverse impacts associated with development and geographic expansion;

12 B. Balance a Major Institution’s ability to change and the public benefit derived from
13 change with the need to protect the livability and vitality of adjacent neighborhoods;

14 C. Encourage the concentration of Major Institution development on existing campuses,
15 or alternatively, the decentralization of such uses to locations more than ~~((two thousand five
16 hundred (2,500)))~~ 2,500 feet from campus boundaries;

17 D. Provide for the coordinated growth of major institutions through major institution
18 conceptual master plans and the establishment of major institutions overlay zones;

19 E. Discourage the expansion of established major institution boundaries;

20 F. Encourage significant community involvement in the development, monitoring,
21 implementation and amendment of major institution master plans, including the establishment of
22 citizen’s advisory committees containing community and major institution representatives;

1 G. Locate new institutions in areas where such activities are compatible with the
2 surrounding land uses and where the impacts associated with existing and future development
3 can be appropriately mitigated;

4 H. Accommodate the changing needs of major institutions, provide flexibility for
5 development and encourage a high quality environment through modifications of use restrictions
6 and parking requirement of the underlying zoning;

7 I. For educational major institutions, accommodate institution-related housing on campus,
8 recognizing a need for these institutions and the city to support diverse and affordable housing
9 choices for students;

10 ~~((F.))~~ J. Make the need for appropriate transition primary considerations in determining
11 setbacks. Also setbacks may be appropriate to achieve proper scale, building modulation, or view
12 corridors.

13 ~~((F.))~~ K. Allow an increase to the number of permitted parking spaces only when it is 1)
14 necessary to reduce parking demand on streets in surrounding areas, and 2) compatible with
15 goals to minimize traffic congestion in the area;

16 ~~((K.))~~ L. Use the TMP to reduce the number of vehicle trips to the major institution,
17 minimize the adverse impacts of traffic on the streets surrounding the institution, minimize
18 demand for parking on nearby streets, especially residential streets, and minimize the adverse
19 impacts of institution-related parking on nearby streets. To meet these objectives, seek to reduce
20 the number of SOVs used by employees and students at peak time and destined for the campus;

21 ~~((L.))~~ M. Through the master plan: 1) give clear guidelines and development standards on
22 which the major institutions can rely for long-term planning and development; 2) provide the
23 neighborhood advance notice of the development plans of the major institution; 3) allow the city

1 to anticipate and plan for public capital or programmatic actions that will be needed to
2 accommodate development; and 4) provide the basis for determining appropriate mitigating
3 actions to avoid or reduce adverse impacts from major institution growth; and

4 ~~((M.))~~ N. Encourage the preservation, restoration and reuse of designated historic
5 buildings.

6 Section 5. Section 23.69.008 of the Seattle Municipal Code, last amended by Ordinance
7 123668, is amended as follows:

8 **Subchapter II Use Provisions**

9 **23.69.008 Permitted uses(~~(:)~~)**

10 A. All uses that are functionally integrated with, or substantively related to, the central
11 mission of a Major Institution or that primarily and directly serve the users of an institution shall
12 be defined as Major Institution uses and shall be permitted in the Major Institution Overlay
13 (MIO) District. Major Institution uses shall be permitted either outright, or as conditional uses
14 according to the provisions of Section 23.69.012. Permitted Major Institution uses shall not be
15 limited to those uses which are owned or operated by, or affiliated with, the Major Institution.

16 B. The following characteristics shall be among those used by the Director to determine
17 whether a use is functionally integrated with, or substantively related to, the central mission of
18 the Major Institution. No one (~~((4))~~) of these characteristics shall be determinative:

- 19 1. Functional contractual association;
- 20 2. Programmatic integration;
- 21 3. Direct physical circulation/access connections;
- 22 4. Shared facilities or staff;
- 23 5. Degree of interdependence;

1 1. The establishment of a new Major Institution Overlay (MIO) District is
2 required according to Section 23.69.024; or

3 2. Expansion of an MIO District boundary or change in a MIO District height
4 designation is proposed; or

5 3. An application is filed for a structure containing Major Institution use(s) that is
6 located within the MIO District and would exceed the development standards of the underlying
7 zone and is not permitted under an existing master plan, provided other means of modifying
8 development standards that apply to similar uses located in the zone may also be sought; or

9 4. A Major Institution proposes to demolish or change the use of a residential
10 structure inside the boundaries of an MIO District, provided that a master plan need not be
11 prepared when:

12 a. The use is changed to housing for the institution, or

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

16 C. A Major Institution with an adopted master plan that is not subject to subsection
17 23.69.026.B ~~((of this section))~~ shall be required to prepare a new master plan in the following
18 circumstances:

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

1 a. Constructing no more than a single development that includes
2 residential uses owned or affiliated with an educational major institution that is part of the
3 Washington State Community and Technical Colleges system; and

4 b. A property located within an Urban Center; and

5 c. A development including dormitory, congregate housing, or other
6 affordable housing opportunities; or

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

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

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

16 1. Would be located on the same lot; and

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

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

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

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

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

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

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

9 Section 7. Section 23.69.035 of the Seattle Municipal Code, last amended by Ordinance
10 120691, is amended as follows:

11 **23.69.035 Changes to master plan((τ))**

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

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

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

- 1 2. Twenty (~~((20))~~) or fewer parking spaces not approved in the master plan; or
- 2 3. An addition to a structure not yet constructed but approved in the master plan
- 3 that is no greater than (~~((twenty percent (20%)))~~)20 percent of the approved gross floor area of
- 4 that structure or (~~((twenty thousand (20,000)))~~)20,000 square feet, whichever is less; or
- 5 4. Any change in the phasing of construction, if not tied to a master plan
- 6 condition imposed under approval by the Council; or
- 7 5. Any increase in gross floor area below grade.

8 C. Amendments. The Advisory Committee shall be given the opportunity to review a
9 proposed minor or major amendment and submit comments on whether it should be considered
10 minor or major, and what conditions, if any, (~~((if any))~~) should be imposed if it is minor. The
11 Director shall determine whether the amendment is minor or major according to subsections
12 23.69.035.D and 23.69.035.E (~~((of this section))~~). The Director's decision that a proposed
13 amendment is minor or major shall be made in the form of an interpretation subject to the
14 procedures of Chapter 23.88, Rules; Interpretation. If the Director and the Major Institution
15 agree that a major amendment is required based on subsection 23.69.035.E (~~((of this section))~~),
16 the interpretation process may be waived, and the amendment and environmental review
17 process shall be subject to the provisions of subsection 23.69.035.G (~~((of this section))~~). After
18 the Director makes a decision on whether an amendment is minor or major, the Advisory
19 Committee shall be notified.

20 D. Minor Amendments. A proposed change to an adopted master plan shall be
21 considered and approved as a minor amendment when it is not an exempt change according to
22 subsection 23.69.035.B (~~((of this section))~~), when it is consistent with the original intent of the

1 adopted master plan (except as provided in this subsection 23.69.035.D.4), and when it meets
2 at least one of the following criteria:

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

5 2. The amendment is a waiver from a development standard or master plan
6 condition, or a change in the location or decrease in size of designated open space, and the
7 proposal does not go beyond the minimum necessary to afford relief and will not be materially
8 detrimental to the public welfare or injurious to the property or improvements in the vicinity in
9 which the Major Institution is located; or

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

16 a. Whether an adequate supply of commercially zoned land for business
17 serving neighborhood residents will continue to exist, and

18 b. Whether the use will maintain or enhance the viability or long-term
19 potential of the neighborhood-serving character of the area, and

20 c. Whether the use will displace existing neighborhood-serving
21 commercial uses at street level or disrupt a continuous commercial street front, particularly of
22 personal and household retail sales and service uses, and

1 d. Whether the use supports neighborhood planning goals and objectives
2 as provided in a Council-approved neighborhood plan.

3 4. The amendment would accommodate a single development with residential
4 uses, consistent with criteria in subsection 23.69.026.C.1, that either was not anticipated by or
5 is in excess of what was anticipated in an adopted Master Plan. The floor area of said
6 residential use, uses accessory thereto, and required street level uses, shall be exempted from
7 the calculation of total development capacity of the major institution overlay, and shall be
8 excluded from calculation of Floor Area Ratio and not counted against the major institution's
9 development program permitted floor area for the campus.

10 E. Major Amendments. A proposed change to an adopted master plan shall be
11 considered a major amendment when it is not an exempt change according to subsection
12 23.69.035.B (~~(of this section)~~) or a minor amendment according to subsection 23.69.035.D (~~(of~~
13 ~~this section)~~). In addition, any of the following shall be considered a major amendment:

14 1. An increase in a height designation or the expansion of the boundary of the
15 MIO District; or

16 2. Any change to a development standard that is less restrictive, except if a
17 proposed change relates to providing housing affiliated with certain educational major
18 institutions as identified in subsection 23.69.026.C.1; or

19 3. A reduction in housing stock outside the boundary but within (~~(two thousand~~
20 ~~five hundred feet (2,500'))~~) 2,500 feet of the MIO District, other than within a Downtown zone,
21 that exceeds the level approved in an adopted master plan; or

1 4. A change to the single-occupancy vehicle goal of an approved transportation
2 management program that increases the percentage of people traveling by single-occupancy
3 vehicle; or

4 5. A use that requires Council Conditional Use approval, including but not
5 limited to a helistop or a major communication utility, that was not described in an adopted
6 master plan; or

7 6. The update of an entire development program component of a master plan
8 that was adopted under Code provisions prior to the 1996 Major Institutions Ordinance where
9 the institution proposes an increase to the total amount of gross floor area allowed or the total
10 number of parking spaces allowed under the institution's existing development program
11 component within the MIO District. Changes to a development program relating to an action
12 described in subsection 23.69.035.D.4 shall not be considered a development program update
13 of this kind.

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

17 G. If an amendment is determined to be major, the amendment and environmental
18 review process shall be subject to the provisions of Section 23.69.032(~~(-Master plan process)~~).
19 However, a concept plan and preliminary draft plan shall not be required. Instead, the Major
20 Institution shall submit a major amendment draft report as part of the application stating which
21 parts of the master plan are proposed to be amended. If an EIS is required for the major
22 amendment, the draft EIS shall be prepared after submittal of the major amendment draft
23 report. After comments are received on the major amendment draft report, the institution shall

1 prepare the major amendment final report and if required, the final EIS. If an EIS is not
2 required for the major amendment, the Director is not required to hold a public hearing on the
3 major amendment draft report.

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

11 Section 10. The provisions of this ordinance are declared to be separate and severable.
12 The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
13 ordinance or any exhibit to this ordinance, or the invalidity of the application thereof to any
14 person or circumstance, shall not affect the validity of any other provisions of this ordinance or
15 its exhibits, or the validity of their application to other persons or circumstances.

16

1 Section 11. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2021,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2021.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this _____ day of _____, 2021.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2021.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)